

**Calendar No. 830**

110TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
110-396

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS  
BILL, 2009

JUNE 23, 2008.—Ordered to be printed

Mr. BYRD, from the Committee on Appropriations,  
submitted the following

**REPORT**

[To accompany S. 3181]

The Committee on Appropriations reports the bill (S. 3181) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes, reports favorably thereon and recommends that the bill do pass.

*Total obligational authority, fiscal year 2009*

|  |                  |
|--|------------------|
| Total of bill as reported to the Senate <sup>1 2 3</sup> ..... | \$41,313,745,000 |
| Amount of 2008 appropriations <sup>4</sup> .....               | 38,746,643,000   |
| Amount of 2009 budget estimate <sup>2 3 5</sup> .....          | 38,853,807,000   |
| Bill as recommended to Senate compared to—                     |                  |
| 2008 appropriations .....                                      | + 2,567,102,000  |
| 2009 budget estimate .....                                     | + 2,459,938,000  |

<sup>1</sup> Includes \$31,800,000 in rescissions.

<sup>2</sup> Includes a permanent indefinite appropriation of \$257,305,000 for the Coast Guard health care fund contribution.

<sup>3</sup> Excludes \$2,175,000,000 appropriated in the Department of Homeland Security Appropriations Act, 2004 (Public Law 108-90) for Biodefense Countermeasures that becomes available for obligation in fiscal year 2009.

<sup>4</sup> Includes \$2,710,000,000 in emergency appropriations for border security pursuant the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161). Includes rescissions totaling \$247,249,000 pursuant to Public Law 110-161. Excludes \$2,900,000,000 in emergency appropriations for disaster relief pursuant to Public Law 110-116. Includes a permanent indefinite appropriation of \$272,111,000 for the Coast Guard health care fund contribution.

<sup>5</sup> Includes a \$9,000,000 cancellation.

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## OVERVIEW AND SUMMARY OF THE BILL

|  | Fiscal year 2009 <sup>2 3 4</sup><br>request | Fiscal year 2009 <sup>1 2 3</sup><br>Committee rec-<br>ommendation |
|--|--|--|
| Title I—Departmental Management and Operations .....             | \$1,185,492,000                              | \$1,197,419,000  |
| Title II—Security, Enforcement, and Investigations .....         | 28,786,378,000                               | 29,640,921,000   |
| Title III—Protection, Preparedness, Response, and Recovery ..... | 7,020,634,000                                | 8,540,240,000  |
| Title IV—Research and Development, Training, and Services .....  | 1,861,303,000                                | 1,935,165,000  |
| Title V—General Provisions .....                                 | .....  | .....  |
| Total, new budget (obligational authority) .....                 | 38,853,807,000                               | 41,313,745,000   |

<sup>1</sup>Includes \$31,800,000 in rescissions.

<sup>2</sup>Includes a permanent indefinite appropriation of \$257,305,000 for the Coast Guard health care fund contribution.

<sup>3</sup>Excludes \$2,175,000,000 appropriated in the Department of Homeland Security Appropriations Act, 2004 (Public Law 108-90) for Bio-defense Countermeasures that becomes available for obligation in fiscal year 2009.

<sup>4</sup>Includes a \$9,000,000 cancellation.

The Committee recommends total appropriations of \$41,313,745,000 for the Department of Homeland Security (the Department) for fiscal year 2009, \$2,459,938,000 more than the budget request. Of this amount, \$40,077,000,000 is for discretionary programs.

### OVERVIEW

Since the establishment of the Department of Homeland Security, the administration has consistently requested inadequate funding to fulfill critical missions. The Nation cannot be secured on the cheap. The Committee, on a bipartisan basis, has increased funding above the request each year—for fiscal year 2004 by \$1,400,000,000, for fiscal year 2005 by \$832,000,000; for fiscal year 2006 by \$1,400,000,000; for fiscal year 2007 by \$2,760,000,000; and for fiscal year 2008 by \$3,300,000,000.

For fiscal year 2009, the President, once again is seeking a flat budget, \$38,853,807,000 compared to \$38,746,643,000 for fiscal year 2008. And, once again, the Committee will take the initiative to provide increased resources to secure the homeland.

While much has been accomplished since the attacks of 9/11, much remains to be done. According to the Department's own estimates, only 31 percent of communities are prepared to face a major disaster, only 12 percent of fire departments have equipment to respond to an attack with chemical or biological weapons, only 40 percent of first responders have enough radios to respond to a major disaster, only 6 percent of cargo containers are inspected, and little of the air cargo loaded onto passenger aircraft is searched for explosives.

Well documented core Federal missions are insufficiently funded. Demands placed on the men and women of the Coast Guard have increased dramatically since 9/11, yet it struggles to carry out its missions with the same number of service personnel it had in 1975. U.S. Customs and Border Protection [CBP] estimates it needs near-

ly 1,000 new officers to process passengers at our land border ports of entry, yet the budget request barely funds one-quarter of the additional requirement. Similarly, U.S. Immigration and Customs Enforcement, the Department's largest investigative agency, lacks nearly 50 percent of its mission support staff, resulting in the diversion of special agents from investigative to administrative and support tasks.

In July 2007 and again in February 2008, when the Director of National Intelligence released the latest official threat assessments, America was warned that the threat of potential attacks on our homeland is not diminishing. These assessments conclude that al Qaeda has regrouped in Pakistan and that terrorists continue to pose significant threats to the United States; that terrorists continue to focus on prominent infrastructure targets with the goal of producing mass casualties and significant economic damage. In addition, the Department continues to officially state that the aviation sector is at a high risk of attack. But the alarming information contained in these threat assessments was not enough motivation for the administration to increase the fiscal year 2009 budget request.

The President's border security budget proposal does not address the significant obstacles our Nation must overcome if we are to fully secure our borders. In particular, there are gaps in the President's request for removing violent illegal aliens from the country after completion of their prison terms, the congressional reform for CBP officer retirement benefits is proposed for repeal, and funding requested is insufficient to enforce our immigration laws.

The Committee is dismayed by the budget request for first-responder grants. The administration proposes a 48 percent cut in State and local first-responder grant funds. Hurricane Katrina proved that our communities are not prepared to respond to a catastrophic disaster. Dramatically cutting funds for our police, fire, and emergency medical personnel and for emergency planning is not a solution. Additionally, the Committee is disappointed to learn that funding Congress approved nearly a year ago for purchasing explosives detection systems for airline passenger baggage remains unspent, sitting in the Treasury.

The Department must have sufficient resources to be able to anticipate, deter, and respond to future threats, not just the threats of the past, and be able to partner with State and local governments and the private sector to address all-hazards, not just terrorism. While the administration attempts to fashion a budget based on artificial top lines, the Committee bill matches resources with documented threats and shared goals.

#### REFERENCES

This report refers to several public laws by short title as follows: Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53, is referenced as the 9/11 Act; Security and Accountability for Every Port Act of 2006, Public Law 109-347, is referenced as the SAFE Port Act; and Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108-458, is referenced as the Intelligence Reform Act.

Any reference in this report to the Secretary shall be interpreted to mean the Secretary of Homeland Security.

Any reference to the Department or DHS shall be interpreted to mean the Department of Homeland Security.

Any reference in this report to a departmental component shall be interpreted to mean directorates, components, agencies, offices, or other organizations in the Department.

DEPARTMENT OF HOMELAND SECURITY

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$97,353,000 |
| Budget estimate, 2009 .....    | 127,229,000  |
| Committee recommendation ..... | 123,299,000  |

The Office of the Secretary and Executive Management supports the Department by providing direction, management, and policy guidance to operating components within the organization. The specific activities funded by this account include: the Immediate Office of the Secretary; the Immediate Office of the Deputy Secretary; the Chief of Staff; the Office of Counternarcotics Enforcement; the Executive Secretary; the Office of Policy; the Office of Public Affairs; the Office of Legislative and Intergovernmental Affairs; the Office of General Counsel; the Office of Civil Rights and Civil Liberties; the Citizenship and Immigration Services Ombudsman; and the Privacy Officer.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$123,299,000 for the Office of the Secretary and Executive Management, \$25,946,000 above the fiscal year 2008 level and \$3,930,000 below the request level.

The specific levels recommended by the Committee as compared to the fiscal year 2008 and budget request levels are as follows:

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|-----------------------------|------------------------------------|------------------------------|
| Immediate Office of the Secretary .....                     | 2,540                       | 3,378                              | 3,378                        |
| Immediate Office of the Deputy Secretary .....              | 1,122                       | 1,505                              | 1,505                        |
| Chief of Staff .....  | 2,639                       | 2,693                              | 2,693                        |
| Office of Counternarcotics Enforcement .....                | 2,680                       | 4,018                              | 3,718                        |
| Executive Secretary .....                                   | 4,722                       | 5,848                              | 7,448                        |
| Office of Policy .....                                      | 33,000                      | 43,693                             | 42,763                       |
| Office of Public Affairs .....                              | 6,650                       | 8,291                              | 5,991                        |
| Office of Legislative and Intergovernmental Affairs .....   | 4,900                       | 5,697                              | 4,997                        |
| Office of General Counsel .....                             | 13,500                      | 20,914                             | 20,114                       |
| Office of Civil Rights and Civil Liberties .....            | 14,200                      | 17,917                             | 17,417                       |
| Citizenship and Immigration Services Ombudsman .....        | 5,900                       | 6,471                              | 6,471                        |
| Privacy Officer .....                                       | 5,500                       | 6,804                              | 6,804                        |
| Total, Office of the Secretary and Executive Management ... | 97,353                      | 127,229                            | 123,299                      |

## IMMEDIATE OFFICE OF THE SECRETARY

The Committee provides \$3,378,000 for the Immediate Office of the Secretary, an increase of \$838,000 from the fiscal year 2008 level and the same level as proposed in the budget.

## IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The Committee provides \$1,505,000 for the Immediate Office of the Deputy Secretary, an increase of \$383,000 from the fiscal year 2008 level and the same level as proposed in the budget.

## CHIEF OF STAFF

The Committee provides \$2,693,000 for the Chief of Staff, an increase of \$54,000 from the fiscal year 2008 level and the same level as proposed in the budget.

## OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The Committee recommends \$3,718,000 for the Office of the Counternarcotics Enforcement, \$1,038,000 above the fiscal year 2008 level and \$300,000 below the request level due to a gap between funded full-time equivalent [FTE] and on-board personnel.

The Secretary is to submit a report to the Committee no later than 45 days after the date of enactment of this act, containing: (1) fiscal year 2008 counternarcotics enforcement achievements, including: (a) an analysis of efforts to track and sever connections between illegal drug trafficking and terrorism, (b) an update on the National Southwest Border Counternarcotics Strategy implementation with an overview of objectives and recommendations that have not been implemented to date, (c) a strategy to counter increased usage of submersibles and low flying aircraft to smuggle illegal drugs; and (2) Office performance goals for fiscal year 2009.

## EXECUTIVE SECRETARY

The Committee provides \$7,448,000 for the Office of the Executive Secretary, an increase of \$2,726,000 above the fiscal year 2008 level and \$1,600,000 above the level proposed in the budget. The recommended amount includes the transfer of the Secretary's briefing staff from "Analysis and Operations" (Office of Operations Coordination). A total of \$2,300,000, 14 FTE and four contract employees are transferred for this activity. This transfer was requested by the Deputy Under Secretary for Management on March 17, 2008, to properly align program and personnel funding. The recommendation also includes a reduction of \$700,000 due to a gap between funded FTE and on-board personnel.

## OFFICE OF POLICY

The Committee provides \$42,763,000 for the Office of Policy, an increase of \$9,763,000 above the fiscal year 2008 level and \$930,000 below the level proposed in the budget. The Committee fully funds requested base adjustments totaling \$7,600,000 for increasing costs related to rent, pay, and the Working Capital Fund. In addition, the recommendation provides \$3,093,000 and nine FTE for programmatic increases related to screening coordination, inter-

national affairs, strategic planning, policy development, and the Quadrennial Homeland Security Review [QHSR]. The Committee is concerned that almost the entire request of \$1,500,000 for the QHSR is for contractor support even though many of the functions intended for contractors are inherently governmental. Contracting out the job of long-term planning and goal setting undermines the mission and purpose of this Department. Requiring agencies to work together to develop long-term goals was one of the intended benefits of the creation of the Department. Therefore, funds for contractor support shall only be used for administrative and clerical tasks in support of the QHSR.

The recommended amount also reflects the transfer of the Counterterrorism Planning Division to "Analysis and Operations" (Office of Operations Coordination). A total of \$730,000 and three FTE are transferred for this activity. This transfer was requested by the Deputy Under Secretary for Management on March 17, 2008, to properly align program and personnel funding.

The Committee bill increases the amount made available for the Secretary's reception and representation expenses by \$20,000. This increase is solely to enable the Office of Policy to host Visa Waiver Program negotiations in Washington, DC, which will save significant travel costs. Therefore, the recommendation includes a reduction of \$200,000 to the travel budget.

The Committee directs the Office of Policy to submit an expenditure plan no later than 60 days after the date of enactment of this act. The plan shall include funding for activities of the Office such as the QHSR, the Committee on Foreign Investment in the United States, and REAL ID.

#### OFFICE OF PUBLIC AFFAIRS

The Committee provides \$5,991,000 for the Office of Public Affairs, a decrease of \$659,000 below the fiscal year 2008 level and \$2,300,000 below the level proposed in the budget. The recommendation includes a decrease of \$300,000 below the request due to a gap between funded FTE and on-board personnel and \$2,000,000 below the request for the "Ready.gov" program. The Committee transfers this program to the Federal Emergency Management Agency [FEMA], which is better positioned to educate the public to prepare for and respond to potential emergencies.

#### OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

The Committee provides \$4,997,000 for the Office of Legislative and Intergovernmental Affairs, an increase of \$97,000 above the fiscal year 2008 level and a decrease of \$700,000 below the level proposed in the budget due to a gap between funded FTE and on-board personnel.

#### OFFICE OF GENERAL COUNSEL

The Committee recommends \$20,114,000 for the Office of General Counsel, \$6,614,000 above the fiscal year 2008 level and \$800,000 below the level proposed in the budget. The Committee fully funds requested base adjustments totaling \$4,939,000 for increasing costs related to rent, pay, and the Working Capital Fund.

The recommendation includes \$1,675,000 for additional personnel to meet the Department's growing need for legal counsel across its many missions. This level is \$800,000 below the request due to a gap between funded FTE and on-board personnel. The Committee encourages the Office of General Counsel to use section 505 authority, which provides that up to 50 percent of unobligated balances remaining at the end of fiscal year 2008 from appropriations made for salaries and expenses shall remain available through fiscal year 2009 subject to reprogramming guidelines.

#### OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTIES

The Committee provides \$17,417,000 for the Office of Civil Rights and Civil Liberties, an increase of \$3,217,000 above the fiscal year 2008 level and \$500,000 below the level proposed in the budget. The Committee fully funds requested base adjustments totaling \$3,009,000 for increasing costs related to rent, pay, and the Working Capital Fund. The recommendation includes \$208,000 for additional personnel to meet increasing demands. This level is \$500,000 below the request due to a large gap between funded FTE and on-board personnel. The Committee encourages the Office of Civil Rights and Civil Liberties to use section 505 authority, which provides that up to 50 percent of unobligated balances remaining at the end of fiscal year 2008 from appropriations made for salaries and expenses shall remain available through fiscal year 2009 subject to reprogramming guidelines.

#### CITIZENSHIP AND IMMIGRATION SERVICES OMBUDSMAN

The Committee provides \$6,471,000 for the Citizenship and Immigration Services Ombudsman, an increase of \$571,000 above the fiscal year 2008 level and the same level as proposed in the budget.

#### PRIVACY OFFICER

The Committee provides \$6,804,000 for the Privacy Officer, an increase of \$1,304,000 above the fiscal year 2008 level and the same level as proposed in the budget. The Privacy Officer shall brief the Committee within 60 days after the date of enactment of this act regarding the new authorities permitted by section 802 of the 9/11 Act and comment on the extent these authorities were exercised in fiscal year 2008. The briefing should also include an update on outstanding recommendations contained in the most recent annual privacy report submitted to Congress pursuant to section 222 of Public Law 107-296.

#### REORGANIZATION AUTHORITY

The Committee includes a general provision that precludes the Department from using funds in this act to carry out section 872 of Public Law 107-296 during fiscal year 2009. Section 872 provides the Secretary with extraordinary authority to reorganize functions and organizational units of the Department without congressional approval. Since the creation of the Department in March 2003, the Secretary exercised section 872 nine times. The Committee believes continuous reorganizations impede the ability of the Department to operate effectively and contributes to low morale.

## QUARTERLY DETAILEE REPORT

The Committee requires the Department to continue the quarterly detailee report. These reports shall be drafted in accordance with the revised guidance set forth in Senate Report 110–84.

## DISTRIBUTION OF GRANT AWARDS

Americans are not made safer when appropriated funds sit in the Treasury. Therefore, as in previous fiscal years, the Committee again includes statutory timeframes by which appropriated grant funding must be made available and distributed to State and local partners. While departmental compliance with the timeframes has varied from year to year, fiscal year 2008 awards were delivered within the statutory timeframe. It is imperative that FEMA and the Department take State and local partners seriously by ensuring needed resources are provided expeditiously to address known risks. The Committee expects FEMA and the Department will comply with the law to ensure grant funds are distributed in a timely manner.

## WORKING WITH HOMELAND SECURITY PARTNERS

The Secretary of Homeland Security and the Administrator of FEMA each have responsibilities in the “State and Local Programs” grant process. Distributing these needed resources to State and local partners should be a positive and cooperative effort. When it is not, resources are wasted and progress in security is hampered. Yet, each year the grant award distribution process has drawn the ire of awardees who assert the Department has not listened to their needs nor been transparent in its decisionmaking. Therefore, the Committee includes a provision in the bill which withholds \$10,000,000 from the Office of the Secretary and Executive Management until the Secretary, in coordination with the Administrator of FEMA, certifies and reports to the Committees on Appropriations that the processes to incorporate stakeholder input for grant guidance development and award distribution have been: (1) developed to ensure transparency and increased information gathering about security needs for all-hazards; (2) formalized and made clear to stakeholders; and (3) formalized to ensure future use for each fiscal year. A provision in the bill withholding \$10,000,000 has also been included for FEMA “Management and Administration” and further direction regarding this process is included in title III of this report.

## RESOURCES DEVOTED TO NON-HOMELAND SECURITY MISSIONS AT THE DEPARTMENT

The Committee discontinues the reporting requirement mandated in Senate Report 108–86 on resources devoted to non-homeland security missions. This information is detailed in the annual congressional justification accompanying the President’s budget.

## SMALL VESSEL SECURITY STRATEGY

The Department’s recently released strategy to enhance small vessel security refers to an “implementation plan to provide detailed direction to DHS agencies on how to achieve the major goals

outlined in this strategy.” The appropriate Departmental officials shall brief the Committee no later than March 3, 2009, on specific actions taken or planned (including resources) to carry out the objectives of the plan. The briefing shall also address progress made and resources necessary to develop reliable technology to detect and prevent small vessels from carrying out a terrorist attack.

ENERGY FUNDING SHORTFALL

The Committee notes that due to rising fuel prices many departmental components are absorbing significant costs, impacting border and maritime security and other law enforcement activities. The appropriate departmental officials shall brief the Committee by July 25, 2008, on plans to address these shortfalls.

PRESIDENTIAL TRANSITION

The fiscal year 2007 Supplemental Appropriations Act (Public Law 110–28) included funds for DHS to award a grant or contract to the National Academy of Public Administration [NAPA] to study DHS’ senior staffing levels and structure to determine if the Department and its components will be able to function effectively when the change in administration occurs in 2009. The report was released to the public in June 2008. With regard to the Department’s executive staff, NAPA recommends that DHS: ensure that Senior Executive Service [SES] allocations consider the need for executives in the field; fill vacant SES positions quickly; fill all deputy positions, various FEMA positions, and other key positions with career executives; and work with Congress to consider converting certain “Presidential appointment with Senate confirmation” positions to statutory term appointments. NAPA makes several other recommendations for the Department related to the upcoming transition. The Committee supports these recommendations and expects the Secretary to comply with them.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

|   |               |
|---|---------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$150,238,000 |
| Budget estimate, 2009 .....             | 320,093,000   |
| Committee recommendation .....          | 310,803,000   |

<sup>1</sup>Excludes a rescission of \$5,000,000 pursuant to Public Law 110–161.

The Under Secretary for Management oversees management and operations of the Department, including procurement and acquisition, human capital, and property management. The specific activities funded by this account include the Immediate Office of the Under Secretary for Management, the Office of Security, the Office of the Chief Procurement Officer, the Office of the Chief Human Capital Officer, and the Office of the Chief Administrative Officer.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$310,803,000 for the Office of the Under Secretary for Management.

The specific levels recommended by the Committee, as compared to the fiscal year 2008 and budget request levels, are as follows:

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT  
[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|--|------------------------------------|------------------------------|
| Immediate Office of the Under Secretary for Management .....     | 2,012                                    | 2,654                              | 2,654                        |
| Office of Security .....   | 53,490                                   | 60,882                             | 60,882                       |
| Office of the Chief Procurement Officer .....                    | 28,495                                   | 42,003                             | 39,003                       |
| Office of the Chief Human Capital Officer:                       |  |                                    |                              |
| Salaries and Expenses .....                                      | 8,811                                    | 31,827                             | 30,537                       |
| Human Resources .....  | 10,000                                   | 15,000                             | 10,000                       |
| Office of the Chief Administrative Officer:                      |  |                                    |                              |
| Salaries and Expenses .....                                      | 41,430                                   | 41,727                             | 41,727                       |
| Nebraska Avenue Complex [NAC] .....                              | 6,000                                    | 6,000                              | 6,000                        |
| St. Elizabeths Project .....                                     |  | 120,000                            | 120,000                      |
| <b>Total, Office of the Under Secretary for Management .....</b> | <b>150,238</b>                           | <b>320,093</b>                     | <b>310,803</b>               |

<sup>1</sup> Excludes a rescission of \$5,000,000 pursuant to Public Law 110-161.

IMMEDIATE OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The Committee provides \$2,654,000 for the Immediate Office of the Under Secretary, \$642,000 above the fiscal year 2008 level and the same level as proposed in the budget.

OFFICE OF SECURITY

The Committee provides \$60,882,000 for the Office of Security, an increase of \$7,392,000 above the fiscal year 2008 level and the same level as proposed in the budget.

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The Committee recommends \$39,003,000 for the Office of the Chief Procurement Officer [OCPO], \$10,508,000 above the fiscal year 2008 level and \$3,000,000 below the request level. The Committee provided significant resources to hire an additional 66 procurement personnel in fiscal year 2008. As of March 31, 2008, the OCPO was 36 percent below its authorized on-board levels. Funding has been provided below the request due to a large gap between funded full-time equivalents [FTEs] and on-board personnel. The Committee encourages the OCPO to use section 505 authority of this act, which provides that up to 50 percent of unobligated balances remaining at the end of fiscal year 2008 from appropriations made for salaries and expenses shall remain available through fiscal year 2009 subject to reprogramming guidelines.

RELIANCE ON CONTRACTORS

The Committee continues to be concerned with the Department's reliance on contractors to perform functions more appropriate for in-house Federal employees or to perform functions closely supporting inherently governmental functions. Without stronger oversight, the risk of Government decisions being influenced by, rather than independent from, contractor judgments increases. When the Department was first established in 2003, relying on contractors to assist in the merger of multiple Government functions was expected. However, the Government Accountability Office [GAO] reported in 2007 (GAO-07-990), that the Department continues to rely heavily on contractors to fulfill its mission needs with little

emphasis on assessing the risk and ensuring management control and accountability. Data provided by the Department suggests this pattern continues. For departmental operations alone, the number of contractors exceeds the number of Federal employees (approximately 1,400 to 1,340). The Department has provided assurances that an optimum balance between requirements being performed by Federal employees and contractors will be reached. Yet, out of the 1,400 contractors in departmental management offices, none will be converted to FTEs in fiscal year 2008 and only 35 conversions are planned in fiscal year 2009.

The Department's reliance on contractors has also created a void of in-house programmatic experts and institutional knowledge that is critical to meet current and future challenges. The cost of a large contractor workforce also places a significant fiscal burden on departmental operations. In the Office of Intelligence, for example, a contractor costs 60 percent more than a Federal employee. Given its use of contractors to provide selected services, it is critical for DHS to strategically address workforce deployment and determine the appropriate role of contractors in meeting its mission. In reviewing four types of professional and management support services provided by contractors at DHS, GAO concluded that until the Department develops the staff and expertise needed to oversee selected services, it will continue to risk transferring Government responsibility to contractors. Now, in its sixth year of existence, the Department should aggressively: (1) establish strategic level guidance for determining the appropriate mix of Government and contractor employees to meet mission needs; (2) assess the risk of selected contractor services, and modify existing acquisition guidance and training to address when to use and how to oversee those services; (3) assess program office staff and expertise necessary to provide sufficient oversight of selected contractor services; and (4) establish an aggressive plan to convert contract functions to in-house functions where appropriate. The Department should also consider projected savings or costs of replacing contractor positions with full-time Government employees. The Under Secretary is to brief the Committee no later than March 30, 2009, on efforts to meet these objectives, including conversions achieved and projected by fiscal year.

#### OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

The Committee recommends \$40,537,000 and 79 FTE for the Office of the Chief Human Capital Officer [OCHCO], \$21,726,000 above the fiscal year 2008 level and \$6,290,000 below the request level. The recommendation includes a total of \$18,806,000 to maintain current services, including the transfer of \$17,131,000 from the Office of the Chief Information Officer for the Human Resources Information Technology program. The recommendation fully funds the request for an additional \$5,500,000 and three FTE to implement the Department's learning and development strategy. The recommendation maintains a total of \$10,000,000 to address the poor results in the 2006 Federal Human Capital Survey and the 2007 internal DHS employee survey, \$5,000,000 below the request. These funds shall be spent on programs that directly address the shortcomings identified in these surveys or in subsequent

surveys in which DHS employees participate. Such programs may include gap analysis of mission critical occupations, hiring and retention strategies, robust diversity programs, and Department-wide learning and development programs. The recommendation denies \$1,290,000 and seven FTE for Federal law enforcement training accreditation within the OCHCO. Funding to support the accreditation process remains within the Federal Law Enforcement Training Center [FLETC] appropriation.

A general provision is included prohibiting funds 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).

#### OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The Committee provides \$167,727,000, an increase of \$120,297,000 above the fiscal year 2008 level, and the same as the budget request. Funding above the fiscal year 2008 level is provided to: (1) meet administrative needs at DHS headquarters and non-legacy components; (2) to continue to consolidate and integrate its headquarters operations and specific program components at the Nebraska Avenue Complex in Washington, DC; and (3) begin consolidating DHS components at the St. Elizabeths campus.

#### DHS CONSOLIDATED HEADQUARTERS PROJECT

The Committee recommends \$120,000,000 for the DHS Consolidated Headquarters Project at the St. Elizabeths campus, as requested in the budget. The Committee supports the Department's efforts to consolidate DHS headquarters facilities, which are currently located in approximately 40 locations and 70 buildings throughout the National Capital Region. The Committee directs the Department to provide periodic briefings on the consolidation project. The National Capital Planning Commission, which holds approval authority over the consolidation project, has raised concerns over the size of the project (4,500,000 square feet) and its impact on the sites' historic significance. Further, concerns have been raised by the Environmental Protection Agency related to the Environmental Impact Statement for the project. The briefings shall address how these concerns are being resolved as well as any other adjustments being made to the schedule and cost of the project.

#### NEBRASKA AVENUE COMPLEX

The Department is no longer required to submit semiannual reports detailing costs incurred in maintaining and improving the condition of these facilities. The content of these reporting requirements, which were modified by language contained in Senate Report 110-84, shall be delivered to the Committee in a briefing no later than 60 days after the date of enactment of this act. This briefing should also include an overview of the anticipated spend plan activity for the funds appropriated for this purpose.

OFFICE OF THE CHIEF FINANCIAL OFFICER

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$31,300,000 |
| Budget estimate, 2009 .....    | 56,235,000   |
| Committee recommendation ..... | 56,235,000   |

The Office of the Chief Financial Officer is responsible for the fiscal management and financial accountability of the Department of Homeland Security. The Office of the Chief Financial Officer provides guidance and oversight of the Department’s budget execution while ensuring that funds are allocated and expended in accordance with relevant laws and policies. The specific activities funded by this account include the Budget Division, Office of Performance Analysis and Evaluation, Office of Financial Management, Resource Management Transition Office, and the Office of the Government Accountability Office/Office of Inspector General Liaison.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$56,235,000 for the Office of the Chief Financial Officer [OCFO], an increase of \$24,935,000 from the fiscal year 2008 level and the same level as proposed in the budget request. The recommendation includes funding for pay and non-pay inflation, adjustments to base, as well as program increases for Transformation and Systems Consolidation [TASC], fiscal oversight of DHS grant awards, and analysis and support for the Quadrennial Homeland Security Review.

TRANSFORMATION AND SYSTEMS CONSOLIDATION

The Committee recommendation includes \$19,200,000 for the OCFO to migrate DHS component financial systems to a shared software baseline known as TASC. While the full request is provided, the Committee notes that a recent court decision has placed migration timing in doubt. The United States Court of Federal Claims prevented DHS from pursuing TASC “until DHS conducts a competitive procurement in accordance with the law to select financial management systems application software.” The OCFO still estimates that funding for fiscal year 2009 is necessary for component migrations, however dependable timelines will not be known until the competitive award is made. Therefore, the Committee will continue to monitor the need for TASC resources for fiscal year 2009. The OCFO is to brief the Committee no later than September 15, 2008, on its progress to establish a more reliable acquisition timeline. The Committee expects the OCFO to comply with the recommendations made by the DHS Inspector General in report OIG–08–47, which are intended to improve DHS’ strategy to consolidate the Department’s financial systems.

ANNUAL APPROPRIATIONS JUSTIFICATIONS

The Committee directs the OCFO to ensure annual appropriations justifications are prepared for each component within the Department in support of the President’s budget, as submitted under section 1105(a) of title 31, United States Code. The OCFO is directed to include detailed information by appropriations account, program, project, and activity, on all reimbursable agreements, and significant uses of the Economy Act for each fiscal year. Addition-

ally, the OCFO shall ensure that the congressional justifications for the Department accompanying the President's fiscal year 2010 budget request include a status report of overdue Committee reports, plans, and other directives. One standard format needs to be adopted by all offices and agencies and inserted in the justifications reflecting the status of congressional directives for each of fiscal years 2007 through 2009.

BUDGET EXECUTION AND STAFFING REPORT

The Committee includes bill language requiring the Department to continue submitting to the House and Senate Committees on Appropriations a monthly budget execution report showing the status of obligations and costs for all components of the Department and on-board staffing levels (Federal employees and contractors). The report shall include the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date costs, and ending unexpended obligations. This budget execution information is to be provided at the level of detail shown in the tables displayed at the end of this report for each departmental component and the Working Capital Fund. This report shall be submitted no later than 45 days after the close of each month.

MODIFICATION TO REPROGRAMMING GUIDELINES

Section 503(d) includes language making clear that reprogramming requests need only be submitted to the Committee prior to June 30 and not necessarily acted on by the Committee prior to June 30.

OFFICE OF THE CHIEF INFORMATION OFFICER

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$295,200,000 |
| Budget estimate, 2009 .....    | 247,369,000   |
| Committee recommendation ..... | 274,669,000   |

The Office of the Chief Information Officer is responsible for the development and acquisition of information technology equipment, software, and services.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$274,669,000, of which \$86,928,000 is for salaries and expenses, and \$187,741,000 is to be available until expended for Department-wide technology investments overseen by the Office of the Chief Information Officer [CIO].

The specific levels recommended by the Committee, as compared to the fiscal year 2008 and budget request levels, are as follows:

OFFICE OF THE CHIEF INFORMATION OFFICER

[In thousands of dollars]

|                             | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|-----------------------------|-----------------------------|------------------------------------|------------------------------|
| Salaries and Expenses ..... | 81,000                      | 86,928                             | 86,928                       |

OFFICE OF THE CHIEF INFORMATION OFFICER—Continued  
[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Information Technology Services .....                | 56,200                      | 42,445                             | 47,445                       |
| Security Activities .....                            | 124,900                     | 70,323                             | 92,623                       |
| Homeland Secure Data Network .....                   | 33,100                      | 47,673                             | 47,673                       |
| Total, Office of the Chief Information Officer ..... | 295,200                     | 247,369                            | 274,669                      |

SALARIES AND EXPENSES

Included in the amount recommended by the Committee is \$86,928,000 as requested in the budget, to support the ongoing maintenance and operations of infrastructure capabilities to ensure continuous communication and continuity of operations.

INFORMATION TECHNOLOGY SERVICES

The Committee recommends \$47,445,000 for Information Technology Services, an increase of \$5,000,000 above the request. The Committee continues to believe DHS should coordinate links between its component agencies and make information technology investments that align with the Department's Enterprise Architecture. Pursuant to prior Committee direction and DHS Management Directive 0007.1, of the amount provided, \$2,000,000 is for more efficient and robust administration of this activity.

Within the National Protection and Programs Directorate account, the administration is requesting funds for a new information sharing initiative, the National Command and Coordination Capability [NCCC]. However, the administration has not been able to provide strategic planning documents to support NCCC, has not shown how or if end users have been consulted in establishing NCCC's program requirements, nor defined its full operational capability. The Committee recommends \$3,000,000 for CIO enterprise architecture oversight and development assistance for this effort.

The Committee includes the transfer of the Human Resources Information Technology Program to the Office of the Chief Human Capital Officer, as requested in the budget.

FEDERAL INFORMATION SECURITY AND MANAGEMENT ACT

The Committee congratulates the Chief Information Officer for leading the Department to a grade of "B" on the House Committee on Oversight and Government Reform computer security scorecard, up from a "D" in fiscal year 2006 and an "F" in the prior 3 years. This enhanced compliance with the Federal Information Security Management Act [FISMA] may be a marker of enhanced computer security at the Department, but as most computer security managers suggest, more than FISMA compliance is needed to help assure information security. The Committee directs the Department to report by April 1, 2009, on the specific status of the Department as a whole and each component individually on compliance with FISMA, resource requirements needed to achieve full compliance, and any further steps necessary to protect the information it manages.

SECURITY ACTIVITIES

The Committee recommends \$92,623,000 for Security Activities, an increase of \$22,300,000 above the budget request. Security Activities include Federal terrorist watch list integration, information security activities, and data center development.

NATIONAL CENTER FOR CRITICAL INFORMATION PROCESSING AND STORAGE

The Committee recommends \$46,130,000 within Security Activities for data center development. This includes the budget request level (which includes operation and maintenance costs for the National Center for Critical Information Processing and Storage [NCCIPS] and the second data center) and an additional \$22,300,000 solely to be used to support transition of Department systems to NCCIPS, to support the dual cost of operation and maintenance during the transition, and to develop a sharable common operating environment. NCCIPS is a federally owned and managed facility established to reduce Federal data center costs and to protect critical Federal information.

The Committee also includes language in the bill withholding the availability of \$200,000,000 for obligation until the Department of Homeland Security submits to the Committee the report on data center transition required by Senate Report 110–84, which is to include: (1) the schedule for data transition by Department component; (2) costs required to complete the transition by fiscal year; (3) identification of items associated with the transition required to be procured and the related procurement schedule; and (4) the identification of any transition costs provided in fiscal years 2007 and 2008. The report submitted should separate these requirements and costs by data center and include fiscal year 2009 data.

Consistent with section 888 of Public Law 107–296, the Committee instructs the Department to implement the consolidation plan in a manner that shall not result in a reduction to the Coast Guard’s Operations Systems Center mission or its Government-employed or contract staff levels. A general provision is included for this purpose.

HOMELAND SECURE DATA NETWORK

Included in the amount recommended by the Committee is \$47,673,000, as requested in the budget, for the Homeland Secure Data Network.

ANALYSIS AND OPERATIONS

|   |               |
|---|---------------|
| Appropriations, 2008 <sup>1</sup> .....     | \$306,000,000 |
| Budget estimate, 2009 .....                 | 333,262,000   |
| Committee recommendation <sup>2</sup> ..... | 320,200,000   |

<sup>1</sup> Excludes a rescission of \$8,700,000 pursuant to Public Law 110–161.

<sup>2</sup> Excludes a rescission of \$2,500,000.

The account supports activities to improve the analysis and sharing of threat information, including activities of the Office of Intelligence and Analysis and the Office of Operations Coordination.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$320,200,000 for Analysis and Operations. This is an increase of \$14,200,000 from the fiscal year 2008 level and a decrease of \$13,062,000 from the budget request. The details of these recommendations are included in a classified annex accompanying this report.

DHS INTELLIGENCE EXPENDITURE PLAN

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 [I&A], including balances carried forward from prior years, that includes the following: (1) fiscal year 2009 expenditures and staffing allotted for each program, as identified in the March 2008 expenditure plan submitted to the Committee, as compared to each of years 2007 and 2008; (2) all funded versus on-board positions, including Federal full-time equivalents [FTE], contractors, and reimbursable and non-reimbursable detailees; (3) an explanation for maintaining contract staff in lieu of Government FTE; (4) a plan, including dates or timeframes for achieving key milestones, to reduce the office's reliance on contract staff in lieu of Federal FTE; (5) funding, by object classification, including a comparison to fiscal years 2007 and 2008; and (6) the number of I&A funded employees supporting organizations outside I&A and within DHS.

STATE AND LOCAL FUSION CENTERS

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

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST  
REBUILDING

|                                |             |
|--------------------------------|-------------|
| Appropriations, 2008 .....     | \$2,700,000 |
| Budget estimate, 2009 .....    | 291,000     |
| Committee Recommendation ..... | 2,700,000   |

The Office of the Federal Coordinator for Gulf Coast Rebuilding was established to further strengthen Federal support for the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita.

COMMITTEE RECOMMENDATIONS

The Committee provides \$2,700,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding. The Office is directed to provide a fiscal year 2009 expenditure plan no later than April 1, 2009. The expenditure plan should clearly articulate how the Office will proactively help the gulf coast, including supporting Federal agency cooperation, and promoting expedited housing solutions.

OFFICE OF INSPECTOR GENERAL

|   |              |
|---|--------------|
| Appropriations, 2008 <sup>1</sup> .....     | \$92,711,000 |
| Budget estimate, 2009 .....                 | 101,013,000  |
| Committee recommendation <sup>2</sup> ..... | 96,013,000   |

<sup>1</sup>Excludes \$16,000,000 made available from FEMA Disaster Relief in Public Law 110-161.  
<sup>2</sup>Excludes \$16,000,000 made available from FEMA Disaster Relief.

This account finances the Office of Inspector General’s activities, including audits, inspections, investigations and other reviews of programs and operations of the Department of Homeland Security to promote economy, efficiency, and effectiveness and to prevent and detect fraud, waste, and abuse.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$96,013,000 for the Office of Inspector General [OIG] for fiscal year 2009. In addition, the Committee includes bill language transferring \$16,000,000 needed by the OIG for audits and investigations related to natural disasters from the Disaster Relief Fund [DRF]. The OIG is required to notify the Committee no less than 15 days prior to all transfers from the DRF.

The Committee is pleased that the Secretary, pursuant to Public Law 110-161, established a direct link to the DHS OIG on the DHS website. The Committee directs the Secretary to update and maintain the website.

TITLE II  
SECURITY, ENFORCEMENT, AND INVESTIGATIONS  
U.S. CUSTOMS AND BORDER PROTECTION

SUMMARY

U.S. Customs and Border Protection is responsible for enforcing laws regarding admission of foreign-born persons into the United States, and ensuring that all goods and persons entering and exiting the United States do so legally.

COMMITTEE RECOMMENDATIONS

The Committee recommends total resources of \$11,201,994,000, including direct appropriations of \$9,753,849,000 and estimated fee collections of \$1,448,145,000.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

U.S. CUSTOMS AND BORDER PROTECTION—FUNDING SUMMARY

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|--|------------------------------------|------------------------------|
| <b>Appropriations:</b>   |  |                                    |                              |
| Salaries and Expenses .....  | <sup>2</sup> 6,802,560                   | 7,309,354                          | <sup>3</sup> 7,536,314       |
| Automation Modernization .....   | 476,609                                  | 511,334                            | 511,334                      |
| Broder Security Fencing Infrastructure, and Technology<br>[BSFIT] .....        | <sup>4</sup> 1,225,000                   | 775,000                            | 775,000                      |
| Air and Marine Interdiction, Operations, Maintenance, and<br>Procurement ..... | <sup>5</sup> 570,047                     | 528,000                            | 528,000                      |
| Construction .....   | <sup>6</sup> 348,363                     | 363,501                            | 403,201                      |
| <b>Total, Appropriations .....</b>   | <b>9,422,579</b>                         | <b>9,487,189</b>                   | <b>9,753,849</b>             |
| <b>Estimated fee collections:</b>  |  |                                    |                              |
| Immigration inspection user fees .....   | 535,291                                  | 570,059                            | 570,059                      |
| Immigration enforcement fines .....  | 3,440                                    | 3,331                              | 3,331                        |
| Land border inspection fees .....  | 30,121                                   | 26,880                             | 26,880                       |
| COBRA fees .....   | 392,180                                  | 410,666                            | 410,666                      |
| APHIS inspection fees .....  | 299,622                                  | 333,433                            | 333,433                      |
| Puerto Rico Trust Fund .....   | 117,214                                  | 96,719                             | 96,719                       |

## U.S. CUSTOMS AND BORDER PROTECTION—FUNDING SUMMARY—Continued

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|--|------------------------------------|------------------------------|
| Small airport user fee .....  | 7,057                                    | 7,057                              | 7,057                        |
| Total, Estimated fee collections .....                                | 1,384,925                                | 1,448,145                          | 1,448,145                    |
| Total, U.S. Customs and Border Protection, Available<br>Funding ..... | 10,807,504                               | 10,935,334                         | 11,201,994                   |

<sup>1</sup>Includes \$1,531,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>2</sup>Includes \$323,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>3</sup>Excludes a rescission of \$13,000,000.

<sup>4</sup>Includes \$1,053,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>5</sup>Includes \$94,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>6</sup>Includes \$61,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

## SALARIES AND EXPENSES

|   |                 |
|---|-----------------|
| Appropriations, 2008 <sup>1</sup> .....     | \$6,802,560,000 |
| Budget estimate, 2009 .....                 | 7,309,354,000   |
| Committee recommendation <sup>2</sup> ..... | 7,536,314,000   |

<sup>1</sup>Includes \$323,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>2</sup>Excludes a rescission of \$13,000,000.

The U.S. Customs and Border Protection [CBP] Salaries and Expenses appropriation provides funds for border security, immigration, customs, agricultural inspections, regulating and facilitating international trade, collecting import duties, and enforcing U.S. trade laws. In addition to directly appropriated resources, fee collections are available for the operations of CBP from the following sources:

*Immigration Inspection User Fees.*—CBP collects user fees to fund the costs of international inspections activities at airports and seaports, as authorized by the Immigration and Nationality Act (8 U.S.C. 1356).

*Enforcement Fines.*—CBP collects fines from owners of transportation lines and persons for unauthorized landing of aliens, as authorized by the Immigration and Nationality Act (8 U.S.C. 1356).

*Land Border Inspections Fees.*—CBP collects fees for processing applications for the Dedicated Commuter Lanes program, the Automated Permit Ports program, the Canadian Border Boat Landing program, and both Canadian and Mexican Non-Resident Alien Border Crossing Cards, as authorized by the Immigration and Nationality Act (8 U.S.C. 1356).

*Consolidated Omnibus Budget Reconciliation Act [COBRA] Fees.*—CBP collects fees for inspection services involving customs related functions. The COBRA user fee statutory authority (19 U.S.C. 58c) specifies the types of expenses to be reimbursed and the order for the reimbursement of these types of expenses.

*Animal and Plant Health Inspection Service Inspection Fees.*—CBP receives as a transfer a distribution of agriculture inspection fees collected by the United States Department of Agriculture. The user fees, as authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136), are charged to offset costs

for the services related to the importation, entry, or exportation of animals and animal products.

*Puerto Rico Trust Fund.*—Customs duties, taxes, and fees collected in Puerto Rico by CBP are deposited in the Puerto Rico Trust Fund. After providing for the expenses of administering CBP activities in Puerto Rico, the remaining amounts are transferred to the Treasurer of Puerto Rico pursuant to 48 U.S.C. sections 740 and 795.

*Small Airport User Fee.*—The User Fee Airports Program authorized under 19 U.S.C. 58b and administered under 19 U.S.C. 58c(b)(9)(A)(i), authorizes inspection services to be provided to participating small airports on a fully reimbursable basis. The fees charged under this program are set forth in a Memorandum of Agreement between the small airport facility and the agency, and may be adjusted annually as costs and requirements change.

#### COMMITTEE RECOMMENDATIONS

The Committee recommends \$7,536,314,000 for salaries and expenses of U.S. Customs and Border Protection [CBP] for fiscal year 2009, including \$3,154,000 from the Harbor Maintenance Trust Fund. Included in this amount is a decrease of \$475,115,000 in termination of one-time costs and management efficiencies, and an increase of \$251,977,000 in annualizations for the fiscal year 2007 supplemental and fiscal year 2008 pay raise, the fiscal year 2009 pay raise, and non-pay inflation program increases. The Committee includes bill language making available up to \$150,000 for payment for rental space for preclearance operations; and \$1,000,000 for payments to informants. The Committee also includes bill language placing a \$35,000 annual limit on overtime paid to any employee and a rescission of \$13,000,000 from unobligated balances under this heading in Public Law 110–161.

#### INCREASED BORDER PATROL AGENTS

Since Congress began increasing the size of the Border Patrol by funding the hiring of 500 new agents in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), a total of 7,000 new Border Patrol agents, and attendant support positions, will have been funded and hired through the end of fiscal year 2008. The President’s budget requests funds to hire and train an additional 2,200 agents in fiscal year 2009. The Congress strongly supports the Border Patrol mission of securing our borders and fully funds the request.

Included in the amount recommended by the Committee for “Border Security and Control” is a total of \$3,440,505,000, 22,787 positions, and 21,466 full-time equivalents [FTE], as requested in the budget. This is an increase of \$442,432,000, 2,643 positions, and 1,321 FTE, and supports 2,200 new Border Patrol agents and 441 operational/mission support personnel. These additional funds will bring the total strength of the Border Patrol to 20,019 agents by the end of fiscal year 2009, as compared with the 12,319 agents on board at the beginning of fiscal year 2007.

Also included in the amount recommended by the Committee is \$83,000,000, 10 positions, and nine FTE, as requested in the budg-

et, for transportation and delivery of apprehended illegal aliens to detention facilities on the Mexican border.

#### BORDER PATROL AGENTS ON THE NORTHERN BORDER

The Secretary of Homeland Security, Michael Chertoff, was widely quoted in early February, 2008, saying that one of his deepest fears is terrorists entering the United States from Canada. "It's been much more than a dozen" people linked to al Qaeda, Hezbollah, and other extremists who have tried to enter the United States through the Northern border. "I think we've been more concerned about Canada as a platform than Mexico."

This is one of the many reasons why the Congress has required expansion of the Border Patrol's presence on the Northern border. The Intelligence Reform Act authorized an increase of Border Patrol agents on the Northern border by 20 percent of the net increase of agents in fiscal year 2008. Unfortunately, the Border Patrol is not going to meet that target this year. But, the Committee notes that the Chief of the Border Patrol, working with the Northern Border Sector Chiefs, has developed a Northern border staffing plan. The Border Patrol has an approved staffing model for the Northern border which will increase the number of Border Patrol agents to 2,212 by the end of 2009. This represents a 700 percent increase in manpower from pre-2001 staffing levels and is incremental in nature which is ideal for continuity of operations. In order to meet this goal, the Border Patrol is proposing to transfer "up to" 440 veteran agents from other parts of the country to the Northern border.

The Committee is aware of the difficulty the Border Patrol is experiencing in recruiting agents to transfer to the Northern border. Agents have experienced difficulties selling houses on the Southern border and, in certain more remote Northern locations, there is a lack of infrastructure to support agents with young families. The Committee directs CBP and the Office of the Border Patrol to develop a strategy to address these obstacles and brief the Committee on its findings and requirements no later than 60 days after the date of enactment of this act.

#### END OF OPERATION JUMP START

Two years ago, in an effort to start securing our border while thousands of new Border Patrol agents were being hired and trained, the President announced Operation Jump Start and committed the deployment of 6,000 National Guard personnel to the Southwest border. These men and women were intended to support existing Border Patrol agents by performing a variety of non-law enforcement and support tasks, thus freeing up the agents to actually patrol the border. This mission will end on July 15, 2008. Unfortunately, while new agents have been hired and trained in the interim, the necessary mission support personnel, which have been fully funded by the Congress, have not been hired. Once again, CBP has missed an opportunity to remedy a long-standing problem.

As National Guard troops depart, Border Patrol agents again will be required to undertake support functions such as repairing physical infrastructure, manning cameras and ground sensors, and

other tasks. In response to questions for the record from the March 4, 2008, hearing with Secretary Chertoff, he noted his dissatisfaction with the pace of support hiring to date and testified that plans were in place to hire “new support personnel.” In the strongest terms possible, the Committee directs CBP to hire the previously funded mission support personnel so that the Border Patrol agents can return to their proper role of securing the border.

#### CONDUCT AND INTEGRITY OVERSIGHT

Over the last 3 years, CBP has hired over 10,400 new personnel, a 25 percent increase since fiscal year 2006. In order to support long-term border security efforts and avoid fraud, the Committee believes it is important to keep in front of any possible increase in workforce fraud by hiring additional agents who will investigate cases of fraud and other illegal activities. The Committee recommends a total of \$16,400,000, 90 positions, and 75 FTE, an increase of \$5,300,000, 29 positions, and 15 FTE above the fiscal year 2008 level, and \$500,000, 3 positions, and 2 FTE above the request, to conduct these integrity investigations.

#### PASSENGER SCREENING AT LAND PORTS OF ENTRY

The explosive growth of legitimate passenger travel across our land borders continues to place significant stress on the men and women who conduct these inspections. Based on internal CBP workforce staffing models, which use criteria such as passenger volume, processing times, facility constraints, number of lanes, threat and risk factors, and overtime, there is a requirement for nearly 1,000 additional CBP Officers to conduct passenger processing activities at our land border ports of entry. Additional officers will provide an increased capability to identify and address potential threats such as the transportation of explosives, improvised explosive devices, or other harmful weapons. While the proposed increase represents only a fraction of the true need at our land ports of entry, it is at least a step in the right direction. The Committee recommends \$554,372,000, 8,445 positions, and 8,328 FTE, an increase of \$25,000,000, 234 positions, and 117 FTE above the fiscal year 2008 level, as requested in the budget.

#### PASSENGER SCREENING AT AIRPORTS

As discussed above in regard to screening at the land ports of entry, there is a concomitant requirement for similar increases in officers to conduct passenger and cargo processing activities at the Nation’s international airports. In fact, the tremendous growth in international air travel in the years following the 9/11 attacks may require even greater increases. In the Department of Homeland Security Appropriations Act, 2008, Congress provided funds to hire an additional 200 CBP officers to be posted to the top 20 airports with the highest volume of foreign visitors. The Committee is convinced that growth in the U.S. economy depends in no small measure on international travel and encourages inclusion of funds in the fiscal year 2010 budget request for robust staffing increases at both land and air ports of entry.

## AGRICULTURE SPECIALISTS

The Committee notes that CBP continues to make progress hiring Agricultural Specialists, but more work remains. In fiscal year 2007, CBP hired 179 Agricultural Specialists and plans to hire an additional 137 more in fiscal year 2008. CBP is working in partnership with the U.S. Department of Agriculture [USDA] to determine the number of additional Agricultural Specialists needed. CBP expects this effort will contribute to a sounder basis for using the workforce staffing model to determine the optimal staffing levels for Agricultural Specialists at ports-of-entry. The Committee supports continuation of this effort.

## LAW ENFORCEMENT OFFICER RETIREMENT

The Committee recommends an additional \$200,000,000 to fully fund the new law enforcement officer retirement program for CBP officers enacted into law in section 535 of Public Law 110-161. The President's budget proposes instead to repeal this section. Contrary to this short-sighted decision, this new benefit will have a major positive impact on the ability of CBP to recruit and retain its highly trained, professional workforce. The brave men and women who daily protect our borders, processing passengers entering the United States, while facing all manner of potential threats, deserve nothing less.

## RADIATION PORTAL MONITOR STAFFING

Included in the amount recommended by the Committee is \$42,532,000, 350 positions, and 192 FTE, for inspection and detection technology, an increase of \$35,500,000, 295 positions, and 137 FTE, as proposed in the budget, to expand the number of inspectors at ports to staff radiation portal monitors [RPMs]. Included in the total is \$8,200,000 for operations and maintenance of RPMs.

## AIR AND MARINE STAFFING

Included in the amount recommended by the Committee is a total of \$271,679,000, 1,801 positions, and 1,691 FTE. This represents an increase of \$4,000,000, 24 positions, and 12 FTE, above the fiscal year 2008 level, as requested in the budget. Additionally, it is an increase of \$17,400,000, 115 positions, and 58 FTE above the request, to fully staff the 11 new Marine Enforcement Units established in the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

## REPLACE OBSOLETE NON-INTRUSIVE INSPECTION IMAGING SYSTEMS

Well before the 9/11 terrorist attacks, Congress funded the purchase of both large and small scale non-intrusive inspection [NII] equipment for the U.S. Customs Service and now CBP. Knowing the importance of this equipment to CBP's layered border enforcement strategy, it is puzzling that only now is CBP proposing to begin building into its base budget a program for replacing obsolete NII equipment. The Committee understands CBP possesses in excess of 3,100 small scale NII systems and the funds requested in the budget will replace 284—or less than 10 percent—of these systems which are over 10 years old and nearing the end of their life

cycle. The Committee recommends \$10,000,000, as requested in the budget, and strongly encourages CBP to develop a fully funded, long-term replacement strategy for these small-scale systems.

#### WESTERN HEMISPHERE TRAVEL INITIATIVE

Because of significant concerns about the Department's rushing to implement the Western Hemisphere Travel Initiative [WHTI] without conducting proper testing and ensuring appropriate safeguards, as well as a perceived lack of adequate information being made available to United States, Canadian, and Mexican citizens, the Congress passed legislation on two occasions delaying full implementation of WHTI until certain specific conditions were met. It appears that these legislative limitations helped to focus the Department's attention on implementing WHTI the right way, not just the fast way.

WHTI is scheduled to become fully operational on June 1, 2009, assuming all of the previously enacted legislative conditions have been met. In order to ensure that progress continues to be made, the Committee recommends a total of \$139,973,000, 294 positions, and 250 FTE, as requested in the budget. This is an increase above the fiscal year 2008 level of \$106,900,000, 89 positions, and 45 FTE. The Committee directs the Office of Policy to provide quarterly briefings on the status of WHTI implementation beginning no later than 30 days after the date of enactment of this act.

#### AUTOMATED TARGETING SYSTEM—PASSENGER

The Automated Targeting System [ATS] is a web-based enforcement and decision support tool that is the cornerstone for all of CBP's targeting efforts. ATS-Passenger [ATS-P] has been operational since 1999. ATS-P focuses on passengers and incorporates intelligence information and technologies to allow officers to focus their efforts on passengers that warrant further attention. The Committee recommends a total of \$35,149,000, an increase of \$5,000,000 above the fiscal year 2008 level, as requested in the budget, for improvements to ATS-P. The improvements requested in the budget will enhance services in the field, accommodate increased volume of passengers and vehicles, provide a simulation and testing environment to support passenger targeting improvements, and move toward a true 24/7 system.

#### VEHICLE REPLACEMENT

The Committee is disappointed that the President's budget request proposes to replace only 13.5 percent of the CBP fleet versus the action plan detailed in the April 30, 2007, CBP Vehicle Fleet Management Plan which recognized that CBP needs to institute a 5-year replacement cycle and replace at least 20 percent of these vehicles annually. This is not just a management and funding issue. Given the extreme terrain in which agents and officers must operate, it is becoming an officer safety issue. The Committee directs the Department to include in the fiscal year 2010 budget submission sufficient funds as well as a plan to replace, at a minimum, 20 percent of the vehicle fleet on an annual basis.

## ENERGY FUNDING SHORTFALL

The Committee notes that due to current gasoline prices, CBP anticipates an energy funding shortfall in fiscal year 2009 of \$25,100,000. The major impact of these costs will fall on the Border Patrol. This energy crisis is fast becoming a law enforcement and border security crisis. The Committee encourages the administration to submit a budget amendment to adequately fund Border Patrol energy costs in fiscal year 2009. CBP is directed to brief the Committee by July 25, 2008, on plans to address the projected shortfall.

## CBP INTELLIGENCE PROGRAM

The Committee recommends a total of \$54,108,000, 202 positions, and 189 FTE for the intelligence program, as requested in the budget. This is an increase of \$24,000,000, 27 positions, and 14 FTE, over the fiscal year 2008 level. The requested increase in funds for CBP Intelligence will allow CBP to meet new analysis and reporting requirements.

## CBP REGULATORY PROGRAM

CBP attorneys within Regulations and Rulings have been responsible for developing important border security regulations since the creation of CBP. In addition to maintaining responsibility for the traditional customs commercial and trade regulations, CBP attorneys have developed a number of regulatory projects including the first Advance Passenger Information Systems regulations in 2002 (and revised in 2005 and 2007), the Trade Act of 2002, Advance Cargo information regulations in 2003, and the Safe Port Act regulations to establish requirements for additional entry level data elements for cargo shipped to the United States. The Committee recommends a total of \$5,719,000, 51 positions, and 45 FTE, an increase of \$1,000,000, 12 positions and 6 FTE, as requested in the budget. The additional funds will enable CBP's Regulatory Program to hire an additional seven attorneys, two economists, two paralegals, and one mission support person.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR  
TECHNOLOGY (INCLUDING 10-PRINT)

The Committee has been a strong supporter of the United States Visitor and Immigrant Status Indicator Technology [US-VISIT] program and recognizes the benefits it has brought to CBP's ability to process international visitors at the Nation's ports of entry while improving national security at the same time. Since fiscal year 2003, US-VISIT has provided funding to CBP for information technology operations and maintenance. Beginning in fiscal year 2009, CBP has requested funding for operations and maintenance of US-VISIT within its budget. Consistent with the budget, this increase to CBP will provide functionality critical to both US-VISIT and CBP in securing entry to the United States at the ports of entry and providing entry and exit information regarding aliens. The Committee recommends \$62,800,000, as requested in the budget, for this activity.

## TEXTILE TRANSSHIPMENT ENFORCEMENT

Included in the amount recommended by the Committee is \$4,750,000 for textile transshipment enforcement, as authorized by section 352 of the Trade Act of 2002. The Trade Act of 2002 authorizes appropriations for the hiring of 72 positions between CBP and U.S. Immigration and Customs Enforcement, including import specialists, auditors, and analytic staff, and funding has been provided for these positions.

## ADVANCED TRAINING CENTER

Included in the amount recommended by the Committee is \$15,606,390, as proposed in the budget, to operate and equip the Advanced Training Center.

Pursuant to Public Law 106–246, the training to be conducted at the Center shall be configured in a manner so as to not duplicate or displace any Federal law enforcement program of the Federal Law Enforcement Training Center [FLETC]. Training currently being conducted at a FLETC facility shall not be moved to the Center.

## ANTIDUMPING AND COUNTERVAILING DUTY ENFORCEMENT

The Committee has ensured that, within the amounts provided for in this account, there will be 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).

The Committee directs CBP 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, 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 Committee further directs the Secretary 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

In responding to the staffing "floors" for customs revenue functions contained in the Homeland Security Act of 2002, (Public Law

107–296), as well as the reporting requirement in section 403 of the SAFE Port Act, CBP has developed a Resource Optimization Model [ROM] to identify and track the current and optimal future staffing levels for employees involved in commercial trade operations. The ROM projects that to adequately staff the needs for priority trade functions, the optimal level of staff would be 10,625 in fiscal year 2009. However, current staffing is at least 25 percent below the optimal level. CBP has identified the greatest risk for trade is through a lack of Fines, Penalties, and Forfeiture [FP&F] Specialists and International Trade Specialists. Additionally, there is a significant shortage of chemists. The ROM indicates an optimal level of staffing for all three positions would be 1,015 in fiscal year 2009, yet approximately only 388 of those positions are currently on board. In order to enhance the staffing of these critical positions by 10 percent, the Committee recommends an additional \$4,560,000, 58 positions, and 29 FTE. The Committee directs CBP to provide quarterly briefings on the progress in meeting this enhanced staffing level, by position, beginning no later than 60 days after the date of enactment of this act. Additionally, the Committee encourages CBP to include in its fiscal year 2010 budget submission a plan to address the significant shortfalls in all of these customs revenue positions.

#### AGRICULTURAL PESTS

The Committee notes Hawaii's globally significant natural environment, as well as the State's important diversified agricultural industry, are uniquely vulnerable to the introduction of invasive weeds, animals, insects, and diseases. The Committee expects the Department to work with the USDA and the Hawaii Department of Agriculture to share information and expertise to ensure their respective inspection and quarantine activities provide coordinated and collaborative biosecurity protection for the State.

#### 2010 OLYMPICS COORDINATION CENTER

The Committee notes that a CBP official has been designated the Federal Coordinator for planning of U.S. Government efforts to support the 2010 Olympics and Paralympic Winter Games. The May 8, 2008, report on the Olympics effort notes that the 2010 Coordination Center "will support Incident Command System Command, and general staff, composed of work group leadership and core representatives, liaison representatives, a communications capability, as well as a Joint Information and Intelligence Fusion Center." The report states that the Center will be located at the CBP air and marine branch in Bellingham, Washington. The Committee recommends an additional \$4,500,000 to support this effort. Of this amount, up to \$500,000 may be used for security training and exercises in preparation for the Olympics.

The Committee expects CBP to effectively manage security risks associated with these games. While the Committee provides funding for key security priorities associated with these Games, the Department has other responsibilities which will be impacted. For example, the Department should plan to have adequate staffing to mitigate the risks associated with an increase in traveler volume.

## RESCISSION OF FUNDS

The Committee has included bill language rescinding \$13,000,000 in funds appropriated to U.S. Customs and Border Protection, "Salaries and Expenses" in the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

## COMMITTEE RECOMMENDATIONS

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## U.S. CUSTOMS AND BORDER PROTECTION—SALARIES AND EXPENSES

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|--|------------------------------------|------------------------------|
| Salaries and Expenses:   |  |                                    |                              |
| Headquarters Management and Administration:  |  |                                    |                              |
| Management and administration, border security inspections<br>and trade facilitation ..... | 619,325                                  | 644,351                            | 646,608                      |
| Management and administration, border security and control<br>between port of entry .....  | 602,016                                  | 622,300                            | 622,550                      |
| Subtotal, Headquarters Management and Administra-<br>tion .....                            | 1,221,341                                | 1,266,651                          | 1,269,158                    |
| Border security inspections and trade facilitation at ports of<br>entry:                   |  |                                    |                              |
| Inspections, trade and travel facilitation at ports of entry ...                           | 1,854,235                                | 1,834,793                          | 2,041,846                    |
| Harbor maintenance fee collections (trust fund) .....                                      | 3,093                                    | 3,154                              | 3,154                        |
| International Cargo Screening .....  | 156,130                                  | 149,450                            | 149,450                      |
| Other international programs .....   | 10,866                                   | 10,984                             | 10,984                       |
| Customs Trade Partnership Against Terrorism .....  | 62,310                                   | 64,496                             | 64,496                       |
| Free and Secure Trade (FAST)/NEXUS/SENTRI .....  | 11,243                                   | 11,274                             | 11,274                       |
| Inspection and detection technology investments .....                                      | 105,027                                  | 117,144                            | 117,144                      |
| Systems for targeting .....  | 27,580                                   | 32,550                             | 32,550                       |
| National Targeting Center .....  | 23,950                                   | 24,481                             | 24,481                       |
| Training .....   | 24,813                                   | 24,778                             | 24,778                       |
| Subtotal, border security inspections and trade facilita-<br>tion at ports of entry .....  | 2,279,247                                | 2,273,104                          | 2,480,157                    |
| Border security and control between ports of entry:  |  |                                    |                              |
| Border security and control between ports of entry .....                                   | 3,022,443                                | 3,440,505                          | 3,440,505                    |
| Training .....   | 52,789                                   | 74,815                             | 74,815                       |
| Subtotal, border security and control between ports of entry ...                           | 3,075,232                                | 3,515,320                          | 3,515,320                    |
| Air and Marine operations, personnel compensation and benefits .....                       | 226,740                                  | 254,279                            | 271,679                      |
| Subtotal, Salaries and Expenses .....  | 6,802,560                                | 7,309,354                          | 7,536,314                    |
| Rescission .....   |  |                                    | - 13,000                     |
| Total, Salaries and Expenses .....   | 6,802,560                                | 7,309,354                          | 7,523,314                    |

<sup>1</sup> Includes \$323,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

## AUTOMATION MODERNIZATION

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$476,609,000 |
| Budget estimate, 2009 .....    | 511,334,000   |
| Committee recommendation ..... | 511,334,000   |

The automation modernization account includes funds for major information technology systems and services for U.S. Customs and Border Protection [CBP], including the Automated Commercial Environment [ACE] and the International Trade and Data System projects, and connectivity of and integration of existing systems.

#### COMMITTEE RECOMMENDATIONS

The Committee recommends \$511,334,000, to be available until expended, as proposed in the budget, for automation modernization.

#### INTERNATIONAL TRADE DATA SYSTEM

Included in the amount recommended is \$16,000,000 for the International Trade Data System.

#### EXPENDITURE PLAN

The Committee is pleased with the level of detail and discipline which has been displayed in recent ACE expenditure plans. The Committee includes bill language making not less than \$216,851,000 available for development of ACE upon the submission of a comprehensive expenditure plan for the program. The Committee also expects to continue receiving the ACE quarterly reports.

#### CBP TRAVELER ENFORCEMENT AND COMPLIANCE SYSTEM MODERNIZATION

The Committee was pleased to receive the CBP Traveler Enforcement and Compliance System [TECS] Modernization Program report on April 17, 2008, as called for in Senate Report 110-84. The report, and subsequent briefings, demonstrates the critical need for upgrading this important law enforcement tool. As TECS is a legacy Customs Service system, it is understandable that CBP has taken the lead in the modernization effort. However, U.S. Immigration and Customs Enforcement [ICE] is a major user of this system and must play a primary role in its development. Specific ICE reporting requirements are addressed in the ICE section of this report. The Committee directs CBP and ICE to brief jointly the Committee on a semiannual basis on the progress made in the modernization program beginning no later than 30 days after the date of enactment of this act.

The Committee recommends a total of \$50,000,000, one position, and one FTE, an increase of \$25,000,000 above the fiscal year 2008 level, as requested in the budget.

#### TERRORISM PREVENTION SYSTEMS ENHANCEMENTS

To support the worldwide scope and mission that CBP has today, systems are being modernized and networks re-engineered to deliver a robust, fault tolerant, high assurance, high availability, and distributed architecture designed to minimize cost and downtime while providing flexibility and the ability to handle surge requirements and fail-over capabilities. These funds will sustain efforts begun in fiscal year 2008 to improve communications, power distribution, networking, and computer capability to support world-

wide screening operations. The Committee recommends \$10,000,000, as requested in the budget, for this activity.

COMMITTEE RECOMMENDATIONS

The following table summarizes the Committee’s recommendations as compared to the fiscal year 2008 and budget request levels:

AUTOMATION MODERNIZATION

[In thousands of dollars]

|   | Fiscal year 2008 enacted | Fiscal year 2009 budget request | Committee recommendations |
|---|--------------------------|---------------------------------|---------------------------|
| Automated Commercial Environment/International Trade Data System (ITDS) ..... | 316,969                  | 316,851                         | 316,851                   |
| Automated commercial system and legacy IT cost .....                          | 159,640                  | 194,483                         | 194,483                   |
| Total, Automation modernization .....   | 476,609                  | 511,334                         | 511,334                   |

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

|   |                 |
|---|-----------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$1,225,000,000 |
| Budget estimate, 2009 .....             | 775,000,000     |
| Committee recommendation .....          | 775,000,000     |

<sup>1</sup> Includes \$1,053,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

The Border Security, Fencing, Infrastructure, and Technology account funds the capital procurement and total operations and maintenance costs associated with fencing, infrastructure, sensors, surveillance, and other technology.

COMMITTEE RECOMMENDATIONS

The Committee continues to strongly support the Strategic Border Initiative [SBI] and the multi-faceted approach of securing our borders via a web of pedestrian fencing, tactical infrastructure, vehicle barriers, ground sensors, and cameras, in addition to more Border Patrol agents and increased enforcement of our immigration laws. Focusing on only one of these critical tasks is a recipe for failure. By fully funding the President’s request for fiscal year 2009, when combined with the \$1,225,000,000 appropriated to this account in fiscal year 2008, the Committee will have provided over \$3,187,565,000 for border security fencing, infrastructure, and technology since fiscal year 2007. Additionally, the Committee again provides the Secretary with the flexibility to determine the proper mix and location of these border security activities along the Nation’s borders—Northern, Southern, and coastline. Again, we must remind all of those involved in this effort, those who would do us harm will seek entry through other, less secure parts of our border after tightening security in one location.

As the Committee noted in its report last year, this is an extremely high risk program that requires the full attention of the leadership of the SBI Program Management Office [PMO], CBP, and the Department. The response to the Department’s conditional, and then full, acceptance of Project 28 (P–28) in the Tucson sector is a case in point. The P–28 contract was structured in a manner to limit the exposure of the taxpayer to what was intended to be

a proof of concept. In that sense, it succeeded. The contractor did not meet the initial requirements of the contract, had to use its own funds to meet those requirements, and then offered financial concessions to the Government because of these problems. However, P-28 was also marketed initially—both inside the Border Patrol, to the Congress, and the public at large—as the “solution” for the virtual fence. In that sense, it failed. The proposed timeline was overly aggressive, integration of the various technologies was much more difficult than expected, and the operating environment proved more harsh than anticipated. The Committee continues to support the program, but wants to see this done right—not just fast. Finally, the Committee is confused by opponents of either construction of physical fencing or success of the “virtual fence” solution. Those who are concerned that physical fencing will destroy the environment and animal habitats should embrace a “virtual fence” that works.

The Committee expects that any vehicle requirements for the SBI PMO and other activities funded in this account will be met through the vehicles funded in CBP “Salaries and Expenses”.

The Committee recommends \$775,000,000, 200 positions, and 185 FTE, as requested in the budget, for this activity.

#### EXPENDITURE PLAN

The Congress provided a total of \$1,225,000,000 for this activity in the fiscal year 2008 law, but withheld from obligation \$650,000,000 until the Committee received an expenditure plan from the SBI PMO which was reviewed by the Government Accountability Office. The Committee received that plan on March 31, 2008. The plan did not meet certain specific requirements of the law and on May 6, 2008, the Committee approved the release of only \$175,000,000, until additional details are provided. It is the responsibility of CBP, the Department, and the Office of Management and Budget to ensure expenditure plans, when submitted, comply with the law.

The following table summarizes the Committee’s recommendations as compared to the fiscal year 2008 and budget request levels:

#### BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendation |
|---|--|------------------------------------|-----------------------------|
| Development and deployment .....  | 1,088,000                                | 275,000                            | 275,000                     |
| Operations and maintenance .....  | 73,000                                   | 410,000                            | 410,000                     |
| Program management .....  | 64,000                                   | 90,000                             | 90,000                      |
| <b>Total, Border Security Fencing, Infrastructure, and Technology .....</b> | <b>1,225,000</b>                         | <b>775,000</b>                     | <b>775,000</b>              |

<sup>1</sup> Includes \$1,053,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND  
PROCUREMENT

|   |               |
|---|---------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$570,047,000 |
| Budget estimate, 2009 .....             | 528,000,000   |
| Committee recommendation .....          | 528,000,000   |

<sup>1</sup> Includes \$94,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

The U.S. Customs and Border Protection [CBP] Air and Marine Interdiction, Operations, Maintenance, and Procurement [AMO] account funds the capital procurement and total operations and maintenance costs of the CBP air and marine program and provides support to other Federal, State, and local agencies.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$528,000,000, to remain available until expended, for air and marine interdiction, operations, maintenance, and procurement. Included in this amount is \$380,022,000 for recurring maintenance, as proposed in the budget.

The Committee strongly supports CBP's efforts to recapitalize its air and marine assets. Since fiscal year 2005, the Congress has appropriated over \$2,546,000,000 to this account. Chief among the needs has been the establishment of five Northern border air branches located at strategic locations along the border, the operational testing and procurement of unmanned aerial systems in the desert Southwest, as well as the testing of these systems in the maritime environment and the expansion of their use on the Northern border, and the new focus on a robust marine program, both coastal and riverine. Certain gaps remain to be filled, such as facilities improvements at smaller air locations and expansion of the marine program to additionally planned locations, but progress is being made. The Committee notes the difficulty in procuring certain types of aircraft and other air systems because of the need to compete with the Department of Defense for these systems in a time of war, but AMO has been creative in its use of multi-purchase awards and deserves to be commended.

MULTI-ROLE ENFORCEMENT AIRCRAFT

Included in the amount recommended by the Committee is a total of \$35,600,000, as requested in the budget, for procurement of two multi-role enforcement aircraft [MEAs]. This will bring AMO air and marine up to five MEAs, which is within 35 aircraft of its planned end-state.

MARINE VESSELS

Included in the amount recommended by the Committee is a total of \$10,100,000, as requested in the budget, for procurement of 18 new marine vessels. CBP AMO's current planned end-state for marine vessels calls for the purchase of 40 Interceptors of all types, 140 riverine vessels, and 30 coastal enforcement craft. With these recommended funds, AMO will be within 163 vessels of reaching its planned end-state.

## MEDIUM LIFT HELICOPTER CONVERSIONS

Included in the amount recommended by the Committee is \$9,000,000, as requested in the budget, for the conversion of one medium lift helicopter [MLH] from an "A" to an "L" configuration. These conversions are necessary because deliveries of new MLHs will not begin until fiscal year 2010.

## C-550 INTERCEPTOR SENSOR UPGRADES

Included in the amount recommended by the Committee is \$7,700,000, as requested in the budget, to upgrade the sensor package on one C-550 fixed-wing Interceptor. These funds will support the third of the planned 10 C-550 Interceptor sensor package upgrades.

## NORTHERN BORDER AIR BRANCHES

Included in the amount recommended by the Committee is \$12,700,000, as requested in the budget, for operation and maintenance of the five Northern border air branches. The Committee is pleased that the fifth air branch, in Detroit, became operational this spring. The Committee encourages the Department to include in the fiscal year 2010 budget funding to expand the hours of operation at these air branches.

## P-3 SERVICE LIFE EXTENSION PROGRAM

Included in the amount recommended by the Committee is \$56,000,000, as requested in the budget, for the ongoing service life extension program of the P-3 surveillance fleet.

## UNMANNED AERIAL SYSTEMS SUPPORT

Included in the amount recommended by the Committee is a total of \$29,600,000, as requested in the budget, for operations and maintenance support, including spares and component repairs for unmanned aerial systems [UAS]. These funds will procure the seventh of the planned end-state of 18 UASs, enable the upgrade of the UAS software integration lab, and ensure that these systems will operate at the highest anticipated levels.

## COMMITTEE RECOMMENDATIONS

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT  
[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|--|------------------------------------|------------------------------|
| Operations and maintenance .....   | 353,614                                  | 380,022                            | 380,022                      |
| Procurement .....  | 216,433                                  | 147,978                            | 147,978                      |
| Total, Air and Marine Interdiction, Operations, Maintenance, and Procurement ..... | 570,047                                  | 528,000                            | 528,000                      |

<sup>1</sup> Includes \$94,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

CONSTRUCTION

|   |               |
|---|---------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$348,363,000 |
| Budget estimate, 2009 .....             | 363,501,000   |
| Committee recommendation .....          | 403,201,000   |

<sup>1</sup> Includes \$61,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

This appropriation provides funding to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, customs, and alien registration.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$403,201,000 for construction activities of U.S. Customs and Border Protection [CBP], to be available until expended.

CONSTRUCTION ASSOCIATED WITH NEW BORDER PATROL AGENTS

Included in the amount recommended by the Committee is a total of \$255,286,000, an increase of \$149,513,000, as proposed in the budget, for construction requirements associated with new Border Patrol agents.

AIR AND MARINE FACILITIES

Included in the amount recommended by the Committee is \$16,600,000, as proposed in the budget, for repair and renovation of air and marine facilities.

AIR AND MARINE FACILITIES UPGRADES

The Committee is disappointed by the apparent lack of support for a continued commitment to upgrade the many outdated and ill-sized air and marine facilities. The Congress has added funds each year to expand air branches to the Northern border and marine units nationwide, recapitalize the aging fixed and rotary-wing air fleet, and hire more air and marine interdiction agents. However, the budget requests constantly fall short of meeting the increased needs to upgrade the existing facilities. The Committee notes that in its February 13, 2008, strategic plan, the administration identified a requirement of \$65,000,000 for air and marine facilities funding in fiscal year 2009. The Committee encourages the Department to include additional funding for these facilities in the 2010 budget request.

## ADVANCED TRAINING CENTER

The Committee provides \$39,700,000 for Phase V of the Advanced Training Center [ATC] Master Plan which was submitted to the Committee on April 4, 2007, by the Department of Homeland Security Under Secretary for Management. The ATC, located in West Virginia, opened in September 2005. It provides advanced training to over 2,900 CBP law enforcement personnel, managers, and supervisors per year and will train approximately 5,000 per year by the end of 2009.

## BORDER FACILITIES CONSTRUCTION BACKLOG

Significant increases in trade and vehicle traffic, as well as the hiring of new inspection personnel, have placed strains on the many out-dated land border ports of entry. While the General Services Administration [GSA] owns and manages the majority of these ports, a number are CBP-owned. The total construction backlog for land border ports of entry and Federal inspection facilities stands at approximately \$4,900,000,000, yet the total amount requested for port of entry construction in the President's fiscal year 2009 budget is a mere \$85,000,000. The Committee notes that these ports are vital to the Nation's economy as total international trade entering through these facilities is over \$800,000,000,000, which represents nearly 6 percent of the U.S. gross domestic product.

The Committee is aware that the increase in both commercial and passenger traffic is straining the capacity of existing facilities and infrastructure at ports of entry such as the Sault Ste. Marie International Bridge in Michigan and the Columbus and Santa Teresa ports of entry in New Mexico. The Committee encourages the administration to include funds in its 2010 request to address these requirements.

The Committee directs the Department to continue to work with the GSA on its nationwide strategy to prioritize and address the infrastructure needs at land border ports of entry and to comply with the requirements of the Public Buildings Act of 1959 (40 U.S.C. 3301) to seek necessary funding.

The Committee has included bill language directing CBP, in consultation with GSA, to include with its annual budget submission, a detailed 5-year construction plan for land border ports of entry with a yearly update of total projected future funding needs.

## LAND PORTS OF ENTRY MODERNIZATION

Of the 163 total land border ports of entry, CBP owns 43. Many of these are small ports of entry, the construction of which dates back to the Great Depression. For instance, for 40 percent of these ports' their useful life has expired, having been built before 1975 with no significant repair or upgrade. Seventy percent of these ports have no enclosed operational secondary inspection garage, but instead operate in locations in which outdoor secondary inspections often cannot be performed due to extreme weather. Thirty percent of them have no commercial inspection facilities, requiring inspections to be performed on the roadway. This is a grave officer safety concern.

The budget proposes to begin a long-term land border port of entry modernization program. The Committee strongly supports this goal and recommends \$10,000,000, as requested, to begin the renovation and alteration of CBP-owned land border inspection facilities. Additionally, the Committee directs CBP to submit a plan, by port of entry, detailing specific milestones of when work is planned and the type of work to be done.

#### BORDER PATROL CONSTRUCTION

The Committee is aware that the Border Patrol is working with the GSA and the U.S. Army Corps of Engineers to plan and construct a new Beecher Falls Border Patrol Station within the Swanton Sector. The Committee encourages the Border Patrol to maintain the station strategically located in eastern Vermont, near the Canadian border, and close to the main highways that connect the United States and Canada.

The Committee notes that, as a result of an operational decision made by the Border Patrol, no funds have been requested in the budget for site, design, or construction of permanent checkpoints on the Northern border.

#### COMMITTEE RECOMMENDATIONS

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

#### CONSTRUCTION [In thousands of dollars]

| Border Patrol Facilities by Sector              | Fiscal year 2008 enacted | Fiscal year 2009 budget request | Committee recommendation |
|---|--------------------------|---------------------------------|--------------------------|
| <b>MAJOR CONSTRUCTION</b>                       |                          |                                 |                          |
| Del Rio: Comstock, TX Station .....             |                          | 25,000                          | 25,000                   |
| Detroit: Sandusky, OH Station .....             |                          | 4,000                           | 4,000                    |
| El Centro:                                      |                          |                                 |                          |
| Calexico, CA Station .....                      |                          | 34,000                          | 34,000                   |
| Indio, CA Station .....                         |                          | 18,000                          | 18,000                   |
| Sector HQ Vehicle Maintenance Facility .....    |                          | 18,000                          | 18,000                   |
| El Paso:  |                          |                                 |                          |
| Fabens, TX Station .....                        | 4,000                    |                                 |                          |
| Las Cruces, NM Station .....                    | 4,000                    |                                 |                          |
| Lordsburg, NM Station .....                     | 5,000                    |                                 |                          |
| Expanded Checkpoints .....                      |                          | 1,513                           | 1,513                    |
| Vehicle Maintenance Facility .....              | 16,126                   |                                 |                          |
| Laredo: Freer, TX Station .....                 | 3,000                    |                                 |                          |
| Marfa: Presidio, TX Station .....               |                          | 3,000                           | 3,000                    |
| San Diego:                                      |                          |                                 |                          |
| Blythe, CA Station .....                        |                          | 28,900                          | 28,900                   |
| Boulevard, CA Station .....                     | 4,000                    | 31,000                          | 31,000                   |
| Tucson:   |                          |                                 |                          |
| SR 85, SR 90, I-19 Checkpoints .....            | 20,000                   |                                 |                          |
| Ajo, AZ Station .....                           | 22,500                   |                                 |                          |
| Casa Grande, AZ Station .....                   |                          | 17,873                          | 17,873                   |
| Naco, AZ Station .....                          |                          | 47,000                          | 47,000                   |
| Sonoita, AZ Station .....                       |                          | 27,000                          | 27,000                   |
| Yuma: Welton, AZ Station .....                  | 22,000                   |                                 |                          |
| Subtotal, Border Patrol .....                   | 100,626                  | 255,286                         | 255,286                  |
| Air and Marine Facilities:                      |                          |                                 |                          |
| Sierra Vista, AZ—Hangar and Flight Center ..... | 12,000                   |                                 |                          |

## CONSTRUCTION—Continued

[In thousands of dollars]

| Border Patrol Facilities by Sector               | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendation |
|--|-----------------------------|------------------------------------|-----------------------------|
| Yuma, AZ—Hangar, Maintenance and Admin .....     | 14,000                      | 4,000                              | 4,000                       |
| El Centro, CA—Hangar, Maintenance & Admin .....  | .....                       | 2,100                              | 2,100                       |
| El Paso, TX—Consolidation of facilities .....    | .....                       | 1,500                              | 1,500                       |
| Laredo, TX—Hangar, Maintenance & Admin .....     | 1,454                       | 4,000                              | 4,000                       |
| Marfa, TX—Hangar, Maintenance & Admin .....      | 1,378                       | 3,000                              | 3,000                       |
| Uvalde, TX—Hangar, Maintenance & Admin .....     | 1,168                       | 2,000                              | 2,000                       |
| Subtotal, Air and Marine Facilities .....        | 30,000                      | 16,600                             | 16,600                      |
| Housing .....                                    | 25,000                      | 15,000                             | 15,000                      |
| CBP Owned Land Ports of Entry .....              | .....                       | 10,000                             | 10,000                      |
| Harpers Ferry, WV—Advanced Training Center ..... | 39,700                      | .....                              | 39,700                      |
| Rapid Response Projects .....                    | 69,400                      | .....                              | .....                       |
| Operations and Maintenance .....                 | 15,800                      | 17,600                             | 17,600                      |
| Repairs and Alterations .....                    | 34,633                      | 25,400                             | 25,400                      |
| Lease Acquisition .....                          | 21,204                      | 21,600                             | 21,600                      |
| Planning .....                                   | 12,000                      | 2,015                              | 2,015                       |
| Total, Construction .....                        | 348,363                     | 363,501                            | 403,201                     |

## U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

## SUMMARY

U.S. Immigration and Customs Enforcement is responsible for enforcing immigration and customs laws, detaining and removing deportable or inadmissible aliens, and providing security of Federal buildings and property.

## COMMITTEE RECOMMENDATIONS

The Committee recommends total resources of \$5,928,210,000, including direct appropriations of \$4,989,210,000, and estimated fee collections of \$939,000,000.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—FUNDING SUMMARY

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|--|------------------------------------|------------------------------|
| Appropriations:                                |  |                                    |                              |
| Salaries and expenses .....                    | <sup>2</sup> 4,687,517                   | 4,690,904                          | 4,932,210                    |
| Automation modernization .....                 | 30,700                                   | 57,000                             | 57,000                       |
| Construction .....                             | <sup>3</sup> 16,500                      | .....                              | .....                        |
| Total, Appropriations .....                    | 4,734,717                                | 4,747,904                          | 4,989,210                    |
| Estimated Fee Collections:                     |  |                                    |                              |
| Immigration inspection user fees .....         | 113,500                                  | 119,000                            | 119,000                      |
| Student exchange visitor program fees .....    | 56,200                                   | 120,000                            | 120,000                      |
| Immigration breached bond/detention fund ..... | 63,800                                   | 60,000                             | 60,000                       |
| Federal Protective Service <sup>4</sup> .....  | 613,000                                  | 616,000                            | 640,000                      |
| Total, Estimated fee collections .....         | 846,500                                  | 915,000                            | 939,000                      |

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—FUNDING SUMMARY—Continued  
[In thousands of dollars]

|                                | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--------------------------------|--|------------------------------------|------------------------------|
| Total, Available funding ..... | 5,581,217                                | 5,662,904                          | 5,928,210                    |

<sup>1</sup>Includes \$526,900,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>2</sup>Includes \$516,400,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>3</sup>Includes \$10,500,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>4</sup>Fully funded by offsetting collections paid by General Services Administration tenants and credited directly to this appropriation.

SALARIES AND EXPENSES

|   |                 |
|---|-----------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$4,687,517,000 |
| Budget estimate, 2009 .....             | 4,690,904,000   |
| Committee recommendation .....          | 4,932,210,000   |

<sup>1</sup>Includes \$516,400,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

The U.S. Immigration and Customs Enforcement [ICE] Salaries and Expenses account provides funds for the enforcement of immigration and customs laws, intelligence, and detention and removals. In addition to directly appropriated resources, funding is derived from the following offsetting collections:

*Immigration Inspection User Fees.*—ICE derives funds from user fees to support the costs of detention and removals in connection with international inspections activities at airports and seaports, as authorized by the Immigration and Nationality Act (8 U.S.C. 1356).

*Student Exchange Visitor Program Fees.*—ICE collects fees from foreign students, exchange visitors, and schools and universities to certify and monitor participating schools, and to conduct compliance audits.

*Immigration Breached Bond/Detention Fund.*—ICE derives funds from the recovery of breached cash and surety bonds in excess of \$8,000,000 as authorized by the Immigration and Nationality Act (8 U.S.C. 1356); and from a portion of fees charged under section 245(i) of the Immigration and Nationality Act to support the cost of the detention of aliens.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$4,932,210,000, for salaries and expenses of U.S. Immigration and Customs Enforcement [ICE] for fiscal year 2009. This includes decreases from the fiscal year 2008 level of \$214,784,000 for one-time costs and management efficiencies; increases from the fiscal year 2008 level of \$64,001,000 for pay and other inflationary adjustments; and \$47,671,000 in annualizations, as proposed in the budget.

The Committee includes bill language placing a \$35,000 limit on overtime paid to any employee; making up to \$7,500,000 available for special operations; making up to \$1,000,000 available for the payment of informants; making up to \$11,216,000 available to reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens; making not less than \$305,000 available for promotion of public

awareness of the child pornography tipline and anti-child exploitation activities; making not less than \$5,400,000 available to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act; limiting the use of funds for facilitating agreements consistent with section 287(g) of the Immigration and Nationality Act to the same activities funded in fiscal year 2005; making \$15,770,000 available for activities to enforce laws against forced child labor, of which \$6,000,000 shall remain available until expended and making \$6,800,000 available until expended for the Visa Security Program.

#### MANAGEMENT AND ADMINISTRATION—IMPROVED INTEGRITY OVERSIGHT

Over the last 3 years, ICE has hired over 5,100 new personnel, a 17 percent increase since fiscal year 2006. In order to support long-term border security efforts and avoid fraud, the Committee believes it is important to keep in front of any possible increase in workforce fraud by hiring additional agents who will investigate cases of fraud and other illegal activities.

The Office of Professional Responsibility [OPR] investigates all Inspector General-referred allegations of criminal misconduct by ICE and U.S. Customs and Border Protection [CBP] employees. ICE and CBP have sensitive missions, including preventing the flow of drugs, dangerous goods, and illegal immigrants into the country, and sensitive technology and weapons out of it. To ensure the continued integrity of the workforce, growth in CBP and ICE staffing should be matched by commensurate growth in OPR. Therefore, the Committee recommends a total of \$9,100,000, 51 positions, and 39 full-time equivalents [FTE] (agents and support positions), to conduct these integrity investigations. This is an increase of \$2,000,000, 13 positions, and 20 FTE above the level proposed in the budget.

#### HUMAN RESOURCE WORKFORCE

In order to address staffing shortages in the ICE Office of Human Capital and strengthen the Office's ability to manage all personnel aspects of the ICE workforce, while continuing to process new authorized ICE positions to meet congressional objectives and special hiring authorities, the Committee recommends \$930,000, an increase of \$800,000, nine positions, and five FTE, as proposed in the budget.

#### TRAINING CONSOLIDATION AND INTEGRATION

ICE recognizes it needs to consolidate all training coordination and oversight to promote solidarity among ICE programs. The Committee recommends \$8,530,000, an increase of \$1,800,000, 27 positions, and 14 FTE, as proposed in the budget.

#### CO-LOCATION OF ICE FACILITIES

The creation of ICE in 2003 merged components from two separate agencies into one. Five years later, staff remains widely dispersed in legacy facilities, an arrangement which hinders effective coordination and communication. More than 10,000 ICE employees

stationed in the largest 63 metropolitan areas are housed in 185 different office buildings. With its rapid growth in personnel, pressure has been put on ICE facilities. In order to take advantage of expiring leases and other expansion and co-location opportunities, the Committee recommends \$12,300,000, two positions, and one FTE, as proposed in the budget.

#### ENERGY FUNDING SHORTFALL

The Committee notes that due to current gasoline prices, ICE has experienced an increase of over 24 percent in gasoline prices between fiscal years 2006–2008. This energy crisis is fast becoming a law enforcement and border security crisis. ICE is directed to brief the Committee by July 25, 2008, on plans to address the projected shortfall.

#### INVESTIGATIONS—WORKSITE ENFORCEMENT

Worksite enforcement must remain a priority activity for ICE and the Department as a whole. In response to a question for the record from the March 4, 2008, hearing concerning ICE priorities, Secretary Chertoff responded, “Our immigration enforcement cannot begin and end at our borders and ports of entry. Effective immigration policing must also include robust interior law enforcement efforts to help ensure the safety and security of all Americans. You have my commitment that we will continue the progress made over the last 2 years not only in worksite enforcement and fugitive operations, but also in critical program areas to continue to keep our Nation safe and secure.” The Committee continues to be pleased that ICE has been aggressively conducting worksite enforcement actions and notes that in fiscal year 2007, ICE had 863 criminal arrests and 4,077 administrative arrests, compared with 25 criminal arrests and 485 administrative arrests in fiscal year 2002.

By turning off the spigot of cheap labor and taking action against unscrupulous employers who exploit illegal aliens, we can begin to stem the tide of illegal inward migration. Knowing that their workplaces will be targeted, and that they will be apprehended and removed, many will think twice before trying to enter this country illegally.

In order to ensure that the focus continues to be placed on this priority activity, the Committee recommends an additional \$34,300,000, 207 positions, and 108 FTE including 125 Special Agents above the levels proposed in the budget. Combined with the budget request, this will provide a total of \$126,515,000 and 864 positions for worksite enforcement to bring all possible legal authorities to bear upon unscrupulous employers. In addition, in Custody Management, the Committee recommends an additional \$25,700,000 for 400 additional detention beds and associated positions and costs to support worksite operations.

#### INVESTIGATIONS—NATIONAL SECURITY AND CRITICAL INFRASTRUCTURE

As the Department’s primary investigative authority, ICE recognizes the need to increase its national security and critical infra-

structure investigations at ports of entry and other sensitive facilities that attract terrorists, illegal aliens, and undocumented workers. The Committee recommends \$11,800,000, 72 positions, and 36 FTE, as proposed in the budget. This supports hiring 53 new Special Agents and 19 support personnel. These funds will support 12 investigative program areas, such as Arms and Strategic Technology Investigations, Identity and Benefit Fraud, Financial Investigations, the Forensic Document Lab, Asset Forfeiture, and Human Smuggling and Trafficking.

#### INVESTIGATIONS—CYBER CRIME

Many ICE investigations and prosecutions are largely dependent upon the ability of the Cyber Crime Center to process and analyze data obtained from seized electronic devices and digital media. Established in 1996, the Cyber Crime Center has become ICE's high technology center with responsibility for developing, managing, and supporting Internet and cyber-related investigations in ICE Office of Investigation field offices and the Office of International Affairs attaché offices. These funds will provide staffing to increase investigations of cyber-related crimes involving identity and benefit fraud, child exploitation, and money laundering. The Committee recommends a total of \$10,700,000, 45 positions, and 23 FTE, an increase of \$5,000,000, 6 positions, and 3 FTE above the level proposed in the budget. The increase above the request shall be for expansion of Cyber Crime Center activities to the next highest priority locations.

#### INVESTIGATIONS—COMMERCIAL FRAUD AND INTELLECTUAL PROPERTY RIGHTS

The ICE Office of Investigations is required to identify, target, counter, and dismantle methods and vulnerabilities exploited by criminal organizations engaged in highly profitable trade crimes, such as trafficking counterfeit merchandise and pharmaceuticals. It also supports CBP and the Food and Drug Administration's efforts to target, interdict, and investigate the importation of substandard, tainted, and counterfeit products being imported from China. The Committee recommends \$4,600,000, 28 positions, and 14 FTE, as proposed in the budget.

#### INVESTIGATIONS—OUTBOUND ENFORCEMENT

With the explosive growth of drug cartel-related violence on our Southwest border, ICE recognizes the need to stem the illegal procurement and export of sophisticated U.S. technology and weapons. The requested funds will provide for five Special Agents to increase investigations that support outbound enforcement activities as well as support State and local law enforcement by aggressively investigating all aspects of local criminal activities exploiting vulnerabilities at the Southwest border. The Committee recommends \$1,000,000, five positions, and three FTE, as proposed in the budget.

## VISA SECURITY PROGRAM

The Visa Security Program, mandated in section 428 of the Homeland Security Act of 2002 (Public Law 107-296), extends the border overseas to prevent terrorists and other criminals from receiving U.S. visas. The Office of International Affairs has developed a Five-Year Expansion Plan which includes a prioritized expansion to the 32 highest-risk visa issuing posts. According to the plan, the program will cover approximately 75 percent of the highest risk visa activity posts by 2013. The Committee recommends a total of \$26,800,000, 61 positions, and 54 FTE for the Visa Security Program. Included in this amount is \$6,800,000, 12 positions, and 6 FTE above the fiscal year 2008 level and double the request in the budget, to provide for the deployment of 12 Special Agents to create four additional overseas Visa Security Units in high-risk locations such as Istanbul and Beirut.

Additionally, the \$5,000,000, eight positions, and seven FTE, above the requested level is in support of the Security Advisory Opinion Units which support the Visa Security Program by dedicating Special Agents to be co-located with Department of State and other security personnel to review visa applications submitted at overseas U.S. consulates which have been targeted for additional background screening.

STATE AND LOCAL LAW ENFORCEMENT SUPPORT, SECTION 287(g)  
AGREEMENTS

Included in the amount recommended by the Committee is \$92,453,000, an increase of \$12,000,000, 14 positions, and seven FTE, as proposed in the budget, for training to support implementation of the provisions of section 287(g) of the Immigration and Nationality Act to delegate authority to enforce limited immigration functions to State and local law enforcement officers.

## LAW ENFORCEMENT SUPPORT CENTER

Included in the amount recommended by the Committee is a total of \$33,000,000, 307 positions, and 307 FTE, as requested in the budget, to assist in responding to increased requests for assistance from State and local law enforcement officers. The Committee notes the large number of vacancies at the Law Enforcement Support Center. Given the increased level of immigration enforcement, combined with the recent launch of the Secure Communities program, it is imperative that these vacancies be filled as rapidly as possible.

## TEXTILE TRANSSHIPMENT ENFORCEMENT

Included in the amount recommended by the Committee is \$4,750,000 for textile transshipment enforcement, as authorized by section 352 of the Trade Act of 2002. The Trade Act of 2002 authorizes appropriations for the hiring of 72 positions between CBP and ICE, including investigators.

## OFFICE OF INVESTIGATIONS—MISSION SUPPORT STAFFING

The Committee is aware that the Office of Investigations [OI], starting with the fiscal year 2009 budget request, applied a work-

force model to all budgetary requests to insure that agents have the necessary mission support personnel to support agents in the field. Currently, OI has 6,270 authorized agent positions. Applying a workforce model to the 6,270 authorized agents, OI should have approximately 918 authorized mission support personnel positions. Unfortunately, OI has only 458 authorized mission support personnel positions, or 50 percent of the necessary total. Limited budget resources prevent the Committee from enhancing the level of mission support positions, but the Committee urges that additional funding be included in the fiscal year 2010 budget request to begin closing this gap in support staffing.

#### ICE INTELLIGENCE

The Committee is pleased with the direction and energized focus ICE has placed on its intelligence program. The new Director has aggressively expanded its reach and its support of ICE's multiple missions. While the Office of Intelligence has opened offices, known as Field Intelligence Groups [FIG], a number of the offices are below the optimal 50 percent staffing level for intelligence research specialists and program analysts. The Committee recommends an additional \$2,833,000, 37 positions, and 19 FTE to bring all 26 FIGs to at least the optimal 50 percent staffing level.

#### DETENTION AND REMOVAL—CUSTODY OPERATIONS (BEDS)

Maintaining an adequate number of detention beds is critical to ensuring the integrity of our detention and removal system while at the same time preventing a return to the ill-advised "catch and release" policy. We must ensure that all illegal aliens apprehended are removed from this country as expeditiously as possible. The Committee is pleased to note that in fiscal year 2007, ICE removed a total of 277,182 illegal aliens compared with 177,646 in fiscal year 2005. This clearly demonstrates that the additional resources the Congress has provided above the President's requests for securing our borders is having an impact.

The Congress took the lead and added funding for additional detention beds above the President's request the past 2 fiscal years. This year the President proposes to add 1,000 new detention beds, bringing the total number of beds to 33,000. The Committee recommends a total of \$1,721,268,000, \$74,056,000, 86 positions, and 269 FTE above the fiscal year 2008 enacted level, for Custody Operations, as proposed in the budget. Of this amount, \$46,000,000, 74 positions, and 39 FTE, are associated with the increased level of beds.

Also included in the total amount recommended is an additional \$25,700,000 for 400 additional detention beds and associated positions and costs to support worksite operations. Combined with the beds in the President's request, the Committee funds a total of 33,400 detention beds.

#### DETENTION AND REMOVAL—ALTERNATIVES TO DETENTION

National security and public safety are ICE's first priorities. To that end, ICE detains all illegal aliens who pose a threat to community safety or national security, as well as those required to be

detained under the Nation's immigration laws. The Alternatives to Detention [ATD] program was created to enable ICE to maintain current detention levels and to monitor aliens who are likely to comply, without detention, with immigration proceedings. An excellent example of a population for consideration for the use of ATD is families with children. ATD is composed of two primary programs, electronic monitoring and intensive supervision appearance. The Committee recommends a total of \$62,194,000, 193 positions, and 180 FTE, an increase of \$4,000,000 above the amount requested in the budget, for the ATD program. The Committee encourages ICE to prioritize enrollment of families with children in this program, to continue to use intensive supervision, and directs ICE to brief the Committee semiannually on the program beginning no later than 60 days after the date of enactment of this act.

#### DETENTION AND REMOVAL—TRANSPORTATION AND REMOVAL

Included in the amount recommended by the Committee is \$281,399,000, as proposed in the budget, for all ICE-related transportation and removal activities.

#### DETENTION AND REMOVAL—FUGITIVE OPERATIONS

The National Fugitive Operations Program is responsible for reducing the fugitive alien population in the United States. ICE announced in June 2008 that it estimates that there are approximately 573,000 immigration fugitives in the United States, a decrease of nearly 60,000 since October 2006. ICE works to reduce the population of these fugitives from the law through the use of Fugitive Operations teams. Each team has a goal of 1,000 fugitive alien arrests annually. With the funds added for hiring 29 new teams in fiscal year 2008, combined with the funds requested for this year, all 104 Fugitive Operations teams are expected to be operational and conducting enforcement operations by the end of fiscal year 2009. Included in the amount recommended by the Committee is \$226,477,000, 717 positions, and 760 FTE, an increase of \$1,100,000, 9 positions, and 104 FTE above the fiscal year 2008 enacted level, as proposed in the budget.

#### DETENTION AND REMOVAL—CRIMINAL ALIEN PROGRAM

Included in the amount recommended by the Committee is \$189,069,000, 997 positions, and 981 FTE, an increase of \$2,354,000, 9 positions, and 155 FTE above the fiscal year 2008 enacted level, as proposed in the budget. ICE is funded for 119 Criminal Alien Program teams and in fiscal year 2007 it charged approximately 164,296 aliens in jails and removed approximately 95,000 criminal aliens. This exceeded the previous year's level by 140 percent. With the funds for this program, combined with the additional resources for the new initiative described below, the level of criminal alien removal should increase substantially.

#### DETENTION AND REMOVAL—SECURE COMMUNITIES

In fiscal year 2008, Congress added \$200,000,000 and directed ICE to create a new program to aggressively target incarcerated criminal aliens in all Federal, State, and local jails and prisons.

Given that a nationwide jail/prison reporting system does not yet exist to determine the total number of incarcerated criminal aliens in the United States, ICE extrapolated from various sources and estimated that there are about 300,000 to 450,000 criminal aliens, who are available for removal, detained each year at Federal, State, and local prisons and jails. Using these funds, ICE has developed a strategy that relies on a phased-in, risk-based approach to identify and remove all criminal aliens amenable for removal in jails and prisons across the country based on their perceived threat to the community.

The first targeted group to be identified and then prepared for removal is individuals who have been convicted of major drug offenses and violent offenses such as murder, manslaughter, rape, robbery, and kidnapping. It makes sense that ICE target the “worst of the worst” and ensure that they are removed from the United States. ICE estimates that there are between 94,179 and 115,621 incarcerated illegal aliens who fall into this first priority category. Regrettably, the President’s budget did not request any funds to continue and expand this priority national security program. The Committee recommends \$160,000,000 to continue and expand the program and directs ICE to submit an expenditure plan within 180 days of enactment of this act detailing how these funds will be used to meet the strategic goals laid out in the revised Secure Communities report dated April 8, 2008. The Committee also directs ICE to provide quarterly briefings on progress being made in implementing the Secure Communities program. The first briefing should occur no later than 45 days after the date of enactment of this act.

#### UNACCOMPANIED ALIEN CHILDREN

The Committee understands that the policy regarding the minimum standards for care of unaccompanied alien children is in the clearance process between the Department and the Office of Management and Budget. As these children often suffer from the illegal actions of their parents, it is important that they receive appropriate attention. The Committee directs that these standards, called for in the joint explanatory statement accompanying the Homeland Security Appropriations Act, 2008 (Public Law 110–161), be issued immediately.

The Committee notes that section 462 of the Homeland Security Act of 2002 (Public Law 107–296) transferred to the Office of Refugee Resettlement [ORR] of the Department of Health and Human Services [HHS] “functions under the immigration laws of the United States with respect to the care of unaccompanied alien children that were vested by statute in, or performed by, the Commissioner of Immigration and Naturalization Service (INS).” Section 462 detailed the series of functions which were transferred and mandated that all funds formally expended by INS were also transferred to ORR. Apparently, since the implementation of the law, there has been confusion as to which agency has the responsibility of transferring illegal unaccompanied children to ORR upon their apprehension. ICE and CBP do not have—and nor should they—the capacity to detain these illegal alien children. It is the responsibility of ORR to obtain control of these illegal alien children as

soon as possible. Indeed, the Committee understands that it has been the goal of DHS to ensure the transfer of these illegal alien children to ORR within as soon as 6 hours of their apprehension. Because ORR has claimed it does not have the resources within the HHS budget to take early control of these illegal alien children, ICE has borne the brunt of lawsuits and other forms of condemnation for the detainment and treatment of children which are ORR's responsibility. In fact, the vast majority of these illegal alien children are in the custody of CBP, not ICE.

In the explanatory statement accompanying the Homeland Security Appropriations Act, 2008, the conferees directed ICE not to reimburse ORR for the transportation of these illegal alien children because of the conferees' understanding of a significant increase in the ORR budget. Due to continued misalignment between ICE and ORR, ICE has continued to fund the costs of detaining and then transporting these illegal alien children to ORR during the current fiscal year. The longer it takes ORR to gain custody of these illegal alien the children, the longer they must be detained in less than optimal settings.

The Committee continues to firmly believe that the responsibility of transporting unaccompanied illegal alien children is an ORR responsibility. However, the Committee is aware of, and strongly supports, ongoing discussions between the Department and ORR regarding what is the most cost-efficient method to accomplish this task while also responding to the best interests of these children. In order to fully implement section 462 of Public Law 107-296, the Committee directs the Office of Management and Budget [OMB] to include sufficient funding in the 2010 ORR budget request to assume this transportation requirement and directs the submission of a joint report no later than March 1, 2009 from OMB, DHS, and HHS recommending which agency is the most appropriate agency to fund transportation.

While this responsibility must eventually transition to ORR, in the interim ORR must, at a minimum, respond to DHS agencies' requests for information as to where to send these children, within 6 hours. The Committee directs DHS and ORR to provide semi-annual briefings on progress being made to fully transition this transportation responsibility to ORR. The first briefing shall occur no later than July 11, 2008. The Committee has included language in the bill to ensure that CBP and ICE have the authority to continue to fund the transportation of unaccompanied minor aliens, and expects them to work cooperatively to ensure the most efficient means are used to transport unaccompanied juvenile aliens to ORR custody. The Committee has ensured that sufficient funds are available in the appropriate DHS agency budgets' to accomplish this task.

#### DETAINEE ACCESS TO MEDICAL CARE

The Committee notes that individuals held in Federal custody, even if in this country illegally, must be afforded appropriate access to medical care. Currently ICE detains approximately 31,000 illegal aliens a day. While the number of individuals detained in ICE facilities for immigration violations has increased, the average length of stay in fiscal year 2007 was 36.9 days. The Committee

wants to ensure that this detained population receives the medical care required by law. If ICE needs additional resources, including staff and information technology tracking systems, it must communicate those needs to the Committee. During recent testimony before the Congress, the Government Accountability Office noted that it had recommended that the Department establish improved internal control procedures to help ensure that detainee complaints are properly documented and their disposition recorded. The Committee urges ICE to establish such procedures immediately.

#### DETENTION AND REMOVAL REPORTING

The Committee continues to request ICE to submit a quarterly report to the Committee which compares the number of deportation, exclusion, and removal orders sought and obtained by ICE. The report should be broken down: by district in which the removal order was issued; by type of order (deportation, exclusion, removal, expedited removal, and others); by agency issuing the order; by the number of cases in each category in which ICE has successfully removed the alien; and by the number of cases in each category in which ICE has not removed the alien. The first fiscal year 2009 quarterly report is to be submitted no later than February 15, 2009.

#### SPECIAL INTEREST ALIENS

In fiscal year 2007, CBP arrested 122 people determined to be from “special interest” countries at the Northern border and 297 at the Southern border. However, the Committee has not been provided answers to inquiries regarding their status. The Committee directs the Department to provide a classified briefing on the disposition of these special interest aliens within 45 days after the date of enactment of this act.

#### COMMITTEE RECOMMENDATIONS

The following table summarizes the Committee’s recommendations as compared to the fiscal year 2008 and budget request levels:

#### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—SALARIES AND EXPENSES

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|--|------------------------------------|------------------------------|
| Headquarters Management and Administration:                         |  |                                    |                              |
| Personnel Compensation and Benefits, services and other costs ..... | 168,887                                  | 200,188                            | 202,188                      |
| Headquarters Managed IT investment .....                            | 146,654                                  | 174,348                            | 174,348                      |
| Subtotal, Headquarters Management and Administration ....           | 315,541                                  | 374,536                            | 376,536                      |
| Legal Proceedings .....   | 208,350                                  | 214,332                            | 214,332                      |
| Investigations:   |  |                                    |                              |
| Domestic .....  | 1,422,528                                | 1,474,708                          | 1,514,008                    |
| International .....   | 107,551                                  | 125,141                            | 133,541                      |
| Subtotal, Investigations .....                                      | 1,530,079                                | 1,599,849                          | 1,647,549                    |

## U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—SALARIES AND EXPENSES—Continued

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|--|------------------------------------|------------------------------|
| Intelligence .....  | 52,146                                   | 52,956                             | 55,789                       |
| <b>Detention and Removal Operations:</b>                          |  |                                    |                              |
| Custody Operations .....  | 1,647,212                                | 1,696,495                          | 1,721,268                    |
| Fugitive Operations .....   | 218,945                                  | 226,477                            | 226,477                      |
| Criminal Alien Program .....                                      | 178,829                                  | 189,069                            | 189,069                      |
| Alternatives to Detention .....                                   | 53,889                                   | 55,791                             | 59,791                       |
| Transportation and Removal Program .....                          | 282,526                                  | 281,399                            | 281,399                      |
| Subtotal, Detention and Removal Operations .....                  | 2,381,401                                | 2,449,231                          | 2,478,004                    |
| Comprehensive Identification and Removal of Criminal Aliens ..... | 200,000                                  | .....                              | 160,000                      |
| Total, Salaries and Expenses .....                                | 4,687,517                                | 4,690,904                          | 4,932,210                    |

<sup>1</sup>Includes \$516,400,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

## FEDERAL PROTECTIVE SERVICE

|   |               |
|---|---------------|
| Appropriations, 2008 <sup>1</sup> .....     | \$613,000,000 |
| Budget estimate, 2009 <sup>1</sup> .....    | 616,000,000   |
| Committee recommendation <sup>1</sup> ..... | 640,000,000   |

<sup>1</sup>Fully funded by offsetting collections paid by General Services Administration tenants and credited directly to this appropriation.

The Federal Protective Service [FPS] is responsible for the security and protection of Federal property under the control of the General Services Administration [GSA]; and for the enforcement of laws for the protection of persons and property, the prevention of breaches of peace, and enforcement of any rules and regulations made and promulgated by the GSA Administrator. The FPS authority can also be extended by agreement to any area with a significant Federal interest. The FPS account provides funds for the salaries, benefits, travel, training, and other expenses of the program, offset by collections paid by GSA tenants and credited to the account.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$640,000,000 for salaries and expenses of the Federal Protective Service for fiscal year 2009; this amount is fully offset by collections of security fees. This amount reflects anticipated additional security fee income above the request resulting from requirements contained in the Department of Homeland Security Appropriations Act, 2008, (Public Law 110-161), discussed below.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## FEDERAL PROTECTIVE SERVICE

[In thousands of dollars]

|                      | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|----------------------|-----------------------------|------------------------------------|------------------------------|
| Basic security ..... | 186,673                     | 189,673                            | 213,673                      |

## FEDERAL PROTECTIVE SERVICE—Continued

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Building specific security .....                     | 426,327                     | 426,327                            | 426,327                      |
| Total, Federal Protective Service <sup>1</sup> ..... | 613,000                     | 616,000                            | 640,000                      |

<sup>1</sup> Fully funded by offsetting collections paid by General Services Administration tenants and credited directly to this appropriation.

## FINANCIAL MANAGEMENT

Because FPS suffered from years of neglect after its transfer in 2003 from GSA to ICE, the Congress took legislative steps last year to ensure that FPS regained its traditional role as a protector of Federal buildings and the women and men who work in and visit them. The Department of Homeland Security Appropriations Act, 2008, required the Secretary and the Director of the Office of Management and Budget [OMB] to certify that FPS is sufficiently funded to support a staff of 1,200 employees, including at least 900 Police Officers, Inspectors, Area Commanders, and Special Agents by July 31, 2008. Additionally, the law required the adjustment of security fees charged by FPS to meet this mandate no later than December 31, 2007.

On February 28, 2008, the Committee was notified by the Secretary that fees were being adjusted in order to generate \$15,400,000 in revenue in fiscal year 2008, and an additional \$27,800,000 in fiscal year 2009, to support the hiring and maintaining of these additional employees. The current estimate of additional anticipated fee revenue in fiscal year 2009 is \$24,000,000. On May 21, 2008, the Committee was informed that 145 job offers had been accepted in order to meet the July 31, 2008, deadline of hiring an additional 150 personnel to reach the 900 personnel level.

In February 2008, the Government Accountability Office [GAO] issued preliminary observations on FPS efforts to protect Federal property. GAO found FPS is experiencing difficulties in meeting its mission and is not providing the active patrols to detect and prevent criminal incidents and terrorist attacks before they occur. It noted the elimination of such patrols had a negative effect on the security of Federal buildings, that security countermeasures are not implemented because funding is not available in tenant agency budgets, contract guards are not adequately monitored, and the FPS is attempting to rely on local law enforcement for response to incidents within Federal facilities without the agency's prior agreement or funding. The report also concluded fee revenues have not been sufficient to cover operational costs.

The attacks on the Alfred P. Murrah Federal Building in Oklahoma City in 1995 and the first attack on the World Trade Center in 1993 demonstrate the continued vulnerability of facilities housing Federal employees to terrorist attack. Any change to the FPS mission must be made by the next administration with full insight into and acknowledgement of the traditional FPS mission, its current, semi-transformed state, and its chronic lack of sufficient resources. The GAO report should be an excellent resource in this effort.

The Committee has included bill language maintaining the FPS at the levels mandated in the 2008 law. The Committee further directs the Director of OMB to ensure the level of fees in fiscal year 2010 will maintain the fiscal year 2009 staffing levels.

#### AUTOMATION MODERNIZATION

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$30,700,000 |
| Budget estimate, 2009 .....    | 57,000,000   |
| Committee recommendation ..... | 57,000,000   |

The Automation Modernization account provides funds for major information technology [IT] projects for U.S. Immigration and Customs Enforcement [ICE], including the Atlas Program comprised of eight interrelated project areas for the modernization of the IT infrastructure, modernization of the Traveler Enforcement and Compliance System [TECS], and modernization of Detention and Removal Operations' IT systems for tracking detainees [DRO Modernization].

#### COMMITTEE RECOMMENDATIONS

The Committee recommends \$57,000,000, 14 positions, and 11 FTE, an increase of \$26,300,000, 7 positions, and 4 FTEs above the fiscal year 2008 level, as proposed in the budget. These funds are to remain available until expended. The Committee includes bill language making \$5,000,000 available upon the submission of an expenditure plan.

The Committee recognizes and supports the need for ICE to modernize its outdated and often unreliable systems and information technology infrastructure. It is critical that these systems support law enforcement activities, better deliver the right information to the right people when needed, and improve detainee tracking and management while strengthening financial management and audit practices. Given the large growth in ICE's Automation Modernization account, and the myriad activities now being undertaken, the Committee directs ICE to provide semiannual briefings on the progress being made on these activities. The initial briefing shall occur no later than 60 days after the date of enactment of this act, and should include a detailed description of how the programs are aligned with the Department's Enterprise Architecture, a listing of current and known risks, and the mitigation strategies designed to limit risks.

#### ICE TRAVELER ENFORCEMENT AND COMPLIANCE SYSTEM MODERNIZATION

The Committee was pleased to receive the U.S. Customs and Border Protection [CBP] TECS Modernization Program report on April 17, 2008, as called for in Senate Report 110-84. The report, and subsequent briefings, demonstrates the critical need for upgrading this important law enforcement tool. As TECS is a legacy Customs Service system, it is understandable that CBP has taken the lead in the modernization effort. However, ICE is a major user of this system and must play a primary role in its development. The Committee directs ICE to submit a detailed report of its efforts in support of the modernization program not less than 30 days

after the date of enactment of this act. The report shall include: (1) a description of each project in the modernization program; (2) cost estimates for the complete modernization program; and (3) timelines and milestones for the development and implementation of each project.

CONSTRUCTION

|   |              |
|---|--------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$16,500,000 |
| Budget estimate, 2009 .....             |              |
| Committee recommendation .....          |              |

<sup>1</sup> Includes \$10,500,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

This appropriation provides funding to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, detention, and alien registration.

COMMITTEE RECOMMENDATIONS

The Committee notes that the budget requests no funding for ICE Construction as it is reviewing the possible privatization of the Service Processing Centers which it owns. The Department intends that carryover funds within the no-year Construction account will be used for emergency repairs and alterations. The Committee also notes that not funding this account will have no impact on the ability of ICE to continue to detain illegal aliens at thousands of other locations around the country.

TRANSPORTATION SECURITY ADMINISTRATION

The Transportation Security Administration [TSA] is charged with ensuring security across U.S. transportation systems, including aviation, railways, highways, pipelines, and waterways, and safeguarding the freedom of movement of people and commerce. Separate appropriations are provided for the following activities within TSA: aviation security; surface transportation security; transportation threat assessment and credentialing; transportation security support; and Federal Air Marshals.

COMMITTEE RECOMMENDATIONS

The Committee recommends a total program level of \$6,893,977,000 and a net of \$4,283,977,000 for the activities of TSA for fiscal year 2009.

The Committee notes that the request includes several funding realignments within and, in some cases, between appropriations accounts. The Committee provides only partial approval of these requests. The Committee approves the creation of a new program, project, and activity [PPA] under the “Transportation Security Support” appropriation for TSA-wide human resources activities. Funds for human resources activities were previously funded separately under the “Aviation Security” and “Transportation Security Support” appropriations. The Committee also approves the request to consolidate TSA-wide information technology activities under the “Transportation Security Support” appropriation. These activities were previously funded separately under the “Aviation Security”

and “Transportation Security Support” appropriations. The Committee denies the request to consolidate all law enforcement activities under the “Aviation Security” appropriation. The Committee is sensitive to the disparity in TSA’s budget between aviation and other modes of transportation, and therefore believes it is unwise to merge law enforcement activities for all modes under an appropriation with an aviation focus. The Committee also denies the request to transfer Federal Air Marshals [FAMs] funding from a stand alone appropriation to a PPA under the “Aviation Security” appropriation. The Committee created a separate appropriation for FAMs to prevent the Administration from using critical FAMs appropriations to fund other TSA shortfalls. Finally, the Committee denies the request to merge funding for air cargo activities with other TSA aviation regulatory activities. The Committee intends to maintain complete transparency on air cargo security activities as TSA works to achieve 100 percent screening of air cargo on passenger aircraft, as required by law. Other requested changes to align operational program and personnel funding under the same PPA are detailed in the Committee’s recommendation.

The following table summarizes the Committee’s recommendations as compared to the fiscal year 2008 and budget request levels:

TRANSPORTATION SECURITY ADMINISTRATION—FUNDING SUMMARY

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Aviation Security .....  | 4,808,691                   | <sup>1</sup> 5,289,535             | <sup>2</sup> 4,671,518       |
| Aviation Security Capital Fund (mandatory) .....                                 | 250,000                     | <sup>3</sup> 676,000               | 250,000                      |
| Checkpoint Screening Security Fund (mandatory) .....                             | 250,000                     | ( <sup>4</sup> )                   | .....                        |
| Surface Transportation Security .....  | 46,613                      | <sup>5</sup> 37,000                | 63,506                       |
| Transportation Threat Assessment and Credentialing (direct appropriations) ..... | 82,590                      | 133,018                            | 119,618                      |
| Transportation Threat Assessment and Credentialing (fee funded programs) .....   | 82,601                      | 40,000                             | 40,000                       |
| Transportation Security Support .....  | 523,515                     | <sup>6</sup> 926,000               | 950,235                      |
| Federal Air Marshals .....   | 769,500                     | ( <sup>1</sup> )                   | 799,100                      |
| <b>Total, Transportation Security Administrations (gross) ...</b>                | <b>6,813,510</b>            | <b>7,101,553</b>                   | <b>6,893,977</b>             |
| Offsetting Fee Collections .....   | -2,210,225                  | -2,320,000                         | -2,320,000                   |
| Aviation Security Capital Fund (mandatory) .....                                 | -250,000                    | -676,000                           | -250,000                     |
| Checkpoint Screening Security Fund (mandatory) .....                             | -250,000                    | .....                              | .....                        |
| Fee accounts (TTAC) .....  | -82,601                     | -40,000                            | -40,000                      |
| <b>Total, Transportation Security Administration (net) .....</b>                 | <b>4,020,684</b>            | <b>4,065,553</b>                   | <b>4,283,977</b>             |

<sup>1</sup> \$786,000,000 requested for Federal Air Marshals as a new program, project, and activity (PPA) in “Aviation Security”.

<sup>2</sup> Excludes a rescission of \$7,300,000.

<sup>3</sup> Includes \$250,000,000 from existing mandatory fee collections and an additional \$426,000,000 from a legislative proposal transmitted in conjunction with the budget on February 4, 2008.

<sup>4</sup> Fees deposited in the Airport Checkpoint Security Fund (Section 44940i of title 49) are for fiscal year 2008 only.

<sup>5</sup> Request includes the realignment of \$10,700,000 to “Aviation Security” (law enforcement) for K-9s and Visible Intermodal Protective Response operations.

<sup>6</sup> Includes the realignment of \$182,234,000 (human resources) and \$251,286,000 (information technology) from “Aviation Security”.

AVIATION SECURITY

|                                |                            |
|--------------------------------|----------------------------|
| Appropriations, 2008 .....     | \$4,808,691,000            |
| Budget estimate, 2009 .....    | <sup>1</sup> 5,289,535,000 |
| Committee recommendation ..... | <sup>2</sup> 4,671,518,000 |

<sup>1</sup> \$786,000,000 requested for Federal Air Marshals as a new program, project, and activity [PPA] in “Aviation Security”.

<sup>2</sup> Excludes a rescission of \$7,300,000.

The Transportation Security Administration [TSA] aviation security account provides for Federal aviation security, including screening of all passengers and baggage, deployment of on-site law enforcement, continuation of a uniform set of background requirements for airport and airline personnel, and deployment of explosives detection technology.

The aviation security activities include funding for: Federal transportation security officers [TSOs] and private contract screeners; air cargo security; procurement, installation, and maintenance of explosives detection systems; checkpoint support; and other aviation regulation and enforcement activities.

#### COMMITTEE RECOMMENDATIONS

The Committee recommends \$4,671,518,000 for aviation security, \$618,017,000 below the amount requested and \$137,173,000 below the fiscal year 2008 level.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

#### AVIATION SECURITY [In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Screening Operations .....   | 3,768,489                   | 3,678,287                          | 3,861,710                    |
| Aviation Security Direction and Enforcement .....                      | 1,009,977                   | <sup>1</sup> 825,248               | <sup>1</sup> 809,808         |
| Federal Air Marshals .....   | ( <sup>2</sup> )            | 786,000                            | ( <sup>2</sup> )             |
| Implementing Requirements of the 9/11 Act (Public Law<br>110-53) ..... | 30,000                      | .....                              | <sup>3</sup> [20,000]        |
| Aviation Security Capital Fund (mandatory) .....                       | [250,000]                   | <sup>4</sup> [676,000]             | [250,000]                    |
| Checkpoint Security Screening Fund (mandatory) .....                   | [250,000]                   | .....                              | .....                        |
| Indirect Air Cargo/General Aviation at DCA .....                       | 225                         | [275]                              | [275]                        |
| Subtotal, Aviation Security .....                                      | 4,808,691                   | 5,289,535                          | 4,671,518                    |
| Rescission .....   | .....                       | .....                              | -7,300                       |
| Total, Aviation Security .....   | 4,808,691                   | 5,289,535                          | 4,664,218                    |

<sup>1</sup> Includes the realignment of \$251,286,000 to "Transportation Security Support" (information technology).

<sup>2</sup> Federal Air Marshals funded under a separate appropriation in fiscal year 2008 and maintained as such in fiscal year 2009.

<sup>3</sup> Total funded under individual accounts.

<sup>4</sup> Includes \$250,000,000 from existing mandatory fee collections and an additional \$426,000,000 from a legislative proposal transmitted in conjunction with the budget on February 4, 2008.

#### AVIATION SECURITY FEES

The Congressional Budget Office, in its analysis of the President's budget, has re-estimated collections from existing aviation security fees to be \$2,320,000,000. Of this amount, \$1,872,000,000 will be collected from aviation passengers and \$448,000,000 will be collected from the airlines. The Committee notes that a legislative proposal, submitted by the administration for the consideration of the authorizing committees of jurisdiction and not as a fiscal year 2009 appropriations request, proposes a 4-year increase in the aviation passenger security fee in order to generate an additional \$426,000,000 in fiscal year 2009 (for a total of \$676,000,000) to be deposited in the mandatory Aviation Security Capital Fund for the purchase and installation of explosives detection systems for checked baggage. To date, this proposal has not been acted upon

by the authorizing committees with jurisdiction over this matter. Therefore, the Committee recommendation reflects the amount authorized by law (\$250,000,000) to be deposited in the mandatory Aviation Security Capital Fund in fiscal year 2009.

#### SCREENING OPERATIONS

The Committee recommends \$3,861,710,000 for TSA screening operations, \$183,423,000 above the amount as requested and \$93,221,000 above the fiscal year 2008 level.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

#### SCREENING OPERATIONS

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Privatized screening airports .....  | 143,385                     | 151,272                            | 151,272                      |
| Passenger and baggage screener personnel, compensation and<br>benefits .....   | 2,636,104                   | 2,716,014                          | 2,692,014                    |
| Screener training and other .....  | 223,766                     | 197,318                            | 197,318                      |
| Human resource services .....  | 182,234                     | ( <sup>1</sup> )                   | .....                        |
| Checkpoint support .....   | ( <sup>2</sup> )            | 127,683                            | 200,000                      |
| <b>Explosives Detection Systems/Explosives Trace Detection [EDS/<br/>ETD]:</b> |                             |                                    |                              |
| EDS/ETD purchase and installation .....  | 294,000                     | 153,894                            | 294,000                      |
| Screening technology maintenance and utilities .....                           | 264,000                     | 310,625                            | 305,625                      |
| Operation integration .....  | 25,000                      | 21,481                             | 21,481                       |
| Subtotal, EDS/ETD systems .....  | 583,000                     | 486,000                            | 621,106                      |
| <b>Total, Screening Operations .....</b>                                       | <b>3,768,489</b>            | <b>3,678,287</b>                   | <b>3,861,710</b>             |

<sup>1</sup> Human resources requested under the "Transportation Security Support" appropriation.

<sup>2</sup> \$250,000,000 funded through mandatory fees.

#### PRIVATIZED SCREENING AIRPORTS

The Committee recommends \$151,272,000 for privatized screening airports, the same amount as requested in the budget and \$7,887,000 above the fiscal year 2008 level. Funds are provided to support airports that have screening services performed by qualified vendors. The recommendation includes requested adjustments for: pay inflation; the expanded screener mission for behavior detection, travel document checkers, and aviation direct access screening program; and program efficiency savings. TSA is directed to notify the Committees on Appropriations if TSA expects to spend less than the appropriated amount due to situations where no additional airports express interest in converting, either fully or partially, to privatized screening, or where airports currently using privatized screening convert to using Federal screeners. TSA shall adjust its PPA line items, and notify the Committees on Appropriations within 10 days, to account for any changes in private screening contracts and screener personnel, compensation and benefits to reflect the award of contracts under the screening partnership program, or the movement from privatized screening into Federal screening.

PASSENGER AND BAGGAGE SCREENER PERSONNEL, COMPENSATION  
AND BENEFITS

The Committee recommends \$2,692,014,000 for passenger and baggage screener personnel, compensation, and benefits, \$24,000,000 below the amount requested and \$55,910,000 above the fiscal year 2008 level. Funds are provided to support a full-time equivalent [FTE] screener workforce of 45,643. The recommendation includes requested adjustments for salary related inflation costs and program efficiencies. Based on TSA's consistent carryover in this account, the Committee is unconvinced that the full amount requested for fiscal year 2009 is needed to maintain requested staffing levels. The Committee notes that TSA ended fiscal year 2007 with \$166,135,274 unobligated in this account. Furthermore, TSA informed the Committee that \$24,000,000 in one-time savings has been achieved in fiscal year 2008 due to payroll underburn. Therefore, the Committee recommendation includes a reduction of \$24,000,000 below the request. TSA shall use these achieved savings in fiscal year 2008 for staffing needs in fiscal year 2009. This reduction should have no impact on TSA's ability to meet its requested FTE level in fiscal year 2009.

The Committee denies the request to delete the statutory requirement concerning screening of Federal Government officials.

## SCREENING AIRPORT EMPLOYEES (RESCISSION)

In fiscal year 2008, \$15,000,000 was made available to pilot various methods to screen airport employees at a total of seven airports to be selected by TSA. Based on TSA's spend plan, which was submitted to the Committee on May 6, 2008, only \$7,700,000 is necessary to conduct the pilots as directed by Congress. Therefore, the recommendation includes a rescission of \$7,300,000 from amounts made available in fiscal year 2008 for employee screening pilots.

## SCREENING PASSENGERS BY OBSERVATION TECHNIQUES

The Committee recommendation includes funding for 330 additional FTE for the Screening Passengers by Observation Techniques [SPOT] program, bringing the total number of behavioral detection officers to 2,341 FTE. The intent of the program is for TSOs to observe passengers' behavior, specifically for signs of hostile intent, and pull those passengers aside for additional questioning and screening. According to TSA, at the 63 airports where SPOT is operational, the program has resulted in over 113,000 referrals for further screening, with less than 0.1 percent resulting in some type of an arrest (none known to be related to terrorism). The Committee directs TSA to develop improved performance measures to justify such a large ramp up in FTE. These measures should be included in the fiscal year 2010 congressional budget justification.

## SCREENER TRAINING AND OTHER

The Committee recommends \$197,318,000 for screener training and other, the same amount as requested in the budget and \$26,448,000 below the fiscal year 2008 level. Funds are provided

for training of TSOs and other direct costs associated with TSO operations, such as: consumable supplies; checkpoint janitorial services; travel for the National Deployment Force; uniform allowance; hazardous materials disposal; and a model workforce program. The recommended amount reflects the following shifts in funding to align operational program and personnel funds under the same account: a net of \$8,047,000 and 56 FTE transferred from "Transportation Security Support" (headquarters administration); \$13,000,000 transferred to checkpoint support; \$12,700,000 transferred to "Transportation Security Support" (human capital); and \$338,000 transferred to "Transportation Security Support" (information technology).

#### HUMAN RESOURCE SERVICES

No funding is provided for human resource services within the "Aviation Security" appropriation. The Committee consolidates funds for human resources activities in a new PPA under the Transportation Security Support appropriation, as requested.

#### CHECKPOINT SUPPORT

The Committee recommends \$200,000,000 for checkpoint support, \$72,317,000 above the amount requested. Funds are provided to field test and deploy passenger screening, carry-on baggage screening, checkpoint reconfiguration, and electronic surveillance of checkpoints. The Committee notes that at the request level, deployment of screening technology would decrease by 64 percent as compared to fiscal year 2008. The recommended increase will allow TSA to accelerate the purchase of technologies that can provide significant improvements in threat detection at passenger checkpoints.

The recommended amount also reflects the following shifts in funding to align operational program and personnel funding under the same account: \$13,000,000 transferred from screener training and other; \$3,251,000 and 25 FTE transferred from "Transportation Security Support" (headquarters administration); and \$863,000 and 6 FTE transferred from operations integration.

#### WHOLE BODY IMAGERS

The Committee is fully supportive of emerging technologies at passenger screening checkpoints, including the whole body imaging program currently underway at Category X airports. These technologies provide an increased level of screening for passengers by detecting explosives and other non-metal objects that current checkpoint technologies are not capable of detecting. The Committee directs that funds for whole body imaging continue to be spent by TSA on multiple imaging technologies, including backscatter and millimeter wave. It also encourages TSA to expand this pilot program to additional airports in order to better determine the capabilities of these technologies in a real world environment. The final decision on the operational deployment of a technology should be based on the performance, reliability, cost, and maintainability of the machines. These technologies should only be deployed if appropriate privacy filters have been established.

## EXPLOSIVES DETECTION SYSTEMS

The Committee recommends \$294,000,000 in discretionary appropriations for the purchase and installation of explosives detection systems/explosives trace detection [EDS/ETD] at airports, \$140,106,000 above the amount requested in the budget and the same as the fiscal year 2008 level. An additional \$250,000,000 in mandatory spending will be available for these activities from Aviation Security Capital Fund fee collections.

The Committee notes that TSA is in receipt of over 80 requests totaling \$700,000,000 for airport facility modifications for optimal checked baggage screening solutions. The recommended increase of \$140,106,000 above the request greatly accelerates the ability of TSA to implement these optimal systems.

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 recommended amount also reflects the following shifts in funding to align operational program and personnel funds under the same account: \$9,752,000 and 75 FTE transferred from "Transportation Security Support" (headquarters administration); \$2,590,000 and 18 FTE transferred from operations integration; and \$34,000,000 transferred to screening technology maintenance and utilities.

## EXPENDITURE PLANS FOR EDS/CHECKPOINT TECHNOLOGIES

The Committee includes statutory language under the "Transportation Security Support" appropriation restricting \$30,000,000 from being obligated for headquarters administration until the Secretary submits to the Committee, no later than 60 days after the date of enactment of this act, detailed expenditure plans for checkpoint security and EDS refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2009. The Committee notes that the fiscal year 2008 EDS expenditure plan was submitted 4 months after the statutory requirement and the checkpoint security expenditure plan was submitted over 3 months after the statutory requirement. Delaying funds that will provide significant security benefits for aviation security continues a disturbing trend. The obligation of funds provided in the fiscal year 2007 supplemental appropriations act for EDS have been held up for over a year due to bureaucratic delays at TSA, the Department, and the Office of Management and Budget. The Committee expects TSA to meet legislative timeframes for expenditure plans and avoid unnecessary delays in obligating funds for EDS and checkpoint systems. Additionally, the Committee includes a new requirement for the expenditure plans to be updated quarterly and to include the following new information: specific technologies planned for purchase; project timelines; a schedule for obligation; and a table detailing actual unobligated balances versus anticipated unobligated balances at the close of the fiscal year. The quarterly updates shall also include an explanation for any deviation from the original plan.

The Committee does not include statutory language requested in the budget that would provide TSA with the authority to alter the Federal share of in-line baggage system projects. The proposed leg-

isolation is an authorizing matter and not under the jurisdiction of the Appropriations Committee.

#### SCREENING TECHNOLOGY MAINTENANCE AND UTILITIES

The Committee recommends \$305,625,000 for screening technology maintenance and utilities, an increase of \$41,625,000 from the fiscal year 2008 level and \$5,000,000 below the amount proposed in the budget. The recommendation includes the request to realign \$34,000,000 from the EDS PPA to meet increasing maintenance needs. The increase in maintenance costs reflects TSA's requirements to execute its strategic plan to install checkpoint and EDS/ETD technologies in the Nation's airports. In fiscal year 2009, warranties on a total of 794 EDS and checkpoint machines will expire.

However, due to delays in purchasing equipment associated with funding provided in the fiscal year 2007 supplemental appropriations act and the fiscal year 2008 appropriations act, the overall level of funding required for maintenance is \$9,400,000 below the request. Therefore, the Committee reduces the request by \$5,000,000 and allows up to \$4,400,000 to be used for costs related to the disposal of EDS and ETD equipment no longer in service. According to TSA, over 400 of these units require disposal. The request includes no funds for this purpose.

#### OPERATION INTEGRATION

The Committee recommends \$21,481,000 for operation integration, a decrease of \$3,519,000 below the fiscal year 2008 level and the same amount as requested in the budget. Funds are provided to test, evaluate, and analyze pre-production or production representative systems under realistic conditions, including operation by those who will use the equipment in the field in a variety of environmental conditions. The recommended amount reflects the following changes requested to align operational program and personnel funding under the same PPA: \$863,000 and 6 FTE transferred to checkpoint support; and \$2,590,000 and 18 FTE transferred to EDS.

#### AVIATION SECURITY DIRECTION AND ENFORCEMENT

The Committee recommends \$809,808,000 for aviation direction and enforcement, a decrease of \$200,169,000 from the fiscal year 2008 level and \$15,440,000 below the request.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

#### AVIATION SECURITY DIRECTION AND ENFORCEMENT

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Aviation regulation and other enforcement .....                    | 255,953                     | 1 209,991                          | 250,768                      |
| Airport management, information technology, and support .....      | 651,933                     | 373,010                            | 407,166                      |
| Federal flight deck officer and flight crew training programs .... | 25,091                      | ( <sup>2</sup> )                   | 25,025                       |
| Air cargo security .....   | 73,000                      | ( <sup>3</sup> )                   | 122,849                      |
| Airport perimeter security .....                                   | 4,000                       | .....                              | 4,000                        |

## AVIATION SECURITY DIRECTION AND ENFORCEMENT—Continued

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Law enforcement .....                                    | .....                       | <sup>4</sup> 242,247               | .....                        |
| Total, Aviation Security Direction and Enforcement ..... | 1,009,977                   | 825,248                            | 809,808                      |

<sup>1</sup> Request realigns enforcement funds to a new law enforcement PPA.<sup>2</sup> Requested in a new law enforcement PPA.<sup>3</sup> A total of \$104,849,000 requested in aviation regulation and law enforcement.<sup>4</sup> The request includes the realignment of funds across several TSA accounts.

## AVIATION REGULATION AND OTHER ENFORCEMENT

The Committee recommends \$250,768,000 for aviation regulation and other enforcement, a decrease of \$5,185,000 from the fiscal year 2008 level and \$40,777,000 above the request. Funds are provided for law enforcement and regulatory activities at airports to: ensure compliance with required security measures; respond to security incidents; and provide international support for worldwide security requirements. The recommendation includes requested inflationary, program efficiency, and annualization adjustments. The increase above the request reflects the Committee's decision to deny the request to consolidate funding for air cargo security within this PPA. The Committee intends to maintain complete transparency on air cargo security as TSA works to meet the 9/11 Act requirement to achieve 100 percent screening of air cargo on passenger aircraft by 2010.

The Committee recommendation also includes \$3,500,000 above the request to annualize funding provided in fiscal year 2008 for TSA to positively identify pilots and aircraft in the general aviation domain and enhance its ability to understand the threats and vulnerabilities to general aviation airports, as expressed in section 1617 of the 9/11 Act. In addition, TSA is to use these funds for risk assessments of general aviation airports, as called for in the 9/11 Act. Further, an additional \$1,000,000 is provided for TSA to conduct security reviews and audits of foreign repair stations. This increase is consistent with requirements authorized in section 1616 of the 9/11 Act.

## AIRPORT MANAGEMENT AND SUPPORT

The Committee recommends \$407,166,000 for airport management and support, a decrease of \$244,767,000 from the fiscal year 2008 level and \$34,156,000 above the amount proposed in the budget request. Funds are provided for: the workforce to support 122 TSA Federal security directors, airport rent and furniture; a vehicle fleet; airport parking; transit benefits; and the development and deployment of an electronic time, attendance, and scheduling system. The recommended amount includes the transfer of airport information technology funds, totaling \$251,286,000 and 39 FTE, to "Transportation Security Support" (information technology), thereby consolidating TSA's information technology operating and personnel funds into one account. In addition, the recommended amount reflects the transfer of \$1,300,000 to "Transportation Security Support" (headquarters administration), as requested to consolidate both operating and support funding for the sensitive secu-

city information program. The Committee denies the request to transfer \$28,927,000 from this account to a new law enforcement PPA.

FEDERAL FLIGHT DECK OFFICER AND FLIGHT CREW TRAINING PROGRAMS

The Committee recommends \$25,025,000 for Federal flight deck officer and flight crew training programs, a decrease of \$66,000 from the fiscal year 2008 level. Funds for these programs were requested under a consolidated law enforcement account, which the Committee denies. Funds are provided to deputize qualified airline pilots who volunteer to be Federal law enforcement officers. This program provides initial and recurrent law enforcement training. Funds are also provided for the Crew Member Self-Defense Training program for the purpose of teaching crew members basic self defense concepts and techniques. The Committee denies the request to merge funds for this function within a new law enforcement account.

AIR CARGO SECURITY

The Committee recommends \$122,849,000 for air cargo security activities, an increase of \$49,849,000 from the fiscal year 2008 level and \$18,000,000 above the amount proposed in the budget request under the aviation regulation and law enforcement PPAs. Funds are provided to secure the air cargo supply chain, conveyances, and people.

The Committee denies the request to merge this PPA within the aviation regulation and law enforcement PPAs. The recommendation includes a requested base adjustment of \$49,084,000 to annualize the 150 new air cargo inspectors funded in the fiscal year 2007 supplemental act. The Committee recommendation does not include the \$18,000,000 base reduction included in the request. This reduction would inhibit TSA's ability to meet the 100 percent screening requirement in the 9/11 Act. Therefore, the Committee directs TSA to expand technology pilots to evaluate the effectiveness of cargo screening technologies. The Committee also directs TSA to provide an expenditure plan not later than 60 days after the date of enactment of this act on the allocation of fiscal year 2009 air cargo security funds, including any carryover funds from prior year appropriations. The plan is to include details on efforts to develop new covert testing protocols, data related to cargo strike team augmentation, the location and number of canine team deployments, and specific screening technologies deployed.

CERTIFIED CARGO SCREENING PROGRAM

The Committee notes that TSA's plan to achieve a 100 percent screening mandate is heavily reliant on screening cargo at certified screening facilities throughout the supply chain. TSA has begun to test this screening concept (known as the Certified Cargo Screening Program) at airports with a high concentration of cargo consolidations, but full development, such as ensuring chain of custody, has not been achieved. The Committee directs TSA to brief the Committee, not later than 90 days after the date of enactment of this

act, on specific plans and processes for securing air cargo through the supply chain, including a schedule, milestones, and performance measures for this program.

#### AIR CARGO VULNERABILITY ASSESSMENTS

The fiscal year 2007 appropriations act included funding to complete air cargo vulnerability assessments at all Category X airports. While the Committee is pleased that TSA is adjusting its countermeasures based on the preliminary findings from initial assessments, it is concerned that all assessments will not be completed until the end of fiscal year 2009. In its 2005 report, the Government Accountability Office [GAO] concluded that, without these assessments, "TSA is limited in its ability to identify potential air cargo security vulnerabilities and focus its resources on those areas representing the most critical security needs." Therefore, the Committee expects TSA to avoid unnecessary delays and complete these assessments expeditiously. TSA is to provide an updated briefing to the Committee on its findings by March 3, 2009.

#### AIR CARGO STATISTICS QUARTERLY REPORT

The Committee directs TSA to continue to report quarterly on air cargo screening statistics, to note incremental progress, and any reason for non-compliance. The Committee continues to be concerned with the reliability of the data provided in the quarterly reports. For instance, TSA notes in the report that several air carriers continue to record and submit data based on outdated reporting requirements, some fail to provide data, and others continue to provide inaccurate data. For this reason, the Committee directs TSA to take all possible measures to ensure air carriers are submitting data consistent with current security directives including enforcement action for non-compliance.

#### AIRPORT PERIMETER SECURITY

The Committee recommends \$4,000,000 for airport perimeter security. This is the same as the fiscal year 2008 level and \$4,000,000 more than the budget request.

The Committee continues to be concerned with TSA's lack of emphasis to strengthen the security of commercial airport perimeters. While TSA has made progress to address concerns and recommendations made in the GAO April 2004 report (GAO-04-728), no funds were requested for perimeter security in the fiscal year 2009 budget. In addition, the Committee is concerned that none of the funds provided in fiscal year 2008 for perimeter security have been obligated despite a well documented need. For example, in response to funding made available in prior years for airport perimeter security, TSA received 65 proposals totaling \$64,944,544. The Committee expects TSA to obligate funds provided in fiscal year 2008 expeditiously and includes \$4,000,000 for further pilot projects in fiscal year 2009. The Committee expects these pilots to be competitively awarded.

LAW ENFORCEMENT

The Committee denies the realignment of \$242,247,000 from other budget accounts across all TSA appropriations into a consolidated account for law enforcement activities. The Committee is sensitive to the disparity in TSA’s budget between aviation and other modes of transportation, and therefore believes it is unwise to consolidate funds for law enforcement activities for all transportation modes under an appropriation with an aviation focus.

FEDERAL AIR MARSHALS

The Committee denies the request to merge the Federal Air Marshals [FAMs] appropriation under the “Aviation Security” appropriation. If merged with other aviation security activities, the Committee is concerned the FAMs budget would be used to fund other TSA shortfalls.

IMPLEMENTING REQUIREMENTS OF PUBLIC LAW 110–53 (9/11 ACT)

[In thousands of dollars]

|  | Fiscal year 2008 enacted | Fiscal year 2009 budget request | Committee recommendation <sup>1</sup> |
|--|--------------------------|---------------------------------|---------------------------------------|
| Implementing Requirements of the 9/11 Act .....        | 30,000                   | .....                           | [20,000]                              |
| Total, Implementing Requirements of the 9/11 Act ..... | 30,000                   | .....                           | [20,000]                              |

<sup>1</sup> Funds detailed under individual accounts instead of a centralized account.

IMPLEMENTING REQUIREMENTS OF PUBLIC LAW 110–53 (9/11 ACT)

The Committee is concerned that the President’s budget does not provide the appropriate level of resources to implement requirements of the 9/11 Act, which the President signed into law on August 3, 2007. The Committee recommendation includes a total of \$971,349,000 for activities and requirements authorized in the 9/11 Act, including: \$544,000,000 (discretionary and mandatory funds) for the procurement and installation of explosives detection systems at airports (\$140,106,000 above the request); \$200,000,000 for checkpoint security (\$72,317,000 above the request); \$122,849,000 for air cargo security (\$18,000,000 above the request); \$30,000,000 for Visible Intermodal Protection and Response Teams; and \$54,500,000 for the national explosives detection canine team program. In addition, the Committee recommendation includes \$20,000,000 above the request to implement regulations and other new activities authorized by the 9/11 Act. These funds are detailed under different accounts throughout the report. However, in summary, TSA is to use the funds as follows: continue vulnerability and threat assessments in all transportation modes and establish mitigation plans; conduct security exercises for public transportation, over-the-road bus, and railroad employees; improve security at general aviation airports; establish and implement an information sharing plan for transportation security and an Information Sharing and Analysis Center for transportation security; further the development of a biometric aviation credential; conduct security reviews and audits of foreign repair stations; and hire no less than 50 additional surface transportation security inspectors.

## SURFACE TRANSPORTATION SECURITY

|                                |                         |
|--------------------------------|-------------------------|
| Appropriations, 2008 .....     | \$46,613,000            |
| Budget estimate, 2009 .....    | <sup>1</sup> 37,000,000 |
| Committee recommendation ..... | 63,506,000              |

<sup>1</sup> \$10,700,000 to "Aviation Security" (law enforcement) for K-9s and Visible Intermodal Protective Response operations.

Surface transportation security provides funding for personnel and operational resources to assess the risk of a terrorist attack on non-aviation modes, standards and procedures to address those risks, and to ensure compliance with established regulations and policies.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$63,506,000, for surface transportation security, an increase of \$16,893,000 from the fiscal year 2008 level and \$26,506,000 above the request.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## SURFACE TRANSPORTATION SECURITY

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Staffing and Operations .....                                | 24,485                      | 25,397                             | 33,785                       |
| Surface Transportation Security Inspectors and Canines ..... | 22,128                      | <sup>1</sup> 11,603                | 29,721                       |
| Total, Surface Transportation Security .....                 | 46,613                      | 37,000                             | 63,506                       |

<sup>1</sup> \$10,700,000 proposed for transfer to a new law enforcement PPA.

## SURFACE TRANSPORTATION SECURITY STAFFING AND OPERATIONS

The Committee recommends \$33,785,000 for surface transportation security staffing and operations, an increase of \$9,300,000 from the fiscal year 2008 level and \$8,388,000 above the request. Funds are provided for personnel and operational resources to: assess the risk of a terrorist attack on non-aviation modes; establish standards and procedures to address those risks; and ensure compliance with established regulations and policies. The recommendation includes requested inflationary, base, and programmatic efficiency adjustments. In addition, it includes \$4,400,000 above the request for TSA to continue assessing the vulnerabilities and risk in surface modes and establish mitigation strategies, consistent with requirements authorized in sections 1405, 1511, 1512, 1551, and 1558 of the 9/11 Act. Further, an additional \$3,000,000 above the request is provided for TSA to expand the ability of the multi-modal program to conduct security exercises for public transportation, over-the-road bus, and railroad employees. This increase is consistent with requirements authorized in sections 1407, 1516, and 1533 of the 9/11 Act. Finally, an additional \$1,500,000 above the request is provided for TSA to establish and implement an information sharing plan for transportation security and an Information Sharing and Analysis Center for transportation security. This increase is consistent with requirements authorized in sections 1203 and 1410 of the 9/11 Act.

## SURFACE TRANSPORTATION SECURITY INSPECTORS

The Committee recommends \$29,721,000 for surface transportation security inspectors and canines, an increase of \$7,593,000 from the fiscal year 2008 level and \$18,118,000 from the request.

The Committee recommendation denies the request to realign \$10,700,000 and 75 positions to a new law enforcement account under the "Aviation Security" appropriation. The Committee is sensitive to the disparity in TSA's budget between aviation and other modes of transportation and therefore believes it is unwise to merge law enforcement activities for all modes under an appropriation with an aviation focus.

In addition, the Committee recommendation includes \$5,000,000 above the request for 50 additional Surface Transportation Security Inspectors (STSI), bringing the total STSI workforce to 225. These additional positions will allow TSA to fulfill 9/11 Act mandates, such as: increasing compliance inspections, conducting system security evaluations, threat and vulnerability inspections, and responding to surface transportation security incidents.

## TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$82,590,000 |
| Budget estimate, 2009 .....    | 133,018,000  |
| Committee recommendation ..... | 119,618,000  |

Transportation threat assessment and credentialing includes several TSA credentialing programs: Secure Flight, Crew Vetting, Screening Administration and Operations, Registered Traveler, Transportation Worker Identification Credential, Hazardous Materials Commercial Drivers License Endorsement Program, and Alien Flight School.

## COMMITTEE RECOMMENDATIONS

The Committee recommends a direct appropriation of \$119,618,000 for transportation threat assessment and credentialing, an increase of \$37,028,000 from the fiscal year 2008 level and \$13,400,000 below the request. In addition, an estimated \$40,000,000 in fee collections are available for these activities, as proposed in the budget.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Appropriations:  |                             |                                    |                              |
| Secure Flight .....  | 50,000                      | 82,211                             | 82,211                       |
| Crew Vetting .....   | 14,990                      | .....                              | .....                        |
| Screening Administration and Operations .....                                | 9,500                       | 50,807                             | 37,407                       |
| Transportation Worker Identification Credential (direct appropriation) ..... | 8,100                       | .....                              | .....                        |
| Total Appropriations, Threat Assessment and Credentialing .....              | 82,590                      | 133,018                            | 119,618                      |

## TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING—Continued

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|-----------------------------|------------------------------------|------------------------------|
| Fee accounts:   |                             |                                    |                              |
| Registered Traveler Program .....                                       | 35,101                      | 10,000                             | 10,000                       |
| Transportation Worker Identification Credential .....                   | 26,500                      | 9,000                              | 9,000                        |
| Hazardous Materials .....   | 19,000                      | 18,000                             | 18,000                       |
| Alien Flight School fees <sup>1</sup> .....                             | 2,000                       | 3,000                              | 3,000                        |
| Total Fees, Transportation Threat Assessment and<br>Credentialing ..... | 82,601                      | 40,000                             | 40,000                       |

<sup>1</sup> By transfer from the Department of Justice.

## SECURE FLIGHT

The Committee recommends \$82,211,000 for Secure Flight, \$32,211,000 above the fiscal year 2008 level and the same as the budget request. As mandated by the Intelligence Reform Act, TSA is to assume from air carriers the function of matching passenger information against Government terrorist database information for domestic flights. The Committee is encouraged with TSA's progress to build a more disciplined system, but remains concerned with TSA's ability to fully assume this function from the airlines. The Government Accountability Office [GAO] has stated that TSA has not established reliable benchmarks from which to effectively manage the cost and schedule of the program. If TSA is to meet its schedule for domestic cutover operations by the end of calendar year 2008, critical milestones must be met, such as the publication of a final rule, airline operator readiness, and certification of conditions mandated in the fiscal year 2005 Department of Homeland Security Appropriations Act. The Committee expects that no funds will be obligated for cutover operations until the certification of conditions mandated in section 522(a) of Public Law 108-334 has been completed and GAO confirms that all 10 conditions have been successfully met.

## SCREENING ADMINISTRATION AND OPERATIONS

The Committee recommends \$37,407,000 for screening administration and operations, \$27,907,000 above the fiscal year 2008 level and \$13,400,000 below the budget request. The Committee consolidates the crew vetting program into the screening administration and operations program, as requested.

The Committee recommendation includes \$1,600,000 for TSA to further the development of a biometric aviation credential. Pursuant to section 1614 of the 9/11 Act, TSA is to develop a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints.

The recommendation also includes a program increase of \$15,000,000, instead of \$30,000,000 requested, to enhance the infrastructure necessary to perform mandated vetting operations on populations that require access to critical infrastructure. The Committee notes that increases in vetting requirements have placed a significant amount of stress on TSA's vetting infrastructure, resulting in disconnected and duplicative systems, high system com-

plexity, and lengthy adjudication processes due to manual reviews. TSA’s plans to enhance its vetting infrastructure are still in the early stages and do not include a program of requirements, lifecycle cost estimates, or a timeline for key decisions and milestones. Therefore, the Committee provides half of the requested increase. TSA is to brief the Committee no later than 60 days after the date of enactment of this act on progress made to carry out this initiative.

REGISTERED TRAVELER

The Committee does not continue section 571 of the Department of Homeland Security Appropriations Act, 2008, in light of the Assistant Secretary’s (Transportation Security Administration) determination of March 17, 2008. The Assistant Secretary determined that it would be a threat to civil aviation to permit approved participants of the Registered Traveler [RT] program to satisfy the required identity verification procedures at security screening checkpoints by presenting RT issued cards in lieu of currently required Government-issued photo identification. The Committee notes that TSA is working with the RT community to make it possible to use an enhanced RT card for identity verification at security checkpoints.

TRANSPORTATION SECURITY SUPPORT

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$523,515,000 |
| Budget estimate, 2009 .....    | 926,000,000   |
| Committee recommendation ..... | 950,235,000   |

The transportation security support account supports the operational needs of TSA’s extensive airport/field personnel and infrastructure. Transportation security support includes: headquarters’ personnel, pay, benefits and support; intelligence; mission support centers; human capital services; and information technology support.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$950,235,000 for transportation security support activities, an increase of \$426,720,000 from the fiscal year 2008 level and \$24,235,000 above the budget request. The recommended amount includes the creation of a new program, project, and activity [PPA], requested for human capital services and various realignments between appropriations. In addition, information technology [IT] funds from the “Aviation Security” appropriation are consolidated into one IT PPA in this account.

The following table summarizes the Committee’s recommendations compared to the fiscal year 2008 and budget request levels:

TRANSPORTATION SECURITY SUPPORT—FUNDING SUMMARY

[In thousands of dollars]

|                                   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|-----------------------------------|-----------------------------|------------------------------------|------------------------------|
| Intelligence .....                | 21,000                      | 21,961                             | 21,961                       |
| Headquarters Administration ..... | 293,191                     | 213,135                            | 237,370                      |
| Information Technology .....      | 209,324                     | 472,799                            | 472,799                      |

## TRANSPORTATION SECURITY SUPPORT—FUNDING SUMMARY—Continued

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Human Capital Services .....                 |                             | 218,105                            | 218,105                      |
| Total, Transportation Security Support ..... | 523,515                     | 926,000                            | 950,235                      |

## INTELLIGENCE

The Committee recommends \$21,961,000 for the Office of Intelligence, an increase of \$961,000 from the fiscal year 2008 level and the same level as the budget request. The recommendation includes requested inflationary, base, and programmatic efficiency adjustments. The recommendation does not include the requested realignment of the Special Security Office to a new law enforcement PPA under the “Aviation Security” appropriation.

## HEADQUARTERS ADMINISTRATION

The Committee recommends \$237,370,000 for headquarters administration, a decrease of \$55,821,000 from the fiscal year 2008 level and \$24,235,000 above the request. The recommendation includes requested inflationary, base, and programmatic efficiency adjustments. In addition, it reflects the following shifts in funding to align operational program and personnel funding under the same account: \$33,301,000 and 183 FTE transferred to human capital services; a net of \$8,047,000 and 56 FTE transferred to “Aviation Security” (screener training and other); \$3,251,000 and 25 FTE transferred to “Aviation Security” (checkpoint support); \$9,752,000 and 75 FTE transferred to “Aviation Security” (explosives detection systems); \$11,703,000 and 90 FTE transferred to information technology; \$606,000 transferred to “Transportation Threat and Credentialing” (screening administration operations); and \$1,300,000 transferred from “Aviation Security” (airport management and support).

The Committee includes bill language withholding the obligation of \$30,000,000 for headquarters administration until expenditure plans for explosives detection systems procurement and checkpoint support are provided to the Committee. Requirements for the expenditure plans are detailed in the “Aviation Security” section of this report.

## INFORMATION TECHNOLOGY

The Committee recommends \$472,799,000 for information technology, an increase of \$263,475,000 from the fiscal year 2008 level and the same amount proposed in the budget. This amount consolidates funding from the following accounts, as requested: \$11,703,000 and 90 FTE transferred from headquarters administration; \$251,286,000 and 39 FTE transferred from “Aviation Security” (airport management and support); and \$338,000 transferred from “Aviation Security” (screener training and other).

## HUMAN CAPITAL SERVICES

The Committee recommends \$218,105,000 for human capital services. This amount consolidates funding from the following accounts, as requested: \$182,234,000 transferred from "Aviation Security" (human capital services); \$12,700,000 transferred from "Aviation Security" (screener training and other); and \$33,301,000 and 183 FTE transferred from headquarters administration. In addition, the recommendation includes requested inflationary, base, and programmatic efficiency adjustments.

## COVERT TESTING

The Committee provides \$10,600,000 for covert testing activities, \$4,340,000 above the fiscal year 2008 level and the same as the budget request. This funding will enable enhanced covert testing activities to identify potential vulnerabilities and weaknesses in airports and air cargo facilities, as well as in transit, rail, and ferry systems. TSA is to continue semi-annual briefings on these activities.

## RISK-BASED DECISIONMAKING AND BUDGETING

The Committee recognizes that the Secretary is to develop, consistent with the transportation modal security plans required under section 114(t) of title 49, United States Code, risk-based priorities based on risk assessments conducted or received by the Secretary across all transportation modes that consider threats, vulnerabilities, and consequences. The Committee directs the Secretary to submit a report, no later than 60 days after the date of enactment of this act, that includes: copies of the risk assessments for each transportation mode; a summary that ranks the risks within and across modes; and a description of the risk-based priorities for securing the transportation sector that identifies and prioritizes the greatest security needs of the transportation sector, both across and within modes, in the order that they should be addressed. This report should also describe the underlying methodologies used to assess risks across and within each transportation mode and the basis for any assumptions regarding threats, vulnerabilities, and consequences made in assessing and prioritizing risks within and across modes. The report shall be submitted in classified or unclassified formats, as appropriate. The Committee further directs the Secretary to submit, concurrent with the fiscal year 2010 budget request, supporting documentation that explicitly explains how the comprehensive risk assessments for all transportation modes were used to allocate resources across and within each mode. This documentation should also identify the corresponding allocation of resources being proposed in the budget request (by appropriations account, program, project, and activity) that address these priorities. This annual submission shall be made in classified or unclassified formats, as appropriate.

## VISIBLE INTERMODAL PROTECTIVE RESPONSE TEAMS

The recommendation includes \$30,000,000 for Visible Intermodal Protective Response [VIPR] teams in fiscal year 2009. This amount annualizes the 225 positions and 10 permanent VIPR teams funded

in the fiscal year 2008 appropriation. Instead of consolidating these teams in a new law enforcement account within the “Aviation Security” appropriation, the recommendation maintains funding for VIPR teams within the Surface Transportation and the Federal Air Marshals appropriations, as VIPR teams provide a security presence for all modes of transportation. Prior to fiscal year 2008, VIPR teams were funded out of base resources and were deployed to modes of transportation outside of the aviation environment. The Committee understands that VIPR deployments have begun in all transportation modes, but performance measures have not been fully established to assess the results. Therefore, TSA is to brief the Committee not later than 60 days after the date of enactment of this act on the results of fiscal year 2008 deployments, performance standards established to measure results, and the methodology used to determine the distribution of VIPR resources and personnel among the various modes of transportation.

#### FEDERAL AIR MARSHALS

|                                |                  |
|--------------------------------|------------------|
| Appropriations, 2008 .....     | \$769,500,000    |
| Budget estimate, 2009 .....    | ( <sup>1</sup> ) |
| Committee recommendation ..... | 799,100,000      |

<sup>1</sup> \$786,000,000 for Federal Air Marshal’s requested in “Aviation Security”.

The Federal Air Marshals [FAMs] protect the air transportation system against terrorist threats, sabotage, and other acts of violence. The FAMs account provides funds for the salaries, benefits, travel, training, and other expenses of the program.

#### COMMITTEE RECOMMENDATIONS

The Committee recommends \$799,100,000, an increase of \$29,600,000 from the fiscal year 2008 level and \$13,100,000 above the budget request included in the “Aviation Security” appropriation request for FAMs. The increase above the request is detailed in the classified annex accompanying this report. The Committee denies the request to merge the FAMs appropriation with other law enforcement activities under the “Aviation Security” appropriation. If merged with other law enforcement activities, the Committee is concerned the FAMs budget would be used to fund other TSA shortfalls.

The following table summarizes the Committee’s recommendations as compared to the fiscal year 2008 and budget request levels:

#### FEDERAL AIR MARSHALS

[In thousands of dollars]

|                                     | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|-------------------------------------|-----------------------------|------------------------------------|------------------------------|
| Management and Administration ..... | 674,173                     | .....                              | 708,143                      |
| Travel and Training .....           | 95,327                      | .....                              | 90,957                       |
| Total, Federal Air Marshals .....   | 769,500                     | ( <sup>1</sup> )                   | 799,100                      |

<sup>1</sup> \$786,000,000 for Federal Air Marshals requested in “Aviation Security”.

## RISK MITIGATION

The Committee is aware of efforts by FAMs, in collaboration with the Homeland Security Institute, to develop a new model for measuring risk mitigations through FAMs deployments. FAMs is to brief the Committee not later than 60 days after the date of enactment of this act on this effort.

## COAST GUARD

## SUMMARY

The Coast Guard's primary responsibilities are the enforcement of all applicable Federal laws on the high seas and waters subject to the jurisdiction of the United States; promotion of safety of life and property at sea; assistance to navigation; protection of the marine environment; and maintenance of a state of readiness to function as a specialized service in the Navy in time of war, as authorized by sections 1 and 2 of title 14, United States Code.

The Commandant of the Coast Guard reports directly to the Secretary of the Department of Homeland Security.

## COMMITTEE RECOMMENDATIONS

The Committee recommends a total program level of \$9,216,181,000 for the activities of the Coast Guard for fiscal year 2009.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## COAST GUARD—FUNDING SUMMARY

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Operating Expenses .....                                     | <sup>1</sup> 6,001,347      | 6,213,402                          | 6,280,497                    |
| Environmental Compliance and Restoration .....               | 13,000                      | 12,315                             | 12,315                       |
| Reserve Training .....                                       | 126,883                     | 130,501                            | 130,501                      |
| Acquisition, Construction, and Improvements (A,C,&I) .....   | <sup>2</sup> 1,125,083      | 1,205,118                          | 1,266,818                    |
| Rescissions: A,C,&I .....                                    | - 132,449                   | .....                              | .....                        |
| Subtotal: A,C,&I .....                                       | 992,634                     | 1,205,118                          | 1,266,818                    |
| Alteration of Bridges .....                                  | 16,000                      | .....                              | 16,000                       |
| Research, Development, Test and Evaluation .....             | 25,000                      | 16,000                             | 16,000                       |
| Health Care Fund (Permanent Indefinite Appropriations) ..... | 272,111                     | 257,305                            | 257,305                      |
| Retired Pay (mandatory) .....                                | 1,184,720                   | 1,236,745                          | 1,236,745                    |
| Total, United States Coast Guard .....                       | 8,631,695                   | 9,071,386                          | 9,216,181                    |

<sup>1</sup> Includes the transfer of \$110,000,000 from the Department of Defense (Navy) pursuant to Public Law 110-161 and \$70,300,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

<sup>2</sup> Includes \$95,800,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

The Coast Guard will pay an estimated \$257,305,000 in fiscal year 2009 to the Medicare-Eligible Retiree Health Care Fund for the costs of military, Medicare-eligible health benefits earned by its uniformed service members. The contribution is funded by permanent, indefinite discretionary authority pursuant to the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375).

## OPERATING EXPENSES

|   |                 |
|---|-----------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$6,001,347,000 |
| Budget estimate, 2009 .....             | 6,213,402,000   |
| Committee recommendation .....          | 6,280,497,000   |

<sup>1</sup>Includes the transfer of \$110,000,000 from the Department of Defense (Navy) pursuant to Public Law 110-161 and \$70,300,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

The Operating Expenses appropriation provides funds for the operation and maintenance of multipurpose vessels, aircraft, and shore units strategically located along the coasts and inland waterways of the United States and in selected areas overseas. The program activities of this appropriation fall into the following categories:

*Search and Rescue.*—As one of its earliest and most traditional missions, the Coast Guard maintains a nationwide system of boats, aircraft, cutters, and rescue coordination centers on 24-hour alert.

*Aids to Navigation.*—To help mariners determine their location and avoid accidents, the Coast Guard maintains a network of manned and unmanned aids to navigation along the Nation's coasts and on its inland waterways. In addition, the Coast Guard operates radio stations in the United States and abroad to serve the needs of the armed services and marine and air commerce.

*Marine Safety.*—The Coast Guard ensures compliance with Federal statutes and regulations designed to improve safety in the merchant marine industry and operates a recreational boating safety program.

*Marine Environmental Protection.*—The primary objectives of the marine environmental protection program are to minimize the dangers of marine pollution and to assure the safety of ports and waterways.

*Enforcement of Laws and Treaties.*—The Coast Guard is the principal maritime enforcement agency with regard to Federal laws on the navigable waters of the United States and the high seas, including fisheries, drug smuggling, illegal immigration, and hijacking of vessels.

*Ice Operations.*—In the Arctic and Antarctic, Coast Guard icebreakers escort supply ships, support research activities and Department of Defense operations, survey uncharted waters, and collect scientific data. The Coast Guard also assists commercial vessels through ice-covered waters.

*Defense Readiness.*—During peacetime, the Coast Guard maintains an effective state of military preparedness to operate as a service in the Navy in time of war or national emergency at the direction of the President. As such, the Coast Guard has primary responsibility for the security of ports, waterways, and navigable waters up to 200 miles offshore.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$6,280,497,000 for Coast Guard Operating Expenses, including \$24,500,000 from the Oil Spill Liability Trust Fund and \$340,000,000 for Coast Guard defense-related activities. Of this amount the Committee recommends not to exceed \$20,000 for official reception and representation expenses.

The recommended amount is \$67,095,000 above the request and \$279,150,000 above the fiscal year 2008 level.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## OPERATING EXPENSES

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| <b>Military Pay and Allowances:</b>                              |                             |                                    |                              |
| Military Pay and Allowances—Operations & Support .....           | 2,463,934                   | 2,555,120                          | 2,593,032                    |
| Military Pay and Allowances—Acquisitions .....                   |                             | 35,515                             | 34,923                       |
| Military Health Care .....                                       | 346,765                     | 352,368                            | 356,793                      |
| Permanent Change of Station .....                                | 110,974                     | 133,834                            | 136,643                      |
| Subtotal, Military Pay and Allowances .....                      | 2,921,673                   | 3,076,837                          | 3,121,391                    |
| <b>Civilian Pay and Benefits:</b>                                |                             |                                    |                              |
| Civilian Pay and Benefits—Operations & Support .....             | 594,803                     | 645,321                            | 646,957                      |
| Civilian Pay and Benefits—Acquisitions .....                     |                             | 47,538                             | 44,073                       |
| Subtotal, Civilian Pay and Benefits .....                        | 594,803                     | 692,859                            | 691,030                      |
| <b>Training and Recruiting:</b>                                  |                             |                                    |                              |
| Training and Education .....                                     | 84,622                      | 96,205                             | 98,600                       |
| Recruiting and Training Centers .....                            | 100,982                     | 99,858                             | 100,086                      |
| Subtotal, Training and Recruiting .....                          | 185,604                     | 196,063                            | 198,686                      |
| <b>Operating Funds and Unit Level Maintenance:</b>               |                             |                                    |                              |
| Atlantic Area Command .....                                      | 176,923                     | 175,918                            | 175,963                      |
| Pacific Area Command .....                                       | 198,580                     | 195,957                            | 196,506                      |
| 1st District .....   | 58,573                      | 58,641                             | 59,205                       |
| 5th District .....   | 22,222                      | 21,619                             | 21,909                       |
| 7th District .....   | 77,138                      | 77,258                             | 77,436                       |
| 8th District .....   | 46,126                      | 46,317                             | 47,338                       |
| 9th District .....   | 32,084                      | 31,293                             | 31,607                       |
| 11th District .....  | 17,437                      | 17,185                             | 17,693                       |
| 13th District .....  | 23,230                      | 22,689                             | 22,969                       |
| 14th District .....  | 19,401                      | 19,073                             | 19,134                       |
| 17th District .....  | 31,734                      | 26,107                             | 30,988                       |
| Headquarter Directorates .....                                   | 269,303                     | 320,225                            | 320,991                      |
| Headquarter Managed Units .....                                  | 130,450                     | 156,874                            | 159,354                      |
| Other Activities .....   | 31,680                      | 786                                | 825                          |
| Subtotal, Operating funds and unit level maintenance ..          | 1,134,881                   | 1,169,942                          | 1,181,918                    |
| Centrally-managed accounts .....                                 | 229,896                     | 262,795                            | 267,229                      |
| <b>Intermediate and Depot Level Maintenance</b>                  |                             |                                    |                              |
| Aeronautical .....   | 295,950                     | 310,207                            | 310,207                      |
| Electronic .....   | 118,983                     | 133,116                            | 133,926                      |
| Civil/Ocean Engineering & Shore Facilities .....                 | 171,317                     | 176,124                            | 178,363                      |
| Vessel .....   | 167,940                     | 195,459                            | 197,747                      |
| Subtotal, Intermediate and depot level maintenance .....         | 754,190                     | 814,906                            | 820,243                      |
| Port and maritime security enhancements: .....                   | <sup>1</sup> 70,300         | ( <sup>2</sup> )                   | ( <sup>2</sup> )             |
| Subtotal, Operating Expenses .....                               | 5,891,347                   | 6,213,402                          | 6,280,497                    |
| DOD transfer, fiscal year 2008 supplemental appropriations ..... | 110,000                     |                                    |                              |

OPERATING EXPENSES—Continued  
[In thousands of dollars]

|                                 | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---------------------------------|-----------------------------|------------------------------------|------------------------------|
| Total, Operating Expenses ..... | 6,001,347                   | 6,213,402                          | 6,280,497                    |

<sup>1</sup>Emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>2</sup>Funded in traditional program, project, and activities [PPA].

TRANSFER ASSOCIATED WITH DEEPWATER MANAGEMENT

The Committee approves the request to transfer \$3,859,000 from the Systems Engineering and Integration PPA in the Acquisition, Construction, and Improvements [AC&I] appropriation to the Operating Expenses appropriation for General Services Administration [GSA] rent. This transfer is necessary to move all Government personnel and Government support contractors to one location and is part of the Coast Guard's strategy to shift management and oversight responsibilities from Deepwater contractor to the Coast Guard.

ACQUISITION PERSONNEL

Consistent with the budget request, the Committee transfers \$82,215,000 and 652 FTE from AC&I appropriation to OE appropriation to increase the oversight and ability to manage multiple major acquisition projects. This transfer will improve the stewardship of major systems acquisition, such as the Integrated Deepwater Systems Program. By transferring AC&I funding to OE, personnel can be surged to and from AC&I projects where needed and allow flexibility to match competencies to core requirements.

The Committee recommends \$4,500,000 to hire 65 additional personnel to enhance the Coast Guard's ability to perform the systems integrator role for the Integrated Deepwater Program and to execute traditional acquisition projects. The recommended level is \$4,498,000 below the request. The Committee fully supports the Coast Guard's effort to be the systems integrator for the Integrated Deepwater Program. However, the request included funds for "full-year" FTE, which means the 65 new positions would need to be onboard by October 1, 2008. Given the Coast Guard's 18.5 percent vacancy rate for acquisition personnel, this is an unrealistic proposal. Therefore, the Committee recommendation provides half-year funding for this initiative. The Committee expects the Coast Guard to fully annualize the positions in fiscal year 2010.

LONG RANGE AIDS TO NAVIGATION-C

The Committee denies the request to transfer \$34,500,000 to the National Protection and Programs Directorate [NPPD] for operations and maintenance of Long Range Aids to Navigation [loran] stations. There are no merits in transferring operations and maintenance costs from the Coast Guard to NPPD and then transfer funding back administratively to the Coast Guard to continue operation of loran-C. The Committee has no prejudice with NPPD assuming a dominant role in the development of the Enhanced Long Range Navigation system. NPPD should determine how much it

will need to develop this new system and request resources accordingly.

#### NATIONAL MARITIME CENTER

The Committee recommendation includes \$19,800,000 for the National Maritime Center, the same level included in the budget request.

#### OPERATIONS SYSTEMS CENTER

The recommendation includes \$3,600,000 for customized tenant improvements in conjunction with the Operations Systems Center [OSC] expansion project. The OSC continues to experience steady growth in both the number of systems being developed and the number of people required to support those systems. Currently, 500 Government and contractor personnel work at the OSC. The existing main facility space has been at capacity for 3 years and it will not accommodate expected growth. The Coast Guard is currently housing several employees in temporary trailers. The Coast Guard is working with the GSA on this expansion.

#### USCGC "ACUSHNET"

The Committee does not agree with the budget proposal to decommission the USCGC *Acushnet* after two quarters of operation in fiscal year 2009. Decommissioning this vessel at this time will negatively impact the Coast Guard's ability to patrol the Bering Sea and Aleutian Islands. The total amount recommended by the Committee for OE makes \$7,600,000 available to crew and operate the USCGC *Acushnet* through the end of fiscal year 2009.

#### WATCHSTANDERS

The Committee provides \$9,890,000 to meet increased operational demands and to increase situational awareness and information sharing in all Coast Guard command centers. The recommended level is \$3,600,000 above the request. This level of funding will allow the Coast Guard to add a total of 168 new watchstanders, 67 above the request. As noted in the Incident Specific Preparedness Review of the Cosco Busan Oil Spill in the San Francisco Bay, "the importance of qualified watch standers cannot be overstated." This funding will complete the Coast Guard's goal to provide 24/7 staffing of a situation unit controller position in sector command centers, a combined situation unit controller/common operating picture manager in district command centers, and support billets at the Coast Guard Command and Control Center.

#### AREA CONTINGENCY PLANS

The Committee is concerned that regional planning efforts dealing with maritime emergencies and oil spills are not up to date. Therefore, the Committee directs the Secretary, in conjunction with the Commandant, to conduct a review of all Area Contingency Plans [ACP] within 90 days after the date of enactment of this act to ensure that each plan provides for an effective and efficient response. In conducting this review, the Secretary shall assess: the number and quality of emergency and oil spill response assets; the

accessibility and strategic placement of emergency and oil response assets; procedures for the designation of an Incident Command Post [ICP] and the strategic pre-placement of necessary resources for the ICP; specific procedures for response efforts during hazardous weather conditions, including low visibility; the extent to which local governments and interest groups participate in the development of the ACP; the extent to which ACP stakeholders are regularly notified of changes and updates to the plan; and the prioritization of response efforts in sensitive environmental areas. Upon conclusion of this study, the Secretary shall report the findings to the Committee.

#### PORT SECURITY PRESENCE

The Committee continues to be concerned that the Coast Guard lacks the necessary resources to meet port security requirements, such as waterborne security patrols, high-interest vessel boardings and escorts, and enforcement of waterside security zones. According to the Coast Guard, resource constraints make it difficult to meet critical infrastructure protection requirements under the Maritime Transportation Security Act. Fiscal year 2007 performance data included in the budget request shows that the Coast Guard was unable to make required checks on critical infrastructure 33 percent of the time, primarily due to a shortfall of boats, crews, and training. Further, according to the Coast Guard, 48 of the 55 militarily and economically strategic ports were not able to meet all port security requirements defined under Operation Neptune Shield, such as security patrols, vessel boardings and escorts, and military outload support. Despite these gaps, the budget request includes a \$14,992,000 reduction for port presence and coastal security. The Committee denies the reduction. The Coast Guard is to use these funds to add 170 billets for marine inspectors and boat crew personnel to conduct armed boat escorts, security boardings, and terminal inspections of Certain Dangerous Cargoes transport and delivery.

#### INCREASED OPERATIONAL HOURS FOR COASTAL PATROL BOATS

The Coast Guard continues to face a significant gap in patrol boat hours that has been created by the decommissioning of eight 123 foot cutters, delays in replacing aging 110 foot patrol boats, and a significant increase in mission requirements. The Committee has gone to great lengths to mitigate this patrol gap by accelerating funding for the fast response cutter [FRC-B], purchasing four additional coastal patrol boats [CPB], and funding a short-term multi-crewing initiative to increase operational hours. The Committee expands on these efforts by providing \$8,300,000 and 91 full-time positions to increase the operational hours of the 87 foot CPB fleet from 1,800 to 2,000 hours annually. This increase will provide an additional 13,000 CPB annual hours, allowing the more capable 110 foot patrol boats to focus on missions requiring higher operational tempo until the initial FRC-B's are ready for mission activities in 2012. The Coast Guard is directed to brief the Committee on the results of this effort 6 months after it is put into operation.

## ENERGY FUNDING SHORTFALL

The Committee notes that the Coast Guard faces a significant shortfall in energy funds for fiscal year 2009. Current crude oil prices are over 46 percent higher than estimated at the time of the President's budget request. The Coast Guard is now projecting an energy funding shortfall of over \$110,000,000 for fiscal year 2009. This increase will have a considerable impact on Coast Guard operations, as the energy account pays for all aircraft, cutter and shore side fuel oil, electricity, and natural gas. The Committee encourages the administration to submit a budget amendment to adequately fund Coast Guard energy costs for fiscal year 2009. The Coast Guard is directed to brief the Committee by July 25, 2008, on plans to address the projected shortfall.

## WORKFORCE ACTION PLAN

The Committee is concerned that the Coast Guard's limited workforce has impacted its ability to fully accomplish its mission. The Coast Guard workforce is approximately the same size today as it was at the end of fiscal year 1975. However, mission responsibilities today are exponentially greater. For instance, over the last 10 years, the number of Coast Guard marine inspectors decreased by 1 percent while foreign vessel arrivals increased by 61 percent. The amount of global maritime cargo has tripled in the past 10 years, and seaborne trade through U.S. ports is expected to double by 2024. Mission hours Coast Guard-wide have grown 34 percent since fiscal year 2001. Yet, the Coast Guard has been unable to address the full scope of the staffing shortage because it has not completed the necessary human resource requirements analysis to fully understand its staffing needs. Therefore, the Committee directs the Commandant to develop a workforce action plan to include: the staffing levels necessary for active duty and reserve military members, as well as for civilian employees to carry out all Coast Guard missions, including gaps in the Coast Guard workforce as of the date of enactment of this act; type of personnel necessary to fill gaps; a plan, including funding, milestones, and a timeline for addressing personnel gaps for each category of employee; specific strategies for recruiting individuals for hard-to-fill positions; and any additional authorities and resources necessary to address staffing requirements.

## FINANCIAL MANAGEMENT WEAKNESSES

The Committee is concerned with the lack of progress made by the Coast Guard to address financial management weaknesses. According to the 2007 independent auditors' report of DHS' financial systems, the Coast Guard has been unable to correct known weaknesses preventing accurate, complete, and timely financial information. These weaknesses have greatly contributed to the auditors' inability to provide an opinion on the Department's balance sheets.

While a corrective action plan has been developed by the Coast Guard, the Chief Financial Officer [CFO] has noted several areas where Coast Guard corrective actions need improvement. The Committee directs the Coast Guard, in collaboration with the CFO, to brief the Committee by April 1, 2009, on the development of an

audit readiness plan to attain a clean audit and a strategy to accelerate the remediation of gaps in the Coast Guard's core accounting systems. The plan should detail the resources, including staffing, necessary to fully implement the strategy, and the benefits of accelerating the Coast Guard financial system migration to the DHS Transformation and Systems Consolidation baseline. The Committee also directs the Coast Guard to incorporate the National Academy of Public Administration's independent assessment of its financial management organization into the workforce action plan discussed earlier in this report.

#### POLAR ICEBREAKERS

The Committee reiterates its concern with the Coast Guard's ability to meet its current and projected polar operations responsibilities. According to correspondence from the Commandant on May 23, 2008, the Coast Guard will submit a report on polar mission requirements no later than August 31, 2008. The Committee expects this report to address the concerns detailed in the explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2008. The Committee also expects all costs to operate the polar icebreakers for National Science Foundation [NSF] research, including unanticipated maintenance, will be reimbursed by NSF. However, the Committee notes that the NSF budget request states, "Effective with the fiscal year 2009 budget, NSF will no longer provide funds to maintain the USCGC *Polar Star* in caretaker status because NSF does not envision current or future use of this vessel in support of its mission." Due to the changing environmental conditions and increased activity in the polar regions, as well as the Coast Guard's multi-mission responsibilities in the polar regions that are not science related, the Committee includes statutory language making an additional \$4,000,000 available to maintain the USCGC *Polar Star* in caretaker status. The Committee also notes that the forthcoming report on Coast Guard polar mission requirements will address the sustainability of the current operations and maintenance cost sharing arrangement between the Coast Guard and the NSF to support both current and projected polar icebreaker operations.

#### COAST GUARD YARD

The Committee recognizes the Coast Guard Yard at Curtis Bay, Maryland, is a critical component of the Coast Guard's core logistics capability which directly supports fleet readiness. The Committee further recognizes the yard has been a vital part of the Coast Guard's readiness and infrastructure for more than 100 years and believes that sufficient industrial work should be assigned to the yard to maintain this capability.

The Committee directs the Commandant to submit a report detailing the projected workload for the current calendar year and each of the subsequent 5 calendar years at the Coast Guard Yard at Curtis Bay, Maryland, and the total full-time equivalents [FTE] dedicated to meet that workload. The report shall: (1) detail work projects to be undertaken during the current calendar year and during each of the next 5 calendar years as part of the Mission Effectiveness Program [MEP] and projects projected to be undertaken

that are not associated with the MEP; (2) identify the number of regular full-time employees, term employees, and employees in any other classification that are projected to be employed in any capacity at the yard in each such calendar year; (3) specify how many of the employees in any capacity that are expected to be employed at the yard in each such year are expected to be uniform members of the Coast Guard and how many are expected to be civilians; (4) identify how many employees in any capacity (whether uniform or civilian) are projected to be assigned in each such calendar year to each of overhead positions, engineering positions, waterfront support positions, and waterfront trade positions to meet projected workloads in that year; (5) identify the amount of overtime in each of overhead positions, engineering positions, waterfront support positions, and waterfront trade positions that will be required to meet the projected workload in each such calendar year; (6) identify the number of trades training students that are projected to be trained at the yard in each such calendar year; and (7) address whether the FTE ceiling in place for the yard is sufficient to allow all work projects scheduled for the current calendar year to be completed on schedule, and what level of FTE is likely to be required in each of the subsequent 5 calendar years to allow completion on schedule of the projected workload in each of those years. The Commandant is to submit the report within 6 months after the date of enactment of this act.

MARINE VESSEL AND COLD WATER SAFETY EDUCATION

The Committee encourages the Coast Guard to continue existing cooperative agreements and partnerships with organizations that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

QUARTERLY ACQUISITION AND MISSION EMPHASIS REPORTS

The Commandant is directed to continue to submit the quarterly acquisition and mission emphasis reports to the Committee consistent with the deadlines articulated under section 360 of division I of Public Law 108–7, and the joint explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2008.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$13,000,000 |
| Budget estimate, 2009 .....    | 12,315,000   |
| Committee recommendation ..... | 12,315,000   |

The Environmental Compliance and Restoration account provides funds to address environmental problems at former and current Coast Guard units as required by applicable Federal, State, and local environmental laws and regulations. Planned expenditures for these funds include major upgrades to petroleum and regulated-substance storage tanks, restoration of contaminated ground water and soils, remediation efforts at hazardous substance disposal sites, and initial site surveys and actions necessary to bring Coast Guard shore facilities and vessels into compliance with environmental laws and regulations.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$12,315,000 for environmental compliance and restoration, \$685,000 below the fiscal year 2008 level and the same as in the budget request.

## RESERVE TRAINING

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$126,883,000 |
| Budget estimate, 2009 .....    | 130,501,000   |
| Committee recommendation ..... | 130,501,000   |

The Reserve Training program provides trained units and qualified persons for active duty in the Coast Guard in time of war or national emergency, or at such other times as national security requires. Coast Guard reservists must also train for mobilization assignments unique to the Coast Guard in time of war, such as port security operations associated with the Coast Guard's Maritime Defense Zone mission, including deployable port security units.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$130,501,000, as proposed in the budget, for Reserve Training. This is \$3,618,000 more than the fiscal year 2008 level.

## ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

|   |                 |
|---|-----------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$1,125,083,000 |
| Budget estimate, 2009 .....             | 1,205,118,000   |
| Committee recommendation .....          | 1,266,818,000   |

<sup>1</sup> Includes \$95,800,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161). Excludes \$132,449,000 in rescissions pursuant to Public Law 110-161.

Funding in this account supports Coast Guard plans for fleet expansion and improvement. This funding provides for the acquisition, construction, and improvement of vessels, aircraft, information management resources, shore facilities, and aids to navigation required to execute the Coast Guard's missions and achieve its performance goals.

*Vessels.*—The Coast Guard continues to acquire multi-mission platforms that use advanced technology to reduce life-cycle operating costs.

*Integrated Deepwater Systems (Deepwater).*—The Deepwater capability replacement project is a multi-year, performance-based acquisition that will replace or modernize the major Coast Guard cutters, offshore patrol boats, fixed wing aircraft, multi-missioned helicopters, and the communications equipment, sensors, and logistics systems required to maintain and operate them.

*Other Equipment.*—The Coast Guard invests in numerous management information and decision support systems that will result in increased efficiencies, including Rescue 21, formerly the National Distress and Response System Modernization Project, and the Nationwide Automated Identification System.

*Shore Facilities.*—The Coast Guard invests in modern structures that are more energy-efficient, comply with regulatory codes, minimize follow-on maintenance requirements, and replace existing dilapidated structures.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$1,266,818,000 for acquisitions, construction, and improvements, including \$20,000,000 from the Oil Spill Liability Trust Fund. As requested in the budget, the Committee recommends \$82,215,000 for personnel and related support to the “Operating Expenses” [OE] account instead of the “Acquisition, Construction, and Improvements” [AC&I] account.

The recommendation also includes the transfer of \$3,859,000 from the Systems Engineering and Integration PPA under Integrated Deepwater Systems to OE as requested.

The following table summarizes the Committee’s recommendations as compared to the fiscal year 2008 and budget request levels:

## ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request <sup>2</sup> | Committee<br>recommendations |
|---|--|---|------------------------------|
| <b>Vessels:</b>                                   |  |   |                              |
| Response Boat—Medium .....                        | 45,000                                   | 64,000  | 108,000                      |
| Inland River Tender Replacement .....             |  | 5,000   | 5,000                        |
| Subtotal, Vessels .....                           | 45,000                                   | 69,000  | 113,000                      |
| <b>Integrated Deepwater System:</b>               |  |   |                              |
| <b>Aircraft:</b>                                  |  |   |                              |
| Maritime Patrol Craft .....                       | 170,016                                  | 86,600  | 86,600                       |
| Unmanned Aircraft Systems .....                   |  | 3,000   | 3,000                        |
| HH-60 conversion .....                            | 57,300                                   | 52,700  | 52,700                       |
| HC-130H conversion/sustainment .....              | 18,900                                   | 24,500  | 24,500                       |
| HH-65 conversion/sustainment .....                | 50,800                                   | 64,500  | 64,500                       |
| Armed Helicopter equipment .....                  | 24,600                                   |   |                              |
| HC-130J fleet introduction .....                  | 5,800                                    |   | 23,700                       |
| Subtotal, Aircraft .....                          | 327,416                                  | 231,300   | 255,000                      |
| <b>Surface:</b>                                   |  |   |                              |
| National Security Cutter .....                    | 165,700                                  | 353,700   | 353,700                      |
| Offshore patrol cutter .....                      |  | 3,003   | 3,003                        |
| Replacement patrol boat (FRC-B) .....             |  | 115,300   | 115,300                      |
| IDS Small boats .....                             | 2,700                                    | 2,400   | 2,400                        |
| Patrol boats sustainment .....                    | 40,500                                   | 30,800  | 30,800                       |
| Medium Endurance Cutter sustainment .....         | 34,500                                   | 35,500  | 35,500                       |
| Subtotal, Surface .....                           | 243,400                                  | 540,703   | 540,703                      |
| Technology Obsolescence Prevention .....          | 700                                      | 1,500   | 1,500                        |
| C4ISR .....                                       | 89,630                                   | 88,100  | 88,100                       |
| Logistics .....                                   | 36,500                                   | 37,700  | 37,700                       |
| Systems engineering and integration .....         | 35,145                                   | 33,141  | 33,141                       |
| Government program management .....               | 50,475                                   | 58,000  | 58,000                       |
| Subtotal, Integrated Deepwater System .....       | 783,266                                  | 990,444   | 1,014,144                    |
| <b>Other Equipment:</b>                           |  |   |                              |
| Nationwide Automatic Identification System .....  | 12,000                                   | 14,600  | 8,600                        |
| Defense Messaging System .....                    | 5,000                                    | 4,074   | 4,074                        |
| Rescue 21 .....                                   | 80,300                                   | 73,000  | 73,000                       |
| High Frequency [HF] Recapitalization .....        | 2,500                                    | 2,500   | 2,500                        |
| National Capital Region Air Defense .....         | 11,500                                   |   |                              |
| Maritime Security Response Team Shoot House ..... | 1,800                                    |   |                              |
| Interagency Operations Centers .....              | 60,000                                   |   |                              |

## ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS—Continued

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request <sup>2</sup> | Committee<br>recommendations |
|--|--|---|------------------------------|
| Command 21 .....   |  | 1,000   | 1,000                        |
| Subtotal, Other Equipment .....  | 173,100                                  | 95,174  | 89,174                       |
| Shore Facilities and Aids to Navigation:                                   |  |   |                              |
| Survey and Design—Shore and Operational Support .....                      | 1,337                                    | 2,050   | 2,050                        |
| Coast Guard Telecoms and Information Systems Center—<br>TSD Building ..... |  | 2,500   | 2,500                        |
| Coast Guard Air Station Cape Cod—Runway Lighting .....                     |  | 5,000   | 5,000                        |
| Sector Delaware Bay—Consolidate Cape May Station .....                     |  | 13,000  | 13,000                       |
| Coast Guard Housing—Cordova, Alaska .....                                  | 7,380                                    | 11,600  | 11,600                       |
| Coast Guard Academy—Chase Hall .....                                       |  | 10,300  | 10,300                       |
| Station Montauk—Purchase Housing .....                                     |  | 1,550   | 1,550                        |
| Waterways ATON Infrastructure .....  | 2,500                                    | 4,000   | 4,000                        |
| Sector Buffalo .....   | 3,100                                    |   |                              |
| Rebuild Station & Waterfront at Base Galveston Phase I ...                 | 5,200                                    |   |                              |
| Rebuild Station Marquette .....  | 6,000                                    |   |                              |
| Rescue Swimmer Training Facility .....                                     | 13,300                                   |   |                              |
| Construct Berthing & Boat Maintenance Bay at Station<br>Washington .....   | 2,180                                    |   |                              |
| Subtotal, Shore Facilities and Aids to Navigation .....                    | 40,997                                   | 50,000  | 50,000                       |
| Personnel and Related Support:   |  |   |                              |
| Direct personnel costs .....   | 82,215                                   |   |                              |
| AC&I core .....  | 505                                      | 500   | 500                          |
| Subtotal, Personnel and Related Support .....                              | 82,720                                   | 500   | 500                          |
| Subtotal, Acquisitions, Construction, and Improve-<br>ments .....          | 1,125,083                                | 1,205,118                                       | 1,266,818                    |
| Rescissions:   |  |   |                              |
| UAV Unobligated balances .....   | – 33,822                                 |   |                              |
| OPC Unobligated balances .....   | – 98,627                                 |   |                              |
| Total, Acquisitions, Construction, and Improvements .....                  | 992,634                                  | 1,205,118                                       | 1,266,818                    |

<sup>1</sup> Includes \$95,800,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>2</sup> \$82,215,000 for personnel and related support is provided in the “Operating Expenses” account as requested.

## RESPONSE BOAT—MEDIUM

The Committee recommends \$108,000,000 for the response boat-medium [RB–M], \$63,000,000 above the fiscal year 2008 level and \$44,000,000 above the level proposed in the budget. Funding at this level will allow the Coast Guard to purchase 36 RB–Ms in fiscal year 2009, 22 above the request. The RB–M is a critical asset for the Coast Guard to replace aging 41 foot Utility Boats acquired in the early 1970’s and will serve as a platform for boardings, search and rescues, and port security. Recent studies have identified the lack of response boats as an impediment to fully implementing the Coast Guard’s mission requirements.

## DEEPWATER FUNDING

The Committee recommends \$1,014,144,000 for Deepwater, \$23,700,000 above the amount requested and \$230,878,000 above

the fiscal year 2008 level. Details of major procurements under this program and changes to the request are provided below.

#### MARITIME PATROL AIRCRAFT

The recommendation includes \$86,600,000 for the Maritime Patrol Aircraft, the same as the level requested in the budget. This funding will allow the Coast Guard to acquire two aircraft (13 and 14), mission systems, logistics and spare parts. Once fully missionized, these aircraft will provide 2,400 annual maritime patrol hours.

#### NATIONAL SECURITY CUTTER

The recommendation includes \$353,700,000 for the National Security Cutter [NSC], the same as the budget request. Of this amount, \$346,600,000 is for the production of NSC #4 and \$7,100,000 is for the structural retrofit of NSC #1. On May 8, 2008, the first NSC was accepted by the Coast Guard. NSC #1 has now entered a 22–24 month operation, test, and evaluation period. The Coast Guard has highlighted Information Assurance as a significant risk category. For example, the Coast Guard must meet TEMPEST certification to prevent unintended information emanation, and in order to process classified information. This certification has not occurred. The Coast Guard is to keep the Committee updated on progress made to resolve ongoing information assurance issues, including TEMPEST certification, in addition to the status of critical decision points and dates for all NSC's.

The Committee strongly supports the procurement of one National Security Cutter per year until all eight planned ships are procured. The continuation of production without a break will ensure that these ships, which are vital to the Coast Guard's mission, are procured at the lowest cost and that they enter the Coast Guard fleet as soon as possible.

#### REPLACEMENT PATROL BOAT

The recommendation includes \$115,300,000 for the Coast Guard's replacement patrol boat known as the "Fast Response Cutter" [FRC-B]. Of this amount, \$94,000,000 is for production of FRC-B #3 and #4 and \$21,300,000 is for logistics (spares, program management, and crew training). The FRC-B program is critical for the Coast Guard to close the Coast Guard's patrol boat hours gap, which is approximately 100,000 hours below the desired level. The first FRC-B is scheduled for delivery during the fourth quarter of 2010 and will be ready for mission status in 2012. The Committee directs the Coast Guard to provide quarterly briefings on the status of this procurement, including critical decision points and dates, planned service life extensions of the existing 110 foot patrol boats, and patrol boat operational metrics.

#### MISSION EFFECTIVENESS PROJECT

The recommendation includes \$66,300,000 for the Mission Effectiveness Project, the same as the budget request. Of this amount, \$35,500,000 is for sustainment of two 270 feet and three 210 feet medium endurance cutters, and \$30,800,000 is for sustainment of

three 110 foot legacy patrol boats. This funding will allow the Coast Guard to extend the operational life of critical legacy cutters until Deepwater assets become available for missions.

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

The Committee recommends \$23,700,000 to complete the missionization of aircraft 4 through 6, to include radars, sensors, identification systems, displays, antennas, and a mission operator's station. The request included no funding for this program. In November 2007, the Coast Guard reported the missionization project for the six C-130J's in inventory exceeded the estimated cost to complete by 15 to 20 percent, resulting in the missionization of only aircraft 1 through 3. While the Committee remains concerned with the program's price escalation, missionizing aircraft 4 through 6 is critical to closing the shortfall of maritime patrol resource hours, which is nearly 50 percent below its resource hour needs.

#### DEEPWATER EXPENDITURE PLAN

The Committee requires the Coast Guard to submit an expenditure plan for Deepwater that contains the following: lifecycle staffing and training needs; identification of procurement competition and procurement plans that do not rely on a single entity or contract and contain only limited indefinite delivery, indefinite quantity contracts; activities, milestones, yearly costs, and lifecycle costs of each major asset, including independent cost estimates; DHS Chief Human Capital Officer certification of sufficient human capital capabilities; identification of project balances by fiscal year and operational gaps for each asset; DHS Chief Procurement Officer [CPO] certification of investment management process compliance; DHS CPO certification of compliance with Federal acquisition rules and actions taken to address areas of noncompliance; status of open Inspector General and Government Accountability Office [GAO] recommendations; and identification of the use of the Defense Contract Auditing Agency. GAO is directed to continue oversight of the Deepwater program, with focus on review of the expenditure plan and assessment of the operational gaps identified by the Coast Guard and the Coast Guard's plans to address these gaps. The Coast Guard is directed to brief the Committee on the process it will use to resolve deviations from specified contract requirements and to promptly notify the Committee of specific procurement contract deviations.

#### INTERAGENCY OPERATIONS CENTERS

The Committee notes that the expenditure plan for interagency operations centers submitted to the Committee on March 30, 2008, lacked critical details on the development of Command 21, provided limited information on cost estimates and timelines for infrastructure upgrades at selected sector commands, and did not provide a schedule for deployment of information management software. The Committee directs the Coast Guard to provide quarterly briefings on the status and development of interagency operations centers. The first briefing shall include a detailed explanation of how the operational requirements for the Watchkeeper information tech-

nology system were developed and validated, how the system is being coordinated with existing Coast Guard and U.S. Customs and Border Protection systems, and how the Coast Guard has incorporated lessons learned from existing pilot technologies. In addition, the quarterly report on acquisitions shall include the status of interagency operations centers.

#### DEEPWATER HUMAN CAPITAL

In accordance with section 6402 of the fiscal year 2007 Supplemental Appropriations Act (Public Law 110–28), the Coast Guard submitted a report on the resources (including training, staff, and expertise) required to provide appropriate management and oversight of the Integrated Deepwater Systems program. The report provided limited insight into the Coast Guard’s human capital requirements, except to say that a workforce resource plan was being developed that provides the framework for assessing current and future workforce needs. Given the challenges this program has experienced and the Coast Guard’s intention to assume the role of system integrator for all Deepwater assets, the Committee is concerned with the lack of progress made in developing workforce estimates. The Coast Guard is to brief the Committee by July 31, 2008, detailing the results of its workforce forecasting process and plans to fill staffing shortfalls that will ensure a capable and productive acquisition workforce now and in the future.

#### RESCUE 21

The Committee provides \$73,000,000 for Rescue 21, the same as the budget request level. The Committee remains concerned with the status of the Rescue 21 program. As noted in the most recent Coast Guard quarterly acquisition report, program costs and schedule are “red” for “significant risk”, which is defined as “[m]ajor problems requiring management attention.” The Coast Guard’s recent revision to the Rescue 21 Acquisition Program Baseline revealed that the overall acquisition cost is now estimated to be \$1,066,000,000, an increase of \$336,000,000. In addition, the schedule to complete the program has been extended by 6 years from 2011 to 2017.

The acquisition report noted problems with “obtaining tower leases, environmental concerns, FAA restrictions, wetland delineation, and structural integrity issues.” As a result, the Coast Guard has been delayed in fielding Rescue 21 technology at certain sites. The report also raises concerns with network reliability, although the Rescue 21 system experiences substantially less outage time than the legacy system. The Coast Guard is directed to continue quarterly briefings on the status of the program, including plans for backup communications systems to address availability concerns.

#### NATIONWIDE AUTOMATIC IDENTIFICATION SYSTEM

The Committee provides \$8,600,000, \$6,000,000 below the budget request, for the Nationwide Automatic Identification System [NAIS]. The reduction from the request is due to delays in achieving initial operating capability for increment 2 of NAIS. According

to information included in the most recent quarterly acquisition report, increment 2 is more likely to be achieved by the fourth quarter of 2010, a full year later than the schedule detailed in the budget request. The Coast Guard has consistently carried over larger balances than projected for this program, and as of March 31, 2008, over \$37,000,000 remained unobligated. The Committee has little confidence the requested amount will be fully obligated in fiscal year 2009 and therefore reduces the request by \$6,000,000.

COAST GUARD ACADEMY PIER FOR USCGC “EAGLE”

The Committee continues to be concerned with the pier used to winter-berth the USCGC *Eagle* at the Coast Guard Academy. The condition of the pier, which was erected in 1932, has severely deteriorated according to an independent assessment conducted on behalf of the Coast Guard in October 2004. However, the request includes no funding for renovation or replacement of the pier. According to the Coast Guard, a planning proposal for the pier will be completed in July 2008. Once approved, the pier project qualifies for survey and design funding. The Committee encourages the Coast Guard to expeditiously address the needs of the USCGC *Eagle* pier.

ACQUISITION PERSONNEL

As noted previously under the OE account in this report and consistent with the request, the Committee provides funding in the Coast Guard’s OE appropriation for personnel compensation, benefits, and the related costs of personnel administration for projects funded by the AC&I appropriation.

CAPITAL INVESTMENT PLAN

The Committee expects the Coast Guard to continue to submit a comprehensive capital investment plan each year at the time the President’s budget is submitted to the Congress.

The Committee directs the Commandant to provide to the Congress, at the time of the President’s budget submission, a list of approved but unfunded Coast Guard priorities and the funds needed for each.

ALTERATION OF BRIDGES

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$16,000,000 |
| Budget estimate, 2009 .....    | .....        |
| Committee recommendation ..... | 16,000,000   |

Under the provisions of the Truman-Hobbs Act of June 21, 1940 (33 U.S.C. 511 et seq.), the Coast Guard, as the Federal Government’s agent, is required to share with owners the cost of altering railroad and publicly owned highway bridges which obstruct the free movement of navigation on navigable waters of the United States in accordance with the formula established in 33 U.S.C. 516. Alteration of obstructive highway bridges is eligible for funding from the Federal-Aid Highways program.

COMMITTEE RECOMMENDATIONS

The Committee provides \$16,000,000 for the alteration of bridges. This is the same as the fiscal year 2008 level and \$16,000,000 more than the budget request.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

ALTERATION OF BRIDGES

[In thousands of dollars]

|   | Fiscal year<br>2008 enacted | Fiscal year<br>2009 budget<br>request | Committee<br>recommenda-<br>tions |
|---|-----------------------------|---------------------------------------|-----------------------------------|
| Elgin, Joliet, and Eastern Railway Company Bridge in Morris, Illinois ..... | 2,000                       | .....                                 | 2,125                             |
| Fourteen Mile Bridge in Mobile, Alabama .....                               | 3,750                       | .....                                 | 3,750                             |
| Burlington Northern Railroad Bridge in Burlington, Iowa .....               | 1,000                       | .....                                 | 2,125                             |
| Chelsea Street Bridge in Chelsea, Massachusetts .....                       | 2,000                       | .....                                 | 2,125                             |
| Canadian Pacific Railway Bridge in LaCrosse, Wisconsin .....                | 3,500                       | .....                                 | 2,125                             |
| Galveston Causeway Bridge in Galveston, Texas .....                         | 3,750                       | .....                                 | 3,750                             |
| Total, Alteration of Bridges .....  | 16,000                      | .....                                 | 16,000                            |

ELGIN, JOLIET, AND EASTERN RAILWAY COMPANY BRIDGE

The Committee is concerned about the alteration of the Elgin, Joliet, and Eastern Railway Company Bridge near Morris, Illinois. Through fiscal year 2008, the Committee has provided \$14,300,000 for this important bridge project. It is the Committee's understanding that final design and engineering work has been completed. The recommendation includes \$2,125,000 for this bridge project and encourages the Coast Guard to begin construction as expeditiously as possible.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$25,000,000 |
| Budget estimate, 2009 .....    | 16,000,000   |
| Committee recommendation ..... | 16,000,000   |

The Coast Guard's Research and Development program develops techniques, methods, hardware, and systems that directly contribute to increasing the productivity and effectiveness of the Coast Guard's operating missions. This account provides funds to operate and maintain the Coast Guard Research and Development Center.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$16,000,000 for the Coast Guard's research, development, test, and evaluation activities, the same as the request and \$9,000,000 below the fiscal year 2008 level.

RETIRED PAY

|                                |                 |
|--------------------------------|-----------------|
| Appropriations, 2008 .....     | \$1,184,720,000 |
| Budget estimate, 2009 .....    | 1,236,745,000   |
| Committee recommendation ..... | 1,236,745,000   |

This account provides for the retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to beneficiaries of re-

tired military personnel under the retired serviceman's family protection plan (10 U.S.C. 1431–1446) and survivor benefit plan (10 U.S.C. 1447–1455); payments for career status bonuses under the National Defense Authorization Act; and payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C., ch. 55).

COMMITTEE RECOMMENDATIONS

The Committee recommends \$1,236,745,000, as proposed in the budget, for retired pay.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

|                                |                 |
|--------------------------------|-----------------|
| Appropriations, 2008 .....     | \$1,381,771,000 |
| Budget estimate, 2009 .....    | 1,410,621,000   |
| Committee recommendation ..... | 1,414,279,000   |

The United States Secret Service's salaries and expenses appropriation provides funds for the security of the President, the Vice President, and other dignitaries and designated individuals; for enforcement of laws relating to obligations and securities of the United States and laws relating to financial crimes; and for protection of the White House and other buildings within the Washington, DC, metropolitan area.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$1,414,279,000 for Salaries and Expenses. This is an increase of \$32,508,000 from the comparable fiscal year 2008 level and an increase of \$3,658,000 from the level proposed in the budget.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

UNITED STATES SECRET SERVICE—SALARIES AND EXPENSES

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|-----------------------------|------------------------------------|------------------------------|
| Headquarters, Management, and Administration .....                              | 175,934                     | 182,104                            | 182,104                      |
| Protection:   |                             |                                    |                              |
| Protection of Persons and Facilities .....                                      | 693,535                     | 710,468                            | 710,468                      |
| Protective Intelligence Activities .....  | 57,704                      | 59,761                             | 59,761                       |
| National Special Security Events .....  | 1,000                       | 1,000                              | 1,000                        |
| Presidential Candidate Nominee Protection .....                                 | 85,250                      | 41,082                             | 41,082                       |
| White House Mail Screening .....  | 16,201                      | 36,701                             | 30,701                       |
| Subtotal, Protection .....  | 853,690                     | 849,012                            | 843,012                      |
| Investigations:   |                             |                                    |                              |
| Domestic Field Operations .....   | 219,742                     | 241,772                            | 241,772                      |
| International Field Office, Administration, Operations, and Training .....      | 27,520                      | 28,342                             | 30,000                       |
| Electronic Crimes Special Agent Program and Electronic Crimes Task Forces ..... | 44,565                      | 47,836                             | 55,836                       |
| Support for Missing and Exploited Children .....                                | 8,366                       | 8,366                              | 8,366                        |
| Subtotal, Investigations .....  | 300,193                     | 326,316                            | 335,974                      |

## UNITED STATES SECRET SERVICE—SALARIES AND EXPENSES—Continued

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Training: Rowley Training Center ..... | 51,954                      | 53,189                             | 53,189                       |
| Total, Salaries and Expenses .....     | 1,381,771                   | 1,410,621                          | 1,414,279                    |

## OVERTIME CAP

Last year the House-passed Department of Homeland Security Appropriation bill, 2008 (H.R. 2638) placed a \$35,000 overtime limitation on compensation received by Secret Service agents, similar to an existing limitation on U.S. Customs and Border Protection agents. The Secret Service responded to this provision by stating that, "This constraint on the amount that can be paid for overtime work, because of the uncertain and variable nature of the Service's protective mission, could have very grave and unintended consequences." Further, the Office of Management and Budget's [OMB] Statement of Administration Policy in the bill indicated: "The administration strongly objects to the limitation on overtime compensation for Secret Service employees. Given the uncertain and variable nature of the Service's protective mission and the need for personnel with varied specialized skills, this language would impair the Service's ability to meet its mission. In addition, it would not reduce costs and would require new administrative systems to monitor overtime per employee."

Based on the OMB argument, the Committees on Appropriations of the House of Representatives and the Senate did not include the House provision in the final bill that was signed into law on December 26, 2007. On February 4, 2008, 6 weeks later, the President's fiscal year 2008 budget reverses course and requests a \$35,000 cap on overtime compensation received by Secret Service agents. The Committee agrees to establish such a limitation, but only after the Director of OMB certifies that such a cap will not significantly impact the mission of the Secret Service and will result in reduced costs.

## PROTECTION OF FORMER VICE PRESIDENTS

The United States Secret Service is authorized under section 3056(a) of title 18, United States Code, to protect a number of individuals, including the President and his family. This administration has greatly expanded protection to many individuals not designated by section 3056(a) of title 18, United States Code, and now requests statutory authority in the appropriations act to continue protection for a Vice President and his spouse, if warranted, during the 6 months after an individual ceases to serve as Vice President, or thereafter on a temporary basis at any time the Secretary determines that information or conditions warrant such protection. By executive order or joint congressional resolution, every former Vice President since Hubert Humphrey has received protection as needed. The Committee supports providing security to former Vice Presidents as needed, and includes 1-year authority to do so. The Committee notes that the House has already passed the Former

Vice President Protection Act of 2008 (H.R. 5938) to provide such protection permanently.

#### PROTECTION VERSUS INVESTIGATIONS

In fiscal year 2002, Secret Service agents, on average, spent approximately 55 percent of their time protecting the first family and others, and 45 percent of their time investigating financial crimes and other non-protective activities. For fiscal year 2009, the Secret Service estimates that it will devote 71 percent of its efforts on protection, while only 29 percent of its time will be spent on investigations. The protection the Secret Service provides is vital to the Nation's interests. So are its investigations. Congress granted the agency flexibility in fiscal year 2008 to shift resources between investigative activities and protective activities; however, the Committee continues to be concerned that the Department is not sufficiently allocating resources between the dual missions and urges the administration to develop better metrics.

#### CYBER CRIME INVESTIGATIONS

The Committee recommends \$55,836,000 for cyber crime investigations, an increase of \$8,000,000 above the request. The Committee is aware that the Secret Service's investigative mission has expanded in recent years and is now challenged to protect the Nation's financial infrastructure from computer and web-based intrusions. The Internet is global, and so are the threats to our money supply and banks. The personal information of American citizens is regularly bought and sold by foreign web-based vendors where discounts are given for bulk purchases of credit card numbers, automatic teller machine card data, personal identification numbers, and Social Security numbers. The \$8,000,000 increase above the request will provide further resources to the Secret Service's law enforcement initiatives in this area.

#### INTERNATIONAL OPERATIONS

Given the increasing globalization of financial crimes and an increased reliance on the cooperation of foreign governments in the detection, apprehension and conviction of foreign criminals, the Committee recommends \$30,000,000 for International Field Office Administration and Operations, \$1,658,000 above the budget request, to expand foreign field office operations.

#### WHITE HOUSE MAIL SCREENING

The Committee notes that construction on the new White House mail facility has been sufficiently delayed to prevent occupancy prior to fiscal year 2010 and therefore denies the \$6,000,000 increase sought for rental payments to the General Services Administration for fiscal year 2009 rent.

#### MISSING AND EXPLOITED CHILDREN

As requested by the President, the Committee provides \$2,366,000 for the Secret Service's forensic support costs, and provides \$6,000,000, to remain available until expended, for activities related to investigations of exploited children.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED  
EXPENSES

|                                |             |
|--------------------------------|-------------|
| Appropriations, 2008 .....     | \$3,725,000 |
| Budget estimate, 2009 .....    | 3,725,000   |
| Committee recommendation ..... | 3,725,000   |

This appropriation provides funding for security upgrades of existing facilities; to continue development of the current Master Plan; to maintain and renovate existing facilities, including the James J. Rowley Training Center (Center); and to ensure efficient and full utilization of the Center.

COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of \$3,725,000, as proposed in the budget, for acquisition, construction, repair, and improvement expenses of the Secret Service for fiscal year 2009.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

The National Protection and Programs Directorate aims to foster better integration of national approaches between strategic homeland security programs, facilitate infrastructure protection, ensure broad emergency communications capabilities, integrate risk management, and identity safeguards for visitors to this country.

The following table summarizes the Committee’s recommendations as compared to the fiscal year 2008 and budget request levels:

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Management and Administration .....                                  | 47,346                      | 54,600                             | 52,600                       |
| Infrastructure Protection and Information Security:                  |                             |                                    |                              |
| Infrastructure Protection .....                                      | 272,596                     | 272,800                            | 297,641                      |
| Cyber Security .....   | 210,413                     | 293,500                            | 318,500                      |
| Office of Emergency Communications .....                             | 35,700                      | 38,300                             | 48,300                       |
| National Security Emergency Preparedness Telecoms .....              | 136,021                     | 236,600                            | 143,563                      |
| United States Visitor and Immigrant Status Indicator Technology .... | 475,000                     | 390,300                            | 180,300                      |
| Total, National Protection and Programs Directorate .....            | 1,177,076                   | 1,286,100                          | 1,040,904                    |

MANAGEMENT AND ADMINISTRATION

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$47,346,000 |
| Budget estimate, 2009 .....    | 54,600,000   |
| Committee Recommendation ..... | 52,600,000   |

This account funds salaries and expenses for the Office of the Under Secretary, which oversees all activities of the National Protection and Programs Directorate [NPPD]. This account also funds business operations and information technology support services, and facility expenses.

OFFICE OF INTERGOVERNMENTAL PROGRAMS

The Committee does not agree to fund the Office of Intergovernmental Programs within NPPD.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$654,730,000 |
| Budget estimate, 2009 .....    | 841,200,000   |
| Committee recommendation ..... | 808,004,000   |

Infrastructure Protection and Information Security [IPIS] assists the entities and people responsible for securing the Nation’s critical

infrastructure assets. In addition, IPIS works collaboratively with public, private, and international entities to secure cyberspace and U.S. cyber assets, and reduce the vulnerability of the Nation's telecommunications and information technology infrastructures.

#### COMMITTEE RECOMMENDATIONS

The Committee recommends total appropriations of \$808,004,000 for Infrastructure Protection and Information Security [IPIS] programs.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

#### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|-----------------------------|------------------------------------|------------------------------|
| Infrastructure Protection:                                      |                             |                                    |                              |
| Identification and Analysis .....                               | 69,522                      | <sup>1</sup> 77,326                | 82,603                       |
| Coordination and Information Sharing .....                      | 68,821                      | <sup>1</sup> 45,644                | 52,367                       |
| Mitigation Programs .....                                       | 134,253                     | 149,830                            | 162,671                      |
| Cyber Security .....  | 210,413                     | 293,500                            | 318,500                      |
| Office of Emergency Communications .....                        | 35,700                      | 38,300                             | 48,300                       |
| National Security Emergency Preparedness Telecommunications:    |                             |                                    |                              |
| Priority Telecommunications Service .....                       | 82,821                      | <sup>2</sup> 109,778               | 58,740                       |
| Assistant Secretary for Cyber Security and Communications ..... | ( <sup>3</sup> )            | 258                                | ( <sup>3</sup> )             |
| Enhanced Long-Range Navigation (e-loran) .....                  |                             | 34,500                             | ( <sup>4</sup> )             |
| Next Generation Networks .....                                  | 21,100                      | ( <sup>2</sup> )                   | 52,500                       |
| Programs to Study and Enhance Telecommunications .....          | 16,000                      | 15,100                             | 15,100                       |
| Critical Infrastructure Protection .....                        | 16,100                      | 11,260                             | 11,260                       |
| Industry Government and Interagency Processes .....             | ( <sup>3</sup> )            | 4,704                              | ( <sup>3</sup> )             |
| National Command and Control Capability .....                   | <sup>3</sup> 3,831          | 61,000                             | 5,963                        |
| Total, Infrastructure Protection and Information Security ..... | 654,730                     | 841,200                            | 808,004                      |

<sup>1</sup> Request realigns funds for various activities from Coordination and Information Sharing to Identification and Analysis.

<sup>2</sup> Request realigns Next Generation Networks into Priority Telecommunications Service program, project, and activity [PPA].

<sup>3</sup> Funding within the Priority Telecommunications Service PPA.

<sup>4</sup> Funding provided in Coast Guard Operating Expenses account.

#### INFRASTRUCTURE SECURITY COMPLIANCE

The Committee recommends \$75,000,000, an increase of \$12,000,000 from the budget request, for chemical site and ammonium nitrate security programs. The Committee notes that while the administration has requested increased funding for what it now calls Infrastructure Security Compliance, new statutory requirements for the regulation of ammonium nitrate will consume a substantial amount of the requested increase. The Committee recommends \$10,750,000, to fully fund the authorized appropriation amount for ammonium nitrate regulatory activities.

In the Department of Homeland Security Appropriations Act, 2008, a permanent change in the 3-year authorization was made regarding preemption of State or local chemical facility security standards.

#### NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

The Committee recommends \$20,000,000, the same as the fiscal year 2008 level and an increase of \$4,000,000 above the budget request, for the National Infrastructure Simulation and Analysis

Center [NISAC], New Mexico. The Committee expects Sandia and Los Alamos National Laboratories, located in New Mexico, to continue to develop NISAC and to be the lead entities in this initiative to secure the Nation's critical infrastructure.

#### BOMBING PREVENTION

The Committee recommends \$10,000,000 for the Office for Bombing Prevention, an increase of \$884,000 above the budget request. The Committee continues to believe that terrorists may export the bombing tactics they have developed in Iraq and around the world to the United States and now is not the time to cut programs at this office.

#### VULNERABILITY ASSESSMENTS

The Committee notes that while the Office of Infrastructure Protection has conducted many vulnerability assessments of critical infrastructure and key resources, much work remains to be done. The fiscal year 2009 justification indicates that it will "conduct approximately 315 vulnerability assessments on Tier 1 and 2 Critical Infrastructure and Key Resources, utilizing the National Guard in coordination and collaboration with Federal, State, local, and private sector partners." While the Committee strongly supports this work, it notes that at that pace, it will take roughly 10 years to finish these assessments, even if no new facilities are added to the inventory. The Committee recommends \$25,409,000, an increase of \$8,000,000 from the budget request to accelerate these assessments and assessments training programs and directs the Department to report to the Committee by March 20, 2009, on progress it has made to expand vulnerability assessment capacity.

#### NATIONAL COMMAND AND CONTROL CAPABILITY

The Committee recognizes the ongoing need for information sharing between all levels of Government, the intelligence community and end users, and even within individual agencies. Indeed, a major theme of the "9/11 Commission Report and the Federal Response to Hurricane Katrina: Lessons Learned" is that information sharing is critically needed to support crisis management during emergency events. However, the Committee notes with concern what appears to be a haphazard approach to integrate information sharing programs that support crisis management, particularly with regard to information technology systems.

The Department is requesting funds for a new information sharing initiative, the National Command and Control Capability [NCCC], but has not been able to provide strategic planning documents to support this initiative. In addition, the Department has not shown how or if end users have been consulted in establishing program requirements or if this program is duplicative of ongoing efforts in other components. Failure to do so may place the program at risk of not delivering capabilities that meet end user needs.

The Department projects the 8-year cost estimate to conduct two initial operational capability phases and begin definition of the full operational capability is approximately \$400,000,000. However, the

Department has not defined the full operational capability that the NCCC is intended to deliver and is therefore unable to project the total cost estimate for this new initiative. The absence of input from end users and clearly defined program requirements from the outset could result in less than desirable outcomes at considerable expense and duplication of effort. Further, it is important that the full costs are known at the outset to help ensure the sustainability of the program.

Therefore, the Committee recommends, \$5,963,000, an increase of \$2,132,000 above the fiscal year 2008 level included in the Priority Telecommunication Service PPA and \$55,037,000 below the budget request, for the Department to enhance the planning and coordination efforts for the NCCC initiative. The Committee also directs the Government Accountability Office to: (1) examine the business case for the NCCC effort including strategic relevance and the extent to which it supports end users needs; (2) review NCCC's plans to integrate the existing information sharing infrastructure to support crisis management; (3) evaluate NCCC's program plans and budgets for the current and upcoming budget years; (4) identify key risks that may jeopardize program success; and (5) look for duplication of effort.

#### PRESIDENTIAL DIRECTIVES

The Committee notes the administration has released several Homeland Security Presidential Directives over the last year, including ones concerning the deterrence of the use of improvised explosive devices and efforts to enhance cyber security. However, in both cases these documents are classified, putting them out of the reach of many of the people responsible for their implementation. While making determinations about the classification of sensitive materials is ultimately the responsibility of the executive branch, the Committee strongly urges the agencies responsible to re-examine their policies to be certain that the public good would not be better served if these documents and the information contained in them were more accessible to appropriate State, local, and private sector officials.

#### NATIONAL CYBER SECURITY DIVISION

The Committee recommends \$318,500,000 for the National Cyber Security Division, an increase of \$25,000,000 from the budget request, to assess and mitigate critical information technology assets and provide cyber threat, analysis, early warning, and incident response assistance for public and private sector constituents.

While the Committee supports the administration's cyber security initiative, it is essential that the initiative strictly conform to existing privacy and computer security laws. Though designed to protect the Nation, new technologies developed for national security systems and used by the civilian agencies will raise privacy implications. Further, the roles and responsibilities of each of the national security and domestic agencies need to be clearly articulated. The Committee directs the administration to conduct a privacy impact assessment of its cyber security initiative and assure it conforms to the Fair Information Practices embodied in the Privacy

Act of 1974. The administration shall brief the Committee on the status of these assessments no later than October 31, 2008.

ENHANCED LONG RANGE NAVIGATION

The Committee acts with no prejudice on the budget request for NPPD to assume a dominant role in the development of the Enhanced-Long Range Navigation [e-loran] system, but does not recommend transfer of \$34,500,000 from the Coast Guard to NPPD, as requested in the budget. These resources are proposed to be appropriated to NPPD and transferred back administratively to the Coast Guard to continue operation of loran-C. NPPD should determine how much it will need to develop this new system and request resources accordingly. Funds are retained in the Coast Guard appropriation to continue operation of loran-C.

OFFICE OF EMERGENCY COMMUNICATIONS

The Committee recommends \$48,300,000 for the Office of Emergency Communications, an increase of \$10,000,000 from the budget request for six international interoperability border demonstration projects authorized by section 302 of the Implementing Recommendations of the 9/11 Act of 2007.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

|   |               |
|---|---------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$475,000,000 |
| Budget estimate, 2009 .....             | 390,300,000   |
| Committee recommendation .....          | 180,300,000   |

<sup>1</sup> Includes \$275,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

The United States Visitor and Immigrant Status Indicator Technology [US-VISIT] account funds the development of a system to collect, maintain, and share appropriate information through an integrated information technology system, which determines the eligibility of aliens for admissions and benefits.

The US-VISIT program office has lead responsibility within the Department of Homeland Security to work with the Federal Bureau of Investigation [FBI] on the further integration of the Automated Biometric Identification System [IDENT] and the FBI's Integrated Automated Fingerprint Identification System [IAFIS].

COMMITTEE RECOMMENDATIONS

The Committee recommends \$180,300,000, to remain available until expended, for the United States Visitor and Immigrant Status Indicator Technology [US-VISIT].

The Committee had hoped that a major corner had been turned with the US-VISIT program when it appeared that new leadership within the National Protection and Programs Directorate understood the criticality of this program to be a robust and growing biometric identification and tracking system. The Senate reduction to the fiscal year 2008 budget request was restored and additional funds were provided during conference bringing the total fiscal year 2008 funding for US-VISIT to \$475,000,000. The \$13,000,000

increase above the request was provided to expedite development of an air and sea exit solution.

It is now the third quarter of the fiscal year and the Committee only received the US-VISIT expenditure plan, which is required by law to be reviewed by the Government Accountability Office [GAO], on June 12, 2008. Until the fiscal year 2008 plan is reviewed by the GAO and approved by the Committees on Appropriations, \$125,000,000 remains unavailable for obligation. Under the best of circumstances these funds likely will not become available for obligation until September. As for expediting the air and sea exit solution, publication of the Notice of Proposed Rulemaking for air exit was delayed until April 22, 2008.

The men and women working daily in the program management office are to be commended for accomplishing all that they have to date, but it is the Committee’s conclusion that a robust “entry-exit” program must wait for the next administration to execute. Entry is working and unique identity continues to make great strides in biometric identity management.

As a result of the Department’s delay in submitting the fiscal year 2008 expenditure plan the Department has essentially made this program a forward funded account. Therefore, the Committee recommends \$180,300,000, a reduction of \$210,000,000 from the budget request, for US-VISIT. The Committee notes that one-third of the request for US-VISIT is for operations and management, and that an additional \$62,000,000, as requested in the budget, is provided in the U.S. Customs and Border Protection, “Salaries and Expenses” account for this purpose.

UNIQUE IDENTITY (FORMERLY IDENT/IAFIS INTEGRATION AND 10-PRINT TRANSITION)

Since the creation of the Department, this Committee has strongly supported and encouraged real-time interoperability between the IDENT and IAFIS biometric databases and transition to capturing 10 fingerprints of all visitors. The Committee is pleased that significant and aggressive progress has been made on both of these fronts and has provided full funding of \$66,368,000 for Unique Identity, including the proposed enhancements, as requested in the budget. The Committee directs the US-VISIT program office to continue aggressively pursuing this issue and to continue providing quarterly briefings on progress being made on Unique Identity.

OFFICE OF HEALTH AFFAIRS

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$116,500,000 |
| Budget estimate, 2009 .....    | 161,339,000   |
| Committee recommendation ..... | 171,339,000   |

SUMMARY

The Office of Health Affairs [OHA], headed by the Chief Medical Officer who also serves as the Assistant Secretary for Health Affairs, leads the Department on medical issues related to natural and man-made disasters; serves as the principal advisor to the Secretary on medical and public health issues; coordinates biodefense activities within the Department; and serves as the Department’s

primary contact with other Departments and State, local, and tribal governments on medical and public health issues.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

OFFICE OF HEALTH AFFAIRS

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request <sup>1</sup> | Committee<br>recommendations |
|--|-----------------------------|---|------------------------------|
| Biowatch .....                                     | 77,108                      | 111,606   | 111,606                      |
| 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   | 9,923                        |
| Salaries and Expenses .....                        | 24,317                      | 29,210  | 39,210                       |
| <b>Total, Office of Health Affairs .....</b>       | <b>116,500</b>              | <b>161,339</b>                                  | <b>171,339</b>               |

<sup>1</sup> Excludes \$2,175,000,000 appropriated in the Department of Homeland Security Appropriations Act of 2004 (Public Law 108-90) for Bio-defense Countermeasures that becomes available for obligation in fiscal year 2009.

SALARIES AND EXPENSES

The Committee recommends \$39,210,000 for salaries and expenses, an increase of \$10,000,000 from the budget request.

NUCLEAR EVENT PUBLIC HEALTH

The Committee is disappointed that the administration has done little to prepare the Nation to face the consequences of a nuclear attack. While the administration has aggressively pursued technologies to detect potential nuclear weapons at our borders and beyond, secured nuclear materials in foreign countries, and other defensive activities, it has done virtually nothing to educate or prepare the Nation for a nuclear attack. Congress acted with \$5,500,000 in the fiscal year 2007 supplemental appropriations (Public Law 110-28) to begin modeling the effects of a potential nuclear attack and begin planning ways to mitigate its effects, including direction to develop effective communications. The President sought no additional funding for fiscal year 2009 for these activities.

The Committee recommends \$10,000,000 to continue modeling effects of potential nuclear attacks, coordinate with the Federal Emergency Management Agency to build on workshops previously conducted on planning efforts, and to continue to develop and test pre-event and post-event communication strategies.

IMMIGRANT HEALTH CARE

The Committee is aware that OHA has been tasked to review healthcare policies at departmental detention facilities and directs OHA, in conjunction with U.S. Immigration and Customs Enforcement and the Division of Immigration Health Services, to brief the Committee within 30 days after the date of enactment of this act on any initial findings.

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## MISSION

The primary mission of the Federal Emergency Management Agency [FEMA] is to reduce the loss of life and property and protect the Nation from all-hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

## COMMITTEE RECOMMENDATIONS

The Committee recommends a total program level of \$7,352,997,000 for activities of FEMA for fiscal year 2009.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|-----------------------------|------------------------------------|------------------------------|
| Management and Administration .....                     | 664,000                     | <sup>1</sup> 957,405               | 892,507                      |
| State and Local Programs .....                          | <sup>2</sup> 3,177,800      | <sup>3</sup> 1,900,000             | 3,029,400                    |
| Firefighters Assistance Grants .....                    | 750,000                     | 300,000                            | 750,000                      |
| Emergency Management Performance Grants .....           | 300,000                     | ( <sup>4</sup> )                   | 300,000                      |
| Radiological Emergency Preparedness Program .....       | - 505                       | - 505                              | - 505                        |
| United States Fire Administration .....                 | 43,300                      | ( <sup>5</sup> )                   | 43,300                       |
| Disaster Relief Fund .....                              | <sup>6</sup> 1,400,000      | 1,900,000                          | 1,900,000                    |
| Disaster Readiness and Support .....                    |                             | 200,000                            |                              |
| Disaster Assistance Direct Loan Program Account .....   | 875                         | <sup>7</sup> 295                   | <sup>7</sup> 295             |
| Flood Map Modernization Fund .....                      | 220,000                     | 150,000                            | 185,000                      |
| National Flood Insurance Fund .....                     | (145,000)                   | (156,599)                          | (156,599)                    |
| National Flood Mitigation Fund .....                    | (34,000)                    | ( <sup>8</sup> )                   | ( <sup>8</sup> )             |
| National Pre-disaster Mitigation Fund .....             | 114,000                     | 75,000                             | 100,000                      |
| Emergency Food and Shelter .....                        | 153,000                     | 100,000                            | 153,000                      |
| <b>Total, Federal Emergency Management Agency .....</b> | <b>6,822,470</b>            | <b>5,582,195</b>                   | <b>7,352,997</b>             |

<sup>1</sup> Includes \$40,913,000 for the United States Fire Administration.

<sup>2</sup> Includes \$110,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161) for Operation Stonegarden and REAL ID Grants.

<sup>3</sup> Includes \$200,000,000 for Emergency Management Performance Grants.

<sup>4</sup> Budget proposes \$200,000,000 under State and Local Programs.

<sup>5</sup> Budget proposes \$40,913,000 under Management and Administration.

<sup>6</sup> Excludes \$2,900,000,000 in emergency appropriations pursuant to Public Law 110-116.

<sup>7</sup> Funding for administrative expenses totaling \$580,000 is provided in the FEMA Management and Administration account.

<sup>8</sup> Funding totaling \$35,700,000 for national flood mitigation purposes is provided in the National Flood Insurance Fund instead of transferring funding to a separate account, as in previous years.

## MANAGEMENT AND ADMINISTRATION

|  |               |
|--|---------------|
| Appropriations, 2008 .....               | \$664,000,000 |
| Budget estimate, 2009 <sup>1</sup> ..... | 957,405,000   |
| Committee recommendation .....           | 892,507,000   |

<sup>1</sup> Includes \$40,913,000 for the United States Fire Administration.

Funding for Management and Administration [M&A] provides for the development and maintenance of an integrated, nationwide capability to prepare for, mitigate against, respond to, and recover from the consequences of major disasters and emergencies, regardless of cause, in partnership with Federal agencies, State, local, and tribal governments, volunteer organizations, and the private sector. M&A supports FEMA's programs by coordinating between

Headquarters and Regional Offices the policy, managerial, resources, and administrative actions.

COMMITTEE RECOMMENDATIONS

The Committee recommends total resources of \$892,507,000 for Management and Administration. The funds are to be distributed as follows: \$484,396,000 for Operations Activities; \$369,269,000 for Management Activities; \$6,342,000 for the Office of National Capital Region Coordination; and \$32,500,000 for Urban Search and Rescue Teams.

The specific levels recommended by the Committee, as compared to the fiscal year 2008 and budget request levels, are as follows:

MANAGEMENT AND ADMINISTRATION

[In thousands of dollars]

|   | Fiscal year 2008 enacted | Fiscal year 2009 budget request | Committee recommendations |
|---|--------------------------|---------------------------------|---------------------------|
| Operating Activities <sup>1</sup> .....           | 625,500                  | .....                           | .....                     |
| Operations Activities .....                       | .....                    | 515,881                         | 484,396                   |
| Management Activities .....                       | .....                    | 369,269                         | 369,269                   |
| National Capital Region Coordination .....        | 6,000                    | 6,342                           | 6,342                     |
| Urban Search and Rescue .....                     | 32,500                   | 25,000                          | 32,500                    |
| United States Fire Administration .....           | ( <sup>2</sup> )         | 40,913                          | ( <sup>2</sup> )          |
| <b>Total, Management and Administration .....</b> | <b>664,000</b>           | <b>957,405</b>                  | <b>892,507</b>            |

<sup>1</sup> Funding for Operations Activities and Management Activities were included in one account, Operating Activities, in fiscal year 2008.

<sup>2</sup> Funds appropriated under the United States Fire Administration account.

OPERATIONS ACTIVITIES

The Committee recommends \$484,396,000 for Operations Activities, instead of \$515,881,000 as proposed in the budget. The Committee also includes a transfer of up to \$43,485,000 from Disaster Relief to complete the conversion of Cadre On-Call Employees [CORE] into permanent full-time employees. The Committee does not agree to merge the United States Fire Administration appropriation into this account, and maintains it as a separate appropriation. An additional \$10,000,000 is included for the integrated public alert and warning system, as described later in the report.

Operations Activities include funding for the National Preparedness Directorate, the Grant Programs Directorate, the Logistics Management Directorate, the Disaster Operations Directorate, National Continuity Programs, the Disaster Assistance Directorate, and the Mitigation Directorate. Additionally, as requested in the budget, the Committee has included a realignment of administrative costs for the Disaster Assistance Direct Loan Program by including the requested \$580,000 in this Management and Administrative account instead of in the Disaster Assistance Direct Loan Program account.

MANAGEMENT ACTIVITIES

The Committee recommends \$369,269,000 for Management Activities, as proposed in the budget. This amount includes up to \$3,200,000 for the Reserve Workforce Credentialing and Recruitment Plan.

Management Activities include funding for the Office of the Administrator, the Office of Policy and Program Analysis, the Office of the Chief Financial Officer, the Office of the Chief Counsel, the Office of Equal Rights, the Office of Regional Operations, the Office of External Affairs, and the Office of Management.

#### FISCAL MANAGEMENT AND TRANSPARENCY IN SPENDING

The Committee includes a provision directing FEMA to submit its fiscal year 2010 budget request, including justification materials, by office. Each office and FEMA region shall provide: (1) budget detail by object classification; (2) the number of full-time equivalents on board; (3) the number of full-time equivalent vacancies; and (4) the appropriation account(s) used to support the office and the programs managed by the office. This level of detail provides improved transparency and refined tracking of actual spending which is imperative given FEMA's growth in size and mission. Further, FEMA shall report to the Committee within 15 days if any office receives or transfers more than 5 percent of the total amount allocated to each office.

The Committee recognizes that FEMA has implemented other measures to improve financial management. These measures include important investments in information systems for budgeting and financing, and the Investment Working Group process which provides cross-programmatic examination of resource decisions across the Agency. The Committee supports continued investments in financial and budget information systems and encourages FEMA to continue use of the Investment Working Group.

#### FINANCIAL WEAKNESSES

Despite improvements in fiscal management and transparency, FEMA still has material financial weaknesses as reported by the Office of Inspector General in the Independent Auditors' Report on DHS' Fiscal Year 2007 Financial Statements in November 2007. The report indicates that weaknesses are attributed to: FEMA accounting and financial reporting requirements which are very diverse; FEMA's mission which supports multifaceted operations; and recent reorganizations of the Agency. While recognizing the complexity of the FEMA mission, the Committee directs FEMA to correct these weaknesses without delay. The Committee directs FEMA to provide a report to the Committees on Appropriations within 45 days of enactment of this act on the progress of completing the Corrective Action Plan/Mission Action Plan to address financial material weaknesses.

#### FEMA WORKFORCE

With the current recommended resources, FEMA will have more than doubled the number of full-time equivalents [FTE] between 2005 and 2009. The Committee commends the service and dedication of all FEMA employees. The Committee recognizes that through the strategic human capital plan, as required in the Post-Katrina Emergency Management Reform Act (Public Law 109-295), FEMA has defined five strategic initiatives to ensure the FEMA workforce can best meet the FEMA mission. FEMA is di-

rected to brief the Committee within 60 days of enactment of this act regarding: the progress of implementing each initiative; the timeframe for specific milestones to be accomplished; and the resources needed to accomplish those milestones.

The Committee is concerned that the Disaster Assistance Directorate is too reliant on temporary employees for projects related to public assistance creating a lack of consistent decisionmaking and reliable information for State and local governments in the midst of recovery efforts. The constant turnover in FEMA personnel results in poor transitions of project management from one individual to the next, and frequent overturning of previous decisions relied upon by local communities to make funding and planning decisions. The FEMA CORE conversion program will increase the number of permanent personnel devoted to Public Assistance from 72 to 129, which will begin to address the issue of project management and stability. The Committee also believes that permanent and reserve employees who handle public assistance projects would strongly benefit from training on FEMA policy and regulations to increase the consistency of decisionmaking in the field.

#### WORKING WITH GRANT PARTNERS

The Secretary and the Administrator of FEMA each have responsibilities in the State and Local Programs grant process. Distributing needed resources to State and local partners should be a positive and cooperative effort. When it is not—resources are wasted and progress in security is hampered. Yet, each year grant award distribution has drawn the ire of awardees who assert the Department has not listened to its needs nor been transparent in its decisionmaking. Cooperating partners are often dissatisfied with the opportunities afforded to them in homeland security efforts through grant programs which do not match their needs, contain surprises regarding changes in policy at the last minute, or include unexpected requirements for cost sharing. Further, the Committee recognizes that the spirit and letter of the 9/11 Act, which authorized many of the grant programs in July 2007, has not been properly executed.

The Committee is dismayed that after 5 full fiscal years of awarding grants there is still a lack of effective implementation. For example, each year there are still major changes to grant guidance after official issuance that are largely related to issues that have been discussed for years. There have been 11 changes so far in fiscal year 2008.

A few grant programs are well executed. For example, the Assistance to Firefighter Grant Program has a well-established and well-documented process to include stakeholder input. Other programs, such as the Port Security Grant program have proactive subject matter experts, such as the Coast Guard, which dedicate many staff hours to understand and incorporate partners' needs into the program. Unfortunately, some programs such as the Transit Security Grant program do not have adequate processes by which to work with partners to ensure all improvements to homeland security for the transit sector are considered and incorporated. Further, fiscal year 2008 funds appropriated for the Emergency Management Performance Grant program were subject to last minute pol-

icy changes, which were a surprise to stakeholders who had previously been involved in development of the grant guidance. While not every need and desire of each potential grantee can or should be accommodated, the opportunity for meaningful input into the prioritization of National needs is required to achieve the most effective improvements in security.

The National Homeland Security Consortium in the April 2008 report, “Imperatives for the Homeland”, states that: “Our Nation is at a crossroads in its efforts to secure the homeland. The Federal Government has the opportunity to transition from top-down direction to meaningful cooperative engagement with all non-Federal stakeholders. Doing so will enhance unity and allow us to achieve more rapid progress across the many challenges we confront . . .”

Therefore, the Committee includes a provision which withholds \$10,000,000 from FEMA Management and Administration until the Secretary, in coordination with the Administrator of FEMA, certifies and reports to the Committee that the processes to incorporate stakeholder input for grant guidance development and award distribution have been: (1) developed to ensure transparency and increased information gathering about security needs for all hazards; (2) formalized and made clear to stakeholders; and (3) formalized to ensure future use for each fiscal year. A provision withholding \$10,000,000 has also been included for the Office of the Secretary and Executive Management. To the extent possible, organizations and officials already involved in the process, such as the State Administrative Agencies, Regional Working Groups, Federal Preparedness Coordinators, and the National Advisory Council, as well as other stakeholder groups shall be used and included in the process.

#### INFORMATION AND TECHNOLOGY

The Committee approves the President’s budget request for information technology improvements, including an increase of \$20,750,000. It is imperative that FEMA have cutting-edge information systems for effective preparedness and response to disasters. The Committee understands that a preliminary 5-year plan has been developed and the final 5-year implementation plan required in the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161) is on schedule for completion no later than October 2008. The Committee also understands that FEMA is taking steps to institutionalize a process to ensure information systems are being reviewed for needed updates so that systems do not deteriorate beyond effective use. This process includes the adoption of the Department’s system life cycle procedures, FEMA’s capital planning and investment control process, and a requirement that information technology process compliance be a part of individual performance plans for appropriate employees. The Committee encourages FEMA to continue these proactive measures.

#### INTEGRATED PUBLIC ALERT AND WARNING SYSTEM

The Committee recommends \$35,000,000, an increase of \$10,000,000 from the budget request level, to expedite the modernization of the Emergency Alert System [EAS], including the con-

version of EAS to digital capability. Of the increase provided, 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.

#### SHELF STABLE MEALS

The Committee directs FEMA to provide a report on the implications to States for making shelf stable meals an allowable expense under the Homeland Security Grant Program. The report, to be provided to the Committee no later than March 3, 2009, shall include a review of the required sustainment costs and needed coordination with Federal logistics.

#### READY.GOV

The Committee transfers the responsibility for the Ready.gov program to FEMA from the Office of the Secretary and Executive Management account. Funding of \$2,000,000 is provided for this program.

#### INTEGRATING NON-FEDERAL STAKEHOLDERS

In June 2008, the Government Accountability Office [GAO] released a report regarding the need for FEMA to better integrate non-Federal stakeholders in the National Response Framework revision process (GAO-08-768). FEMA is directed to brief the Committee within 60 days after the date of enactment of this act regarding its plan to implement GAO recommendations on this topic.

#### NUCLEAR EVENT PREPAREDNESS

FEMA is directed to work with the DHS Office of Health Affairs regarding nuclear event preparedness as described in this report.

#### PRIVATE SECTOR PREPAREDNESS

The Committee notes that FEMA has increased responsibilities regarding private sector preparedness under the 9/11 Act. FEMA is directed to brief the Committee within 60 days after the date of enactment of this act on its implementation plans for this responsibility.

#### OFFICE OF CHIEF COUNSEL

The Committee has previously expressed concern that the Office of the Chief Counsel [OCC] was not positioned to support the spirit of FEMA's mission by advising FEMA, within the bounds of the law, to best protect and serve American citizens during emergencies. Therefore, the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161) required the OCC to revamp the Office to better support the needs of FEMA. In accordance with the requirement, the Committee understands that the OCC has implemented three significant changes. These changes include: making the lead field counselor a direct report to the Chief Counsel; requiring each manager to deploy to a disaster; and requiring each OCC employee to complete 30 hours of training. The Committee encourages the OCC to continue these efforts and re-

view and incorporate other employee education and training methods to maintain the highest quality support for FEMA.

OFFICE OF NATIONAL CAPITAL REGION COORDINATION

The Committee recommends \$6,342,000 for the Office of National Capital Region Coordination [ONCRC], as requested in the budget. Congress established the ONCRC to enhance domestic preparedness through cooperation of the Federal, State, and local governments in the unique environment of the National Capital Region [NCR].

The Committee remains concerned that planning for evacuation of the NCR during a disaster has not incorporated all of the pertinent officials from the appropriate local communities and States in the decisionmaking process. Therefore, the Committee includes bill language requiring inclusion of the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the NCR decisionmaking and planning process for mass evacuations. Further, the Committee again directs the Department to include officials from the counties and municipalities that contain the evacuation routes and their tributaries in the planning process.

URBAN SEARCH AND RESCUE

The Committee recommends \$32,500,000, a \$7,500,000 increase over the President's request to support the 28 existing Urban Search and Rescue Teams. The Committee notes that the second equipment caches, which were purchased with fiscal year 2003 and 2004 funding, should be properly maintained and equipment should be replaced as needed to maintain full operational capability.

STATE AND LOCAL PROGRAMS

|  |                 |
|--|-----------------|
| Appropriations, 2008 <sup>1</sup> .....  | \$3,177,800,000 |
| Budget estimate, 2009 <sup>2</sup> ..... | 1,900,000,000   |
| Committee recommendation .....           | 3,029,400,000   |

<sup>1</sup> Includes \$110,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

<sup>2</sup> Includes \$200,000,000 for Emergency Management Performance Grants.

State and Local Programs provide grants for training, equipment (including interoperable communications equipment), exercises, and technical assistance to improve readiness for potential disasters.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

STATE AND LOCAL PROGRAMS

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|-----------------------------|------------------------------------|------------------------------|
| Grants:   |                             |                                    |                              |
| State Homeland Security Grant Program .....     | 890,000                     | 200,000                            | 1 890,000                    |
| REAL ID Grants .....                            | <sup>2</sup> 50,000         | ( <sup>3</sup> )                   | <sup>4</sup> (50,000)        |
| Operation Stonegarden .....                     | <sup>2</sup> 60,000         | .....                              | .....                        |
| Urban Area Security Initiative .....            | 820,000                     | 825,000                            | 825,000                      |
| Regional Catastrophic Preparedness Grants ..... | 35,000                      | .....                              | 35,000                       |
| Metropolitan Medical Response System .....      | 41,000                      | .....                              | 33,000                       |
| Citizen Corps .....                             | 15,000                      | 15,000                             | 15,000                       |

## STATE AND LOCAL PROGRAMS—Continued

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Public Transportation Security Assistance and Railroad Security Assistance ..... | 400,000                     | 175,000                            | 400,000                      |
| Port Security Grants .....   | 400,000                     | 210,000                            | 400,000                      |
| Over-the-Road Bus Security Assistance .....                                      | 11,500                      | 12,000                             | 12,000                       |
| Trucking Industry Security Grants .....  | 16,000                      | 8,000                              | 8,000                        |
| Buffer Zone Protection Program Grants .....                                      | 50,000                      | ( <sup>3</sup> )                   | 50,000                       |
| Commercial Equipment Direct Assistance Program .....                             | 25,000                      | .....                              | 10,000                       |
| Interoperability Emergency Communications Grant Program ..                       | 50,000                      | .....                              | 50,000                       |
| Emergency Operations Centers .....   | 15,000                      | .....                              | 10,000                       |
| Emergency Management Performance Grants .....                                    | ( <sup>5</sup> )            | 200,000                            | ( <sup>5</sup> )             |
| National Security and Terrorism Prevention Grants .....                          | .....                       | 110,000                            | .....                        |
| Subtotal, Grants .....   | 2,878,500                   | 1,755,000                          | 2,738,000                    |
| National Programs:   |                             |                                    |                              |
| National Domestic Preparedness Consortium/Other Programs .....                   | 88,000                      | 32,000                             | 101,900                      |
| Center for Domestic Preparedness/Noble Training Center .....                     | 62,500                      | 47,000                             | 62,500                       |
| National Exercise Program .....  | 50,000                      | 40,000                             | 40,000                       |
| Technical Assistance .....   | 12,000                      | 10,000                             | 12,000                       |
| Demonstration Training Grants .....  | 28,000                      | .....                              | 25,000                       |
| Continuing Training Grants .....   | 31,000                      | .....                              | 31,000                       |
| Evaluations and Assessments .....  | 19,000                      | 16,000                             | 19,000                       |
| Rural Domestic Preparedness Consortium .....                                     | 8,800                       | .....                              | .....                        |
| Subtotal, National Programs .....  | 299,300                     | 145,000                            | 291,400                      |
| Total, State and Local Programs .....  | 3,177,800                   | 1,900,000                          | 3,029,400                    |

<sup>1</sup> Includes \$50,000,000 for REAL ID Grants.<sup>2</sup> Designated as emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).<sup>3</sup> Budget proposes funding under National Security and Terrorism Prevention Grants.<sup>4</sup> Funding totaling \$50,000,000 for REAL ID Grants is included in the State Homeland Security Grant Program.<sup>5</sup> Funds appropriated under the Emergency Management Performance Grants account.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$3,029,400,000 for State and Local Programs. The funds provided for State and local grants are to be used for purposes consistent with each State's homeland security strategy, including: training and exercises; equipment, including interoperable communications equipment; and technical assistance; and may not, with certain exceptions, be used for construction activities.

State and local assistance is for strengthening “first responders”—police, fire, rescue, emergency, medical and other personnel—who are first on scene in the event of a terrorist attack, natural disaster, or a catastrophic event. For purposes of eligibility for funds under this heading, any county, city, village, town, district, borough, parish, port authority, transit authority, intercity rail provider, commuter rail system, freight rail provider, water district, regional planning commission, council of government, Indian tribe with jurisdiction over Indian country, authorized tribal organization, Alaska Native village, independent authority, special district, or other political subdivision of any State shall constitute a “local unit of government.”

The Committee urges the Department to work with State and local governments to ensure regional authorities, such as port,

transit, or tribal authorities, are given due consideration in the distribution of State formula grants. The Department is encouraged to consider the need for mass evacuation planning and pre-positioning of equipment for areas potentially impacted by mass evacuations in allocating first responder funds. The Committee is concerned that Emergency Medical Services [EMS] is not considered an equal partner among the first responder community and encourages FEMA to require State and local governments to include EMS representatives in planning efforts. Additionally, the Committee is concerned that State and local cyber security issues are not receiving the required resources and attention and FEMA is encouraged to require State and local governments to include Chief Information Officers in planning efforts as well.

The Committee is supportive of the Department's efforts to evaluate applications based on risk and effectiveness. The Department should continue its efforts to evaluate the State Homeland Security Grant Program [SHSGP] and the Urban Area Security Initiative [UASI] applications based on how effectively these grants will address identified homeland security needs. In those areas of the country where the risk is very high, the Department shall work aggressively to ensure these applications are produced in a manner in which appropriate levels of funding reflects the level of threat.

The Committee expects FEMA to continue to fully engage subject matter experts within the Department when appropriate in the development of grant guidance and the determination of awards. Subject matter experts include the Coast Guard, the Transportation Security Administration, the National Protection and Programs Directorate, the Office of Health Affairs, Science and Technology, the Law Enforcement Advisor to the Administrator, and the DHS Office of State and Local Law Enforcement. Full engagement of subject matter experts, however, does not diminish FEMA's responsibilities to be the lead Agency and foremost coordinator of each of the grant programs. FEMA is directed to assume all programmatic functions of grant programs for the Department and shall be the primary point of contact for all grantees.

The Committee includes specific timeframes for grant dollar distribution and expects FEMA and the Department to comply with the law to ensure homeland security funds are distributed in a timely manner. For SHSGP, UASI, Regional Catastrophic Preparedness Grants, Metropolitan Medical Response System Grants, and Citizens Corps Program grant guidance shall be issued in 25 days, applicants shall apply within 90 days after guidance is issued, and FEMA shall act on the application within 90 days after applications are due. For Public Transportation Security Assistance and Railroad Security Assistance, Port Security Grants, Over-The-Road Bus Security Assistance, Trucking Industry Security Grants, and Buffer Zone Protection Program, grant guidance shall be issued in 30 days, applicants shall apply within 45 days after guidance is issued, and FEMA shall act on the application within 60 days after applications are due.

The Committee includes bill language requiring the Government Accountability Office to report on the validity, relevance, reliability, timeliness, and availability of the risk factors, and the application of those factors in the allocation of discretionary grants to the Com-

mittees on Appropriations of the Senate and the House of Representatives no later than 45 days after the date of enactment of this act. The report shall also evaluate FEMA's compliance with section 203(b) of the 9/11 Act regarding the assessment and designation of high risk urban areas.

#### MAJOR PROGRAM TERMINATIONS OR REDUCTIONS

For the fifth straight year, the President's request has proposed significant reductions to State and Local Programs. These proposed reductions are made with no reliable data to prove that the equipment, training, and planning purchased to date have made the Nation sufficiently capable to prepare for and respond to disasters. In fact, the Department's own data has shown that 61 percent of States and 69 percent of urban areas do not have adequate plans to respond to a catastrophic event. Other reports demonstrate that 32 of 37 major cities were graded C or below in Evacuation Capacity; over one-fourth of firefighters per shift are still not equipped with self-contained breathing apparatus; 58 percent of urban areas have not completed a regional strategic plan; and over 90 percent of State Homeland Security Officials report that public and private schools have not adequately prepared for potential national emergencies. The Committee is disappointed that the administration proposes to cut State and local homeland security programs from a fiscal year 2008 level of \$4,227,800,000 to \$2,200,000,000. The Committee recognizes that Federal dollars are required to build the capacity and cooperation needed for this Nation to be ready when disaster strikes. Therefore, the Committee has increased the funding level for grant programs above the President's request.

#### MEASURING CAPABILITIES AND MANAGING GRANTS

The Committee is disappointed that 5 years after funds were first appropriated for homeland security grants, the Department has failed to establish meaningful benchmarks for measuring the capabilities of State and local first responders. The Committee is aware of several systems that are in various stages of development, which will measure how prepared the Nation is and how prepared the Nation needs to be for all-hazards. This effort includes a measure of how the grant program expenditures contribute to the level of preparedness. Additionally, FEMA and many States are developing systems to manage grant allocations, distribution, expenditures, and asset tracking.

The Administrator of FEMA is directed to create an intra-agency task force to make recommendations to the Administrator for the best way to coordinate these efforts and share information. FEMA's Chief Financial Officer and the Chief Information Officer shall be represented on the task force. FEMA shall also consult with State and local governments through previously established entities such as, but not limited to, the National Advisory Council, regarding this effort. FEMA is further directed to report to the Committee on each of these efforts, including the resources required and time-frame in which they will be completed. The Committee provides an increase of \$3,000,000 above the President's request under Evaluations and Assessments to partially fund this effort. Additional

funding shall come from the appropriated funds for Offices that are involved in this effort, as planned by FEMA.

#### STATE HOMELAND SECURITY GRANT PROGRAM

The Committee recommends \$890,000,000, instead of \$200,000,000 as proposed in the budget for SHSGP. This core assistance program provides funds to build capabilities at the State and local level through planning, organization, equipment, training, and exercise activities. SHSGP also supports the implementation of State homeland security strategies and key elements of the national preparedness architecture, including the National Preparedness Guidelines, the National Incident Management System, and the National Response Framework. In accordance with section 204 of the Homeland Security Act of 2002, all funds (excluding REAL ID) above the amount automatically allocated to States and territories, shall be allocated based on risk (as defined by threat, vulnerability, and consequences).

Of the amount provided, \$50,000,000 is for REAL ID grants, which shall be awarded at the discretion of the Secretary as a separate program from SHSGP and is not subject to the SHSGP formula. The Committee does not include any funding for the National Security and Terrorism Prevention Grants Program which the budget proposes States could use for either REAL ID costs or Buffer Zone Protection Program projects. The Committee is disappointed that the budget does not request adequate funding for the REAL ID program.

In the REAL ID final rule which was released on January 11, 2008, the Department estimates that it will cost \$3,900,000,000 over 10 years to implement requirements for improving the security of drivers' licenses as required in the REAL ID Act of 2005. To date, as a result of congressional initiative, \$90,000,000 has been appropriated specifically for State and local governments to implement this act. For fiscal year 2009, the President requested \$110,000,000 for the National Security and Terrorism Prevention Program for costs related to both REAL ID and Buffer Zone Protection. Not only would this program force States to choose between implementing a Federal law and securing critical infrastructure, but it is also a fraction of what is needed to accomplish either of these efforts. If the administration is serious about implementing the REAL ID Act, which the President signed in 2005, rather than creating an unfunded mandate for the States, the President should request funds to pay for it.

#### URBAN AREA SECURITY GRANT PROGRAM

The Committee recommends \$825,000,000 for the UASI Grant Program, as proposed in the budget. Of the amount provided under this heading, \$20,000,000 is available for nonprofit entities determined to be at risk by the Secretary.

The UASI program addresses the unique multi-disciplinary planning, organization, equipment, training, and exercise needs of urban areas with high density and high threat of a terrorist attack, and assists them in building and sustaining capabilities to prevent, protect against, respond to, and recover from disasters.

## LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM

In accordance with section 2006 of the Homeland Security Act of 2002, the Law Enforcement Terrorism Prevention Program [LETPP] is funded through a required set aside of 25 percent of the funds appropriated through the SHSGP and UASI programs. The Committee directs FEMA 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. LETPP is to provide law enforcement communities with enhanced capabilities for detecting, deterring, disrupting, and preventing acts of terrorism.

## REGIONAL CATASTROPHIC PREPAREDNESS GRANT PROGRAM

The Committee recommends \$35,000,000 for the Regional Catastrophic Preparedness Grant Program [RCPGP], instead of no funding as proposed in the budget.

Hurricanes Katrina and Rita proved that it is essential to have a regional approach to responding to catastrophic disasters, particularly with regard to mass evacuations.

To date, the RCPGP has provided needed funding for planning efforts. As plans are completed, FEMA is directed to: prioritize funding for efforts which formalize sustainable working groups for continued effective coordination; ensure synchronization of plans and shared best practices; implement citizen and community preparedness campaigns; and pre-position needed commodities and equipment. FEMA is further directed to take into account the needs of both the area at risk of attack and likely host communities.

## METROPOLITAN MEDICAL RESPONSE SYSTEM

The Committee recommends \$33,000,000 for the Metropolitan Medical Response System [MMRS], instead of no funding as proposed in the budget.

The MMRS program was created in 1996 following the 1995 sarin gas attack in the Tokyo subway and the domestic terrorist bombing of the Alfred P. Murrah Building in Oklahoma City. The MMRS program assists highly populated jurisdictions develop plans, conduct training and exercises, and acquire pharmaceuticals and personal protective equipment to achieve the enhanced capability necessary to respond to a mass casualty event. This assistance supports the jurisdictions' activities to increase their response capabilities during the first hours crucial to lifesaving and population protection, with their own resources, until significant external assistance can arrive.

The Committee is perplexed that the budget proposes no funding for MMRS and yet proposes the Biodefense Response and Recovery Demonstration Project, through the Office of Health Affairs [OHA], which will "build on the growing realization that regional response networks are vital to overall national response and recovery". Given that MMRS is central to this concept, the Committee includes continued funding for MMRS and directs FEMA to coordinate with OHA and MMRS stakeholders on the future development of the System to ensure it is meeting all current needs.

## CITIZENS CORPS

The Committee recommends \$15,000,000 for the Citizens Corps Program [CCP], as proposed in the budget.

The CCP is a grassroots initiative to actively involve all citizens in hometown preparedness through personal readiness, training, and volunteer service.

## PUBLIC TRANSPORTATION SECURITY ASSISTANCE AND RAILROAD SECURITY ASSISTANCE

The Committee recommends \$400,000,000 for Public Transportation Security Assistance [PTSA] and Railroad Security Assistance [RSA], instead of \$175,000,000 as proposed in the budget. Of this amount \$25,000,000 is provided for Amtrak security needs. The Secretary shall not require a matching contribution for Public Transportation Security Assistance, Railroad Security Assistance, and Amtrak Security Assistance.

The PTSA and RSA programs support agencies in their efforts to enhance security measures for critical transit infrastructure including transit, bus, ferry, and rail systems. This program also provides funding to Amtrak for continued security enhancements for intercity rail operations between key, high-risk urban areas throughout the United States.

## PORT SECURITY GRANTS

The Committee recommends \$400,000,000 the Port Security Grant Program [PSGP], instead of \$210,000,000 as proposed in the budget.

The PSGP provides grant funding to port areas for the protection of critical port infrastructure. PSGP funds help ports enhance their risk management capabilities, domain awareness, training and exercises, and capabilities to prevent, detect, respond to, and recover from terrorists attacks.

## OVER-THE-ROAD BUS SECURITY ASSISTANCE

The Committee recommends \$12,000,000 for Over-the-Road Bus Security, as proposed in the budget to protect intercity bus systems and the traveling public from terrorism.

## TRUCKING INDUSTRY SECURITY GRANTS

The Committee recommends \$8,000,000 for Trucking Industry Security Grants, as proposed in the budget, to be competitively awarded, to provide for an anti-terrorism and security awareness program for highway professionals and an academic evaluation of the effectiveness of the program.

## BUFFER ZONE PROTECTION PROGRAM

The Committee recommends \$50,000,000 for the Buffer Zone Protection Program [BZPP]. BZPP provides grants to build security and risk-management capabilities at the State and local level in order to secure pre-designated Tier I and Tier II critical infrastructure sites. The Committee continues to fund BZPP as a separate program and does not include any funding for the National Secu-

riety and Terrorism Prevention Grants Program which the budget proposes States could use for either REAL ID costs or BZPP projects.

#### COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM

The Committee provides \$10,000,000 for Commercial Equipment Direct Assistance Program [CEDAP], instead of no funding as proposed in the budget. The Committee directs the Department to award funding through CEDAP only if projects or equipment are consistent with State Homeland Security Strategies and the unmet essential capabilities identified through Homeland Security Presidential Directive-8.

#### INTEROPERABILITY EMERGENCY COMMUNICATIONS GRANTS

The Committee recommends \$50,000,000 for Interoperability Emergency Communications Grants, instead of no funding as proposed in the budget.

The Committee expects that before grant dollars can be obligated by grantees for interoperable communications equipment, jurisdictions must certify to FEMA that the funds are being spent in accordance with their plans. The Committee directs FEMA Regional Offices to assist in integrating communications plans.

#### EMERGENCY OPERATIONS CENTERS

The Committee recommends \$10,000,000 for Emergency Operations Centers, instead of no funding as proposed in the budget.

#### NATIONAL PROGRAMS

The Committee recommends \$291,400,000 for National Programs, instead of \$145,000,000, as proposed in the budget. National Programs includes funding for training, exercises, technical assistance and evaluations provided at the National level for efficiencies and effectiveness in needed areas that are National in scope and not provided at the State and local level through grant programs. Included in the recommended amount is: \$62,500,000 for the Center for Domestic Preparedness and Noble Training Center; \$101,900,000 for the National Domestic Preparedness Consortium and Other Programs; \$25,000,000 for Demonstration Training Grants; \$31,000,000 for Continuing Training Grants; \$40,000,000 for the National Exercise Program; \$12,000,000 for Technical Assistance; and \$19,000,000 Evaluations and Assessments.

#### CENTER FOR DOMESTIC PREPAREDNESS AND NOBLE TRAINING CENTER

The Committee recommends \$57,000,000 to continue activities for the Center for Domestic Preparedness [CDP] and \$5,500,000 to continue activities for the Noble Training Center. The CDP and Noble Training Center provide hands-on specialized training to State and local emergency responders in the management and remediation of weapons of mass destruction incidents, and in medical response to such events.

## NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM/OTHER PROGRAMS

The Committee recommends \$98,000,000 for the National Domestic Preparedness Consortium, instead of \$32,000,000, as proposed in the budget. Existing members of the Consortium include: the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; the National Center for Biomedical Research and Training, Louisiana State University; the National Emergency Response and Rescue Training Center, Texas A&M University; the National Exercise, Test, and Training Center, Nevada Test Site; the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and the National Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii.

The Committee recognizes that each member brings a unique set of assets to the domestic preparedness program including: live explosives training; first responder emergency response to terrorism training; training for State and local officials regarding the threat posed by weapons of mass destruction; large-scale field exercises using live agent stimulants and explosives; natural disaster preparedness training; and transportation security and emergency response training.

The Committee also recommends \$2,200,000 for all-hazards training in the Pacific Region to develop best practices for the unique geographical features and remoteness of the area; and \$1,700,000 for counterterrorism and cybercrime training to develop best practices regarding cyber security and response for public entities which manage public health, government benefits, and other important information directly related to individuals and the economy.

## DEMONSTRATION TRAINING GRANTS

The Committee provides \$25,000,000 for demonstration training grants, to be competitively awarded. The Committee expects this to continue to be a peer-reviewed competitive grant program. The Demonstration Training Grants program develops and delivers innovative training programs addressing high priority national homeland security training needs.

## CONTINUING TRAINING GRANTS

The Committee provides \$31,000,000 for continuing training grants, instead of no funding as proposed in the budget. The Continuing Training Grant Program provides funding for training initiatives that further the Department's mission to prepare the Nation to prevent, respond to, and recover from incidents of terrorism. The Committee is supportive of programs which consistently deliver homeland security curricula in the form of executive education programs and accredited Masters degree education. The Committee recommends full funding for the graduate-level homeland security education programs currently supported by the Department to leverage these existing programs to meet the growing need for graduate-level education.

## NATIONAL EXERCISE PROGRAM

The Committee recommends \$40,000,000 for the National Exercise Program, as proposed in the budget. The National Exercise Program oversees the Department's Federal, State and local exercise programs, which includes the Top Officials [TOPOFF] exercise series.

## TECHNICAL ASSISTANCE

The Committee recommends \$12,000,000 for Technical Assistance [TA], as provided in fiscal year 2008, instead of \$10,000,000 as proposed in the budget. TA provides direct assistance to State, regional, local, and tribal jurisdictions to improve their ability 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 Committee recommends \$19,000,000 for Evaluations and Assessments, as provided in fiscal year 2008, instead of \$16,000,000 as proposed in the budget. The Evaluations and Assessments program gathers, analyzes, and interprets national and program specific data to implement a comprehensive system to measure the effectiveness of DHS programs, including HSPD-8 and the impact on our national readiness. Of the amount provided, no less than \$3,000,000 shall be dedicated to the development of measuring capabilities and managing grants as described previously in this report.

## FIREFIGHTER ASSISTANCE GRANTS

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$750,000,000 |
| Budget estimate, 2009 .....    | 300,000,000   |
| Committee recommendation ..... | 750,000,000   |

Firefighter assistance grants, as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), assist local firefighting departments for the purpose of protecting the health and safety of the public and fire fighting personnel, including volunteers and emergency medical service personnel, against fire and fire-related hazards.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$750,000,000 for firefighter assistance grants, including \$560,000,000 for firefighter assistance grants, and \$190,000,000 for firefighter staffing grants, to remain available until September 30, 2010. This is the same amount provided in fiscal year 2008 and \$450,000,000 above the request.

The Committee directs the Department 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.

The Committee directs the Department to continue direct funding to fire departments and the peer review process. Not to exceed 5 percent of grant funds may be for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

|  |               |
|--|---------------|
| Appropriations, 2008 .....               | \$300,000,000 |
| Budget estimate, 2009 <sup>1</sup> ..... | .....         |
| Committee recommendation .....           | 300,000,000   |

<sup>1</sup> Budget proposes \$200,000,000 under State and Local Programs.

Funding requested in this account provides support to the Nation’s all-hazards emergency management system and helps to build State and local emergency management capability.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$300,000,000 for emergency management performance grants [EMPG], an increase of \$100,000,000 from the amount requested in the budget within the State and Local Programs account. EMPG is an essential source of funding for State and local emergency management.

The Committee directs FEMA to retain EMPG as a separate grant program, and not to combine its funding with any other grant allocation or application process. Not to exceed 3 percent of grant funds may be for administrative expenses.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

|   |            |
|---|------------|
| Appropriations, 2008 <sup>1</sup> .....     | -\$505,000 |
| Budget estimate, 2009 <sup>1</sup> .....    | -505,000   |
| Committee recommendation <sup>1</sup> ..... | -505,000   |

<sup>1</sup> Fee collections are estimated to exceed costs.

The Radiological Emergency Preparedness [REP] program assists State and local governments in the development of off-site radiological emergency preparedness plans within the emergency planning zones of commercial nuclear power facilities licensed by the Nuclear Regulatory Commission [NRC]. The fund is financed from fees assessed and collected from the NRC licensees to recover the amounts anticipated to be obligated in the next fiscal year for expenses related to REP program activities.

COMMITTEE RECOMMENDATIONS

The Committee provides for the receipt and expenditure of fees collected, as authorized by Public Law 105–276. The budget estimates fee collections to exceed expenditures by \$505,000 in fiscal year 2009.

UNITED STATES FIRE ADMINISTRATION

|  |              |
|--|--------------|
| Appropriations, 2008 .....               | \$43,300,000 |
| Budget estimate, 2009 <sup>1</sup> ..... | .....        |
| Committee recommendation .....           | 43,300,000   |

<sup>1</sup> Budget proposes \$40,913,000 under “Management and Administration”.

The mission of the United States Fire Administration [USFA] is to reduce losses, both economic and human, due to fire and other emergencies through training, research, coordination and support. USFA also prepares the Nation’s first responder and healthcare leaders through ongoing, and when necessary, expedited training regarding how to evaluate and minimize community risk, improve

protection to critical infrastructure, and be better prepared to react to all-hazard and terrorism emergencies.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$43,300,000 for the USFA, as a separate appropriation, and does not agree with the request to eliminate this appropriation and merge the funding with FEMA “Management and Administration”. FEMA is to submit a master facilities plan to the Committee for the maintenance and modernization of both the Emergency Management Institute and USFA campuses, within 120 days after the date of enactment of this act. This plan should include any needed infrastructure improvements, building renovations, and life-cycle costs. Additionally, the plan shall identify where efficiencies can be gained through joint efforts.

The Committee directs USFA to provide a briefing within 30 days of enactment of this act on the status of implementing the upgrade to the National Fire Information Reporting System, including future milestones for measuring progress.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

|   |                 |
|---|-----------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$1,400,000,000 |
| Budget estimate, 2009 .....             | 1,900,000,000   |
| Committee recommendation .....          | 1,900,000,000   |

<sup>1</sup> Excludes \$2,900,000,000 in emergency appropriations pursuant to Public Law 110-116.

Through the Disaster Relief Fund [DRF], the Department provides a significant portion of the total Federal response to victims in presidentially declared major disasters and emergencies. Major disasters are declared when a State requests Federal assistance and proves that a given disaster is beyond the local and State capacity to respond. Under the DRF, FEMA will continue to operate the primary assistance programs, including Federal assistance to individuals and households; and public assistance, which includes the repair and reconstruction of State, local, and nonprofit infrastructure. The post-disaster hazard mitigation set-aside to States, as part of the DRF, works as a companion piece to the National Pre-Disaster Mitigation Fund.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$1,900,000,000 for disaster relief. The Committee includes bill language transferring \$43,485,000 of this amount to FEMA’s “Management and Administration” for the continued conversion of temporary employees into permanent employees and, \$16,000,000 of this amount to the Office of Inspector General for audits and investigations related to disasters. Additionally, bill language is included providing up to \$250,000,000 for disaster readiness and support costs.

2004 HURRICANES

FEMA is directed to maintain the Florida long-term recovery office as long as there is sufficient work to be done following the 2004 hurricanes that struck the State. FEMA is further directed to no-

tify the Committee on Appropriations prior to the closing of the office, including specific information regarding why closing the office is appropriate and how any remaining workload will be effectively addressed.

DISASTER READINESS AND SUPPORT

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     |               |
| Budget estimate, 2009 .....    | \$200,000,000 |
| Committee recommendation ..... |               |

COMMITTEE RECOMMENDATIONS

The Committee does not include a new Disaster Readiness and Support appropriations account, as proposed in the budget. Instead this funding is provided in “Disaster Relief”, as in previous years. The Committee is convinced that a separate appropriation is unnecessary with the improved financial transparency FEMA has provided. Additionally, the creation of the appropriations account will require coordination among three accounts for disaster readiness and support, instead of the two that currently exist (“Disaster Relief” and “Management and Administration”), which will lead to unnecessary bureaucratic delays and possible duplication in spending.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

|   |           |
|---|-----------|
| Appropriations, 2008 .....                  | \$875,000 |
| Budget estimate, 2009 <sup>1</sup> .....    | 295,000   |
| Committee recommendation <sup>1</sup> ..... | 295,000   |

<sup>1</sup>Funding for administrative expenses totaling \$580,000 is included in the FEMA “Management and Administration” account.

Disaster assistance loans authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162) are loans to States for the non-Federal portion of cost sharing funds, and community disaster loans to local governments incurring a substantial loss of tax and other revenues as a result of a major disaster. The funds requested for this program include direct loans and a subsidy based on criteria including loan amount and interest charged. As required by the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), this account records, for this program, the subsidy costs associated with the direct loans obligated in 1992 and beyond (including modifications of direct loans), as well as administrative expenses of the program. The subsidy amounts are estimated on a present value basis; the administrative expenses are estimated on a cash basis.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$295,000, as proposed in the budget, in subsidy costs for disaster assistance direct loans.

The Committee recommends administrative costs for the Disaster Assistance Direct Loan Program totaling \$580,000 for the program. These funds are included in the FEMA Management and Administration account, as proposed in the budget.

Bill language is included directing the gross obligations for the principal amount of direct loans to not exceed \$25,000,000.

## FLOOD MAP MODERNIZATION FUND

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$220,000,000 |
| Budget estimate, 2009 .....    | 150,000,000   |
| Committee recommendation ..... | 185,000,000   |

This appropriation supports the functions necessary to modernize and digitize flood maps. The flood maps are used to determine appropriate risk-based premium rates for the National Flood Insurance Program, to complete flood hazard determinations required of the Nation's lending institutions, and to develop appropriate disaster response plans for Federal, State, and local emergency management personnel.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$185,000,000 for the Flood Map Modernization Fund and includes language in the bill that provides up to 3 percent of the funds may be made available for administrative purposes. The Committee notes that over \$35,000,000 is provided through National Flood Insurance Fund fees for mapping activities, as proposed in the budget. Therefore, the Committee recommends an increase of \$35,000,000 to bring the total amount for mapping activities to \$220,000,000, the same amount as provided in fiscal year 2008. FEMA is directed to continue requesting the needed resources to ensure maps are up to date.

The Committee recognizes that flood plain mapping in the gulf coast region after the hurricanes of 2005 is nearing completion. FEMA is directed to proactively and clearly communicate the impact of the changes of the maps to property owners. This communication effort shall be coordinated with State rebuilding efforts to ensure property owners have accurate information.

## NATIONAL FLOOD INSURANCE FUND

|  |                 |
|--|-----------------|
| Appropriations, 2008 <sup>1</sup> .....  | (\$145,000,000) |
| Budget estimate, 2009 <sup>2</sup> ..... | (156,599,000)   |
| Committee recommendation .....           | (156,599,000)   |

<sup>1</sup> Fully offset by fee collections.

<sup>2</sup> Budget proposes \$35,700,000 for national flood mitigation purposes out of the National Flood Insurance Fund, instead of through a transfer from a separate National Flood Mitigation Fund account, as in prior fiscal years.

The National Flood Insurance Fund is a fee-generated fund which provides funding for the National Flood Insurance Program. This program enables property owners to purchase flood insurance otherwise unavailable in the commercial market. The National Flood Insurance Act of 1968 authorizes the Federal Government to provide flood insurance on a national basis. This insurance is available to communities which enact and enforce appropriate floodplain management measures and covers virtually all types of buildings and their contents up to \$350,000 for residential types and \$1,000,000 for all other types.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$156,599,000, as proposed in the budget, for the National Flood Insurance Fund of which no less than \$35,700,000 is for expenses under section 1366 of the National Flood Insurance Act (42 U.S.C. 4104c) to provide assistance

planning to States and communities for implementing floodplain management measures to reduce or eliminate the long-term risk of flood damage to buildings and other structures eligible for insurance under the National Flood Insurance Program.

BIENNIAL FINANCIAL STATEMENT AUDITS

Extraordinary flood events in the last few years have raised awareness of the financial condition of the NFIF. The NFIF is largely implemented by private insurance companies that sell and service policies and adjust claims under the Write Your Own [WYO] Program. The most significant tool that FEMA uses to conduct reviews and oversight are the biennial financial statement audits that are required by FEMA regulations and the WYO Financial Control Plan. The Government Accountability Office found that the biennial financial statements audits were not performed consistently as required by regulation (FEMA’s Management and Oversight of Payments for Insurance Company Services Should Be Improved, GAO–07–1078).

FEMA regulations require each participating company to arrange and pay for these audits by independent certified public accounting firms. However, many WYO insurance companies did not comply with the schedule in recent years. For example, for fiscal year 2005 and 2006, 5 of 94 participating companies had biennial financial statement audits performed.

The Committee directs FEMA to report within 90 days after the date of enactment of this act on the process put in place to track compliance with the biennial financial statement audits, certify the number of WYO insurance companies in compliance for fiscal year 2008 and that the audits have been reviewed by FEMA program managers, and an explanation for any participating companies not in compliance.

NATIONAL FLOOD MITIGATION FUND

|   |              |
|---|--------------|
| Appropriations, 2008 <sup>1</sup> .....     | \$34,000,000 |
| Budget estimate, 2009 <sup>2</sup> .....    |              |
| Committee recommendation <sup>2</sup> ..... |              |

<sup>1</sup>By transfer from the National Flood Insurance Fund.

<sup>2</sup>Budget proposes \$35,700,000 for national flood mitigation purposes out of the National Flood Insurance Fund, instead of through a transfer from a separate National Flood Mitigation Fund account, as in fiscal year 2008.

The Committee recommends \$35,700,000 for national flood mitigation purposes out of the National Flood Insurance Fund as proposed in the budget. Therefore, no transfer is provided to the National Flood Mitigation Fund.

NATIONAL PREDISASTER MITIGATION FUND

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$114,000,000 |
| Budget estimate, 2009 .....    | 75,000,000    |
| Committee recommendation ..... | 100,000,000   |

The National Predisaster Mitigation [PDM] Fund provides grants to States, communities, territories, and Indian tribal governments for hazard mitigation planning and implementing mitigation projects prior to a disaster event. PDM grants are awarded on a competitive basis. This program operates independent of the Haz-

ard Mitigation Grant Program, funded through the Disaster Relief Fund, which provides grants to a State in which a disaster has been declared.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$100,000,000 for PDM, an increase of \$25,000,000 from the budget request. The Committee directs FEMA to operate this program competitively and to ensure that management costs are included within the funding level of each project.

EMERGENCY FOOD AND SHELTER

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$153,000,000 |
| Budget estimate, 2009 .....    | 100,000,000   |
| Committee recommendation ..... | 153,000,000   |

This appropriation funds grants to nonprofit and faith-based organizations at the local level to supplement their programs for emergency food and shelter to provide for the immediate needs of the homeless.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$153,000,000, as provided in fiscal year 2008, instead of \$100,000,000 as proposed in the budget, for the Emergency Food and Shelter program.

CERRO GRANDE FIRE CLAIMS

(INCLUDING RECISSION OF FUNDS)

The Committee includes bill language rescinding unobligated funds made available in prior years.

TITLE IV  
RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES  
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

|   |                          |
|---|--------------------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$80,973,000             |
| Budget estimate, 2009 .....             | <sup>2</sup> 154,540,000 |
| Committee recommendation .....          | 150,540,000              |

<sup>1</sup> Includes \$80,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

<sup>2</sup> Includes a \$4,000,000 printing error contained within the fiscal year 2009 Budget Appendix.

United States Citizenship and Immigration Services [USCIS] funds expenses necessary for the administration of laws and the provision of services related to people seeking to enter, reside, work, and naturalize in the United States. In addition to directly appropriated resources, fee collections are available for the operations of USCIS.

*Immigration Examinations Fees.*—USCIS collects fees from persons applying for immigration benefits to support the adjudication of applications, as authorized by the Immigration and Nationality Act (8 U.S.C. 1356).

*H1-B and L Fraud Prevention and Detection Fees.*—USCIS collects fees from petitioners seeking a beneficiary’s initial grant of H1-B or L nonimmigrant classification or those petitioners seeking to change a beneficiary’s employer within those classifications (Public Law 108-447).

*H1-B Nonimmigrant Petitioner Fees.*—USCIS collects fees from petitioners using the H1-B program (Public Law 108-447).

COMMITTEE RECOMMENDATIONS

The Committee recommends total resources of \$2,689,726,000, including direct appropriations of \$150,540,000 and estimated fee collections of \$2,539,186,000.

The following table summarizes the Committee’s recommendations as compared to the fiscal year 2008 and budget request levels:

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES—FUNDING SUMMARY

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations <sup>3</sup> |
|--|--|------------------------------------|---|
| Appropriations .....                                 | <sup>2</sup> 80,973                      | <sup>3</sup> 154,540               | 150,540                                   |
| Estimated Fee Collections:                           |  |                                    |   |
| Immigration Examinations Fees .....                  | 2,494,872                                | 2,495,186                          | 2,495,186                                 |
| H-1B and L Fraud Prevention and Detection Fees ..... | 31,000                                   | 31,000                             | 31,000                                    |
| H-1B Non-immigrant Petitioner Fees .....             | 13,000                                   | 13,000                             | 13,000                                    |

## UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES—FUNDING SUMMARY—Continued

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations <sup>3</sup> |
|--|--|------------------------------------|---|
| Total, Estimated Fee Collections ..... | 2,538,872                                | 2,539,186                          | 2,539,186                                 |
| Total, Available Funding .....         | 2,619,845                                | 2,693,726                          | 2,689,726                                 |

<sup>1</sup> Does not reflect section 503 adjustments approved by the Senate and House of Representatives.

<sup>2</sup> Includes \$80,000,000 in emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110-161).

<sup>3</sup> Includes a \$4,000,000 printing error contained within the fiscal year 2009 Budget Appendix.

## SURGE IN ADJUDICATION FEES

The Committee notes that it received two letters from the Deputy Under Secretary for Management, pursuant to section 503 of Public Law 110-161. One was a technical redistribution of USCIS fee estimates for fiscal year 2008 by program, project, and activity as presented in the President's fiscal year 2008 budget and approved by Public Law 110-161 and an increase in spending authority for the Immigration Examinations Fee Account [IEFA] totaling \$43,400,000. The other requested a net increase in USCIS fiscal year 2008 fee estimates for the IEFA totaling \$238,767,000, representing the surge in naturalization and other adjudication of status applications during the summer of 2007. The Senate and the House of Representatives Committees on Appropriations each approved the request on February 12, 2008.

The Committee anticipates that it will receive a section 503 notification requesting approval for obligating excess fees to be spent in fiscal year 2009.

## E-VERIFY

USCIS re-branded the Employment Eligibility Verification Basic Pilot Program in August 2007. The program is now called E-Verify. E-Verify allows employers to use a free, automated system to run employment authorization checks against DHS and Social Security Administration databases. Voluntary use of the program has grown considerably in the past few years and is expected to expand much further in the coming years as enforcement of existing immigration laws continues to grow. The Committee recommends \$100,000,000 and 255 positions, as requested in the budget, for E-Verify. The Committee notes that USCIS plans to use \$24,500,000 in anticipated carry over funds from fiscal year 2008.

## REAL ID ACT IMPLEMENTATION

Included in the amount recommended by the Committee is \$50,000,000, two positions, and two full-time equivalents, as requested in the budget, to assist in implementing the REAL ID Act. Specifically, these funds will allow States to verify document information with the Federal and State source agency for driver's licenses or identification cards as well as enable States to share information. The Committee expects that all applicable DHS privacy rules and regulations will be adhered to in the development of this program.

## FBI BACKGROUND CHECK BACKLOG

The Committee notes that it received the expenditure plan for the elimination of the name check backlog jointly submitted by USCIS and the Federal Bureau of Investigation [FBI] on April 1, 2008. The current backlog of names needing to be checked by the FBI stands at over 327,000. These are individuals currently residing in the United States awaiting adjudication. The Committee believes this is an unnecessary security risk. Additionally, the delay in resolving the name check backlog is resulting in an increase in lawsuits against the Government. By law, USCIS is required to decide citizenship cases within 120 days of interviewing an applicant. In fiscal year 2005, applicants filed 370 lawsuits against USCIS for missing that deadline. The number of lawsuits is expected to surpass 5,200 this fiscal year. The Committee reminds both agencies that Congress has appropriated a total of \$28,000,000 to expedite elimination of this backlog and reiterates its strong concern that this backlog must be addressed as aggressively as possible. Determination of immigration benefits is a national security issue as well as a humanitarian concern. The Committee has been assured by USCIS that the \$28,000,000 will resolve this problem. If there is any indication that the April 1, 2008, plan will not resolve the backlog, the Committee expects to receive a reprogramming as soon as possible.

The Committee is also aware of a June 2008, Department of Justice Inspector General audit report on the FBI's security check procedures for immigration applications and petitions. The report recommends, and the FBI concurs, that USCIS place an on-site representative at the FBI facility in Winchester, Virginia, who can immediately respond to FBI name check analysts' requests for additional information on these documents. The Committee urges USCIS to provide personnel to the FBI to respond to this recommendation.

## COMMITTEE RECOMMENDATIONS

The following table, which includes appropriations and estimated fee collections, summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES—PROGRAM SUMMARY

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|--|------------------------------------|------------------------------|
| <b>Appropriations:</b>                                   |  |                                    |                              |
| Employment Eligibility Verification [EEV]/E-Verify ..... | <sup>2</sup> 60,000                      | 100,000                            | 100,000                      |
| FBI Background Check .....                               | <sup>2</sup> 20,000                      | .....                              | .....                        |
| Benefit Parole Programs .....                            | 523                                      | 540                                | 540                          |
| Immigration Service Programs .....                       | 450                                      | .....                              | .....                        |
| REAL ID Act Implementation .....                         | .....                                    | 50,000                             | 50,000                       |
| <b>Total, Appropriations .....</b>                       | <b>80,973</b>                            | <b><sup>3</sup> 154,540</b>        | <b>150,540</b>               |
| <b>Fee Collections:</b>                                  |  |                                    |                              |
| <b>Adjudication Services:</b>                            |  |                                    |                              |
| Pay and Benefits .....                                   | 758,091                                  | 780,076                            | 780,076                      |

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES—PROGRAM SUMMARY—Continued  
 [In thousands of dollars]

|   | Fiscal year 2008<br>enacted <sup>1</sup> | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|--|------------------------------------|------------------------------|
| Operating Expenses:   |  |                                    |                              |
| District Operations .....                                   | 546,413                                  | 535,156                            | 535,156                      |
| Service Center Operations .....                             | 352,866                                  | 345,890                            | 345,890                      |
| Asylum, Refugee and International Operations ..             | 94,561                                   | 92,602                             | 92,602                       |
| Records Operations .....                                    | 87,739                                   | 85,946                             | 85,946                       |
| Business Transformation .....                               | 139,000                                  | 139,000                            | 139,000                      |
| Subtotal, Adjudication Services .....                       | 1,978,670                                | 1,978,670                          | 1,978,670                    |
| Information and Customer Services:                          |  |                                    |                              |
| Pay and Benefits .....                                      | 89,977                                   | 92,587                             | 92,587                       |
| Operating Expenses:   |  |                                    |                              |
| National Customer Service Center .....                      | 55,600                                   | 53,747                             | 53,747                       |
| Information Services .....                                  | 22,222                                   | 21,465                             | 21,465                       |
| Subtotal, Information and Customer Services .....           | 167,799                                  | 167,799                            | 167,799                      |
| Administration:   |  |                                    |                              |
| Pay and Benefits .....                                      | 86,245                                   | 88,746                             | 88,746                       |
| Operating Expenses .....                                    | 287,654                                  | 285,153                            | 285,153                      |
| Subtotal, Administration .....                              | 373,899                                  | 373,899                            | 373,899                      |
| Systematic Alien Verification for Entitlements [SAVE] ..... | 18,504                                   | 18,818                             | 18,818                       |
| Total, Fee Collections .....                                | 2,538,872                                | 2,539,186                          | 2,539,186                    |

<sup>1</sup> Does not reflect section 503 adjustments approved by the Senate and the House of Representatives.

<sup>2</sup> Designated as emergency appropriations pursuant to the Department of Homeland Security Appropriations Act, 2008 (Public Law 110–161).

<sup>3</sup> Includes a \$4,000,000 printing error contained within the fiscal year 2009 Budget Appendix.

FEDERAL LAW ENFORCEMENT TRAINING CENTER  
 SALARIES AND EXPENSES

|   |               |
|---|---------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$238,076,000 |
| Budget estimate, 2009 .....             | 230,670,000   |
| Committee recommendation .....          | 237,692,000   |

<sup>1</sup> Includes \$17,000,000 in emergency appropriations pursuant to section 5 (in the matter preceding Division A of Public Law 110–161).

The Federal Law Enforcement Training Center Salaries and Expenses appropriation provides funds for basic and some advanced training to Federal law enforcement personnel from more than 80 agencies. This account also allows for research of new training methodologies; provides for training to certain State, local, and foreign law enforcement personnel on a space-available basis; and accreditation of Federal law enforcement training programs.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$237,692,000 for salaries and expenses of the Federal Law Enforcement Training Center [FLETC] for fiscal year 2009. The Committee recommendation includes an increase of \$7,022,000 above the fiscal year 2008 level in annualization and inflationary adjustments, as well as for training accreditation of Federal law enforcement agencies.

The Committee encourages FLETC to continue and expand existing institutional partnerships prior to initiating new partnerships to assist in meeting State, local, and other training needs.

The Committee includes bill language requiring the Director of FLETC to ensure all training centers are operated at the highest capacity feasible throughout the fiscal year. The Committee also expects the Director to maintain training at or near capacity before entering into new leases with private contractors or establishing new partner organizations.

#### ACCREDITATION

The Committee has included in past years report language rejecting the transfer of the Federal Law Enforcement Training Accreditation Board [FLETA] from FLETC and instead funding FLETA within FLETC "Salaries and Expenses". The Committee again rejects transferring FLETA from FLETC and no funds from this appropriation or any other appropriation may be used for the purpose of transferring FLETA from FLETC.

#### WASHINGTON OFFICE

The Committee understands that a Washington office was established in 1975 at the time of the transfer of FLETC to its current headquarters location in Glynco, Georgia. This office was created to facilitate and provide assistance for those functions that normally are done at a headquarters operation for an agency or component in Washington, DC. Therefore, the Committee directs that no appropriations may be used to transfer, or close down, the FLETC Washington office. The Committee recommends an additional \$730,000 for operation of this office and includes bill language prohibiting the closure or transfer of this office.

#### INTEGRITY TRAINING

The Federal Government has experienced a significant increase in law enforcement officer hiring in the years since the tragic attacks on September 11, 2001. As often has been the case in past major surge hiring efforts, the expedited hiring process can create opportunities for abuse of the public trust. The Committee believes it is critical that all Federal law enforcement personnel, especially new hires, receive comprehensive training in ethics and public integrity. The Committee notes that Federal law enforcement personnel receive ethics training as part of their basic training at FLETC and expects that all newly hired Federal law enforcement officers will receive such training wherever they are trained.

To ensure that all aspects of ethics training is given the priority the taxpayers expect and deserve in its officials, the Committee directs the FLETA Board 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 will submit a report to the Committee on Appropriations no later than December 1, 2008, on the implementation of this directive.

## RURAL POLICING INSTITUTE

The Committee supports the Rural Policing Institute [RPI], as it was created to address the training needs of rural first-responders. FLETC will export training programs to rural first-responders throughout the country. The Committee recommends \$5,000,000 to implement the RPI as authorized in the 9/11 Act, to conduct and validate a nationwide needs assessment, and develop and deliver appropriate training programs. Initial funding will be used to create a business plan for the RPI that includes the following: a 5-year expenditure plan, a human capital investment plan, a strategy for evaluating the needs of the rural law enforcement community; an outreach effort to rural law enforcement; a plan to identify and work with partners and stakeholders in the development of new training programs to include a validation process to measure training outcomes. FLETC is directed to provide the business plan to the Committee within 90 days after the date of enactment of this act.

## ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

|   |              |
|---|--------------|
| Appropriations, 2008 <sup>1</sup> ..... | \$50,590,000 |
| Budget estimate, 2009 .....             | 43,456,000   |
| Committee recommendation .....          | 86,456,000   |

<sup>1</sup>Includes \$4,000,000 in emergency appropriations pursuant to section 5 (in the matter preceding Division A of Public Law 110-161).

This account provides for the acquisition and related costs for expansion and maintenance of facilities of the Federal Law Enforcement Training Center [FLETC]. This includes construction and maintenance of facilities and environmental compliance. The environmental compliance funds ensure compliance with Environmental Protection Agency and State environmental laws and regulations.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$86,456,000 for acquisitions, construction, improvements, and related expenses for expansion and maintenance of facilities of FLETC.

The Committee notes that the increased levels of training of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement officers and agents has placed a strain on the training capacity at FLETC facilities. The Committee is aware that a leased dormitory facility which has been available for students at the Charleston, South Carolina campus will close in October 2009. The loss of access to this dormitory will exacerbate FLETC's already strained training capacity where the campuses are operating in excess of 100 percent. To ensure that training of these critical law enforcement personnel continues without interruption, the Committee recommends an additional \$40,000,000 to construct a dorm on the FLETC, Charleston campus.

The Committee recommends an additional \$3,000,000 to complete construction of training-related facilities at Artesia, New Mexico funded in fiscal year 2008.

## SCIENCE AND TECHNOLOGY

## SUMMARY

The mission of Science and Technology [S&T] is to conduct, stimulate, and enable homeland security research, development, testing, and to facilitate the timely transition of capabilities to Federal, State, local, and tribal end-users.

## MANAGEMENT AND ADMINISTRATION

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$138,600,000 |
| Budget estimate, 2009 .....    | 132,100,000   |
| Committee recommendation ..... | 132,100,000   |

The Management and Administration account funds salaries and expenses related to the Office of the Under Secretary for Science and Technology, and headquarters.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$132,100,000 for management and administration of programs and activities carried out by S&T.

## ASSESSMENT OF PROGRAM RESOURCES

In the past, S&T was assessing various programs for operating costs that had not been fully accounted for in the management and administration account. While this practice appears to have ceased, the Committee reminds the Department that it expects to be notified should S&T assess any program for administrative costs exceeding 5 percent of the total program appropriation through a notification pursuant to section 503 of this act.

## RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$691,735,000 |
| Budget estimate, 2009 .....    | 736,737,000   |
| Committee recommendation ..... | 787,277,000   |

Science and Technology [S&T] supports the mission of DHS through basic and applied research, fabrication of prototypes, research and development to mitigate the effects of weapons of mass destruction, as well as acquiring and field testing equipment. Separate funding is provided for 12 different activities or portfolios.

## COMMITTEE RECOMMENDATIONS

The Committee recommends \$787,277,000 for research, development, acquisition, and operations of S&T for fiscal year 2009.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

## SCIENCE AND TECHNOLOGY—RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Borders and Maritime Security .....          | 25,479                      | 35,300                             | 35,300                       |
| Chemical and Biological .....                | 208,020                     | 200,408                            | 200,408                      |
| Command, Control, and Interoperability ..... | 56,980                      | 62,390                             | 87,390                       |
| Explosives .....                             | 77,654                      | 96,149                             | 96,149                       |

SCIENCE AND TECHNOLOGY—RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS—  
Continued

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|-----------------------------|------------------------------------|------------------------------|
| Human Factors .....   | 14,206                      | 12,460                             | 8,000                        |
| Infrastructure and Geophysical .....                                | 64,500                      | 37,816                             | 64,816                       |
| Innovation .....  | 33,000                      | 45,000                             | 33,000                       |
| Laboratory Facilities .....   | 103,814                     | 146,940                            | 161,940                      |
| Test and Evaluation, Standards .....                                | 28,520                      | 24,674                             | 24,674                       |
| Transition .....  | 25,265                      | 31,830                             | 26,830                       |
| University Programs .....   | 49,297                      | 43,770                             | 43,770                       |
| Homeland Security Institute .....                                   | 5,000                       | .....                              | 5,000                        |
| Total, Research, Development, Acquisition and Oper-<br>ations ..... | 691,735                     | 736,737                            | 787,277                      |

## COMMAND, CONTROL, AND INTEROPERABILITY

The Committee provides \$87,390,000 for Command, Control, and Interoperability, \$25,000,000 above the request. The Committee was surprised the administration chose to reduce cyber security research by 8 percent only 4 weeks after issuing Homeland Security Presidential Directive-23, the classified document aimed at coordinating and enhancing the Nation's defenses against ongoing cyber attacks. The Committee is particularly concerned about protecting the financial sector, which has become almost entirely dependent on computer systems, and encourages S&T to develop tools that will enable the private sector to protect itself. The Committee directs S&T to brief the Committee on how it will allocate these additional resources within 60 days after the date of enactment of this act.

The Committee recommendation includes not less than \$3,000,000, the same as the fiscal year 2008 level, for Distributed Environment for Critical Infrastructure Decisionmaking Exercises for research of low probability, high consequence cyber attacks against infrastructure critical to the U.S. economy. The Committee also encourages S&T to work with the Open Technologies Security Project, which has successfully demonstrated the use of open source methodologies to address encryption and distribution issues of critical national interest. Expansion of this project would increase efforts to address these issues across all Federal agencies.

## FIRST RESPONDER COMMUNICATIONS EQUIPMENT STANDARDS

Federal funding for first responder communications equipment should be compliant with common system standards for digital public safety radio communications (Project 25 standards), as appropriate, to ensure interoperability. S&T, in conjunction with the Director of the National Institute of Standards and Technology, shall continue assessing the compliance of first responder communications equipment with Project 25 standards.

## EXPLOSIVES

The Committee provides \$96,149,000 for explosives research, as requested. The Committee is pleased the Department appears to be

taking Committee direction and has increased rather than cut efforts to combat improvised explosive devices.

#### INFRASTRUCTURE AND GEOPHYSICAL

The Committee recommends \$64,816,000 for Infrastructure and Geophysical, \$27,000,000 above the budget request level. The amount recommended includes \$27,000,000 for the Oak Ridge National Laboratory for competitive awards to continue the Southeast Region Research Initiative.

#### INNOVATION

The Committee recommends \$33,000,000 for Innovation, the same level as fiscal year 2008. The Committee continues to support S&T's efforts to explore innovative technologies that have a substantial risk of failure provided the potential benefits warrant such a risk. Similar to investing venture capital, high risk research can produce high return. However, just as venture capital investments need sound business plans, so does research. Unfortunately, it is unclear if project requirements are used to develop the criteria for these high risk efforts. One such project is CHLOE, which is offered as an alternative to the on-board airplane anti-missile systems. S&T does not require this high flying vehicle be able to disable a missile through cloud cover, a seemingly necessary requirement. The Committee directs S&T to brief the Committee on how it will use operational requirements to direct innovation project choices within 60 days after the date of enactment of this act.

#### LABORATORY FACILITIES

The Committee recommends \$161,940,000 for Laboratory Facilities, \$15,000,000 above the amount requested. Included in this amount is \$35,600,000 for the National Bio and Agro Defense Facility [NBAF], as requested in the budget. The NBAF is critically important to the Nation's biological and agricultural threat preparedness and response efforts. The Committee expects the Department to meet its commitment to make a final decision on the location of the NBAF no later than October 2008. The Department is to continue to work in conjunction with the United States Department of Agriculture and Department of Health and Human Services and other organizations to allow construction of the NBAF to begin as soon as practicable.

The Committee was encouraged that the Department finally submitted a request that reflected at least some of its construction obligations for the Physical Science Facility and refurbishment of building 325 at the Pacific Northwest National Laboratory. The Committee provides a total of \$25,000,000, an increase of \$15,000,000 from the request, for ongoing construction activities in support of the Department's November 7, 2006, memorandum of understanding with the National Nuclear Security Administration and the United States Department of Energy.

#### UNIVERSITY PROGRAMS

The Committee recommends \$43,770,000, as requested, for University Programs. The Committee is aware of various concerns that

have been raised over the years with respect to the Department of Homeland Security Centers of Excellence awards. These awards are part of an important array of tools that DHS is using to secure the Nation against future terrorist threats. To be successful, these centers must cover a broad range of topics and utilize regional and local S&T expertise across the Nation. Consequently, the Committee directs S&T to submit a report to the Committee by December 15, 2008, on the process used for identifying the specific areas of focus for such centers as well as a State-by-State breakdown of institutions participating in each of the existing centers.

HOMELAND SECURITY INSTITUTE

The Committee provides \$5,000,000 for the Homeland Security Institute [HSI] and again creates a separate program, project, activity [PPA] for HSI. The request included funding for HSI within the Transition PPA, which has been reduced by a corresponding amount. The Committee appreciates S&T's efforts to integrate HSI into thematic PPAs, but believes this activity is distinct enough to be made separate for budgetary transparency.

CARRIZO CANE

The Committee is pleased with the progress that has been made in the project to research methods to eradicate Carrizo cane and encourages S&T to complete this project expeditiously.

NEW TECHNOLOGIES

The Committee believes new technologies may significantly help the Department as it seeks to secure our homeland. The Committee encourages the Department to develop, through competitive awards, such technologies as: sensitive optical detection technologies; tools for predictive modeling of disease; first responder indoor locator tools; and low-cost gyroplane technology.

DOMESTIC NUCLEAR DETECTION OFFICE

SUMMARY

The mission of the Domestic Nuclear Detection Office [DNDO] is to improve the Nation's capability to detect and report attempts to import, possess, store, develop, or transport nuclear and radiological material for use against the Nation.

COMMITTEE RECOMMENDATIONS

The Committee recommends a total program level of \$541,100,000 for activities of DNDO for fiscal year 2009.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2008 and budget request levels:

DOMESTIC NUCLEAR DETECTION OFFICE

[In thousands of dollars]

|   | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|---|-----------------------------|------------------------------------|------------------------------|
| Management and Administration .....         | 31,500                      | 38,900                             | 38,900                       |
| Research, Development, and Operations ..... | 323,500                     | 334,200                            | 334,200                      |

## DOMESTIC NUCLEAR DETECTION OFFICE—Continued

[In thousands of dollars]

|  | Fiscal year 2008<br>enacted | Fiscal year 2009<br>budget request | Committee<br>recommendations |
|--|-----------------------------|------------------------------------|------------------------------|
| Systems Acquisition .....                      | 129,750                     | 190,700                            | 168,000                      |
| Total, Domestic Nuclear Detection Office ..... | 484,750                     | 563,800                            | 541,100                      |

## RISK-BASED DETECTION

The Committee notes the Secretary claims nearly 100 percent of all shipping containers are screened for radiation at the Southern border. However, the Committee remains concerned terrorists may be able to acquire a nuclear weapon and would choose to transport it into the country through other means. The Committee again urges DNDO to prioritize its development and deployment of detection equipment upon risk, and as appropriate, focus on other cargo and passenger pathways into the country such as bulk rail, general aviation, small pleasure maritime craft, or other routes it deems the highest risk.

## SECURING THE CITIES

The Committee recommends \$30,000,000 for the Securing the Cities initiative, the same as requested. This amount is composed of \$10,000,000 in “Research, Development, and Operations” and \$20,000,000 in “Systems Acquisition”. The Committee continues to strongly support the goals of this program, to detect radiological weapons before they are brought into our cities from the Nation’s interior and elsewhere, and awaits DNDO’s completion of a Securing the Cities strategic plan, which was due to the Committee on May 26, 2008. The Committee recommends allowing the resources allocated for Securing the Cities to also be available for threat reduction and response planning purposes.

## THE NUCLEAR THREAT AND RESOURCE ALLOCATION

The administration must prepare for disasters from an “all-hazards” perspective and preparedness efforts must address many scenarios. Preparing to shelter in place can aid in the event of a terrorist attack, but may also aid in the event of a storm.

The administration has chosen to prioritize spending toward the nuclear threat over other “all-hazards” activities and provide targeted funding for nuclear detection efforts to mitigate the nuclear hazard. The Department’s detection efforts cost taxpayers roughly \$500,000,000 each year, while similar amounts are spent annually by the Department of Energy and other agencies to detect or prevent a nuclear weapon from entering this country. The Committee notes the administration is only planning for success, and not preparing for failure. The administration has asked for no resources targeting preparation for mitigating the consequences of a nuclear attack.

Within the resources made available, the Committee provides \$2,500,000 for DNDO to enter into a contract with an independent scientific and policy body, such as the National Academies of Science [NAS], to determine a conceptual framework for using re-

sources for defensive purposes and also mitigation measures should those defenses fail.

#### MANAGEMENT AND ADMINISTRATION

|                                |              |
|--------------------------------|--------------|
| Appropriations, 2008 .....     | \$31,500,000 |
| Budget estimate, 2009 .....    | 38,900,000   |
| Committee recommendation ..... | 38,900,000   |

The Management and Administration account funds salaries, benefits, and expenses for the Domestic Nuclear Detection Office.

#### COMMITTEE RECOMMENDATIONS

The Committee recommends \$38,900,000 for management and administration, the same as requested.

#### RESEARCH, DEVELOPMENT, AND OPERATIONS

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$323,500,000 |
| Budget estimate, 2009 .....    | 334,200,000   |
| Committee recommendation ..... | 334,200,000   |

#### COMMITTEE RECOMMENDATIONS

The Committee recommends \$334,200,000 for research, development, and operations carried out by DNDO.

#### TRANSFORMATIONAL RESEARCH

The Committee provides \$113,300,000 for transformational research for DNDO's development of advanced technologies to detect nuclear or radiological weapons, an increase of \$17,300,000, as requested in the budget. In the past year, record oil prices have driven many nations to seek a nuclear solution for energy generation. While peaceful use of nuclear technology may be the stated goal of these nations, by-product highly enriched uranium [HEU] would likely find its way into the hands of their military establishments. This new global inclination makes efforts that may yield technologies that can detect shielded HEU extremely valuable and the Committee urges aggressive efforts to discover them.

#### NATIONAL TECHNICAL NUCLEAR FORENSICS CENTER

The Committee directs DNDO to submit a report within 90 days of the date of enactment of this act on the National Technical Nuclear Forensics Center [NTNF], specifically on implementation of its quality assurance program and the results of the NAS study of its capabilities, infrastructure, and workforce, and the steps NTNF is taking to implement the recommendations.

#### SYSTEMS ACQUISITION

|                                |               |
|--------------------------------|---------------|
| Appropriations, 2008 .....     | \$129,750,000 |
| Budget estimate, 2009 .....    | 190,700,000   |
| Committee recommendation ..... | 168,000,000   |

#### COMMITTEE RECOMMENDATIONS

The Committee provides \$168,000,000 for DNDO's procurement and deployment of the domestic nuclear detection architecture. Of the amount provided, \$13,000,000 is for human portable radiation

detection systems and \$20,000,000 is provided for the Securing the Cities program within this account.

The Committee recommends \$135,000,000 for acquisition of radiation portal monitor systems, \$22,700,000 below the budget request and \$45,000,000 above the fiscal year 2008 level. The Committee notes that certification of Advanced Spectroscopic Portal monitor systems by the Secretary will likely not occur expeditiously enough for quick obligation of the requested funds and has reduced this account accordingly.

#### ADVANCED SPECTROSCOPIC PORTAL MONITORS

Once again, the bill prohibits DNDO from full-scale procurement of Advanced Spectroscopic Portal [ASP] monitors until the Secretary submits a report to the Committees on Appropriations certifying that a significant increase in operational effectiveness will be achieved. In addition, separate and distinct certifications shall be submitted by the Secretary prior to the procurement of ASPs for primary and secondary deployment that address the requirements for operational effectiveness of each type of deployment. The Secretary shall consult with NAS before making such certification. Finally, DNDO is prohibited from engaging in high-risk concurrent development and production of mutually dependent software and hardware components of detection systems.

## TITLE V

### GENERAL PROVISIONS

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

Section 502. The bill includes 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 includes 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 on Appropriations. A detailed funding table identifying each congressional control level for reprogramming purposes is included at the end of this statement. These reprogramming guidelines shall be complied with by all departmental components funded by this act.

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

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

The Department shall not propose a reprogramming or transfer of funds after June 30 unless there are extraordinary circumstances, which place human lives or property in imminent danger.

Section 504. The bill includes a provision relating to the Department's Working Capital Fund [WCF] that: extends the authority of

the Department's WCF in fiscal year 2009; prohibits funds appropriated or otherwise made available to the Department from being used to make payments to the WCF, except for the activities and amounts allowed in the President's fiscal year 2009 budget; makes funds available for the WCF available until expended; ensures departmental components are only charged for direct usage of each WCF service; makes funds provided to the WCF available only for purposes consistent with the contributing component; requires the WCF to be paid in advance or reimbursed at rates which will return the full cost of each service; and subjects the WCF to the requirements of section 503 of this act. The WCF table included in the Department's congressional justification accompanying the President's fiscal year 2009 budget shall serve as the control level for reprogramming and transfer purposes in compliance with section 503 of this act. The Committee notes that consistent with the Department of Homeland Security Appropriations Act, 2008, the President's WCF budget does not include funds for sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing. The WCF shall not be available for these purposes in fiscal year 2009.

Section 505. The bill includes 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.

Section 506. The bill includes a provision providing 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 includes a provision directing the Federal Law Enforcement Training Accreditation Board to lead the Federal law enforcement training accreditation process.

Section 508. The bill includes a provision requiring notification of the Committees on Appropriations 3 full business days before any grant allocation, discretionary grant award, discretionary contract award, including Federal Acquisition Regulation-covered contracts, letter of intent totaling in excess of \$1,000,000, or public announcement of the intention to make such an award. Additionally, the Federal Emergency Management Agency [FEMA] is required to brief the Committees on Appropriations 5 full business days prior to announcing publicly the intention to make an award of State Homeland Security grants, Urban Area Security Initiative grants, or Regional Catastrophic Preparedness Grants.

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

Section 510. The bill includes a provision that the Federal Law Enforcement Training Center [FLETC] shall schedule basic and/or advanced law enforcement training at all four training centers under its control to ensure that these training centers are operated at the highest capacity.

Section 511. The bill includes a provision that none of the funds may be used for any construction, repair, alteration, or acquisition project for which a prospectus, if required under chapter 33 of Title

40, United States Code, has not been approved. The bill excludes funds that may be required for development of a proposed prospectus.

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

Section 513. The bill includes 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 Government Accountability Office [GAO]. The Committee directs GAO to continue to evaluate DHS and Transportation Security Administration [TSA] actions to meet the ten conditions listed in section 522(a) of Public Law 108-334 and to report to the Committees on Appropriations, either incrementally as the Department meets additional conditions, or when all conditions have been met by the Department. The 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, as well as certification of this program.

Section 514. The bill includes 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 515. The bill includes a provision regarding competitive sourcing for United States Citizenship and Immigration Services.

Section 516. The bill includes a provision regarding the reimbursement to the Secret Service for the cost of protective services for the head of a Federal agency other than the Secretary of Homeland Security. The provision allows the Secret Service to seek reimbursement for the cost of such protective services.

Section 517. The bill includes a provision directing the Secretary to research, develop, and procure new technologies to inspect and screen air cargo. In the interim, TSA shall utilize existing checked baggage explosives detection equipment and screeners to screen cargo on passenger aircraft when practicable. Language is included that requires TSA to work with air carriers and airports to ensure the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter. TSA is required to report air cargo inspection statistics detailing how incremental progress is being made to the Committees on Appropriations within 45 days of the end of each quarter of the fiscal year.

Section 518. The bill includes a provision directing that only the Privacy Officer, appointed pursuant to section 222 of the Homeland Security Act of 2002, may alter, direct that changes be made to, delay, or prohibit the transmission of a Privacy Officer report to Congress.

Section 519. The bill includes a provision prohibiting the use of funds made available in this act to pay the salary of any employee serving as a contracting officer's technical representative [COTR], or acting in a similar capacity, who has not received COTR training.

Section 520. The bill includes a provision directing that any funds appropriated or transferred to TSA “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 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 521. The bill includes a provision continuing section 525(d) of Public Law 109–295 pertaining to sensitive security information in fiscal year 2009.

Section 522. The bill includes a provision requiring any funds appropriated to the 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 523. The bill includes a provision that prohibits obligation of funds provided in this act to commence operations of the National Applications Office or the National Immigration Information Sharing Operation until the Secretary certifies that these programs comply with all existing laws and that certification is reviewed by GAO.

Section 524. The bill includes a provision requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month. These reports are to include the number of contract employees by office.

Section 525. The bill includes a provision relating to undercover investigative operations authority of the Secret Service.

Section 526. The bill includes a provision prohibiting the use of funds to contravene the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005.

Section 527. The bill includes 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 528. The bill includes a provision prohibiting the use of funds to contravene section 303 of the Energy Policy Act of 1992.

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

Section 530. The bill includes a provision contained in Public Law 110–28 on Coast Guard contracting and the Integrated Deep-water Systems program.

Section 531. The bill includes a provision prohibiting funds 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 5 U.S.C. 9701(a), for an “employee” as defined in 5 U.S.C. 7103(a)(2).

Section 532. The bill includes a provision regarding the enforcement of section 4025(1) of Public Law 108–458 regarding butane lighters.

Section 533. The bill includes a provision permitting funds for the alteration of 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 no funds can 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.

Section 534. The bill includes a provision prohibiting the obligation of funds appropriated to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, and the Office of the Chief Financial Officer for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply.

Section 535. The bill includes 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 536. The bill includes a provision that precludes DHS from using funds in this act to carry out reorganization authority.

Section 537. The bill includes a provision regarding the use of the National Center for Critical Information Processing and Storage data center.

Section 538. The bill includes a provision that prohibits funds from being used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff.

Section 539. The bill includes 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 540. The bill includes a provision that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 541. The bill includes a provision prohibiting the obligation of funds for the Office of Secretary and Executive Management for any new hires by DHS that are not verified through the basic pilot program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 542. The bill includes a provision contained in Public Laws 109-295 and 110-161 related to prescription drugs.

Section 543. The bill includes a provision prohibiting funds 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 544. None of the funds made available in this act may be used for planning, testing, piloting, or developing a national identification card.

Section 545. The bill includes a provision requiring FEMA to report on damage assessment information used to determine if a disaster should be declared and requiring this report to be placed on FEMA's website unless it compromises national security.

Section 546. The bill includes a provision extending the Department's other transactional authority through fiscal year 2009.

Section 547. The bill includes a provision authorizing the liquidation of Plum Island, New York, and allowing the proceeds of the sale to be used to offset the costs of the National Bio and Agro-defense Facility and certain expenses related to the sale.

Section 548. The bill includes a new provision, requested by the President, authorizing, during fiscal year 2009, Secret Service protection for the Vice President and the Vice President's spouse, after completion of the Vice President's term in office.

Section 549. The Committee continues to support expedited rebuilding in the Gulf Coast region and includes a provision regarding FEMA assistance to police stations, fire stations, and criminal justice facilities damaged by Hurricanes Katrina and Rita of 2005.

#### PROGRAM, PROJECT, AND ACTIVITY

The following information provides the definition of the term “program, project, and activity” for the components of the Department of Homeland Security under the jurisdiction of the Homeland Security Subcommittee of the Committee on Appropriations. The term “program, project, and activity” shall include the most specific level of budget items identified in the Department of Homeland Security Appropriations Act, 2009, the House and Senate Committee reports, and the conference report and accompanying joint explanatory statement of the managers of the committee of conference.

If a percentage reduction is necessary, in implementing that reduction, components of the Department of Homeland Security shall apply any percentage reduction required for fiscal year 2009 to all items specified in the justifications submitted to the Committees on Appropriations of the Senate and the House of Representatives in support of the fiscal year 2009 budget estimates, as amended, for such components, as modified by congressional action.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE  
STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports accompanying general appropriations bills identify each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The Committee is filing an original bill, which is not covered under this rule, but reports this information in the spirit of full disclosure.

The Committee recommends funding for the following programs or activities which currently lack authorization for fiscal year 2009:

Office of the Secretary and Executive Management;

Office of the Under Secretary for Management;

Office of the Chief Financial Officer;

Office of the Chief Information Officer;

Analysis and Operations;

Office of the Federal Coordinator for Gulf Coast Rebuilding;

Office of Inspector General;

U.S. Customs and Border Protection: Salaries and Expenses; Automation Modernization; Border Security Fencing, Infrastructure, and Technology; Air and Marine Interdiction, Operations, Maintenance, and Procurement; and Construction;

U.S. Immigration and Customs Enforcement: Salaries and Expenses; Automation Modernization; and Federal Protective Service;

Transportation Security Administration: Transportation Threat Assessment and Credentialing; and Transportation Security Support;

United States Coast Guard: Operating Expenses; Environmental Compliance and Restoration; Reserve Training; Acquisition, Construction, and Improvements; Alteration of Bridges; Research, Development, Test, and Evaluation; and Retired Pay;

United States Secret Service: Salaries and Expenses; and Acquisition, Construction, Improvements, and Related Expenses;

National Protection and Programs Directorate: Management and Administration; Infrastructure Protection and Information Security; and U.S. Visitor and Immigrant Status Indicator Technology;

Office of Health Affairs;

Federal Emergency Management Agency: Management and Administration; State and Local Programs; Disaster Relief; Flood Map Modernization Fund; and Emergency Food and Shelter;

United States Citizenship and Immigration Services;

Federal Law Enforcement Training Center: Salaries and Expenses; and Acquisition, Construction, Improvements, and Related Expenses;

Science and Technology: Management and Administration; and Research, Development, Acquisition, and Operations.

Domestic Nuclear Detection Office: Management and Administration; Research, Development, and Operations; and Systems Acquisition.

COMPLIANCE WITH PARAGRAPH 7(c), RULE XXVI OF THE  
STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on June 19, 2008, the Committee ordered reported an original bill (S. 3181) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, subject to amendment and subject to the budget allocations, and authorized the chairman of the committee or the chairman of the subcommittee to offer the text of the Senate-reported bill as a committee amendment in the nature of a substitute to the House companion measure, by a recorded vote of 29–0, a quorum being present. The vote was as follows:

| Yeas           | Nays |
|----------------|------|
| Chairman Byrd  |      |
| Mr. Inouye     |      |
| Mr. Leahy      |      |
| Mr. Harkin     |      |
| Ms. Mikulski   |      |
| Mr. Kohl       |      |
| Mrs. Murray    |      |
| Mr. Dorgan     |      |
| Mrs. Feinstein |      |
| Mr. Durbin     |      |
| Mr. Johnson    |      |
| Ms. Landrieu   |      |
| Mr. Reed       |      |
| Mr. Lautenberg |      |
| Mr. Nelson     |      |
| Mr. Cochran    |      |
| Mr. Stevens    |      |
| Mr. Specter    |      |
| Mr. Domenici   |      |
| Mr. Bond       |      |
| Mr. McConnell  |      |
| Mr. Shelby     |      |
| Mr. Gregg      |      |
| Mr. Bennett    |      |
| Mr. Craig      |      |
| Mrs. Hutchison |      |
| Mr. Brownback  |      |
| Mr. Allard     |      |
| Mr. Alexander  |      |

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE  
STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include “(a) the text of the statute or part thereof

which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.”

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italics; and existing law in which no change is proposed is shown in roman.

**TITLE 6—DOMESTIC SECURITY**

**CHAPTER 1—HOMELAND SECURITY ORGANIZATION**

\* \* \* \* \*

**SUBCHAPTER VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS**

\* \* \* \* \*

**Part D—Acquisitions**

\* \* \* \* \*

**§ 391. Research and development projects**

**(a) Authority**

**【Until September 30, 2008】** *Until September 30, 2009*, the Secretary may carry out a pilot program under which the Secretary may exercise the following authorities:

\* \* \* \* \*

**2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES, PUBLIC LAW 107-206**

\* \* \* \* \*

**TITLE I—SUPPLEMENTAL APPROPRIATIONS**

**CHAPTER 1**

\* \* \* \* \*

**CHAPTER 12**

\* \* \* \* \*

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

\* \* \* \* \*

GENERAL PROVISIONS—THIS CHAPTER

\* \* \* \* \*

SEC. 1202. (a) The Federal Law Enforcement Training Center may, for a period ending not later than [December 31, 2010] *December 31, 2011*, appoint and maintain a cadre of up to 250 Federal annuitants: (1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

\* \* \* \* \*

DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS ACT, 2007, PUBLIC LAW 109-295

\* \* \* \* \*

TITLE V

GENERAL PROVISIONS

\* \* \* \* \*

SEC. 501. \* \* \*

\* \* \* \* \*

SEC. 532. (a) UNITED STATES SECRET SERVICE USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.—During fiscal year [2008] *2009*, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the “Secret Service”) that is necessary for the detection and prosecution of crimes against the United States—

\* \* \* \* \*

## BUDGETARY IMPACT OF BILL

PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC.  
308(a), PUBLIC LAW 93-344, AS AMENDED

[In millions of dollars]

|  | Budget authority     |                | Outlays              |                     |
|--|----------------------|----------------|----------------------|---------------------|
|  | Committee allocation | Amount of bill | Committee allocation | Amount of bill      |
| Comparison of amounts in the bill with Committee allocations to its subcommittees of budget totals for 2009: Subcommittee on Homeland Security |                      |                |                      |                     |
| Mandatory .....  | 1,152                | 1,152          | 1,148                | <sup>1</sup> 1,148  |
| Discretionary .....  | 42,252               | 42,252         | 42,792               | <sup>1</sup> 42,580 |
| Projection of outlays associated with the recommendation:  |                      |                |                      |                     |
| 2009 .....   |                      |                |                      | <sup>2</sup> 24,257 |
| 2010 .....   |                      |                |                      | 7,727               |
| 2011 .....   |                      |                |                      | 5,474               |
| 2012 .....   |                      |                |                      | 2,281               |
| 2013 and future years .....  |                      |                |                      | 1,216               |
| Financial assistance to State and local governments for 2009 .....   | NA                   | 4,894          | NA                   | 418                 |

<sup>1</sup> Includes outlays from prior-year budget authority.

<sup>2</sup> Excludes outlays from prior-year budget authority.

NA: Not applicable.

#### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

The Constitution vests in the Congress the power of the purse. The Committee believes strongly that Congress should make the decisions on how to allocate the people's money.

As defined in Rule XLIV of the Standing Rules of the Senate, the term "congressionally directed spending item" means a provision or report language included primarily at the request of a Senator, providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative, formula-driven, or competitive award process.

For each item, a Member is required to provide a certification that neither the Member nor the Senator's immediate family has a pecuniary interest in such congressionally directed spending item. Such certifications are available to the public on the website of the Senate Committee on Appropriations ([www.appropriations.senate.gov/senators.cfm](http://www.appropriations.senate.gov/senators.cfm)).

Following is a list of congressionally directed spending items included in the Senate recommendation discussed in this report, along with the name of each Senator who submitted a request to the Committee of jurisdiction for each item so identified. Neither the Committee recommendation nor this report contains any limited tax benefits or limited tariff benefits as defined in rule XLIV.

DEPARTMENT OF HOMELAND SECURITY

| Account  | Project   | Funding      | Member                      |
|--|---|--------------|-----------------------------|
| Chief Information Officer .....                            | National Center for Critical Information Processing and Storage, MS ..... | \$22,300,000 | Senator Cochran             |
| U.S. Customs and Border Protection: Salaries and Expenses. | 2010 Olympics Coordination Center, WA .....                               | 4,500,000    | Senator Murray              |
| U.S. Customs and Border Protection: Construction .....     | Advanced Training Center, WV .....  | 39,700,000   | Senator Byrd                |
| U.S. Customs and Border Protection: Construction .....     | Del Rio: Comstock, TX Station .....                                       | 25,000,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | Detroit: Sandusky, OH Station .....                                       | 4,000,000    | The President               |
| U.S. Customs and Border Protection: Construction .....     | Calexico, CA Station .....  | 34,000,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | Indio, CA Station .....   | 18,000,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | Sector HQ Vehicle Maintenance Facility, CA .....                          | 18,000,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | El Paso: Expanded Checkpoints, TX .....                                   | 1,513,000    | The President               |
| U.S. Customs and Border Protection: Construction .....     | Marfa: Presidio, TX Station .....   | 3,000,000    | The President               |
| U.S. Customs and Border Protection: Construction .....     | Byghe, CA Station .....   | 28,900,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | Boulevard, CA Station .....   | 31,000,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | Casa Grande, AZ Station .....   | 17,873,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | Naco, AZ Station .....  | 47,000,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | Sonoma, AZ Station .....  | 27,000,000   | The President               |
| U.S. Customs and Border Protection: Construction .....     | Yuma, AZ Hangar, Maintenance and Admin .....                              | 4,000,000    | The President               |
| U.S. Customs and Border Protection: Construction .....     | El Centro, CA Hangar, Maintenance & Admin .....                           | 2,100,000    | The President               |
| U.S. Customs and Border Protection: Construction .....     | El Paso, TX Consolidation of Facilities .....                             | 1,500,000    | The President               |
| U.S. Customs and Border Protection: Construction .....     | Laredo, TX Hangar, Maintenance & Admin .....                              | 4,000,000    | The President               |
| U.S. Customs and Border Protection: Construction .....     | Marfa, TX Hangar, Maintenance & Admin .....                               | 3,000,000    | The President               |
| U.S. Customs and Border Protection: Construction .....     | Uvalde, TX Hangar, Maintenance & Admin .....                              | 2,000,000    | The President               |
| 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, Senator Dodd |
| Coast Guard: Acquisition, Construction, and Improvements.  | Station Montauk, NY .....   | 1,550,000    | The President               |
| Coast Guard: Operating Expenses .....                      | Operations Systems Center, WV .....                                       | 3,600,000    | Senator Byrd                |
| Coast Guard: Alteration of Bridges .....                   | Egin, Joliet, and Eastern Railway Company Bridge: Morris, IL .....        | 2,125,000    | Senator Durbin              |
| Coast Guard: Alteration of Bridges .....                   | Burlington Northern Railroad Bridge: Burlington, IA .....                 | 2,125,000    | Senator Harkin              |
| Coast Guard: Alteration of Bridges .....                   | Chelsea Street Bridge: Chelsea, MA .....                                  | 2,125,000    | Senators Kennedy and Kerry  |

DEPARTMENT OF HOMELAND SECURITY—Continued

| Account   | Project   | Funding    | Member   |
|---|---|------------|--|
| Coast Guard: Alteration of Bridges .....                              | Canadian Pacific Railway Bridge: La Crosse, WI .....  | 2,125,000  | Senator Kohl   |
| Coast Guard: Alteration of Bridges .....                              | Fourteen Mile Bridge: Mobile, AL .....  | 3,750,000  | Senator Shelby   |
| Coast Guard: Alteration of Bridges .....                              | Galveston Causeway Bridge: Galveston, TX .....  | 3,750,000  | Senator Hutchinson   |
| NPPD: Infrastructure Protection and Information Security.             | National Infrastructure Simulation and Analysis Center, NM .....  | 20,000,000 | The President, Senator Domenici  |
| FEMA: State and Local Programs .....                                  | Pacific Region Homeland Security Center, HI .....   | 2,200,000  | Senator Inouye   |
| FEMA: State and Local Programs .....                                  | Counterterrorism and Cyber Crime Center, VT .....   | 1,700,000  | Senator Leahy  |
| FEMA: State and Local Programs .....                                  | National Domestic Preparedness Consortium .....   | .....      | The President; Senators Cornyn, Domenici, Hutchinson, Landrieu, Reid, and Vitter |
| FEMA: State and Local Programs .....                                  | National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology, NM ..... | 22,000,000 | .....  |
| FEMA: State and Local Programs .....                                  | National Center for Biomedical Research and Training, Louisiana State University, LA .....                        | 22,000,000 | .....  |
| FEMA: State and Local Programs .....                                  | National Emergency Response and Rescue Training Center, Texas A&M University, TX .....                            | 22,000,000 | .....  |
| FEMA: State and Local Programs .....                                  | National Exercise, Test, and Training Center, Nevada Test Site, NV .....  | 22,000,000 | .....  |
| FEMA: State and Local Programs .....                                  | National Domestic Preparedness Consortium: Transportation Technology Center, Incorporated, CO .....               | 5,000,000  | Senators Allard and Salazar  |
| FLETC: Acquisition, Construction, Improvements, and Related Expenses. | National Disaster Preparedness Training Center, University of Hawaii, HI .....                                    | 5,000,000  | Senator Inouye   |
| FLETC: Acquisition, Construction, Improvements, and Related Expenses. | Artesia Construction, NM .....  | 3,000,000  | Senator Domenici   |
| S&T: Research, Development, Acquisition, and Operations.              | 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 | Senators Alexander, Cochran, and Wicker  |
| S&T: Research, Development, Acquisition, and Operations.              | Distributed Environment for Critical Infrastructure Decisionmaking Exercises, Multiple Locations.                 | 3,000,000  | Senators Bennett, Leahy, Lieberman and Voinovich                                 |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009  
[In thousands of dollars]

| Item  | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|---|--------------------|-----------------|--------------------------|--|-----------------|
|   |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| DEPARTMENT OF HOMELAND SECURITY                               |                    |                 |                          |  |                 |
| TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS                |                    |                 |                          |  |                 |
| Departmental Operations                                       |                    |                 |                          |  |                 |
| Office of the Secretary and Executive Management:             |                    |                 |                          |  |                 |
| Immediate Office of the Secretary .....                       | 2,540              | 3,378           | 3,378                    | + 838  | .....           |
| Immediate Office of the Deputy Secretary .....                | 1,122              | 1,505           | 1,505                    | + 383  | .....           |
| Chief of Staff .....  | 2,639              | 2,693           | 2,693                    | + 54   | .....           |
| Office of Counterterrorism 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          | 42,763                   | + 9,763  | — 930           |
| 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         | 123,299                  | + 25,946   | — 3,930         |
| Office of the Under Secretary for Management:                 |                    |                 |                          |  |                 |
| Under Secretary for Management .....                          | 2,012              | 2,654           | 2,654                    | + 642  | .....           |
| Office of Security .....                                      | 53,490             | 60,882          | 60,882                   | + 7,392  | .....           |
| 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          | 30,537                   | + 21,726   | — 1,290         |
| Human resources .....   | 10,000             | 15,000          | 10,000                   | .....  | — 5,000         |
| Subtotal, Office of the Chief Human Capital Officer .....     | 18,811             | 46,827          | 40,537                   | + 21,726   | — 6,290         |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued  
[In thousands of dollars]

| Item  | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|---|--------------------|-----------------|--------------------------|--|-----------------|
|   |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| Office of the Chief Administrative Officer:                       |                    |                 |                          |  |                 |
| Salaries and expenses .....                                       | 41,430             | 41,727          | 41,727                   | +297   | .....           |
| Nebraska Avenue Complex (NAC) .....                               | 6,000              | 6,000           | 6,000                    | .....  | .....           |
| St. Elizabeths Project .....                                      | .....              | 120,000         | 120,000                  | +120,000   | .....           |
| Subtotal, Office of the Chief Administrative Officer .....        | 47,430             | 167,727         | 167,727                  | +120,297   | .....           |
| Total, Office of the Under Secretary for Management .....         | 150,238            | 320,093         | 310,803                  | +160,565   | -9,290          |
| Office of the Chief Financial Officer .....                       | 31,300             | 56,235          | 56,235                   | +24,935  | .....           |
| Office of the Chief Information Officer:                          |                    |                 |                          |  |                 |
| Salaries and expenses .....                                       | 81,000             | 86,928          | 86,928                   | +5,928   | .....           |
| Information technology activities .....                           | 56,200             | 42,445          | 47,445                   | -8,755   | +5,000          |
| Security activities .....   | 124,900            | 70,323          | 92,623                   | -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         | 274,669                  | -20,531  | +27,300         |
| Analysis and Operations .....                                     | 306,000            | 333,262         | 320,200                  | +14,200  | -13,062         |
| Rescission .....  | -8,700             | .....           | -2,500                   | +6,200   | -2,500          |
| Subtotal, Analysis and Operations .....                           | 297,300            | 333,262         | 317,700                  | +20,400  | -15,562         |
| Total, Departmental Operations .....                              | 871,391            | 1,084,188       | 1,082,706                | +211,315   | -1,482          |
| Office of the Federal Coordinator for Gulf Coast Rebuilding ..... | 2,700              | 291             | 2,700                    | .....  | +2,409          |
| Office of Inspector General                                       |                    |                 |                          |  |                 |
| Operating expenses .....  | 92,711             | 101,013         | 96,013                   | +3,302   | -5,000          |
| (transfer from Disaster Relief) .....                             | (16,000)           | .....           | (16,000)                 | .....  | (+16,000)       |

|  |           |             |             |             |            |
|--|-----------|-------------|-------------|-------------|------------|
| Operating expenses (including transfers) .....   | 108,711   | 101,013     | 112,013     | + 3,302     | + 11,000   |
| Appropriations .....   | (92,711)  | (101,013)   | (96,013)    | (+ 3,302)   | (- 5,000)  |
| by transfer .....  | (16,000)  |             | (16,000)    |             | (+ 16,000) |
| Total, title I, Departmental Management and Operations (including transfers) .....       | 982,802   | 1,185,492   | 1,197,419   | + 214,617   | + 11,927   |
| Appropriations .....   | (975,502) | (1,185,492) | (1,183,919) | (+ 208,417) | (- 1,573)  |
| Rescissions .....  | (- 8,700) |             | (- 2,500)   | (+ 6,200)   | (- 2,500)  |
| by transfer .....  | (16,000)  |             | (16,000)    |             | (+ 16,000) |
| 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, Management, and Administration .....                             | 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   | 2,041,846   | + 458,611   | + 207,053  |
| Model ports of entry (emergency) .....   | 40,000    |             |             | - 40,000    |            |
| Terrorist prevention system enhancements for passenger screening (emergency) .....       | 45,000    |             |             | - 45,000    |            |
| Electronic travel authorizations (emergency) .....                                       | 36,000    |             |             | - 36,000    |            |
| WHI (emergency) .....  | 150,000   |             |             | - 150,000   |            |
| Subtotal, Inspections, trade, and travel facilitation at ports of entry .....            | 1,854,235 | 1,834,793   | 2,041,846   | + 187,611   | + 207,053  |
| 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     | 117,144     | + 12,117    |            |
| 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   | 2,480,157   | + 200,910   | + 207,053  |
| Border security and control between ports of entry:                                      |           |             |             |             |            |
| Border security and control .....  | 2,984,443 | 3,440,505   | 3,440,505   | + 456,062   |            |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued

[In thousands of dollars]

| Item  | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|---|--------------------|-----------------|--------------------------|--|-----------------|
|   |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| 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       | 3,515,320                | + 440,088  | .....           |
| Air and Marine Personnel Compensation and Benefits .....                        | 212,740            | 254,279         | 271,679                  | + 58,939   | + 17,400        |
| Emergency appropriations .....  | 14,000             | .....           | .....                    | - 14,000   | .....           |
| 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       | 7,536,314                | + 733,754  | + 226,960       |
| Rescission .....  | .....              | .....           | - 13,000                 | - 13,000   | - 13,000        |
| Total, Salaries and expenses .....  | 6,802,560          | 7,309,354       | 7,523,314                | + 720,754  | + 213,960       |
| Appropriations .....  | (6,476,467)        | (7,306,200)     | (7,533,160)              | (+ 1,056,693)  | (+ 226,960)     |
| Rescissions .....   | .....              | .....           | (- 13,000)               | (- 13,000)   | (- 13,000)      |
| Emergency appropriations .....  | (323,000)          | .....           | .....                    | (- 323,000)  | .....           |
| 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 (BSFT):                 |                    |                 |                          |  |                 |
| Development and deployment .....  | 35,000             | 275,000         | 275,000                  | + 240,000  | .....           |
| Emergency appropriations .....  | 1,053,000          | .....           | .....                    | - 1,053,000  | .....           |
| Operation and maintenance .....   | 73,000             | 410,000         | 410,000                  | + 337,000  | .....           |
| Program management .....  | 64,000             | 90,000          | 90,000                   | + 26,000   | .....           |

|   |              |              |              |               |             |
|---|--------------|--------------|--------------|---------------|-------------|
| Subtotal, BSFT  | 1,225,000    | 775,000      | 775,000      | -450,000      |             |
| Appropriations  | (172,000)    | (775,000)    | (775,000)    | (+ 603,000)   |             |
| Emergency appropriations  | (1,053,000)  |              |              | (- 1,053,000) |             |
| 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 | 570,047      | 528,000      | 528,000      | - 42,047      |             |
| Appropriations  | (476,047)    | (528,000)    | (528,000)    | (+ 51,953)    |             |
| Emergency appropriations  | (94,000)     |              |              | (- 94,000)    |             |
| Construction:   |              |              |              |               |             |
| Construction (Border Patrol) (emergency)  | 287,363      | 363,501      | 403,201      | + 115,838     | + 39,700    |
| Construction  | 61,000       |              |              | - 61,000      |             |
| Subtotal, Construction  | 348,363      | 363,501      | 403,201      | + 54,838      | + 39,700    |
| Total, Direct appropriations for Customs and Border Protection                  | 9,422,579    | 9,487,189    | 9,740,849    | + 318,270     | + 253,660   |
| 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)     | (26,880)     | (26,880)     | (- 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                                       | (10,807,504) | (10,935,334) | (11,188,994) | (+ 381,490)   | (+ 253,660) |
| Appropriations  | (7,891,579)  | (9,487,189)  | (9,753,849)  | (+ 1,862,270) | (+ 266,660) |
| Emergency appropriations  | (1,531,000)  |              |              | (- 1,531,000) |             |
| (Fee accounts)  | (1,384,925)  | (1,448,145)  | (1,448,145)  | (+ 63,220)    |             |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
 FOR FISCAL YEAR 2009—Continued  
 (In thousands of dollars)

| Item  | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|---|--------------------|-----------------|--------------------------|--|-----------------|
|   |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| 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         | 202,188                  | + 37,301   | + 2,000         |
| ICE vehicle replacements (emergency)  | 4,000              |                 |                          | - 4,000  |                 |
| Headquarters-managed IT investment  | 146,654            | 174,348         | 174,348                  | + 27,694   |                 |
| Subtotal, Headquarters, Management, and Administration                              | 315,541            | 374,536         | 376,536                  | + 60,995   | + 2,000         |
| Legal proceedings   | 208,350            | 214,332         | 214,332                  | + 5,982  |                 |
| Investigations:   |                    |                 |                          |  |                 |
| Domestic  | 1,372,328          | 1,474,708       | 1,514,008                | + 141,680  | + 39,300        |
| Emergency appropriations  | 50,200             |                 |                          | - 50,200   |                 |
| Total, Domestic   | 1,422,528          | 1,474,708       | 1,514,008                | + 91,480   | + 39,300        |
| International   | 107,551            | 125,141         | 133,541                  | + 25,990   | + 8,400         |
| Subtotal, Investigations  | 1,530,079          | 1,599,849       | 1,647,549                | + 117,470  | + 47,700        |
| Intelligence  | 52,146             | 52,956          | 55,789                   | + 3,643  | + 2,833         |
| Detention and removal operations:   |                    |                 |                          |  |                 |
| Custody operations  | 1,461,212          | 1,696,495       | 1,721,268                | + 260,056  | + 24,773        |
| Emergency appropriations  | 186,000            |                 |                          | - 186,000  |                 |
| Fugitive operations   | 186,145            | 226,477         | 226,477                  | + 40,332   |                 |
| Emergency appropriations  | 32,800             |                 |                          | - 32,800   |                 |
| Criminal Alien program  | 178,829            | 189,069         | 189,069                  | + 10,240   |                 |
| Alternatives to detention   | 43,889             | 55,791          | 59,791                   | + 15,902   | + 4,000         |
| 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   | 2,449,231   | 2,478,004   | + 96,603    | + 28,773    |
| Comprehensive identification and removal of criminal aliens<br>(emergency) .....       | 200,000     | .....       | 160,000     | + 160,000   | + 160,000   |
| Subtotal, Salaries and expenses .....  | 4,687,517   | 4,690,904   | 4,932,210   | + 244,693   | + 241,306   |
| Appropriations .....   | (4,171,117) | (4,690,904) | (4,932,210) | (+ 761,093) | (+ 241,306) |
| 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: ATLAS .....  | 30,700      | 57,000      | 57,000      | + 26,300    | .....       |
| Construction .....   | 6,000       | .....       | .....       | -6,000      | .....       |
| Emergency appropriations .....   | 10,500      | .....       | .....       | -10,500     | .....       |
| Subtotal, Construction .....   | 16,500      | .....       | .....       | -16,500     | .....       |
| Total, Direct appropriations for U.S. Immigration Customs Enforcement .....            | 4,734,717   | 4,747,904   | 4,989,210   | + 254,493   | + 241,306   |
| Fee accounts:  |             |             |             |             |             |
| Immigration inspection user fee .....  | (113,500)   | (119,000)   | (119,000)   | (+ 5,500)   | .....       |
| Breached 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) | (5,662,904) | (5,928,210) | (+ 346,993) | (+ 265,306) |
| Offsetting fee collections .....   | (- 613,000) | (- 616,000) | (- 640,000) | (- 27,000)  | (- 24,000)  |
| Total, U.S. Immigration and Customs Enforcement .....                                  | (4,968,217) | (5,046,904) | (5,288,210) | (+ 319,993) | (+ 241,306) |
| Appropriations .....   | (4,207,817) | (4,747,904) | (4,989,210) | (+ 781,393) | (+ 241,306) |
| Emergency appropriations .....   | (526,900)   | .....       | .....       | (- 526,900) | .....       |
| Fee accounts .....   | (233,500)   | (299,000)   | (299,000)   | (+ 65,500)  | .....       |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued  
[In thousands of dollars]

| Item   | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|--|--------------------|-----------------|--------------------------|--|-----------------|
|  |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| 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       | 2,692,014                | + 55,910   | - 24,000        |
| Subtotal, Screener workforce .....                                       | 2,779,489          | 2,867,286       | 2,843,286                | + 63,797   | - 24,000        |
| Screener training and other .....  | 223,766            | 197,318         | 197,318                  | - 26,448   | .....           |
| Human resource services .....  | 182,234            | .....           | .....                    | - 182,234  | .....           |
| Checkpoint support .....   | .....              | 127,683         | 200,000                  | + 200,000  | + 72,317        |
| 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       | 3,861,710                | + 93,221   | + 183,423       |
| Aviation security direction and enforcement:                             |                    |                 |                          |  |                 |
| Aviation regulation and other enforcement .....                          | 255,953            | 209,991         | 250,768                  | - 5,185  | + 40,777        |
| Airport management and support .....                                     | 651,933            | 373,010         | 407,166                  | - 244,767  | + 34,156        |
| 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         | 809,808                  | - 200,169  | - 15,440        |

|   |            |            |            |  |  |            |
|---|------------|------------|------------|--|--|------------|
| Federal Air Marshals                                      | 30,000     | 786,000    |            |  |  | -786,000   |
| Implementing requirements of Public Law 110-53            |            |            | (20,000)   |  |  | (+20,000)  |
| (Non-add)   |            |            |            |  |  |            |
| 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)      |
| Indirect air cargo  |            | (200)      |            |  |  | (+200)     |
| Total, Fee-funded programs                                |            | (275)      |            |  |  | (+275)     |
| Aviation security capital fund (mandatory)                | (250,000)  | (250,000)  |            |  |  |            |
| Aviation security capital fund enhancement (mandatory)    |            | (426,000)  |            |  |  |            |
| Checkpoint screening security fund (mandatory)            | (250,000)  |            |            |  |  | (-250,000) |
| Total, Aviation security (gross) (including transfers)    | 4,808,691  | 5,289,535  | 4,671,518  |  |  | -618,017   |
| Offsetting fee collections (non-mandatory)                | -2,210,000 | -2,320,000 | -2,320,000 |  |  | -110,000   |
| Discretionary fees—offsetting collections (non-mandatory) |            |            |            |  |  | +225       |
| Fee-funded programs (nonadd)                              | -225       | (-275)     | (-275)     |  |  | (-275)     |
| Total, Aviation security (net)                            | 2,598,466  | 2,969,535  | 2,351,518  |  |  | -618,017   |
| Rescission  |            |            | -7,300     |  |  | -7,300     |
| Total, Aviation security (net w/rescission)               | 2,598,466  | 2,969,535  | 2,344,218  |  |  | -625,317   |
| Rescissions   |            |            | (-7,300)   |  |  | (-7,300)   |
| Aviation security capital fund                            | (250,000)  | (250,000)  |            |  |  |            |
| Recapitalization fee proposal                             |            | (426,000)  |            |  |  |            |
| Checkpoint screening security fund                        | (250,000)  |            |            |  |  | (-250,000) |
| Surface transportation security:                          |            |            |            |  |  |            |
| Staffing and operations                                   | 24,485     | 25,397     | 33,785     |  |  | +8,388     |
| Rail security inspectors and canines                      | 22,128     | 11,603     | 29,721     |  |  | +7,593     |
| Subtotal, Surface transportation security                 | 46,613     | 37,000     | 63,506     |  |  | +16,893    |
| Transportation Threat Assessment and Credentialing:       |            |            |            |  |  |            |
| Secure Flight   | 50,000     | 82,211     | 82,211     |  |  | +32,211    |
| Crew vetting  | 14,990     |            |            |  |  | -14,990    |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued  
[In thousands of dollars]

| Item   | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|--|--------------------|-----------------|--------------------------|--|-----------------|
|  |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| Screening administration and operations .....  | 9,500              | 50,807          | 37,407                   | + 27,907   | - 13,400        |
| TWC direct appropriations .....  | 8,100              | (10,000)        | (10,000)                 | - 8,100  | .....           |
| Registered Traveler Program fees .....   | (35,101)           | (9,000)         | (9,000)                  | (- 25,101)   | .....           |
| TWC fees .....   | (26,500)           | (18,000)        | (18,000)                 | (- 17,500)   | .....           |
| Hazardous materials fees .....   | (19,000)           | (3,000)         | (3,000)                  | (- 1,000)  | .....           |
| Alien Flight School (by transfer from DOJ)—fees .....  | (2,000)            | (173,018)       | (159,618)                | (- 5,573)  | (- 13,400)      |
| Subtotal, Transportation Threat Assessment and Credentialing (Gross) .....                       | (165,191)          | (40,000)        | (40,000)                 | (- 42,601)   | .....           |
| Fee funded programs .....  | (82,601)           | 133,018         | 119,618                  | + 37,028   | - 13,400        |
| Subtotal, Transportation Threat Assessment and Credentialing (net) .....                         | 82,590             | 213,135         | 237,370                  | - 55,821   | + 24,235        |
| Transportation security support:   | 293,191            | 472,799         | 472,799                  | + 263,475  | .....           |
| Headquarters administration .....  | 209,324            | 218,105         | 218,105                  | + 218,105  | .....           |
| Information technology .....   | .....              | 21,961          | 21,961                   | + 961  | .....           |
| Human capital services .....   | 21,000             | 926,000         | 950,235                  | + 426,720  | + 24,235        |
| Intelligence .....   | .....              | .....           | .....                    | .....  | .....           |
| Subtotal, Transportation security support .....  | 523,515            | 701,743         | 701,743                  | + 27,570   | + 701,743       |
| Federal Air Marshals:  | 674,173            | 97,357          | 97,357                   | + 2,030  | + 97,357        |
| Management and administration .....  | 95,327             | .....           | .....                    | .....  | .....           |
| Travel and training .....  | .....              | .....           | .....                    | .....  | .....           |
| Subtotal, Federal Air Marshals .....   | 769,500            | .....           | 799,100                  | + 29,600   | + 799,100       |
| Total, Transportation Security Administration (gross) (including trans) (w/out rescission) ..... | 6,813,510          | 7,101,553       | 6,893,977                | + 80,467   | - 207,576       |
| Total, Transportation Security Administration (gross) (including trans) (with rescission) .....  | 6,813,510          | 7,101,553       | 6,886,677                | + 73,167   | - 214,876       |
| Offsetting fee collections .....   | (- 2,210,225)      | (250,000)       | (- 2,320,000)            | (- 109,775)  | .....           |
| Aviation security capital fund .....   | (250,000)          | (426,000)       | (250,000)                | .....  | .....           |
| EDS recapitalization (mandatory) .....   | .....              | .....           | .....                    | .....  | (- 426,000)     |

|   |             |             |             |            |            |
|---|-------------|-------------|-------------|------------|------------|
| Checkpoint screening security fund .....                  | (250,000)   | (40,000)    | (40,000)    | (-250,000) | .....      |
| Fee accounts .....  | (82,601)    | (40,000)    | (40,000)    | (-42,601)  | .....      |
| Total, Transportation Security Administration (net) ..... | 4,020,684   | 4,065,553   | 4,276,677   | +255,993   | +211,124   |
| Appropriations .....                                      | (4,020,684) | (4,065,553) | (4,283,977) | (+263,293) | (+218,424) |
| Rescissions .....   |             |             | (-7,300)    | (-7,300)   | (-7,300)   |
| Coast Guard   |             |             |             |            |            |
| Operating expenses:                                       |             |             |             |            |            |
| Military pay and allowance .....                          | 2,921,673   | 3,076,837   | 3,121,391   | +199,718   | +44,554    |
| Port and maritime security enhancements (emergency) ..... | 70,300      |             |             | -70,300    |            |
| Civilian pay and benefits .....                           | 594,803     | 692,859     | 691,030     | +96,227    | -1,829     |
| Training and recruiting .....                             | 185,604     | 196,063     | 198,686     | +13,082    | +2,623     |
| Operating funds and unit level maintenance .....          | 1,134,881   | 1,169,942   | 1,181,918   | +47,037    | +11,976    |
| Centrally managed accounts .....                          | 229,896     | 262,795     | 267,229     | +37,333    | +4,434     |
| Intermediate and depot level maintenance .....            | 754,190     | 814,906     | 820,243     | +66,053    | +5,337     |
| Less adjustment for defense function .....                | -340,000    | -340,000    | -340,000    |            |            |
| Defense function .....                                    | 340,000     | 340,000     | 340,000     |            |            |
| Transfer from Defense, O&M Navy .....                     | (110,000)   |             |             | (-110,000) |            |
| Subtotal, Operating expenses .....                        | 6,001,347   | 6,213,402   | 6,280,497   | +279,150   | +67,095    |
| Appropriations .....                                      | (5,481,047) | (5,873,402) | (5,940,497) | (+459,450) | (+67,095)  |
| Emergency appropriations .....                            | (70,300)    |             |             | (-70,300)  |            |
| Defense function .....                                    | (340,000)   | (340,000)   | (340,000)   |            |            |
| Environmental compliance and restoration .....            | 13,000      | 12,315      | 12,315      | -685       |            |
| Reserve training .....                                    | 126,883     | 130,501     | 130,501     | +3,618     |            |
| Acquisition, construction, and improvements:              |             |             |             |            |            |
| Vessels:  |             |             |             |            |            |
| Response boat medium .....                                | 9,200       | 64,000      | 108,000     | +98,800    | +44,000    |
| Emergency appropriation .....                             | 35,800      |             |             | -35,800    |            |
| Inland river tender recapitalization .....                |             | 5,000       | 5,000       | +5,000     |            |
| 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     |            |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
 FOR FISCAL YEAR 2009—Continued  
 (In thousands of dollars)

| Item  | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|---|--------------------|-----------------|--------------------------|--|-----------------|
|   |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| 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              | .....           | 23,700                   | + 17,900   | + 23,700        |
| Subtotal, Aircraft .....  | 327,416            | 231,300         | 255,000                  | - 72,416   | + 23,700        |
| 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  | .....           |
| 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  | .....           |
| Subtotal, Surface ships .....   | 243,400            | 540,703         | 540,703                  | + 297,303  | .....           |
| Technology obsolescence .....   | 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 integration .....                             | 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         | 1,014,144                | + 230,878  | + 23,700        |
| 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 Recap .....  | 2,500              | 2,500           | 2,500                    | .....  | .....           |
| National Capital Region Air Defense .....                             | 11,500             | .....           | .....                    | - 11,500   | .....           |
| Maritime security response team—shoohouse .....                       | 1,800              | .....           | .....                    | - 1,800  | .....           |
| Interagency operational centers for port security (emergency) .....   | 60,000             | .....           | .....                    | - 60,000   | .....           |

|   | 1,000       | 1,000       | 1,000       | + 1,000     | 1,000 | + 1,000     |
|---|-------------|-------------|-------------|-------------|-------|-------------|
| Command 21 .....  |             |             |             |             |       |             |
| Subtotal, Other equipment .....   | 173,100     | 95,174      | 89,174      | - 83,926    |       | - 6,000     |
| Shore facilities and aids to navigation .....                                       | 40,997      | 50,000      | 50,000      | + 9,003     |       |             |
| Personnel compensation and benefits:  |             |             |             |             |       |             |
| Core acquisition costs .....  | 505         | 500         | 500         | - 5         |       |             |
| Direct personnel cost .....   | 82,215      |             |             | - 82,215    |       |             |
| Subtotal, Personnel compensation and benefits .....                                 | 82,720      | 500         | 500         | - 82,220    |       |             |
| Subtotal, Acquisition, construction, and improvements (excluding rescissions) ..... | 1,125,083   | 1,205,118   | 1,266,818   | + 141,735   |       | + 61,700    |
| Rescission, UAV .....   | - 33,822    |             |             | + 33,822    |       |             |
| Rescission, Offshore Patrol Cutter .....  | - 98,627    |             |             | + 98,627    |       |             |
| Subtotal, Acquisition, construction, and improvements .....                         | 992,634     | 1,205,118   | 1,266,818   | + 274,184   |       | + 61,700    |
| Appropriations .....  | (1,029,283) | (1,205,118) | (1,266,818) | (+ 237,535) |       | (+ 61,700)  |
| 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      | 16,000      | - 9,000     |       |             |
| Health care fund contribution .....   | 272,111     | 257,305     | 257,305     | - 14,806    |       |             |
| Subtotal, Coast Guard discretionary .....   | 7,336,975   | 7,834,641   | 7,979,436   | + 642,461   |       | + 144,795   |
| Retired pay (mandatory) .....   | 1,184,720   | 1,236,745   | 1,236,745   | + 52,025    |       |             |
| Total, Coast Guard .....  | 8,531,695   | 9,071,386   | 9,216,181   | + 584,486   |       | + 144,795   |
| Appropriations .....  | (8,488,044) | (9,071,386) | (9,216,181) | (+ 728,137) |       | (+ 144,795) |
| Emergency appropriations .....  | (166,100)   |             |             | (- 166,100) |       |             |
| Rescissions .....   | (- 132,449) |             |             | (+ 132,449) |       |             |
| United States Secret Service .....  |             |             |             |             |       |             |
| Salaries and expenses:  |             |             |             |             |       |             |
| Protection:   |             |             |             |             |       |             |
| Protection of persons and facilities .....  | 693,535     | 710,468     | 710,468     | + 16,933    |       |             |
| 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    |       |             |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued

[In thousands of dollars]

| Item   | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|--|--------------------|-----------------|--------------------------|--|-----------------|
|  |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| White House mail screening .....   | 16,201             | 36,701          | 30,701                   | + 14,500   | - 6,000         |
| Subtotal, Protection .....   | 853,690            | 849,012         | 843,012                  | - 10,678   | - 6,000         |
| Field operations:  |                    |                 |                          |  |                 |
| 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          | 55,836                   | + 11,271   | + 8,000         |
| Support for missing and exploited children .....   | 8,366              | 8,366           | 8,366                    | .....  | .....           |
| Subtotal, Field operations .....   | 300,193            | 326,316         | 335,974                  | + 35,781   | + 9,658         |
| 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       | 1,414,279                | + 32,508   | + 3,658         |
| Acquisition, construction, improvements, and related expenses (Rowley training center) ..... | 3,725              | 3,725           | 3,725                    | .....  | .....           |
| Total, United States Secret Service .....  | 1,385,496          | 1,414,346       | 1,418,004                | + 32,508   | + 3,658         |
| Total, title II, Security, Enforcement, and Investigations (including transfers) .....       | 28,195,171         | 28,786,378      | 29,640,921               | + 1,445,750  | + 854,543       |
| Appropriations .....   | (25,993,620)       | (28,786,378)    | (29,661,221)             | (+ 3,667,601)  | (+ 874,843)     |
| Emergency appropriations .....   | (2,224,000)        | .....           | .....                    | (- 2,224,000)  | .....           |
| Rescissions .....  | (- 132,449)        | .....           | (- 20,300)               | (+ 112,149)  | (- 20,300)      |
| (Fee Accounts) .....   | (1,701,026)        | (1,787,145)     | (1,787,145)              | (+ 86,119)   | .....           |
| TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY                                   |                    |                 |                          |  |                 |
| National Protection and Programs   |                    |                 |                          |  |                 |
| Management and administration: .....   |                    |                 |                          |  |                 |
| Administrative activities .....  | 37,934             | 43,100          | 43,100                   | + 5,166  | .....           |

|   |           |             |             |             |             |             |
|---|-----------|-------------|-------------|-------------|-------------|-------------|
| Risk management and analysis  | 9,412     | 9,500       | 9,500       | 9,500       | + 88        | -2,000      |
| Intergovernmental programs  |           |             |             |             |             | -2,000      |
| Total, Management and administration  | 47,346    | 54,600      | 52,600      | 52,600      | + 5,254     | -2,000      |
| Subtotal, US-WSIT   |           |             |             |             |             |             |
| Infrastructure Protection and Information Security:                             |           |             |             |             |             |             |
| Identification and analysis   | 69,522    | 77,326      | 82,603      | 82,603      | + 13,081    | + 5,277     |
| Coordination and information sharing  | 68,821    | 45,644      | 52,367      | 52,367      | - 16,454    | + 6,723     |
| Mitigation programs   | 134,253   | 149,830     | 162,671     | 162,671     | + 28,418    | + 12,841    |
| Total, Infrastructure protection  | 272,596   | 272,800     | 297,641     | 297,641     | + 25,045    | + 24,841    |
| Cyber security  | 210,413   | 293,500     | 318,500     | 318,500     | + 108,087   | + 25,000    |
| Office of Emergency Communications  | 35,700    | 38,300      | 48,300      | 48,300      | + 12,600    | + 10,000    |
| National Security/Emergency Preparedness:                                       |           |             |             |             |             |             |
| Telecommunications:   |           |             |             |             |             |             |
| Priority telecommunications service   | 82,821    | 109,778     | 58,740      | 58,740      | - 20,250    | - 51,038    |
| Next generation networks  | 21,100    |             | 52,500      | 52,500      | + 31,400    | + 52,500    |
| Assistant Secretary for Cyber Security  |           | 258         |             |             |             | - 258       |
| Programs to study and enhance telecommunications                                | 16,000    | 15,100      | 15,100      | 15,100      | - 900       |             |
| Critical infrastructure protection  | 16,100    | 11,260      | 11,260      | 11,260      | - 4,840     |             |
| Industry Government and interagency processes                                   |           | 4,704       |             |             |             | - 4,704     |
| National command and coordination capability                                    |           | 61,000      |             |             | + 2,132     | - 55,037    |
| Enhanced Long-Range Navigation (e-LORAN)  |           | 34,500      |             |             |             | - 34,500    |
| Total, National Security/Emergency Preparedness Telecommunications              | 136,021   | 236,600     | 143,563     | 143,563     | + 7,542     | - 93,037    |
| Subtotal, Infrastructure Protection and Information Security (Defense function) | 654,730   | 841,200     | 808,004     | 808,004     | + 153,274   | - 33,196    |
| U.S. Visitor and Immigrant Status Indicator Technology                          | 200,000   | 390,300     | 180,300     | 180,300     | - 19,700    | - 210,000   |
| Emergency appropriations  | 275,000   |             |             |             | - 275,000   |             |
| Total, National Protection and Programs Appropriations                          | 1,177,076 | 1,286,100   | 1,040,904   | 1,040,904   | - 136,172   | - 245,196   |
| Emergency appropriations  | (902,076) | (1,286,100) | (1,040,904) | (1,040,904) | (+ 138,828) | (- 245,196) |
| Emergency appropriations  | (275,000) |             |             |             | (- 275,000) |             |
| Office of Health Affairs  |           |             |             |             |             |             |
| Biowatch  | 77,108    | 111,606     | 111,606     | 111,606     | + 34,498    |             |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued  
[In thousands of dollars]

| Item  | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|---|--------------------|-----------------|--------------------------|--|-----------------|
|   |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| 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           | 9,923                    | + 5,448  |                 |
| Salaries and expenses .....   | 24,317             | 29,210          | 39,210                   | + 14,893   | + 10,000        |
| Total, Office of Health Affairs .....                               | 116,500            | 161,339         | 171,339                  | + 54,839   | + 10,000        |
| Federal Emergency Management Agency                                 |                    |                 |                          |  |                 |
| Management and administration:                                      |                    |                 |                          |  |                 |
| Operating activities .....  | 625,500            |                 |                          | - 625,500  | - 31,485        |
| Operations activities .....   |                    | 515,881         | 484,396                  | + 484,396  |                 |
| Management activities .....   |                    | 369,269         | 369,269                  | + 369,269  |                 |
| (Defense function) .....  | (88,930)           | (94,059)        | (94,059)                 | (+ 5,129)  |                 |
| 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)           |                 | (43,485)                 | (- 16,515)   | (+ 43,485)      |
| Subtotal, Management and administration (including transfers) ..... | 724,000            | 957,405         | 935,992                  | + 211,992  | - 21,413        |
| Appropriations .....  | (664,000)          | (957,405)       | (892,507)                | (+ 228,507)  | (- 64,898)      |
| by transfer .....   | (60,000)           |                 | (43,485)                 | (- 16,515)   | (+ 43,485)      |
| (Non-defense appropriations) .....                                  | (575,070)          | (863,346)       | (798,448)                | (+ 223,378)  | (- 64,898)      |
| (Defense appropriations) .....                                      | (88,930)           | (94,059)        | (94,059)                 | (+ 5,129)  |                 |
| State and Local Programs:   |                    |                 |                          |  |                 |
| State Homeland Security Grant Program .....                         | 890,000            | 200,000         | 890,000                  |  | + 690,000       |
| Real ID Grants (non-add) .....                                      |                    |                 | (50,000)                 | (+ 50,000)   | (+ 50,000)      |
| Operation Stonegarden (emergency) .....                             | 60,000             |                 |                          | - 60,000   |                 |
| Subtotal .....  | 950,000            | 200,000         | 890,000                  | - 60,000   | + 690,000       |

|  |                  |                  |                  |                  |                  |                    |
|--|------------------|------------------|------------------|------------------|------------------|--------------------|
| Urban area security initiative .....   | 820,000          | 825,000          | 825,000          | 825,000          | + 5,000          | + 35,000           |
| Regional catastrophic preparedness grants .....                                  | 35,000           | .....            | 35,000           | .....            | .....            | + 33,000           |
| Metropolitan Medical Response System .....                                       | 41,000           | .....            | .....            | .....            | - 8,000          | .....              |
| Citizen Corps program .....  | 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           |
| REAL ID Grants (emergency) .....   | 50,000           | .....            | .....            | .....            | - 50,000         | .....              |
| National Security and Terrorism Prevention Grants .....                          | .....            | 110,000          | .....            | .....            | .....            | - 110,000          |
| Commercial equipment direct assistance program .....                             | 25,000           | .....            | 10,000           | .....            | - 15,000         | + 10,000           |
| Interoperable emergency communications grant program .....                       | 50,000           | .....            | 50,000           | .....            | .....            | + 50,000           |
| Emergency Operations Centers .....   | 15,000           | .....            | 10,000           | .....            | - 5,000          | + 10,000           |
| <b>National Programs:</b>  |                  |                  |                  |                  |                  |                    |
| National Domestic Preparedness Consortium .....                                  | 88,000           | 32,000           | 101,900          | .....            | + 13,900         | + 69,900           |
| Center for Domestic Preparedness .....   | 57,000           | 47,000           | 57,000           | .....            | .....            | + 10,000           |
| Noble Training Center .....  | 5,500            | .....            | 5,500            | .....            | .....            | + 5,500            |
| National exercise program .....  | 50,000           | 40,000           | 40,000           | .....            | - 10,000         | .....              |
| Technical assistance .....   | 12,000           | 10,000           | 12,000           | .....            | .....            | + 2,000            |
| Demonstration training grants .....  | 28,000           | .....            | 25,000           | .....            | - 3,000          | + 25,000           |
| Continuing training grants .....   | 31,000           | .....            | 31,000           | .....            | .....            | + 31,000           |
| Evaluations and assessments .....  | 19,000           | 16,000           | 19,000           | .....            | .....            | + 3,000            |
| Rural Domestic Preparedness Consortium .....                                     | 8,800            | .....            | .....            | .....            | - 8,800          | .....              |
| <b>Subtotal, National Programs</b> .....   | <b>299,300</b>   | <b>145,000</b>   | <b>291,400</b>   | <b>.....</b>     | <b>- 7,900</b>   | <b>+ 146,400</b>   |
| Emergency management performance grants .....                                    | .....            | 200,000          | .....            | .....            | .....            | - 200,000          |
| <b>Subtotal, State and Local Programs</b> .....                                  | <b>3,177,800</b> | <b>1,900,000</b> | <b>3,029,400</b> | <b>3,029,400</b> | <b>- 148,400</b> | <b>+ 1,129,400</b> |
| Appropriations .....   | (3,067,800)      | (1,900,000)      | (3,029,400)      | (3,029,400)      | (- 38,400)       | (+ 1,129,400)      |
| Emergency appropriations .....   | (110,000)        | .....            | .....            | .....            | (- 110,000)      | .....              |
| <b>Firefighter assistance grants:</b>  |                  |                  |                  |                  |                  |                    |
| Fire grants .....  | 560,000          | 300,000          | 560,000          | .....            | .....            | + 260,000          |
| Staffing for Adequate Fire and Emergency Response (SAFER) Act grants .....       | 190,000          | .....            | 190,000          | .....            | .....            | + 190,000          |
| <b>Subtotal, Firefighter Assistance grants</b> .....                             | <b>750,000</b>   | <b>300,000</b>   | <b>750,000</b>   | <b>.....</b>     | <b>.....</b>     | <b>+ 450,000</b>   |
| Emergency management performance grants .....                                    | 300,000          | .....            | 300,000          | .....            | .....            | + 300,000          |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
 FOR FISCAL YEAR 2009—Continued  
 [In thousands of dollars]

| Item  | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|---|--------------------|-----------------|--------------------------|--|-----------------|
|   |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| Subtotal, Grants and training .....   | 4,227,800          | 2,200,000       | 4,079,400                | -148,400   | +1,879,400      |
| Appropriations .....  | (4,117,800)        | (2,200,000)     | (4,079,400)              | (-38,400)  | (+1,879,400)    |
| Emergency appropriations .....  | (110,000)          |                 |                          | (-110,000)   |                 |
| Radiological Emergency Preparedness Program .....   | -505               | -505            | -505                     |  |                 |
| United States Fire Administration .....   | 43,300             |                 | 43,300                   |  | +43,300         |
| Disaster relief .....   | 1,400,000          | 1,900,000       | 1,900,000                | +500,000   |                 |
| (transfer to Management and administration) .....   | (-60,000)          |                 | (-43,485)                | (+16,515)  | (-43,485)       |
| (transfer to Inspector General) .....   | (-16,000)          |                 | (-16,000)                |  | (-16,000)       |
| Supplemental Appropriations—Public Law 110-116: Emergency appropriations (previously enacted) ..... | (2,900,000)        |                 |                          | (-2,900,000)   |                 |
| Subtotal, Disaster Relief .....   | 4,224,000          | 1,900,000       | 1,840,515                | -2,383,485   | -59,485         |
| 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         | 185,000                  | -35,000  | +35,000         |
| National flood insurance fund:  |                    |                 |                          |  |                 |
| Salaries and expenses .....   | 45,642             | 49,418          | 49,418                   | +3,776   |                 |
| Flood hazard mitigation .....   | 93,358             | 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          | 100,000                  | -14,000  | +25,000         |
| Emergency food and shelter .....  | 153,000            | 100,000         | 153,000                  |  | +53,000         |
| Cerro Grande Fire Payments (rescission) .....   |                    | -9,000          | -9,000                   |  | -9,000          |

|   |             |             |             |              |              |
|---|-------------|-------------|-------------|--------------|--------------|
| Total, Federal Emergency Management Agency (including transfers)                        | 9,706,470   | 5,573,195   | 7,327,997   | -2,378,473   | +1,754,802   |
| Appropriations  | (6,712,470) | (5,582,195) | (7,352,997) | (+640,527)   | (+1,770,802) |
| Emergency appropriations  | (110,000)   | (-9,000)    | (-9,000)    | (-110,000)   |              |
| Rescissions   |             |             |             | (-9,000)     |              |
| Enacted emergency appropriations  | (2,900,000) |             |             | (-2,900,000) |              |
| by transfer   | (94,000)    |             | (43,485)    | (-50,515)    | (+43,485)    |
| transfer out  | (-110,000)  |             | (-59,485)   | (+50,515)    | (-59,485)    |
| (Limitation on direct loans)  | (25,000)    | (25,000)    | (25,000)    |              |              |
| Total, title III, Protection, Preparedness, Response and Recovery (including transfers) | 11,000,046  | 7,020,634   | 8,540,240   | -2,459,806   | +1,519,606   |
| Appropriations  | (7,731,046) | (7,029,634) | (8,565,240) | (+834,194)   | (+1,535,606) |
| Emergency appropriations  | (385,000)   |             |             | (-385,000)   |              |
| Rescissions   |             |             |             | (-9,000)     |              |
| Enacted emergency appropriations  | (2,900,000) | (-9,000)    | (-9,000)    | (-9,000)     |              |
| By transfer   | (94,000)    |             | (43,485)    | (-50,515)    | (+43,485)    |
| Transfer out  | (-110,000)  |             | (-59,485)   | (+50,515)    | (-59,485)    |
| (Limitation on direct loans)  | (25,000)    | (25,000)    | (25,000)    |              |              |
| TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES                               |             |             |             |              |              |
| U.S. Citizenship and Immigration Services   |             |             |             |              |              |
| Citizenship and immigration services (appropriations):                                  |             |             |             |              |              |
| Employment eligibility verification (EEV) program                                       | 60,000      | 100,000     | 100,000     | +100,000     |              |
| Emergency appropriations  | 20,000      |             |             | -60,000      |              |
| FBI background checks (emergency appropriations)  | 523         | 540         | 540         | -20,000      |              |
| Benefit parole programs   | 450         |             |             | +17          |              |
| Immigration service programs  |             |             |             | -450         |              |
| REAL ID Act implementation  |             | 50,000      | 50,000      | +50,000      |              |
| Unspecified budget request  |             | 4,000       |             |              | -4,000       |
| Subtotal, Citizenship and immigration services  | 80,973      | 154,540     | 150,540     | +69,567      | -4,000       |
| Appropriations  | (973)       | (154,540)   | (150,540)   | (+149,567)   | (-4,000)     |
| 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   | (352,866)   | (345,890)   | (345,890)   | (-6,976)     |              |
| Asylum, refugee and international operations  | (94,561)    | (92,602)    | (92,602)    | (-1,959)     |              |
| Records operations  | (87,739)    | (85,946)    | (85,946)    | (-1,793)     |              |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
 FOR FISCAL YEAR 2009—Continued  
 (In thousands of dollars)

| Item   | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|--|--------------------|-----------------|--------------------------|--|-----------------|
|  |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| 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 .....   | (287,654)          | (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, U.S. Citizenship and Immigration Services .....                     | (2,619,845)        | (2,693,726)     | (2,689,726)              | (+ 69,881)   | (- 4,000)       |
| Appropriations .....   | (973)              | (154,540)       | (150,540)                | (+ 149,567)  | (- 4,000)       |
| 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)                 |  |                 |
| Salaries and expenses:   |                    |                 |                          |  |                 |
| Federal Law Enforcement Training Center .....                              |                    |                 |                          |  |                 |
| Law enforcement training .....   | 219,786            | 230,670         | 236,402                  | + 16,616   | + 5,732         |
| Emergency appropriations .....   | 17,000             |                 |                          | - 17,000   |                 |

|  | 1,290     |           | 1,290     |             | 1,290      |
|--|-----------|-----------|-----------|-------------|------------|
| Accreditation .....  |           |           |           |             | + 1,290    |
| Subtotal, Salaries and expenses .....                              | 238,076   | 230,670   | 237,692   | - 384       | + 7,022    |
| Appropriations .....   | (221,076) | (230,670) | (237,692) | (+ 16,616)  | (+ 7,022)  |
| 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   | 324,148   | + 35,482    | + 50,022   |
| Appropriations .....   | (267,666) | (274,126) | (324,148) | (+ 36,482)  | (+ 50,022) |
| Emergency appropriations .....                                     | (21,000)  |           |           | (- 21,000)  |            |
| Science and Technology   |           |           |           |             |            |
| Management and administration .....                                | 1,38,600  | 132,100   | 132,100   | - 6,500     |            |
| Research, development, acquisition, and operations:                |           |           |           |             |            |
| Border and maritime security .....                                 | 25,479    | 35,300    | 35,300    | + 9,821     |            |
| Chemical and biological .....                                      | 208,020   | 200,408   | 200,408   | - 7,612     |            |
| Command, control, and interoperability .....                       | 56,980    | 62,390    | 87,390    | + 30,410    | + 25,000   |
| Explosives .....   | 77,654    | 96,149    | 96,149    | + 18,495    |            |
| Human factors .....  | 14,206    | 12,460    | 8,000     | - 6,206     | - 4,460    |
| Infrastructure and geophysical .....                               | 64,500    | 37,816    | 64,816    | + 316       | + 27,000   |
| Innovation .....   | 33,000    | 45,000    | 33,000    |             | - 12,000   |
| Laboratory facilities .....  | 103,814   | 146,940   | 161,940   | + 38,126    | + 15,000   |
| Test and evaluations/standards .....                               | 28,520    | 24,674    | 24,674    | - 3,846     |            |
| Transition .....   | 25,265    | 31,830    | 26,830    | + 1,565     | - 5,000    |
| University programs .....  | 49,297    | 43,770    | 43,770    | - 5,527     |            |
| Homeland Security Institute .....                                  | 5,000     |           | 5,000     |             | + 5,000    |
| Subtotal, Research, development, acquisition, and operations ..... | 691,735   | 736,737   | 787,277   | + 95,542    | + 50,540   |
| (Non-defense appropriations) .....                                 | (516,735) | (736,737) | (787,277) | (+ 270,542) | (+ 50,540) |
| (Defense appropriations) .....                                     | (175,000) |           |           | (- 175,000) |            |
| Total, Science and Technology .....                                | 830,335   | 868,837   | 919,377   | + 89,042    | + 50,540   |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued  
[In thousands of dollars]

| Item  | 2008 appropriation | Budget estimate | Committee recommendation | Senate Committee recommendation compared with (+ or -) |                 |
|---|--------------------|-----------------|--------------------------|--|-----------------|
|   |                    |                 |                          | 2008 appropriation                                     | Budget estimate |
| Management and administration .....   | 31,500             | 38,900          | 38,900                   | + 7,400  | .....           |
| Domestic Nuclear Detection Office .....   |                    |                 |                          |  |                 |
| 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         | 113,300                  | + 17,300   | .....           |
| 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          | 17,900                   | + 2,900  | .....           |
| Research, development, and operations .....   | 323,500            | 334,200         | 334,200                  | + 10,700   | .....           |
| Systems acquisition:  |                    |                 |                          |  |                 |
| Radiation Portal Monitor Program .....  | 90,000             | 157,700         | 135,000                  | + 45,000   | - 22,700        |
| Securing the Cities .....   | 30,000             | 20,000          | 20,000                   | - 10,000   | .....           |
| Human Portal Radiation Detection Systems Program .....  | 9,750              | 13,000          | 13,000                   | + 3,250  | .....           |
| Subtotal, Systems acquisition .....   | 129,750            | 190,700         | 168,000                  | + 38,250   | - 22,700        |
| Total, Domestic Nuclear Detection Office .....  | 484,750            | 563,800         | 541,100                  | + 56,350   | - 22,700        |
| Total, title IV, Research and Development, Training, and Services (including transfers) ..... | 1,684,724          | 1,861,303       | 1,935,165                | + 250,441  | + 73,862        |
| Appropriations .....  | (1,583,724)        | (1,861,303)     | (1,935,165)              | (+ 351,441)  | (+ 73,862)      |
| Emergency appropriations .....  | (101,000)          | .....           | .....                    | (- 101,000)  | .....           |
| (Fee Accounts) .....  | (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   | .....           |

