AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 83

111TH CONGRESS
1st Session

SENATE

REPORT
111–31

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, 2010

JUNE 18, 2009.—Ordered to be printed

Mr. REID (for Mr. BYRD), from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 1298]

The Committee on Appropriations reports the bill (S. 1298) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, reports favorably thereon and recommends that the bill do pass.

50–444 PDF

Total obligational authority, fiscal year 2010

Total of bill as reported to the Senate [1] [2] [3]	$44,287,748,000
Amount of 2009 appropriations [4] [5]	44,080,245,000
Amount of 2010 budget estimate [2] [6]	44,190,938,000
Bill as recommended to Senate compared to—	
2009 appropriations	+207,503,000
2010 budget estimate	+96,810,000

[1] Includes $35,500,000 in rescissions.

[2] Includes a permanent indefinite appropriation of $261,000,000 for the Coast Guard health care fund contribution.

[3] Includes $241,503,000 for the Coast Guard for the costs of overseas contingency operations.

[4] Excludes $2,175,000,000 appropriated in the Department of Homeland Security Appropriations Act, 2004 (Public Law 108–90) for Biodefense Countermeasures that became available for obligation in fiscal year 2009.

[5] Includes $2,855,000,000 in emergency appropriations appropriated in Public Law 111–5, the American Recovery and Reinvestment Act of 2009, and Public Law 111–8, the Omnibus Appropriations Act, 2009. Includes rescissions totalling $72,373,000 pursuant to Public Law 110–329. Includes permanent indefinite appropriation of $257,305,000 for the Coast Guard health care fund contribution.

[6] Excludes up to $241,503,000 for Coast Guard overseas contingency operations requested in Department of Defense "Navy, Operation and Maintenance".

CONTENTS

DEPARTMENT OF HOMELAND SECURITY

	Page
Overview and Summary of the Bill	5
Title I:	
Departmental Management and Operations:	
Office of the Secretary and Executive Management	7
Office of the Under Secretary for Management	14
Office of the Chief Financial Officer	17
Office of the Chief Information Officer	19
Analysis and Operations	22
Office of the Federal Coordinator for Gulf Coast Rebuilding	23
Office of Inspector General	23
Title II:	
Security, Enforcement, and Investigations:	
U.S. Customs and Border Protection:	
Salaries and Expenses	26
Automation Modernization	36
Border Security Fencing, Infrastructure, and Technology	37
Air and Marine Interdiction, Operations, Maintenance, and Procurement	39
Construction and Facilities Management	40
U.S. Immigration and Customs Enforcement:	
Salaries and Expenses	43
Federal Protective Service	52
Automation Modernization	52
Construction	53
Transportation Security Administration:	
Aviation Security	54
Surface Transportation Security	62
Transportation Threat Assessment and Credentialing	64
Transportation Security Support	65
Federal Air Marshals	67
Coast Guard:	
Operating Expenses	68
Environmental Compliance and Restoration	74
Reserve Training	74
Acquisition, Construction, and Improvements	74
Alteration of Bridges	81
Research, Development, Test, and Evaluation	81
Retired Pay	82
United States Secret Service:	
Salaries and Expenses	82
Acquisition, Construction, Improvements, and Related Expenses	84
Title III:	
Protection, Preparedness, Response, and Recovery:	
National Protection and Programs Directorate:	
Management and Administration	86
Infrastructure Protection and Information Security	87
United States Visitor and Immigrant Status Indicator Technology	92
Federal Protective Service	94
Office of Health Affairs	95
Federal Emergency Management Agency:	
Management and Administration	97

Page

Title III—Continued
Protection, Preparedness, Response, and Recovery—Continued
Federal Emergency Management Agency—Continued
State and Local Programs 103
Firefighter Assistance Grants 109
Emergency Management Performance Grants 110
Radiological Emergency Preparedness Program 110
United States Fire Administration 111
Disaster Relief 111
Disaster Assistance Direct Loan Program Account 112
Flood Map Modernization Fund 112
National Flood Insurance Fund 113
National Predisaster Mitigation Fund 113
Emergency Food and Shelter 114
Title IV:
Research and Development, Training, and Services:
United States Citizenship and Immigration Services 115
Federal Law Enforcement Training Center:
Salaries and Expenses 118
Acquisition, Construction, Improvements, and Related Expenses 119
Science and Technology:
Management and Administration 120
Research, Development, Acquisition, and Operations 121
Domestic Nuclear Detection Office:
Management and Administration 125
Research, Development, and Operations 126
Systems Acquisition 126
Title V: General Provisions 128
Program, Project, and Activity 134
Compliance With Paragraph 7, Rule XVI of the Standing Rules of the Senate 135
Compliance With Paragraph 7(c), Rule XXVI of the Standing Rules of the Senate 136
Compliance With Paragraph 12, Rule XXVI of the Standing Rules of the Senate 137
Disclosure of Congressionally Directed Spending Items 139
Comparative Statement of New Budget Authority 141

	Fiscal year 2010[2 4] request	Fiscal year 2010[1 2 3] Committee recommendation
Title I—Departmental Management and Operations	$1,389,892,000	$1,324,600,000
Title II—Security, Enforcement, and Investigations	32,121,952,000	32,652,599,000
Title III—Protection, Preparedness, Response, and Recovery	8,691,755,000	8,533,571,000
Title IV—Research and Development, Training, and Services	1,987,339,000	1,792,478,000
Title V—General Provisions	.....	−35,500,000
Total, new budget (obligational authority)	44,190,938,000	44,287,748,000

[1] Includes $35,500,000 in rescissions.
[2] Includes permanent indefinite appropriation of $261,000,000 for the Coast Guard health care fund contribution.
[3] Includes $241,503,000 for the Coast Guard for the costs of overseas contingency operations.
[4] Excludes up to $241,503,000 for Coast Guard overseas contingency operations requested in Department of Defense ''Navy, Operation and Maintenance''.

The Committee recommends total appropriations of $44,287,748,000 for the Department of Homeland Security (the Department) for fiscal year 2009, $96,810,000 more than the budget request. Of this amount, $42,926,503,000 is for discretionary programs.

OVERVIEW

The establishment of the Department of Homeland Security after the devastating events of September 11, 2001, was one of the most ambitious Federal reorganizations since the Department of Defense was created following World War II. Regrettably, it was the official position of the Bush administration that the Department could be created at no cost to the taxpayer. This translated into a Department with aging assets, an inability to prepare for and respond to natural disasters and future threats, and significant management and employee morale problems.

In response, Congress, on a bipartisan basis, increased homeland security spending by an average of $2,000,000,000 per year above the President's request. These increases were invested in border security, chemical security, port security, transit security, aviation security, and cyber security. Congress also ensured State and local partners in homeland security received adequate resources to equip and train our first responders. These investments have paid off, making our Nation more secure and making us better prepared for any disaster. But we have much more work to do.

The Committee recommends $42,926,503,000 of discretionary budget authority for fiscal year 2010, $2,938,003,000, or 7 percent, above fiscal year 2009, excluding emergency funding provided in the American Recovery and Reinvestment Act and the Omnibus Appropriations Act, 2009.

Priorities in the bill are focused on five major goals:

—Securing our borders and enforcing our immigration laws;

—Protecting the American people from terrorist threats and other vulnerabilities, and ensuring that the Department is nimble enough to address future threats;
—Preparing for, responding to, and recovering from all-hazards, including natural disasters;
—Supporting our State, local, tribal, and private sector partners in homeland security with resources and information; and
—Giving the Department resources to strengthen financial, procurement, information technology systems, and other management tools that it needs to succeed; eliminating or reducing programs that are ineffective or duplicative.

REFERENCES

This report refers to several public laws by short title as follows: American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is referenced as the Stimulus Act; 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.

Any reference to "full-time equivalents" shall be referred to as FTE.

Any reference to "program, project, and activity" shall be referred to as PPA.

DEPARTMENT OF HOMELAND SECURITY

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

Appropriations, 2009	$123,456,000
Budget estimate, 2010	160,760,000
Committee recommendation	149,268,000

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 Affairs; the Office of General Counsel; the Office of Civil Rights and Civil Liberties; the Citizenship and Immigration Services Ombudsman; the Office of Intergovernmental Affairs; and the Privacy Officer.

COMMITTEE RECOMMENDATION

The Committee recommends $149,268,000 for the Office of the Secretary and Executive Management, $25,812,000 above the fiscal year 2009 level and $11,492,000 below the request level. Of the total amount provided, up to $60,000 is available for reception and representation expenses. The Department is to submit a quarterly report to the Committee detailing the obligation of these funds by purpose and dollar amount.

The specific levels recommended by the Committee as compared to the fiscal year 2009 and budget request levels are as follows:

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Immediate Office of the Secretary	3,140	5,061	5,061
Immediate Office of the Deputy Secretary	1,400	1,810	1,810
Chief of Staff	2,693	2,595	2,595
Office of Counternarcotics Enforcement	3,718	3,912	3,718
Executive Secretary	7,448	8,344	8,344
Office of Policy	43,263	61,564	51,564
Office of Public Affairs	5,991	6,539	5,991
Office of Legislative Affairs	4,997	7,097	6,797
Office of Intergovernmental Affairs	([1])	2,800	2,600
Office of General Counsel	20,114	24,028	24,028
Office of Civil Rights and Civil Liberties	17,417	22,104	22,104
Citizenship and Immigration Services Ombudsman	6,471	6,935	6,685

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT—Continued

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Privacy Officer	6,804	7,971	7,971
Total, Office of the Secretary and Executive Management	123,456	160,760	149,268

[1] Funds provided for this activity within the Federal Emergency Management Agency.

IMMEDIATE OFFICE OF THE SECRETARY

The Committee recommends $5,061,000 for the Immediate Office of the Secretary, an increase of $1,921,000 from the fiscal year 2009 level and the same level as proposed in the budget. The Committee approves the request to transfer a total of $1,278,000 from various DHS components and other Office of the Secretary and Executive Management [OSEM] offices for the Secretary's travel.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The Committee recommends $1,810,000 for the Immediate Office of the Deputy Secretary, an increase of $410,000 from the fiscal year 2009 level and the same level as proposed in the budget.

The Committee understands that the Office of Infrastructure Protection, the Coast Guard, and the Transportation Security Administration are working together to coordinate chemical security responsibilities established by the Chemical Facilities Anti-Terrorism Standards regulations, the Maritime Transportation Security Act of 2002, and railroad security regulations. The Committee directs the Deputy Secretary to coordinate efforts and to work with the White House Office of Domestic Policy to develop a coordinated and integrated approach for securing chemical facilities. Further, the Committee directs that the Department review and, if necessary, consider revising its information security regulations related to chemical facilities to ensure companies cannot misuse the regulations to improperly delay or impede Federal safety investigations following chemical accidents.

The Committee directs the Department to provide a report to the Committee no later than 90 days after the date of enactment of this act, and quarterly thereafter, on the agency's efforts to coordinate chemical security across departments, particularly in regard to ensuring the ability to conduct prompt and comprehensive Federal safety investigations of chemical accidents. Further, to ensure expeditious attention to this matter, the Deputy Secretary is directed to brief the Committee on the milestones established for a coordinated effort.

CHIEF OF STAFF

The Committee recommends $2,595,000 for the Chief of Staff, a decrease of $98,000 from the fiscal year 2009 level and the same level as proposed in the budget.

OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The Committee recommends $3,718,000 for the Office of Counternarcotics Enforcement [CNE], the same as the fiscal year 2009

level and $194,000 below the level proposed in the budget. The Committee requires the CNE to submit a report no later than 60 days after the date of enactment of this act to include: a detailed description of the Department's counternarcotics activities; whether those activities were sufficient to meet the Department's responsibility to stop the entry of illegal drugs into the United States; and recommended changes to those activities to improve the Department's counternarcotics performance. Funding is maintained at the current level due to the CNE's failure to provide the Committee with a similar report required in fiscal year 2009. These reports help the Committee assess whether the CNE is fulfilling its mission.

EXECUTIVE SECRETARY

The Committee recommends $8,344,000 for the Office of the Executive Secretary, an increase of $896,000 above the fiscal year 2009 level and the same level as proposed in the budget.

OFFICE OF POLICY

The Committee recommends $51,564,000 for the Office of Policy, $8,301,000 above the fiscal year 2009 level and $10,000,000 below the level proposed in the budget. The Committee fully funds requested base adjustments totaling $3,301,000 to annualize FTE funded in fiscal year 2009, to adjust for statutory pay increases, and to pay administrative support services executed by the Working Capital Fund. The Committee recommends a partial increase for the Integrated Requirements Process and the Intermodal Security Coordination Office. While the Committee supports the intent of these initiatives, there is little justification to support such a large financial commitment for fiscal year 2010. Therefore, an additional $5,000,000 is provided, $10,000,000 below the request level. The fiscal year 2010 expenditure plan shall provide a detailed explanation of how these funds are being allocated and for what purpose. Contractor support for both initiatives shall not exceed 25 percent.

The Committee bill provides $20,000 within the Secretary's reception and representation expenses to enable the Office of Policy to host Visa Waiver Program negotiations in Washington, DC, which will save significant travel costs.

The Committee directs the Office of Policy to submit an expenditure plan for fiscal year 2010 no later than 60 days after the date of enactment of this act. The plan shall provide a full explanation for each activity of this Office and accompanying costs. Because the fiscal year 2009 expenditure plan wasn't submitted until 8 months into the fiscal year, the Committee includes bill language withholding $20,000,000 from obligation until the fiscal year 2010 plan is submitted.

OFFICE OF INTERGOVERNMENTAL AFFAIRS

The Committee approves the budget request to transfer these functions from the Federal Emergency Management Agency [FEMA] and recommends $2,600,000 for the Office Intergovernmental Affairs, $200,000 below the level proposed in the budget. Of

this amount, $2,000,000 and 17 FTE represent the transfer of these functions from FEMA and $800,000 is recommended to pay administrative support services executed by the Working Capital Fund. The Committee modifies the name of the Office from "Office of Intergovernmental Programs" as proposed in the budget to "Office of Intergovernmental Affairs" as this name more appropriately reflects the activities of this office. Funds are decreased below the request due to the delay in filling full-time permanent positions within this office in fiscal year 2009.

OFFICE OF PUBLIC AFFAIRS

The Committee recommends $5,991,000 for the Office of Public Affairs, the same as the fiscal year 2009 level and $548,000 below the level proposed in the budget. Funds are decreased below the request due to the delay in filling full-time permanent positions within this office.

OFFICE OF LEGISLATIVE AFFAIRS

The Committee recommends $6,797,000 for the Office of Legislative Affairs, an increase of $1,800,000 above the fiscal year 2009 level and $300,000 below the level proposed in the budget.

OFFICE OF GENERAL COUNSEL

The Committee recommends $24,028,000 for the Office of General Counsel [OGC], $3,914,000 above the fiscal year 2009 level and the same level as proposed in the budget. The increase above the request is to fund base adjustments for increasing costs related to pay, the Working Capital Fund, and an annualization of prior year FTE's. The Committee also directs the OGC to hire an additional attorney with expertise in appropriations law within the recommended level. The Department currently has just one attorney working on appropriations and requires additional resources in this area.

OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTIES

The Committee recommends $22,104,000 for the Office of Civil Rights and Civil Liberties, an increase of $4,687,000 above the fiscal year 2009 level and the same level as proposed in the budget. The Committee recommends full programmatic increases, including funds for expansion of the Department's Equal Employment Opportunity program, reviews of State and local fusion centers, additional training, complaint investigations, and other DHS-wide civil rights and civil liberties issues. The Committee directs the Office to submit an expenditure plan no later than 60 days after the date of enactment of this act.

CITIZENSHIP AND IMMIGRATION SERVICES OMBUDSMAN

The Committee recommends $6,685,000 for the Citizenship and Immigration Services Ombudsman, an increase of $214,000 above the fiscal year 2009 level and $250,000 below the level proposed in the budget. Funds are decreased below the request due to the delay in filling full-time permanent positions within this office.

PRIVACY OFFICER

The Committee recommends $7,971,000 for the Privacy Officer, an increase of $1,167,000 above the fiscal year 2009 level and the same level as proposed in the budget.

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.

FUTURE YEARS BUDGET AND THE QUADRENNIAL HOMELAND SECURITY REVIEW

As mandated by section 2401 of the 9/11 Act, the Department is developing a Quadrennial Homeland Security Review [QHSR], including a budget plan required to carry out the findings of the review. The Committee is concerned that the QHSR will be biased by the President's proposed budget reduction for the Department of Homeland Security in the outyears. The Department of Homeland Security's budget should be derived from the policy review. The policy review should not be driven by the budget. Therefore, any budget projections included in the QHSR should be based on actual needs to sufficiently carry out the long-term strategy and priorities for homeland security.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

The Secretary is directed to report semi-annually on the current projects tasked to federally funded research and development centers, the funding obligated by component, including the purposes for the funds, and any projects completed in the prior 6-month period.

OVERDUE REPORTS

The Committee understands that the transition to the new administration may have caused some delays with regard to the Department providing the Committee with required reports due. However, to date, there are currently over 60 required reports that are past due and the Committee is concerned that the Department has only had a 35 percent on-time delivery rate of those received. These reports are vital for the Committee to appropriately make important resource allocation decisions to address critical homeland security issues. Consistent delays adversely impact the budgetary process. Examples of high-priority reports that are past due include Transportation Security Administration's Risk-Based Resource Allocation plan, Coast Guard's Workforce Action and Deepwater expenditure plans, U.S. Immigration and Customs Enforcement's [ICE] Nationwide Alternatives to Detention plan, the Intelligence and Analysis expenditure plan, Office of Policy expenditure plan, and DHS Chief Information Officer expenditure plan. The Committee also requires certain reports in order to stay apprised of important homeland security initiatives such as: Federal Emergency Management Agency's [FEMA] report on incorporating stakeholder input to the grant process, which ensures that State and local first responders are involved with the allocation of homeland security

grants required by Public Law 110–329; FEMA's progress on nationwide implementation of the Integrated Public Alert and Warning System, required by Executive Order 13407, to better alert the public about emergencies; and ICE's Transportation of Unaccompanied Alien Minors plan, which addresses the proper care and treatment of illegal alien children without parents within the immigration system.

The Committee finds this performance unacceptable.

DHS–GAO RELATIONS

The Committee is pleased to note that the Department is working with the Government Accountability Office [GAO] to improve it responsiveness to information requests, and is examining the models of interaction offered by other agencies. In order to improve transparency and oversight, the Committee urges DHS to adopt the practices of most other Federal agencies regarding interaction with GAO. These include: ensuring that GAO representatives have direct access to program officials and other relevant DHS employees, including contractors, for purposes of requesting records and obtaining information; expediting the internal review process for requested information by eliminating unnecessary or redundant levels of review; directing program officials and other relevant DHS employees, including contractors, to provide GAO with immediate access to agency records upon request when such records are readily available and do not require further internal review; and providing GAO representatives with access to draft or other non-final agency records pertinent to GAO's review, consistent with GAO's statutory right of access to agency records and its obligation to handle such information appropriately.

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 2009 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.

STAKEHOLDER INVOLVEMENT

In the Homeland Security Appropriations Act, 2009, $10,000,000 was withheld from both the Office of the Secretary and Executive Management [OSEM] and the Federal Emergency Management Agency [FEMA] Management and Administration account until the Secretary of Homeland Security, in coordination with the Administrator of FEMA, certifies to the Committees on Appropriations that a process to incorporate State and local stakeholder input for grants has been developed. It is unconscionable that 6 years after

the creation of the Department there is still not an efficient grant process. Further, it is disconcerting that the Secretary has yet to certify a process. The Committee expects a certification no later than August 31, 2009. Similar language is contained in the FEMA section of this report.

PRINCIPAL FEDERAL OFFICIAL

The Committee recognizes that the Secretary intends to reserve the deployment of a Principal Federal Official [PFO] for a catastrophic or an unusually complex incident that requires extraordinary coordination. According to an official response submitted following the Senate Appropriations, Subcommittee on Homeland Security hearing on May, 13, 2009, the Secretary is committed to "role clarity and clear, well-trained, and well-exercised protocols for communication and decisionmaking [which] are vital to achieving a coordinated response to any domestic incident". Therefore, the Committee does not include a restriction regarding the position of the PFO but strongly urges the Secretary to use an abundance of clarity on this matter before, during, and after the few instances when this position may be used.

LOST AND STOLEN PASSPORTS

The Committee is concerned that the Department of Homeland Security has not taken all appropriate steps to interrupt terrorist and criminal travel through international border crossings. The Committee is aware that the Department currently tracks and reports on lost and stolen passports through the Forensic Document Laboratory and the Fraudulent Document Analysis Unit. The Committee directs the Secretary to submit a semiannual report to the Committees on Appropriations of the Senate and House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Senate Committee on Homeland Security and Governmental Affairs, and the House of Representatives Committee on Homeland Security on the number of all lost and stolen passports reported to the Department, a detailed breakdown by issuing country, and the number intercepted by the Department at ports of entry. Also, the report should provide an analysis of any trends regarding lost and stolen passports.

BORDER TUNNELS

Border tunnels pose a serious national security risk by providing a means for smugglers to move drugs, guns, and people under the border. Since September 11, 2001, more than 90 border tunnels have been discovered. The Committee is aware that tunnel detection and remediation is becoming a Department priority and that funds have been provided as requested to address their detection. The Committee directs the Department to provide semiannual reports to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on the Judiciary, and the Committee on Homeland Security and Governmental Affairs on the number of tunnels discovered, their location and demolition, all activities undertaken to prosecute individuals under the Border Tunnel Prevention Act, funding requirements, and the progress made

in developing and implementing detection methods used to discover new tunnels. Finally, the Committee directs the Department to designate a border tunnel coordinator to manage border tunnel activities, serve as liaison to State and local law enforcement, and advise Congress on border tunnel issues.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

Appropriations, 2009 [1]	$391,793,000
Budget estimate, 2010	337,990,000
Committee recommendation	307,690,000

[1] Includes $200,000,000 provided in the American Recovery and Reinvestment Act, 2009 (Public Law 111–5) for construction of the DHS headquarters.

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 RECOMMENDATION

The Committee recommends $307,690,000 for the Office of the Under Secretary for Management.

The specific levels recommended by the Committee, as compared to the fiscal year 2009 and budget request levels, are as follows:

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Immediate Office of the Under Secretary for Management	2,654	2,864	2,864
Office of Security	60,882	95,193	92,693
Office of the Chief Procurement Officer	39,003	71,038	70,038
Office of the Chief Human Capital Officer:			
Salaries and Expenses	28,827	34,404	33,604
Human Resources	10,000	10,000	10,000
Office of the Chief Administrative Officer:			
Salaries and Expenses	44,427	43,491	43,491
Nebraska Avenue Complex	6,000	6,000	5,000
DHS Headquarters Consolidation	.....	75,000	50,000
Emergency Appropriations (Public Law 111–5)	200,000	.....	.....
Total, Office of the Under Secretary for Management	391,793	337,990	307,690
Appropriations	191,793	337,990	307,690
Emergency Appropriations (Public Law 111–5)	200,000	.....	.....

IMMEDIATE OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The Committee recommends $2,864,000 for the Immediate Office of the Under Secretary, $210,000 above the fiscal year 2009 level and the same level as proposed in the budget.

OFFICE OF SECURITY

The Committee recommends $92,693,000 for the Office of Security, an increase of $31,811,000 above the fiscal year 2009 level and

$2,500,000 below the level requested in the budget. This recommended increase includes $3,000,000 and 9 positions for Departmental personnel security adjudication needs; $5,000,000 and 20 positions for the Special Access Program Control Office; and $22,500,000 for the Homeland Security Presidential Directive 12 [HSPD–12] Card Issuance Program. The Department's schedule to issue HSPD–12 cards to DHS employees appears to be overly optimistic in fiscal year 2010. Therefore, the Committee does not recommend the full increase requested in the budget.

The Committee has heard from several DHS components about delays in hiring due to the security clearance process. With the additional adjudication funding recommended, the Office of Security should meet the 15-day standard for suitability reviews and reduce its existing backlog of individuals awaiting a security clearance. The Committee directs the Office of Security to include progress against these objectives in the Office of the Chief Human Capital Officer's monthly hiring reports submitted to the Committee.

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The Committee recommends $70,038,000 for the Office of the Chief Procurement Officer, $31,035,000 above the fiscal year 2009 level and $1,000,000 below the level requested in the budget. This increase will fully annualize 52 positions being filled in fiscal year 2009, fund 100 new positions for the Acquisition Workforce Intern Program, fund 24 new positions and associated infrastructure to create a new contracting component for classified programs, and fund 20 new positions and support from Federally Funded Research and Development Centers for oversight of DHS acquisition programs. A small reduction is recommended below the request due to the delay in filling full-time permanent positions within this office.

ACQUISITION REVIEW PROCESS

The Department's Investment Review Process was overhauled in 2008 with the intent to improve acquisition management and oversight across DHS. The Committee is pleased with the direction the Department is taking to create a common acquisition policy and a single point of accountability in the Acquisition Decision Authority. There are 67 major DHS acquisition programs with investments over $300,000,000 in lifecycle costs as well as some special interest programs/projects. In order to monitor the Department's acquisition review process, the Committee directs the Secretary to provide a quarterly status report on major acquisitions in excess of $300,000,000. These reports shall include a description of each acquisition and whether it has been approved by the Acquisition Review Board [ARB], is currently being reviewed by the ARB, is scheduled for review or a follow-up review by the ARB, and whether the relevant DHS component has begun submitting monthly periodic reports and the results of the monthly updates. In addition, the report shall include information on acquisitions that are not meeting cost, schedule, or performance parameters, including an explanation of why, and corrective measures implemented or planned. These reports are also to address the extent to which the Department has sufficient personnel to execute the acquisition re-

view process, and if not, its plans for fulfilling staffing requirements.

OVER-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. The Department has launched a comprehensive workforce data call to examine and balance workforce requirements and, where appropriate, to convert contractors to in-house resources. Results of this review are expected in July 2009. The Committee directs the Undersecretary for Management to brief the Committee no later than August 14, 2009, on the findings of this review, including plans for contract conversions in fiscal year 2010 and associated savings.

OTHER TRANSACTION AUTHORITY

The Committee directs the Chief Procurement Officer to ensure that all employees working on Federal contracts have "Other Transaction Authority" training.

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

The Committee recommends $43,604,000 and 89 FTE for the Office of the Chief Human Capital Officer [OCHCO], $4,777,000 above the fiscal year 2009 level and $800,000 below the budget request due to the delay in filling full-time permanent positions within this office. As of April 25, 2009, the OCHCO was 44 percent below funded staffing levels. Funds for contractors should be limited as right-sizing OCHCO with Federal employees is a top priority.

The Committee notes that hiring services being performed by the OCHCO on behalf of headquarters components is beginning to improve. However, significant progress remains necessary. Therefore, the Committee continues a requirement for the OCHCO to provide monthly reports on vacancies for each office OCHCO services, including the amount of time it takes to hire and seat an employee once a vacancy is announced. The report shall provide an explanation for hiring delays and steps being taken or planned to correct the delays. The Office of Security shall contribute to this report by including progress made to reduce the security clearance backlog and whether the 15-day standard for suitability reviews is being met.

The OCHCO shall also provide a report no later than 60 days after the date of enactment of this act on its fiscal year 2009 performance for metrics established by DHS, which are: the ability to meet the Office of Personnel Management 45-day hiring standard; an attrition rate for senior executive personnel 10.5 percent or lower; a number of civilian employees serving in the DHS interagency and interdepartmental Rotation Training Program of 530 or higher; favorable responses by DHS employees on the Federal Human Capital Survey of 51 percent or higher; and a percent of

civilian employees in designated positions that are qualified as National Security Professionals of 30 percent or higher.

A general provision is included in the bill 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 recommends $98,491,000, an increase of $48,064,000 above the fiscal year 2009 level and $26,000,000 below the budget request. This amount includes the transfer of $10,809,000 and 5 FTE to the Office of Operations Coordination and Planning for the Business Continuity Operations and Emergency Preparedness function. Realigning this function will concentrate internal DHS continuity functions into one office. The Committee recommends $5,000,000 for continued facilities maintenance and upgrades at the Nebraska Avenue Complex. Due to consistent availability of carryover funds, this amount is $1,000,000 below the request. The Committee recommends $50,000,000 for the DHS Lease Consolidation Project, $25,000,000 below the request. These funds will allow the Department to begin consolidating leased facilities not moving to the St. Elizabeths campus. Currently DHS headquarters are located in over 40 fragmented locations in 105 lease arrangements. The goal is to consolidate these to fewer than 10 leases. However, until a prospectus is submitted and approved by Congress, the full cost and scope of this project is unknown.

DHS CONSOLIDATED HEADQUARTERS PROJECT

The Committee continues to support the Department's efforts to construct a consolidated headquarters. DHS is spread throughout more than 40 locations and 70 buildings across the National Capital Region making communication, coordination, and cooperation between DHS components a significant challenge. Between appropriations to the General Services Administration and the Department of Homeland Security, over $1,100,000,000 has been appropriated for this project, including $650,000,000 in the Stimulus Act. These funds fully cover requirements for fiscal year 2010. The Committee directs the Department to continue periodic briefings on the consolidation project.

OFFICE OF THE CHIEF FINANCIAL OFFICER

Appropriations, 2009	$55,235,000
Budget estimate, 2010	65,530,000
Committee recommendation	63,530,000

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 RECOMMENDATION

The Committee recommends $63,530,000 for the Office of the Chief Financial Officer [OCFO], an increase of $8,295,000 from the fiscal year 2009 level and $2,000,000 below level proposed in the budget request. The recommendation includes $1,608,000 to annualize 15 FTE funded in fiscal year 2009; $499,000 for pay adjustments; $1,793,000 for Working Capital Fund increases; and $4,395,000 to improve financial accountability. The Committee supports Program Analysis and Evaluation efforts to conduct independent program analyses of selected DHS programs. As the Department builds on this capability, the Committee encourages the OCFO to do so with permanent Federal employees to the maximum extent practicable. The OCFO shall periodically brief the Committee on outcomes of the selected studies and their impact on resource decisions.

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. This effort will consolidate 13 separate DHS financial management systems, resulting in multiple business processes and accounting lines. These separate systems do not provide consistent internal controls over financial reporting. The Committee expects a full migration plan to be submitted to the Committee no later than 60 days after the date of enactment of this act.

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. Additionally, the OCFO shall ensure that the congressional justifications for the Department accompanying the President's fiscal year 2011 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 2010.

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.

EXPENDITURE PLANS

The Committee continues requiring expenditure plans for specific DHS programs. These plans are intended to provide Congress with information to effectively oversee a particular program and hold the Department accountable for program results. Expenditure plans required by the Committee shall include, at a minimum: a description of how the plan satisfies any relevant legislative conditions for the expenditure plan; planned capabilities and benefits; cost and schedule commitments; measures of progress against commitments made in previous plans; how the program is being managed to provide reasonable assurance that the promised program capabilities, benefits, and cost and schedule commitments will be achieved; historical funding for the program if applicable; and an obligation and outlay schedule.

OFFICE OF THE CHIEF INFORMATION OFFICER

Appropriations, 2009	$272,169,000
Budget estimate, 2010	338,393,000
Committee recommendation	338,393,000

The Office of the Chief Information Officer is responsible for oversight of information technology [IT] development, oversight of IT acquisition, alignment of IT systems and infrastructure to the enterprise architecture to support the missions and activities of the Department.

COMMITTEE RECOMMENDATIONS

The Committee recommends $338,393,000, of which $86,912,000 is for salaries and expenses, and $251,481,000 is to be available until expended for Department-wide technology investments overseen by the Office of the Chief Information Officer [CIO]. The recommendation is an increase of $66,224,000 from the fiscal year 2009 level and the same level as proposed in the budget request.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

OFFICE OF THE CHIEF INFORMATION OFFICER

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Salaries and Expenses	86,928	86,912	86,912
Information Technology Services	44,945	51,417	51,417

OFFICE OF THE CHIEF INFORMATION OFFICER—Continued

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Security Activities	92,623	152,403	152,403
Homeland Secure Data Network	47,673	47,661	47,661
Total, Office of the Chief Information Officer	272,169	338,393	338,393

SALARIES AND EXPENSES

The Committee recommendation includes $86,912,000 as requested in the budget, to provide oversight of technology management, shared services, and acquisition strategy for the Department.

EXPENDITURE PLAN

The Committee has again included bill language requiring an expenditure plan be submitted to the Committees on Appropriations within 60 days of enactment of this act. The Committee notes that 8 months into fiscal year 2009 the expenditure plan for the current year has not been submitted. It is difficult to evaluate the operations and projects of the CIO in the absence of any information about current-year plans.

INFORMATION TECHNOLOGY SERVICES

The Committee recommendation includes $51,417,000 for Information Technology Services, as requested in the budget. Consistent with the request, $6,700,000 is recommended for communications security modernization. The Department must replace 15,000 pieces of communications security equipment that will be de-certified for continued use as of December 31, 2009. These funds will purchase equipment that meets the new certification requirements, provide training to employees, and provide for operation and maintenance costs.

ACQUISITION REVIEW BOARD

Under Acquisition Directive 102–01, the CIO is responsible for ensuring that approved IT acquisitions comply with departmental IT management processes, technical requirements, and approved Enterprise Architecture. As part of this process, the committee expects the CIO to certify that all level 1 IT acquisitions include: a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle and an independent verification and validation process.

SECURITY ACTIVITIES

The Committee recommendation includes $152,403,000 for Security Activities, as requested in the budget. Consistent with the request, the recommended amount includes: $10,400,000 for network security enhancement; $8,400,000 for Internet gateway enhancements; and $4,200,000 to initiate the application integration for the single sign-on project. The Committee believes these are all vital investments necessary to ensure that a mature infrastructure is in place that meets the Departments needs. The Department is di-

rected to continue to provide quarterly briefings to the Committee on the progress on implementing OneNet, and to include a scorecard on migration to Networx.

DATA CENTER DEVELOPMENT

The Committee recommendation includes not less than $82,788,000 within Security Activities for data center development, as requested in the budget. This includes not less than $38,540,145 for power capabilities upgrades at Data Center One. According to the Secretary's response submitted following the Senate Appropriations, Subcommittee on Homeland Security hearing on May 13, 2009, the request includes funding for the following upgrades: $12,600,995 for Power Upgrade Phase II—Upgrade Electrical Service, Entrance, Additional Switchgear, Expand Zones E and F to 2.8 Megavolt Amperes; $14,439,150 for Power Upgrade Phase III—Electrical upgrade, 5th UPS/zone, 2 Additional Generators; $11,500,000 for Power Upgrade Phase IV—Tier III Mechanical, 2 Additional Chillers, 4 Additional Generators.

The Committee strongly supports the effort included in the request to move forward with data center consolidation. Consolidating services into two data centers will enable DHS to effectively monitor all IT systems for compliance while reducing the risk of vulnerabilities in information systems in a cost-effective and sustainable manner. As DHS pursues this effort, it is essential to simultaneously fill both centers, so that disaster recovery may be properly addressed. Disaster recovery shortfalls have been cited in two consecutive DHS Inspector General [IG] reports. As noted in the April 2009 report "DHS's Progress in Disaster Recovery Planning for Information Systems", DHS addressed the recommendations from the 2005 IG report by allocating the funds needed to implement an enterprise-wide disaster recovery program for mission critical systems. "Specifically, DHS has allocated funding and established two data centers as part of its strategy to mitigate disaster recovery deficiencies." In order to provide DHS with the necessary resources to continue rectifying these deficiencies, the Committee has included resources in the appropriate component accounts.

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 $47,661,000, as requested in the budget, for the Homeland Secure Data Network.

FEDERAL INFORMATION SECURITY MANAGEMENT ACT

The Committee continues to be concerned with departmental compliance with the Federal Information Security Management Act. The most recent scorecard provided to the Committee shows

an overall B+ for the Department. While the Committee compliments the Department on this score, the following components all received F's: U.S. Customs and Border Protection, Domestic Nuclear Detection Office, Intelligence and Analysis, Office of Inspector General, Operations and Coordination, and Science and Technology. The CIO, accompanied by the appropriated component CIO, shall brief the Committee no later than 60 days after the date of enactment of this act on the Department's plan to improve these scores, including necessary resources.

ANALYSIS AND OPERATIONS

Appropriations, 2009	$327,373,000
Budget estimate, 2010	357,345,000
Committee recommendation	347,845,000

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

COMMITTEE RECOMMENDATION

The Committee recommends $347,845,000 for Analysis and Operations. This is an increase of $20,472,000 from the fiscal year 2009 level and a decrease of $9,500,000 from the budget request. The details of these recommendations are included in a classified annex accompanying this report.

DHS INTELLIGENCE EXPENDITURE PLAN

The Secretary has failed to submit an expenditure plan for fiscal year 2009 mandated in the joint explanatory statement accompanying Public Law 110–329. This plan is an essential document to help the Committee assess whether the I&A is fulfilling its mission. The delay in submitting this plan as well as the required State and Local Fusion Center quarterly reports is unacceptable. This matter is addressed in the classified annex accompanying this act. The Committee requires the Secretary to submit an expenditure plan for fiscal year 2010 no later than February 5, 2010.

The plan shall include the following: (1) fiscal year 2010 expenditures and staffing allotted for each program as compared to each of years 2008 and 2009; (2) all funded versus on-board positions, including 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 2008 and 2009; 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, 2009	$1,900,000
Budget estimate, 2010	2,000,000
Committee Recommendation	2,000,000

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 RECOMMENDATION

The Committee recommends $2,000,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding the same as the budget request level and $100,000 above the fiscal year 2009 level. The Office is directed to remain open until at least the end of fiscal year 2009. The Office is directed to provide a fiscal year 2010 expenditure plan no later than November 30, 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.

The Committee encourages the Office of the Federal Coordinator for Gulf Coast Rebuilding to consolidate Federal data on Gulf Coast recovery funding and measure impacts on key recovery indicators including repopulation, economic and job growth, reestablishment of local and State tax revenues, restoration of housing stock, and availability of critical services including health care, education, criminal justice, and fire protection.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2009[1]	$98,513,000
Budget estimate, 2010	127,874,000
Committee recommendation[2]	115,874,000

[1] Excludes $16,000,000 made available from FEMA Disaster Relief in Public Law 110–329.
[2] 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 $115,874,000 for the Office of Inspector General [OIG] for fiscal year 2010, $17,361,000 above the fiscal year 2009 level. 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. When combined, the recommendation exceeds the request by $4,000,000. Included in the funding are resources for U.S. Customs and Border Protection [CBP] revenue oversight.

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.

INTEGRITY OVERSIGHT

Since fiscal year 2006, at Congress' initiative, U.S. Immigration and Customs Enforcement [ICE] has increased staffing 17 percent and CBP has increased staffing 33 percent. This is an increase of over 20,000 new agents. The Committee is concerned due to the rapid hiring in CBP and ICE that there is the potential for increased corruption. To avoid corruption and misconduct it is imperative that all agents, especially new hires, receive comprehensive training in ethics and public integrity. The OIG provides ethics training to all agencies and is in charge of investigating all allegations of criminal misconduct throughout the Department. It is essential that the OIG, CBP, and ICE work jointly and cooperatively to combat corruption. In order to prevent corruption and misconduct, the Committee provides the OIG with the necessary funding for investigations.

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 $11,601,990,000, including direct appropriations of $10,169,990,000 and estimated fee collections of $1,432,000,000.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

U.S. CUSTOMS AND BORDER PROTECTION—FUNDING SUMMARY

[In thousands of dollars]

	Fiscal year 2009 enacted [1]	Fiscal year 2010 budget request	Committee recommendations
Appropriations:			
Salaries and Expenses [2]	7,763,206	7,623,068	8,075,649
Automation Modernization	511,334	462,445	462,445
Border Security Fencing Infrastructure, and Technology [BSFIT] [3]	875,000	779,452	800,000
Air and Marine Interdiction, Operations, Maintenance, and Procurement	528,000	505,826	515,826
Construction and Facilities Management [4]	823,201	678,633	316,070
Total, Appropriations	10,500,741	10,049,424	10,169,990
Estimated fee collections:			
Immigration inspection user fees	570,059	584,000	584,000
Immigration enforcement fines	3,331	5,000	5,000
Land border inspection fees	26,880	30,000	30,000
COBRA fees	410,666	393,000	393,000
APHIS inspection fees	333,433	320,000	320,000
Puerto Rico Trust Fund	96,719	92,000	92,000
Small airport user fee	7,057	8,000	8,000
Total, Estimated fee collections	1,448,145	1,432,000	1,432,000
Total, U.S. Customs and Border Protection, Available Funding	11,948,886	11,481,424	11,601,990

[1] Includes $680,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).
[2] Includes $160,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) for tactical communications and non-intrusive inspection equipment.
[3] Includes $100,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) for border security technology.
[4] Includes $420,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) for construction at ports of entry.

SALARIES AND EXPENSES

Appropriations, 2009 [1]	$7,763,206,000
Budget estimate, 2010	7,623,068,000
Committee recommendation	8,075,649,000

[1] Includes $160,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

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 $8,075,649,000 for salaries and expenses of U.S. Customs and Border Protection [CBP] for fiscal year 2010, including $3,226,000 from the Harbor Maintenance Trust Fund. Included in this amount is a decrease of $432,959,000 in termination of one-time costs, and an increase of $412,246,000 in annualizations of prior year funding, the fiscal year 2009 pay raise, and the fiscal year 2010 pay raise. 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 making $1,700,000 available until expended for the Global Advanced Passenger Information/Passenger Name Record program.

COMBATING SOUTHBOUND SMUGGLING

Seizure data over the past 2 fiscal years demonstrate an increasing threat for weapons and currency smuggling outbound to Mexico. In fiscal year 2007, CBP initiated 353 southwest seizures totaling $13,700,000 in currency and 316 weapons. In fiscal year 2008, there were 450 outbound currency seizures totaling $12,500,000 and 257 weapons seizures. The President's budget request included a total of $45,834,000 and 254 positions for new border security personnel and technology to further address this threat. This is an increase of $26,132,000 and 125 positions over last year's level and includes 65 new CBP officers, 44 Border Patrol agents, and 16 support staff. It also expands CBP's license plate reader program to 58 outbound lanes on the Southwest border, to begin providing readers to all 110 outbound traffic lanes on the Southwest border.

The Committee is pleased the budget proposes to expand CBP southbound border enforcement efforts to combat the smuggling of firearms and currency to Mexico, which in turn fuels the drug cartel violence and the pressure to increase smuggling of illegal drugs and aliens into this country. The Committee recommends $40,000,000, $13,868,000 above the amount requested in the budget, for this activity. The increase above the request will provide CBP with an additional 114 CBP positions to provide CBP with greater flexibility to expand southbound operations. The Committee also recommends an additional $40,000,000 to competitively procure additional non-intrusive inspection equipment. Of these funds, $20,000,000 shall be for equipment to be used by the Border Patrol in support of checkpoint operations and $20,000,000 shall be for equipment to be used by the Office of Field Operations at locations along the Southwest border. Prior to the obligation of these additional funds, the Committee directs the Secretary to submit an expenditure plan to the Committees on Appropriations not later than 60 days after the date of enactment.

The Committee is pleased with the greatly enhanced working relationship that has been developed with the Government of Mexico and its border and customs law enforcement agencies as our two countries jointly battle the scourge of drug-related violence. The Committee encourages CBP and the other DHS components to explore and implement ways to expand on this relationship.

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 9,200 new Border Patrol agents, and attendant support positions, will have been funded and hired through the end of fiscal year 2009. The Congress strongly supports the Border Patrol mission of securing our borders and fully funds the fiscal year 2010 request.

Included in the amount recommended by the Committee for "Border Security and Control" is a total of $3,525,008,000, 22,800 positions, and 22,774 FTE, $20,000,000 above the request. The amount above the request is for non-intrusive inspection equipment for use by the Border Patrol in doing southbound enforcement discussed earlier in this section. This is an increase of $98,553,000 over the fiscal year 2009 level. These funds provide the full funding necessary for 20,063 Border Patrol agents and the attendant support positions, as compared with 12,349 agents on board at the beginning of fiscal year 2007.

BORDER PATROL AGENTS ON THE NORTHERN BORDER

As of April 25, 2009, there were 1,525 Border Patrol agents assigned to the Northern border. The Chief of the Border Patrol, working with the Northern border sector chiefs, has developed a staffing plan to increase the agents on the Northern border by the end of fiscal year 2010 to 2,212 Border Patrol agents. The Committee has been assured that this increase is attainable and will represent a 700 percent increase in manpower from pre-2001 staffing levels. The Border Patrol will continue to use the Border Patrol Agent Intern Program, fully funded relocations, the Voluntary Relocation Program, and the reinstatement of prior agents to meet this goal.

The Committee is aware of the continued 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 issues and brief the Committee on its findings and requirements no later than 60 days after the date of enactment of this act.

MISSION SUPPORT PERSONNEL

Operation Jump Start was a 2-year effort which involved the deployment of 6,000 National Guardsmen and women on the Southwest border to perform Border Patrol support activities while additional Border Patrol agents were hired. This permitted more Border Patrol agents to actually patrol the border. As discussed above, while the agent hiring targets will be met this year, CBP failed to aggressively hire mission support personnel during the same timeframe. Jump Start ended July 15, 2008, and with the loss of the National Guard's support, many agents have reverted to performing mission support activities. Congress has provided the re-

sources to hire mission support personnel and the Committee directs CBP in the strongest terms possible to hire these individuals so that the Border Patrol agents can return to their proper role of securing the border.

CONDUCT AND INTEGRITY OVERSIGHT

Over the last 4 years, CBP has hired over 14,000 new personnel, a 33 percent increase since fiscal year 2006. The Committee notes that CBP conducted a total of 606 internal affairs investigations in fiscal year 2007. That number jumped to 992 investigations the following fiscal year. To date this fiscal year, CBP has conducted 682 investigations. With a workforce of over 56,000 employees, of whom 40,000 are sworn law enforcement agents, 720 current and former employees have been arrested for criminal misconduct since October 1, 2006. Of these, 46 individuals have been arrested for mission critical corruption charges. In order to support long-term border security efforts and prevent internal 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 and to improve training. The Committee recommends a total of $20,742,000 and 76 FTE to train officers and agents and expand integrity investigations. This is an increase of $1,561,000, and 2 FTE over the fiscal year 2009 level, and $500,000 and 2 FTE over the request. With these additional funds, a total of 93 CBP personnel will be on-board and involved in conduct and integrity oversight by the end of fiscal year 2010.

AGRICULTURE SPECIALISTS

The Committee notes that more than 1,800 agricultural specialists have joined CBP since fiscal year 2005. Also, more than 9,600 CBP officers have received basic agriculture training as part of CBP Integrated Training at the CBP Academy since fiscal year 2004. This training ensures that all CBP officers will be able to identify a potential agricultural or other anomaly and then refer it for secondary inspection. Additionally, follow-up training is provided in the field. The Committee notes the significant contribution made by these specialists to the safety of the Nation's food and agriculture systems and encourages the Department to provide the highest standards of training in detecting possible threats to the Nation's food supply for all CBP officers.

IMPORT SAFETY AND TRADE ENFORCEMENT

The Committee notes that an Action Plan on Import Safety developed in support of Executive Order 13439 calls for an increase in staffing levels to carry out commercial operations and adequately staff priority trade areas. The Committee includes $9,340,000 and 103 positions, as requested by the President.

LAW ENFORCEMENT OFFICER RETIREMENT

The Committee recommends $225,000,000, as requested, to fully fund the law enforcement officer retirement program for CBP officers enacted into law in section 535 of Public Law 110–161.

AIR AND MARINE STAFFING

Included in the amount recommended by the Committee is a total of $309,629,000, 2,015 positions, and 1,943 FTE. This represents an increase of $19,115,000, 144 positions, and 72 FTE, above the fiscal year 2009 level, as requested in the budget. This includes 88 additional law enforcement and 56 support personnel at our Northern, coastal, and Southeast/Caribbean borders and builds on the Congress's multi-year effort to add resources to protect our land and marine borders.

WESTERN HEMISPHERE TRAVEL INITIATIVE

The Western Hemisphere Travel Initiative [WHTI] became fully operational on June 1, 2009. In order to ensure that progress continues to be made on this program, the Committee recommends a total of $144,936,000 and 294 positions, as requested in the budget. This is an increase above the fiscal year 2009 level of $20,900,000, 89 positions, and 45 FTE. The Committee directs the Office of Policy to provide semiannual briefings on the status of WHTI implementation beginning no later than 30 days after the date of enactment of this act.

SECURITY AND TARGETING SYSTEM ENHANCEMENTS

The Committee notes the President's budget proposed increases to enhance various CBP security and targeting systems. The Committee includes $8,000,000, as requested, for cyber security and passenger information system upgrades, and a total of $26,355,000 and 153 positions, as requested, for personnel to analyze and employ information and intelligence. This is an increase of $2,848,000 and 22 positions over the fiscal year 2009 level for the last activity.

DATA CENTER MIGRATION

As part of the Department-wide effort to assign data center migration funding to the component agencies which will be migrating, the Committee provides $33,650,000, in new funding to support CBP's portion of this activity in fiscal year 2010, $5,000,000 less than the request. The funds are reduced as not all of the proposed activities would be accomplished in fiscal year 2010.

UNACCOMPANIED ALIEN CHILDREN

The Committee notes the request includes no additional funding for CBP's role in caring for and transporting unaccompanied alien children [UACs] to Office of Refugee Resettlement custody upon their apprehension by CBP officers or agents. The conference report accompanying the "Supplemental Appropriations Act, 2009" included $6,200,000 for CBP for this purpose based upon estimated increased UAC requirements resulting from the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457). While the Committee provides no additional funding for this activity for fiscal year 2010, the Committee directs CBP to report not later than March 31, 2010, on the actual fiscal year 2009, and estimated fiscal year 2010, costs of care and transportation of UACs.

TECHNOLOGY OVERSIGHT

The Committee recommends an additional $950,000, 9 positions, and 5 FTE above the request for the Office of Information Technology for additional program oversight personnel for large information technology development programs. Without adequate oversight during the early phases of complex development programs, the Committee is concerned that programs can easily go off course, cost more, and take years longer than originally planned. The Automated Commercial Environment [ACE] development program is a prime example. With the additional resources provided, it is expected that CBP will devote three program control positions to oversight of ACE, three program control positions to TECS Modernization, and the remaining three positions to the Secure Border Initiative and Tactical Communications.

INTELLECTUAL PROPERTY RIGHTS

The Committee believes a greater focus needs to be brought to intellectual property rights [IPR] enforcement. CBP is directed to submit by December 15, 2009, a 5-year enforcement strategy to reduce IPR violations. The strategy shall include: a timeline for developing improved targeting models specifically for IPR, a timeline for implementing expanded training for all enforcement personnel, recommendations for strengthening penalties, a plan for creating an IPR component as a part of the Importer Self Assessment program, and a timeline for expanding post audit review for IPR.

CBP's on-line recordation process allows rights owners to electronically record their trademarks and copyrights with CBP, and makes IPR recordation information readily available to CBP personnel, facilitating IPR seizures by CBP. CBP uses this recordation information to actively monitor shipments and prevent the importation or exportation of infringing goods. CBP allows rights owners who have registered trademarks with the Office of Patent and Trademark [PTO] and copyrights with the Office of Copyright [CO] to record their rights with CBP.

While CBP enforces both recorded and non-recorded trademarks and copyrights, enforcement of recorded trademarks and copyrights takes precedence over those that are not recorded with CBP. Given the precedence that CBP places on recorded trademarks and copyrights, it is disturbing that CBP has accomplished so little in establishing electronic links between the systems maintained by the PTO and the CO to ease the recordation process for trademark and copyright holders. Therefore, from within the "Salaries and Expenses" account request for the Office of Information Technology, $3,000,000 is for developing and implementing an opt-in or voluntary automated link between the Intellectual Property Rights e-Recordation online system and systems maintained by PTO and CO to allow rights holders to elect to record their rights with CBP. Further, CBP is directed to submit to the Committees 90 days after the date of enactment of this act, a schedule with major milestones for the project.

COMPLIANCE REVIEWS

CBP is directed to submit by December 15, 2009, a report on compliance reviews conducted on bonded warehouses and foreign trade zones. The report should include: the frequency of reviews, percentage of warehouses and trade zones reviewed each year, types of reviews conducted, and the frequency of adverse actions.

CONTROL OF INVASIVE PLANT SPECIES

CBP shall provide semi-annual briefings to the Committee on the progress made in implementing the strategy contained in the Plan to Control Invasive Plant Species Along the Rio Grande (June 2, 2009), until the completion of the strategy.

ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION

The Committee is concerned that the President's request does not reference the need to continue to expand the Electronic System for Travel Authorization [ESTA] program in order to ensure that the airlines are fully participating in the program. ESTA, authorized by the 9/11 Act, was developed in order to address a weakness in our immigration control system that could be exploited by terrorists: the fact that individuals from Visa Waiver Program [VWP] nations are not screened until they arrive at U.S. airports. However, because the airlines are currently not participating in the program, CBP has no way to ensure that individuals boarding airplanes from Visa Waiver nations have been authorized to travel using the ESTA system.

The Committee directs DHS to submit a strategic plan within 90 days of enactment to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary for fully implementing the ESTA system to ensure that all individuals traveling to the United States from Visa Waiver nations have their travel authorization verified prior to boarding an airplane. The strategic plan will include a detailed timeline with the specific actions that will be taken to achieve the following milestones:

—Enrolling all travelers from VWP nations into the program;
—Incorporating the airlines into the ESTA program;
—Deploying ESTA technology to all VWP originating airports, either through the use of standalone kiosks or through the participation of the airlines;
—Verifying the travel authorizations of all VWP travelers prior to their boarding an airplane for the United States; and
—Making the program entirely fee-funded.

The ESTA strategic plan should also include an analysis of the ESTA communications strategy and should make recommendations for how this strategy can be improved to ensure that all travelers in VWP nations are aware of the ESTA requirements. This plan should also review ESTA's administrative placement within DHS, its relationship with the VWP office and US-VISIT, and make specific recommendations about how these relationships could be improved and whether merging the office with one of these components could generate efficiencies.

FACILITIES MANAGEMENT

The Committee does not include the proposed consolidation of facilities management in a separate account as requested in the budget. In order to allow CBP more flexibility to address rent management, all funds for rent are consolidated within the "Headquarters Management and Administration at the Ports of Entry", and "Headquarters Management and Administration between the Ports of Entry" PPAs. Further, all funds for lease acquisition are consolidated within the "Construction and Facilities Management" account.

Over time, the PPA structure for CBP, "Salaries and Expenses" has not always met the needs of the Congress for detailed oversight. CBP is directed to submit a report with the fiscal year 2011 President's budget on a new PPA structure and a detailed office by office expenditure plan. Taken together these should provide greater detail on the funding of CBP.

The Committee recognizes that passenger vehicle and commercial traffic at the Santa Teresa port of entry have significantly increased, and encourages CBP to extend commercial hours of operation at the port to midnight Monday through Friday and to increase passenger vehicle hours of operations to 24/7 daily.

VEHICLE REPLACEMENT

The Committee is disappointed that the President's budget request falls more than $59,000,000 and 1,210 vehicles short of meeting the 20 percent vehicle replacement requirement called for in CBP's April 30, 2007, Vehicle Fleet Management Plan. That plan recognized that CBP needs to institute a 5-year fleet replacement cycle. Given the rugged terrain and extreme conditions in which many CBP officers and agents work, this is a safety as well as a management issue. The Committee directs the Department to include in the fiscal year 2011 budget submission sufficient funds as well as a plan to replace, at a minimum, 20 percent of the vehicle fleet on an annual basis.

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

The Committee is 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 inspect 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 $64,100,000, as requested in the budget, for this activity.

ADVANCED TRAINING CENTER

Included in the amount recommended by the Committee is $30,300,000, as proposed in the budget, to operate, equip, and provide training at 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 interagency coordination in these areas could help ensure that steps in the collection of duties are completed in a more expeditious manner.

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.

OUTER CONTINENTAL SHELF

CBP is charged with enforcement of the U.S. cabotage laws. By virtue of the Outer Continental Shelf Lands Act [OCSLA] (as amended through Public Law 106–580, December 29, 2000), the coastwise laws apply to marine transportation between points and places in the United States, including on the Outer Continental Shelf [OCS]. There will continue to be significant advances in current offshore energy exploration and production technology aimed at providing more efficient production in areas where OCS development occurs, while at the same time, changing the face of what offshore production once looked like. It is thus important that CBP interpret and apply OCLSA correctly.

The prospect of renewable energy development on the OCS continues to show promise as a means of meeting our Nation's energy demand. Some of this development will probably occur on the seabed. It is imperative that CBP ensures that the benefits granted to the U.S. maritime industry under laws established by Congress are recognized and enforced with respect to any maritime transportation to and from the United States to such installations.

COMMITTEE RECOMMENDATIONS

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

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

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Salaries and Expenses:			
Headquarters Management and Administration:			
Management and administration, border security inspections and trade facilitation	646,608	522,825	695,294
Management and administration, border security and control between port of entry	622,550	497,675	723,919
Emergency Appropriations (Public Law 111–5)	60,000	.....	.....
Subtotal, Headquarters Management and Administration	1,329,158	1,020,500	1,419,213
Border security inspections and trade facilitation at ports of entry:			
Inspections, trade and travel facilitation at ports of entry	2,093,988	2,255,210	2,269,078
Harbor maintenance fee collections (trust fund)	3,154	3,226	3,226
International Cargo Screening	149,450	165,421	165,421
Other international programs	10,984	11,181	11,181
Customs Trade Partnership Against Terrorism	64,496	62,612	62,612
Trusted Traveler Program (formerly Free and Secure Trade [FAST]/NEXUS/SENTRI)	11,274	11,274	11,274
Inspection and detection technology investments	145,944	143,563	163,563
Emergency Appropriations (Public Law 111–5)	100,000	.....	.....
Systems for targeting	32,550	32,560	32,560
National Targeting Center	24,481	26,355	26,355
Training	24,778	24,778	24,778
Subtotal, border security inspections and trade facilitation at ports of entry	2,721,099	2,736,180	2,770,048
Border security and control between ports of entry:			
Border security and control	3,426,455	3,505,008	3,525,008

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

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Training	74,815	51,751	51,751
Subtotal, border security and control between ports of entry	3,501,270	3,556,759	3,576,759
Air and Marine operations, personnel compensation and benefits	271,679	309,629	309,629
Total, Salaries and Expenses	7,763,206	7,623,068	8,075,649
Appropriations	7,603,206	7,623,068	8,075,649
Emergency Appropriations (Public Law 111–5)	160,000		

AUTOMATION MODERNIZATION

Appropriations, 2009	$511,344,000
Budget estimate, 2010	462,445,000
Committee recommendation	462,445,000

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 $462,445,000, to be available until expended, as proposed in the budget, for automation modernization. The Committee is disappointed the request reduced the resources available to ACE from the fiscal year 2009 level. However, in light of the continued problems with program oversight, management, and development, the Committee agrees the reduction is appropriate and believes that CBP should take this opportunity to address and resolves these problems.

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 $167,960,000 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.

TECS MODERNIZATION

The Committee is pleased that the TECS (formerly the Traveler Enforcement and Compliance System) modernization program, conducted jointly with ICE, is proceeding effectively. The Committee directs CBP and ICE to continue to conduct the semiannual joint briefings for the Committee.

COMMITTEE RECOMMENDATION

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

AUTOMATION MODERNIZATION

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Automated Commercial Environment/International Trade Data System [ITDS]	316,851	267,960	267,960
Automated commercial system and current operations and processing support	194,483	194,485	194,485
Total, Automation modernization	511,334	462,445	462,445

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

Appropriations, 2009 [1]	$875,000,000
Budget estimate, 2010	779,452,000
Committee recommendation	800,000,000

[1] Includes $100,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

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 RECOMMENDATION

The Committee recommends $800,000,000, and 200 FTE, $20,548,000 above the request, for this activity. These additional funds shall be used to expedite the P25 tactical communications modernization plan to the next Border Patrol sector in the plan as well as further the technology design planning efforts for Secure Border Initiative [SBI] activities in Arizona. The Committee expects that the tactical communications program will continue to be evaluated and coordinated with the Office of Information Technology funded in "Salaries and Expenses". The expenditure plan for the use of the recommended $800,000,000 shall provide specific details for these additional activities as well as an evaluation of opportunities to add key technology development and demonstrations for the launch of Block 2 of the SBI plan.

SECURE BORDER INITIATIVE

The Committee continues to strongly support SBI and the multifaceted 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 providing $800,000,000 for fiscal year 2010, when combined with the total of $875,000,000 appropriated to this account in fiscal year 2009, the Committee will have provided over $4,088,017,000 for border security fencing, infrastructure, and technology since fiscal year 2007.

Included in the recommendation is $40,000,000 for Northern Border Technology as requested.

Since fiscal year 2006 through the end of May 2009, CBP has increased the miles of Southwest border under effective control from 345 to 697. The Committee supports the Secretary's continued reconsideration and evaluation of the proper mix of tactical infrastructure, including physical fencing, and technology that will best meet the operational requirements of the Border Patrol to efficiently and effectively obtain control of our borders. Additionally, the Committee 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 maritime. 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.

The Committee is pleased the new administration is continuing to support securing the border through the proven triumvirate of fencing and tactical infrastructure, technology, and boots on the ground. The new SBI Program Management Office team has taken a second look at the technology projects and is holding the contractors and other developers to higher standards. These efforts have pushed back the deployment schedule somewhat, but it is important to get it done right.

MOBILE SURVEILLANCE SYSTEMS

The Committee is aware of the problems encountered in the field with the Mobile Surveillance Systems [MSS] and encourages CBP to ensure that the next generation of MSSs acquired are fully ruggedized and ready to withstand high tempo operations in extreme environments.

EXPENDITURE PLAN

The Committee understands that the new administration needed to take a fresh look at how the current fiscal year's funds were being allocated which resulted in a delay in delivering the legislatively mandated expenditure plan to Congress. However, the Committee expects a timely submission of the plan mandated in this bill. 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 2009 and budget request levels:

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Development and deployment	505,000	494,000	514,548
Operations and maintenance	150,000	200,000	200,000
Program management	120,000	85,452	85,452
Emergency Appropriations (Public Law 111–5)	100,000	.....	.....
Total, Border Security Fencing, Infrastructure, and Technology	875,000	779,452	800,000

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

Appropriations, 2009	$528,000,000
Budget estimate, 2010	505,826,000
Committee recommendation	515,826,000

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 $515,826,000, to remain available until expended, for air and marine interdiction, operations, maintenance, and procurement.

The Committee strongly supports CBP's efforts to recapitalize its air and marine assets. Since fiscal year 2005, the Congress has appropriated over $3,074,000,000 to this account. Chief among these efforts 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.

MARINE VESSELS

Included in the amount recommended by the Committee is a total of $16,500,000, an increase of $10,000,000 above the request, for the competitive procurement of additional marine vessels, including interceptors, coastal enforcement craft, and riverine vessels. Prior to the obligation of these additional funds, the Committee directs the Secretary to submit an expenditure plan to the Committees on Appropriations not later than 60 days after the date of enactment. Since 2007, combined with these additional resources, air and marine will have increased its marine and riverine assets by 89 vessels toward a revised strategic investment plan for 253 vessels.

UNMANNED AERIAL SYSTEMS

The Committee notes the important role that CBP's unmanned aerial systems [UAS] play in securing our borders. CBP has 6 operational UAS's, with one more to be purchased before the end of fiscal year 2009, and plans to expand UAS operations into the maritime drug source and transit zones before the end of this fiscal year. The Committee strongly supports this program and has in-

cluded a general provision, as requested, directing the Secretary to consult with the Secretaries of Defense and Transportation to continue the development of a concept of operations for UASs in U.S. airspace that was begun during the current fiscal year.

P–3 SERVICE LIFE EXTENSION

The Committee funds the request for two additional P–3 maritime patrol aircraft wing sets as part of the ongoing P–3 service life extension program. The Committee notes that these aircraft play a major role in our Nation's drug and migrant interdiction effort and is pleased to learn that 9 P–3s will be in operation by the end of this fiscal year and a total of 11 P–3s will be in operation by the end of fiscal year 2010.

COMMITTEE RECOMMENDATIONS

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Operations and maintenance	380,022	374,217	374,217
Procurement	147,978	131,609	141,609
Total, Air and Marine Interdiction, Operations, Maintenance, and Procurement	528,000	505,826	515,826

CONSTRUCTION AND FACILITIES MANAGEMENT

Appropriations, 2009[1]	$823,201,000
Budget estimate, 2010[2]	678,633,000
Committee recommendation	316,070,000

[1] Includes $420,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

[2] The budget proposes a new "Facilities Management" account into which all CBP construction, GSA rent, and program management would be funded.

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 $316,070,000 for construction and facilities management activities of U.S. Customs and Border Protection [CBP], to be available until expended.

FACILITIES MANAGEMENT

The Committee does not include the proposed consolidation of facilities management in a separate account. In order to allow CBP more flexibility in addressing rent management, all funds for rent are consolidated within the "Headquarters Management and Administration at the Ports of Entry", and "Headquarters Management and Administration between the Ports of Entry" PPAs. Further, all funds for construction, planning, renovation, equipping

and maintaining buildings and facilities, tunnel remediation, and lease acquisition are consolidated within "Construction and Facilities Management".

ADVANCED TRAINING CENTER

The Committee provides $5,955,000, as requested in the budget, for maintenance, repairs, and operations activities for the Advanced Training Center [ATC]. The Committee also recommends $39,700,000 to equip, furnish, and expand the Leadership Academy as envisioned in the 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 opened in September 2005. It provides advanced training to more than 3,200 CBP law enforcement personnel, managers, and supervisors per year and will train approximately 4,000 per year by the end of 2010.

BORDER FACILITIES CONSTRUCTION BACKLOG

The Congress provided a total of $720,000,000 in the Stimulus Act to address the more than $6,500,000,000 backlog in port of entry [POE] construction. Additionally, Congress has appropriated more than $597,220,000 in construction funds to address the Border Patrol's requirements for more space resulting from the significant increase in agents in the past 5 years. The Committee is disappointed that no new construction projects were requested in the budget. These ports are vital to the Nation's economy and imports from Mexico and Canada entering through these facilities was more than $570,000,000,000 in fiscal year 2008 and represents approximately 25 percent of all imports into the United States. There are many land border POEs and Border Patrol stations which require near-term expansion and upgrades. The Committee directs CBP to submit a revised construction plan no later than 60 days after the date of enactment of this act. The plan shall include updates on the use of the funds provided in this act, as well as prior years' acts, for construction projects CBP-wide.

The Committee is disappointed that CBP, GSA, and OMB had ample time to produce and submit with the budget the 5-year construction plan for land border POE construction mandated in the fiscal year 2009 act, yet failed to do so. The Committee again has included bill language requiring CBP, in consultation with GSA, to include the 5-year construction plan with the fiscal year 2011 request. The plan shall include a yearly update of total projected future funding needs.

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 POEs and to comply with the requirements of the Public Buildings Act of 1959 (40 U.S.C. 3301) to seek necessary funding.

The Committee further directs the Department to encourage the use of small businesses in all phases of the contracting process for construction and renovation of POEs.

BORDER PATROL CONSTRUCTION

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 2009 and budget request levels:

CONSTRUCTION AND FACILITIES MANAGEMENT

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Major Construction	256,286		
Air and Marine Facilities	16,600		
Housing	15,000		
CBP Owned Land Ports of Entry	10,000		
Advanced Training Center	39,700		
Operations and Maintenance	17,600		
Repairs and Alterations	24,400		
Lease Acquisition	21,600		
Planning	2,015		
Facilities Construction and Sustainment:			
Major Construction			39,700
Maintenance, Repairs, and Operations		111,320	111,320
Alterations—Includes Alterations for Leased Space		84,837	84,837
HQ Mission Support—Includes Leased Space		35,456	35,456
Tunnel Remediation		7,744	7,744
Program Oversight and Management		37,013	37,013
Rent		402,263	
Emergency Appropriations (Public Law 111–5)	420,000		
Total, Construction and Facilities Management	823,201	678,633	316,070

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 $5,749,900,000, including direct appropriations of $5,445,100,000, and estimated fee collections of $304,800,000.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—FUNDING SUMMARY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Appropriations:			
Salaries and expenses	4,927,210	5,348,000	5,360,100

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

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Automation modernization	57,000	110,000	85,000
Emergency Appropriations (Public Law 111–5)	20,000	.....	.....
Construction	5,000	.....	.....
Total, Appropriations	5,009,210	5,458,000	5,445,100
Estimated Fee Collections:			
Immigration inspection user fees	119,000	109,800	109,800
Student exchange visitor program fees	120,000	120,000	120,000
Immigration breached bond/detention fund	60,000	75,000	75,000
Federal Protective Service [1]	640,000	.....	.....
Total, Estimated fee collections	939,000	304,800	304,800
Total, Available funding	5,948,210	5,762,800	5,749,900
Appropriations	4,989,210	5,458,000	5,445,100
Emergency Appropriations (Public Law 111–5)	20,000	.....	.....

[1] Fully funded by offsetting collections paid by General Services Administration tenants and credited directly to this account. The budget proposes to transfer this activity to the National Protection and Programs Directorate.

SALARIES AND EXPENSES

Appropriations, 2009	$4,927,210,000
Budget estimate, 2010	5,348,000,000
Committee recommendation	5,360,100,000

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 $5,360,100,000, for salaries and expenses of U.S. Immigration and Customs Enforcement [ICE] for fiscal year 2010. This includes decreases from the fiscal year 2009 level of $150,000,000 for 2-year availability for Secure Communities and total increases from the fiscal year 2009 level of

$272,740,000 for pay, annualizations, transfers, and other increases, 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.

SOUTHWEST BORDER ENFORCEMENT INITIATIVE

The budget proposes a new Southwest Border Enforcement Initiative of $70,000,000, 349 positions, and 176 FTE, to enhance current efforts to identify criminal activities and eliminate vulnerabilities that pose a threat to our Nation's borders. This effort is acutely focused on our Southwest border with Mexico where the level of drug cartel violence has increased substantially since the Government of Mexico began to aggressively combat the drug trafficking organizations threatening Mexico and the Americas. More than 7,200 individuals have been killed in Mexico and the U.S. Deputy Attorney General testified on March 25, 2009, that drug cartels have become the number one organized crime threat in America. The Department of Justice's December 2008 "National Drug Threat Assessment, 2009" stated that these cartels have infiltrated 230 cities across the country.

In support of the Mexican Government's actions and to respond to this violence and prevent its spilling over into the United States, the administration has taken significant steps to send additional personnel and resources both to the Southwest border as well as the Government of Mexico. The Department of Homeland Security redirected $184,000,000 in existing resources to send more Border Patrol agents and other security personnel to conduct outbound examinations of vehicle and containers to stem the smuggling of weapons and cash which support the cartels. Additionally, the conference report accompanying the "Supplemental Appropriations Act, 2009" provides $55,000,000 to ICE and $40,000,000 to CBP in new funding to support these efforts.

These funds will be used to increase enforcement at ICE's Border Enforcement Security Task Forces [BESTs] targeting human, contraband, weapons, and bulk cash smuggling as well as investigations related to benefit fraud, money laundering, and identity theft, with a focus on terrorist groups, criminal aliens, and gangs. They will also be used to hire more criminal investigators within the Office of International Affairs and significantly expand Office of Intel-

ligence operations with 90 new Intelligence Officers to support the BESTs, the Border Field Intelligence Groups, and the Border Violence Intelligence Cell at the El Paso Intelligence Center.

The Committee recommends an additional $45,000,000, 230 positions, and 119 FTE, above the request to further build upon this effort. Specifically, $20,000,000 is for additional support to the Southwest border and seaport BESTs. An additional $20,000,000 is for support for counter-proliferation and gang investigations. These funds would be focused on expanding "Operation Armas Cruzadas" which focuses on identifying and disrupting illicit trans-border activities which support weapons smuggling networks, both across the border with Mexico as well as global weapons smuggling networks. The funding for gang investigations would be directed at disrupting and dismantling transnational street gangs, encountered in the course of ICE investigations, which distribute drugs in the U.S. supplied by Mexican drug trafficking organizations. Gangs such as MS–13, Latin Kings, Sureños, and 18th Street potentially put at peril the lives of U.S. citizens. Finally, $5,000,000 is provided to augment bulk cash smuggling investigations and will provide enhanced training, investigations, and interdiction operations. Bulk cash illicitly crossing the border is laundered and supports a wide network of terrorists, narcotics smugglers, and human traffickers involved in transporting aliens into the United States illegally, abetting child sex tourism, and human slavery.

These funds will also assist DHS in implementing its part of the President's multi-agency "National Strategy to Reduce Drug Trafficking and Flow of Bulk Cash and Weapons across the Southwest Border" announced on June 5, 2009.

The Committee is aware that the Department of Justice's [DOJ] "Operation Gunnrunner" complements in many ways ICE's "Operation Armas Cruzadas". The use of ballistics technology and other methods to trace crime guns can assist in weapons smuggling investigations and tracking. The Committee urges ICE to work with DOJ on these investigations and to consider using the National Ballistics Information Network in this effort.

ICE ENFORCEMENT PRIORITIES

Over the past 2 years, Congress has emphasized that ICE has multiple immigration enforcement priorities. Among the priorities identified by Congress are conducting worksite enforcement investigations and identifying foreign-born individuals who have been convicted of crimes and sentenced to imprisonment and removing those individuals once they have been judged deportable by the immigration court system.

Enforcement of customs laws, using immigration and customs authorities, is also an ICE enforcement priority. As the Director of the ICE Office of Investigations, stated in testimony before the House Homeland Security Appropriations Subcommittee on April 2, 2009, "ICE's experience in the investigation of the conduct of border crime reveals that the criminal organizations who exploit our immigration and trade systems do so for one reason: profit. Each day, these organizations smuggle contraband, people, and goods—whatever the market will bear. Thus, while immigration enforcement is a key component of ICE's mission, we cannot and do not

establish enforcement priorities in a stove-piped fashion. Instead, we target the organizations who exploit our legitimate trade, travel, and financial systems with all our enforcement." The Director concluded by stating, "ICE has designed programs and initiatives to address the Nation's national security and public safety concerns. Applying both our immigration and customs authorities, which target the illicit flow of people, goods, and money, ICE can effectively address all types of cross border criminal activity, which makes our homeland safer for everyone, citizens and immigrants alike."

Just as CBP must stop the entry into the United States of contraband people and goods, while also facilitating the flow of legitimate trade and commerce, so ICE must also maintain a balance of enforcing immigration and customs laws while also protecting the country by removing those individuals who are here illegally.

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 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 ICE staffing should be matched by commensurate growth in OPR. The Committee recommends a total of $94,104,000 and 462 FTE to perform workforce integrity investigations and training, detention facility inspections, ICE field office management inspections, and physical security management inspections. This is an increase of $14,988,000 and 33 FTE over the fiscal year 2009 level, and $2,100,000 and 4 FTE over the request. This will provide for $80,837,000 to conduct integrity investigations, including additional funds for ICE to expand its OPR presence along the Southwest border.

LAW ENFORCEMENT SUPPORT CENTER

Included in the amount recommended by the Committee is a total of $34,990,000, 316 positions, and 316 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 that during fiscal year 2009 ICE aggressively took steps to fill the large number of staffing vacancies at the Law Enforcement Support Center [LESC] by upgrading staff position types and pay. The Committee urges ICE to maintain a robust LESC staffing level and to alert the Committee if large staffing vacancy rates return.

CO-LOCATION OF ICE FACILITIES

At its creation in 2003, ICE inherited approximately 450 leases, covering 5,800,000 square feet, at an annual rent of $167,000,000. Since then, the ICE workforce has grown by 26 percent and the ICE space acquisition policy is to acquire space "as needed". Thus there are now over 655 leases, covering 6,400,000 square feet, with an annual rent of $225,000,000. Working with the General Services Administration, ICE has developed a co-location strategy with a goal of decreasing ICE lease holdings by 88 percent over the next 5 years. ICE could save in excess of $200,000,000 and move from 455 leases in 55 metropolitan areas to just 56 leases in those same areas by fiscal year 2015. The Congress provided $7,000,000 to initiate this effort in fiscal year 2009. The Committee includes an additional $57,000,000, an increase of $50,000,000 above the fiscal year 2009 level, and a reduction of $35,000,000 from the request, to continue this important management initiative.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION

The Committee recommends $168,103,000, 125 positions, and 105 FTE, an increase of $11,600,000, 40 positions, and 20 FTE, as requested, for the Office of State and Local Government Coordination. Included in this amount is funding for increased training and information technology assistance for participants in the 287(g) program.

The Committee notes that the 287(g) program is a voluntary, not mandatory, program through which communities which chose to join enter into discussions with ICE to determine the proper fit for the individual community and ICE. The Committee also intends that the appropriate accountability and training standards are adhered to by participating communities and has provided sufficient resources, as requested in the budget, to ensure that these standards are met.

FORENSICS DOCUMENT LAB

The Committee recommends $14,357,000, 80 positions, and 77 FTE, as requested, for the Forensics Document Lab [FDL]. The FDL provides forensic document analysis and operations support services to combat travel and identity document fraud. Included in this amount is funding for additional staffing and equipment to support the Southwest Border Initiative.

DATA CENTER MIGRATION

As part of the Department-wide effort to assign data center migration funding to the component agencies which will be migrating, the Committee recommends $23,850,000, 4 positions, and 4 FTE, in new funding to support ICE's portion of this activity in fiscal year 2010, $10,000,000 below the request. The funds are reduced as not all of the proposed activities would be accomplished in fiscal year 2010.

INVESTIGATIONS—WORKSITE ENFORCEMENT

Worksite enforcement must remain an immigration enforcement priority activity for ICE and the Department as a whole. The Com-

mittee is pleased that through fiscal year 2008, ICE continued to aggressively conduct worksite enforcement actions and achieve increases in both criminal and administrative arrests. The new worksite enforcement guidelines issued by the Secretary state that, "The prospect for employment in the United States continues to be one of the leading causes of illegal immigration, creating a market for criminal smuggling organizations who exploit people willing to pay high fees and take great risks to enter the United States without detection." The Committee said much the same thing in its report accompanying the Senate version of the fiscal year 2009 bill when it said, "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 immigration."

The Department's guidance goes on to state that, "the administrative arrest of the illegal workforce under ICE's existing immigration authorities continues to be an integral aspect of the overall ICE worksite enforcement strategy." The Committee notes that the Secretary has promised to continue worksite enforcement actions against both employers and employees, and has requested a slight increase in the budget for this activity. The Committee recommends a total of $138,778,000 for worksite enforcement. The $10,000,000 above the request is for 100 positions, 50 FTE, for forensic auditors to increase targeting of criminal employers and critical infrastructure locations. The Committee will pay careful attention to the implementation of this new guidance and requests quarterly briefings on worksite enforcement activities in general and specifically on how these funds are being used.

VISA SECURITY PROGRAM

The Visa Security Program, mandated in section 428 of the Homeland Security Act of 2002 (Pubic 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 5-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 $30,186,000, 71 positions, and 67 FTE for the Visa Security Program, as requested.

OFFICE OF INVESTIGATIONS—MISSION SUPPORT STAFFING

The Committee is aware that under the ICE Office of Investigations [OI] workforce template, OI has a current deficit of 805 mission support positions. A negative consequence of not having additional support personnel requires agents to perform administrative functions, taking time away from investigation of transnational and border crime. The budget request begins to narrow this gap, and the additional funds provided by the Committee ensure that mission support positions are also filled. The Committee urges inclusion of additional funding in the fiscal year 2011 budget request to further close this gap in support staffing.

ICE INTELLIGENCE

The Committee is pleased with the manner in which the Office of Intelligence has expanded and staffed its Field Intelligence Groups. These groups are anticipated to meet or exceed their optimal 50 percent staffing levels for intelligence research specialists and program analysts. As noted above, ICE's BEST teams along the borders and at the seaports make great use of these specialists and the personnel increases funded in this bill will help to ensure that the BESTs are used to their greatest capacity. The Committee directs ICE to provide an Intelligence staffing briefing no later than 60 days after the date of enactment of this act.

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 2008, ICE removed a total of 347,184 illegal aliens compared with 240,665 in fiscal year 2004. This clearly demonstrates that the additional resources the Congress has provided above the President's requests the past 5 fiscal years 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 5 fiscal years. The request includes $36,200,000 to annualize the beds added by Congress in fiscal year 2009 and to fully support a detention bed level of 33,400.

Bill language is included directing that a detention bed level of 33,400 beds shall be maintained throughout fiscal year 2010.

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 $63,913,000, 171 positions, and 172 FTE, as requested in the budget. 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.

The Committee is aware that increased interior immigration enforcement has resulted in families being separated. The Committee directs the Department to analyze and report on the feasibility of establishing procedures to ensure that data can be collected and documented for the purposes of submitting a quarterly report to

the Committee which tracks the number of deportation, exclusion, and removal orders sought and obtained by ICE that involve verified alien parents of a U.S. citizen child. The report should also provide a break 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 verified alien parent; and by number of cases in each category in which ICE has not removed the verified alien parent. The analysis and report on the feasibility of establishing procedures to ensure that data can be collected and documented for reporting purposes shall be submitted not later than December 15, 2009.

DETENTION AND REMOVAL—TRANSPORTATION AND REMOVAL

Included in the amount recommended by the Committee is $281,878,000, as proposed in the budget, for all ICE-related transportation and removal activities.

DETENTION AND REMOVAL—FUGITIVE OPERATIONS

Included in the amount recommended by the Committee is $229,682,000, 677 positions, and 677 FTE, as proposed in the budget. The National Fugitive Operations Program is responsible for reducing the fugitive alien population in the United States. As of May 2009, ICE estimates that there are approximately 549,408 immigration fugitives in the United States, a decrease of over 83,318 since October 2006. ICE works to reduce the population of these fugitives from the law through the use of Fugitive Operations teams. All 104 Fugitive Operations teams are operational and conducting enforcement operations.

DETENTION AND REMOVAL—CRIMINAL ALIEN PROGRAM

Included in the amount recommended by the Committee is $192,539,000, 935 positions, and 932 FTE, as proposed in the budget. ICE is funded for 126 Criminal Alien Program teams and in fiscal year 2008 it charged over 210,000 aliens in jails.

SECURE COMMUNITIES

The Committee recommends $195,589,000, 552 positions, and 512 FTE, as requested, $45,589,000, 92 positions, and 46 FTE above the fiscal year 2009 level. Congress initiated this program in fiscal year 2008 and has provided total new funding of $350,000,000 in the past 2 years. The Committee is pleased that the administration has embraced this program as one of many tools at its disposal to identify and remove illegal aliens, including criminal aliens, and otherwise enforce our Nation's existing immigration laws. With these additional funds, Secure Communities plans to expand coverage by at least 50 counties during fiscal year 2010 to establish biometric identification of arrested criminal aliens in over 140 counties. Secure Communities' threat-based deployment schedule prioritizes those counties with the highest threat criminal alien populations first, consisting primarily of counties in major metropolitan areas throughout the country as well as all counties along the southwest border. In fiscal years 2007 and 2008, 216,439 crimi-

nal aliens were removed after being incarcerated. Secure Communities estimates that after deploying to these counties, ICE will cover over 50 percent of the Nation's criminal alien population. The Department anticipates that, with continued funding, including redeployment of existing resources, it will establish biometric identification of arrested criminal aliens in all counties that are willing and technically able to participate by the end of fiscal year 2012.

The Committee has included bill language ensuring that all illegal aliens encountered when enforcing our immigration laws are apprehended. The Committee also directs ICE to provide quarterly briefings on progress being made in implementing the Secure Communities program. The briefings shall include Secure Communities' impact on removals reporting at the the level of detail of the quarterly detention and removals report. The first briefing should occur no later than 45 days after the date of enactment of this act.

UNACCOMPANIED ALIEN CHILDREN

The Committee notes the request includes no additional funding for ICE's role in caring for and transporting unaccompanied alien children [UAC] to Office of Refugee Resettlement custody upon their apprehension by ICE personnel. The conference report accompanying the "Supplemental Appropriations Act, 2009", includes $11,800,000 for ICE for this purpose based upon estimated increased UAC requirements resulting from the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457). While the Committee includes no increased funding for this activity for fiscal year 2010, the Committee directs ICE to report not later than March 31, 2010, on the actual fiscal year 2009, and estimated fiscal year 2010, costs of care and transportation of UACs.

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 2010 quarterly report is to be submitted no later than January 15, 2010.

COMMITTEE RECOMMENDATIONS

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

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

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Headquarters Management and Administration:			
Personnel Compensation and Benefits, services and other costs	203,076	321,850	288,950
Headquarters Managed IT investment	169,348	243,264	233,264
Subtotal, Headquarters Management and Administration	372,424	565,114	522,214
Legal Proceedings	215,035	221,666	221,666
Investigations:			
Domestic	1,519,208	1,615,551	1,666,551
International	106,741	112,872	112,872
Visa Security Program	26,800	30,186	30,186
Subtotal, Investigations	1,652,749	1,758,609	1,809,609
Intelligence	55,789	67,842	71,842
Detention and Removal Operations:			
Custody Operations	1,721,268	1,771,168	1,771,168
Fugitive Operations	226,477	229,682	229,682
Criminal Alien Program	189,069	192,539	192,539
Alternatives to Detention	63,000	63,913	63,913
Transportation and Removal Program	281,399	281,878	281,878
Subtotal, Detention and Removal Operations	2,481,213	2,539,180	2,539,180
Comprehensive Identification and Removal of Criminal Aliens	150,000	195,589	195,589
Total, Salaries and Expenses	4,927,210	5,348,000	5,360,100

FEDERAL PROTECTIVE SERVICE

As proposed in the budget, this activity has been moved to the "National Protection and Programs Directorate".

AUTOMATION MODERNIZATION

Appropriations, 2009 [1]	$77,000,000
Budget estimate, 2010	110,000,000
Committee recommendation	85,000,000

[1] Includes $20,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

The Automation Modernization account provides funds for major information technology [IT] projects for U.S. Immigration and Customs Enforcement [ICE], including the Atlas Program, modernization of TECS (formerly known as the Traveler Enforcement and Compliance System), modernization of Detention and Removal Operations' IT systems for tracking detainees [DRO Modernization], and other systems.

COMMITTEE RECOMMENDATIONS

The Committee recommends a total of $85,000,000, $28,000,000 above the fiscal year 2009 level, and $25,000,000 below the request. These funds are to remain available until expended. The Com-

mittee includes bill language making $10,000,000 available upon the submission of an expenditure plan.

The Committee strongly supports ICE's automation modernization efforts and in prior years has added funds above the request when it believed the Department was not as supportive of this critical agency function as it should have been. The Committee also is pleased that ICE is making good progress on the joint TECS modernization program with CBP. The Committee fully funds TECS modernization and the ATLAS IT infrastructure program. The Committee recognizes the importance of ICE developing a state-of-the-art electronic health records program and supports these efforts. With the reductions made to the request, the Committee expects the submission of an expenditure plan reflecting revised prioritization of ICE's automation modernization activities not later than 45 days after the date of enactment of this act. The Committee also continues the requirement for semiannual briefings on this activity.

CONSTRUCTION

Appropriations, 2009	$5,000,000
Budget estimate, 2010	
Committee recommendation	

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.

The bill includes a general provision, requested in the budget, providing ICE with the authority to dispose of ICE-owned facilities and retain the receipts to provide repairs and alterations to other facilities.

Because of large unobligated balances in this account, the Committee includes a general provision rescinding $7,000,000 of prior year balances.

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 $7,690,134,000 and a net of $5,312,134,000 for the activities of TSA for fiscal year 2010.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

TRANSPORTATION SECURITY ADMINISTRATION—FUNDING SUMMARY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Aviation Security	4,754,518	5,310,850	5,237,828
Emergency Appropriations (Public Law 111–5)	1,000,000	.....	.....
Aviation Security Capital Fund (mandatory)	250,000	250,000	250,000
Surface Transportation Security	49,606	128,416	142,616
Transportation Threat Assessment and Credentialing (direct appropriations)	116,018	191,999	171,999
Transportation Threat Assessment and Credentialing (fee-funded programs)	40,000	28,000	28,000
Transportation Security Support	947,735	1,004,580	999,580
Federal Air Marshals	819,481	860,111	860,111
Total, Transportation Security Administration (gross)	7,977,358	7,773,956	7,690,134
Offsetting Fee Collections	−2,320,000	−2,100,000	−2,100,000
Aviation Security Capital Fund (mandatory)	−250,000	−250,000	−250,000
Fee accounts [TTAC]	−40,000	−28,000	−28,000
Total, Transportation Security Administration (net)	5,367,358	5,395,956	5,312,134
Appropriations	4,367,358	5,395,956	5,312,134
Emergency Appropriations (Public Law 111–5)	1,000,000	.....	.....

AVIATION SECURITY

Appropriations, 2009[1]	$5,754,518,000
Budget estimate, 2010	5,310,850,000
Committee recommendation	5,237,828,000

[1] Includes $1,000,000,000 provided in the American Recovery and Reinvestment Act, 2009 (Public Law 111–5) for explosives detection systems and checkpoint security improvements.

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 $5,237,828,000 for aviation security, $73,022,000 below the amount requested and $483,310,000 above the fiscal year 2009 level, excluding funds appropriated in the Stimulus Act.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

AVIATION SECURITY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Screening Operations	3,935,710	4,475,117	4,395,195
Emergency Appropriations (Public Law 111–5)	1,000,000	.....	.....
Aviation Security Direction and Enforcement	798,808	835,733	842,633
Aviation Security Capital Fund (mandatory)	[250,000]	[250,000]	[250,000]
Implementing Requirements of Public Law 110–53 (9/11 Act)	20,000	([1])	([1])
Discretionary Fees (non-add):			
General Aviation at DCA	[75]	[100]	[100]
Indirect Air Cargo	[200]	[2,600]	[2,600]
Certified Cargo Screening Program	.....	[5,200]	[5,200]
Large Aircraft Security Program	.....	[1,600]	[1,600]
Secure Identification Display Area Checks	.....	[10,000]	[10,000]
Other Security Threat Assessments	.....	[100]	[100]
Total, Aviation Security	5,754,518	5,310,850	5,237,828
Appropriations	4,754,518	5,310,850	5,237,828
Emergency Appropriations (Public Law 111–5)	1,000,000	.....	.....

[1] A total of $40,259,000 included within various appropriations.

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 $2,100,000,000. Of this amount, $1,652,000,000 will be collected from aviation passengers and $448,000,000 will be collected from the airlines.

SCREENING OPERATIONS

The Committee recommends $4,395,195,000 for TSA screening operations, $79,922,000 below the amount requested and $459,485,000 above the fiscal year 2009 level, excluding funds appropriated in the Stimulus Act.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

SCREENING OPERATIONS

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Privatized Screening Airports	151,272	149,643	149,643
Passenger and baggage screener personnel, compensation and benefits	2,716,014	2,788,575	2,758,575
Screener Training and Other	197,318	203,463	203,463
Checkpoint Support	250,000	128,739	128,739
Explosives Detection Systems/Explosives Trace Detection [EDS/ETD]:			
EDS/ETD purchase and installation	294,000	856,591	806,669
Screening technology maintenance and utilities	305,625	326,625	326,625
Operation integration	21,481	21,481	21,481

SCREENING OPERATIONS—Continued

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Subtotal, EDS/ETD systems	621,106	1,204,697	1,154,775
Emergency Appropriations (Public Law 111–5)	1,000,000	.....	.....
Total, Screening Operations	4,935,710	4,475,117	4,395,195
Appropriations	3,935,710	4,475,117	4,395,195
Emergency Appropriations (Public Law 111–5)	1,000,000	.....	.....

PRIVATIZED SCREENING AIRPORTS

The Committee recommends $149,643,000 for privatized screening airports, the same amount as requested in the budget and $1,629,000 below the fiscal year 2009 level. This reduction reflects cost savings in contracts that were recently renegotiated. To date, nine airports and one heliport across the country have chosen to use privatized screening in lieu of Federal screening. The Committee is concerned with the current acquisition process for the Screening Partnership Program, which has led to considerable confusion among airports and qualified security providers. The Committee is particularly concerned with delays in transitioning to privatized screening for the seven Essential Airport Service airports in Montana and directs TSA to complete this competitive award no later than July 15, 2009. The Committee expects the incoming Administrator to prioritize the improvement of this process.

TSA is directed to approve applications for those airports that are seeking to participate in the screening partnership program when Government estimates indicate that contract screening can be provided at that location in a cost-effective manner. TSA shall notify the Committees if the agency expects to spend less than the appropriated amount due to situations where no additional airports express interest in converting, either fully or partially, to privatized screening, or where airports currently using privatized screening convert to using Federal screeners. TSA shall adjust its PPA line items, and notify the Committees within 10 days, to account for any changes in private screening contracts, including new awards 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 $2,758,575,000 for passenger and baggage screener personnel, compensation, and benefits, $30,000,000 below the amount requested and $42,561,000 above the fiscal year 2009 level. The recommendation includes requested adjustments for pay increases and the expansion of the bomb appraisal officer program by 109 positions and 55 FTE.

The amount recommended under this heading includes $211,861,214 for behavior detection officers in fiscal year 2010, an increase of $13,524,587 above the fiscal year 2009 level and $14,000,000 below the request. The intent of the Screening Pas-

sengers by Observation Techniques [SPOT] program is for behavior detection officers to observe passengers' behavior, specifically for signs of hostile intent, and pull those passengers aside for additional questioning and screening. While TSA has dramatically increased the size and scope of SPOT, resources are not currently tied to specific program goals and objectives. TSA did not comply with a requirement in Senate Report 110–396, which was to develop improved performance measures for SPOT to justify such a large ramp up in FTE and include them in fiscal year 2010 congressional budget justification. The Committee directs TSA to report, no later than 60 days after the date of enactment of this act, on: (1) the scientific basis for using behavior pattern recognition techniques to observe airline passengers for signs of hostile intent; (2) the effectiveness of the SPOT program in meeting its goals and objectives; and (3) the justification for expanding the program. The report shall be made in a classified or unclassified format, as appropriate. The Government Accountability Office [GAO] shall review the report and provide its findings to the Committee no later than 120 days after the SPOT report is submitted to the Committee.

The Committee also includes a reduction of $16,000,000 from the amount requested due to TSA's consistent carryover in this account. TSA's carryover balance at the end of fiscal year 2008 was $129,761,111. TSA shall propose a budget account structure in fiscal year 2011 that allows for a 1-year appropriation for salaries and expenses.

SCREENER TRAINING AND OTHER

The Committee recommends $203,463,000 for screener training and other, the same amount as requested in the budget and $6,145,000 above the fiscal year 2009 level. Funds are provided to support training of Transportation Security Officers [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 includes requested adjustments for pay increases, bottled liquids scanning equipment, and training to support additional bomb appraisal officers.

The Committee encourages TSA to expand training and continuing educational and professional development opportunities to the TSA TSO workforce.

CHECKPOINT SUPPORT

The Committee recommends $128,739,000 for checkpoint support, the same amount requested in the budget and $121,261,000 below the fiscal year 2009 level. Funds are provided to field test and deploy equipment for passenger screening, carry-on baggage screening, checkpoint reconfiguration, and electronic surveillance of checkpoints. Since fiscal year 2007, $998,370,000 has been funded for checkpoint screening technologies. Between the recommended amount and unobligated prior-year balances, sufficient funding is available for TSA to meet its goal of achieving full operating capability of emerging technologies that can provide significant im-

provements in threat detection at passenger checkpoints. No later than September 30, 2010, TSA is to move to a fully competitive procurement process for checkpoint security equipment. TSA shall provide the Committee with periodic updates on its progress to meet this requirement.

WHOLE BODY IMAGING

The Committee is encouraged by significant technological advances made to checkpoint technologies that greatly increase TSA's ability to detect concealed and non-metallic weapons and explosives. It is critically important that these screening technologies are deployed in order to address changing and evolving threats to air passengers and crew members. While new technologies provide greater protection to the traveling public, it is equally necessary to safeguard privacy. Within 60 days after the date of enactment of this act, the Committee directs TSA to report to the Committees on Appropriations the details and strategy for a comprehensive program to ensure passenger privacy related to Whole Body Imaging [WBI]. At a minimum, this strategy should include: off-site monitoring; adequate privacy safeguards by software or other means; procedures to prohibit storing, transferring, or copying any images produced by the machines; and a concept of operations plan for those passengers that choose a physical search rather than the WBI screening.

EXPLOSIVES DETECTION SYSTEMS

The Committee recommends $806,669,000 in discretionary appropriations for the purchase and installation of explosives detection systems/explosives trace detection at airports, $49,922,000 below the amount requested in the budget and $512,669,000 above the fiscal year 2009 level, excluding funds appropriated in the Stimulus Act. TSA has already received funding applications from 36 airports that could be funded with this amount and is encouraging 22 other airports with near to mid-term projects to apply. TSA has informed the Committee that due to lower than expected costs for airports being funded with appropriations from the Stimulus Act, several airports taking part in the fiscal year 2010 funding application process will be accelerated using funds previously appropriated. Therefore, the Committee makes a modest reduction below the request level. Within the funds provided, not less than 28 percent shall be available to procure and deploy certified explosives detection systems at medium- and small-sized airports. An additional $250,000,000 in mandatory spending will be available for these activities from Aviation Security Capital Fund fee collections. No later than September 30, 2010, TSA is to move to a fully competitive procurement process for EDS equipment. TSA shall provide the Committee with periodic updates on its progress to meet this requirement.

EXPENDITURE PLANS FOR EDS/CHECKPOINT TECHNOLOGIES

The Committee includes statutory language under the Transportation Security Support appropriation restricting $20,000,000 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 2010. TSA shall provide quarterly updates on EDS and checkpoint expenditures, including specific technologies for purchase, project timelines, a schedule for obligation, and a table detailing actual versus anticipated unobligated balances at the close of the fiscal year, with an explanation of any deviation from the original plan.

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

INSTALLATION OF OPTIMAL BAGGAGE SCREENING SYSTEMS AND FTE SAVINGS

From fiscal years 2007 to 2009, over $2,600,000,000 has been appropriated for TSA's electronic baggage screening program. The Committee provides an additional $806,669,000 for fiscal year 2010. This funding is being used to deploy systems that are "in-line" with baggage conveyor systems and are therefore less labor intensive and more efficient than machines deployed quickly after 9/11 to meet the 100 percent screening mandate. TSA shall report to the Committee, in tandem with the fiscal year 2011 budget, on savings achieved and anticipated (by fiscal year) from the installation of new optimal systems. The report shall specifically address FTE savings.

AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS FOR IN-LINE BAGGAGE SYSTEM DEPLOYMENT

As required by the 9/11 Act, TSA is to give funding consideration to airports that incurred eligible costs for EDS and that were not recipients of funding agreements. The fiscal year 2010 EDS expenditure plan shall identify airports eligible for funding pursuant to section 1604(b)(2) of Public Law 110–53 and funding, if any, allocated to reimburse those airports.

SCREENING TECHNOLOGY MAINTENANCE AND UTILITIES

The Committee recommends $326,625,000 for screening technology maintenance and utilities, the same amount as requested in the budget and $21,000,000 above the fiscal year 2009 level. This amount includes an increase of $19,000,000 for increases to maintenance costs for higher-than-projected quantities of security equipment and $2,000,000 for increased reimbursements for the utility costs associated with TSA screening equipment.

OPERATION INTEGRATION

The Committee recommends $21,481,000 for operation integration, the same amount requested in the budget and the same as the fiscal year 2009 level. 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.

AVIATION SECURITY DIRECTION AND ENFORCEMENT

The Committee recommends $842,633,000 for aviation direction and enforcement, an increase of $43,825,000 from the fiscal year 2009 level and $6,900,000 above the request.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

AVIATION DIRECTION AND ENFORCEMENT

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Aviation regulation and other enforcement	245,268	254,064	254,064
Airport management and support	401,666	448,424	448,424
Federal flight deck officer and flight crew training	25,025	25,127	25,127
Air cargo	122,849	108,118	115,018
Airport perimeter security	4,000	.....	.....
Total, Aviation Security Direction and Enforcement	798,808	835,733	842,633

AVIATION REGULATION AND OTHER ENFORCEMENT

The Committee recommends $254,064,000 for aviation regulation and other enforcement, an increase of $8,796,000 from the fiscal year 2009 level and the same amount as requested in the budget. 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 Committee recommendation includes funding for pay increases and annualization of funding enacted in prior years to implement requirements of the 9/11 Act.

The Committee understands that TSA is currently working with stakeholders to develop a modified Large Aircraft Security Program rule that minimizes adverse effects on general aviation while addressing security concerns. The Committee also understands that after this consultation TSA plans to issue a new notice of proposed rulemaking to ensure additional public comment. The Committee agrees with TSA's deliberative approach to this issue and encourages TSA to weigh the costs and benefits associated with this new security mandate for general aviation operators and airports.

AIRPORT MANAGEMENT AND SUPPORT

The Committee recommends $448,424,000 for airport management and support, an increase of $46,758,000 from the fiscal year 2009 level and the same amount as requested in the budget. Funds are provided for: the workforce to support TSA Federal security directors; the Transportation Security Operations Center; 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 increase includes adjustments for pay, an increase for transit benefits, a staffing increase to Federal security directors, and management support for additional bomb appraisal officers.

FEDERAL FLIGHT DECK OFFICER AND FLIGHT CREW TRAINING PROGRAMS

The Committee recommends $25,127,000 for Federal flight deck officer and flight crew training programs, an increase of $102,000 from the fiscal year 2009 level and the same amount proposed in the budget request. 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.

AIR CARGO

The Committee recommends $115,018,000 for air cargo security activities, an increase of $6,900,000 above the request and $7,831,000 below the fiscal year 2009 level. Funds are provided to secure the air cargo supply chain, conveyances, and people. To achieve the 100 percent screening mandate in the 9/11 Act, TSA has created the Certified Cargo Screening Program [CCSP], which allows air cargo supply chain stakeholders (shippers, manufacturers, logistics companies, warehouses, and indirect air carriers) to screen air cargo downstream prior to arriving at the airport. It is estimated that approximately 8,000 to 15,000 entities will participate in the CCSP, increasing TSA "inspectable" locations. The increase provided above the request is for 50 additional air cargo inspectors to address the additional inspection workload and other regulatory responsibilities for air cargo. This is consistent with findings of the GAO. In testimony given on March 18, 2009, (GAO–09–422T), GAO stated that "TSA's limited inspection resources may also hamper its ability to oversee the thousands of additional entities that it expects to participate in the CCSP". The Committee recommendation also includes an additional $10,000,000 within the Science and Technology Directorate to develop air cargo screening technologies.

The Committee acknowledges the Transportation Security Administration's efforts to assist the fresh fruit industry comply with new cargo scanning requirements. The Committee encourages the Transportation Security Administration to continue its efforts and to expedite the development and approval of efficient and effective cargo screening technology.

No later than 60 days after the date of enactment of this act, TSA shall submit an expenditure plan to the Committee on the allocation of air cargo funds, including carryover. Because a similar plan for fiscal year 2009 has not been submitted, $20,000,000 is withheld from obligation for headquarters administration until the fiscal year 2010 plan is submitted.

AIR CARGO STATISTICS QUARTERLY REPORT

The Committee directs TSA to continue to report quarterly on air cargo screening statistics, to note incremental progress until 100 percent screening is met, and any reason for non-compliance. 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 goal of the airport perimeter security program is to identify and secure gaps in airport perimeters. TSA has been slow to obligate funding appropriated in fiscal years 2008 and 2009 to test and assess viable technologies to improve security in this area. As of April 30, 2009, $5,688,361 of the $8,000,000 appropriated for this purpose remained unobligated. No later than 90 days after the date of enactment of this act, TSA shall brief the Committee on results of airport perimeter security projects, including plans to implement viable solutions at airports.

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

The recommendation includes funding to support various activities and requirements authorized in the 9/11 Act, including $806,669,000 for the procurement and installation of explosives detection systems at airports; $128,739,000 for checkpoint and checked baggage screening systems at airports; $115,018,000 for air cargo security; and $80,000,000 for Visible Intermodal Protection and Response [VIPR] teams, including an additional $50,000,000 for VIPR teams dedicated solely to surface transportation. Funding in fiscal year 2010 also includes $40,259,000 to annualize funding added by Congress in fiscal years 2008 and 2009 for such activities as: Security Regulations, Strategies, Reports and Studies; Vulnerability and Threat Assessments; Name Based Checks; Inter-Modal Security Training and Exercise Program; Information Sharing and Analysis Center for Transportation Security; General Aviation; and additional Surface Transportation Security Inspectors.

SURFACE TRANSPORTATION SECURITY

Appropriations, 2009	$49,606,000
Budget estimate, 2010	128,416,000
Committee recommendation	142,616,000

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 $142,616,000, for surface transportation security, an increase of $93,010,000 from the fiscal year 2009 level and $14,200,000 above the budget request.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

SURFACE TRANSPORTATION SECURITY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Staffing and Operations	24,885	42,293	42,293
Surface Transportation Security Inspectors and Canines	24,721	86,123	100,323
Total, Surface Transportation Security	49,606	128,416	142,616

SURFACE TRANSPORTATION SECURITY STAFFING AND OPERATIONS

The Committee recommends $42,293,000 for surface transportation security staffing and operations, an increase of $17,408,000 from the fiscal year 2009 level and the same amount proposed in the budget request. Funds are provided for personnel and operational resources to: assess the risk of a terrorist attack on nonaviation modes; establish standards and procedures to address those risks; and ensure compliance with established regulations and policies. The recommended increase is for adjustments for pay and to annualize funding added by Congress in fiscal years 2008 and 2009 for implementation of 9/11 Act requirements.

SURFACE TRANSPORTATION SECURITY INSPECTORS AND CANINES

The Committee recommends $100,323,000 for surface transportation security inspectors and canines, an increase of $75,602,000 from the fiscal year 2009 level and $14,200,000 above the amount requested in the budget.

The Committee recommendation includes the requested increase of $50,000,000 and 338 positions for 15 new Visible Intermodal Prevention and Response [VIPR] teams for surface transportation security. Currently there are 10 permanent VIPR teams deployed to disrupt and deter potential terrorist activity across all modes of transportation. TSA has failed to provide the Committee with a fiscal year 2009 requirement contained in Senate Report 110–396 on performance standards associated with the VIPR program, methodology used to determine the distribution of VIPR resources and personnel among the various modes of transportation, and the results of fiscal year 2008 deployments. TSA has yet to determine the combination of positions for the new teams, which have historically been comprised of surface inspectors, Federal air marshals, and transportation security officers. The Committee expects that none of the additional funds provided in this act for VIPR teams will be expended until TSA provides an expenditure plan associated with the additional $50,000,000 and complies with the VIPR requirements detailed in Senate Report 110–396.

The Committee recommendation also includes $14,200,000 above the request for 100 new surface transportation inspectors bringing the total Surface Transportation Security Inspector workforce to 325. 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. The DHS Inspector General, in report OIG–09–24, concluded that "TSA

would benefit from expanding the TSI workforce to handle new duties and to augment thinly staffed field offices."

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

Appropriations, 2009	$116,018,000
Budget estimate, 2010	191,999,000
Committee recommendation	171,999,000

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 $171,999,000 for transportation threat assessment and credentialing, an increase of $55,981,000 from the fiscal year 2009 level and $20,000,000 below the budget request. In addition, an estimated $28,000,000 in fee collections are available for these activities in fiscal year 2010, as proposed in the budget.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Appropriations:			
Secure Flight	82,211	84,363	84,363
Crew and Other Vetting	33,807	107,636	87,636
Total Appropriations, Threat Assessment and Credentialing	116,018	191,999	171,999
Fee accounts:			
Registered Traveler Program	10,000	.....	.....
Transportation Worker Identification Credential	9,000	9,000	9,000
Hazardous Materials	18,000	15,000	15,000
Alien Flight School fees [1]	3,000	4,000	4,000
Total Fees, Transportation Threat Assessment and Credentialing	40,000	28,000	28,000

[1] By transfer from the Department of Justice.

SECURE FLIGHT

The Committee recommends $84,363,000 for Secure Flight, $2,152,000 above the fiscal year 2009 level and the same as the budget request. As outlined by the Intelligence Reform Act, this program moves the responsibility of airline passenger watch list matching from the air carriers to the Federal Government. Pursuant to section 512 of the Department of Homeland Security Appropriations Act, 2009, GAO assessed the extent to which TSA met 10 statutory conditions related to the development and implementation of the Secure Flight program. In May 2009, GAO reported that TSA had generally achieved 9 of the 10 statutory conditions related

to the development of the Secure Flight program and had conditionally achieved 1 condition related to the appropriateness of life-cycle cost estimates and program plans. The Committee remains concerned with risks to the program identified by GAO in its report. Therefore, TSA is directed to report on the progress it has made in addressing GAO's recommendations related to Secure Flight's name-matching system and assessing the impact of modifications to Computer-Assisted Passenger Prescreening System rules on air carriers. TSA shall also report on actions it has taken to develop appropriate life-cycle cost and schedule estimates for the Secure Flight program and to address the security concern related to passengers who could attempt to provide fraudulent information when making an airline reservation to avoid detection. TSA shall submit its report to the Committees on Appropriations no later than 90 days after the enactment of this act.

CREW AND OTHER VETTING PROGRAMS

The Committee recommends $87,636,000 for Crew and Other Vetting Programs, $53,829,000 above the fiscal year 2009 level and $20,000,000 below the budget request.

The Committee recommendation includes funds as requested for 9/11 Act implementation, specifically for development of a web-based enrollment system and integration into the Security Threat Assessment process.

The Committee supports TSA's efforts to modernize its vetting and credentialing infrastructure, which is currently made up of disconnected and duplicative systems. This has resulted in high system complexity, and lengthy adjudication processes due to manual reviews. However, TSA is still in the early stages of this acquisition, which is estimated to have a 10-year cost of over $570,500,000. Several key acquisition decisions have yet to be made as they are still going through Departmental review. In addition, TSA is currently developing its proof of principle prototype (Phase One), which is to be completed in October 2009 and is to provide TSA with a proposed acquisition strategy and associated acquisition risk reduction measures. The results of Phase One are essential before large sums of money can be committed to develop and deploy a target solution. Therefore, the Committee recommendation includes $56,500,000 instead of $76,500,000 requested in the budget.

TRANSPORTATION SECURITY SUPPORT

Appropriations, 2009	$947,735,000
Budget estimate, 2010	1,004,580,000
Committee recommendation	999,580,000

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 RECOMMENDATION

The Committee recommends $999,580,000 for transportation security support activities, an increase of $51,845,000 from the fiscal year 2009 level and $5,000,000 below the budget request.

The following table summarizes the Committee's recommendations compared to the fiscal year 2009 and budget request levels:

TRANSPORTATION SECURITY SUPPORT—FUNDING SUMMARY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Intelligence	21,961	28,203	28,203
Headquarters Administration	234,870	248,929	248,929
Information Technology	472,799	501,110	496,110
Human Capital Services	218,105	226,338	226,338
Total, Transportation Security Support	947,735	1,004,580	999,580

INTELLIGENCE

The Committee recommends $28,203,000 for the Office of Intelligence, an increase of $6,242,000 above the fiscal year 2009 level and the same level as the budget request. The recommendation includes requested increases for pay, additional intelligence analytical support staffing, and 9/11 Act implementation.

HEADQUARTERS ADMINISTRATION

The Committee recommends $248,929,000 for headquarters administration, an increase of $14,059,000 from the fiscal year 2009 level and the same level as requested in the budget. The recommendation includes requested adjustments for pay, 9/11 Act implementation, and background investigations.

The Committee includes bill language withholding the obligation of $20,000,000 for headquarters administration until expenditure plans for air cargo security, explosives detection systems procurement and installation, and checkpoint support are provided to the Committee.

INFORMATION TECHNOLOGY

The Committee recommends $496,110,000 for information technology, an increase of $23,311,000 from the fiscal year 2009 level and $5,000,000 below the amount requested in the budget. The recommendation includes adjustments as requested for pay, TSA's electronic time attendance system, working capital fund costs, and information technology purchases such as new secure multi-channel land mobile radios. The Committee includes $6,400,000 for data center migration, $5,000,000 below the request. The reduction reflects funding that will not be expended until fiscal year 2011.

HUMAN CAPITAL SERVICES

The Committee recommends $226,338,000 for human capital services, an increase of $8,233,000 from the fiscal year 2009 level and the same level as requested in the budget.

COVERT TESTING

The Committee continues to support TSA's covert testing activities and continues the requirement for semi-annual briefings on these activities.

RISK-BASED DECISIONMAKING AND BUDGETING

The Committee notes that TSA has not submitted a report required in the joint explanatory statement accompanying the Department of Homeland Security Act, 2009, related to risk analysis and resource allocation. The Committee expects this report to be submitted expeditiously and continued on an annual basis as detailed in Senate Report 110–396. This annual submission shall be made in classified or unclassified formats, as appropriate.

FEDERAL AIR MARSHALS

Appropriations, 2009	$819,481,000
Budget estimate, 2010	860,111,000
Committee recommendation	860,111,000

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 RECOMMENDATION

The Committee recommends $860,111,000, an increase of $40,630,000 from the fiscal year 2009 level and the same level as requested in the budget. The recommendation includes the requested increase to fully annualize fiscal year 2009 appropriations for sustainment of international operations.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

FEDERAL AIR MARSHALS

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Management and Administration	725,081	762,569	762,569
Travel and Training	94,400	97,542	97,542
Total, Federal Air Marshals	819,481	860,111	860,111

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 $10,244,551,000 for the activities of the Coast Guard for fiscal year 2010.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

COAST GUARD—FUNDING SUMMARY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Operating Expenses	6,194,925	6,556,188	6,838,291
Environmental Compliance and Restoration	13,000	13,198	13,198
Reserve Training	130,501	133,632	133,632
Acquisition, Construction, and Improvements	1,494,576	1,383,980	1,597,580
Emergency Appropriations (Public Law 111–5)	98,000	.....	.....
Alteration of Bridges	16,000	.....	4,000
Emergency Appropriations (Public Law 111–5)	142,000	.....	.....
Research, Development, Test and Evaluation	18,000	19,745	29,745
Health Care Fund Contribution (Permanent Indefinite Appropriations)	257,305	261,000	261,000
Retired Pay (mandatory)	1,236,745	1,361,245	1,361,245
Total, United States Coast Guard	9,601,052	9,728,988	10,238,091
Appropriations	9,361,052	9,728,988	10,238,091
Emergency Appropriations (Public Law 111–5)	240,000	.....	.....

The Coast Guard will pay an estimated $261,000,000 in fiscal year 2010 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, 2009	$6,194,925,000
Budget estimate, 2010	6,556,188,000
Committee recommendation	6,838,291,000

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 $6,838,291,000 for Coast Guard Operating Expenses, including $24,500,000 from the Oil Spill Liability Trust Fund and $581,503,000 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 $282,103,000 above the request and $643,366,000 above the fiscal year 2009 level (excluding $241,503,000 transferred or otherwise made available for overseas contingency operations).

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

OPERATING EXPENSES

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Military Pay and Allowances:			
Military Pay and Allowances	2,576,170	2,708,923	2,718,963
Military Health Care	352,469	371,372	372,524
Permanent Change of Station	133,024	164,566	164,468
Subtotal, Military Pay and Allowances	3,061,663	3,244,861	3,255,955
Civilian Pay and Benefits	645,350	699,594	700,042
Training and Recruiting:			
Training and Education	95,989	103,388	103,668
Recruiting and Training Centers	99,930	102,582	102,761

OPERATING EXPENSES—Continued

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Subtotal, Training and Recruiting	195,919	205,970	206,429
Operating Funds and Unit Level Maintenance:			
Atlantic Area Command	175,823	177,474	177,474
Pacific Area Command	196,112	195,943	195,943
1st District	59,069	60,074	60,139
5th District	21,792	21,941	21,976
7th District	77,391	78,338	78,366
8th District	46,916	49,276	49,506
9th District	31,595	31,672	31,733
11th District	17,645	17,641	17,769
13th District	22,931	23,060	23,126
14th District	19,099	19,289	19,289
17th District	30,979	29,829	30,531
Headquarter Directorates	318,642	285,193	288,584
Headquarter Managed Units	158,616	158,901	159,236
Other Activities	796	882	897
Subtotal, Operating funds and unit level maintenance	1,177,406	1,149,513	1,154,569
Centrally-managed accounts	262,294	353,071	354,874
Intermediate and Depot Level Maintenance:			
Aeronautical	312,595	365,291	376,394
Electronic	134,055	155,101	157,773
Civil/Ocean Engineering & Shore Facilities	179,343	180,929	184,769
Vessel	197,800	201,858	205,983
Subtotal, Intermediate and depot level maintenance	823,793	903,179	924,919
Port and maritime safety and security enhancements	23,500	([1])	([1])
Aviation mission-hour gap	5,000	([1])	([1])
Subtotal, Operating Expenses	6,194,925	6,556,188	6,596,788
Overseas contingency operations	.....	.....	241,503
Total, Operating Expenses	6,194,925	6,556,188	6,838,291

[1] Funded in traditional programs, projects, and activities.

OVERSEAS CONTINGENCY OPERATIONS

The Committee provides $241,503,000 for Coast Guard operations in support of overseas contingency operations requirements. Funding for these activities was requested in the Department of Defense budget for the Navy. This is the same amount expected in fiscal year 2009 ($112,000,000 appropriated in Public Law 110–252 to Navy "Operation and Maintenance" for transfer to the Coast Guard; and $129,503,000 included in the conference report accompanying the Supplemental Appropriations Act, 2009 for Coast Guard "Operating Expenses"). The Committee urges the administration to budget for Coast Guard overseas contingency operations under the Department of Homeland Security in future budget requests.

FINANCIAL MANAGEMENT OVERSIGHT

The Committee recommends an increase of $20,000,000 and 44 FTE to carry out the Coast Guard's Financial Strategy for Transformation and Audit Readiness, the same level as proposed in the budget request. This amount will allow the Coast Guard to address material weaknesses preventing accurate, complete, and timely financial information. These weaknesses have contributed greatly to the inability of financial auditors to provide an opinion on the Department's balance sheets. The Coast Guard shall periodically update the Committee on progress made toward attaining a clean audit.

MARINE SAFETY

The Committee recommends an increase of $7,500,000 and 37 FTE for the Coast Guard's marine safety program, the same level as proposed in the budget request. This amount will expand the Coast Guard's marine safety workforce, which has remained relatively stagnant in previous years.

BIOMETRICS AT SEA

The Committee recommends an increase of $1,183,000 and 2 FTE to expand Coast Guard efforts to identify dangerous individuals documented by the US-VISIT program, the same level as proposed in the budget request. This effort expands on a pilot project that resulted in a nearly 75 percent reduction in undocumented migrant flow from the Dominican Republic.

PROJECT SEAHAWK

The Committee recommends an increase of $1,088,000 and 1 FTE for Project Seahawk, the Interagency Operations Center in Charleston, South Carolina, the same level as proposed in the budget request. Project Seahawk is a multi-agency effort at the Federal, State, and local level to improve maritime domain awareness. This amount will pay for administrative services, facility support, information and communications system hardware maintenance, and software licensing and support. The Department of Justice will continue to administer the center through fiscal year 2009. The Coast Guard, as executive agent, will assume responsibility for administering the center in fiscal year 2010. The Committee notes that the information management component of the Interagency Operations Center Project, "WatchKeeper", will facilitate virtual participation for agencies that choose not to continue physical collocation at the Seahawk facility.

DATA CENTER MIGRATION

The Committee recommends an increase of $20,400,000 for the migration of data systems to the Department of Homeland Security Data Center One, $2,000,000 below the amount requested in the budget. This effort is part of a Department-wide plan to consolidate existing component data centers into two secure, geographically diverse locations.

LONG RANGE AIDS TO NAVIGATION-C

The Department's budget request proposes to terminate Loran-C stations on the basis that the system "is no longer required by the armed forces, the transportation sector, or the Nation's security interests, and is used only by a small segment of the population." The justification goes on to say that "the Loran-C system was not established as, nor was it intended to be, a viable systematic backup for GPS." The Committee believes additional time is needed for the Department to fully evaluate the need for a GPS backup system and the impact that decision will have on Loran-C. A general provision is included continuing funding for Loran-C through January 4, 2010. Loran-C operations shall continue beyond that date only if the Commandant of the Coast Guard certifies that: (1) the termination of the Loran-C signal will not adversely impact the safety of maritime navigation; and (2) the Loran-C system infrastructure is not needed as a back-up to GPS or any other Federal navigation requirement. If the Commandant makes such a certification, the Loran-C signal shall be terminated effective January 4, 2010, and the Coast Guard shall commence a phased decommissioning of the Loran-C infrastructure.

NATIONAL MARITIME CENTER

The Committee recommendation includes $17,320,000 for the National Maritime Center, the same as the budget request level.

OPERATIONS SYSTEMS CENTER

The recommendation includes $3,600,000 above the request 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 4 years and it will not accommodate expected growth to over 900 staff. The Coast Guard is currently housing several employees in temporary trailers. The Coast Guard is directed to work with GSA to expeditiously produce a prospectus for this expansion and complete a competively awarded lease.

CRITICAL DEPOT LEVEL MAINTENANCE

The Committee recommends $20,000,000 above the budget request to address the Coast Guard's significant backlog for critical depot level maintenance for aging surface, air, and shore assets. This additional amount will address crew safety, habitability, hazardous materials remediation, emergency and scheduled maintenance, and spare parts availability requirements. The Coast Guard's deferred maintenance backlog is in excess of $800,000,000.

WATCHSTANDERS

The Committee recommends $1,000,000 above the budget request to meet increased operational demands and to increase situational awareness and information sharing in all Coast Guard command centers. This amount will allow the Coast Guard to add a total of

20 new watchstanders to Sector Command Centers that will be converted to Interagency Operation Centers [IOC].

POLAR OPERATIONS AND MAINTENANCE FUNDING

The Committee notes the budget request did not include transfer of operating and maintenance funds for the polar icebreakers from the National Science Foundation [NSF] to the Coast Guard as directed in the joint explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2009 (Public Law 110–329). For fiscal year 2011, the Committee expects the operating and maintenance budget authority and associated FTE to be included in the Coast Guard's request. The two agencies shall update the existing Memorandum of Agreement to reflect the change in budget authority.

WORKFORCE ACTION PLAN

The Coast Guard has failed to submit a workforce action plan to the Committee as required in Senate Report 110–396. The Committee expects this plan to be submitted expeditiously.

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.

SECURITY OF LIQUEFIED NATURAL GAS OPERATIONS

The Committee is concerned that the Coast Guard does not have enough resources to protect liquefied natural gas [LNG] tankers and terminals. The Committee also is concerned that a uniform approach does not exist to pay for the security of these operations. The Committee therefore directs the Secretary, in conjunction with the Commandant, to submit a report with an assessment of whether the Coast Guard has sufficient resources to protect LNG tankers and facilities and recommendations for strengthening the Coast Guard's security role. The report also should identify security funding alternatives. The Secretary is to submit the report within 6 months after the date of enactment of this act.

The Committee expects the Coast Guard to fully evaluate the impact of recreational and commercial vessel traffic in relation to navigational safety and security of a proposed LNG facility in Fall River, Massachusetts. The proposed project and associated vessel traffic may significantly limit access for commercial and recreational users on Mount Hope Bay and Narragansett Bay. The Committee directs the Coast Guard to report to the Committee within 6 months after the date of enactment of this act on its evaluation and recommendations to address the impacts on affected waterway users.

NATIONAL VESSEL DOCUMENTATION CENTER

The Committee understands that user fee collections, which help pay for Coast Guard activities at the National Vessel Documentation Center [NVDC], have fallen significantly due to the economic downturn. The Committee directs the Coast Guard to avoid any reduction in the NVDC's government-employed or contract staff levels, paid through fee revenue, by reassigning such staff to non-fee related Coast Guard activities.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriations, 2009	$13,000,000
Budget estimate, 2010	13,198,000
Committee recommendation	13,198,000

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 $13,198,000 for environmental compliance and restoration, $198,000 above the fiscal year 2009 level and the same as the budget request.

RESERVE TRAINING

Appropriations, 2009	$130,501,000
Budget estimate, 2010	133,632,000
Committee recommendation	133,632,000

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 $133,632,000, as proposed in the budget, for Reserve Training. This is $3,131,000 more than the fiscal year 2009 level and the same as the budget request.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Appropriations, 2009 [1]	$1,592,576,000
Budget estimate, 2010	1,383,980,000
Committee recommendation	1,597,580,000

[1] Includes $98,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

Funding in this account supports Coast Guard plans for fleet expansion and improvement. This funding provides for the acquisition, construction, and improvement [AC&I] 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 RECOMMENDATION

The Committee recommends $1,597,580,000 for acquisitions, construction, and improvements, including $20,000,000 from the Oil Spill Liability Trust Fund.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Vessels:			
Response Boat—Medium	108,000	103,000	123,000
Inland River Tender Replacement	5,000	.....	.....
Subtotal, Vessels	113,000	103,000	123,000
Integrated Deepwater Systems:			
Aircraft:			
Maritime Patrol Craft	86,600	175,000	175,000
HH–60 conversions	52,700	45,900	45,900
HC–130H conversions/sustainment	24,500	45,300	45,300
HH–65 conversion/sustainment	64,500	38,000	38,000
Unmanned aircraft systems	3,000	.....	.....
HC–130J fleet introduction	13,250	1,300	1,300
Subtotal, Aircraft	244,550	305,500	305,500
Surface ships:			
National Security Cutter	353,700	281,480	389,480
Offshore patrol cutter	3,003	9,800	9,800
Fast Response Cutter	115,300	243,000	243,000
IDS Small boats	2,400	3,000	3,000

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS—Continued

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Polar Icebreaker sustainment	30,300	.....	27,300
Patrol boats sustainment	30,800	23,000	23,000
Medium Endurance Cutter sustainment	35,500	31,100	31,100
High Endurance Cutter sustainment	.....	.....	8,000
Subtotal, Surface	571,003	591,380	734,680
Technology Obsolescence Prevention	1,500	1,900	1,900
C4ISR	88,100	35,000	35,000
Logistics	37,700	37,700	37,700
Systems engineering and management	33,141	35,000	35,000
Government program management	58,000	45,000	45,000
Subtotal, Integrated Deepwater System	1,033,994	1,051,480	1,194,780
Other Equipment:			
Nationwide Automatic Identification System	8,600	.....	.....
Defense Messaging System	4,074	.....	.....
Rescue 21	73,000	117,000	117,000
High Frequency Recapitalization	2,500	2,500	2,500
Interagency Operations Centers (Command 21)	1,000	.....	28,000
Subtotal, Other Equipment	89,174	119,500	147,500
Shore Facilities and Aids to Navigation:			
Survey and Design—Shore and Operational Support	2,050	6,000	6,000
Survey and Design—Coast Guard Academy Pier	.....	.....	300
Waterways ATON Infrastructure	4,000	4,000	4,000
Coast Guard Station Cleveland Harbor	.....	.....	16,800
Coast Guard Telecoms and Information Systems Center	2,500	.....	.....
Coast Guard Air Station Cape Cod—Runway Lighting	5,000	.....	.....
Sector Delaware Bay—Consolidate Cape May Station	13,000	.....	.....
Coast Guard Housing—Cordova, Alaska	11,600	.....	.....
Coast Guard Academy—Chase Hall	10,300	.....	.....
Station Montauk—Purchase Housing	1,550	.....	.....
Rescue Swimmer Training Facility	15,000	.....	.....
Sector Buffalo	3,000	.....	.....
Subtotal, Shore Facilities and Aids to Navigation	68,000	10,000	27,100
Coast Guard/DHS Headquarters	97,578	.....	.....
Personnel and Related Support:			
Direct personnel costs	92,330	99,500	104,700
Acquisition Costs	500	500	500
Subtotal, Personnel and Related Support	92,830	100,000	105,200
Subtotal, Acquisitions, Construction, and Improvements	1,494,576	1,383,980	1,597,580
Emergency Appropriations (Public Law 111–5)	98,000	.....	.....
Total, Acquisitions, Construction, and Improvements	1,592,576	1,383,980	1,597,580

RESPONSE BOAT—MEDIUM

The Committee recommends $123,000,000 for the Response Boat Medium [RB–M] acquisition, $20,000,000 above the budget request. This amount will allow the Coast Guard to purchase 40 RB–Ms in fiscal year 2010, 10 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 1970s 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. The Committee notes that the RB–M project continues to meet or exceed cost, schedule, and performance parameters.

DEEPWATER FUNDING

The Committee recommends $1,194,780,000 for Deepwater, $143,300,000 above the amount requested and $160,786,000 above the fiscal year 2009 level. Details of major procurements under this program and changes to the request are provided below.

MARITIME PATROL AIRCRAFT

The Committee recommends $175,000,000 for the Maritime Patrol Aircraft [MPA], the same level as proposed in the budget request. This funding will allow the Coast Guard to acquire 2 aircraft (13 and 14), mission systems, and a flight simulator. The funds will address the Coast Guard's MPA flight-hour gap by providing 2,400 additional MPA hours every year.

NATIONAL SECURITY CUTTER

The recommendation includes $389,480,000 for the National Security Cutter [NSC] acquisition, $108,000,000 above the budget request. The Committee disagrees with the administration's decision to delay funding for the 5th NSC. The NSC program, which is already 2 years behind schedule, will be further delayed without additional funds. The 12 legacy cutters the NSC will replace are frequently out of service due to unscheduled maintenance requirements. These 12 cutters lose an average of 250 operational days per year due to unplanned maintenance, which is directly impacting the Coast Guard's ability to perform its many missions. Funds are provided to complete production of NSC #4 and for long-lead time materials for NSC #5, which ensures the Coast Guard is properly positioned to negotiate a best-value, fixed-price contract for NSC #4 and avoids additional project costs and recapitalization delays associated with a break in NSC production.

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.

FAST RESPONSE CUTTER

The Committee recommends $243,000,000 for the Coast Guard's "Fast Response Cutter" [FRC–B], the same level as proposed in the budget request. This funding will allow the Coast Guard to acquire four FRC–B hulls (5–8). The first FRC–B is scheduled for delivery in the third quarter of fiscal year 2011 and will be fully operational in fiscal year 2012. The Committee expects the Coast Guard to continue quarterly briefings on the status of this procurement, includ-

ing 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 $54,100,000 for the Mission Effectiveness Project, the same level as proposed in the budget request. Of this amount, $31,100,000 is for sustainment of three 270-foot and two 210-foot medium endurance cutters, and $23,000,000 is for sustainment of three 110-foot legacy patrol boats. This funding is intended to improve mission effectiveness of these vessels to allow them to meet their goals for program availability through the remainder of their service lives. This program has been successful in significantly reducing the number of major equipment casualties on these vessels resulting in a much higher percentage of time they are fully mission capable.

OFFSHORE PATROL CUTTER

The recommendation includes $9,800,000 for the Offshore Patrol Cutter [OPC], the same level as proposed in the budget request. The Committee directs the Coast Guard to brief the Committee by April 30, 2010, on the results of the alternatives analysis for the OPC.

RESCUE 21

The Committee provides $117,000,000 for Rescue 21, the same level proposed in the budget. The Coast Guard's quarterly acquisition report continues to identify risks associated with tower planning, particularly with "obtaining leases, unexpected environmental issues, FAA restrictions, wetland delineation, and structural integrity issues." The Coast Guard is directed to continue quarterly briefings on the status of the program, including changes to the schedule outlined in the request or any deviation from the revised acquisition program baseline.

POLAR ICEBREAKER SUSTAINMENT

The Committee recommends $32,500,000 above the budget request to complete the reactivation and service life extension of Coast Guard Cutter *Polar Star*. Of this amount, $5,200,000 is funded in the AC&I direct personnel costs PPA. Returning *Polar Star* to operational status is vital to ensuring the U.S. Government has the ability to project U.S. sovereignty and protect the broad range of security, economic, and environmental interests in the Arctic and Antarctic. Within this amount, the Coast Guard shall begin survey and design and conduct a business case analysis for either a new heavy polar icebreaker class or a major service life extension project for existing heavy icebreakers. The only existing heavy polar class icebreaker, the *Polar Sea*, has only 7 years remaining in its useful life.

INTERAGENCY OPERATIONS CENTERS

The Committee provides $28,000,000 above the budget request to enhance port security and inter-agency cooperation at the Federal,

State, and local level through the development of Interagency Operations Centers, which are authorized by the SAFE Port Act. Funds are provided for facility construction and deployment of sensors and an information management system to enhance maritime domain awareness in the Nation's ports. Within 90 days after the date of enactment of this act, the Coast Guard shall submit an expenditure plan for these funds.

HIGH ENDURANCE CUTTER SUSTAINMENT

Delays in the planned delivery of National Security Cutters have created a sustainment problem for the Coast Guard in maintaining its fleet of legacy High Endurance Cutters. The Committee is aware of efforts to assess the need and scope for a maintenance plan for the 378-foot High Endurance Cutter fleet. The Committee includes $8,000,000 above the request for pre-acquisition survey and design to determine the requirements for a maintenance effectiveness project. A similar program for the Medium Endurance Cutter fleet has been highly successful in increasing its fully-capable mission availability. The Coast Guard shall brief the Committee no later than 60 days after the date of enactment of this act on preliminary plans for this effort.

AC&I PERSONNEL

The Committee provides $105,200,000 for personnel and related support, $5,200,000 above the budget request. These additional FTEs are necessary for the Coast Guard to perform the systems integrator role for the Deepwater Program and to execute traditional acquisition projects. This amount also includes personnel related costs to reactivate the *Polar Star*.

The Committee is well aware of the limited pool of certified and experienced acquisition professionals. Therefore, the Committee encourages the Coast Guard to work with the appropriate authorizing committees to ensure that its hiring authorities are on par with those of the other armed services.

According to recent testimony by the Government Accountability Office, "there are approximately 200 contractor employees in support of the acquisition directorate—representing 24 percent of its total acquisition workforce." Some of these contractors are performing core Government acquisition functions. The Coast Guard shall brief the Committee no later than 60 days after the date of enactment of this act on efforts to reduce reliance on contractors performing inherently governmental work.

ICEBREAKING CAPABILITIES IN THE GREAT LAKES REGION

The Committee recognizes the Coast Guard's icebreaking capabilities in the Great Lakes region are challenged by a taxing mission being placed upon an aging fleet. Modernization of this fleet is critical not only to the safe and efficient movement of commerce on the Great Lakes, but the safety of Great Lakes communities. The Committee directs the Coast Guard to conduct an alternatives analysis for Great Lakes icebreaking, which is to be submitted to the Committee no later than 4 months after the date of enactment of this act.

DEEPWATER EXPENDITURE PLAN

The Coast Guard is directed to brief the Committee on its fiscal year 2010 deepwater expenditure plan not later than 60 days after the date of enactment of this act. The briefing shall be consistent with the Deepwater expenditure plan requirements set forth in Public Law 110–329.

QUARTERLY ACQUISITION REPORTS

The Commandant is directed to continue to submit quarterly acquisition and mission emphasis reports consistent with deadlines articulated under section 360 of division I of Public Law 108–7 and the fiscal year 2008 joint explanatory statement. The Committee notes that the Coast Guard has adopted the practice of comparing cost, schedule, and performance estimates against the most recently approved baseline. This approach provides an incomplete assessment of an acquisition's progress against the original baseline. Therefore, the report shall compare current estimates against the original baseline and the most recent baseline, if available. This method is consistent with Department of Defense acquisition reporting policy and is recommended by the Government Accountability Office. When reporting on "key project documents," it should be noted if approved documentation differs from that required by the Major Systems Acquisition Manual or the Department's Acquisition Review guidance. The reports should also indicate if a test and evaluation master plan has been approved for an asset. Finally, the acquisition reports shall include a "stoplight chart" that tracks key performance parameters of each asset through developmental and operational testing. Because the Coast Guard consistently fails to meet quarterly submission deadlines, the Committee withholds $30,000,000 from Headquarter Directorates until the second quarter report is submitted.

GAO DEEPWATER REVIEW

The GAO is directed to continue its oversight of the Deepwater program. GAO's focus shall include an assessment of the Coast Guard's conversion projects for the HH–60 and HH–65 platforms. The Committee is concerned with the schedule for both programs. According to the Coast Guard's quarterly acquisition reports, the schedule for the HH–60 program is at "significant risk" and is not expected to meet projected milestones. The same reports show a moderate schedule risk for the HH–65 conversion program. Delays in the HH–65 conversion program have resulted in an unobligated balance in excess of $100,000,000 and the Coast Guard expects to carryover $58,729,000 into fiscal year 2010.

COAST GUARD ACADEMY PIER

The Committee continues to be concerned with the condition of the Coast Guard Academy Pier. 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. The Committee recommendation includes $300,000 for survey and design costs for this project.

COAST GUARD STATION CLEVELAND HARBOR

The amount recommended for shore facilities includes $16,800,000 to complete the project proposal to renovate, improve, or construct a new Station and Marine Safety Unit Cleveland Harbor, Ohio, and to begin work on this project. The Coast Guard should take a phased approach to this project to fully utilize the funds available.

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, 2009[1]	$158,000,000
Budget estimate, 2010	
Committee recommendation	4,000,000

[1] Includes $142,000,000 provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

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 recommends $4,000,000 above the request for the Fort Madison Bridge in Iowa. This bridge has 90 percent of its design completed and could begin construction once sufficient funding is in place.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Appropriations, 2009	$18,000,000
Budget estimate, 2010	19,745,000
Committee recommendation	29,745,000

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 $29,745,000 for the Coast Guard's research, development, test, and evaluation activities, $10,000,000 above the budget request and $11,745,000 above the fiscal year 2009 level.

The Committee recommends $10,000,000 above the request for continued land and cutter-based Unmanned Aerial System [UAS] priority research. The Coast Guard is scheduled to make a final recommendation on the most effective UAS for the National Security Cutter [NSC] in March 2010. These additional funds will enable the Coast Guard to perform dynamic testing, including launch and recovery from aboard the NSC. Further, this funding will allow the Coast Guard to continue its partnership with U.S. Customs and Border Protection in the development and field testing of land-based UAS solutions capable of operating in the maritime environment through advanced concept technology demonstrations.

RETIRED PAY

Appropriations, 2009	$1,236,745,000
Budget estimate, 2010	1,361,245,000
Committee recommendation	1,361,245,000

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 retired 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 $1,361,245,000, as proposed in the budget, for retired pay.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Appropriations, 2009 [1]	$1,508,729,000
Budget estimate, 2010	1,485,609,000
Committee recommendation	1,482,709,000

[1] Includes $100,000,000 in emergency appropriations pursuant to the Omnibus Appropriations Act, 2009 (Public Law 111–8).

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 $1,482,709,000 for Salaries and Expenses. This is an increase of $73,980,000 from the comparable fiscal year 2009 level, excluding emergency funding, and $2,900,000 below the amount proposed in the budget.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

UNITED STATES SECRET SERVICE—SALARIES AND EXPENSES

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Headquarters, Management and Administration	182,104	221,045	221,045
Protection:			
Protection of Persons and Facilities	705,918	759,561	759,561
Protective Intelligence Activities	59,761	67,824	67,824
National Special Security Events	1,000	1,000	1,000
Presidential Candidate Nominee Protection	41,082	.....	.....
White House Mail Screening	33,701	25,315	22,415
Subtotal, Protection	841,462	853,700	850,800
Investigations:			
Domestic Field Operations	241,772	260,892	260,892
International Field Office Administration, Operations, and Training	30,000	30,705	30,705
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces	51,836	56,541	56,541
Support for Missing and Exploited Children	8,366	8,366	8,366
Subtotal, Investigations	331,974	356,504	356,504
Training: Rowley Training Center	53,189	54,360	54,360
Total, Salaries and Expenses	1,508,729	1,485,609	1,482,709
Appropriations	1,408,729	1,485,609	1,482,709
Emergency Appropriations (Public Law 111–5)	100,000	.....	.....

INTERNATIONAL ACTIVITIES AND OFFICES

In fiscal year 2008, Secret Service international offices closed 188 counterfeit cases, 180 financial crimes cases, 444 protective intelligence cases, 466 protective surveys, and 217 non-criminal cases. During this period, Secret Service international offices also assisted its law enforcement partners abroad with the arrest of 657 suspects, while seizing over $31,300,000 in counterfeit United States currency before it could be introduced into circulation.

The Committee recommends $30,705,000 and 74 FTE, as requested, for international field office administration, operations, and training. This includes $700,000, as requested, for operations of the Tallinn, Estonia international field office. The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), provided the Secret Service with an additional $1,658,000 to expand foreign field office operations, as originally proposed by the Senate. These funds were intended to assist in overseas activities, including the opening of an international office to combat the increase in financial institution fraud, credit card fraud, and counterfeiting of United States currency emanating from the Baltic region. The Secret Service has determined that the best Baltic location from which to combat this threat is Tallinn, Estonia. The Committee is aware that the Secret Service operates in 22 overseas locations and notes that 5 new overseas offices have opened since January 9, 2005. The Committee directs the Secret Service to open the Tallinn office immediately and includes bill language directing that this office be opened with the fiscal year 2009 funding made available for this purpose.

INFORMATION INTEGRATION AND TRANSFORMATION PROGRAM

The Committee became aware of the significant information technology [IT] integration and transformation requirements facing the Secret Service during the 2008–2009 Presidential transition and provided $31,700,000 in emergency funding for the Secret Service to immediately address White House Communications Agency interoperability requirements and to begin jointly addressing these additional IT funding requirements with the Office of Management and Budget. The Committee recommends funding of $97,974,000, an increase of $33,960,000 and 3 FTE, as requested; and directs the Secret Service and the DHS Chief Information Officer to provide semiannual briefings on progress in upgrading these IT systems and programs.

ELECTRONIC CRIMES TASK FORCES

The Committee strongly supports the Electronic Crimes Task Force program, authorized in the USA PATRIOT Act of 2001 (Public Law 107–56), and is pleased that it is operating in 24 locations across the Nation. The Committee recommends $56,541,000 and 317 FTE, an increase of $2,000,000 over the fiscal year 2009 level and the amount requested in the budget.

UNIFORMED DIVISION

The Committee notes that the Uniformed Division plays a critical role in providing protective services to Secret Service protectees and others. In the past 3 fiscal years, an average of 12.7 percent of Uniformed Division Officers have become Special Agents. The Committee believes it is important to make full use of these officers' expertise and notes that authorizing language has been submitted to Congress to reform the pay structure for the Uniformed Division of the Secret Service. The Committee provides $4,040,000 associated with this proposed salary restructuring. Bill language is included to withhold the obligation of these funds until enactment of authorizing language that incorporates the authorities of the United States Secret Service Uniformed Division into the United States Code.

WHITE HOUSE MAIL SCREENING FACILITY

The Committee recommends $22,415,000, $2,900,000 below the budget request for the White House mail facility, due to one-time equipment costs funded in fiscal year 2009.

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, 2009	$4,225,000
Budget estimate, 2010	3,975,000
Committee recommendation	3,975,000

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 $3,975,000, the same as the amount proposed in the budget, for acquisition, construction, repair, and improvement expenses of the Secret Service for fiscal year 2010.

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, identity safeguards for visitors to this country, and ensure the protection of Federal buildings and facilities.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Management and Administration	51,350	44,577	44,577
Infrastructure Protection and Information Security: [1]			
Infrastructure Protection	313,800	333,303	346,303
National Cyber Security Division	313,500	400,654	398,654
Office of Emergency Communications	38,300	44,060	44,060
National Security Emergency Preparedness Telecoms	141,313	140,149	112,399
United States Visitor and Immigrant Status Indicator Technology	300,000	356,194	378,194
Federal Protective Service [2]	([3])	1,115,000	1,115,000
Total, National Protection and Programs Directorate (gross)	1,158,263	2,433,937	2,439,187
Offsetting Fee Collections	([3])	−1,115,000	−1,115,000
Total, National Protection and Programs Directorate (net)	1,158,263	1,318,937	1,324,187

[1] PPA realignment proposed in the President's budget request not displayed due to lack of comparability.
[2] Fully funded by offsetting collections paid by General Services Administration tenants and credited directly to this appropriation.
[3] The Federal Protective Service was funded in U.S. Immigration and Customs Enforcement in fiscal year 2009.

MANAGEMENT AND ADMINISTRATION

Appropriations, 2009	$51,350,000
Budget estimate, 2010	44,577,000
Committee Recommendation	44,577,000

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, information technology support services, and the Office of Risk Management and Analysis.

COMMITTEE RECOMMENDATIONS

The Committee recommends $44,577,000, for Management and Administration, of which $9,895,000 is for the Office of Risk Man-

agement and Analysis. This is $6,773,000 less than fiscal year 2009 due to the reallocation of administrative expenses to "Infrastructure Protection and Information Security", and the same amount as requested in the budget.

NPPD PERFORMANCE

Tasked with a broad mission, NPPD remains loosely defined and lacks focus in many critical areas. The Committee remains frustrated with NPPD's continued inability to clearly articulate goals, demonstrate accomplishments, hire needed staff, obligate appropriated resources, or describe its programs. Over the past several years, these failures have led Congress to provide funding below requested levels or withhold appropriated funds from obligation pending the receipt of further information. Last year, for example, because of a poor budget justification, Congress withheld from obligation half of the $50,200,000 appropriated for fiscal year 2009 for the Next Generation Networks Program until the Committees on Appropriations receive and approve an expenditure plan. While the Department asserted this program was critical to maintain emergency communications for Government officials, it has submitted no expenditure plan although it is 8 months into the fiscal year. The lack of management improvements puts the Directorate's important work in jeopardy and fails to make Americans safer. NPPD management must be improved. The Under Secretary for National Protection and Programs Directorate is directed to provide quarterly briefings to the Committee on the specific use of resources provided in this act, including how the investments are improving the security of the Nation.

OFFICE OF RISK MANAGEMENT AND ANALYSIS

The mission of the Office of Risk Management and Analysis [RMA] is to lead the Department's efforts to establish a common framework to address the overall management and analysis of homeland security risk. In the context of that mission, the Committee directs NPPD to provide an expenditure plan for the RMA no later than 90 days after the date of enactment of this act. The expenditure plan shall include the specific projects on which RMA will work; the quantifiable outcomes of each program; and how specifically the programs contribute to the mission of risk management and analysis for the Department and for the Nation.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

Appropriations, 2009	$806,913,000
Budget estimate, 2010	918,166,000
Committee recommendation	901,416,000

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 $901,416,000 for Infrastructure Protection and Information Security [IPIS] programs.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request [1]	Committee recommendations
Infrastructure Protection:			
Identification and Analysis	80,603	86,610	90,610
Coordination and Information Sharing	62,367	50,582	59,582
Mitigation Programs	170,830	196,111	196,111
Subtotal, Infrastructure Protection	313,800	333,303	346,303
National Cyber Security Division:			
U.S. Computer Emergency Response Team [US–CERT]	254,924	333,629	331,629
Strategic Initiatives	49,138	57,679	57,679
Outreach Programs	9,438	9,346	9,346
Subtotal, National Cyber Security Division	313,500	400,654	398,654
Office of Emergency Communications	38,300	44,060	44,060
National Security/Emergency Preparedness Telecommunications:			
Priority Telecommunications Service	58,740	56,773	56,773
Next Generation Networks	50,250	50,250	25,000
Programs to Study and Enhance Telecommunications	15,100	19,274	16,774
Critical Infrastructure Protection	11,260	13,852	13,852
National Command and Coordination Capability	5,963	.....	.....
Subtotal, National Security/Emergency Preparedness Telecommunications	141,313	140,149	112,399
Total, Infrastructure Protection and Information Security	806,913	918,166	901,416

[1] PPA realignment proposed in the President's budget request not displayed due to lack of comparability.

INFRASTRUCTURE PROTECTION

The Committee provides $346,303,000 for Infrastructure Protection, $13,000,000 above the level in the request. The increase is for programs within Coordination and Information Sharing as discussed below.

The Committee understands that the Office of Infrastructure Protection [OIP] continues to look for and provide innovative initiatives to enhance security. The Committee encourages OIP to continue to work with the University of Southern Mississippi to address the range of potential and actual threats and risks to the ongoing safety and security at venues with large crowds.

NATIONAL INFRASTRUCTURE PROTECTION PLAN MANAGEMENT/ CRITICAL INFRASTRUCTURE AND KEY RESOURCES PARTNERSHIPS

The Committee recommends an increase of $9,000,000 above the request level, and $2,785,000 below fiscal year 2009, for National Infrastructure Protection Plan Management and Critical Infrastructure and Key Resources Partnerships within Coordination and

Information Sharing. The Committee continues to recognize the important role these efforts play in fostering and sustaining collaborative relationships between industry and Government.

INFRASTRUCTURE SECURITY COMPLIANCE

The Committee recommends $103,363,000 the same amount as the budget request, and $25,363,000 above fiscal year 2009, for infrastructure security compliance, including the chemical facility and ammonium nitrate security programs. The Committee supports the proposed increase in the budget which includes an additional 23 FTE for these important programs. The increase, combined with the conversion of contract employees to Federal employees, will increase the total number of FTE by 168 over fiscal year 2009, for a total of 246 FTE. The Committee expects that an accelerated hiring process will be fully maximized to bring qualified and vetted personnel on board quickly and directs NPPD to provide a monthly update of the FTE on-board and specific actions being taken to ensure expeditious hiring.

NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

The Committee recommends $20,000,000, the same as the fiscal year 2009 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. The Committee encourages NISAC to continue to work with the National Incident Management Systems and Advanced Technologies Institute [NIMSAT] at the University of Louisiana at Lafayette. NIMSAT is uniquely qualified to support NISAC's work in the gulf coast region.

BOMBING PREVENTION

The Committee recommends $14,768,000 for the Office for Bombing Prevention [OBP], the same amount as the budget request and an increase of $4,200,000 from the fiscal year 2009 level. The OBP leads the DHS effort to enhance Federal, State, and local capabilities to deter, detect, protect against, and respond to attacks that use improvised explosive devices. This is accomplished through prevention efforts, gap analysis, and information sharing. The increase will accelerate the analysis of critical gaps by conducting 68 additional capabilities assessments. This will allow a total of 132 assessments to be completed for bomb squads, canine units, dive teams, and special teams, providing a better understanding of the Nation's capabilities for a known threat.

VULNERABILITY ASSESSMENTS

The Committee recommends $26,521,000 for Vulnerability Assessments, the same amount as requested in the budget and $3,000,000 above the fiscal year 2009 level. Vulnerability Assessments are a collaborative effort between Federal, State, local, and private sectors to identify vulnerabilities and enhance the security

of high-risk infrastructure, ranging from single-site security to large-scale regional efforts. The requested increase will support nuclear reactor security consultations required by section 657 of the Energy Policy Act of 2005 by identifying potential vulnerabilities and threats to proposed new reactors.

NEXT GENERATION NETWORKS

The Committee recommends $25,000,000 for the Next Generation Networks Program, instead of $50,250,000 as requested in the budget.

In the Homeland Security Appropriations Act, 2009, the Committees withheld from obligation one-half of the $50,250,000 appropriated for fiscal year 2009 for Next Generation Networks until the Committees on Appropriations receive and approve an expenditure plan. The withholding was included because of a poor budget justification. To date, no expenditure plan has been submitted although it is 8 months into the fiscal year. Therefore, it is clear that the $25,125,000 which was withheld will be available for this program in fiscal year 2010 and the full amount requested will not be needed. In addition, the Secretary is directed to provide an expenditure plan for fiscal year 2010 to the Committees on Appropriations no later than 90 days after the date of enactment of this act.

PROGRAMS TO STUDY AND ENHANCE TELECOMMUNICATIONS

The Committee recommends $16,774,000, $2,500,000 below the request level and $1,674,000 above the fiscal year 2009 level. The Committee supports the enhanced telecommunications mission, however, remains frustrated by the lack of clarity provided regarding the goals and outcomes of the requested levels.

NATIONAL COMMAND AND COORDINATION CAPABILITY

No funds are provided for the National Command and Coordination Capability, $5,963,000 below fiscal year 2009, and the same level as the budget request.

NATIONAL CYBER SECURITY DIVISION

The Committee recommends $398,654,000 for the National Cyber Security Division, an increase of $85,154,000 from the fiscal year 2009 level and $2,000,000 below the budget request. The increase above the enacted amount provides additional resources 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. Of the total amount, $8,000,000 is provided for data center consolidation and migration, which is $2,000,000 below the request. The reduction is based on the Department's execution plan that has activity occurring in fiscal year 2011.

The Committee recommendation includes $2,250,000 for the Cyber Security Information Sharing and Collaboration Program, the same amount as the fiscal year 2009 and budget request levels.

NATIONWIDE CYBER SECURITY REVIEW

The security of State and local information technology networks has serious implications for homeland security, as network security affects both the continuity of Government and the operations of critical infrastructure. Cyber attacks have disrupted State government networks, systems, and operations. Despite its importance, there is not a comprehensive effort to evaluate the security level of State or local information technology networks, as it pertains to cyberspace. The Committee directs the Secretary, in coordination with the Federal Emergency Management Agency [FEMA] and NPPD, to report on the status of cyber security measures in place, and gaps in all 50 States and the largest urban areas by June 1, 2010. The report should include certifications from each State and urban area as to the exact status of cyber security measures in place, when the date security plans were last updated, the dates contingency exercises were last conducted, and plans for disaster recovery. Similar language is included in the FEMA section of this report.

OFFICE OF EMERGENCY COMMUNICATIONS

The Committee recommends $44,060,000 for the Office of Emergency Communications [OEC], the same amount as the budget request and $5,760,000 above the fiscal year 2009 level. The Committee recognizes the vital role of the OEC in supporting the needs and demands of emergency response personnel at all levels of Government and across all disciplines.

This budget request level approved by the Committee includes two important increases. First, an increase of $3,851,000 over the fiscal year 2009 level, for a total of $11,635,000 in technical assistance. This supports a known need. Last year, there were 239 requests for technical assistance from 54 States and territories and OEC could only fill 150 of the requests. Second, an increase of $2,500,000 and 8 FTE for the Regional Communications Coordinators [RCCs] which will support FEMA and State and local emergency preparedness organizations in the complex mix of cyber, telecommunications, and broadcast communication technologies. OEC is encouraged to place RCCs in FEMA regional offices to enhance efficiency.

The Committee recognizes that progress has been made in interoperability among Federal, State, and local governments with the completion of Statewide Communication Interoperability Plans, and the National Emergency Communications Plan [NECP]. The first goal established in the NECP is to have 90 percent of high risk urban areas demonstrate emergency response communications within an hour of a routine event. OEC has expressed confidence that the goal will be met. However, the Committee is concerned that the Federal Government is not making sufficient progress in implementing interoperability among Federal agencies. The Government Accountability Office in a December 2008 report examining the Department of Justice and the Department of Homeland Security radio communications [GAO–09–133] found that a primary reason the "collaboration on a joint communications solution has not been successful is that departments did not effectively em-

ploy key cross-agency collaboration practices". Unfortunately, OEC has been slow to establish the Emergency Communications Preparedness Center [ECPC] which was authorized in the Homeland Security Act of 2002 to serve as a focal point for Federal interdepartmental communications efforts. The Committee directs GAO to evaluate the progress made in standing up the ECPC and identify any obstacles to Federal agency coordination through the ECPC.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

Appropriations, 2009	$300,000,000
Budget estimate, 2010	356,194,000
Committee recommendation	378,194,000

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 $378,194,000, $22,000,000 above the budget request, to remain available until expended, for the United States Visitor and Immigrant Status Indicator Technology [US-VISIT].

IMPLEMENTATION OF BIOMETRIC AIR EXIT

The Committee strongly supports the full implementation of a biometric air exit capability at the earliest practicable time.

The Department of Homeland Security Appropriations Act, 2009 required US-VISIT to test and report on the collection of biometrics from non-U.S. citizens exiting the United States in two different settings at airports—air carrier collection of biometrics from passengers already subject to US-VISIT entry requirements and CBP collection of those passengers' biometrics at the boarding gate—before funding can be released to support the publication of an air/sea biometric exit final rule and the deployment of biometric exit procedures to airports and seaports.

Unfortunately, no airline agreed to participate in a pilot. Consequently, US-VISIT is conducting the one required pilot, in which CBP collects biometrics from non-U.S. citizens at the departure gate at the Detroit Metropolitan Wayne County Airport, and another in which the Transportation Security Administration is collecting biometrics from non-U.S. citizens at a security checkpoint at the Hartsfield-Jackson Atlanta International Airport. These pilots began on May 28, 2009.

No additional funds are requested in the President's fiscal year 2010 budget for a biometric air exit capability. The Secretary has

indicated that approximately $28,000,000 remains available from prior year appropriations for this purpose. The evaluation of the air exit pilots is scheduled to be completed by the beginning of fiscal year 2010. The Committee includes bill language requiring that no less than $28,000,000 of funds carried forward be used solely for implementation of a biometric air exit capability. Further, the Committee recommends an additional $22,000,000, above the request, making a total of $50,000,000, for implementation of a biometric air exit capability in 2010.

The Committee directs the Secretary to provide quarterly briefings on the progress in implementing a biometric air exit system, beginning October 1, 2009.

TIMELINESS OF SPEND PLAN SUBMISSION

The Committee continues to be concerned with the repeated delays in submitting the statutorily required expenditure plans for US-VISIT which have resulted in large carryover balances from one year to the next. For example, the 2008 expenditure plan was not submitted until June 12, 2008, which meant that nearly a quarter of the program's budget carried over into fiscal year 2009. Similarly, the fiscal year 2009 report was submitted on April 9, 2009. It should not take half of a fiscal year to submit an expenditure plan for a critical security program such as US-VISIT. The Committee understands that new procedures have been developed in which the US-VISIT program office is working with the DHS chief executive officers to obtain on a more timely basis the program certifications required within appropriations language by providing program documentation on a more recurring basis throughout the year. US-VISIT's goal is to complete the expenditure plan within five weeks of the end of the fiscal year. The Committee strongly supports this effort and includes bill language mandating submission of the fiscal year 2010 plan not later than 90 days after the date of enactment of this act.

UNIQUE IDENTITY/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 the transition to capturing 10 fingerprints of all visitors to the United States. The Committee notes that the interoperability effort from September 2006 through April 25, 2009, has identified more than 36,696 individuals with wants and warrants or who are known or suspected terrorists and has prevented their entry into the United States. The Committee recognizes that while the FBI's transition to the Next Generation Identification of fingerprinting technology is an ongoing, multi-year process, the Committee fully funds the $28,700,000 request for Unique Identity as US-VISIT continues its portion of the interoperability effort with the FBI. 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.

FEDERAL PROTECTIVE SERVICE

Appropriations, 2009	(1)
Budget estimate, 2010[2 3]	1,115,000,000
Committee recommendation[2 3]	1,115,000,000

[1] The Federal Protective Service was funded in U.S. Immigration and Customs Enforcement in fiscal year 2009.

[2] Fully funded by offsetting collections paid by General Services Administration tenants and credited directly to this appropriation.

[3] CBO re-structured FPS collections in its 2010 re-estimate of the President's budget to include reimbursable contract guard service collections, which had not been displayed in prior years.

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 $1,115,000,000, as requested, for salaries and expenses of the Federal Protective Service for fiscal year 2010; this amount is fully offset by collections of security fees.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

FEDERAL PROTECTIVE SERVICE

[In thousands of dollars]

	Fiscal year 2009 enacted[1]	Fiscal year 2010 budget request	Committee recommendations
Basic security		213,673	213,673
Building specific security		426,327	426,327
Reimbursable security fees (contract guard services)		475,000	475,000
Total, Federal Protective Service		1,115,000	1,115,000
Offsetting Fee Collections		−1,115,000	−1,115,000

[1] The Federal Protective Service was funded in U.S. Immigration and Customs Enforcement in fiscal year 2009.

FINANCIAL MANAGEMENT

The Committee believes in the FPS mission and supports the transfer of FPS from U.S. Immigration and Customs Enforcement to the National Protection and Preparedness Directorate [NPPD]. The Committee continues to have serious concern that this agency has not received the attention and support that its critical mission requires. The fact that the budget appendix failed to include the actual bill language for this agency did not send a reassuring message. To ensure that FPS receives appropriate oversight, the Committee directs the Under Secretary of NPPD to provide semi-annual briefings to the Committees on Appropriations on the agency's

financial status, management, staffing, and mission. The first briefing shall occur no later than January 15, 2010.

Because FPS suffered from years of neglect after its transfer in 2003 from GSA to the Department, the Congress took legislative steps 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, 2009, required the Secretary and the Director of the Office of Management and Budget 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 December 31, 2008. The Committee includes similar language this year.

OFFICE OF HEALTH AFFAIRS

Appropriations, 2009	$157,191,000
Budget estimate, 2010	138,000,000
Committee recommendation	135,000,000

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 2009 and budget request levels:

OFFICE OF HEALTH AFFAIRS

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
BioWatch	111,606	94,513	89,513
National Biosurveillence Integration System	8,000	8,000	8,000
Rapidly Deployable Chemical Detection System	2,600	2,600	2,600
Planning and Coordination	5,775	2,476	4,476
Salaries and Expenses	29,210	30,411	30,411
Total, Office of Health Affairs	157,191	138,000	135,000

SALARIES AND EXPENSES

The Committee recommends $30,411,000 for salaries and expenses, an increase of $1,201,000 from the fiscal year 2009 level and the same amount as the budget request.

BIOWATCH

The Committee recommends $89,513,000 for the BioWatch program, $22,093,000 less than the fiscal year 2009 level and $5,000,000 below the budget request. The Committee acknowledges that the budget request reflects the beginnings of a needed realignment of the program. However, the Committee is also aware that

some detectors have recently been terminated because of technical difficulties with the system. The recommended level of funding shall be used to maintain the remaining first and second generation baseline biological surveillance capability and to complete the Gen–3.0 prototype unit field testing, perform data analysis, and verify the performance of the technology.

PLANNING AND COORDINATION

The Committee recommends $4,476,000, which is $1,299,000 below the fiscal year 2009 level and $2,000,000 above the budget request. The Committee notes the important work that the Office of Medical Readiness and the Food, Agricultural, and Veterinary [FAV] Defense Division do related to component health services and FAV security, especially related to pandemic influenza. The Committee recognizes that the unobligated balances of previous year appropriations, in addition to the amount recommended, will allow the needed work to be completed.

PROJECT BIOSHIELD

The President's budget proposes to transfer the remaining balances appropriated in fiscal year 2004 under the heading "Biodefense Countermeasures" to the Department of Health and Human Services [HHS]. The transfer of funds, if approved, would be included in the fiscal year 2010 Departments of Labor, Health and Human Services, and Education, and related agencies appropriation bill. The transfer would provide more streamlined management for the program in combination with other related HHS programs. The transfer shall not modify the role for DHS as established in section 319F–2 of the Public Health Service Act, including its authority to determine material threats or as a participant in the procurement process for this program. The Committee strongly urges HHS, in conjunction with DHS to use funds for the intended purpose, as established in section 319F–2 of the Public Health Service Act, which is, "to treat, identify, or prevent harm from biological, chemical, radiological, or nuclear agents indentified as an on-going material threat". It is imperative that these funds be used to ensure the Nation's long-term readiness for all threats and are not depleted at the expense of one current threat.

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 $7,094,384,000 for activities of FEMA for fiscal year 2010.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

FEDERAL EMERGENCY MANAGEMENT AGENCY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Management and Administration	837,437	852,200	859,700
State and Local Programs	3,105,700	[1] 3,867,000	3,067,200
Emergency Appropriations (Public Law 111–5)	300,000		
Firefighters Assistance Grants	775,000	([2])	800,000
Emergency Appropriations (Public Law 111–5)	210,000		
Emergency Management Performance Grants	315,000	([3])	350,000
Radiological Emergency Preparedness Program	−505	−265	−265
United States Fire Administration	44,979	45,588	45,588
Disaster Relief	[4] 1,400,000	2,000,000	[4] 1,456,866
Disaster Assistance Direct Loan Program Account [5]	295	295	295
Flood Map Modernization Fund	220,000	220,000	220,000
National Flood Insurance Fund	(156,599)	(159,469)	(159,469)
National Predisaster Mitigation Fund	90,000	150,000	120,000
Emergency Food and Shelter	200,000	100,000	175,000
Emergency Appropriations (Public Law 111–5)	100,000		
Total, Federal Emergency Management Agency	7,572,906	7,234,818	7,094,384
Appropriations	6,987,906	7,234,818	7,094,384
Emergency Appropriations (Public Law 111–5)	610,000		

[1] Includes $590,000,000 for Firefighter Assistance Grants and $315,000,000 for Emergency Management Performance Grants.
[2] Budget proposes $590,000,000 under ''State and Local Programs'' account.
[3] Budget proposes $315,000,000 under ''State and Local Programs'' account.
[4] Includes $16,000,000 for the transfer to the Office of Inspector General.
[5] Funding for administrative expenses totaling $580,000 is provided in the FEMA Management and Administration account.

MANAGEMENT AND ADMINISTRATION

Appropriations, 2009	$837,437,000
Budget estimate, 2010	852,200,000
Committee recommendation	859,700,000

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 $859,700,000 for Management and Administration.

The specific levels recommended by the Committee, as compared to the fiscal year 2009 and budget request levels, are as follows:

MANAGEMENT AND ADMINISTRATION

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Operations Activities	798,595	817,205	820,205
National Capital Region Coordination	6,342	6,995	6,995

MANAGEMENT AND ADMINISTRATION—Continued

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Urban Search and Rescue	32,500	28,000	32,500
Total, Management and Administration	837,437	852,200	859,700

OPERATIONS ACTIVITIES

The Committee recommends $820,205,000 for Operations Activities, instead of $817,205,000 as proposed in the budget. The Committee also includes a transfer of up to $50,000,000 from Disaster Relief for management and administration activities, as requested in the budget. This transfer will support unforeseen personnel costs related to the conversion of temporary disaster employees to permanent status.

The recommended amount includes an increase of $5,000,000, which is provided for a human capital study, as described in the FEMA "Management and Administration" account of this report; for a State, Local, and Tribal preparedness task force, as described in the "State and Local Programs" account; and for an increase to Ready.gov. Of the total amount, $5,900,000 is provided for data center consolidation and migration, which is $2,000,000 below the request. The reduction is based on the Department's execution plan that has activity occurring in fiscal year 2011.

Operations Activities include funding for the Disaster Operations Directorate, National Continuity Programs, the Disaster Assistance Directorate, the Logistics Management Directorate, the Mitigation Directorate, administrative costs for the Disaster Assistance Direct Loan Program, 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. Funding for the National Preparedness Directorate and the Grant Programs Directorate is provided in the "State and Local Programs" account.

FISCAL MANAGEMENT AND TRANSPARENCY IN SPENDING

The Committee includes a provision directing FEMA to submit its fiscal year 2011 budget request, including justification materials, by office. Each office and FEMA region shall provide: (1) budget detail by object classification; (2) the number of FTE onboard; (3) the number of FTE 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.

Since the inadequate response to Hurricane Katrina, FEMA has experienced tremendous change and expedited growth. Additionally, many fiscal reforms have been identified, of which some have been implemented. The Committee recognizes that the Office of the

Chief Financial Officer [OCFO] is the key to stabilizing the important fiscal reforms that have and need to occur. The OCFO is encouraged to continue the proactive and transparent management of resources which will further support FEMA's ability to successfully accomplish its mission.

FINANCIAL WEAKNESSES

The Committee notes that the OCFO is aggressively addressing the material financial weaknesses that have been identified. Despite improvements, FEMA still has weaknesses in its financial management and internal controls as reported by the Office of Inspector General [OIG] in the Management Letter for the fiscal year 2008 DHS' Financial Statement Audit in March 2009, and the OIG Independent Auditor's Report on FEMA's fiscal year 2008 Mission Action Plans in July 2008. The Committee directs FEMA to correct these weaknesses without delay, and to provide a briefing to the Committees on Appropriations within 45 days of the date of enactment of this act on the progress of implementing the Mission Action Plan. Further, the Committee cautions that the OCFO cannot rectify all of the issues identified in the audits on its own. Component heads and program managers must work to resolve the issues as well. FEMA is directed to provide a list of components that have outstanding issues and no plan in place to address those outstanding issues with the fiscal year 2011 budget request.

FEMA WORKFORCE

Since 2007, FEMA has grown from 2,500 FTE to 4,000 FTE and it is better, but not fully, positioned to be responsive to the Nation's needs, including a catastrophic event. The Committee recognizes that after the significant growth of the last several years it is now prudent to take stock of the FEMA workforce and identify future needs to ensure it is fully positioned to respond to the risks the country faces. Therefore, an additional $2,250,000 is recommended above the request for FEMA to partner with the Homeland Security Institute to conduct a study and evaluation of FEMA's human capital resources. The study shall include, but is not limited to, specific recommendations regarding the overall size of FEMA's workforce and the personnel needs of the specific components, including the Disaster Reserve Workforce; the optimal distribution of personnel between headquarters and regional offices to best accomplish its mission; and the skills needed by FEMA to support the current and the projected risks the Nation faces.

The Committee is extremely disappointed that a lack of internal controls has led to significant discrepancies in data sets for staff on-board and the funding level needed to support those staff. This funding discrepancy has slowed the progress of rebuilding FEMA. Due to the Committee's insistence in prior Appropriations Acts for robust information technology resources and the recent efforts of the OCFO, this issue is being resolved. FEMA is directed to brief the Committee on the specific process used to ensure internal controls are in place to prevent this issue in the future.

The Committee strongly supports a continued and dedicated effort to ensure the Disaster Reserve Workforce has adequate capacity. FEMA is directed to continue its efforts to improve the per-

formance of the Disaster Reserve Workforce, and to continue to provide quarterly briefings to the Committee on this matter.

The Committee also supports the requested increase of $2,345,000 and 6 FTE for the Office of Environmental Planning and Historic Preservation [EHP]. The work of the EHP staff supports the missions of the Disaster Assistance Directorate, the Mitigation Directorate, and Preparedness grants and should not be a choke point for efforts of rebuilding, mitigation, and preparedness.

STAKEHOLDER INVOLVEMENT

In the Homeland Security Appropriations Act, 2009, $10,000,000 was withheld from both the Office of the Secretary and Executive Management [OSEM] and FEMA "Management and Administration" until the Secretary of Homeland Security, in coordination with the Administrator of FEMA, certifies to the Committees on Appropriations that a process to incorporate State and local stakeholder input for grants has been developed. It is unconscionable that 6 years after the creation of the Department there is still an inefficient grant process. Further, it is disconcerting that the Secretary has yet to certify a process. The Committee expects a certification no later than August 31, 2009. Similar language is contained in the OSEM section of this report.

INFORMATION AND TECHNOLOGY

The Committee recommends the budget request of $65,201,000 for information technology [IT] maintenance and improvements. Superb information technology is imperative for FEMA's complex and varied mission. FEMA is directed to continue to provide quarterly briefings to the Committee regarding the progress of IT improvements.

INTEGRATED PUBLIC ALERT AND WARNING SYSTEM

The Committee cautiously supports the budget request for the Integrated Public Alert and Warning System [IPAWS]. The Homeland Security Appropriations Act, 2009, directed FEMA to provide a plan to the Committees on Appropriations by January 2009, outlining the completion of the conversion of IPAWS from the current emergency alert system. To date, no plan has been received. The Committee has been supportive of this important program as upgrades to the current system are needed to provide messages over more types of media to more people before, during, and after a disaster. However, bureaucratic delays do not make citizens safer and each day that passes without improvements to this system is a wasted opportunity to provide timely and accurate information to citizens in harm's way. The Committee expects to receive the plan without delay.

READY.GOV

The Committee recommends $3,000,000 for Ready.gov, which is $500,000 above the budget request. The Committee supports the Ready Campaign which educates citizens on how to prepare for and respond to emergencies. While education efforts must be locally driven, they need to be coordinated among all levels of government

for consistency when an emergency, regardless of the size, does occur. If messages are not coordinated at all levels of government, citizens will receive conflicting information potentially causing more harm. The increase is provided to ensure requests from State and local governments to update or to localize public service advertising can be better met.

PRIVATE SECTOR PREPAREDNESS

The Committee encourages FEMA and the National Protection and Programs Directorate [NPPD] to continue joint efforts regarding the improvement of private sector preparedness through the Voluntary Private Sector Preparedness and Accreditation and Certification Program, as required in the 9/11 Act.

EMERGENCY MANAGEMENT INSTITUTE

The Committee supports the budget request of no less than $7,100,000 for the Emergency Management Institute.

NATIONWIDE PLAN REVIEW UPDATE

The Committee directs FEMA to provide an update on the status of catastrophic planning, including mass evacuation planning, in all 50 States and the 75 largest urban areas by April 16, 2010. The update should include the same certifications and status of plans for evacuations included in the Nationwide Plan Review dated June 16, 2006.

NATIONWIDE CYBER SECURITY REVIEW

The security of State and local information technology networks has serious implications for homeland security, as network security affects both the continuity of government and the operations of critical infrastructure. Cyber attacks have disrupted State government networks, systems, and operations. Despite its importance, there is not a comprehensive effort to evaluate the security level of State or local information technology networks, as it pertains to cyberspace. The Committee directs the Secretary, in coordination with FEMA and NPPD, to report on the status of cyber security measures in place, and gaps in all 50 States and the largest urban areas by June 1, 2010. The report should include certifications from each State and urban area as to the exact status of cyber security measures in place, when the date security plans were last updated, the dates contingency exercises were last conducted, and plans for disaster recovery. Similar language is included in the NPPD section of this report.

STATE, LOCAL, AND TRIBAL PREPAREDNESS TASK FORCE

The Committee provides $2,250,000 above the budget request to establish and operate a state, local, and tribal preparedness task force. The National Preparedness Directorate, with cooperation from the Office of Intergovernmental Affairs, shall lead the administrative effort for the task force.

In June 2004, the report from the Task Force on State and Local Homeland Security Funding found that the "grants process that has evolved under a microscope without the benefit of "normal ma-

turity" afforded similar programs over the years . . . no one action will solve all of the concerns that have been voiced. This is an enterprise problem that demands an enterprise solution." Now, 6 years after the creation of DHS, and after the significant growth in FEMA's size and mission, it is an appropriate time to review the homeland security grant programs and also to take an enterprise wide view of the grants, mandates, and guidance that to date have shaped the current approach to prevent, prepare for, mitigate against, and respond to all-hazards.

The task force shall include members from all levels of government across the preparedness and responder communities and grants administration.

The task force should find consensus-based solutions to an interwoven set of homeland security needs and requirements among all levels of lGovernment for all-hazards. The task force shall review current programs and requirements and provide recommendations for all three levels of government and their equally shared responsibilities in three main areas: grant programs, Federal mandates, and guidance issued by FEMA. FEMA is not limited to $2,250,000 for this effort.

U.S. FIRE SERVICE NEEDS ASSESSMENT

FEMA, in conjunction with the National Fire Protection Association, is directed to provide to the Committees on Appropriations no later than February 5, 2010, an update to the U.S. Fire Service Needs Assessment. The update shall be consistent with the last assessment completed in February 2006 in scope and methodology.

OFFICE OF NATIONAL CAPITAL REGION COORDINATION

The Committee recommends $6,995,000 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, the same amount as provided in fiscal year 2009 and $4,500,000 above the President's request, to support the 28 existing Urban Search and Rescue Teams. The Committee is dismayed that the report regarding the need for an additional team, required in the Homeland Security

Appropriations Act, 2009, has not been provided and expects FEMA to provide it without delay.

STATE AND LOCAL PROGRAMS

Appropriations, 2009 [1]	$3,405,700,000
Budget estimate, 2010 [2]	3,867,000,000
Committee recommendation [3]	3,067,200,000

[1] Includes $300,000,000 in emergency appropriations provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

[2] Includes $590,000,000 for Firefighter Assistance Grants and $315,000,000 for Emergency Management Performance Grants.

[3] The Committee recommendation exceeds the requested level by $105,200,000 after reducing the request by the amounts requested under this heading that are funded elsewhere.

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 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Grants:			
State Homeland Security Grant Program [1]	950,000	950,000	950,000
Operation Stonegarden [1]	[60,000]	[60,000]	[60,000]
Urban Area Security Initiative	837,500	887,000	887,000
Regional Catastrophic Preparedness Grants	35,000	35,000	35,000
Metropolitan Medical Response System	41,000	40,000	40,000
Citizen Corps	15,000	15,000	15,000
Public Transportation Security Assistance and Railroad Security Assistance	400,000	250,000	356,000
Emergency Appropriations (Public Law 111–5)	150,000	.....	.....
Port Security Grants	400,000	250,000	350,000
Emergency Appropriations (Public Law 111–5)	150,000	.....	.....
Over-the-Road Bus Security Assistance	12,000	.....	([2])
Trucking Industry Security Grants	8,000	.....	.....
Buffer Zone Protection Program Grants	50,000	50,000	50,000
Driver's License Security Grants Program	([3])	50,000	50,000
Commercial Equipment Direct Assistance Program	8,000	.....	.....
Interoperability Emergency Communications Grant Program	50,000	50,000	50,000
Emergency Operations Centers	35,000	.....	20,000
Fire Assistance Grants	([4])	590,000	([4])
Emergency Management Performance Grants	([5])	315,000	([5])
Subtotal, Grants	3,141,500	3,482,000	2,803,000
National Programs:			
National Domestic Preparedness Consortium/Other Programs	103,700	51,500	103,700
Center for Domestic Preparedness/Noble Training Center	62,500	62,500	62,500
National Exercise Program	40,000	42,000	40,000
Technical Assistance	11,000	13,000	13,000
Continuing Training Grants	31,000	23,000	27,000
Evaluations and Assessments	16,000	18,000	18,000
Subtotal, National Programs	264,200	210,000	264,200
Management and Administration	([6])	175,000	([6])
Total, State and Local Programs	3,405,700	[7] 3,867,000	3,067,200
Appropriations	3,105,700	3,867,000	3,067,200

STATE AND LOCAL PROGRAMS—Continued

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Emergency Appropriations (Public Law 111–5)	300,000	.....	.....

[1] Funding for Operation Stonegarden provided within the State Homeland Security Grant Program.
[2] Funding available under Public Transportation Security Assistance and Railroad Security Assistance PPA.
[3] Funding of $50,000,000 provided for similar purpose in a general provision.
[4] Funds appropriated under the Firefighter Assistance Grants account.
[5] Funds appropriated under the Emergency Management Performance Grants account.
[6] Funding provided as a percentage of State and Local Programs appropriation.
[7] The Committee recommendation exceeds the requested level by $105,200,000 after reducing the request by the amounts requested under this heading that are funded elsewhere.

COMMITTEE RECOMMENDATIONS

The Committee recommends $3,067,200,000 for State and local programs. The Committee recommendation exceeds the requested level by $105,200,000 after reducing the request by the amounts requested under this heading that are funded elsewhere. The Committee includes a provision providing 4.1 percent of the total amount appropriated for State and local programs for both the Grants Programs Directorate [GPD] and the National Preparedness Directorate [NPD]. This is consistent with the structure of previous years and provides the same amount as requested in the President's fiscal year 2010 budget for these important activities. 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.

The President proposes to reduce port security, transit security and fire grants by $485,000,000 based on the assertion that funds were provided for these programs in the Stimulus Act. The Committee does not accept the notion that these cuts are justified by the availability of Stimulus Act funds, which were provided for different purposes and to create jobs. The Stimulus Act funds were not provided to prefund fiscal year 2010 activities. The Committee has restored these cuts to the extent possible.

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 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 Department is encouraged to work with States, local governments, and non-profit entities to develop comprehensive strategies for evacuating, transferring, and providing continued

care for high-risk obstetric patients and neonates. Further, the Committee urges the Department to encourage State and local governments and all grantees to develop pre-event recovery plans in conjunction with their response and mitigation plans. The Committee is concerned that Federally recognized tribes are not adequately included in homeland security efforts and encourages FEMA to require State and local governments to include tribal governments in their 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. The Committee is concerned that drinking water and sanitation security needs, especially related to emergency response initiatives, are not adequately addressed and FEMA is encouraged to require State and local governments to include rural water associations 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. The Department shall work aggressively to ensure grant applicants have the same information that is available to the Department with regard to threat, vulnerability, and consequence to ensure applications reflect true risk.

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 U.S. Customs and Border Protection, 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 is concerned that there continues to be imperfect cooperation and collaboration between GPD and some subject matter experts. It is imperative that components put aside differences and focus on how best to manage and improve the programs funded by Congress.

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, Driver's License Security Grants Program, Interoperable Emergency Communications Grant Program, 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 directs FEMA to provide a report on the factors it uses to set the priorities within grant guidance. The report shall also include an evaluation of the funding that has been used for planning and recovery, especially for transit security and port security.

STATE HOMELAND SECURITY GRANT PROGRAM

The Committee recommends $950,000,000 for State Homeland Security Grant Program [SHSGP], of which $60,000,000 shall be for Operation Stonegarden Grants, as requested in the budget. The Committee notes that the 0.1 percent allocation of SHSGP to directly eligible tribes, as required in the 9/11 Act, is a minimum, not the maximum, amount that should be made available based on risk. Further, the Committee encourages the Department to clarify that Western Hemisphere Travel Initiative [WHTI] implementation activities, including issuance of WHTI compliant tribal IDs are eligible under this grant program. In accordance with section 2004 of the Homeland Security Act of 2002, all funds (excluding Operation Stonegarden) above the amount automatically allocated to States and territories, shall be allocated based on risk (as defined by threat, vulnerability, and consequences). Operation Stonegarden shall be competitively awarded.

URBAN AREA SECURITY GRANT PROGRAM

The Committee recommends $887,000,000 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.

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.

REGIONAL CATASTROPHIC PREPAREDNESS GRANT PROGRAM

The Committee recommends $35,000,000 for the Regional Catastrophic Preparedness Grant Program [RCPGP], the same amount as proposed in the budget.

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 $40,000,000 for the Metropolitan Medical Response System [MMRS], instead of $40,000,000 for the Medical Surge Grant Program, as proposed in the budget.

The Committee is perplexed that the President's budget includes a request to replace the MMRS program with a program, called Medical Surge Grant Program, that has no clear explanation or justification. Therefore, this proposal is rejected.

CITIZENS CORPS

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

PUBLIC TRANSPORTATION SECURITY ASSISTANCE, RAILROAD SECURITY ASSISTANCE, AND OVER-THE-ROAD BUS SECURITY ASSISTANCE

The Committee recommends $356,000,000 for Public Transportation Security Assistance [PTSA], Railroad Security Assistance [RSA], and Over-The-Road Bus Security Assistance; instead of $250,000,000 for PTSA and RSA, and no funding for Over-The-Road Bus Security Assistance as proposed in the budget request. Of the recommended amount, no less than $25,000,000 is provided for Amtrak security needs and no less than $6,000,000 is for Over-The-Road Bus Security Assistance.

PORT SECURITY GRANTS

The Committee recommends $350,000,000 the Port Security Grant Program, instead of $250,000,000 as proposed in the budget.

BUFFER ZONE PROTECTION PROGRAM

The Committee recommends $50,000,000 for the Buffer Zone Protection Program, as proposed in the budget.

DRIVER'S LICENSE SECURITY GRANTS PROGRAM

The Committee recommends $50,000,000 for the Driver's License Security Grants Program, as proposed in the budget.

INTEROPERABILITY EMERGENCY COMMUNICATIONS GRANTS

The Committee recommends $50,000,000 for Interoperability Emergency Communications Grants, the same amount 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 $20,000,000 for Emergency Operations Centers, instead of no funding as proposed in the budget.

Bill language is included providing for the Congressionally directed spending items listed in the following table:

EMERGENCY OPERATIONS CENTERS

	Amount
State of Ohio	$1,500,000
City of Chicago, IL	1,000,000
City of Ames, IA	600,000
County of Union, NJ	353,000
City of Hackensack, NJ	300,000
Township of South Orange Village, NJ	247,000
City of Mount Vernon, NY	1,000,000
City of Whitefish, MT	900,000
Lincoln County, WA	1,000,000
City of Providence, RI	980,000
North Louisiana Regional, LA	980,000
City of North Little Rock, AR	900,000

CENTER FOR DOMESTIC PREPAREDNESS

The Committee recommends $62,500,000 to continue activities for the Center for Domestic Preparedness. Included in this amount is funding to continue activities for the Noble Training Center.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM/OTHER PROGRAMS

The Committee recommends $102,000,000 for the National Domestic Preparedness Consortium, instead of $51,500,000, as proposed in the budget. Funds are to be allocated in the same amounts as fiscal year 2009. 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 Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii.

The Committee clarifies that the Natural Disaster Preparedness Training Center provides natural disaster preparedness training, including outreach and response training for the public, all hazards training for first responders with a particular focus on challenges facing island and rural communities, and a certificate and undergraduate degree program for homeland security and disaster management.

The Committee also recommends $1,700,000 for counterterrorism and cybercrime training at Norwich University in Northfield, Vermont.

CONTINUING TRAINING GRANTS

The Committee provides $27,000,000 for continuing training grants, $4,000,000 above the request and $4,000,000 below fiscal

year 2009. The Committee supports full funding of programs that deliver homeland security curricula in the form of executive education programs and accredited master's degree education. The Committee also notes the importance of the Mobile Education Team providing half-day, graduate-level seminars on homeland security challenges for Governors, Mayors, and senior staff being conducted prior to any emergency their community may experience.

NATIONAL EXERCISE PROGRAM

The Committee recommends $40,000,000 for the National Exercise Program, the same amount as fiscal year 2009, and $2,000,000 below the budget request.

TECHNICAL ASSISTANCE

The Committee recommends $13,000,000 for Technical Assistance, the same amount as the budget request, and $2,000,000 above fiscal year 2009.

The Committee encourages FEMA to continue to provide training to first responders through the Domestic Preparedness Equipment Technical Assistance Program.

The Committee encourages FEMA to fulfill requests from States that apply for technical assistance for a feasibility study, including planning and design, of a fixed State emergency training facility.

EVALUATIONS AND ASSESSMENTS

The Committee recommends $18,000,000 for Evaluations and Assessments. The Committee continues to be alarmed that 6 years after the creation of the Department we still cannot effectively answer the question required by legislative and executive mandate: How prepared are we? A recent GAO report on National Preparedness [GAO–09–369] found that FEMA has taken initial steps to assess capabilities at all levels of government, but faces methodological and coordination challenges in completing the system. The Committee is frustrated with the fractured approach to date of measuring the effectiveness of FEMA programs—from grants to those actions required by Homeland Security Presidential Directive–8. While the Committee understands that an internal working group is beginning to put the pieces of the disparate system together, it fears this process will be cumbersome, wrought with turf battles, and slow to produce usable information. Therefore, the Office of Preparedness Policy, Planning, and Analysis shall brief the Committee monthly on the detailed plans to measure the Nation's preparedness, including milestone dates and program risks.

FIREFIGHTER ASSISTANCE GRANTS

Appropriations, 2009[1]	$985,000,000
Budget estimate, 2010[2]	
Committee recommendation	800,000,000

[1] Includes $210,000,000 in emergency appropriations provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).
[2] Budget proposes $590,000,000 under State and Local Programs.

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 $800,000,000 for firefighter assistance grants, including $380,000,000 for firefighter assistance grants, and $420,000,000 for firefighter staffing grants, to remain available until September 30, 2010. This is $25,000,000 above the fiscal year 2009 level (excluding funding included in the Stimulus Act) and $210,000,000 above the level requested in "State and Local Programs".

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.

The Committee directs the Department to continue direct funding to fire departments and the peer review process. Five percent of grant funds shall be for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

Appropriations, 2009	$315,000,000
Budget estimate, 2010 [1]	
Committee recommendation	350,000,000

[1] Budget proposes $315,000,000 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 $350,000,000 for emergency management performance grants [EMPG], an increase of $35,000,000 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 shall be for administrative expenses.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Appropriations, 2009 [1]	−$505,000
Budget estimate, 2010 [1]	−265,000
Committee recommendation [1]	−265,000

[1] 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 $265,000 in fiscal year 2010.

UNITED STATES FIRE ADMINISTRATION

Appropriations, 2009	$44,979,000
Budget estimate, 2010	45,588,000
Committee recommendation	45,588,000

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 $45,588,000 for the USFA, as requested in the budget.

The Committee directs USFA to work with the United States Department of Agriculture and the Department of Interior to ensure compatible data on wildfires is available. The Committee is dismayed that the facilities master plan report, which was due to the Committees on Appropriations on April 6, 2009, as required by the Homeland Security Appropriations Act, 2009, has not been received and FEMA is expected to provide it without delay.

The Committee directs USFA to provide a briefing within 30 days of the date 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, 2009	$1,400,000,000
Budget estimate, 2010	2,000,000,000
Committee recommendation	1,456,866,000

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 a total amount of $1,456,866,000 for disaster relief. As requested, the Committee recommends bill language transferring up to $50,000,000 of the total amount to FEMA "Management and Administration" subject to Committee notification, for unforeseen personnel support costs related to the conversion of temporary disaster employees to permanent employees. Additionally, the Committee recommends bill language transferring $16,000,000 of the total amount appropriated to the Office of the Inspector General for audits and investigations related to disasters. The Committee also recommends bill language requiring an expenditure plan and quarterly reports for disaster readiness and support costs; and a monthly report on the disaster relief expenditures.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Appropriations, 2009 [1]	$295,000
Budget estimate, 2010 [1]	295,000
Committee recommendation [1]	295,000

[1] Funding for administrative expenses totaling $580,000 is included in FEMA "Management and Administration".

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 FEMA "Management and Administration", 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, 2009	$220,000,000
Budget estimate, 2010	220,000,000
Committee recommendation	220,000,000

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 Insur-

ance 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 $220,000,000 for the Flood Map Modernization Fund, the same amount as the budget request, and includes language in the bill that provides up to 3 percent of the funds may be made available for administrative purposes.

NATIONAL FLOOD INSURANCE FUND

Appropriations, 2009 [1]	($156,599,000)
Budget estimate, 2010	(156,469,000)
Committee recommendation	(156,469,000)

[1] Fully offset by fee collections.

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 $159,469,000, as proposed in the budget, for the National Flood Insurance Fund, of which $40,000,000 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.

FINANCIAL WEAKNESSES

The Office of Inspector General has identified financial weaknesses in the National Flood Insurance Program as specified in the April 2009, National Flood Insurance Program Management Letter for the fiscal year 2008 DHS' Financial Statement Audit. The Committee directs FEMA to correct these weaknesses without delay, and to provide a briefing to the Committees on Appropriations within 45 days of the date of enactment of this act on the progress of implementing the Mission Action Plan.

NATIONAL PREDISASTER MITIGATION FUND

Appropriations, 2009	$90,000,000
Budget estimate, 2010	150,000,000
Committee recommendation	120,000,000

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 Hazard 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 $120,000,000 for PDM, $30,000,000 above the fiscal year 2009 level, and $30,000,000 below the request.

EMERGENCY FOOD AND SHELTER

Appropriations, 2009[1]	$300,000,000
Budget estimate, 2010	100,000,000
Committee recommendation	175,000,000

[1] Includes $100,000,000 in emergency appropriations provided in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

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 $175,000,000 for Emergency Food and Shelter, which is $75,000,000 above the budget request level.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Appropriations, 2009	$101,740,000
Budget estimate, 2010	364,000,000
Committee recommendation	135,700,000

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 $2,638,932,000, including direct appropriations of $135,700,000 and estimated fee collections of $2,503,232,000.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES—FUNDING SUMMARY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Appropriations	101,740	364,000	135,700
Estimated Fee Collections:			
Immigration Examinations Fees	2,495,186	2,451,884	2,451,884
H–1B and L Fraud Prevention and Detection Fees	31,000	38,348	38,348
H–1B Non-immigrant Petitioner Fees	13,000	13,000	13,000
Total, Estimated Fee Collections	2,539,186	2,503,232	2,503,232
Total, Available Funding	2,640,926	2,867,232	2,638,932

E-VERIFY

The Committee recommends $118,500,000 for the E-verify program. The $6,500,000, 7 positions, and 4 FTE above the request are for additional system enhancements, an identity assurance tool, and additional capacity to investigate fraudulent use of identity documents.

The Committee strongly supports E-Verify and the effort the Department is performing to improve E-Verify's ability to automatically verify those who are work authorized, detect identity fraud, and detect system misuse and discrimination. E-Verify is both an essential tool for employers committed to maintaining a legal workforce and a key deterrent to illegal immigration. The requested program increase and the additional funds recommended by the Committee will promote monitoring and compliance activities and IT-related business initiatives geared toward improved system use.

The Committee notes that USCIS has significantly enhanced E-Verify over the last few years, resulting in decreasing tentative non-confirmation rates while implementing continuous improvements. According to an independent evaluation of E-Verify, 96.1 percent of all cases queried through E-Verify were automatically verified, in the first instance, as work authorized. The 96.1 percent figure (based on data from the third quarter of fiscal year 2008) represents a significant improvement over earlier evaluation results; the automatic verification rate improved from 83 percent in 2002 to 94.7 percent in 2007. Of the remaining 3.9 percent of queries with an initial mismatch, only 0.37 percent of those were later confirmed to be work authorized. The initial mismatch could have been due to data error or someone not notifying the Social Security Administration [SSA] of name change, et cetera. The majority of remaining queries that were not automatically verified indicate that the program is doing what it is intended to do: detect unauthorized workers trying to work unlawfully.

The Committee is aware that there is a common misconception that an initial mismatch indicates a program or database error. An initial mismatch instead indicates either: (1) a discrepancy between the information an employee has provided and information in government records; (2) that an employee has failed to update their information with SSA or DHS (such as a name change after marriage); or (3) an individual without work authorization has submitted fraudulent information. These individuals are afforded the opportunity to contest the finding by contacting SSA or DHS to resolve the discrepancy; however, as indicated, less than half of one percent of all individuals run through the program successfully contest an initial mismatch. Remaining queries receive a "Final Non-Confirmation" in the system to inform an employer that they are not work authorized. This data indicates the program's success in quickly verifying the status of those who are work authorized and detecting those ineligible for employment.

Given the concerns by some of the general public with E-Verify, the Committee urges USCIS to continue to work to enhance the system to further improve performance, to continue its public outreach and education campaign, and to perform a new, independent

evaluation of the system during the first quarter of fiscal year 2010.

The bill also includes a general provision extending the E-Verify program for 3 years, as requested.

PROPOSED NEW FEES

The budget proposed $206,000,000 in new appropriated resources to cover the costs associated with performing international programs such as asylum, refugee, and humanitarian parole, as well as funding the costs of military naturalizations. The Committee supports appropriations to support those men and women serving this Nation in the military and has included $5,000,000, as requested, for military naturalizations. The Committee does not include the other requested funds and supports the existing method used to cover the costs for those activities. Therefore, the Committee directs the Department to submit a reprogramming within 30 days after the date of enactment of this act, to reflect the continuation of these activities as fee funded.

IMMIGRANT INTEGRATION

The Committee recommends an additional $1,200,000, the same level as provided in fiscal year 2009, for citizenship education and immigrant integration grants. The Committee notes that the current year grant applications are still being evaluated and that the 2009 funds have yet to be awarded. The Committee does not recommend the $10,000,000 requested in the budget for a new immigrant integration activity. The Committee notes that the Office of Citizenship Services has long provided admirable services to assist those individuals seeking to become U.S. citizens or otherwise legally adjust their status and will have $6,400,000 of carry forward balances to continue these efforts. This makes a total of $7,600,000 available for immigrant services and integration grants.

DRIVER'S LICENSE SECURITY HUB

The Committee supports the development of a Driver's License Security hub to assist State motor vehicle offices and other drivers' license issuing entities to produce secure drivers licenses and notes that Congress provided $50,000,000, as requested, in fiscal year 2009 for this purpose. Due to the fact that these funds remain unobligated and the Department continues to review plans for development of the hub, the Committee provides no new funding for this activity. The Committee strongly encourages the Department to deliver its plan for the hub and anticipates receiving the development plan this year.

FBI BACKGROUND CHECK BACKLOG

The Committee is pleased to note that the multiyear FBI name check backlog has been eliminated. As of April 30, 2009, there were only 32 cases, out of 1,645 pending, which were more than 30 days old, compared to over 327,000 pending cases on April 1, 2008. The Committee expects USCIS to report to the Committee in the event that there are indications that the backlog is returning.

COMMITTEE RECOMMENDATIONS

The following table, which includes appropriations and estimated fee collections, summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES—PROGRAM SUMMARY

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Appropriations:			
Employment Eligibility Verification [EEV]/E-Verify	100,000	112,000	118,500
Data Center Consolidation	.....	11,000	11,000
Benefit Parole Programs	540	.....	.....
Immigration Service Programs	1,200	10,000	1,200
Driver's License Security Hub	.....	25,000	.....
Asylum and Refugee Services	.....	206,000	5,000
Total, Appropriations	101,740	364,000	135,700
Fee Collections:			
Adjudication Services:			
Pay and Benefits	780,076	.....	.....
Operating Expenses:			
District Operations	535,156	1,132,317	1,132,317
Service Center Operations	345,890	549,623	549,623
Asylum, Refugee and International Operations	92,602	.....	.....
Records Operations	85,946	107,113	107,113
Business Transformation	139,000	173,264	173,264
International Operations	.....	64,587	64,587
Subtotal, Adjudication Services	1,978,670	2,026,904	2,026,904
Information and Customer Services:			
Pay and Benefits	92,587	.....	.....
Operating Expenses:			
Information and Customer Service	.....	89,050	89,050
National Customer Service Center	53,747	.....	.....
Information Services	21,465	.....	.....
Subtotal, Information and Customer Services	167,799	89,050	89,050
Administration:			
Administration	.....	365,932	365,932
Pay and Benefits	88,746	.....	.....
Operating Expenses	285,153	.....	.....
Subtotal, Administration	373,899	365,932	365,932
Systematic Alien Verification for Entitlements [SAVE]	18,818	21,346	21,346
Total, Fee Collections	2,539,186	2,503,232	2,503,232

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Appropriations, 2009	$246,530,000
Budget estimate, 2010	245,356,000
Committee recommendation	244,356,000

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 $244,356,000 for salaries and expenses of the Federal Law Enforcement Training Center [FLETC] for fiscal year 2010. Within the funds provided is $1,309,000 for the Federal Law Enforcement Training Accreditation Board, $4,100,000 for the Train 21 program, and $5,000,000 for Data Center migration. Hiring of new Border Patrol agents has increased drastically since 2001. Beginning in 2010, the hiring of Border Patrol agents will begin to slow down. Due to reduced hiring, the President's budget decreased funding for basic training requirements by $12,512,000.

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.

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. 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.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriations, 2009	$86,456,000
Budget estimate, 2010	43,456,000
Committee recommendation	43,456,000

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 $43,456,000 for acquisitions, construction, improvements, and related expenses for expansion and maintenance of facilities of FLETC.

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, 2009	$132,100,000
Budget estimate, 2010	142,200,000
Committee recommendation	143,200,000

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 $143,200,000 for management and administration of programs and activities carried out by S&T. Of this amount, the Committee recommends up to $10,000 for official reception and representation expenses.

The recommended amount is $1,000,000 above the request and $11,100,000 above the fiscal year 2009 level.

TEST AND EVALUATIONS

Under Acquisition Directive 102–01, S&T is responsible for ensuring that approved level 1 acquisitions comply with departmental guidance for testing and evaluating technologies. The Committee strongly supports S&T's role in the Acquisition Review Process. To ensure S&T has adequate staff and resources to fulfill this requirement, the Committee provides an increase of $1,000,000 above the request for additional Government personnel for Test and Evaluations/Standards to support the Department's Acquisition Review Board process. Further, S&T is directed to provide quarterly briefings to the Committee on the test and evaluation status of all level 1 acquisitions.

STRATEGIC PLANNING

At the direction of the Committee, the National Academy of Public Administration [NAPA] undertook an independent review of research and development spending on homeland security within the Federal Government. As a result, NAPA found that S&T's efforts could be improved with the development of an internal strategic plan to focus efforts and measure progress of research projects. In addition, NAPA recommends a more coordinated approach to developing the Federal homeland security research strategic plan mandated by section 302 of Public Law 107–296. S&T is directed to report to the Committee within 30 days of the date of enactment of

this act on its plans and timelines for full implementation of the NAPA recommendations in this area.

RESULTS OF RESEARCH PROJECTS

S&T is directed to submit a report, in conjunction with the fiscal year 2011 President's budget request and in each subsequent fiscal year, on the results of its research and development for the prior fiscal year. This report should detail all technologies, technology improvements, or capabilities delivered to front line users, and if the technology or capability was the result of the Integrated Product Team process. The first report will cover all results from fiscal year 2009.

OBLIGATIONS AND DE-OBLIGATIONS

The Committee requires more clarity in the process used by S&T to evaluate projects that have not used all of their allotted funds, and the process used to move funds from one project to another over time. S&T is directed to submit a report, in conjunction with the fiscal year 2011 President's budget request and in each subsequent fiscal year, on the amounts deobligated from projects during the prior fiscal year and what projects those funds were subsequently obligated to. The first report will cover all results from fiscal year 2009.

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, 2009	$800,487,000
Budget estimate, 2010	826,191,000
Committee recommendation	851,729,000

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 RECOMMENDATONS

The Committee recommends $851,729,000 for research, development, acquisition, and operations of S&T, with the funds to remain available for 2 years. The recommended amount is $25,538,000 above the request and $51,242,000 above the fiscal year 2009 level. The Committee does not include a separate PPA for the Homeland Security Institute, as requested in the budget. A general provision is included rescinding $7,500,000 of unobligated prior year balances.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

SCIENCE AND TECHNOLOGY—RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Borders and Maritime Security	33,050	40,181	40,181
Chemical and Biological	200,408	206,800	206,800
Command, Control, and Interoperability	74,890	80,264	83,264
Explosives	96,149	120,809	120,809
Human Factors	12,460	15,087	12,460
Infrastructure and Geophysical	75,816	44,742	67,607
Innovation	33,000	44,000	44,000
Laboratory Facilities	161,940	154,500	154,500
Test and Evaluation/Standards	28,674	28,674	28,674
Transition	28,830	45,134	45,134
University Programs	50,270	46,000	48,300
Homeland Security Institute	5,000	.....	.....
Total, Research, Development, Acquisition, and Operations	800,487	826,191	851,729

BORDER AND MARITIME SECURITY

The Committee recommendation includes $40,181,000, an increase of $7,131,000, as requested in the budget, for developing and transitioning tools and technologies that improve the security of our Nation's borders and waterways. Within the amount recommended is $13,199,000 for research on border technologies including $3,000,000 for urban tunnel detection basic research, as requested.

CHEMICAL AND BIOLOGICAL

The Committee recommendation includes $206,800,000, an increase of $6,392,000 above the fiscal year 2009 level, as requested in the budget, for developing technologies for the detection of chemical, biological, and radiological contaminants.

The Committee supports the transfer of the BioShield program from DHS to the Department of Health and Human Services as proposed in the budget, but S&T shall continue to carry out the responsibilities of section 3(c)(2) of the Project BioShield Act of 2004 (Public Law 108–276), which requires the Secretary of Homeland Security to make determinations of chemical, biological, nuclear, and radiological agents that are material threats to the U.S. population. Sufficient funds for this responsibility are provided within the recommendation.

COMMAND, CONTROL, AND INTEROPERABILITY

The Committee recommendation includes $83,264,000, an increase of $3,000,000 above the amount requested in the budget. The Committee recommendation includes not less than $3,000,000, the same as the fiscal year 2009 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 continue to work with the Homeland Open Security Technology program, 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

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 common system standards for digital public safety radio communications (Project 25 standards).

EXPLOSIVES

The Committee recommendation includes $120,809,000, an increase of $24,660,000 above the fiscal year 2009 level, as requested in the budget. The Committee includes $10,000,000, the same as the budget request level, to develop air cargo screening technologies. The Committee expects this effort to be based on a systems approach that is technologically achievable and economically feasible. S&T is expected to study available technology comprehensively to create the best uniform system to detect scalable, cost-effective technologies for the most viable threats.

COUNTER-IMPROVISED EXPLOSIVE DEVICE RESEARCH

The Committee recommendation includes $14,660,000 to support counter-improvised explosive device [IED] research, as requested in the budget. S&T is directed to report to the Committee, by March 5, 2010, on the progress made in addressing any identified gaps in research and development aimed at countering the threat of IED's and how the funds recommended will further close the identified gaps.

HUMAN FACTORS

The Committee recommendation includes $12,460,000, the same as the fiscal year 2009 enacted level, for Human Factors.

INFRASTRUCTURE AND GEOPHYSICAL

The Committee recommendation includes $67,607,000, an increase of $22,865,000 above the amount requested in the budget. The amount recommended includes not less than $20,865,000 to continue the Southeast Region Research Initiative at the Oak Ridge National Laboratory; and not less than $2,000,000 for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative.

INNOVATION

The Committee recommendation includes $44,000,000, an increase of $11,000,000 above the fiscal year 2009 level, as requested in the budget. Consistent with the budget request, specific projects to be funded include: $2,000,000 for the Multi-modal Tunnel Detect project; $2,000,000 for the Resilient Tunnel project; $4,000,000 for levee strengthening and damage mitigation; $1,500,000 for hurri-

cane and storm surge mitigation; and $8,000,000 for the resilient electric grid.

LABORATORY FACILITIES

The Committee recommendation includes $154,500,000 for Laboratory Facilities, as requested in the budget. Included in this amount is $12,000,000 as requested for construction responsibilities of DHS for the Physical Science Facility and refurbishment of building 325 at the Pacific Northwest National Laboratory.

The Committee recognizes the importance of building the new National Bio and Agro-defense Facility [NBAF] as it will be the United States' primary defense against at least eight major diseases and viruses as well as other zoonotic diseases that may present a food security, animal health, or public health risk. The recent outbreak of H1N1 Swine Influenza underscores the need for the United States to have a central facility to do research on containing and combating such zoonotic diseases in animals before they are transmitted to people. Therefore, the Committee recommendation includes $36,312,000, as requested, to allow the NBAF to maintain the construction schedule outlined in the fiscal year 2010 congressional justification.

Further, $5,000,000 is included, as requested, for infrastructure upgrades at the Transportation Security Laboratory [TSL]. To ensure that the Committee has the full long-term plan for modernizing the laboratory, S&T shall provide a 5-year master facility plan for improvements at the TSL to the Committee by March 5, 2010.

TRANSITION

The Committee recommendation includes $45,134,000 for Transition, as requested in the budget. Included in the amount requested is an increase of $12,000,000 for first responder technologies to address gaps identified by the new Federal, State, local, and tribal First Responders Integrated Product Team. Given that this effort is just getting underway, and that project requirements have not yet been decided for any potential projects to be funded from this program, an expenditure plan for these funds is required to be submitted 60 days after the date of enactment of this act.

UNIVERSITY PROGRAMS

The Committee recommendation includes $48,300,000 for University Programs, $2,300,000 above the amount requested in the budget. The increased funding is to ensure an adequate level of funding for the continuation of this program. The Committee notes that $2,000,000 for the Naval Post Graduate School is funded in the Transition PPA, as requested in the budget.

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: antigen presenting cell biosensors;

micro-electric-mechanical systems based, low-power, portable chemical detection system; and integrated biometric detectors.

DOMESTIC NUCLEAR DETECTION OFFICE

SUMMARY

The Domestic Nuclear Detection Office [DNDO] is responsible for development of technologies to detect and report attempts to import, possess, store, develop, or transport nuclear and radiological material.

COMMITTEE RECOMMENDATIONS

The Committee recommends $374,037,000 for activities of DNDO for fiscal year 2010. The recommendation is an decrease of $140,154,000 from the fiscal year 2009 level and an increase of $7,901,000 from the level proposed in the budget request.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

DOMESTIC NUCLEAR DETECTION OFFICE

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Management and Administration	37,500	39,599	37,500
Research, Development, and Operations	323,200	326,537	326,537
Systems Acquisition	153,491	.....	10,000
Total, Domestic Nuclear Detection Office	514,191	366,136	374,037

ALTERNATIVE PATHWAYS

The Committee continues to raise concerns that terrorists may be able to acquire a nuclear weapon and choose to transport it into the country through means other than a shipping container. The Committee again urges DNDO to prioritize its development and deployment of detection equipment upon risk, and as appropriate, focus on other pathways into the country such as general aviation, small pleasure maritime craft, or other routes it deems the highest risk.

MANAGEMENT AND ADMINISTRATION

Appropriations, 2009	$37,500,000
Budget estimate, 2010	39,599,000
Committee recommendation	37,500,000

The Management and Administration account funds salaries, benefits, and expenses for the Domestic Nuclear Detection Office.

COMMITTEE RECOMMENDATIONS

The Committee recommendation includes $37,500,000 for Management and Administration. The recommendation is the same as the fiscal year 2009 level and a decrease of $2,099,000 from the level proposed in the budget request. Of this amount the Committee recommends not to exceed $3,000 for official reception and representation expenses. Funds are decreased due to the delay in filling full-time permanent positions within DNDO.

RESEARCH, DEVELOPMENT, AND OPERATIONS

Appropriations, 2009	$323,200,000
Budget estimate, 2010	326,537,000
Committee recommendation	326,537,000

The Research, Development and Operations account transformational research of technologies for front line users.

COMMITTEE RECOMMENDATIONS

The Committee recommendation includes $326,537,000 for Research, Development, and Operations, with the funds to remain available for 2 years. The recommendation is an increase of $3,337,000 from the fiscal year 2009 level and the same as the level proposed in the budget request. Bill language rescinding $8,000,000 of prior year balances is included in the general provisions.

IMPROVING CURRENT TECHNOLOGY

The Committee is aware that improvements can be made to the radiation detectors currently in use. Both the Government Accountability Office and the Homeland Security Institute's Independent Review of the Advanced Spectroscopic Portal Final Report discuss improvements that can be made to polyvinyl toluene [PVT] radiation monitors. Given that the PVT monitors will be in use for a considerable time it would seem prudent to invest in this technology. In addition, the National Academy of Sciences' interim report on Advanced Spectroscopic Portals discusses the need to invest in technology advancements in handheld radiation detectors. Therefore, the Committee includes $5,000,000, within the funds provided, to improve operations and capabilities of the PVT monitors and handheld radiation detectors and deploy any improvements developed to the field. DNDO is directed to submit an expenditure plan and development and deployment timelines by November 16, 2009.

SYSTEMS ACQUISITION

Appropriations, 2009	$153,491,000
Budget estimate, 2010	
Committee recommendation	10,000,000

The Systems Acquisition account funds the acquisition of radiological detection equipment for front line users across the Department.

COMMITTEE RECOMMENDATIONS

The Committee recommendation includes $10,000,000 for Systems Acquisition. The recommendation is a decrease of $143,491,000 from the fiscal year 2009 level and an increase of $10,000,000 from the level proposed in the budget request.

SECURING THE CITIES

The Committee recommendation includes $10,000,000 to continue the securing the cities initiative as a competitively awarded grant program.

ADVANCED SPECTROSCOPIC PORTAL MONITORS

The Committee agrees with the Department's proposal to re-evaluate the Advanced Spectroscopic Portal [ASP] program. As of May 15, 2009, DNDO had $126,000,000 in available balances for acquiring human portable radiation detection systems and radiation portal monitors. These balances should be sufficient to complete current deployments. Over $80,500,000 is planned for obligation in fiscal year 2010 if the ASP is certified for use in either secondary or primary inspection.

As the Secretary is reviewing the ASP program, the Committee encourages the Department to review the placement of the acquisition dollars for radiation portal monitors within what is a primarily research and development component and not an operational component. As the deployment of the domestic nuclear detection architecture has matured it may be more appropriate for future acquisition dollars to be placed in the operational components that perform these activities: Coast Guard; CBP; and TSA. Further, the Committee encourages the Department to evaluate the transfer of remaining balances within this account to the appropriate operational component.

ASP MONITORS CERTIFICATION

Bill language is included prohibiting the Department from full-scale procurement of 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 addresses the requirements for operational effectiveness of each type of deployment. The Secretary is directed to continue consulting with the National Academy of Sciences. Finally, DNDO is prohibited from engaging in high-risk concurrent development and production of mutually dependent software and hardware components of detection systems.

The National Academy of Science's interim report on the ASP program made three recommendations related to development and certification. Specifically, DNDO should: incorporate computer modeling in addition to testing so that the results of one can be used to validate the other; use available low-rate initial production ASPs for primary and secondary inspection at various sites to assess capabilities in multiple environments; and complete a more rigorous cost benefit analysis that takes a broader approach to assessing the cost of reducing risk in one area versus another. The Committee believes these recommendations should be implemented prior to decisions on certification or procurement of ASPs. If for any reason the Department does not follow these recommendations, the Department shall provide a briefing to the Committee as to why these recommendations were not followed.

The Committee notes that independent reviews of the ASP program have been of value to the Department. Therefore, the Committee believes an independent cost-benefit analysis would be beneficial.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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 continues to be disappointed by the quality, level of detail, and timeliness of the Department's proposed reprogrammings.

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 cir-

cumstances, 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 2010; 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 2010 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 2010 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, 2009, 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 2010.

Section 505. The bill includes a provision that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2010 from appropriations made for salaries and expenses shall remain available through fiscal year 2011 subject to reprogramming.

Section 506. The bill includes a provision providing that funds for intelligence activities are specifically authorized during fiscal year 2010 until the enactment of an act authorizing intelligence activities for fiscal year 2010.

Section 507. 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, Other Transaction Agreement, 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 508. 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 509. 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 510. The bill includes a provision that consolidates, continues, and modifies by reference prior year statutory bill language into one provision. These provisions concern reporting requirements of the privacy officer, contracting officers' training, Federal building energy performance, and fleet and transportation efficiency.

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

Section 512. The bill includes a provision to prohibit the obligation of funds for the deployment or implementation of the Secure Flight program, or any other follow-on or successor passenger screening program, that utilizes or tests algorithms assigning risk to passengers not on Government watchlists or 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.

Section 513. 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 514. The bill includes a provision regarding competitive sourcing for United States Citizenship and Immigration Services.

Section 515. The bill includes a provision 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 (Public Law 110–53), 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. Incremental progress shall continue until 100 percent screening is achieved, as required by the 9/11 Act.

Section 516. 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, 2007, and 2008 that are recovered or deobligated shall be available only for procurement and installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification. Quarterly reports must be submitted identifying any funds that are recovered or deobligated.

Section 517. The bill 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 518. 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 519. 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 520. The bill includes a provision relating to undercover investigative operations authority of the Secret Service.

Section 521. 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 522. 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 523. The bill includes a provision regarding the enforcement of section 4025(1) of Public Law 108–458 regarding butane lighters.

Section 524. 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 525. The bill includes a provision prohibiting the obligation of funds 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. This provision does not require new competitions of existing contracts during their current terms. The bill also requires the Inspector General to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 526. The bill includes a provision prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in statute to be completed prior to the grant of benefit have been received by DHS.

Section 527. 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 528. The bill includes a provision that precludes the Department from using funds in this act to carry out section 872 of the Homeland Security Act (Public Law 107–296) during fiscal year 2010. 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 authority nine times. The Committee believes continuous reorganizations impede the ability of the Department to operate effectively and contributes to low morale. This prohibition is not intended to prevent the Department from carrying out routine or small reallocations of personnel or functions within components of the Department, subject to section 503 of this act.

Section 529. The bill includes a provision regarding the use of Data Center One (National Center for Critical Information Processing and Storage).

Section 530. 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 531. 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 532. The bill includes a provision that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 533. 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 534. The bill includes a provision contained in Public Laws 109–295, 110–161, and 110–329 related to prescription drugs.

Section 535. 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 536. The bill includes a provision extending the Department's other transactional authority through fiscal year 2010.

Section 537. None of the funds made available in this act may be used for planning, testing, piloting, or developing a national identification card.

Section 538. 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 539. 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 [NBAF] and certain expenses related to the sale. Any excess funds available following the completion of NBAF are available to offset costs for the new Department of Homeland Security headquarters.

Section 540. The bill includes a provision directing that any official required by this act to report or certify to the Committees on Appropriations may not delegate such authority unless expressly authorized to do so in this act.

Section 541. The bill includes a provision requiring the Secretary of Homeland Security, in conjunction with the Secretary of Treasury, to notify the Committees on proposed transfers of surplus balances from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

Section 542. The bill includes a provision directing the Secretary to consult with the Secretaries of Defense and Transportation on a concept of operations for unmanned aerial systems operating in the U.S. national airspace system.

Section 543. The bill includes a provision requiring the assistant Secretary of Homeland Security [TSA] to certify that no security

risks will result if any airport does not participate in the Basic Pilot Program.

Section 544. The bill includes a provision that provides the Secretary of Homeland Security, for fiscal year 2010 and thereafter, with authority to give DHS personnel the same allowances and benefits that other executive branch personnel receive when assigned abroad.

Section 545. The bill includes a provision amending the Consolidated Security, Disaster Assistance and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3580 et seq.), as amended by section 101 of division J of Public Law 111–8, to extend for 3 years the authorization for the Basic Pilot Program known as E-Verify, and the EB–5 Immigrant Investor Pilot Program.

Section 546. The bill includes a provision permitting the Secretary to dispose of ICE-owned detention facilities and to retain the funds for other ICE detention-related activities.

Section 547. The bill includes a provision that amends the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) to extend the Department's chemical security regulatory authorities for 1 year.

Section 548. The bill includes a provision that allows the Secretary of Homeland Security to retain conference fees and deposit those fees back into the appropriation responsible for the activity. The Secretary is required to report to the Committees on Appropriations on the use of this new authority.

Section 549. The bill includes a provision regarding the definition of the term "rural".

Section 550. The bill includes a provision rescinding $5,000,000 from unobligated balances of prior year appropriations made available for "Analysis and Operations".

Section 551. The bill includes a provision rescinding $7,000,000 in unobligated prior year balances for U.S. Immigration and Customs Enforcement, "Construction".

Section 552. The bill includes a provision rescinding $8,000,000 from unobligated balances of prior year appropriations made available for National Protection and Programs Directorate "Infrastructure Protection and Information Security".

Section 553. The bill includes a provision rescinding $7,500,000 from unobligated balances of prior year appropriations made available for Science and Technology "Research, Development, Acquisition, and Operations".

Section 554. The bill includes a provision rescinding $8,000,000 from unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office "Research, Development, and Operations".

Section 555. The bill includes a provision requiring certain certifications by the Commandant of the Coast Guard prior to the termination of the loran-C signal. The bill also provides authority for the sale of real and personal property associated with the loran system.

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, 2010, 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 2010 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 2010 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 and Facilities Management;

U.S. Immigration and Customs Enforcement: Salaries and Expenses; and Automation Modernization;

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; U.S. Visitor and Immigrant Status Indicator Technology and Federal Protective Service;

Office of Health Affairs;

Federal Emergency Management Agency: Management and Administration; State and Local Programs; Disaster Relief; Flood Map Modernization Fund; Emergency Food and Shelter; Assistance to Firefighter Grants; National Predisaster Mitigation Fund; and National Flood Insurance Fund;

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 18, 2009, the Committee ordered reported en bloc an original bill (S. 1298) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and an original bill (S. 1294) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2009, with each 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 30–0, a quorum being present. The vote was as follows:

Yeas	Nays
Chairman Inouye	
Mr. Byrd	
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. Pryor	
Mr. Tester	
Mr. Specter	
Mr. Cochran	
Mr. Bond	
Mr. McConnell	
Mr. Shelby	
Mr. Gregg	
Mr. Bennett	
Mrs. Hutchison	
Mr. Brownback	
Mr. Alexander	
Ms. Collins	

Mr. Voinovich
Ms. Murkowski

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.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES, 2002, PUBLIC LAW 107–206

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 12

INDEPENDENT AGENCIES

GENERAL PROVISIONS—THIS CHAPTER

* * * * * * *

SEC. 1202. (a) The Federal Law Enforcement Training Center may, for a period ending not later than [December 31, 2011] *December 31, 2012*, 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 [2009] *2010*, 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—

* * * * * * *

SEC. 550. (a) * * *

* * * * * * *

(b) Interim regulations issued under this section shall apply until the effective date of interim or final regulations promulgated under other laws that establish requirements and standards referred to in subsection (a) and expressly supersede this section: *Provided*, That the authority provided by this section shall terminate [three years after the date of enactment of this Act] *October 4, 2010*.

OMNIBUS APPROPRIATIONS ACT, 2009, PUBLIC LAW 111–8

DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS DIVISION

SEC. 101. Sections 143, 144, and 145 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3580 et seq.) are each amended by striking "the date specified in section 106(3) of this joint resolution" and inserting ["September 30, 2009"] *September 30, 2012*.

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 in the Budget Resolution for 2010: Subcommittee on Homeland Security:				
Mandatory	1,265	1,265	1,262	[1] 1,262
Discretionary	42,685	42,927	46,509	[1] 46,613
Projection of outlays associated with the recommendation:				
2010				[2] 26,687
2011				8,416
2012				5,133
2013				1,871
2014 and future years				1,204
Financial assistance to State and local governments for 2010	NA	4,779	NA	461

[1] Includes outlays from prior-year budget authority.
[2] Excludes outlays from prior-year budget authority.

NA: Not applicable.

NOTE.—Consistent with the funding recommended in the bill for ''overseas deployments and other activities'' and in accordance with section 401(c)(4) of Senate Concurrent Resolution 13 (111th Congress), the Committee anticipates that the Budget Committee will file a revised section 302(a) allocation for the Committee on Appropriations reflecting an upward adjustment of $242,000,000 in budget authority plus associated outlays.

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).

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

Agency	Account	Project	Amount	Requester(s)
		CONGRESSIONALLY DIRECTED SPENDING ITEMS		
CBP	Construction and Facilities Management	Advanced Training Center, WV	$39,700,000	Senator Robert Byrd
CG	Acquisition, Construction, and Improvements	Coast Guard Station Cleveland Harbor, OH	$16,800,000	Senator George Voinovich
CG	Acquisition, Construction, and Improvements	Coast Guard Academy Pier, CT	$300,000	Senator Christopher Dodd
CG	Operating Expenses	Operations Systems Center, WV	$3,600,000	Senator Robert Byrd
CG	Alteration of Bridges	Fort Madison, IA	$4,000,000	Senator Tom Harkin
NPPD	Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM.	$4,000,000	Senators Jeff Bingaman, Tom Udall
FEMA	State and Local Programs	Ohio Emergency Management Agency Emergency Operations Center, Columbus, OH.	$1,500,000	Senator George Voinovich
FEMA	State and Local Programs	City of Ames Emergency Operations Center, Ames, IA	$600,000	Senator Tom Harkin
FEMA	State and Local Programs	City of Mount Vernon Emergency Operations Center, Mount Vernon, NY.	$1,000,000	Senators Charles Schumer, Kristen Gillibrand
FEMA	State and Local Programs	City of Whitefish Emergency Operations Center, Whitefish, MT.	$900,000	Senator Jon Tester
FEMA	State and Local Programs	City of Chicago Emergency Operations Center, Chicago, IL.	$1,000,000	Senator Richard Durbin
FEMA	State and Local Programs	City of Hackensack Emergency Operations Center, Hackensack, NJ.	$300,000	Senators Frank Lautenberg, Robert Menendez
FEMA	State and Local Programs	County of Union Emergency Operations Center, Union County, NJ.	$353,000	Senators Frank Lautenberg, Robert Menendez
FEMA	State and Local Programs	Township of South Orange Village Emergency Operations Center, South Orange, NJ.	$247,000	Senators Frank Lautenberg, Robert Menendez
FEMA	State and Local Programs	Lincoln County Emergency Operations Center, Lincoln County, WA.	$1,000,000	Senator Patty Murray
FEMA	State and Local Programs	City of Providence Emergency Operations Center, Providence, RI.	$980,000	Senator Jack Reed
FEMA	State and Local Programs	North Louisiana Regional Emergency Operations Center, Lincoln Parish, LA.	$980,000	Senator Mary Landrieu
FEMA	State and Local Programs	City of North Little Rock Emergency Operations Center, North Little Rock, AR.	$900,000	Senators Mark Pryor, Blanche Lincoln
FEMA	State and Local Programs	National Domestic Preparedness Consortium, CO, HI, NV, TX, NM, LA.	$50,500,000	Senators Daniel Inouye, Harry Reid, Mary Landrieu, Jeff Bingaman, Tom Udall, Michael Bennet, John Cornyn, Kay Bailey Hutchison

FEMA	State and Local Programs	Counterterrorism and Cybercrime Center, Norwich, VT	$1,700,000	Senator Patrick Leahy
S&T	Research, Development, Acquisition, and Operations	Distributed Environment for Critical Infrastructure Decisionmaking Exercises, Multiple Locations.	$3,000,000	Senators Patrick Leahy, Robert Bennett
S&T	Research, Development, Acquisition, and Operations	Cincinnati Urban Area partnership, OH	$2,000,000	Senator George Voinovich
S&T	Research, Development, Acquisition, and Operations	Southeast Region Research Initiative, TN	$20,865,000	Senators Thad Cochran, Roger Wicker
		PRESIDENTIALLY REQUESTED SPENDING ITEMS		
CG	Operating Expenses	Project Seahawk, SC	$1,088,000	The President
CG	Acquisition, Construction, and Improvements	Shore and Operational Support projects, various locations.	$10,000,000	The President
FEMA	State and Local Programs	National Domestic Preparedness Consortium, CO, HI, NV, TX, NM, LA.	$51,500,000	The President
FEMA	State and Local Programs	Center for Domestic Preparedness, AL	$62,500,000	The President, Senator Richard Shelby
S&T	Research, Development, Acquisition, and Operations	Naval Postgraduate School, CA	$2,000,000	The President
S&T	Research, Development, Acquisition, and Operations	Physical Science Facility, Pacific Northwest National Laboratory, WA.	$12,000,000	The President, Senator Patty Murray
S&T	Research, Development, Acquisition, and Operations	Transportation Security Laboratory, NJ	$5,000,000	The President
NPPD	Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM.	$16,000,000	The President

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
DEPARTMENT OF HOMELAND SECURITY					
TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Office of the Secretary and Executive Management:					
Immediate Office of the Secretary	3,140	5,061	5,061	+1,921	.....
Immediate Office of the Deputy Secretary	1,400	1,810	1,810	+410	.....
Chief of Staff	2,693	2,595	2,595	−98	.....
Office of Counternarcotics Enforcement	3,718	3,912	3,718	.....	−194

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Executive Secretary	7,448	8,344	8,344	+896	.....
Office of Policy	43,263	61,564	51,564	+8,301	−10,000
Office of Public Affairs	5,991	6,539	5,991	.....	−548
Office of Legislative Affairs	4,997	7,097	6,797	+1,800	−300
Office of Intergovernmental Affairs	.....	2,800	2,600	+2,600	−200
Office of General Counsel	20,114	24,028	24,028	+3,914	.....
Office of Civil Rights and Civil Liberties	17,417	22,104	22,104	+4,687	.....
Citizenship and Immigration Services Ombudsman	6,471	6,935	6,685	+214	−250
Privacy Officer	6,804	7,971	7,971	+1,167	.....
Total, Office of the Secretary and Executive Management	123,456	160,760	149,268	+25,812	−11,492
Office of the Under Secretary for Management:					
Under Secretary for Management	2,654	2,864	2,864	+210	.....
Emergency appropriations (Public Law 111–5)	200,000	.....	.....	−200,000	.....
Subtotal, Under Secretary for Management	202,654	2,864	2,864	−199,790	.....
Office of Security	60,882	95,193	92,693	+31,811	−2,500
Office of the Chief Procurement Officer	39,003	71,038	70,038	+31,035	−1,000
Office of the Chief Human Capital Officer:					
Salaries and expenses	28,827	34,404	33,604	+4,777	−800
Human resources	10,000	10,000	10,000	.....	.....
Subtotal, Office of the Chief Human Capital Officer	38,827	44,404	43,604	+4,777	−800
Office of the Chief Administrative Officer:					
Salaries and expenses	44,427	43,491	43,491	−936	.....
Nebraska Avenue Complex (NAC)	6,000	6,000	5,000	−1,000	−1,000
DHS headquarters consolidation	.....	75,000	50,000	+50,000	−25,000

Subtotal, Office of the Chief Administrative Officer	50,427	124,491	98,491	+48,064	−26,000
Total, Office of the Under Secretary for Management	391,793	337,990	307,690	−84,103	−30,300
Office of the Chief Financial Officer	55,235	65,530	63,530	+8,295	−2,000
Office of the Chief Information Officer:					
Salaries and expenses	86,928	86,912	86,912	−16	.....
Information technology services	44,945	51,417	51,417	+6,472	.....
Security activities	92,623	152,403	152,403	+59,780	.....
Homeland Secure Data Network (HSDN)	47,673	47,661	47,661	−12	.....
Subtotal, Office of the Chief Information Officer	272,169	338,393	338,393	+66,224	.....
Analysis and Operations	327,373	357,345	347,845	+20,472	−9,500
Total, Departmental Operations	1,170,026	1,260,018	1,206,726	+36,700	−53,292
Office of the Federal Coordinator for Gulf Coast Rebuilding	1,900	2,000	2,000	+100	.....
Office of Inspector General					
Office of Inspector General	98,513	127,874	115,874	+17,361	−12,000
Emergency appropriations (Public Law 111–5)	5,000	.....	.....	−5,000	.....
Transfer from Disaster Relief	(16,000)	.....	(16,000)	.....	(+16,000)
Subtotal, Office of Inspector General (including transfers)	119,513	127,874	131,874	+12,361	+4,000
Appropriations	(98,513)	(127,874)	(115,874)	(+17,361)	(−12,000)
Emergency appropriations	(5,000)	.....	.....	(−5,000)	.....
by transfer	(16,000)	.....	(16,000)	.....	(+16,000)
Total, title I, Departmental Management and Operations (including transfers)	1,291,439	1,389,892	1,340,600	+49,161	−49,292
Appropriations	(1,070,439)	(1,389,892)	(1,324,600)	(+254,161)	(−65,292)
Emergency appropriations	(205,000)	.....	.....	(−205,000)	.....
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	646,608	522,825	695,294	+48,686	+172,469

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Management and administration, border security, and control between ports of entry	622,550	497,675	723,919	+101,369	+226,244
Subtotal, Headquarters, Mgt & Admin	1,269,158	1,020,500	1,419,213	+150,055	+398,713
Border security inspections and tradefacilitation:					
Inspections, trade, and travel facilitation at ports of entry	2,093,988	2,255,210	2,269,078	+175,090	+13,868
Harbor maintenance fee collection (trust fund)	3,154	3,226	3,226	+72	.....
International cargo screening	149,450	165,421	165,421	+15,971	.....
Other international programs	10,984	11,181	11,181	+197	.....
Customs-Trade Partnership Against Terrorism (C–TPAT)	64,496	62,612	62,612	−1,884	.....
Trusted Traveler programs	11,274	11,274	11,274	.....	.....
Inspection and detection technology investments	145,944	143,563	163,563	+17,619	+20,000
Emergency appropriations (Public Law 111–5)	160,000	.....	.....	−160,000	.....
Subtotal	305,944	143,563	163,563	−142,381	+20,000
Automated targeting systems	32,550	32,560	32,560	+10	.....
National Targeting Center	24,481	26,355	26,355	+1,874	.....
Training	24,778	24,778	24,778	.....	.....
Subtotal, Border security inspections and trade facilitation	2,721,099	2,736,180	2,770,048	+48,949	+33,868
Border security and control between ports of entry:					
Border security and control	3,426,455	3,505,008	3,525,008	+98,553	+20,000
Training	74,815	51,751	51,751	−23,064	.....
Subtotal, Border security and control between ports of entry	3,501,270	3,556,759	3,576,759	+75,489	+20,000
Air and Marine Operations	271,679	309,629	309,629	+37,950	.....
Subtotal, Salaries and expenses	7,763,206	7,623,068	8,075,649	+312,443	+452,581
Appropriations	(7,600,052)	(7,619,842)	(8,072,423)	(+472,371)	(+452,581)
Emergency appropriations	(160,000)	.....	.....	(−160,000)	.....

Harbor maintenance trust fund	(3,154)	(3,226)	(3,226)	(+72)	.....
Automation modernization:					
Automated commercial environment/International Trade Data System (ITDS)	316,851	267,960	267,960	−48,891	.....
Critical operations protection and processing support (COPPS)	194,483	194,485	194,485	+2	.....
Subtotal, Automation modernization	511,334	462,445	462,445	−48,889	.....
Border security fencing, infrastructure, and technology (BSFIT):					
Development and deployment	505,000	494,000	514,548	+9,548	+20,548
Operation and maintenance	150,000	200,000	200,000	+50,000	.....
Program management	120,000	85,452	85,452	−34,548	.....
Emergency appropriations	100,000	.....	.....	−100,000	.....
Subtotal, BSFIT	875,000	779,452	800,000	−75,000	+20,548
Appropriations	(775,000)	(779,452)	(800,000)	(+25,000)	(+20,548)
Emergency appropriations	(100,000)	.....	.....	(−100,000)	.....
Air and Marine Interdiction, Operations, Maintenance, and Procurement:					
Operations and maintenance	380,022	374,217	374,217	−5,805	.....
Procurement	147,978	131,609	141,609	−6,369	+10,000
Subtotal, Air and marine interdiction, operations, maintenance, and procurement	528,000	505,826	515,826	−12,174	+10,000
Construction and Facilities management:					
Facility construction and sustainment	403,201	239,357	279,057	−124,144	+39,700
Rent	.....	402,263	.....	.....	−402,263
Program oversight and management	.....	37,013	37,013	+37,013	.....
Emergency appropriations	420,000	.....	.....	−420,000	.....
Subtotal, Construction and Facilities management	823,201	678,633	316,070	−507,131	−362,563
Total, Direct appropriations for U.S. Customs and Border Protection	10,500,741	10,049,424	10,169,990	−330,751	+120,566
Fee accounts:					
Immigration inspection user fee	(570,059)	(584,000)	(584,000)	(+13,941)	.....
Immigration enforcement fines	(3,331)	(5,000)	(5,000)	(+1,669)	.....
Land border inspection fee	(26,880)	(30,000)	(30,000)	(+3,120)	.....
COBRA passenger inspection fee	(410,666)	(393,000)	(393,000)	(−17,666)	.....
APHIS inspection fee	(333,433)	(320,000)	(320,000)	(−13,433)	.....
Puerto Rico collections	(96,719)	(92,000)	(92,000)	(−4,719)	.....
Small airport user fees	(7,057)	(8,000)	(8,000)	(+943)	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Subtotal, fee accounts	(1,448,145)	(1,432,000)	(1,432,000)	(−16,145)	.....
Total, U.S. Customs and Border Protection	(11,948,886)	(11,481,424)	(11,601,990)	(−346,896)	(+120,566)
Appropriations	(9,820,741)	(10,049,424)	(10,169,990)	(+349,249)	(+120,566)
Emergency appropriations	(680,000)	.....	.....	(−680,000)	.....
(Fee accounts)	(1,448,145)	(1,432,000)	(1,432,000)	(−16,145)	.....
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	203,076	321,850	288,950	+85,874	−32,900
Headquarters managed IT investment	169,348	243,264	233,264	+63,916	−10,000
Subtotal, Headquarters management and administration	372,424	565,114	522,214	+149,790	−42,900
Legal proceedings	215,035	221,666	221,666	+6,631	.....
Investigations:					
Domestic	1,519,208	1,615,551	1,666,551	+147,343	+51,000
International investigations:					
International operations	106,741	112,872	112,872	+6,131	.....
Visa security program	26,800	30,186	30,186	+3,386	.....
Subtotal, International investigations	133,541	143,058	143,058	+9,517	.....
Subtotal, Investigations	1,652,749	1,758,609	1,809,609	+156,860	+51,000
Intelligence	55,789	67,842	71,842	+16,053	+4,000
Detention and removal operations:					
Custody Operations	1,721,268	1,771,168	1,771,168	+49,900	.....
Fugitive operations	226,477	229,682	229,682	+3,205	.....

Criminal Alien program	189,069	192,539	192,539	+3,470	.....
Alternatives to detention	63,000	63,913	63,913	+913	.....
Transportation and removal program	281,399	281,878	281,878	+479	.....
Subtotal, Detention and removal operations	2,481,213	2,539,180	2,539,180	+57,967	.....
Comprehensive identification and removal of criminal aliens:					
Criminal aliens	150,000	195,589	195,589	+45,589	.....
Subtotal, Salaries and expenses	4,927,210	5,348,000	5,360,100	+432,890	+12,100
Federal Protective Service:					
Basic security	213,673	.....	.....	−213,673	.....
Building specific security (including capital equipment replacement/acquisition)	426,327	.....	.....	−426,327	.....
Subtotal, Federal Protective Service	640,000	.....	.....	−640,000	.....
Offsetting fee collections	−640,000	.....	.....	+640,000	.....
Automation modernization	57,000	110,000	85,000	+28,000	−25,000
Emergency appropriations (Public Law 111–5)	20,000	.....	.....	−20,000	.....
Subtotal, Automation modernization	77,000	110,000	85,000	+8,000	−25,000
Construction	5,000	.....	.....	−5,000	.....
Total, Direct appropriations for U.S. Immigration Customs Enforcement	5,009,210	5,458,000	5,445,100	+435,890	−12,900
Fee accounts:					
Immigration inspection user fee	(119,000)	(109,800)	(109,800)	(−9,200)	.....
Breached bond/detention fund	(60,000)	(75,000)	(75,000)	(+15,000)	.....
Student exchange and visitor fee	(120,000)	(120,000)	(120,000)	.....	.....
Subtotal, fee accounts	(299,000)	(304,800)	(304,800)	(+5,800)	.....
Subtotal, U.S. Immigration and Customs Enforcement (gross)	(5,948,210)	(5,762,800)	(5,749,900)	(−198,310)	(−12,900)
Offsetting fee collections	(−640,000)	.....	.....	(+640,000)	.....
Total, U.S. Immigration and Customs Enforcement	(5,308,210)	(5,762,800)	(5,749,900)	(+441,690)	(−12,900)
Appropriations	(4,989,210)	(5,458,000)	(5,445,100)	(+455,890)	(−12,900)
Emergency appropriations	(20,000)	.....	.....	(−20,000)	.....
Fee accounts	(299,000)	(304,800)	(304,800)	(+5,800)	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Transportation Security Administration					
Aviation security:					
Screening operations:					
Screener workforce:					
Privatized screening	151,272	149,643	149,643	−1,629	.....
Screener personnel, compensation, and benefits	2,716,014	2,788,575	2,758,575	+42,561	−30,000
Subtotal, Screener workforce	2,867,286	2,938,218	2,908,218	+40,932	−30,000
Screener training and other	197,318	203,463	203,463	+6,145	.....
Checkpoint support	250,000	128,739	128,739	−121,261	.....
Emergency appropriations (Public Law 111–5)	1,000,000	.....	.....	−1,000,000	.....
Explosives Detection Systems [EDS]/Explosive Trace Detection [ETD]:					
EDS procurement and installation	294,000	856,591	806,669	+512,669	−49,922
Screening technology maintenance and utilities	305,625	326,625	326,625	+21,000	.....
Operation integration	21,481	21,481	21,481	.....	.....
Subtotal, EDS/ETD Systems	621,106	1,204,697	1,154,775	+533,669	−49,922
Subtotal, Screening operations	4,935,710	4,475,117	4,395,195	−540,515	−79,922
Aviation security direction and enforcement:					
Aviation regulation and other enforcement	245,268	254,064	254,064	+8,796	.....
Airport management and support	401,666	448,424	448,424	+46,758	.....
FFDO and flight crew training	25,025	25,127	25,127	+102	.....
Air cargo	122,849	108,118	115,018	−7,831	+6,900
Airport perimeter security	4,000	.....	.....	−4,000	.....
Subtotal, Aviation security direction and enforcement	798,808	835,733	842,633	+43,825	+6,900
Implementing requirements of Public Law 110–53	20,000	.....	.....	−20,000	.....

Discretionary fee proposal:					
General aviation at DCA	(75)	(100)	(100)	(+25)	.....
Indirect air cargo	(200)	(2,600)	(2,600)	(+2,400)	.....
Certified cargo screening program	.....	(5,200)	(5,200)	(+5,200)	.....
Large aircraft security program	.....	(1,600)	(1,600)	(+1,600)	.....
Secure identification display area checks	.....	(10,000)	(10,000)	(+10,000)	.....
Other security threat assessments	.....	(100)	(100)	(+100)	.....
Total, Discretionary fee proposal	(275)	(19,600)	(19,600)	(+19,325)	.....
Aviation security capital fund (mandatory)	(250,000)	(250,000)	(250,000)	.....	.....
Total, Aviation security (gross) (including transfers)	5,754,518	5,310,850	5,237,828	−516,690	−73,022
Offsetting fee collections (non-mandatory)	−2,320,000	−2,100,000	−2,100,000	+220,000	.....
Fee-funded programs (nonadd)	(−275)	(−19,600)	(−19,600)	(−19,325)	.....
Total, Aviation security (net)	3,434,518	3,210,850	3,137,828	−296,690	−73,022
Appropriations	(2,434,518)	(3,210,850)	(3,137,828)	(+703,310)	(−73,022)
Emergency appropriations	(1,000,000)	.....	.....	(−1,000,000)	.....
Aviation security capital fund	(250,000)	(250,000)	(250,000)	.....	.....
Surface transportation security:					
Staffing and operations	24,885	42,293	42,293	+17,408	.....
Surface transportation security inspectors and canines	24,721	86,123	100,323	+75,602	+14,200
Subtotal, Surface transportation security	49,606	128,416	142,616	+93,010	+14,200
Transportation Threat Assessment and Credentialing:					
Secure Flight	82,211	84,363	84,363	+2,152	.....
Crew and other vetting programs	33,807	107,636	87,636	+53,829	−20,000
Registered Traveler Program fees	(10,000)	.....	.....	(−10,000)	.....
Transportation Worker Identification Credential fee	(9,000)	(9,000)	(9,000)	.....	.....
Hazardous materials fees	(18,000)	(15,000)	(15,000)	(−3,000)	.....
Alien Flight School fees (by transfer from DOJ)	(3,000)	(4,000)	(4,000)	(+1,000)	.....
Certified cargo screening program	.....	.....	.....	.....	.....
Large aircraft security program	.....	.....	.....	.....	.....
Secure identification display area checks	.....	.....	.....	.....	.....
Other security threat assessments	.....	.....	.....	.....	.....
Subtotal, Transportation Threat Assessment and Credentialing (Gross)	(156,018)	(219,999)	(199,999)	(+43,981)	(−20,000)
Fee funded programs	(40,000)	(28,000)	(28,000)	(−12,000)	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Subtotal, Transportation Threat Assessment and Credentialing (net)	116,018	191,999	171,999	+55,981	−20,000
Transportation security support:					
Headquarters administration	234,870	248,929	248,929	+14,059	.....
Information technology	472,799	501,110	496,110	+23,311	−5,000
Human capital services	218,105	226,338	226,338	+8,233	.....
Intelligence	21,961	28,203	28,203	+6,242	.....
Sensitive security information fees	.....	(20)	(20)	(+20)	.....
Subtotal, Transportation security support	947,735	1,004,580	999,580	+51,845	−5,000
Federal Air Marshals:					
Management and administration	725,081	762,569	762,569	+37,488	.....
Travel and training	94,400	97,542	97,542	+3,142	.....
Subtotal, Federal Air Marshals	819,481	860,111	860,111	+40,630	.....
Total, Transportation Security Administration (gross) (including transfers)	7,977,358	7,773,956	7,690,134	−287,224	−83,822
Offsetting fee collections	(−2,320,000)	(−2,100,000)	(−2,100,000)	(+220,000)	.....
Aviation security capital fund	(250,000)	(250,000)	(250,000)	.....	.....
Fee accounts	(40,000)	(28,000)	(28,000)	(−12,000)	.....
Total, Transportation Security Administration (net)	5,367,358	5,395,956	5,312,134	−55,224	−83,822
Appropriations	(4,367,358)	(5,395,956)	(5,312,134)	(+944,776)	(−83,822)
Emergency appropriations	(1,000,000)	.....	.....	(−1,000,000)	.....
Coast Guard					
Operating expenses:					
Military pay and allowances	3,061,663	3,244,861	3,255,955	+194,292	+11,094
Civilian pay and benefits	645,350	699,594	700,042	+54,692	+448
Training and recruiting	195,919	205,970	206,429	+10,510	+459

Operating funds and unit level maintenance	1,177,406	1,149,513	1,154,569	−22,837	+5,056
Centrally managed accounts	262,294	353,071	354,874	+92,580	+1,803
Intermediate and depot level maintenance	823,793	903,179	924,919	+101,126	+21,740
Port and vessel security	23,500	.....	.....	−23,500	.....
Aviation mission hour gap	5,000	.....	.....	−5,000	.....
Defense function	(340,000)	(340,000)	(340,000)	.....	.....
Overseas contingency operations	.....	.....	241,503	+241,503	+241,503
Subtotal, Operating expenses	6,194,925	6,556,188	6,838,291	+643,366	+282,103
Appropriations	(5,854,925)	(6,216,188)	(6,256,788)	(+401,863)	(+40,600)
Overseas contingency operations	.....	.....	(241,503)	(+241,503)	(+241,503)
Defense function	(340,000)	(340,000)	(340,000)	.....	.....
Environmental compliance and restoration	13,000	13,198	13,198	+198	.....
Reserve training	130,501	133,632	133,632	+3,131	.....
Acquisition, construction, and improvements:					
Vessels:					
Response boat medium	108,000	103,000	123,000	+15,000	+20,000
Inland river tender recapitalization	5,000	.....	.....	−5,000	.....
Subtotal, Vessels	113,000	103,000	123,000	+10,000	+20,000
Other equipment:					
Automatic identification system	8,600	.....	.....	−8,600	.....
Defense messaging system	4,074	.....	.....	−4,074	.....
National distress and response system modernization (Rescue 21)	73,000	117,000	117,000	+44,000	.....
HF Recapitalization	2,500	2,500	2,500	.....	.....
Interagency Operation Centers (Command 21)	1,000	.....	28,000	+27,000	+28,000
Subtotal, Other equipment	89,174	119,500	147,500	+58,326	+28,000
Personnel compensation and benefits:					
Core acquisition costs	500	500	500	.....	.....
Direct personnel cost	92,330	99,500	104,700	+12,370	+5,200
Subtotal, Personnel compensation & benefits	92,830	100,000	105,200	+12,370	+5,200
Integrated deepwater systems:					
Aircraft:					
Unmanned aerial systems	3,000	.....	.....	−3,000	.....
Maritime Patrol Aircraft	86,600	175,000	175,000	+88,400	.....
HH–60 conversions/sustainmant	52,700	45,900	45,900	−6,800	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
HC–130H conversions	24,500	45,300	45,300	+20,800	.....
HH–65 conversion/sustainment	64,500	38,000	38,000	−26,500	.....
C–130J fleet introduction	13,250	1,300	1,300	−11,950	.....
Subtotal, Aircraft	244,550	305,500	305,500	+60,950	.....
Surface ships:					
National Security Cutter	353,700	281,480	389,480	+35,780	+108,000
Offshore Patrol Cutter	3,003	9,800	9,800	+6,797	.....
Fast Response Cutter	115,300	243,000	243,000	+127,700	.....
IDS small boats	2,400	3,000	3,000	+600	.....
Patrol Boat sustainment	30,800	23,000	23,000	−7,800	.....
Medium endurance cutter sustainment	35,500	31,100	31,100	−4,400	.....
Polar Icebreaker sustainment	30,300	.....	27,300	−3,000	+27,300
High endurance cutter sustainment	.....	.....	8,000	+8,000	+8,000
Subtotal, Surface ships	571,003	591,380	734,680	+163,677	+143,300
Technology obsolescence prevention	1,500	1,900	1,900	+400	.....
C4ISR	88,100	35,000	35,000	−53,100	.....
Logistics	37,700	37,700	37,700	.....	.....
Systems engineering and management	33,141	35,000	35,000	+1,859	.....
Government program management	58,000	45,000	45,000	−13,000	.....
Subtotal, Integrated deepwater systems	1,033,994	1,051,480	1,194,780	+160,786	+143,300
Shore facilities and aids to navigation	68,000	10,000	27,100	−40,900	+17,100
Emergency appropriations (Public Law 111–5)	98,000	.....	.....	−98,000	.....
Subtotal	166,000	10,000	27,100	−138,900	+17,100
Coast Guard/DHS headquarters	97,578	.....	.....	−97,578	.....

Subtotal, Acquisition, construction, and improvements	1,592,576	1,383,980	1,597,580	+5,004	+213,600
Appropriations	(1,494,576)	(1,383,980)	(1,597,580)	(+103,004)	(+213,600)
Emergency appropriations	(98,000)	.....	.....	(−98,000)	.....
Alteration of bridges	16,000	.....	4,000	−12,000	+4,000
Emergency appropriations (Public Law 111–5)	142,000	.....	.....	−142,000	.....
Subtotal	158,000	.....	4,000	−154,000	+4,000
Research, development, test, and evaluation	18,000	19,745	29,745	+11,745	+10,000
Health care fund contribution (permanent indefinite discretionary)	257,305	261,000	261,000	+3,695	.....
Subtotal, Coast Guard discretionary	8,364,307	8,367,743	8,877,446	+513,139	+509,703
Retired pay (mandatory)	1,236,745	1,361,245	1,361,245	+124,500	.....
Total, Coast Guard	9,601,052	9,728,988	10,238,691	+637,639	+509,703
Appropriations	(9,361,052)	(9,728,988)	(9,997,188)	(+636,136)	(+268,200)
Emergency appropriations	(240,000)	.....	.....	(−240,000)	.....
Overseas contingency operations	.....	.....	(241,503)	(+241,503)	(+241,503)
United States Secret Service					
Salaries and expenses:					
Protection:					
Protection of persons and facilities	705,918	759,561	759,561	+53,643	.....
Protective intelligence activities	59,761	67,824	67,824	+8,063	.....
National special security events	1,000	1,000	1,000	.....	.....
Presidential candidate nominee protection	41,082	.....	.....	−41,082	.....
White House mail screening	33,701	25,315	22,415	−11,286	−2,900
Subtotal, Protection	841,462	853,700	850,800	+9,338	−2,900
Investigations:					
Domestic field operations	241,772	260,892	260,892	+19,120	.....
International field office administration, operations, and training	30,000	30,705	30,705	+705	.....
Electronic crimes special agent program and electronic crimes task forces	51,836	56,541	56,541	+4,705	.....
Support for missing and exploited children	8,366	8,366	8,366	.....	.....
Subtotal, Investigations	331,974	356,504	356,504	+24,530	.....
Administration:					
Headquarters, management, and administration	182,104	221,045	221,045	+38,941	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Training:					
Rowley training center	53,189	54,360	54,360	+1,171	.....
Emergency appropriations (Public Law 111–8)	100,000	.....	.....	−100,000	.....
Subtotal, Salaries and expenses	1,508,729	1,485,609	1,482,709	−26,020	−2,900
Appropriations	(1,408,729)	(1,485,609)	(1,482,709)	(+73,980)	(−2,900)
Emergency appropriations	(100,000)	.....	.....	(−100,000)	.....
Acquisition, construction, improvements, and related expenses (Rowley)	4,225	3,975	3,975	−250	.....
Total, United States Secret Service	1,512,954	1,489,584	1,486,684	−26,270	−2,900
Appropriations	(1,412,954)	(1,489,584)	(1,486,684)	(+73,730)	(−2,900)
Emergency appropriations	(100,000)	.....	.....	(−100,000)	.....
Total, title II, Security, Enforcement, and Investigations (including transfers)	31,991,315	32,121,952	32,652,599	+661,284	+530,647
Appropriations	(29,951,315)	(32,121,952)	(32,411,096)	(+2,459,781)	(+289,144)
Emergency appropriations	(2,040,000)	.....	.....	(−2,040,000)	.....
Contingent emergency (by transfer)	.....	.....	.....	.....	.....
(Fee Accounts)	(1,787,145)	(1,764,800)	(1,764,800)	(−22,345)	.....
TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY					
National Protection and Programs Directorate					
Management and administration:					
Administrative activities	41,850	34,682	34,682	−7,168	.....
Risk management and analysis	9,500	9,895	9,895	+395	.....
Total, Management and administration	51,350	44,577	44,577	−6,773	.....
Infrastructure Protection and Information Security:					
Infrastructure protection:					
Identification and analysis	80,603	86,610	90,610	+10,007	+4,000

Coordination and information sharing	62,367	50,582	59,582	−2,785	+9,000
Mitigation programs	170,830	196,111	196,111	+25,281	.....
Subtotal, Infrastructure protection	313,800	333,303	346,303	+32,503	+13,000
National Cyber Security Division:					
U.S. Computer Emergency Response Team (US–CERT)	254,924	333,629	331,629	+76,705	−2,000
Strategic initiatives	49,138	57,679	57,679	+8,541	.....
Outreach and programs	9,438	9,346	9,346	−92	.....
Subtotal, National Cyber Security Division	313,500	400,654	398,654	+85,154	−2,000
Office of Emergency Communications	38,300	44,060	44,060	+5,760	.....
National Security/Emergency Preparedness Telecommunications:					
Priority telecommunications services	58,740	56,773	56,773	−1,967	.....
Next generation networks	50,250	50,250	25,000	−25,250	−25,250
Programs to study and enhance telecommunications	15,100	19,274	16,774	+1,674	−2,500
Critical infrastructure protection programs	11,260	13,852	13,852	+2,592	.....
National command and coordination capability	5,963	.....	.....	−5,963	.....
Subtotal, National Security/Emergency Preparedness Telecommunications	141,313	140,149	112,399	−28,914	−27,750
Subtotal, Infrastructure Protection and Information Security	806,913	918,166	901,416	+94,503	−16,750
U.S. Visitor and Immigrant Status Indicator Technology	300,000	356,194	378,194	+78,194	+22,000
Federal Protective Service:					
Basic security	.....	213,673	213,673	+213,673	.....
Building-specific security	.....	426,327	426,327	+426,327	.....
Reimbursable Security Fees (contract guard services)	.....	475,000	475,000	+475,000	.....
Subtotal, Federal Protective Service	.....	1,115,000	1,115,000	+1,115,000	.....
Offsetting collections	.....	−1,115,000	−1,115,000	−1,115,000	.....
Total, National Protection and Programs Directorate	1,158,263	1,318,937	1,324,187	+165,924	+5,250
Appropriations	(1,158,263)	(2,433,937)	(2,439,187)	(+1,280,924)	(+5,250)
Offsetting collections	.....	(−1,115,000)	(−1,115,000)	(−1,115,000)	.....
Office of Health Affairs					
BioWatch	111,606	94,513	89,513	−22,093	−5,000
National biosurveillence integration system	8,000	8,000	8,000	.....	.....
Rapidly deployable chemical detection system	2,600	2,600	2,600	.....	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Planning and coordination	5,775	2,476	4,476	−1,299	+2,000
Salaries and expenses	29,210	30,411	30,411	+1,201	.....
Total, Office of Health Affairs	157,191	138,000	135,000	−22,191	−3,000
Federal Emergency Management Agency					
Management and administration:					
Operating activities	798,595	817,205	820,205	+21,610	+3,000
(Defense function)	(94,059)	(107,481)	(107,481)	(+13,422)	.....
Urban search and rescue response system	32,500	28,000	32,500	.....	+4,500
Office of National Capitol Region Coordination	6,342	6,995	6,995	+653	.....
Transfer from Disaster relief	(105,600)	(50,000)	(50,000)	(−55,600)	.....
Subtotal, Management and administration (including transfers)	943,037	902,200	909,700	−33,337	+7,500
Appropriations	(837,437)	(852,200)	(859,700)	(+22,263)	(+7,500)
(Non-defense appropriations)	(743,378)	(744,719)	(752,219)	(+8,841)	(+7,500)
(Defense appropriations)	(94,059)	(107,481)	(107,481)	(+13,422)	.....
by transfer	(105,600)	(50,000)	(50,000)	(−55,600)	.....
State and local programs:					
State Homeland Security Grant Program	890,000	890,000	890,000	.....	.....
Operation Stonegarden	60,000	60,000	60,000	.....	.....
Subtotal, State Homeland Security Grant Program	950,000	950,000	950,000	.....	.....
Urban area security initiative	837,500	887,000	887,000	+49,500	.....
Regional catastrophic preparedness grants	35,000	35,000	35,000	.....	.....
Metropolitan Medical Response System	41,000	40,000	40,000	−1,000	.....
Citizen Corps program	15,000	15,000	15,000	.....	.....
Public transportation security assistance and railroad security assistance	400,000	250,000	356,000	−44,000	+106,000
Emergency appropriations (Public Law 111–5)	150,000	.....	.....	−150,000	.....

Subtotal	550,000	250,000	356,000	−194,000	+106,000
Port security grants	400,000	250,000	350,000	−50,000	+100,000
Emergency appropriations (Public Law 111–5)	150,000	.....	.....	−150,000	.....
Subtotal	550,000	250,000	350,000	−200,000	+100,000
Over-the-road bus security assistance	12,000	.....	.....	−12,000	.....
Trucking industry security grants	8,000	.....	.....	−8,000	.....
Buffer Zone Protection Program grants	50,000	50,000	50,000	.....	.....
Driver's License Security Grants Program	.....	50,000	50,000	+50,000	.....
Commercial equipment direct assistance program	8,000	.....	.....	−8,000	.....
Interoperable emergency communications grant program	50,000	50,000	50,000	.....	.....
Emergency Operations Centers	35,000	.....	20,000	−15,000	+20,000
Firefighter assistance grants:					
Fire grants	.....	170,000	.....	.....	−170,000
Staffing for Adequate Fire and Emergency Response Act grants	.....	420,000	.....	.....	−420,000
Subtotal, Firefighter assistance grants	.....	590,000	.....	.....	−590,000
Emergency management performance grants	.....	315,000	.....	.....	−315,000
National Programs:					
National Domestic Preparedness Consortium	102,000	51,500	102,000	.....	+50,500
Center for Domestic Preparedness	57,000	62,500	62,500	+5,500	.....
Noble Training Center	5,500	.....	.....	−5,500	.....
Counterterrorism and Cyber Crime Center	1,700	.....	1,700	.....	+1,700
National exercise program	40,000	42,000	40,000	.....	−2,000
Technical assistance	11,000	13,000	13,000	+2,000	.....
Continuing training grants	31,000	23,000	27,000	−4,000	+4,000
Evaluations and assessments	16,000	18,000	18,000	+2,000	.....
Subtotal, National Programs	264,200	210,000	264,200	.....	+54,200
Management and administration	.....	175,000	.....	.....	−175,000
Subtotal, State and Local Programs	3,405,700	3,867,000	3,067,200	−338,500	−799,800
Appropriations	(3,105,700)	(3,867,000)	(3,067,200)	(−38,500)	(−799,800)
Emergency appropriations	(300,000)	.....	.....	(−300,000)	.....
Firefighter assistance grants:					
Fire grants	565,000	.....	380,000	−185,000	+380,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Fire station construction:					
Emergency appropriations (Public Law 111–5)	210,000	.....	.....	−210,000	.....
Staffing for Adequate Fire and Emergency Response Act grants	210,000	.....	420,000	+210,000	+420,000
Subtotal, Firefighter assistance grants	985,000	.....	800,000	−185,000	+800,000
Appropriations	(775,000)	.....	(800,000)	(+25,000)	(+800,000)
Emergency appropriations	(210,000)	.....	.....	(−210,000)	.....
Emergency management performance grants	315,000	.....	350,000	+35,000	+350,000
Subtotal, Grants and training	4,705,700	3,867,000	4,217,200	−488,500	+350,200
Appropriations	(4,195,700)	(3,867,000)	(4,217,200)	(+21,500)	(+350,200)
Emergency appropriations	(510,000)	.....	.....	(−510,000)	.....
Radiological Emergency Preparedness Program	−505	−265	−265	+240	.....
United States Fire Administration	44,979	45,588	45,588	+609	.....
Disaster relief	1,400,000	2,000,000	1,456,866	+56,866	−543,134
(transfer to Management and Administration)	(−105,600)	(−50,000)	(−50,000)	(+55,600)	.....
(transfer to Inspector General)	(−16,000)	.....	(−16,000)	.....	(−16,000)
Subtotal, Disaster Relief	1,278,400	1,950,000	1,390,866	+112,466	−559,134
Disaster assistance direct loan program account:					
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	.....	.....
Direct loan subsidy	295	295	295	.....	.....
Flood map modernization fund	220,000	220,000	220,000	.....	.....
National flood insurance fund:					
Salaries and expenses	49,418	52,149	52,149	+2,731	.....
Flood plain management and mitigation	107,181	107,320	107,320	+139	.....
Offsetting fee collections	−156,599	−159,469	−159,469	−2,870	.....
National predisaster mitigation fund	90,000	150,000	120,000	+30,000	−30,000
Emergency food and shelter	200,000	100,000	175,000	−25,000	+75,000

Emergency appropriations (Public Law 111–5)	100,000	.....	.....	−100,000	.....
Subtotal, Emergency food and shelter	300,000	100,000	175,000	−125,000	+75,000
Cerro Grande Fire Payments (rescission)	−9,000	.....	.....	+9,000	.....
Total, Federal Emergency Management Agency (including transfers)	7,572,906	7,234,818	7,078,384	−494,522	−156,434
Appropriations	(6,987,906)	(7,234,818)	(7,094,384)	(+106,478)	(−140,434)
Emergency appropriations	(610,000)	.....	.....	(−610,000)	.....
Rescissions	(−9,000)	.....	.....	(+9,000)	.....
by transfer	(105,600)	(50,000)	(50,000)	(−55,600)	.....
transfer out	(−121,600)	(−50,000)	(−66,000)	(+55,600)	(−16,000)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	.....	.....
Total, title III, Protection, Preparedness, Response and Recovery Directorate	8,888,360	8,691,755	8,537,571	−350,789	−154,184
Appropriations	(8,303,360)	(8,691,755)	(8,553,571)	(+250,211)	(−138,184)
Emergency appropriations	(610,000)	.....	.....	(−610,000)	.....
Rescissions	(−9,000)	.....	.....	(+9,000)	.....
By transfer	(105,600)	(50,000)	(50,000)	(−55,600)	.....
Transfer out	(−121,600)	(−50,000)	(−66,000)	(+55,600)	(−16,000)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	.....	.....
TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES					
United States Citizenship and Immigration Services					
Appropriations:					
Basic pilot program	100,000	112,000	118,500	+18,500	+6,500
Benefit parole programs	540	.....	.....	−540	.....
Immigration integration programs	1,200	10,000	1,200	.....	−8,800
Driver's License Security Hub	.....	25,000	.....	.....	−25,000
Asylum and refugee services	.....	206,000	5,000	+5,000	−201,000
Data center consolidation	.....	11,000	11,000	+11,000	.....
Subtotal, Appropriations	101,740	364,000	135,700	+33,960	−228,300
Adjudication services (fees):					
Pay and benefits	(780,076)	.....	.....	(−780,076)	.....
District operations	(535,156)	(1,132,317)	(1,132,317)	(+597,161)	.....
Service center operations	(345,890)	(549,623)	(549,623)	(+203,733)	.....
Asylum, refugee and international operations	(92,602)	.....	.....	(−92,602)	.....
International operations	.....	(64,587)	(64,587)	(+64,587)	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Records operations	(85,946)	(107,113)	(107,113)	(+21,167)	.....
Business transformation	(139,000)	(173,264)	(173,264)	(+34,264)	.....
Digitization program (nonadd)	(28,000)	(29,000)	(29,000)	(+1,000)	.....
Subtotal, Adjudication services	(1,978,670)	(2,026,904)	(2,026,904)	(+48,234)	.....
Information and customer services (fees):					
Pay and benefits	(92,587)	.....	.....	(−92,587)	.....
Information and customer service	.....	(89,050)	(89,050)	(+89,050)	.....
National Customer Service Centers	(53,747)	.....	.....	(−53,747)	.....
Information services	(21,465)	.....	.....	(−21,465)	.....
Subtotal, Information and customer services	(167,799)	(89,050)	(89,050)	(−78,749)	.....
Administration (fees):					
Administration	.....	(365,932)	(365,932)	(+365,932)	.....
Pay and benefits	(88,746)	.....	.....	(−88,746)	.....
Operating expenses	(285,153)	.....	.....	(−285,153)	.....
Subtotal, Administration	(373,899)	(365,932)	(365,932)	(−7,967)	.....
Systematic Alien Verification for Entitlements [SAVE] (fees)	(18,818)	(21,346)	(21,346)	(+2,528)	.....
Total, United States Citizenship and Immigration Services	(2,640,926)	(2,867,232)	(2,638,932)	(−1,994)	(−228,300)
Appropriations	(101,740)	(364,000)	(135,700)	(+33,960)	(−228,300)
Total Fees	(2,539,186)	(2,503,232)	(2,503,232)	(−35,954)	.....
(Immigration Examination Fees)	(2,495,186)	(2,451,884)	(2,451,884)	(−43,302)	.....
(Fraud prevention and detection fees)	(31,000)	(38,348)	(38,348)	(+7,348)	.....
(H1B Non–Immigrant Petitioner fees)	(13,000)	(13,000)	(13,000)	.....	.....

Federal Law Enforcement Training Center					
Salaries and expenses:					
Law enforcement training	245,240	244,047	243,047	−2,193	−1,000
Accreditation	1,290	1,309	1,309	+19	.....
Subtotal, Salaries and expenses	246,530	245,356	244,356	−2,174	−1,000
Acquisitions, construction, improvements, and related expenses:					
Direct appropriation	86,456	43,456	43,456	−43,000	.....
Total, Federal Law Enforcement Training Center	332,986	288,812	287,812	−45,174	−1,000
Science and Technology					
Management and administration	132,100	142,200	143,200	+11,100	+1,000
Research, development, acquisition, and operations:					
Border and maritime security	33,050	40,181	40,181	+7,131	.....
Chemical and biological	200,408	206,800	206,800	+6,392	.....
Command, control, and interoperability	74,890	80,264	83,264	+8,374	+3,000
Explosives	96,149	120,809	120,809	+24,660	.....
Human factors	12,460	15,087	12,460	.....	−2,627
Infrastructure and geophysical	75,816	44,742	67,607	−8,209	+22,865
Innovation	33,000	44,000	44,000	+11,000	.....
Laboratory facilities	161,940	154,500	154,500	−7,440	.....
Test and evaluations/standards	28,674	28,674	28,674	.....	.....
Transition	28,830	45,134	45,134	+16,304	.....
University programs	50,270	46,000	48,300	−1,970	+2,300
Homeland Security Institute	5,000	.....	.....	−5,000	.....
Subtotal, Research, development, acquisition, and operations	800,487	826,191	851,729	+51,242	+25,538
Total, Science and Technology	932,587	968,391	994,929	+62,342	+26,538
Domestic Nuclear Detection Office					
Management and administration	37,500	39,599	37,500	.....	−2,099
Research, development, and operations:					
Systems engineering and architecture	25,147	25,448	25,448	+301	.....
Systems development	108,100	100,000	100,000	−8,100	.....
Transformational research and development	103,300	110,537	110,537	+7,237	.....
Assessments	32,000	32,416	32,416	+416	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2009 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2010—Continued

[In thousands of dollars]

Item	2009 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2009 appropriation	Budget estimate
Operations support	37,753	38,436	38,436	+683	.....
National Technical Nuclear Forensics Center	16,900	19,700	19,700	+2,800	.....
Research, development, and operations	323,200	326,537	326,537	+3,337	.....
Systems acquisition:					
Radiation Portal Monitor/Advanced Spectroscopic Portal program	120,491	.....	.....	−120,491	.....
Securing the Cities	20,000	.....	10,000	−10,000	+10,000
Human Portal Radiation Detection System program	13,000	.....	.....	−13,000	.....
Subtotal, Systems acquisition	153,491	.....	10,000	−143,491	+10,000
Total, Domestic Nuclear Detection Office	514,191	366,136	374,037	−140,154	+7,901
Total, title IV, Research and Development, Training, and Services	1,881,504	1,987,339	1,792,478	−89,026	−194,861
(Fee Accounts)	(2,539,186)	(2,503,232)	(2,503,232)	(−35,954)	.....
TITLE V—GENERAL PROVISIONS					
Enacted provisions:.					
Sec. 547: REAL ID Grants	50,000	.....	.....	−50,000	.....
Sec. 547: REAL ID Information Sharing and Verification System	50,000	.....	.....	−50,000	.....
Sec. 549: Rescission, TSA undistributed carryover.	−31,000	.....	.....	+31,000	.....
Sec. 550: Rescission of unobligated balances, A&O	−21,373	.....	−5,000	+16,373	−5,000
Sec. 551: Rescission of unobligated balances, Coast Guard AC&I	−20,000	.....	.....	+20,000	.....
Sec. 551: Rescission of unobligated balances, ICE Construction	.....	.....	−7,000	−7,000	−7,000
Sec. 552: Rescission of unobligated balances, NPPD	.....	.....	−8,000	−8,000	−8,000
Sec. 553: Rescission of unobligated balances, S&T	.....	.....	−7,500	−7,500	−7,500
Sec. 554: Rescission of unobligated balances, DNDO	.....	.....	−8,000	−8,000	−8,000
Total, title V, General Provisions	27,627	.....	−35,500	−63,127	−35,500

Appropriations	(100,000)	.....	.....	(−100,000)	.....
Rescissions	(−72,373)	.....	(−35,500)	(+36,873)	(−35,500)
Grand total	44,080,245	44,190,938	44,287,748	+207,503	+96,810
Appropriations	(41,306,618)	(44,190,938)	(44,081,745)	(+2,775,127)	(−109,193)
(Discretionary)	(40,069,873)	(42,829,693)	(42,720,500)	(+2,650,627)	(−109,193)
(Mandatory)	(1,236,745)	(1,361,245)	(1,361,245)	(+124,500)	.....
Emergency appropriations	(2,855,000)	.....	.....	(−2,855,000)	.....
Overseas deployment activities	.....	.....	(241,503)	(+241,503)	(+241,503)
Rescissions	(−81,373)	.....	(−35,500)	(+45,873)	(−35,500)
Fee funded programs	(4,326,331)	(4,268,032)	(4,268,032)	(−58,299)	.....
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	.....	.....
(Transfer out)	(−121,600)	(−50,000)	(−66,000)	(+55,600)	(−16,000)
(By transfer—contingent emergency)	.....	.....	.....	.....	.....
(By transfer)	(121,600)	(50,000)	(66,000)	(−55,600)	(+16,000)

○