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HOUSE OF REPRESENTATIVES

REPORT
110–862

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, 2009

SEPTEMBER 18, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 6947]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009.

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The accompanying bill contains recommendations for new budget (obligational) authority for fiscal year 2009 for the Department of Homeland Security (DHS). The following table summarizes these recommendations and reflects comparisons with the budget, as amended, and with amounts appropriated to date for fiscal year 2008:

Bureau/agency	New budget (obligational) authority fiscal year 2008 enacted to date [1]	Budget estimates of new (obligational) authority, fiscal year 2009 [2]	Recommended in the bill [2]	Bill compared with.....	
				New budget authority fiscal year 2008	Budget estimate, fiscal year 2009
Departmental Management and Operations	$982,802	$1,185,492	$1,050,489	$67,687	−$135,003
Security, Enforcement and Investigations	27,010,451	27,549,634	28,201,428	1,190,977	651,794
Protection, Preparedness, Response and Recovery	8,100,046	7,020,139	8,828,985	728,939	1,808,846
Research, Development, Training, and Services	1,684,724	1,861,303	1,819,098	134,374	−42,205
Rescission of Unobligated Balances	−106,100	.....	.....	106,100	.....
Grand total	37,671,923	37,616,568	39,900,000	2,228,077	2,283,432

Note.—Dollars in thousands.
[1] Includes $110,000,000 transferred from DoD; excludes $2,900,000,000 emergency supplemental disaster relief appropriations.
[2] Excludes $2,175,000,000 Project BioShield advance appropriations available in fiscal year 2009.

Summary of Major Recommendations in the Bill

The Committee recommends $39,900,000,000 in discretionary resources (excluding BioShield advance appropriation) for the Department of Homeland Security, $2,283,432,000 above the amount requested and $2,228,077,000 above fiscal year 2008 enacted levels (including emergency border security appropriations).

The Committee report refers to the following laws and organizations as follows: Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, is referenced as the 9/11 Act; Security and Accountability for Every Port Act of 2006, Public Law 109–347, is referenced as the SAFE Port Act; the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458, is referenced as the Intelligence Reform Act; the Consolidated Appropriations Act, 2008, Public Law 110–161, is referenced as the 2008 Appropriations Act; the Government Accountability Office is referenced as GAO; and the Office of Inspector General of the Department of Homeland Security is referenced as OIG.

Priorities in the Bill

The formation of the Department of Homeland Security after the catastrophic events of September 11, 2001, represents the most ambitious governmental reorganization since the formation of the Department of Defense after World War II. The House and Senate Appropriations Committees concurrently reorganized themselves to create subcommittees with exclusive funding jurisdiction over the

new Department. This report accompanies the sixth appropriations bill produced by the House Appropriations Subcommittee on Homeland Security.

The bill addresses the multiple challenges faced by this Department—challenges of coordination and management, to be sure, but also the substantive challenges of policy-making and priority setting in the post–9/11 world. The bill aims to strengthen the nation's protection against terrorist attacks, reduce vulnerabilities to a full range of catastrophic events, and enhance recovery from such events. The bill will equip our country with necessary new capabilities while enhancing the conventional capabilities of the Department's constituent agencies, some of which have deteriorated since 9/11.

Congress has directed substantially increased resources toward homeland security since 9/11; indeed, the accompanying bill increases the fiscal year 2008 appropriations level, including fiscal year 2008 emergency border security funding, by $2.3 billion. But the bill reflects a careful allocation of resources based on the Committee's best estimate of risk and priorities. The bill contains spending reductions as well as increases, and the expenditure of some $1.4 billion is made conditional on the fulfillment of critical management and planning goals.

The bill reflects an extended period of information-gathering and analysis. The Subcommittee conducted 15 hearings over three months to inform the contents of this legislation. The Committee first heard from the Inspector General and the Comptroller General, with a focus on the many management and system improvements that each have recommended, but which have not yet been fully implemented by the Department. The Committee held hearings on virtually every component and agency of the Department and received testimony from every high-level departmental administrator, including the Secretary. Hearing panels frequently paired departmental officials with experts from GAO and the OIG to ensure that the Committee received a full range of information and analysis about departmental activities. The Committee also heard from private individuals and organizations about the Department's efforts and challenges related to a wide array of areas, including preparedness, border consultation, and technology and research.

Citizens look to their government to make good use of taxpayer dollars by planning appropriately; targeting scarce resources to meet the most urgent and compelling needs; and carefully measuring program performance. The Department has significant progress to make in each of these areas. As a result, much of the emphasis of this fiscal year 2009 DHS appropriations bill is on spurring the Department to plan more efficiently, articulate its goals better, and develop more precise methods of measuring progress towards these goals. The Committee understands that the demanding nature of the Department's mission, as well as resource and technology limitations, make it difficult for DHS to consistently meet these expectations. However, the Committee continues to expect departmental leadership to be frank and clear about the limitations it faces. Described below is how the Committee addressed these issues within the programs of the Department.

ENSURING TAXPAYER DOLLARS ARE WELL SPENT

The Committee is concerned that, despite evidence of progress by some departmental components in improving financial and procurement management, other components continue to struggle. The OIG questioned a total of $112,700,000 in DHS expenses in the first six months of fiscal year 2008 alone, more than double the $53,300,000 questioned for the first six months of 2007 and approximately six times more than the $19,000,000 questioned for the first six months of 2006. This is a trend in the wrong direction. Perhaps the most serious example is Coast Guard, which determined last year that it could not certify its own financial statements, and therefore had no confidence that the financial statements it reported to the Congress and the American people were accurate.

In addition, the Department's procurement review mechanism—the Investment Review Board—is not succeeding. This process was set up to oversee and review the need for large, critical procurements, but it is unclear which investments the IRB will review, how decisions will be overseen and monitored, and how follow-up action will be tracked. Through this report, the Committee directs the Deputy Secretary to specify the top 25 investments the IRB will oversee.

For large programs and procurements, the Committee has on numerous occasions found that departmental plans lack specificity, both in defining the expected outcomes to be measured and in estimating costs and timelines. Therefore, the Committee has required the submission of several expenditure plans, which are basic tools for clarifying a program's strategic context, specific goals and milestones, and lifecycle costs. For example, the GAO has reported that the managers of Coast Guard's Deepwater recapitalization program do not have good visibility into the costing process of program contractors, and therefore cannot establish appropriate cost controls. The Committee requires a Deepwater expenditure plan that includes a procurement strategy, competition, and cost oversight.

The bill also requires expenditure plans for the following additional programs, and makes some program funding unavailable for obligation until these plans are submitted to and, in some cases, approved by the Committees on Appropriations: Secure Border Initiative; Deepwater; National Cyber Security Initiative; Disaster Relief Core Employee Conversion; Emergency Communications Next Generation Networks; National Command and Coordination Capability; the Automated Commercial Environment; United States Visitor and Immigrant Status Indicator Technology; and explosive detection systems for checkpoint and checked baggage systems.

CORRECTING CURRENT SHORTFALLS

The Department and Congress are both aware of challenges facing Department of Homeland Security operations, many of which would remain unaddressed under the President's proposed 2009 budget. For instance, Customs and Border Protection (CBP) and Coast Guard have numerous staffing shortfalls that must be addressed; Coast Guard environmental response capabilities need more vigorous exercise and attention; the Federal Emergency Management Agency's (FEMA) efforts to retool its operations to better

respond to disasters are incomplete; the pace of post-Katrina recovery in the Gulf Coast is still too slow; and the current economic climate has increased the need for more food and shelter resources. The Committee has attempted to address these and many other shortfalls of the proposed budget through its funding allocations in the fiscal year 2009 bill and report.

U.S. Customs and Border Protection's (CBP) current workload staffing model indicates that the agency needs several thousand more Officers and Agriculture Specialists to meet its border security responsibilities. CBP's 2009 budget justification noted that it lacks 850 CBP Officers for land port of entry passenger processing alone. The Committee has provided an additional $28,292,000 to meet this need, as well as $8,750,000 to meet officer shortfalls at airports and $5,100,000 for needed agricultural specialists. Similarly, Coast Guard has stated that some Coast Guard sectors lack the resources required to meet certain dangerous cargo vessel requirements. The Committee has provided $29,000,000 for additional watchstanders and marine inspection staff.

Unfortunately, Coast Guard's oil spill response capability has been tested by significant oil spills over the past year, including the large *Cosco Busan* oil spill in San Francisco Bay. Coast Guard's own review of actions in response to this spill uncovered many problems for which solutions were recommended 12 years earlier in a similar oil spill case. The two key recommendations focus on the need to exercise and test resources and decision-making authority through the Area Contingency Planning process. The Committee has provided additional funding to Coast Guard to ensure that additional testing and exercising of the environmental response process occurs in fiscal year 2009.

As the challenges to the economy continue, an increasing number of Americans are relying on food and housing assistance to meet basic needs. Recent estimates show foreclosure rates rising 75 percent from 2006 and food prices up nearly five percent from 2007. Yet, the President proposed cutting Emergency Food and Shelter Program funding to $100,000,000, 35 percent below the fiscal year 2008 level. The Committee instead has provided $200,000,000 for this program, an increase of $47,000,000 above the current funding level.

Almost three years after Hurricane Katrina devastated the Gulf Coast, the recovery effort continues to be significantly hampered by what can only be called a housing crisis. The Committee provides funding to support the development of a comprehensive strategy for replenishing the stock of affordable rental housing in Gulf Coast communities.

The needs of the nation's firefighters, who are among the first emergency responders for most disasters, remain great. Yet, the President's request would cut firefighter assistance grants by 60 percent compared to fiscal year 2008. The Second Needs Assessment done by the United States Fire Administration in 2006 showed that approximately 26,000 fire stations (54 percent) have no backup power to continue operations during electrical outages; and an estimated 737,000 firefighters serve in fire departments with no program to maintain basic firefighter fitness and health. The Committee provides $800,000,000 to help address these and other deficiencies in the nation's firefighting capabilities.

SETTING PRIORITIES FOR LONG-TERM PROGRESS

DHS must address a number of homeland security vulnerabilities in a sustained manner so that critical, incremental actions will contribute to the achievement of long term homeland security goals. Among these needed efforts are on-going investments in transit systems and ports, aviation, border security, and systems for identifying criminal aliens who are deportable.

Borders.—The Committee provides $9.7 billion, $207,000,000 more than requested, for programs and operations to help ensure the integrity of our nation's borders, including activities to prevent terrorism, smuggling, crime and illegal immigration. Security at our nation's borders, both north and south, is among the most basic responsibilities of the Federal government. While DHS has made some progress in gaining operational control of our borders, its border-related technology development initiative has so far failed to live up to expectations, and a resulting reliance on tactical infrastructure risks a significant investment in an incomplete solution that may not achieve expected results.

In addition, our investments in border security remain uneven, with the bulk of resources devoted to our Southwest border and focused on illegal immigration. By the end of fiscal year 2009, the Border Patrol will employ a record 20,019 agents, 5,096 more than at the end of fiscal year 2007, and 7,670 more than at the end of fiscal year 2006. Ninety percent (18,109) of these agents will be deployed on our Southwest border. By the end of fiscal year 2009, the Department will have invested $3.5 billion in border infrastructure and technology, only $130,000,000 of which will be for the Northern border. While illegal immigration from across the Northern border is not as prevalent as that which occurs over the Southwest border, the Northern border is a source of significant vulnerability for terrorist infiltration. DHS must better prioritize the elements of its border control strategy to address that vulnerability.

It is important that our investments not only deal with the control of our vast land borders but also help monitor the entry and exit of legal visitors to the United States. That is why the Committee has included direction for the Department to pilot test options for monitoring the exit of visitors who depart through air ports of entry, rather than simply implement a proposed air exit solution that has never been tested. To facilitate security and expedite the processing of legal visitors, the Committee also includes $10,000,000 to expand a new system for international registered travelers.

Immigration Enforcement.—During the past year, the Committee has attempted to focus the Administration's immigration enforcement efforts on those individuals who are in the country illegally and have been convicted of serious and often dangerous crimes. Just one year ago, Immigration and Customs Enforcement (ICE) did not have a plan for identifying such individuals who are incarcerated in our nation's prisons and jails. Although ICE developed such a plan, based on the Committee's direction, the President's budget proposed no dedicated resources to make sustained progress in executing this plan. As a result, the Committee has provided $800,000,000 to ICE for plan implementation in 2009. This funding will allow ICE to identify the most dangerous criminal aliens who

are in custody or at-large, and to prioritize those individuals for removal from our country once they are judged deportable. The Committee believes that ICE should have no greater immigration enforcement priority than locating and removing criminal aliens who have proven that they are a threat to our communities.

The Department's detention programs have expanded dramatically over the past four years, from a total detention capacity of 20,800 detainees in 2006 to 33,000 detainees funded in this bill for 2009. Unfortunately, ICE's ability to ensure the provision of appropriate medical care to detainees does not appear to have kept pace with this growth in detention space. The Committee is extremely concerned by allegations that individuals held at ICE detention centers have died because of neglected medical conditions; needlessly suffered from medically treatable conditions; been the victims of bureaucratic mix-ups caused by lost medical records; or otherwise been denied appropriate medical care. The Committee has therefore directed ICE, in conjunction with the Office of Health Affairs, to initiate a comprehensive review of medical care for detainees by third-party medical experts.

Aviation security.—Since 9/11, known threats to our aviation system have led to improved explosive detection technologies and better mechanisms to detect other threats in baggage and cargo and in items carried by individuals. Yet, the screening systems still employed at many airports are inefficient and not well-suited to meet growing aviation demand. A baggage screening investment study concluded that capital funding requirements to procure and install new optimal screening systems would cost $8.2 billion over 20 years. Yet, the President requested only $404,000,000 to help meet these requirements, $140,000,000 below the level provided in 2008. The Committee has provided $544,000,000, including $250,000,000 in mandatory funding, to keep the Transportation Security Administration (TSA) on this 20-year investment path. This additional funding will help airports with sub-optimal screening solutions address security and traffic flow problems, as well as retain 100 percent electronic checked baggage screening compliance at airports that may not be otherwise maintained due to anticipated growth or recapitalization needs.

Not all air cargo carried on passenger aircraft is screened for explosives, which is a longstanding concern of Congress. Last year, the 9/11 Act sought to address this vulnerability permanently by mandating 100 percent screening of air cargo carried on passenger aircraft by August 2010. The Committee provides a total of $110,000,000 for TSA to meet this requirement.

Earlier this year, TSA began developing and implementing a certified cargo screening program to meet this mandate. Assuming successful completion of the pilot, this program will fundamentally change how air cargo is screened. Currently, TSA relies exclusively on its personnel and air carriers to screen cargo at airports prior to loading it onto passenger aircraft. Under the new program, certified facilities will be allowed to screen cargo prior to its consolidation onto pallets or into containers before it leaves these facilities; most screening will occur well before the cargo arrives at an airport. An additional $5,000,000 above the budget request has been provided for air cargo inspectors to audit these certified facilities to ensure that they consistently meet all necessary security require-

ments to participate in this program. The President's proposed budget failed to address this important requirement for ensuring program integrity.

Port and transit security.—Transit systems are vulnerable to terrorist attack, as demonstrated in London and Madrid. Since 9/11, $1.1 billion has been provided to protect transit systems in the United States, and the transit industry has estimated that a total of $6 billion is needed for security training, radio communications systems, security cameras, and access controls. The $400,000,000 provided in this bill for transit and rail security puts the nation on a path toward meeting the majority of these identified security needs within five years. This amount is $225,000,000 more than requested by the President.

Likewise, our nation's ports are critical to ensuring that individuals and businesses have access to many of the products on which they rely. Port security lies in the hands of CBP, Coast Guard, local port authorities and local police agencies. In 2002 Coast Guard estimated that $7 billion in infrastructure improvements and operating costs was needed to implement the sea port security requirements of the Maritime Transportation Security Act. To date, Congress has appropriated $1.6 billion for grants to help ports meet these requirements. The Committee has provided an additional $400,000,000, equal to the fiscal year 2008 level and $190,000,000 above the President's requested level.

Cyber security.—Technological advances have strengthened our government's ability to respond to citizens' needs and conduct its work efficiently. However, the broad-based interconnectedness of information technology networks also makes unprotected systems vulnerable to attack and exploitation by those who seek to harm our nation, or those who seek simply to disrupt government operations for political or social notoriety. In order to protect the government's computer infrastructure from attack or sabotage, the Committee provides $298,750,000, $5,250,000 above the request, to carry out the DHS portion of the National Cyber Security Initiative and improve the security of Federal computer networks.

Privacy.—Many departmental security programs involve information and intelligence systems that collect data and produce "actionable" information. Some of this data is subject to privacy requirements, and the Department has in numerous instances failed to address privacy protections early in the development of new programs. The result is that many such programs are needlessly delayed and resources are wasted. Therefore, the Committee directs DHS to ensure that privacy analyses are begun during the planning stages for all new programs and that all such programs are in compliance with privacy requirements before they become operational.

Projects.—Congress has made significant reforms in the way it reviews funding for the Federal government, reforms which the Committee takes very seriously as it executes its constitutional authority. Earmarking or directed spending of Federal dollars does not begin with Congress. It begins with the Executive Branch. For example, following is a list of projects submitted by the Administration: $2,250,000 for the Institute for Information Infrastructure Protection at Dartmouth College; $13,000,000 for Coast Guard Sector Delaware Bay; $11,600,000 for Coast Guard Cordova, Alaska

housing; $5,000,000 for Coast Guard Air Station Cape Cod; $1,550,000 for Coast Guard Montauk housing; $2,500,000 for the Coast Guard TISCOM-TSD Building; $32,000,000 for the four existing members of the National Domestic Preparedness Consortium; $47,000,000 for the Center for Domestic Preparedness in Anniston, AL; $120,000,000 for a new departmental headquarters at St. Elizabeths in Washington, DC; $4,000,000 for training at the National Cyber Forensics Institute in Hoover, AL; $31,000,000 for a border patrol station in Boulevard, CA; $28,900,000 for a border patrol station in Blythe, CA; $28,000,000 for a border patrol station in Calexico, CA; $18,000,000 for a border patrol station in Indio, CA; $47,000,000 for a border patrol station in Naco, AZ; $27,000,000 for a border patrol station in Sonoita, AZ; $25,000,000 for a border patrol station in Comstock, TX; $3,000,000 for a border patrol station in Presidio, TX; $17,800,000 for a border patrol checkpoint in Tucson, AZ; $1,500,000 for a border patrol checkpoint in El Paso, TX; $4,000,000 for a border patrol checkpoint in Swanton, VT; and $18,000,000 for a vehicle maintenance facility in El Centro, CA. The Administration, in selecting these projects, goes through a process that is the functional equivalent of earmarking. When the Committee reviews the budget request, it goes through a process of rigorous review and may alter or modify this list to reflect additional priorities.

DEFINING RESPONSIBILITIES

After 9/11, our nation tasked first responders—police, firefighters, and other emergency response personnel—with the open-ended responsibility for being the nation's first line of defense against, and response to, terrorist attacks. When added to their traditional responsibilities, such as responding to natural disasters and otherwise keeping their communities safe, this new homeland security role is a significant burden on first responders that the Federal government must not take for granted. We must do a better job defining the homeland security roles we expect first responders to play, and we must provide sufficient grant resources to aid them in planning, training, and equipping for those roles. Unfortunately the Administration would put first responders in an untenable situation by cutting grant programs by $1.8 billion, or 49 percent, while asking them to be better trained, equipped, and able to respond at any time. The Committee rejects this impractical approach, and provides $3.7 billion for first responder grants.

The Committee's fundamental goal in providing grant funds is to ensure that investments for first responders will lead to a safer homeland. GAO reported to the Committee that FEMA's current efforts do not provide information on the effectiveness of grant funds in improving the nation's capabilities or reducing risk. Therefore, the Committee includes $5,000,000 to accelerate efforts by FEMA to develop tools to measure the effectiveness of grant funds. The Committee expects the Department to ensure that grant funding is used for projects and activities that make the country better prepared.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

Appropriation, fiscal year 2008	$97,353,000
Budget request, fiscal year 2009	127,229,000
Recommended in the bill	117,413,000
Bill compared with:	
Appropriation, fiscal year 2008	+20,060,000
Budget request, fiscal year 2009	−9,816,000

MISSION

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

RECOMMENDATION

The Committee recommends $117,413,000 for the Office of the Secretary and Executive Management, $9,816,000 below the amount requested and $20,060,000 above the amount provided in fiscal year 2008. To adequately oversee expenditures and personnel changes within each office of the Office of the Secretary and Executive Management, the Committee has provided separate funding recommendations on an office-by-office basis as follows:

	Budget estimate	Recommended
Immediate Office of the Secretary	$3,378,000	$2,904,000
Immediate Office of the Deputy Secretary	1,505,000	1,235,000
Chief of Staff	2,693,000	2,693,000
Office of Counternarcotics Enforcement	4,018,000	4,018,000
Executive Secretariat	5,848,000	7,778,000
Office of Policy	43,693,000	43,963,000
Office of Public Affairs	8,291,000	5,991,000
Office of Legislative and Intergovernmental Affairs	5,697,000	4,900,000
Office of General Counsel	20,914,000	18,439,000
Office of Civil Rights and Liberties	17,917,000	17,917,000
Citizenship and Immigration Services Ombudsman	6,471,000	6,471,000
Privacy Officer	6,804,000	6,804,000
Adjustment	0	−5,700,000
Total	127,229,000	117,413,000

IMMEDIATE OFFICE OF THE SECRETARY

The Committee recommends $2,904,000 for the Immediate Office of the Secretary, $474,000 below the amount requested and $364,000 above the amount provided in fiscal year 2008. Funding has been reduced from the request due to the large number of vacancies in this office that are estimated to continue through the remainder of fiscal year 2008 and into fiscal year 2009.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The Committee recommends $1,235,000 for the Immediate Office of the Deputy Secretary, $270,000 below the amount requested and $113,000 above the amount provided in fiscal year 2008. Funding has been reduced from the request due to vacancies in this office that are estimated to continue through the remainder of fiscal year 2008 and into fiscal year 2009. The Committee has fully funded the rent increases and transfers proposed in the budget request.

EXECUTIVE SECRETARIAT

The Committee recommends $7,778,000 for the Executive Secretariat, $1,930,000 above the amount requested and $3,056,000 above the amount provided in fiscal year 2008. This funding level reflects the formal transfer of 14 full-time equivalent employees and four contractors from the Directorate of Operations Coordination to the Executive Secretariat, which DHS proposed after submission of the fiscal year 2009 budget request. These employees, who work on the Secretary's daily briefing, coordination with components, and other ancillary activities, are currently being detailed to the Executive Secretariat via a memorandum of understanding with the Directorate of Operations Coordination. The Committee has made a slight reduction to the request due to vacancies in this office that are estimated to continue through the remainder of fiscal year 2008 and into fiscal year 2009.

OFFICE OF POLICY

The Committee recommends $43,963,000 for the Office of Policy, $270,000 above the amount requested and $10,963,000 above the amount provided in fiscal year 2008. This funding level reflects the formal transfer of three full-time equivalent (FTE) employees from the Office of Policy to the Directorate of Operations Coordination, which DHS proposed after submission of the fiscal year 2009 budget. These employees, who work on counterterrorism planning, are currently detailed to the Directorate of Operations Coordination via a memorandum of understanding with the Office of Policy. In addition, the Committee has provided $1,000,000 for the Office of International Enforcement to review visa waiver program requests to ensure that they meet statutory and security criteria. The Committee is concerned that the Office of Policy does not currently have sufficient staff to adequately oversee these reviews in a timely manner.

CREDENTIALING

The Committee is concerned about the duplication of efforts imposed on people who need various DHS credentials. For example, DHS often requires individuals applying for one credential to provide information, including biometrics that has already been collected by DHS for another credential (e.g. hazardous materials and transportation worker identification credentials). DHS also issues multiple credentials to individuals rather than associating multiple licenses, privileges or status in a single credential. In addition, these credentials do not all include the same tamper proof or tamper resistant features. Finally, DHS vetting processes and lists of disqualifying offenses for similar programs are inconsistent.

The Office of Policy, including the Screening Coordination Office, is well aware of these concerns. A recent GAO report on background check investigations found that the Office of Policy awarded a contract to develop an implementation plan for coordinated DHS screening and credentialing programs, including: the creation of a consistent, security risk-based framework across all DHS credentials; the improvement of credentialing processes to eliminate redundant activities; the more effective use of existing information; and an improved experience for individuals applying for credentials. The Committee directs the Office of Policy to brief the Committees on Appropriations on the status of these efforts no later than September 8, 2008, including the steps necessary to make improvements; the schedule, milestones, and budget requirements for making improvements; the potential costs and benefits of program standardization; and statutory roadblocks and other challenges facing this effort. The Committee directs DHS to ensure that all credentialing programs (including, but not limited to, TWIC, registered traveler, secure identification display areas, hazardous materials endorsements, free and secure trade, and merchant mariner documents) are included in this effort.

OFFICE OF PUBLIC AFFAIRS

The Committee recommends $5,991,000 for the Office of Public Affairs, $2,300,000 below the amount requested and $659,000 below the amount provided in fiscal year 2008. The Committee has made a slight reduction to the request due to vacancies in this office that are estimated to continue through the remainder of fiscal year 2008 and into fiscal year 2009. In addition, the Committee has not provided funding for the Ready campaign within this office. The Committee is aware of a program within the Federal Emergency Management Agency (FEMA) called "Are You Ready?" that conducts activities that are similar to those of the Ready campaign. The Committee has provided $1,500,000 within FEMA and directs DHS to combine the Ready campaign with the "Are You Ready?" campaign in 2009 to better achieve economies of scale. In total, the Committee provides $2,120,000 for these activities in 2009, including $1,500,000 in FEMA and $620,000 requested under the Working Capital Fund.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

The Committee recommends $4,900,000 for the Office of Legislative Affairs, $797,000 below the amount requested and the same level as provided in fiscal year 2008. The Committee recommends sufficient funding for 36 staff, equal to the current on-board strength, which is well below the staffing level for which funding was appropriated for fiscal years 2007 and 2008. The Committee is aware that DHS has established a career deputy within the Office of Legislative Affairs, a position that has not been formally proposed or approved. While career deputies make sense in many DHS offices, Legislative Affairs is a truly political office, and its leadership should be provided by political appointees. The Committee knows of no other Executive Department with a career deputy in the legislative office. Non-management positions within this office can and should be filled, in part, with career employees.

OFFICE OF GENERAL COUNSEL

The Committee recommends $18,439,000 for the Office of General Counsel, $2,475,000 below the amount requested and $4,939,000 above the amounts provided in fiscal year 2008. The Committee fully funds the 10 new FTEs requested for fiscal year 2009 within this recommended level.

The Office of General Counsel comprises all lawyers within DHS, and the General Counsel has the authority to oversee and supervise those lawyers. However, the operating components within DHS, such as Coast Guard, U.S. Customs and Border Protection, the Federal Emergency Management Agency, and the Transportation Security Administration, fund their legal staff out of their own operating budgets. In contrast, headquarters components, such as the National Protection and Programs Directorate and the Science and Technology Directorate, have traditionally utilized lawyers funded out of the Office of General Counsel budget. Last year the Committee encouraged the General Counsel to have DHS headquarters components fund their own attorneys. This effort was not intended to create independent legal offices for each headquarters component, but to shift attorney funding to headquarters component offices. For fiscal year 2009, the Committee assumes that such arrangements will be made, and, therefore, has reduced funding for the Office of General Counsel by $2,475,000. The Committee assumes that each component agency will pay for the cost of General Counsel lawyers working solely for it.

OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The Office of Counternarcotics Enforcement (OCE) was originally intended to support the Nation's drug control policy, as well as the Department's missions to stop the entry of illegal drugs into the United States and track and sever the connections between drug trafficking and terrorism. The Committees notes that, to date, the OCE's performance has been difficult to quantify and assess. Among other concerns, the office's reports to Congress, which are the primary method for demonstrating how the office is fulfilling its mission, are often late and not sufficiently substantive. In addition, this report is prepared by contractors instead of by staff within OCE. The Committee directs OCE to discontinue the practice of relying on contractors to meet reporting requirements. Furthermore, the Committee directs the Office of Counternarcotics Enforcement, as part of the 2010 budget request, to provide a more detailed explanation on how its funds will be used to support its mission.

BUDGET JUSTIFICATIONS

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

WORKING CAPITAL FUND

Consistent with prior years, the Committee directs the Department to include a separate appropriation justification for the Working Capital Fund (WCF) in fiscal year 2010. This justification should include a description of each activity funded by the WCF; the basis for the pricing; the number of full-time federal employees funded in each activity; a list of each departmental organization that is allocating funds to the activity; and the funding each organization is providing in fiscal years 2009 and 2010. If a project contained in the WCF is a multi-year activity with a defined cost, scope and schedule, the estimated costs and schedule shall be clearly delineated.

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

This year, the Committee has heard repeatedly from component agencies within DHS about problems with the WCF. For example, some agencies have expressed concern about how WCF fees are formulated and that they are assessed fees for services they do not use. Other components have expressed concern that WCF charges may be altered mid-year, reflecting unexpected costs that were not included in their 2008 budget requests. Yet, nine months into the fiscal year, the Department has not yet submitted a revised 2008 WCF report for congressional approval. Because of this uncertainty, some component agencies have delayed expenditures, while others may need to reprogram to cover these unexpected costs. The Committee expects to be notified promptly of any additions, deletions, or changes that are made to the WCF during the fiscal year. Furthermore, the Department should not fund any activities within the WCF that the Committees on Appropriations have disapproved either in report language or in their responses to reprogramming requests. The Committee understands that DHS is studying the authority, structure, governance, organization, business practices, and management of the WCF. The Committee directs DHS to provide the Committee with a copy of this study when it is completed and to address any recommendations regarding cost allocation and billing consistency as part of the 2010 budget request.

RECEPTION AND REPRESENTATION

Within the Office of the Secretary and Executive Management, the Committee provides $60,000 for official reception and representation expenses, $20,000 above the amount provided in fiscal year 2008. Within this total, $20,000 shall be for international programs within the Office of Policy.

GREENHOUSE GAS EMISSIONS

The Committee directs the Secretary to provide Congress, by September 30, 2009, with a detailed inventory of the Department's greenhouse gas emissions and a plan to reduce these emissions.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

Appropriation, fiscal year 2008 [1]	$145,238,000
Budget request, fiscal year 2009	320,093,000
Recommended in the bill	189,695,000
Bill compared with:	
Appropriation, fiscal year 2008	+44,457,000
Budget request, fiscal year 2009	−130,398,000

[1] Reflects rescission of $5,000,000 contained in Section 538 of Division E of Public Law 110–161.

MISSION

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

RECOMMENDATION

The Committee recommends $189,695,000 for the Office of the Under Secretary for Management, $130,398,000 below the amount requested and $44,457,000 above the amount provided in fiscal year 2008. In order to adequately oversee expenditures for each office, the Committee has provided separate funding recommendations as detailed in the following table:

	Budget estimate	Recommended
Under Secretary for Management	$2,654,000	$2,404,000
Office of Security	60,882,000	59,682,000
Office of the Chief Procurement Officer	42,003,000	38,355,000
Office of the Chief Human Capital Officer	46,827,000	38,827,000
Office of the Chief Administrative Officer	167,727,000	50,427,000
Total	320,093,000	189,695,000

FUNDING LEVELS

The Committee notes that the proposed bill language for the Under Secretary for Management did not correspond with the congressional budget justification, with the statutory funding request being $1,376,000 below the figures reflected in the justification. The Committee is required to abide by the statutory budget submission unless the Department amends its budget request. As a result, funding levels for the Office of Security and the Chief Human Capital Officer reflect the lower amount. This is not the first time that DHS has submitted this type of error. The Committee expects DHS to do a better job ensuring that all budgetary decisions are incorporated into the President's budget submission.

UNDER SECRETARY FOR MANAGEMENT

The Committee recommends $2,404,000 for the Under Secretary for Management, $250,000 below the amount requested and $392,000 above the amount provided in fiscal year 2008. Within

this funding level, the Committee has approved the conversion of four contractors to permanent FTEs but has denied funding for one new FTE.

OFFICE OF SECURITY

The Committee recommends $59,682,000 for the Office of Security, $1,200,000 below the amount requested and $6,192,000 above the amount provided in fiscal year 2008. Funding has been reduced from the request due to the large number of vacancies in this office that are estimated to continue through the remainder of fiscal year 2008 and into fiscal year 2009. This funding level will support 108 FTEs, equal to the 2008 level.

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The Committee recommends $38,355,000 for the Office of the Chief Procurement Officer, $3,648,000 below the amount requested and $9,860,000 above the amount provided in fiscal year 2008. Of this increase, $6,700,000 supports 26 additional FTEs to focus on high risk acquisitions and expand the centralized acquisition development (intern) program.

The Committee has heard numerous complaints about the slowness of the Office of Procurement Operations in working with DHS components to award necessary procurements. Over the years, the Committee has added numerous staff to this office to try to speed up the procurement process, but discontent within component agencies remains. The Committee is aware that all DHS contracting activity is conducted under the oversight of the Head of Contracting Activity (HCA) for each component. The legacy components, such as TSA, Coast Guard, and CBP, have their own HCAs, who are employees of the component and have contract warrant delegation from the Department's Chief of Procurement Operations. The legacy components also hire their own contracting officers.

For those components formed when DHS was created, the Director of the Office of Procurement Operations (OPO) serves as the HCA. OPO also provides all contracting officers for these newer components (including the headquarters offices, OHA, S&T, DNDO, NPPD, and I&A). United States Citizenship and Immigration Services (USCIS) is an exception to this rule, as it has been delegated authority to hire its own contracting officers, who are responsible for meeting USCIS performance metrics but also report to the Director of OPO. This arrangement allows the Department to review USCIS activities to ensure that all procurement actions are aligned with DHS policies and procedures, while also permitting USCIS to directly adjust staffing to meet workload requirements.

The Committee is very dissatisfied with the amount of time it takes OPO to review and approve contracts and studies for components that were formed when DHS was created. It appears that while these component agencies are efficient in completing their work and making recommendations on contracting matters, OPO routinely fails to act on those recommendations in a timely fashion. As a result, the Committee directs OPO to expand the arrangement it has with USCIS in fiscal year 2009 to other component DHS agencies in the hopes of improving the timeliness of the procurement process.

The Committee is also dissatisfied that procurements from minority and small business enterprises are very few. It is critical that our country utilize the full capability of our national talent in the development of products and technologies for homeland security. OPO is directed to identify more opportunities for these enterprises in DHS procurements.

DHS INVESTMENT REVIEW PROCESS FOR MAJOR PROCUREMENTS

In fiscal year 2006, DHS obligated $15.7 billion for the procurement of goods and services, making it the third largest department in the Federal government in terms of procurement spending. GAO recently reported (GAO–08–263) that several contracts for the Department's major investments lack well-defined requirements and measurable performance standards and that the DHS Chief Procurement Officer lacks reliable data by which to review these procurements. Previous GAO work has reported that DHS does not have clear and transparent policies for all acquisitions, including major investments and service contracts. For example, GAO found that of 138 contract reviews by Coast Guard, CBP, ICE and TSA, 51 percent had no performance work statement, measurable performance standard, or method for assessing the contractor's performance.

The Committee is very concerned that the Department's Investment Review Board (IRB), established to ensure investment oversight, is not performing satisfactorily. It is unclear to the Committee which investments the IRB will review, how it intends to oversee decisions on large procurements, how the IRB decisions will be monitored, and how necessary follow-up action will be taken. Any plan the Deputy Secretary produces for the IRB will be useless unless and until the policies, processes and procedures for departmental review of major procurements, including "service" procurements, are in place and utilized.

The Committee realizes that the IRB will be able to focus on only a limited number of critical procurements while the Department attempts to get the investment review process on-track. With this in mind, the Committee directs the Deputy Secretary to ensure that the IRB reviews and oversees the top 25 DHS investments, measured either by total cost, criticality of the item, or service being procured, and/or other means determined by DHS. In addition, the Committee directs the Deputy Secretary to provide a report listing these top 25 investments and laying out the formal investment review processes the IRB will follow to the Committees on Appropriations by October 1, 2008. Included within this list of top 25 procurements should be the five top Coast Guard Deepwater procurements, including the National Security Cutter, the Fast Response Cutter (B), the Maritime Patrol Aircraft, the Offshore Patrol Cutter, and Deepwater C4ISR. Also included should be CBP's Multi-Role Aircraft. The Committee also directs the Secretary to rescind the delegation of acquisition authority provided to Coast Guard for Deepwater in order to align all such oversight within OPO.

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

The Committee recommends $38,827,000 for the Office of the Chief Human Capital Officer, $8,000,000 below the amount requested and $20,016,000 above the amount provided in fiscal year

2008. Of this total, $28,827,000 is recommended for the salaries and expenses of the Office of the Chief Human Capital Officer (CHCO) and $10,000,000 is recommended for human resource activities to enhance employee morale and create a more satisfying work environment. The Committee denies the request to transfer the accreditation board from the Federal Law Enforcement Training Center to CHCO, consistent with action taken in fiscal year 2008. The Committee has provided $2,500,000 for the new learning initiatives proposal. Finally, while the Committee has provided $17,131,000 for human resource information technologies, the Committee is troubled that the request to fund this within CHCO, instead of within the Office of the Chief Information Officer, was not clearly detailed in the budget request. In the future, the Committee directs that all proposals to move programs and funding from one office to another be clearly outlined in congressional budget justifications and include: the preceding year funding level; a detailed description of the work; a rationale for the movement; and a detailed breakdown of the budget request. The Committee noted similar problems in TSA's budget.

The Committee is concerned about reports by numerous DHS agencies of delays in the hiring process administered by CHCO, which should be the most efficient departmental office in this area. The Office is directed to provide monthly reports to the Committees on Appropriations detailing: vacancies requested, by office, that have not been processed; vacancies announced, by office; and the amount of time after a vacancy has closed before a selection list is sent back to the requesting entity.

The Committee has included a new general provision (Sec. 530) that prohibits the obligation of funds to develop, test, deploy, or operate any portion of a new human resources management system for employees. In addition, the provision requires DHS to collaborate with employee representatives in the planning, testing, and development of any portion of a human resources management system for persons excluded from the definition of "employee."

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The Committee recommends $50,427,000 for the Office of the Chief Administrative Officer, $117,300,000 below the amount requested and $2,997,000 above the amount provided in fiscal year 2008. Of this total, $44,427,000 is recommended for the salaries and expenses of the Office of the Chief Administrative Officer and $6,000,000 is for costs associated with DHS headquarters needs at the Nebraska Avenue Complex. Within this funding level, the Committee fully supports the additional 11 FTEs proposed to manage the relocation of Coast Guard headquarters and consolidation of other DHS components on the St. Elizabeths west campus.

The Committee has provided $97,578,000 within the Coast Guard's Acquisition, Construction, and Improvements appropriation for the first phase of the proposed consolidated DHS headquarters campus at the St. Elizabeths Hospital site in Washington, DC. All of the costs associated with phase one of the St. Elizabeths project are Coast Guard specific.

DHS HEADQUARTERS FACILITIES

The Committee believes the Department must balance its current needs at the Nebraska Avenue Complex against investment in future facilities that will be available at the proposed St. Elizabeths campus facility. Since a significant portion of departmental offices is scheduled to move to St. Elizabeths by 2016, with the first moves beginning in 2013, the Committee directs the Chief Administrative Officer to minimize investment in improvements at the Nebraska Avenue Complex that will be replicated at the new headquarters campus.

MOVE TO ST ELIZABETHS CAMPUS

The Committee is aware of concerns expressed by historic preservationists about the amount of parking planned for the St. Elizabeths campus and urges DHS to limit the number of parking places provided to DHS employees to preserve as much of the historic nature of this complex as practicable. The Committee directs DHS to strive for the National Capital Planning Commission standard parking rate recommended for core metropolitan Washington, DC development.

RENT TRANSFER

In the first few years of DHS's existence, rent for all offices within the Office of the Under Secretary for Management was centrally funded in the Office of the Chief Administrative Officer. However, as these offices grew, new space costs were funded within each office's budget. The 2009 budget request proposed assigning all rental costs to the budget of each occupant so that they are more easily identified. The Committee agrees, and has fully funded the rent transfers contained in the budget request for each office.

OFFICE OF THE CHIEF FINANCIAL OFFICER

Appropriation, fiscal year 2008	$31,300,000
Budget request, fiscal year 2009	56,235,000
Recommended in the bill	55,235,000
Bill compared with:	
Appropriation, fiscal year 2008	+23,935,000
Budget request, fiscal year 2009	−1,000,000

MISSION

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

RECOMMENDATION

The Committee recommends $55,235,000 for the Office of the Chief Financial Officer (CFO), $1,000,000 below the amount requested and $23,935,000 above the amount provided in fiscal year 2008. The Committee has fully funded the new FTEs requested to consolidate and integrate legacy resource management systems; to

increase oversight of and accountability for DHS grants and assistance awards; and to support the quadrennial homeland security review. The Committee notes that the CFO has improved the process by which the Department responds to questions submitted by Committee members and directs that this improved process be continued. The Committee does not provide funding for appropriations liaison positions as it has received no benefit from these positions.

TRANSFORMATION AND SYSTEMS CONSOLIDATION

Within the funding provided is $19,189,000 for the Transformation and Systems Consolidation (TASC) project, $15,500,000 above the amount provided in fiscal year 2008. This funding shall be used to consolidate the Department's multiple legacy financial management systems, which are obsolete and expensive to maintain, into fewer systems that are able to meet the needs and missions of multiple DHS components. The Committee is aware that, in April 2008, the United States Court of Federal Claims ruled that DHS's decision to use two current DHS financial systems was an improper sole source procurement in violation of the Competition in Contracting Act. As a result, DHS must conduct a competitive procurement in accordance with the law to select financial management system applications software. DHS has informed the Committee that a new competitive decision is expected in the fall of 2008. Because of the challenges the vendor will face to transition DHS components from existing systems to the new solutions, the Committee urges the CFO to begin the transition with smaller agencies before attempting to transition the larger, more financially complex agencies. This will permit the CFO to apply any lessons learned and to correct any problems before transferring larger DHS components, with the exception of Coast Guard.

Since 2003, Coast Guard has had severe weaknesses in its financial management. Recent OIG reports indicate that Coast Guard's financial management practices are worsening and are the largest contributor to the Department's inability to receive a clean audit. The Committee urges the CFO to consider transferring Coast Guard to the new financial management system as soon as possible to help rectify these longstanding problems.

FINANCIAL SYSTEM TRANSFORMATION

In June 2007, GAO recommended a variety of steps the Department should take to improve management of its financial system consolidation projects. In particular, GAO highlighted the need to follow best practices so that future efforts to transform its financial management systems do not replicate the failures of the Department's abandoned eMerge^2 project. Since the Department is moving forward with its TASC project, the Committee believes it would be worthwhile for GAO to update its study to ensure its prior recommendations are being implemented. The Committee therefore directs GAO to review the TASC project, specifically examining whether DHS has implemented those recommendations that will help the project succeed.

CONGRESSIONAL BUDGET JUSTIFICATIONS

The Committee directs the Department to submit all of its fiscal year 2010 budget justifications with the customary level of detailed data and explanatory statements to support the appropriations requests, including tables that detail each agencies programs, projects, and activities for fiscal years 2009 and 2010. The Committee directs the CFO to ensure that adequate justification is given to each increase, decrease, transfer, and staffing change proposed in fiscal year 2010. The CFO should also ensure that each item directed by the Committee to be provided as part of the fiscal year 2010 budget justification is delivered as mandated. There have been several instances in which statutory reporting requirements or other required budget details have not been included in the congressional justifications, particularly in the case of justifications for the FEMA budget.

In addition, the Committee has struggled with a lack of programmatic details for realignments proposed in the budget. Of particular concern were the proposed move of the human resource information technology activity from the CIO to CHCO and the realignment proposals presented by TSA and the National Protection and Programs Directorate (NPPD). None were clearly explained in congressional budget justifications and, in TSA's case, the underlying assumptions and costs for the realignment changed depending on what was included in each program, project, and activity (PPA). The Committee directs the Department not to alter its programs, projects, and activities or organize its budget in 2010 into any structure other than the accounts contained under the "funding recommendations" table at the back of this report.

The CFO shall submit, as part of the 2010 budget justifications, a detailed table identifying the last year that authorizing legislation was provided by Congress for each program, project, or activity; the amount of the authorization; and the appropriation in the last year of the authorization.

BELOW ACCOUNT LEVEL DETAIL PLAN

The Committee has included new bill language (Sec. 529) that requires the Secretary to submit, within 30 days after the date of enactment of this Act, a spending plan laying out PPAs by account to serve as a baseline for reprogramming for the Department of Homeland Security for fiscal year 2009. The Committee reiterates that a PPA is defined as any dollar amount contained in the bill or report.

DEPARTMENT OF THE TREASURY FORFEITURE FUND

Since the inception of DHS, law enforcement agencies within the Department (including Coast Guard, CBP, and ICE, and the Secret Service) have received funds from the Department of the Treasury's Forfeiture Fund. This fund is replenished by nonevidentiary cash subject to forfeiture, including seized cash, proceeds from pre-forfeiture sales of seized property, and income from property under seizure. DHS received $17,060,000 from this fund in 2007 and $36,846,000 in 2008. Because the Department of the Treasury disburses these funds, the Subcommittee on Homeland Security has not been consistently notified when Forfeiture Funds have been

made available to DHS and has at times been unaware of how these resources are being used. The Committee therefore includes a new general provision (Sec. 531) requiring DHS, in consultation with the Department of the Treasury, to notify the Committees on Appropriations of any Forfeiture Fund amounts DHS receives. DHS is prohibited from obligating these funds until the Committees approve the proposed expenditures.

MONTHLY REPORTING REQUIREMENTS

The Committee is pleased that the Department has improved its monthly budget execution reporting so that it is now timely. The Committee relies on these reports to provide early warning of financial problems. To ensure that these reports continue to be received on time, the Committee continues bill language requiring monthly budget and staffing reports within 45 days after the close of each month.

OFFICE OF THE CHIEF INFORMATION OFFICER

Appropriation, fiscal year 2008	$295,200,000
Budget request, fiscal year 2009	247,369,000
Recommended in the bill	247,369,000
Bill compared with:	
Appropriation, fiscal year 2008	−47,831,000
Budget request, fiscal year 2009	0

MISSION

The Chief Information Office (CIO) has oversight of information technology projects in the Department. The CIO reviews and approves all DHS information technology (IT) acquisitions estimated to cost over $2,500,000, and also approves the hiring and oversees the performance of all DHS component CIOs.

RECOMMENDATION

The Committee recommends $247,369,000 for the Office of the Chief Information Officer, the same as the amount requested and $47,831,000 below the amount provided in fiscal year 2008. The majority of the reduction from the 2008 funding level is due to one-time investments in the National Center for Critical Information Processing and Storage that will be completed by 2009. The Committee shifts $17,131,000 from the CIO to CHCO to fund various human resources systems, as requested.

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

	Budget estimate	Recommended
Salaries and Expenses	$86,928,000	$86,928,000
Information Technology Activities	42,445,000	42,445,000
Security Activities	70,323,000	70,323,000
Homeland Secure Data Network	47,673,000	47,673,000
Total, Chief Information Officer	247,369,000	247,369,000

SALARIES AND EXPENSES

The Committee provides $86,928,000, as requested, for CIO Salaries and Expenses, an increase of $5,928,000 over the 2008 enacted

level. More than half of this additional funding is for strengthening DHS network security architecture and improving the security of DHS financial systems. The Committee supports DHS efforts to protect its networks, given the wide range of reports issued by OIG, GAO, and others that have repeatedly criticized the Department's network security.

The Committee notes that the budget for the CIO includes no additional Federal staff in its request, even though the office dedicates over one third of its budget to contract services and has a mission that will almost certainly continue indefinitely. The Committee directs the CIO to provide a briefing on plans to transition long-term contract services to government employees, including a cost comparison of maintaining contract services versus employing Federal staff.

SECURITY ACTIVITIES

The Committee recommends $70,323,000 for Security Activities, the same as the amount requested and $54,577,000 below the amount provided in fiscal year 2008. The vast bulk of funds in the Security Activities program pays for the Department's two data centers. The purpose of operating two data centers is to help manage the significant risk, reduce the vulnerability, and avoid the potential consequences that would be associated with locating all of the Department's data at a single site. To ensure that the Department takes full advantage of the benefits of a second data center, the Committee includes a statutory requirement for the CIO to utilize these two centers in the most effective and economical means possible.

HOMELAND SECURITY DATA NETWORK

The Committee provides $47,673,000 for the Homeland Security Data Network (HSDN) project, which is the secure computer network for DHS and its State and local partners. The Committee understands that DHS has decided to eliminate a similar system, known as the Homeland Security Information Network—Secret (HSIN–S), and to enroll all HSIN–S users into HSDN. HSIN–S is being replaced largely because the system has not fulfilled the needs of its users. To avoid this type of lost investment in the future, the Committee directs the CIO to ensure that user requirements are reviewed and carefully addressed in every new system acquisition.

CIO-LED INFORMATION TECHNOLOGY ACQUISITIONS

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

ANALYSIS AND OPERATIONS

Appropriation, fiscal year 2008	$297,300,000
Budget request, fiscal year 2009	333,262,000
Recommended in the bill	324,423,000
Bill compared with:	
Appropriation, fiscal year 2008	+27,123,000
Budget request, fiscal year 2009	−8,839,000

MISSION

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

RECOMMENDATION

The Committee recommends $324,423,000 for Analysis and Operations, $8,839,000 below the amount requested and $27,123,000 above the amounts provided in fiscal year 2008.

STAFF TRANSFERS

The Committee has transferred funding from the Directorate of Operations Coordination to the Executive Secretariat, to reflect the reassignment of the Secretary's briefing staff between those accounts. In addition, the Committee has transferred three staff from the Office of Policy to the Directorate of Operations Coordination to work on counterterrorism issues.

DIRECTORATE OF OPERATIONS COORDINATION

The Committee has reduced the funding level for the Directorate of Operations Coordination below the levels requested. The Committee notes that the Directorate has not been able to hire staff at the pace projected in its 2008 expenditure plan, and therefore does not fund the requested increase for additional personnel in 2009.

OFFICE OF INTELLIGENCE AND ANALYSIS

The Committee has reduced the funding level for Intelligence and Analysis below the levels requested. The Committee notes that the Office of Intelligence and Analysis is still developing the operational plans for two new programs, as discussed below, and therefore provides reduced funding levels for those activities.

NATIONAL APPLICATIONS OFFICE AND NATIONAL IMMIGRATION INFORMATION SHARING OFFICE

In the 2008 Appropriations Act, the Committee required the Secretary of Homeland Security to submit, and GAO to review, a certification that the National Applications Office (NAO) and the National Immigration Information Sharing Office (NIISO) comply with all existing laws, including applicable privacy and civil liberties standards. The Department was prohibited from using any funds appropriated in the 2008 Act until GAO completed its work. While the Department provided details about two of the three major program areas of the NAO, information about the NAO's Law Enforcement Domain was not provided. Additionally, no certification for NIISO has been submitted. As a result, the Committee includes a statutory prohibition on the operations of the NAO Law Enforcement Domain and NIISO in 2009 until the Secretary certifies that these programs comply with all laws, and that certification is reviewed by GAO.

CLASSIFIED PROGRAMS

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

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

Appropriation, fiscal year 2008	$2,700,000
Budget estimate, fiscal year 2009	291,000
Recommended in the bill	341,000
Bill compared with:	
Appropriation, fiscal year 2008	−2,359,000
Budget estimate, fiscal year 2009	+50,000

MISSION

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

RECOMMENDATION

The Committee recommends $341,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding (OFCGCR), $50,000 above the amount requested and $2,359,000 below the amount provided in fiscal year 2008. The Committee notes that the justification for the budget request was based on the planned closing of OFCGCR on November 1, 2008, as directed by the original Executive Order creating the Office. The President has issued a separate Executive Order to extend OFCGCR until February 28, 2009. The Department is directed to use the reprogramming authority contained in this Act if additional funding is needed.

The Committee is displeased that, more than two years and nine months after Hurricane Katrina, a shortage of affordable rental housing continues to leave more than 22,000 households in FEMA trailers and other temporary housing in the Gulf Coast region. Because many of the travel trailers that FEMA has relied on for temporary housing have been shown to contain unhealthy levels of formaldehyde, FEMA has closed its group sites and is attempting to move individuals in commercial group sites into other temporary housing. In New Orleans alone, Hurricane Katrina destroyed an estimated 50,000 rental units and damaged thousands more apartments, affecting two-thirds of the city's rental stock. In New Orleans and Mississippi, 6,600 public housing units are being demolished, of which about 5,300 units were occupied before Hurricane Katrina.

In addition, the number of subsidized rental units associated with HUD programs to assist the elderly (section 202) and the disabled (section 811) has dramatically decreased, especially in the City of New Orleans. Only 190 units of housing for the elderly and disabled remain in New Orleans, compared to 752 such units before Hurricane Katrina. Problems are numerous, and innovative long-term solutions are lacking.

The overall slow progress in repairing and rebuilding owner-occupied dwellings is putting additional pressure on the already strained rental housing market. The Road Home program, a HUD-funded initiative designed to help Gulf Coast homeowners repair

and rebuild their hurricane-damaged houses, had provided funding to only 31 percent of applicants as of mid-December 2007, according to the RAND Corporation. Funding for FEMA's Post-Disaster Hazard Mitigation Grant Program (HMGP), which can be used to elevate houses and other structures to mitigate against future flood damage, is being obligated at a relatively lackluster pace. Of the $1.883 billion available to the States of Louisiana and Mississippi under HMGP, only approximately $182,600,000 has been obligated to date.

Addressing the shortage of rental housing in the Gulf Coast region will require a deliberate targeting of resources toward subsidizing or otherwise encouraging the construction of new rental housing stock, along with appropriate subsidies to ensure that a sufficient number of new rental units are affordable. The Committee includes $50,000 for OFCGCR to host a panel of housing experts, disaster response experts, and urban planning exerts to develop a framework for developing and sustaining affordable rental housing in affected Gulf Coast communities. As part of the framework, the panel shall include recommendations for how HUD, the private sector, and the States can achieve a sufficient stock of affordable rental housing to meet the needs of all those displaced after the storm who still lack permanent housing options in the region. These experts shall be chosen in consultation with HUD, the States of Louisiana and Mississippi, and the City of New Orleans. The Committee directs OFCGCR to report to the Committees on Appropriation on the recommendations of this panel, and to submit a strategy and timeline for implementing the most promising recommendations, by December 30, 2008.

OFFICE OF INSPECTOR GENERAL

Appropriation, fiscal year 2008[1]	$92,711,000
Budget request, fiscal year 2009	101,013,000
Recommended in the bill[2]	101,013,000
Bill compared with:	
Appropriation, fiscal year 2008	+$8,302,000
Budget request, fiscal year 2009	0

[1] Excludes a $16.0 million transfer from the Disaster Relief Fund.
[2] Excludes a $15.0 million transfer from the Disaster Relief Fund.

MISSION

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

tion, OIG is to report dually to the Secretary of Homeland Security and to the Congress.

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

RECOMMENDATION

The Committee recommends a total of $116,013,000 for the OIG, $101,013,000 in a direct appropriation and $15,000,000 by transfer from Disaster Relief. The additional $15,000,000 is to continue and expand audits and investigations related to disasters, particularly the 2005 Gulf Coast hurricanes. OIG disaster-related audit reports warrant continued funding based on fiscal year 2007 audit results identifying $36,936,392 in questioned costs; $3,129,086 in unsupported costs; and $860,000 in funds that should have been put to better use.

AUDIT REPORTS

The Committee directs the OIG to forward copies of all audit reports to the Committee when they are issued and to immediately make the Committee aware of any review that recommends cancellation of, or modification to, any major acquisition project or grant, or that recommends significant budgetary savings. In addition, the Committee directs the OIG to provide reports to the Committees on Appropriations on the following: Coast Guard certification required in this Act that the Maritime Awareness Global Network complies with all applicable laws, including laws protecting privacy; the sufficiency of Coast Guard financial management improvement plan, which must be submitted by December 1, 2008; Federal Emergency Management Agency's implementation of recommendations resulting from the TOP Officials 4 exercise; the CBP Commissioner's certification of the Analytical Framework for Intelligence Officers; the CBP Commissioner's certification of enhancements to the Automated Targeting Systems-Passenger; the performance of Immigration and Customs Enforcement (ICE) 287(g) agreements; and ICE practices for determining the age of those in its custody. The Committee directs OIG to withhold these, and any other final audit or investigation reports requested by the House Committee on Appropriations, from public distribution for a period of 15 days.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

Appropriation, fiscal year 2008	$6,802,560,000
Budget estimate, fiscal year 2009	7,309,354,000
Recommended in the bill	7,534,346,000
Bill compared with:	
Appropriation, fiscal year 2008	+731,786,000
Budget Estimate, fiscal year 2009	+224,992,000

MISSION

The mission of U.S. Customs and Border Protection (CBP) is to protect the borders of the United States by preventing, preempting, and deterring threats against the U.S. through ports of entry and by interdicting illegal crossing between ports of entry. CBP's mission integrates homeland security, safety, and border management in an effort to ensure that goods and persons cross the borders of the U.S. in accordance with applicable laws and regulations, while posing no threat to the country. The priority of CBP is to prevent terrorists and their weapons from entering the United States, and to support related homeland security missions affecting border and airspace security. CBP is also responsible for apprehending individuals attempting to enter the U.S. illegally; stemming the flow of illegal drugs and other contraband; protecting U.S. agricultural and economic interests from harmful pests and diseases; protecting American businesses from theft of their intellectual property; regulating and facilitating international trade; collecting import duties; and enforcing U.S. trade laws. CBP has a workforce of over 47,800, including CBP Officers, Air Interdiction Agents, Marine Interdiction Agents, canine enforcement officers, Border Patrol agents, Agriculture Specialists, trade specialists, intelligence analysts, and mission support staff.

RECOMMENDATION

The Committee recommends $7,534,346,000 for Salaries and Expenses, $224,992,000 above the amount requested and $731,786,000 above the amount provided in fiscal year 2008. This recommendation provides $1,266,651,000 for Headquarters Management and Administration, which includes an additional $24,000,000 for 27 intelligence officers to enhance CBP intelligence watch and coordination capacity; an additional $5,300,000 for 24 investigators and five support staff for integrity and conduct oversight; and an additional $1,000,000 to expand the CBP regulatory program. Border Security Inspections and Trade Facilitation is funded at $2,496,146,000, including $217,000,000 to annualize the cost of law enforcement officer retirement conversion for CBP Officers; $139,973,000 for the Western Hemisphere Travel Initiative (of which $106,900,000 is new funding for systems, infrastructure, and an additional 89 CBP Officers); an additional $39,900,000 to fund operations and maintenance of US–VISIT scanners and systems at ports of entry; $27,300,000 for an additional 238 CBP Officers and 57 other professional and support personnel to staff radiation por-

tal monitors; $25,000,000 for an additional 212 CBP Officers and 22 support positions to enhance passenger screening at land ports of entry; $28,292,000 for an additional 561 CBP Officer positions (140 FTE) for land ports of entry positions identified by the Workload Staffing Model; $10,000,000 to support expansion of the Global Entry system; $8,750,000 for 173 CBP Officer positions (43 FTE) at air ports of entry; $5,100,000 for 100 Agricultural Specialist positions (25 FTE) at the busiest land ports of entry; $113,944,000 for non-intrusive inspection technology replacement and support; and $32,550,000 for Automated Targeting Systems. In addition, CBP is directed to utilize $20,000,000 from unobligated balances of prior year Salaries and Expenses appropriations in fiscal year 2009 to fund planned activities in Inspections, Trade, and Travel Facilitation at Ports of Entry. Border Security and Control between Ports of Entry is funded at $3,517,270,000, including an additional $442,432,000 for 2,200 additional Border Patrol agents and supporting positions; and $1,950,000 for additional transfers of 65 Border Patrol agents to the Northern border. Air and Marine Personnel Costs are funded at $254,279,000, including $4,000,000 for 24 additional pilots to reduce the current staffing shortage for UAS operations, and to enable CBP to operate the six systems that will be deployed in fiscal year 2009. This funding will enable CBP to operate the UAS for 14-hour missions, rather than be limited to the current 10-hour missions. The additional positions will be initially deployed to Northern and Southern border locations, as requested and consistent with CBP plans to expand support for border security operations.

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

Salaries and expenses	Budget estimate	Recommended
Headquarters, Management, and Administration:		
Management and Administration, Border Security Inspections and Trade Facilitation	$644,351,000	$644,351,000
Management and Administration, Border Security and Control between Ports of Entry	622,300,000	622,300,000
Subtotal, Headquarters Management and Administration	1,266,651,000	1,266,651,000
Border Security Inspections and Trade Facilitation:		
Inspections, Trade, and Travel Facilitation at Ports of Entry	1,834,793,000	2,061,035,000
Harbor Maintenance Fee Collection (Trust Fund)	3,154,000	3,154,000
Container Security Initiative	149,450,000	149,450,000
Other international programs	10,984,000	10,984,000
Customs Trade Partnership Against Terrorism	64,496,000	64,496,000
Free and Secure Trade (FAST)/NEXUS/SENTRI	11,274,000	11,274,000
Inspection and Detection Technology Investments	117,144,000	113,944,000
Automated Targeting Systems	32,550,000	32,550,000
National Targeting Center	24,481,000	24,481,000
Training	24,778,000	24,778,000
Subtotal, Border Security Inspections and Trade Facilitation	2,273,104,000	2,496,146,000
Border Security and Control between Ports of Entry:		
Border Security and Control	3,440,505,000	3,442,455,000
Training	74,815,000	74,815,000
Subtotal, Border Security and Control between POEs	3,515,320,000	3,517,270,000
Air and Marine Personnel Compensation and Benefits	254,279,000	254,279,000
Total	7,309,354,000	7,534,346,000

LAW ENFORCEMENT OFFICER CONVERSION

Last year the Committee recognized that CBP Officers do not receive the same level of compensation and other benefits accorded to other federal law enforcement officers, despite the fact that they have arrest powers, 24-hour weapon carrying responsibility, and conduct investigations. As a result, new authority was included in section 535 of the fiscal year 2008 Homeland Security Appropriation Act to permit CBP Officers to convert to law enforcement officer status. The law requires this conversion to begin July 1, 2008, and it included funding for fiscal year 2008 conversion costs. The President's budget proposed to repeal section 535, rescind fiscal year 2008 funding for law enforcement officer conversion, and provided no funding to annualize these costs in 2009. The Committee rejects these proposals and has included an additional $217,000,000 for fiscal year 2009 law enforcement officer status conversion costs. Based on testimony and other reporting provided to the Committee, such conversion will help CBP retain and recruit the most qualified and dedicated officers, and contribute to maintaining and increasing the staffing needed at ports of entry and other areas critical to CBP's missions.

BORDER PATROL STAFFING

The Committee has included an increase of $362,000,000 for an additional 2,200 Border Patrol agents, as requested. With this increase, the total number of Border Patrol agents on board by the end of fiscal year 2009 will reach 20,019. This is a significant milestone, a more than one-third increase in the number of agents as a result of increased appropriations provided by this Committee in the past two years. This growth, authorized in the Intelligence Reform and Terrorism Prevention Act of 2004, is essential to help ensure the security of our borders and make the Border Patrol a more effective instrument of deterrence and enforcement. The Committee directs CBP to continue to include Border Patrol hiring and deployment statistics in the quarterly Secure Border Initiative reports, and to continue to include updates on progress in recruitment, hiring and retention in the quarterly briefings provided to the Committees on Appropriations.

WORKLOAD AND STAFFING

The Committee has reviewed the CBP Workload Staffing Model (WSM). As an improvement over previous methodology, the WSM should provide CBP more accurate information to address shortfalls at ports of entry and other locations. As reported by GAO in GAO–08–219, the model indicates that CBP needs several thousand more Officers and Agriculture Specialists to meet its border security responsibilities. CBP noted in its budget justification that it lacks at least 850 CBP Officers for land port of entry passenger processing alone. These estimates are consistent with information the Committee has received from CBP field officials. Despite this staffing gap, the 2009 budget includes an increase of just 289 CBP Officers at land ports of entry, and none for airport operations (although CBP explains that airport inspection has traditionally been funded through fees). The Committee therefore provides an additional $28,892,000 for an additional 561 CBP Officers (140 FTE) to

bring the net increase for such positions to 850 for the final quarter of fiscal year 2009, and $8,750,000 for an additional 173 CBP Officers (43 FTE) for air ports of entry. The Committee directs CBP to use the new staffing model as it allocates these positions and to provide updated information on its hiring progress for those positions as part of the quarterly staffing briefings provided to the Committees on Appropriations.

The Committee also directs CBP to provide the Committees on Appropriations, as part of its quarterly briefings on hiring, the current and optimal staffing levels (as indicated by the Workload Staffing Model) for each CBP location.

The Committee is aware that, as wait times at airports and land ports of entry have continued to increase, port authorities and carriers have sought more detailed information about projected CBP staffing resources than is publicly available in order to help them make informed decisions about meeting anticipated growth in international arrivals to the United States. To the extent security considerations are not limiting factors, the Committee urges CBP to share staffing and resource information with port authorities and other stakeholders.

Border Patrol hiring continues to challenge CBP, which is working to maintain a rate of recruitment sufficient to have 17,819 agents on-board by the end of fiscal year 2008. In order for CBP to sustain its recruitment efforts for all positions and offset continued high attrition rates (11 percent for Border Patrol agents and 8.9 percent for CBP Officers), it must look for innovative solutions, such as pay adjustments for Border Patrol and CBP Officers with fluency in critical languages. The Committee directs CBP to report no later than September 8, 2008, on how such an incentive could be used to attract and keep a workforce with such skills.

TUCSON SECTOR CHECKPOINTS

The Committee is aware that CBP is planning a permanent interior checkpoint in the Tucson Sector on Interstate Highway 19, and that the agency continues to consult with residents and community groups in this area as it develops and implements its planning. After months of local meetings in 2007, CBP stated that it had not yet determined the exact location for a permanent checkpoint, agreed to abandon its initial design for a large-scale permanent checkpoint modeled on the one in Laredo, Texas, and adjusted its plans for an upgraded interim checkpoint on I–19 based on input from the community. In addition, the Committee understands that GAO is beginning a congressionally-requested study of the effectiveness of existing interior checkpoints near the U.S.-Mexico border. The Committee directs CBP to not finalize planning for the design and location of a permanent checkpoint until the findings from the completed GAO study and data on the performance of the upgraded interim checkpoint have been collected and incorporated into such planning. The Committee also directs CBP, as appropriate, to make all interim checkpoint performance data available on an ongoing basis to affected communities and stakeholders, as part of full and transparent consultation with the public.

INTERNAL AFFAIRS

The Committee includes $5,300,000, as requested, for new investigative staff for CBP internal affairs' operations, bringing the total number of investigators to 101. This expanded capacity should help CBP address misconduct and criminal activity, as well as work with the Office of Inspector General on allegations of corruption along the border. The need for this internal affairs capacity is made more urgent by the rapid growth in the CBP workforce. The Committee understands that processing of misconduct cases has been delayed due to a shortage of investigators, with potentially adverse effects on workforce integrity and morale. The Committee urges CBP to increase efforts to eliminate such backlogs, and directs CBP to include performance data on internal affairs productivity, including time required from intake to final disposition for cases, in the fiscal year 2010 budget request.

INTELLIGENCE STAFFING

The Committee includes $42,750,000 for the CBP Office of Intelligence and Operations Coordination (OIOC), an increase of $24,000,000 as requested, for: an additional 27 positions associated with standing up a 24/7 Intelligence Watch capability; the development of an Analytical Framework for Intelligence Officers to improve access to CBP and DHS databases that currently must be accessed through separate channels; and the deployment of Homeland Security Data Network access to critical field sites. The growing role of OIOC in intelligence support is apparent in the fact that OIOC accounts for 75 percent of all DHS intelligence output. The Committee includes bill language directing that no funding may be obligated for the operation of the Analytical Framework for Intelligence Officers until the Commissioner certifies that this Framework complies with all applicable laws, including section 552a of title 5, U.S. Code, and other laws protecting privacy, and such certification is reviewed by OIG. The certification should include a discussion of how the funding will be used by CBP to integrate its operations under the intelligence governance and sharing systems of the Department and the intelligence community; the privacy and security protections that will be part of this system; and how procedures and policies will ensure the appropriate use of the law enforcement, economic and other information generated by CBP.

WESTERN HEMISPHERE TRAVEL INITIATIVE

The Committee includes $139,973,000, as requested, to implement the Western Hemisphere Travel Initiative (WHTI) at all ports of entry by June 2009. This includes funding for 89 new CBP Officers, bringing total CBP WHTI staffing to 294. The Committee remains concerned that the program may not be fully integrated and ready for enforcement of the WHTI document requirements. The Committee is aware that CBP is conducting time and motion studies at the busiest land border ports and plans to use information from these studies to improve both the quality and speed of data verification and processing. However, operational testing will not begin until September 2008 at the ports of Blaine and Nogales. Notwithstanding these efforts and the proposed WHTI staffing increase, the overall shortage of CBP personnel at ports of entry

could lead to passenger processing delays and security gaps. Similarly, as the Committee noted last year, continued deferral of port infrastructure improvements also contributes to delays at ports of entry. The Committee expects DHS to ensure that WHTI does not exacerbate such problems, and directs CBP and the Office of Policy to brief the Committee not later than September 15, 2008, and quarterly thereafter, on the status of WHTI.

NORTHERN BORDER STAFFING

As noted in previous years, the Committee strongly supports statutory requirements in the USA PATRIOT Act (Public Law 107–56), section 402 of the Trade Act of 2002 (Public Law 107–210) and the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) related to increasing the number of Border Patrol agents and CBP Officers on the Northern border. Threat information continues to point to Northern border vulnerabilities to terrorist action and intrusion. CBP has stated, however, that its target is to deploy no less than ten percent of the Border Patrol agent workforce to the Northern border, below the statutory requirements. Specifically, CBP has testified that it would deploy at least 1,845 Border Patrol agents on the Northern border by the end of fiscal year 2009, 375 over the projected fiscal year 2008 level, but 65 less than is needed to comply with the IRTPA requirement that at least 20 percent of the overall net increase in Border Patrol agents be assigned to the Northern border. The Committee expects CBP to meet statutory requirements and has included $1,950,000 for the cost of transferring an additional 65 agents to the Northern border. The Committee directs CBP to continue to include, as part of its quarterly hiring briefings, progress reports on hiring, training, and deploying Northern border staffing.

ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION

The Committee provided $36,000,000 in fiscal year 2008 for costs of planning, staffing, and system development of the Electronic System for Travel Authorization (ESTA) for screening and processing travelers from visa waiver program countries. The Committee understands that an ESTA project plan, schedule and funding have been approved, that four positions have been filled, and that CBP is recruiting additional personnel for its program management office and National Targeting Center. The Committee expects the Department to keep to its current plan to implement ESTA by summer 2008 that is commercially available, uses currently deployed technology, and is compatible with existing systems used by the global air transport industry. The Committee directs CBP to submit a report on ESTA implementation with its fiscal year 2010 budget request, and to include details on staffing, schedule and funding, as well as initial performance experience.

MODEL PORTS OF ENTRY PROGRAM

The Committee directs CBP to submit a report on the establishment of the Model Ports of Entry program authorized by Section 725 of Public Law 110–53 not later than six months after enactment of this Act. The report shall show how CBP is providing a more efficient and welcoming arrival process for international visi-

tors at the top 20 international airports and include a CBP Officer staffing plan that considers the use of overtime and flexible work scheduling. In addition, the report should describe: (1) efforts by CBP for additional employee recruitment, retention, and training; (2) the process for disseminating entry requirements to international travelers before arrival into the U.S.; (3) improvements to queue management techniques; (4) the use of instructional and welcome videos and private sector representatives with multiple language capabilities at entry; (5) improvements to CBP signage; (6) the integration of private sector customer service programs into the CBP training curriculum; (7) the best practices developed at existing Model Ports of Entry to be expanded to remaining Model Ports of Entry; and (8) results of surveys of air travelers used to assess satisfaction with CBP performance.

INTERNATIONAL REGISTERED TRAVELER/GLOBAL ENTRY

Section 565 of the fiscal year 2008 Homeland Security Appropriation Act established a new International Registered Traveler pilot program, which CBP has named Global Entry. Global Entry will give pre-approved, low-risk travelers expedited clearance upon arrival into the United States by utilizing automated kiosks located at three international airports: John F. Kennedy International Airport, Washington-Dulles International Airport, and George Bush Intercontinental Airport. The Committee understands the pilot was to have begun accepting applicants in May 2008 and will run for six months. The Committee directs CBP to report on its findings from the pilot airports, with recommendations for funding and staffing a permanent program, not later than January 1, 2009. The Committee strongly supports prioritizing inspection efforts by expediting processing of low-risk travelers, and includes an additional $10,000,000 to enable CBP to continue and expand this program to the top 20 U.S. international airports. The Committee encourages CBP to work with the Transportation Security Administration to explore whether efficiencies can be gained by integrating enrollment processes for Global Entry and the Registered Traveler program for U.S. citizens and legal permanent residents who wish to participate in both programs.

CARGO AND CONTAINER SECURITY

The Committee is concerned about staffing and implementation of the Container Security Initiative (CSI) and Secure Freight Initiative (SFI), which the Committee funds at the requested level of $149,450,000. Although CSI has been expanded to 58 ports worldwide, and SFI is being conducted at three primary and four other international seaports, CBP has yet to ensure that it fills these important posts with appropriately senior personnel who have requisite language skills and experience, and that its assignment and rotation schedule allows for continuity. During recent visits to CSI and SFI ports, the Committee learned that one port had four different team leaders in as many months, and that a lack of Arabic speaking personnel there necessitated moving a senior officer from another important port. GAO reported in January (GAO–08–187) that CBP is filling positions at CSI seaports, but (1) is still dependent on a temporary workforce; (2) needs to optimize staffing resources as the CSI program expands; and (3) needs to identify and

recruit sufficient numbers of qualified individuals for the program. GAO noted that collaboration with host governments varies, leading in some cases to limited access to port areas and restrictions on participation or observation of cargo inspection. Until CBP corrects these critical deficiencies, it is unlikely to make tangible progress towards meeting the 100 percent screening requirement contained in the 9/11 Act. The Committee directs CBP to brief the Committee not later than January 8, 2009, on concrete steps it is taking, including the use of foreign national employees, to resolve problems in staffing and host country relations.

SUPPLY CHAIN SECURITY

The Committee understands CBP is reviewing public comments on its proposed new security filing requirements (also described as "10+2") for importers, shippers and carriers. CBP expects this new filing system to provide a more complete picture of supply chain elements and help CBP better target high risk cargo and containers. The fiscal year 2008 Appropriation Act included $13,000,000 to help CBP begin work on a global trade exchange (GTX) system to gather, process, analyze and maintain a database of sensitive information covering long supply chain segments for which no information is currently available or would be available under the new 10+2 requirements. CBP decided not to proceed with a GTX pilot effort until it had implemented the 10+2 security filing protocol. While the Committee understands CBP's caution in not moving ahead with a new system while continuing to implement a new data collection initiative, it is concerned about the significant gaps that will remain in CBP's information about cargo and containers in the supply chain. The Committee therefore directs CBP to report no later than January 8, 2009, on the state of its information and intelligence about international supply chain operations, gaps to be filled, and efforts underway to close them, including costs and implementation issues associated with such measures.

IN-BOND CARGO AND CONTAINER SECURITY

CBP has initiated a new phase in its tests of commercial off-the-shelf (COTS) technology as a means to track shipments that transit the United States under CBP bond. One current test uses radio frequency (RF) transponder technology combined with digital imaging as a way to reconcile in-bond transactions. The initial demonstration is being applied to in-bond shipments between the Ports of LA/Long Beach, California, and Laredo, Texas. The Committee directs CBP to provide a status report on that demonstration, including information on the use of optical character recognition systems and integrated tracking and security systems. The report should also include the number of in-bond shipments for fiscal years 2006 through 2009 (to date), and the number of times in-bond documents were not fully reconciled between arrival and destination ports.

US-VISIT FUNCTION SUPPORT

The Committee includes $39,900,000 for maintenance, engineering and operations support for US-VISIT, a reduction of $22,900,000 from the request. The budget explanation did not jus-

tify full funding, given that detailed breakouts of fiscal year 2007 and 2008 costs were not provided, and current estimates for 2008 appear well below the costs projected for fiscal year 2009. The Committee expects CBP to cover these costs from within its Salaries and Expenses appropriation or through further US-VISIT reimbursements, if necessary. The Committee also directs CBP to provide a detailed report on the prior year budget for this support, by account, purpose and fiscal year, with the fiscal year 2010 budget submission.

SYSTEMS FOR TARGETING

The Committee funds the requested level of $32,550,000 for systems for targeting. No funding shall be obligated for the enhancement of Automated Targeting Systems-Passenger until the Commissioner certifies that such enhancement complies with all applicable laws, including section 552a of title 5 U.S. Code, and other laws protecting privacy, and such certification has been reviewed by OIG. The certification should demonstrate how such enhancements will improve targeting while fully complying with statutory requirements for handling and securing personal data.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The Committee includes $4,750,000, as requested, to continue textile transshipment enforcement. The Committee directs CBP to ensure that the activities of the Textile and Apparel Policies and Programs Office, specifically seizures, detention, and special operations, are maintained at least at the level of those activities in prior years. The Committee directs CBP to submit a report with the fiscal year 2010 budget on execution of its five-year strategic plan. The report should include information covering fiscal years 2003–2008 on enforcement activities; textile production verification team exercises and special operations; numbers of seizures; penalties imposed; and the numbers and types of personnel responsible for enforcing textile laws (including headquarters staff in the Textile Enforcement Operations Division).

AGRICULTURAL SPECIALISTS

The Committee recognizes that CBP needs additional Agriculture Specialists to minimize and reduce wait times associated with agricultural inspections. The Committee therefore includes $5,100,000 for 100 additional Agricultural Specialists and directs that first priority be given to fully staffing the busiest land cargo ports of entry, as determined by the CBP Workforce Staffing Model.

UNIFORM COMPLAINT SYSTEM

CBP testified that it currently lacks a consolidated system to collect complaints made regarding operations at ports of entry, but that it is working towards a uniform complaint system among all its ports. The Committee directs CBP to move quickly to develop such a system, and to submit a report with the fiscal year 2010 budget request on the status of this effort, needed funding, and a timetable for completion.

UNACCOMPANIED ALIEN CHILDREN

The Committee remains troubled by reports that unaccompanied alien children continue to languish in CBP custody without access to appropriate nutrition, health care, recreation, education, or receipt of form I–770 notification of rights, including the right to a phone call. CBP has testified that it has developed standards for treatment of unaccompanied children and that CBP's policy is to provide I–770 notifications. CBP has also testified that it follows specific standards for juvenile treatment under 8 CFR 236.3, *Detention and Release of Juveniles,* as well as the *Flores* v. *Reno Settlement Guidance* and CBP's *Secure Detention Procedures at Ports of Entry.* Nonetheless, the Committee continues to receive reports of abuse and misconduct towards unaccompanied alien children, and is concerned with what happens between the time CBP processes such children and the time the children are transferred to the Office of Refugee Resettlement, which has primary responsibility for the care and placement of such children. The Committee encourages CBP to implement periodic training for CBP staff, led by reputable non-governmental organizations with child welfare expertise. CBP's efforts should include education and testing of employees concerning departmental policies and procedures regarding children. The Committee also directs CBP to submit a report with its 2010 budget request on results of the annual Border Patrol Self-Inspection Program. The report should include data on the number of unaccompanied minors processed by the Border Patrol; the degree to which policy on child care was followed in each event; and whether all unaccompanied alien children received their Form I–770 and related information in a timely fashion.

CARRIZO CANE

The Committee is aware that DHS and CBP have been working with the Departments of Interior and Agriculture, as well as the U.S. Army Corps of Engineers (USACE), on efforts to eradicate and control the growth of *Arundo donax*, also known as Carrizo Cane. Carrizo Cane has proven to be a significant obstacle to Border Patrol efforts to gain effective control of the Texas border. The Committee understands that pilot programs are either underway or planned to use chemical and mechanical eradication techniques, as well as biological agents such as wasps, and that the USACE is preparing an environmental impact statement concerning eradication along 111 miles of the Rio Grande River. The Committee directs CBP to submit, with its fiscal year 2010 budget request, a comprehensive plan to eradicate *Arundo donax* and other invasive plants that inhibit security efforts along the U.S.-Mexico border, including in Eagle Pass and other Texas border areas not now included in the pilot programs. The plan should evaluate all available methods for eradication to include, but not be limited to, mechanical, chemical, and biological agents. The plan should include recommendations for the quickest and most environmentally sound eradication methods, and include timetables and funding needed to implement them.

PANDEMIC FLU AND INFECTIOUS DISEASE

The Committee is aware that in 2006 CBP developed plans and procedures to guide CBP's role in a pandemic outbreak. CBP's goal is to decrease the smuggling and distribution of prohibited agricultural commodities and products with influenza risk. In related efforts, CBP developed bird importation handling procedures and deployed related Internet-based training modules. The Committee encourages CBP to explore with the Centers for Disease Control and Prevention Division of Global Migration and Quarantine the potential of further efforts to improve CBP officer training related to infectious disease interdiction and control at U.S. ports of entry. Such training could include enhanced training at FLETC, distance learning programs, and the use of technology, such as personal data assistants for CBP Officers to provide algorithm-based decision-making tools.

RADIATION PORTAL MONITORS

CBP has reported that the staffing required to operate radiation portal monitors (RPMs) and control the gates where RPMs are deployed has come by reducing other positions, chiefly inspectors. To address this deficiency, the Committee has included $34,332,000 to fund 350 positions, including 293 CBP Officers, as well as scientists, specialists and support positions.

The Committee has also included $4,968,000, $3,200,000 less than requested, for costs of RPM operation and maintenance, which have become the responsibility of CBP following transfer of the systems from the Domestic Nuclear Detection Office. Funding was reduced from the request because the delivery of the Advanced Spectroscopic Portal systems is not expected until mid to late fiscal year 2009.

PROJECT SEAHAWK

The Committee includes $2,000,000 for the containerized cargo inspection demonstration project as part of Operation SeaHawk at the Port of Charleston, South Carolina. The Committee encourages CBP, along with Coast Guard and ICE, to continue its work with the Department of Justice on the Project SeaHawk law enforcement task force. The Committee directs CBP to report not later than February 16, 2009, on the impact of Project SeaHawk to date, and to include details of how the project will be funded and supported beyond fiscal year 2009.

CONTAINER SECURITY DEVICE (CSD)

The Committee directs CBP to join the Science and Technology (S&T) Directorate to provide quarterly updates on its efforts to explore a viable CSD solution, as described in the S&T section.

AUTOMATION MODERNIZATION

Appropriation, fiscal year 2008	$476,609,000
Budget estimate, fiscal year 2009	511,334,000
Recommended in the bill	511,334,000
Bill compared with:	
Appropriation, fiscal year 2008	+34,725,000
Budget Estimate, fiscal year 2009	0

MISSION

Automation Modernization includes funding for major information technology projects for CBP, including the Automated Commercial Environment (ACE) system; support and transition of the legacy Automated Commercial System (ACS); the integration and connectivity of information technology within CBP and DHS as part of Current Operations Protection and Processing Support (COPPS); and modernization of the Traveler Enforcement and Compliance System (TECS).

RECOMMENDATION

The Committee recommends $511,334,000 for Automation Modernization, the same as the amount requested and $34,725,000 above the amount provided in fiscal year 2008. Not less than $316,851,000 is for ACE development. CBP is directed to provide an expenditure plan detailing how it will distribute this funding to ACE, COPPS, and TECS, and the Committee includes bill language making $216,851,000 unavailable for obligation for ACE until 30 days after it receives a detailed expenditure plan for that program.

ACE PLAN

CBP is beginning to make progress in implementing the ACE program to automate complex customs processes. The Committee directs that CBP continue to provide the level of detail within the ACE expenditure plan as required in previous years. These shall include:

(1) a detailed accounting of the program's progress, up to the date of the report, in meeting prior commitments made to the Committees on Appropriations relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

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

(3) a listing of all open GAO and OIG recommendations related to ACE, the status of DHS efforts to address the recommendations, and milestones for fully addressing them;

(4)(a) a certification by the DHS Chief Procurement Officer that (1) the ACE program has been reviewed and approved in accordance with the investment management process of the Department, (2) the process fulfills all capital planning and investment control requirements and reviews established by OMB, including Circular A–11, part 7, and (3) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices;

(b) supporting analyses generated by and used in the DHS investment management process; and

(c) a description of the actions being taken to address areas of non-compliance, risks associated with such areas, plans for

addressing these risks and the status of the implementation of such plans;

(5)(a) a certification by the DHS Chief Information Officer that (1) an independent validation and verification agent has reviewed and will continue to review the program, (2) the ACE system architecture is sufficiently aligned with the DHS information systems enterprise architecture to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with associated risks and corrective actions to address any such areas, and (3) the ACE program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to CBP and DHS investment decision-makers; and

(b) a listing of the ACE program's high risks and the status of efforts to address them; and

(6) a certification by the DHS Chief Human Capital Officer that the human capital needs of the ACE program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plan.

TECS MODERNIZATION

The Committee includes $50,000,000, as requested, to fund the second "wave" of a six-year development effort to modernize TECS, a 38-year-old system used extensively by DHS (especially CBP and ICE) as well as other federal, state and local law enforcement agencies. TECS is a critical law enforcement system used for border enforcement and sharing of information about individuals who may be inadmissible to, or represent a security threat to, the United States. The fiscal year 2009 request, along with the $25,000,000 appropriated in fiscal year 2008, comprises about 20 percent of the total projected cost of $343,000,000. To ensure that this important project is carried out effectively, the Committee directs CBP to submit a detailed expenditure plan not later than January 8 2009, to include: (1) a description of each project in the modernization program; (2) a certification by the Department's Chief Information Officer that the system architecture for TECS is aligned with the DHS Enterprise Architecture; (3) a status report on actions taken and approvals granted by the TECS Governance Committee, as well as the DHS Investment Review Board; (4) a description of timelines and milestones for the development and implementation of each project, achievements in fiscal year 2008, and performance to date against targets and (5) current cost estimates for the total modernization effort, as well the remaining project "waves".

BORDER SECURITY, FENCING, INFRASTRUCTURE, AND TECHNOLOGY

Appropriation, fiscal year 2008	$1,225,000,000
Budget estimate, fiscal year 2009	775,000,000
Recommended in the bill	775,000,000
Bill compared with:	
Appropriation, fiscal year 2008	−450,000,000
Budget Estimate, fiscal year 2009	0

MISSION

The Border Security, Fencing, Infrastructure, and Technology (BSFIT) account funds the technology and tactical infrastructure solutions to achieve effective control of the U.S. borders and coastlines.

RECOMMENDATION

The Committee recommends $775,000,000 for Border Security, Fencing, Infrastructure, and Technology (BSFIT), the same as the amount requested and $450,000,000 below the amount provided in fiscal year 2008. Of the funds provided, $400,000,000 may not be obligated until an expenditure plan is approved by the Committees on Appropriations and reviewed by GAO. The Committee includes bill language making no funds available for obligation for fencing or tactical infrastructure for which the Secretary intends to waive environmental or other legislation until 15 days after the intention to invoke such authority is published in the Federal Register. In addition, the Committee continues bill language making no BSFIT funds available for obligation until DHS has complied with the consultation provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The bill also requires Secretarial certfication of this compliance.

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

	Budget estimate	Recommended
Development and Deployment	$275,000,000	$245,000,000
• Technology and Infrastructure Investment	0	175,000,000
• Border Interoperability Demostration Project	0	30,000,000
• Northern Border Technology Investment	0	40,000,000
Operations and Support (Integrated Logistics)	410,000,000	410,000,000
Program Management	90,000,000	120,000,000
• Personnel Operations and Support	0	70,000,000
• Regulatory and Environmental Requirements	0	50,000,000
Total	775,000,000	775,000,000

QUARTERLY REPORTS

The Committee directs the Department to continue its Secure Border Initiative status reports on a quarterly, versus the current, bi-monthly, schedule. The report should include an update on Northern border SBInet investments.

SECURE BORDER INVESTMENT

The Committee has provided over $2,700,000,000 in appropriations for BSFIT activities since 2006. Combined with the $775,000,000 included in this bill, BSFIT will have received more funding in this account over four years than the entire Border Patrol budget for fiscal year 2009. DHS currently estimates the cost to construct its proposed additional 225 miles of pedestrian fence (to achieve a total of 370) to be $930,000,000, or over $4,000,000 per mile.

The Committee is concerned that the rapid growth in border technology and tactical infrastructure (fencing, roads and lighting) deployed since 2007 and projected for fiscal years 2008–09 may

lead to systems and structures that are expensive, fail to perform as promised, and do not result in a more secure border. Today, there are 325 miles of pedestrian and vehicle fencing along the Southwest border, compared to 119 miles of such fencing at the beginning of fiscal year 2006. Despite this increase, however, BSFIT results overall to date have failed to meet expectations.

Fencing in and of itself does not lead to the border being under "effective control," as has been recently seen in San Diego, where illegal border crossing traffic has increased despite having a fence. CBP estimates that only 486 miles of the 1,954 mile Southwest border are currently under "effective control." On the largely unpatrolled Northern border, the number of miles under "effective control" remains at 12—unchanged from 2005—and a pilot program funded in 2007 only now is getting underway.

Unfortunately, deployment of commercially available technology to leverage CBP's border enforcement capability has been disappointingly slow. Project 28, which was to set the pace for rolling out technology solutions, was completed almost ten months behind schedule, and its payoff has been very limited. The disappointing results of Project 28 demonstrated that technology development must have meaningful participation by end-users from the start.

The Committee is concerned that the planned deployment of SBInet technology in the Tucson and Ajo areas of Arizona, presently scheduled for 2008, is being rushed and may result in cost overruns and underperformance. Until there is more tangible progress in developing and testing the underlying technology, the risks associated with committing funding for this deployment are significant. The effort to implement a Common Operating Picture version 0.5 in 2008 may also be premature. The Committee notes that the former manager of SBInet publicly stated serious concerns with the program, including "cost overruns and lack of a system design by prime contractor" as well as "constantly changing requirements, the lack of a program baseline, and an unrealistic schedule."

CBP testified that it plans to have completed work on 370 miles of pedestrian fencing and 300 miles of vehicle barriers on the Southwest border by the end of calendar year 2008. While CBP proposes to use development and deployment funding for additional tactical infrastructure in fiscal year 2009 beyond the 670 miles currently planned, it has not indicated where it would be deployed, or even its priorities for such funds. The Department must effectively demonstrate the positive impact of currently planned infrastructure on the security and well-being of the Southwest Border region.

NORTHERN BORDER TECHNOLOGY INVESTMENT

CBP has invested only 1.7 percent of total BSFIT resources appropriated to date for improving Northern border security. It plans to use about $46,000,000 for Northern border investments in fiscal year 2008 (including $20,000,000 in fiscal year 2007 funds for the Detroit pilot), and proposes a similar funding level for this activity in 2009. This is a meager effort, particularly given that our land border with Canada is more than twice the length of the Southwest border and, as the Secretary of Homeland Security has said, is more vulnerable to terrorist infiltration or smuggling. The Committee includes $40,000,000 specifically for new technology invest-

ments to address Northern border vulnerabilities and for efforts to follow up on the Detroit area maritime pilot project. Quarterly SBI reports must include a report on technology investments on the Northern border.

BORDER INTEROPERABILITY DEMONSTRATION PROJECT

A key element of border security is the integration of efforts by all levels of government present at the borders—federal, State, local and tribal. At present, the lack of fully interoperable communications among those levels in border areas places real limits on the ability to coordinate activities and leverage efforts related to threat detection, operations, and public safety. To begin to address this problem, the Committee includes $30,000,000, as authorized in section 302 of the 9/11 Act, for a Border Interoperability Demonstration Project in Northern border and Southwestern border communities, with participants to be selected by the Secretary and funding distributed through the State or States in which the communities are located. The Committee directs the Secretary to report by January 8, 2009, on the Department's plans for use of this funding, including selection of participating communities and a timetable for conducting the pilots.

OPERATIONS AND SUPPORT

The Committee includes $410,000,000, as requested, for the operation and maintenance of systems and infrastructure deployed with BSFIT funding. This represents a 460 percent increase over the fiscal year 2008 appropriated level. Within this amount, the Committee understands that $75,000,000 is for operation and maintenance costs for tactical infrastructure, with the remaining $335,000,000 for support of technology. The Committee is concerned that such a large increase is not consistent with the current pace of implementation of SBI technology solutions, and that the $75,000,000 seems far beyond the requirements for maintenance of the 670 miles in total fencing and vehicle barriers CBP is planning to have in place by the end of 2008, let alone the 325 miles of such fencing and barriers currently in place.

The Committee recommends this funding level to make certain that the program does not lack basic operational resources despite the fact that the Department provided inadequate information to justify it. To ensure these funds are necessary, the Committee directs CBP to provide a detailed report on operations and support obligations and expenditures on a monthly basis, beginning January 8, 2009. The first such report shall include all obligations and expenditures to date.

ENVIRONMENTAL AND REGULATORY ASSESSMENTS

The Committee includes $50,000,000 for regulatory and environmental assessments and mitigation, $40,000,000 above the amount requested. In April 2008, when the Secretary waived the environmental and other laws affecting as much as 470 miles of Southwest border, the Department stated it would mitigate or avoid damaging impacts where possible. The Committee is concerned, therefore, that CBP has rejected proposals to use science-based approaches to develop and monitor mitigation efforts, for example by comparing

the impact of new infrastructure with similar areas where such infrastructure is absent, or by using existing authority to establish "buffer areas" to accommodate both mitigation and security objectives. The Committee includes $50,000,000 to enable more meaningful efforts for environmental assessment and mitigation. The Committee directs CBP to include an environmental mitigation plan and report on mitigation efforts with its fiscal year 2009 expenditure plan submission. The plan should be science-based; include an extensive monitoring protocol; incorporate best practices developed in consultation with relevant Federal, State, local and tribal authorities; and support land acquisition efforts for mitigation purposes, where applicable.

Furthermore, the Committee expects the Department to limit any future exercise of the Secretary's waiver authority to specific, narrowly-defined, unaggregated segments of the border. The Committee retains existing bill language requiring the Secretary to provide 15 days' notice in the Federal Register in those instances where a decision is made to invoke such authority.

EXPENDITURE PLAN

The Committee has been disappointed with the initial fiscal year 2008 BSFIT expenditure plan, which did not provide the information and level of detail required. Some requirements were completely ignored, including the comparison of alternatives to fencing as a means to achieve effective control on the border. The Committee directs CBP to comply fully with the requirements of the law in its fiscal year 2009 expenditure plan.

The Committee is also concerned that DHS has not taken actions identified by GAO to reduce investment risk, leaving over $3.5 billion in current and proposed investment at risk. To ensure that a foundation for effective investment is in place, a track record of performance is established, and a balanced approach is taken to address all threats along the borders, $400,000,000 is unavailable for obligation until the Committee has received and approved an expenditure plan that:

1. Defines activities, milestones, and costs for implementing the program to date for all investments, including technology and tactical infrastructure; identifies the maximum investment related to the SBInet contract; estimates lifecycle costs; and describes the methodology used to obtain these cost figures;
2. Demonstrates in detail how specific projects will further the goals and objectives of the Secure Border Initiative (SBI), as defined in the DHS Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;
3. Includes an explicit plan of action for meeting current and future program commitments, specifically showing the current year investment and estimated maximum investment (including lifecycle costs) for funding under the plan;
4. Identifies funding and staffing requirements by office and function within the SBI program;
5. Describes in detail how the plan addresses Northern border and Port of Entry security needs (including infrastructure, technology, and design and operations requirements); how plan

components rely on BSFIT funding; and how SBI has prioritized its Northern border activities;

6. Reports on budgeting, obligations and expenditures, activities completed, and progress made related to obtaining effective operational control of the border;

7. Lists all open GAO and OIG recommendations, status of efforts to address them, and a timetable for doing so;

8. Includes Chief Procurement Officer certification (1) of the investment management process; (2) that the plan complies with all applicable federal acquisition rules and best practices, reflects contracting administration improvements, and addresses procurement risk; and (3) that there are no conflicts of interest between the prime integrator and subcontractors. This certification should append all relevant documents and memoranda, including documentation and definitions related to the investment review processes used to obtain said certification;

9. Includes Chief Information Officer certification that (1) the program system architecture aligns with the information systems architecture of DHS and (2) the program has a risk management process. This certification should append all relevant documents and memoranda, including a description of processes used to obtain said certification;

10. Includes Chief Human Capital Officer certification that the human capital needs of the program are being addressed in a way that ensures adequate staff and resources are available to effectively manage SBI, along with a description of SBI staffing priorities. This certification should include all relevant documents or memoranda, including a description of processes used to obtain said certification;

11. Includes a detailed analysis by the Secretary for each segment, defined as 15 or fewer border miles, comparing a fence or tactical infrastructure solution with alternative means to achieve operational control, such as additional staffing, other technology or infrastructure, or a combination of such components; and

12. Is reviewed by GAO.

The Committee retains and modifies bill language setting thresholds for notifying the Committee of task orders, including obligations and expenditures. This notification requirement is necessary because of the procurement risk, identified by GAO, stemming from the lack of a contract minimum or maximum in the SBInet contract.

ALTERNATIVES ANALYSIS

The Committee expects the analysis of alternatives for effective control of the border that is contained in the fiscal year 2009 expenditure plan to provide a meaningful basis for comparing different means to achieve border security. It should fully document the decision process that led to selection of fencing as the optimal solution. The Committee directs that such comparison include the following information:

1. A methodology section to explain how CBP determined ratings and weightings, and the standard guidance applied to all segment analyses;

2. A description of the baseline costs of each segment, broken out by personnel, infrastructure, and technology, and a detailed comparison of the cost of each alternative against that baseline;

3. A comparison of the estimated level of border control, by segment, under each alternative (deterrence and time/distance) relative to the current level of border control; in defining the latter, CBP's estimates should incorporate natural barriers or other features of the landscape as appropriate and fully describe the contribution of such features in the plan.

Alternatives should consist of reasonable combinations of elements (e.g., agents, sensors, and cameras), instead of being limited to individual elements that are unlikely to be fielded in isolation. CBP should also include alternatives proposed by communities or other stakeholder groups, such as eradication of vegetation; enhancement of natural barriers; or incorporation of security features into projects.

CONSULTATION WITH FEDERAL AGENCIES AND LOCAL COMMUNITIES

Public Law 110–161 Section 564(b) required the Secretary to consult with other Cabinet secretaries, State, local and tribal governments, and local landowners to minimize the impact of proposed fencing on the environment, culture, commerce and quality of life of the affected communities. The Committee is aware of the Department's documented outreach efforts with organizations, local government officials and landowners. In many cases, however, such outreach consisted of limited conversations or briefings, rather than transparent public dialogue that solicited, acknowledged or addressed concerns or proposals offered by those with whom CBP is charged with consulting. While the Committee understands that the consultation process does not grant stakeholders a veto over DHS authority to construct tactical infrastructure, the Department should engage in a meaningful process that attempts to address stakeholder concerns and fully consider viable alternatives. To support such consultation, the Committee directs CBP, as part of the alternatives analysis in the 2009 expenditure plan, to identify and evaluate alternatives proposed by stakeholders as potential substitutes for tactical infrastructure. The Committee also retains and modifies bill language from the fiscal year 2008 Homeland Security appropriation that makes no BSFIT funding available for obligation until the Secretary certifies that DHS has complied with the consultation provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Secretary certifies to such.

To help improve the consultation process in the future, the Committee also directs GAO to assess the consultation process CBP used in fiscal year 2008 for projects planned for the Texas border, with particular attention to (1) the standards used to achieve meaningful consultation and consistent execution of consultation requirements throughout CBP and the Border Patrol; (2) the communication of those standards within CBP; (3) the training, as appropriate, of CBP personnel to carry out the consultations; and (4) the processes used to address issues or alternative proposals that were introduced or raised as part of the consultation process. The

report should be submitted to the Committee not later than March 1, 2009.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

Appropriation, fiscal year 2008	$570,047,000
Budget estimate, fiscal year 2009	528,000,000
Recommended in the bill	510,000,000
Bill compared with:	
Appropriation, fiscal year 2008	−60,047,000
Budget Estimate, fiscal year 2009	−18,000,000

MISSION

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

RECOMMENDATION

The Committee recommends $510,000,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement, $18,000,000 below the amount requested and $60,047,000 below the amounts provided in fiscal year 2008. The funding includes $380,022,000 for operations and maintenance; $56,000,000 to continue P–3 Service Life Extension; $35,600,000 for Multi-Role Enforcement Aircraft; $9,000,000 to upgrade one Black Hawk helicopter; $11,600,000 for Unmanned Aircraft System (UAS) ground control and spares; $7,700,000 for C–550 sensor upgrades; and $10,078,000 for marine vessels (including $7,369,000 to acquire 49 marine interceptor vessels for the Northern border). Within the above amounts, the Committee funds $26,600,000 for Northern Air branches, as requested.

MULTI-ROLE ENFORCEMENT AIRCRAFT

The Committee is aware that the contract for the DHC–8/Q300, expected to be the principal medium-range asset for CBP surveillance and counterdrug missions, will end production in 2009, and that CBP will only take delivery of seven such aircraft. The Committee understands that the replacement for this mission area will likely be another twin-engine aircraft. The Committee directs CBP to brief the Committee on steps it has taken and is planning for this replacement, including associated timetables and costs, not later than January 8, 2009. The Committee is supportive of this effort and recognizes the need to recapitalize. However, if CBP does not plan to obligate the funding provided for this aircraft in fiscal year 2009, it may utilize this funding instead for additional Black Hawk helicopters.

UNMANNED AIRCRAFT SYSTEMS

The Committee understands CBP is working with the Federal Aviation Administration (FAA) and Coast Guard to expand the ability to operate and test the use of unmanned aircraft systems

(UAS) in national airspace beyond the limited areas along the Southwest border, where operations have been generally restricted to date. CBP is preparing to certify its Grand Forks, North Dakota Air Branch as a location for UAS deployment in 2008, and has undertaken a deployment demonstration in the Gulf Coast area as it begins to work on a strategy for marine UAS deployment.

The Committee does not include $18,000,000, as requested, to enable CBP to complete acquisition and deployment of a seventh UAS system. Despite the potential value of UAS as a surveillance tool, there are many practical limitations of expanded UAS deployment beyond current levels. While the Predator B model is approved to operate in certain restricted airspace, there remain FAA limitations on extending such operation to national airspace more broadly. In addition, there are staffing limitations at the Air and Marine Operations Center (AMOC), which is intended to house the centrally controlled operations for all UAS. The relatively high unit acquisition and operating cost for UAS, roughly $6,000,000 for the aircraft and $18,000,000 for a complete system, are high compared to manned aircraft of similar size. Furthermore, DHS has reported it currently cannot make a valid comparison of the cost of operating its three aircraft types, which makes a meaningful cost effectiveness assessment difficult.

The size and cost of the UAS component of the CBP Air and Marine program, and its exact deployment and mission profile and performance, are still being developed. The Committee directs CBP to provide a more comprehensive report on the plans for deployment of the UAS, to include: the concept of operations for the border and coastal regions, and international operations, if relevant; a detailed report on operational costs, to include staffing and maintenance; basing and range of deployment of UAS; mission performance statistics; and status of FAA certification and approval for national airspace operations. The report should be submitted not later than January 8, 2009.

PRIVATE AIRCRAFT ENFORCEMENT SYSTEM NONCOMPLIANCE

CBP has testified that private aircraft may routinely enter the U.S. over the Northern border without reporting their entry via CBP form 178, as required by law, and are doing so without repercussion. CBP is directed to brief the Committee not later than September 1, 2008, on steps being taken to end this vulnerability. To help in this effort, the Committee includes $5,000,000 to fund the deployment of the Wireless Airport Surveillance Platform (WASP) at small or untowered airports. The Committee is aware that CBP's Air and Marine Operations Center (AMOC) participated in a WASP demonstration associated with a Science & Technology Directorate initiative. The Committee was informed by AMOC staff that this system could help detect the use of private airports by smugglers or other private aircraft that have entered U.S. airspace without authorization.

CONSTRUCTION

Appropriation, fiscal year 2008	$348,363,000
Budget estimate, fiscal year 2009	363,501,000
Recommended in the bill	363,501,000
Bill compared with:	
Appropriation, fiscal year 2008	15,138,000
Budget Estimate, fiscal year 2009	0

MISSION

The Construction account funds the planning, design, and assembly of Border Patrol infrastructure, including Border Patrol stations; checkpoints; temporary detention facilities; mission support facilities; and construction costs at CBP-owned ports of entry. Tactical infrastructure (fencing, barriers, lighting and road improvements at the border) is funded through the Border Security, Fencing, Infrastructure, and Technology account.

RECOMMENDATION

The Committee recommends $363,501,000 for Construction, the same as the amount requested and $15,138,000 above the amount provided in fiscal year 2008. The funding includes $255,300,000 for Border Patrol construction; $16,600,000 for Air and Marine facilities; $10,000,000 to modernize CBP-owned ports of entry; $25,400,000 for minor construction; $15,000,000 for housing; $39,200,000 for lease acquisition, operations and maintenance, and repairs; and $2,015,000 for planning.

LAND PORT OF ENTRY MODERNIZATION

Traditionally, funding within the Construction account has supported Border Patrol and Air and Marine facilities construction and maintenance. Most land ports of entry are owned by the General Services Administration, which leases them to CBP and is responsible for modernizing or expanding those facilities. CBP has identified the upgrading of these GSA-owned inspection facilities as a high priority, and has reported that the cost could be as high as $1,800,000,000. The Committee directs CBP to continue working with GSA to prioritize funding for modernizing these facilities.

In addition to GSA facilities, the 43 land ports of entry owned and maintained by CBP require significant recapitalization, which CBP estimates could cost $150,000,000. The Committee includes $10,000,000, as requested, to begin this recapitalization, and directs CBP to submit a detailed plan for modernizing all 43 ports of entry with its 2010 budget request.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

Appropriation, fiscal year 2008	$4,687,517,000
Budget estimate, fiscal year 2009	4,690,905,000
Recommended in the bill	4,746,171,000
Bill compared with:	
Appropriation, fiscal year 2008	+58,654,000
Budget Estimate, fiscal year 2009	+55,266,000

MISSION

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

RECOMMENDATION

The Committee recommends $4,746,171,000 for Salaries and Expenses, $55,266,000 above the amount requested and $58,654,000 above the amount provided in fiscal year 2008.

Within these amounts, the Committee provides $800,000,000 to finance ICE's identification of undocumented individuals with criminal records who are incarcerated or at large, and the removal of those aliens with criminal records who have been judged deportable in immigration court. The Committee believes that ICE should have no greater immigration enforcement priority than to remove violent, deportable criminal aliens from the United States.

The Committee provides $1,322,219,000 for ICE's investigatory responsibilities, and funds many of the requested increases in customs and trade enforcement activities. The Committee has developed a new investigatory budget structure for ICE in 2009 to provide transparency into the agency's various law enforcement missions. As ICE's investigatory program has matured since its creation five years ago, its investigatory budgets have increased dramatically. Along with this budgetary growth comes the responsibility for accountability and prioritization of the investigatory workload.

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

	Budget estimate	Recommended
Headquarters Management and Administration	$374,537,000	$360,968,000
Identification and Removal of Criminal Aliens (IRCA):		
Criminal Alien Program*	189,069,000	189,069,000
Fugitive Operations*	226,477,000	226,477,000
Custody Operations*	46,000,000	46,000,000
State and Local Programs**	83,380,000	78,474,000
Immigration Investigations**	164,905,000	164,905,000
Other Criminal Investigations**	40,545,000	40,545,000
Additional IRCA funding	0	54,530,000
Subtotal, IRCA	750,376,000	800,000,000
Detention and Removal Operations:		
Custody Operations	1,650,495,000	1,650,495,000
Alternatives to Detention	55,791,000	63,000,000
Transportation and Removal Program	281,399,000	281,399,000
Subtotal, Detention and Removal Operations	1,987,685,000	1,994,894,000
Legal Proceedings	214,332,000	215,134,000
Domestic Investigations:		
Customs and Trade	757,000,000	758,120,000
Counterterrorism/JTTF Support	66,734,000	66,734,000
Human Smuggling and Trafficking	109,991,000	109,991,000
Immigration Investigations	124,783,000	124,783,000
Gang Enforcement	35,070,000	47,070,000

	Budget estimate	Recommended
Worksite Enforcement	92,300,000	90,000,000
Subtotal, Domestic Investigations	1,185,878,000	1,196,698,000
International Investigations:		
International Operations	106,741,000	107,021,000
Visa Security Program	18,400,000	18,500,000
Subtotal, International Investigations	125,141,000	125,521,000
Intelligence	52,956,000	52,956,000
Total, ICE Salaries and Expenses	4,690,905,000	4,746,171,000

*Previously displayed within Detention and Removal Operations.
**Previously displayed within Domestic Investigations.

PRIORITIZING THE REMOVAL OF DEPORTABLE CRIMINAL ALIENS

In the 2008 Appropriations Act, the Congress provided ICE $200,000,000 to identify aliens convicted of crimes and sentenced to imprisonment, and to remove such individuals from the country who are judged deportable. Along with these funds, ICE was instructed to submit an expenditure plan to the Committee describing the strategy and process the agency would use to carry out this responsibility.

Within the agency's plan to identify and remove deportable criminal aliens, ICE developed a conceptual methodology to find the most violent and dangerous criminals in an effort to ensure that those who are the greatest threat to society are the first priority for removal. The Committee believes this type of risk-based prioritization is critical to successful execution of the ICE mission, and encourages ICE to adopt the same approach to locating and arresting dangerous, at-large criminal aliens.

ICE estimates that identification and removal of the most dangerous criminal aliens would cost at least $900,000,000 and take more than three years to achieve. Of the $200,000,000 provided in 2008, ICE's plan deferred $175,000,000 of expenditures until 2009, partly in anticipation of a lengthy program implementation.

The Committee recognizes the need for resources to carry out the ICE plan, and therefore allocates $800,000,000 in 2009 to finance the agency's efforts to identify and remove the most violent and dangerous criminals from the United States. The Committee also includes a statutory requirement for ICE to provide quarterly briefings on its progress in doing so. Combined with the $175,000,000 that ICE chose to reserve from 2008, this funding should be adequate for the agency to establish a full-scale, nationwide program. To support this effort further, the Committee establishes a consolidated program budget so that ICE is able to build upon its existing resources to ensure comprehensive coverage of the entire nation. Included within this program budget is funding for Fugitive Operations teams and the Criminal Alien Program, previously reflected as part of the Detention and Removal Operations function, along with funding for State and Local Programs, Criminal Investigations, and a portion of Immigration Investigations, previously reflected in the Office of Investigations function. The Committee also adds $54,530,000 in unrequested funding for this initiative.

The State and Local Programs budget, which is part of the $800,000,000 allocated to the identification and removal of criminal aliens, includes funding to support the delegation of immigration

enforcement authority to State and local law enforcement agencies through 287(g) agreements and funding for the Law Enforcement Support Center, which helps State and local agencies determine the immigration status of criminals and non-criminals alike. By allocating the budgets for these programs to ICE's efforts to identify and remove criminal aliens, the Committee intends that ICE make this its first immigration enforcement priority. However, the Committee does not preclude ICE from the enforcement of immigration laws pertaining to non-criminal aliens, or limit the exercise of delegated 287(g) authorities to the exclusive apprehension of criminal aliens. Similarly, while funding for Fugitive Operations teams, which will also be part of the criminal alien budget in 2009, should primarily be used to focus on locating criminal absconders, the Committee does not preclude these teams from enforcing immigration laws when they encounter non-criminal aliens during their activities. While the Committee directs ICE to prioritize activities related to criminal aliens, it also provides $1,190,998,000 for ICE to conduct investigations not specifically targeted at criminal aliens.

QUARTERLY PROGRESS REPORTS

ICE is required to submit quarterly progress reports on its efforts to identify and remove deportable criminal aliens. The report shall include funds obligated during the previous quarter; the number of ICE staff dedicated to this effort, by duty location; the number of criminal aliens identified in correctional institutions and elsewhere, by location identified; the number of days such aliens are held in detention before removal proceedings; and the number of criminal aliens deported. The first such quarterly report shall also include a description of the staffing model used by ICE to determine the number of ICE personnel assigned to state and local prisons in fiscal years 2008 and 2009, and the number of ICE personnel at such facilities prior to fiscal year 2008, compared with the number of criminal aliens detained and processed at these facilities.

ICE RESOURCE ALLOCATION

The Committee is concerned that information on funding spent for ICE investigations and enforcement initiatives cannot easily be provided to the Committee by ICE budget office staff. When such information is provided, it often appears to be based on projections rather than explicit budget allocations made to operational managers. While this is partly the result of out-dated ICE financial and management systems, the Committee is concerned that ICE financial management processes may lack adequate control of field expenditures and resource prioritization. Further, the Committee is concerned that inadequate budget transparency may result in field staffing and equipment allocations that are not aligned with workloads. As a result, the Committee directs GAO to review ICE processes for resource and staffing allocations, including an assessment of ICE's ability to adjust resource levels based on workload trends.

DETENTION BED SPACES

The Committee funds the requested $46,000,000 increase for detention capacity within the budget for identifying and removing

criminal aliens. With these additional resources, ICE will have a total 2009 detention capacity for 33,000 individuals per day, an increase of 1,000 spaces over 2008. The Committee directs ICE to place priority on the detention of violent criminal aliens who are awaiting deportation. The Committee expects ICE will have sufficient detention capacity in 2009 to make significant improvements in the detention and removal of criminal aliens, particularly since the Department has noted significant declines in the apprehension of illegal crossers along the Southern border as evidence of the success of the "catch and return" policy.

DETENTION CENTER MEDICAL SERVICES

The Committee is concerned about media reports alleging substandard treatment of individuals in the custody of ICE. While no medical system is without error or problems, detainee medical care must be well-managed, sufficiently resourced, and provided in a manner meeting medical standards and ethics. Given the apparent shortfalls in the care provided, the Committee directs ICE to undertake immediately a comprehensive review of the medical care provided to people detained by DHS, and increases the budget for the Office of Professional Responsibility by $2,000,000 over the request level to fund this effort. The review should be conducted by appropriate independent medical experts, selected with the advice of the Office of Health Affairs, who can identify deficiencies in the provision of medical care to detainees and make recommendations to correct problems.

DETENTION STANDARDS OVERSIGHT AND COMPLIANCE

The Committee is concerned about recent reports issued by the OIG and GAO concerning the Department's failure to comply with standards for providing safe, secure and humane treatment of those detained in ICE custody. The Committee directs the ICE Office of Professional Responsibility to continue to expand its detention oversight programs in 2009.

The Committee is pleased that ICE has moved to a third-party compliance audit program for contract detention facilities. Detention facilities are now evaluated annually and on a random basis for compliance with ICE detention standards (although these audits do not review the quality of healthcare provided), and receive assessments ranging from "superior" to "good" to "acceptable" to "at risk" to "deficient." Of the 317 facilities for which 2007 reviews were completed as of March 2008, 55 were judged deficient. While ICE rightly gives contract facilities the opportunity to correct cases of non-compliance with its standards, it is important that chronic failures to meet detention standards are not ignored. Therefore, the Committee includes a provision prohibiting ICE expenditure of funds for any contracted detention facilities that receive two consecutive evaluations of less than "acceptable".

CRIMINAL GANG INVESTIGATIONS AND ENFORCEMENT

ICE's unique criminal and immigration enforcement authorities provide the agency with an effective means of combating crime associated with transnational criminal gangs. ICE's "Operation Community Shield" has been effective at working with State and local

communities to disrupt organized criminal activity carried out by groups with connections to Central and South America, Central and Eastern Europe, Asia, and Africa. The Committee provides $47,070,000 for ICE gang enforcement efforts, an increase of $12,000,000 over the requested level.

STATE AND LOCAL PROGRAMS

The Committee has provided $78,474,000 for State and local programs, the same as the amount provided in fiscal year 2008. The Committee is concerned that ICE has not established adequate oversight of State and local law enforcement agencies that are delegated authority to enforce Federal immigration laws. In particular, the Committee notes that lawsuits have been filed accusing some of ICE's State and local partners of not following the procedures outlined in the Memoranda of Agreement that govern the terms of delegated immigration enforcement authority. The Committee directs ICE to submit a comprehensive strategy for ensuring adequate oversight and regulation of all State and local immigration enforcement agreements. Furthermore, bill language is included requiring ICE to prioritize the delegation of Federal immigration enforcement authorities to State and local correctional agencies, and to preclude the use of any funds for the delegation of Federal authorities to organizations that fail to comply with the terms of their agreements. The Committee also directs the OIG to audit the performance of agreements between ICE and State and local officials, specifically investigating whether violations of the terms of the agreements have occurred.

CUSTOMS AND TRADE INVESTIGATIONS

In addition to enforcing immigration laws and regulations, ICE is responsible for investigating and disrupting various illegal trade-related schemes. ICE investigators also monitor the export of strategic technologies and products to ensure that American innovation is not exploited by those who would do our country harm. To support these important activities, the Committee provides $11,500,000 for the expansion of ICE's Arms and Strategic Technology investigations; Commercial Fraud investigations; National Security Integration Center; Counterterrorism Unit and Joint Terrorist Task Force Support; Human Smuggling and Trafficking investigations; Commercial Fraud and Intellectual Property investigations; and Outbound Trade Enforcement investigations, as requested. The bill fully funds the President's request for ICE's cyber crime related investigations, including, but not limited to, child exploitation, identity and benefit theft investigations, money laundering investigations, and the ICE National Digital Forensics Document Laboratory. The Committee does not fund requested increases to Identity and Benefit Theft investigations; Financial investigations; Cyber Crimes investigations; the Forensics Document Laboratory; or the ICE Asset Forfeiture Fund staff, since these activities are also conducted by other Federal law enforcement agencies.

TEXTILE TRANSSHIPMENT ENFORCEMENT

Section 352 of the Trade Act of 2002 authorizes funding for Customs Service textile transshipment enforcement, and specifies how the funds must be spent. The Committee includes $4,475,000 to continue these important activities. The Committee directs ICE to provide a report with its fiscal year 2010 budget request on its actual and projected obligations of this funding, covering fiscal years 2005 to 2010. The report should include staffing levels by fiscal year since 2005. The report should also include a five-year enforcement plan for transshipment violations.

ICE LEGAL PROGRAMS

In order to efficiently investigate and prosecute individuals accused of customs and immigration violations, ICE requires an active and effective legal staff. The Committee provides $215,134,000 for the ICE Office of the Principal Legal Advisor (OPLA), $802,000 more than requested. Of this amount, $500,000 is for the ICE Human Rights Law Division to continue to expand its vigorous prosecution of human rights violators who have managed to enter the United States.

ALTERNATIVES TO DETENTION

Alternative to Detention programs are a cost-effective approach for maintaining contact with non-dangerous individuals being prosecuted for immigration violations or whose cases are under judicial appeal. Through a variety of means, these programs contribute to more effective enforcement of immigration laws at far lower cost than detention. The Committee recommends $63,000,000 for Alternatives to Detention programs, an increase of $7,209,000 above the request. The Committee understands that ICE will re-compete some of the contracts for Alternatives to Detention programs in 2009, and instructs ICE to ensure the review process for any new contracts includes an analysis of the nationwide expandability of the program, as well as a review of the suitability of the proposals for families and asylum-seekers.

The Committee is aware of claims that ICE is using the Alternatives to Detention program as a means to track individuals who would otherwise be eligible for release on parole or bond, rather than as a true humanitarian alternative that allows the agency to keep track of non-dangerous people during their immigration court proceedings. ICE is directed to provide a briefing to the Committee on the criteria for enrollment of detainees in Alternatives to Detention programs, including detailed information about the demographics of those enrolled in the various Alternatives to Detention programs, and the specific funds allocated to each approach for Alternatives to Detention. The Committee further directs ICE to ensure it is using the Alternatives to Detention program in lieu of using detention facilities.

CHILD AND FAMILY DETENTION

The Committee remains concerned that, contrary to clear direction in the explanatory statement accompanying the 2008 Appropriation Act, families continue to be held in prison-like conditions, and that alternatives to detention are not being made broadly

available to families. In addition, while the Committee notes that ICE has developed and implemented detention standards for families held in custody, it is concerned that these standards permit detention officers to execute strip searches of children, place children in restraints, and use disciplinary weapons such as steel batons against children held in custody. The Committee directs ICE to cease housing families in prison-like settings, to provide a briefing to the Committee on its future plans for family detention facilities, and to report quarterly on any incidents involving strip searches of children, placement of children in restraints, or use of disciplinary weapons against children.

INAPPROPRIATE TREATMENT OF CHILDREN IN ICE CUSTODY

The Committee is concerned by the lack of ICE progress in working with the Department of State and the Office of Refugee Resettlement (ORR) at the Department of Health and Human Services to develop safe and secure repatriation programs for juveniles who are foreign nationals. Children who are deported from the United States deserve special care so that they are protected from harm upon repatriation, and are successfully reintegrated into their home countries. The Committee directs ICE to brief the Committees on Appropriations by November 1, 2008, on its plans for improving this activity in 2009.

The Committee is concerned that the Department has not ceased its reliance on bone and dental forensics for child age determination, as directed in House report 110–181. This practice has led to the erroneous placement of children in facilities commingled with adults who may seek to prey upon young children. The Committee directs the Department to cease immediately its reliance on fallible forensic evidence as determinative of a child's age, and provides no funding for this activity. The Committee also directs the OIG to review ICE practices for determining the age of those in its custody, and to report to the Committees on Appropriations on any cases where ICE used these practices in 2008 or 2009.

Recognizing these and other concerns about the treatment of children in ICE custody, the Committee directs the Department to conduct periodic training for all staff who may encounter children during their duties. This training should be implemented by reputable, non-governmental organizations with child welfare expertise and include, at a minimum: laws and department procedures for caring for children in Federal custody; policies and restrictions on removal of children from the United States; and complaint procedures and appeal mechanisms available to children in Federal custody. The Committee directs the Department to provide a briefing on its training program for employees who encounter children, concurrent with the submission of the 2010 budget.

TRANSPORTATION OF UNACCOMPANIED ALIEN CHILDREN

The Committee expressed interest last year in the transfer of responsibility for transportation of unaccompanied alien children from ICE to the Office of Refugee Resettlement (ORR). Contrary to information provided during development of the 2008 Consolidated Appropriations Act, however, the Committee has learned that ORR was not allocated a budget to carry out such transportation services, does not have the necessary infrastructure in place, and is

therefore unable to accept such responsibility in 2008. The Committee believes that this function may be transferred to ORR if ORR agrees it is able to assume this responsibility and the transfer is cost-effective; ICE reimburses ORR for the cost of this function as determined by an independent entity; and a joint transition plan for the orderly reassignment of this function is developed by ICE and ORR. The Committee directs ICE to provide a briefing on this matter within 90 days of enactment of this Act.

WORKSITE ENFORCEMENT

The Committee supports ICE's policies that allow for humanitarian review of those arrested in worksite enforcement actions affecting 150 or more individuals, and directs ICE to expand this guidance to cover all worksite enforcement activities. The Committee encourages ICE to allow non-governmental organizations and State and local social service agencies to participate in humanitarian screening.

REDUCING THE SOCIAL COSTS OF IMMIGRATION ENFORCEMENT

The Committee is concerned by reports that high-visibility immigration enforcement efforts have caused alarm in several communities. The impact of these unsettling events has apparently resulted in parents withdrawing children from schools, people avoiding medical care, and individuals reducing their presence and role in the community at large. The Committe understands that ICE has stated it does not regularly conduct immigration enforcement actions at schools, hospitals, and religious centers, but believes that policy is not widely understood by the public. The Committee directs ICE to publicize clear policies describing how immigration enforcement actions at schools, hospitals, and religious centers are limited because of the important role these institutions play in our society.

TREATMENT OF INDIVIDUALS SEEKING ASYLUM

The Committee is concerned that ICE and CIS have not addressed many of the issues identified by the U.S. Commission for International Religious Freedom's 2005 report on the treatment of asylum seekers who are detained in ICE custody. In particular, ICE has made little progress in reforming its parole and bond processes for those who claim asylum, leading both to cases of inappropriate detention of individuals with subsequently adjudicated asylum claims, and inconsistent treatment of asylum seekers nationwide. The Committee directs DHS to institute a standard, comprehensive policy for expeditious review of asylum claims by detained individuals, including a transparent parole and bond process for asylum seekers. In addition, the Committee directs the Immigration Services Ombudsman to publish annual statistics on the detention, parole, and bonding of asylum seekers.

FEDERAL PROTECTIVE SERVICE

Appropriation, fiscal year 2008	$613,000,000
Budget estimate, fiscal year 2009	616,000,000
Recommended in the bill	616,000,000
Bill compared with:	
Appropriation, fiscal year 2008	+3,000,000
Budget Estimate, fiscal year 2009	0

MISSION

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

RECOMMENDATION

The Committee recommends $616,000,000, the same as the amount requested and $3,000,000 above the amounts provided in fiscal year 2008. The Committee notes that in February 2008, the Secretary of Homeland Security announced increased FPS fees for fiscal year 2008 and fiscal year 2009 to support the expanded staffing levels mandated in the 2008 Appropriations Act, and encourages the Department to update the fiscal year 2009 FPS collections estimates in the 2009 mid-session review update.

FEDERAL PROTECTIVE SERVICE POLICE

In the 2008 Appropriations Act, Congress mandated that FPS employ at least 1,200 full-time personnel, including at least 900 in-service field staff. While the budget justification submitted by ICE claims that "the Department intends to seek repeal of the minimum staffing level provision," there has been no official submittal of a repeal proposal and ICE has developed no analysis to show the staffing level required to meet the FPS workload. In early March 2008, ICE increased fees charged to FPS customers for 2008 and 2009. As a result, the Committee continues the 2008 provision for minimum staffing levels, and directs the GAO to complete an analysis of the resource levels required for FPS to be able to adequately protect federal facilities.

AUTOMATION MODERNIZATION

Appropriation, fiscal year 2008	$30,700,000
Budget estimate, fiscal year 2009	57,000,000
Recommended in the bill	57,000,000
Bill compared with:	
Appropriation, fiscal year 2008	+26,300,000
Budget Estimate, fiscal year 2009	0

MISSION

The Automation Modernization account funds major information technology (IT) projects.

RECOMMENDATION

The Committee recommends $57,000,000 for Automation Modernization, which funds a variety of ICE technology investments critical to the future of the agency. The following table illustrates funding by specific investment project:

	Budget estimate	Recommended
ATLAS	$13,000,000	$13,000,000
Detention and Removals Modernizations	11,300,000	11,300,000
Homeland Enforcement Communications System (HECS)	15,700,000	15,700,000
Tactical Communications Hub	10,000,000	10,000,000
ICE Financial Systems	7,000,000	7,000,000

ICE FINANCIAL SYSTEMS

Although the Committee understands the Department is soliciting new bids for the financial systems consolidation project known as the Transformation and Systems Consolidation (TASC), it is concerned that ICE financial systems remain in need of significant improvement. While the budget requested $7,000,000 to initiate replacement of ICE's financial systems in conjunction with TASC, that effort is unlikely to occur in 2009. In light of the need to improve ICE's financial systems, however, the Committee provides the requested amount and directs ICE to provide a briefing on the planned use of these funds.

CONSTRUCTION

Appropriation, fiscal year 2008	$16,500,000
Budget estimate, fiscal year 2009	0
Recommended in the bill	10,000,000
Bill compared with:	
Appropriation, fiscal year 2008	−6,500,000
Budget Estimate, fiscal year 2009	+10,000,000

MISSION

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

RECOMMENDATION

The Committee recommends $10,000,000 for Construction instead of no funding as proposed in the budget. This funding will provide for basic and emergency maintenance at ICE-owned detention facilities, called Service Processing Centers (SPCs). The Committee notes that ICE has used the poor condition of many of its SPCs as justification for a proposal to privatize the facilities. ICE makes this assertion while simultaneously neglecting maintenance by not requesting funds to perform it. A recent ICE-commissioned study of the SPCs estimated the need for nearly $400,000,000 in repairs and alterations between 2007 and 2016. The Committee directs ICE to use the funds provided to address the highest-priority repair and alteration needs at the SPCs. The Committee includes

a statutory restriction on obligation of funds to carry privatization of ICE-owned detention facilities until ICE provides the Committees on Appropriations a plan for carrying out that privatization.

STUDENT AND EXCHANGE VISITOR PROGRAM

The Student and Exchange Visitor Program (SEVP) collects fees from student and exchange visitor visa applications to operate and maintain the Student and Exchange Visitor System (SEVIS) and carry out domestic enforcement of student and exchange visitor visa laws. In the 2009 budget and subsequent regulatory filings, DHS and the managers of SEVP proposed nearly doubling the visa application fees charged for student and exchange visitors, while increasing the fees charged to enrolled educational institutions by an even greater amount. This increased revenue is supposed to enable ICE to streamline student record-keeping, improve oversight of educational institutions, and strengthen the support available for both students and academic administrators. The Committee directs ICE to ensure this new revenue produces equivalent improvement in service provided to its academic partners by continuing its outreach work with the communities affected by increased fees and by enabling more direct access to records by students and administrators alike. In addition, the Committee directs ICE to evaluate the role of the academic liaison officers it plans to hire using this additional revenue, making sure these new officials are trained and empowered to assist academic institutions with problems that arise with SEVP.

TRANSPORTATION SECURITY ADMINISTRATION

BUDGET FORMAT AND REALIGNMENT PROPOSAL

The 2009 request proposes to significantly rearrange programs, projects, and activities (PPAs) within the Transportation Security Administration's (TSA) budget and to establish new programs, such as law enforcement and human capital services. TSA has stated that this realignment is necessary to consolidate like functions within various appropriations accounts; to realign functions between PPAs to more closely mirror the current organizational structure; and to integrate the Federal Air Marshals (FAMs) into the Aviation Security appropriation. The Committee has rejected many of the realignment proposals contained in the budget request, including the proposal to combine air cargo activities with aviation regulation. It is critical that air cargo remain a separate and distinct program so that Congress can track how TSA is meeting the 9/11 Act mandate to screen 100 percent of air cargo carried on passenger aircraft by August 2010. In addition, the Committee has denied the proposal to move FAMs into the Aviation Security appropriation because it is critical that the FAMs budget continue to be delineated clearly. The Committee adopted proposed realignments that made sense financially or enhanced program accountability. The most notable of these are the combination of all human resource programs into a new "human capital services" account and the expansion of the information technology (IT) account to reflect IT purchases and programs that were previously contained within the Aviation Security appropriation.

AVIATION SECURITY

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2008	$4,808,691,000
Budget estimate, fiscal year 2009 [1]	5,289,535,000
Recommended in the bill	4,743,018,000
Bill compared with:	
Appropriation, fiscal year 2008	−65,673,000
Budget Estimate, fiscal year 2009	−546,517,000

[1] Because the budget estimate assumes a realignment of many programs including Federal Air Marshals funding of $786,000,000 within this account, a direct comparison to previous fiscal years is not possible.

MISSION

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

RECOMMENDATION

The Committee recommends $4,743,018,000 for Aviation Security, $546,517,000 below the amount requested and $65,673,000 below the amount provided in fiscal year 2008. Funding has been reduced from the fiscal year 2009 budget request because the Committee does not agree to move the Federal Air Marshals program to Aviation Security. FAMs is funded as a separate and distinct appropriation, consistent with prior years. Funds within this account are partially offset through the collection of security user fees paid by aviation travelers and airlines. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Screening operations	$3,678,287,000	$3,940,710,000
Aviation security direction and enforcement	825,248,000	792,308,000
Federal Air Marshals	786,000,000	0
Additional 9/11 Act requirements	0	10,000,000
Mandatory aviation security capital fund [1]	250,000,000	250,000,000
Subtotal, aviation security	5,289,535,000	4,743,018,000

[1] The Aviation Security Capital Fund is a non-add because it is not directly appropriated and is paid for entirely from user fees.

AVIATION SECURITY FEES

In total, the Committee assumes the collection of $2,320,000,000 in aviation security user fees, of which $1,872,000,000 will be collected from aviation passengers and $448,000,000 will be collected from airlines. These fees partially offset the federal appropriation for aviation security.

SCREENING OPERATIONS

The Committee recommends $3,940,710,000 for passenger and baggage screening operations, $262,423,000 above the amount requested and $172,221,000 above amount provided in fiscal year 2008. While TSA refers to the screener workforce as "Transportation Security Officers," these personnel are referred to as "passenger and baggage screeners" for the purposes of this bill and re-

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

	Budget estimate	Recommended
Screener Workforce:		
Privatized screening	$151,272,000	$151,272,000
Passenger and baggage screener, personnel, compensation and benefits	2,716,014,000	2,716,014,000
Subtotal, screener workforce	2,867,286,000	2,867,286,000
Screening training and other	197,318,000	197,318,000
Checkpoint support	127,683,000	250,000,000
EDS/ETD Systems:		
EDS procurement and installation	153,894,000	294,000,000
Screening technology maintenance and utilities	310,625,000	310,625,000
Operation integration	21,481,000	21,481,000
Subtotal, EDS/ETD systems	486,000,000	626,106,000
Total, screening operations	3,678,287,000	3,940,710,000

PRIVATIZED SCREENING

The Committee recommends $151,272,000 for privatized screening, the same as the amount requested and $7,887,000 above the amount provided in fiscal year 2008. To date, 11 airports across the country have chosen to "opt out" of federalized screening and participate in the Screening Partnership Program (SPP). The Committee is aware of seven airports in Montana that were federalized in early 2008, after the 2009 budget was submitted, which currently have no screeners in place but have submitted applications to participate in the SPP. The Committee directs TSA to approve those applications and quickly implement screening at these airports. Furthermore, the Committee expects TSA to continue to provide screener service to airports which become eligible in fiscal year 2009. Should TSA seek to modify some element of an airport's security apparatus, the Committee expects all stakeholders at the affected airport to be fully informed and consulted prior to implementation.

Consistent with prior years, TSA is directed to notify the Committees on Appropriations if it expects to spend less than the appropriated amount for privatized screening due to instances in which no additional privatized screening airports are added or airports currently using privatized screening convert to federal screeners. TSA shall adjust its PPAs within ten days of any changes to personnel, compensation, or benefit levels resulting from the award of SPP contracts, a change in such contracts, or the movement of airports from the SPP to federalized screening.

PASSENGER AND BAGGAGE SCREENER PERSONNEL, COMPENSATION AND BENEFITS

The Committee recommends $2,716,014,000 for passenger and baggage screener personnel, compensation, and benefits, the same as the amount requested and $79,910,000 above the amount provided in fiscal year 2008. This level fully funds the pay and cost of living adjustments for all passenger and baggage screeners and annualizes specialized screeners hired as part of the original 2008 and amended 2008 budget requests (e.g. travel document checkers,

behavior detection officers, bomb appraisal officers, and officers to randomly screen more airport and airline employees).

SCREENING WAIT TIMES

The Committee continues to be concerned that screening wait times vary disproportionately by airport. Based on wait time information, several large airports consistently experience wait times well above average, including Atlanta Hartsfield International airport, Miami International airport, Las Vegas McCarran airport, San Juan's Luis Munoz Marin International airport, Newark International airport, Seattle-Tacoma International airport, John Wayne airport, Tampa International airport, Washington Dulles International airport, Detroit Metropolitan Wayne County airport, and Philadelphia International airport. Consistent with prior years, the Committee directs TSA to submit wait time data on a quarterly basis for domestic airports with above-average wait times and for the top 40 busiest airports in the United States. TSA shall annotate this report to explain any dramatic shift in wait times at any airport and explain what is being done to reduce wait times at these airports.

CHECKPOINT SUPPORT

The Committee recommends $250,000,000 for checkpoint support, $122,317,000 above the amount requested and equal to the mandatory amount in 2008. Because checkpoint support was a mandatory program in 2008, it did not require a direct appropriation. The Committee approves TSA's proposed movement of 31 FTEs from headquarters administration and operations integration to checkpoint support because these personnel work on the operational concepts of this program.

Over the past year, TSA has made some advances in testing, piloting, and deploying next-generation checkpoint technologies that will be used to screen airline passengers and carry-on baggage for explosives, weapons, and other threats. Even with this progress, however, additional funding is necessary to expedite pilot testing and deployment of advanced checkpoint explosive detection equipment and screening techniques to determine optimal deployment as well as preferred operational and equipment protocols for these new systems. Eligible systems may include, but are not limited to, advanced technology screening systems; whole body imagers; liquid explosives detectors; automated explosive detection systems (EDS); cast and prosthesis screening systems; and necessary reconfiguration at airports to accommodate the "checkpoint of the future" layout. The Committee expects TSA to give the highest priority to deploying next-generation technologies to designated Tier One threat airports. Consistent with fiscal year 2008, not later than 60 days after enactment of this Act, TSA shall provide the Committees on Appropriations a checkpoint support expenditure plan outlining how these funds will be spent.

STERILE AREA ACCESS SYSTEMS FOR AIRLINE CREWS

The 9/11 Act requires TSA to move expeditiously on a security screening process for flight crews and report to Congress on the status of efforts to "institute a sterile area access system." A report

to Congress was due on January 30, 2008, with implementation of the system required a year later. To date, TSA has not met the reporting deadline. The Committee urges TSA to submit this report as expeditiously as possible. The Committee acknowledges that instituting a sterile area access system is a complex undertaking that requires several factors to be taken into consideration, including the overall cost, the definition of "expedited access", and the appropriate locations for such systems. Given these complexities, TSA should test the feasibility of any sterile area access system on a pilot basis at selected airports before widely instituting them on a national level. Pilot testing will allow TSA to test concepts and adjust or enhance any system to make wider deployment feasible. Funding within the checkpoint support appropriation may be used for these pilots. TSA shall notify the Committees on Appropriations within 120 days after the date of enactment of this Act on how funding will be used and identify the airports that will be participating in the pilot. TSA shall provide an interim briefing to the Committee on Appropriations on progress and final results of these pilots not later than September 8, 2009.

EXPLOSIVE DETECTION SYSTEMS PROCUREMENT AND INSTALLATION

The Aviation and Transportation Security Act made the Federal government responsible for the electronic screening of all checked baggage using explosive detection machines. A recently completed TSA baggage screening investment study concluded that the capital funding requirements to procure new optimal screening systems, install these systems, modify facilities to expand existing systems, and acquire new systems to support new airport terminals would cost $8.2 billion over the next 20 years (by 2025). The fiscal year 2009 budget request assumes that a temporary, four-year EDS recapitalization surcharge will be enacted by the authorizing Committees to accelerate the deployment of optimal checked baggage screening systems and address the need to recapitalize existing equipment deployed immediately after the September 11th attacks. Without the adoption of this surcharge, TSA has informed the Committee that it will enter into fewer facility modification agreements. To date, only about half of the largest airports (45 out of 82 in Category X and I airports) have optimal systems at some or all terminals. These include 18 airports that have optimal systems installed at all terminals and 27 airports that have optimal systems installed at some, but not all, terminals. The remaining large airports have sub-optimal screening solutions, with some having large EDS machines in lobby areas, creating security and traffic flow problems.

No later than 60 days after enactment of this Act, TSA shall report to the Committee on the timeline and process the agency will utilize to replace the existing ETD machines at medium and small airports with EDS machines.

The Committee recommends $294,000,000 for EDS procurement and installation, $140,106,000 above the budget request and the same as the amount provided in fiscal year 2008. Including the existing mandatory Aviation Security Capital Fund, the total appropriation (both mandatory and discretionary) for EDS procurement and installation is $544,000,000 in fiscal year 2009. As part of this funding recommendation, the Committee approves the realignment

of 93 FTEs from headquarters administration and operation integration into EDS procurement and installation, as proposed in the budget request. Not later than 60 days after enactment of this Act, TSA shall provide the Committees on Appropriations an expenditure plan outlining how the EDS procurement and installation funds will be spent.

With the funding provided, TSA is directed to enter into airport facility modification agreements that deploy EDS equipment optimally to airports that would benefit the most, leveraging emerging screening technologies to the maximum extent practicable. Priority should be given to airports for which 100 percent electronic checked baggage screening compliance may not be otherwise maintained due to anticipated growth or recapitalization needs. The Committee continues to encourage TSA to reduce its dependence on the more labor-intensive methods to screen checked baggage, such as explosives trace detection (ETD) machines. ETDs screen fewer bags per hour, utilize more screeners per system, have a higher rate of on-the-job injuries, and have a poor return-on-investment (ROI). TSA should make every effort to achieve extra staff savings and a better ROI by eliminating the slow, and therefore costly, process of screening by ETDs.

Over the past year, TSA has been studying the consolidation of checkpoint and checked baggage screening systems at smaller and medium sized airports, and has allocated a limited amount of funding for these efforts in its recent EDS expenditure plan. This approach has the potential to maximize the use of limited resources and increase efficiency in airport screening. Therefore, the Committee encourages TSA to continue to pursue the consolidation of checkpoint and checked baggage screening systems and to update the Committee no later than February 16, 2009, on its progress in this area.

SCREENING TECHNOLOGY MAINTENANCE AND UTILITIES

The Committee recommends $310,625,000 for screening technology maintenance and utilities, the same level as requested and $46,625,000 more than the amount provided in fiscal year 2008. The Committee notes that the funding requirement for maintenance and utilities of explosive detection systems, checkpoint systems, and other technologies has grown by 18 percent from fiscal year 2008 to 2009. The maintenance increase is driven primarily by increases in fielded security equipment. While TSA uses long-term maintenance contracts with fixed prices to safeguard the government against potential cost increases associated with maintenance of aging technology systems, the agency seems to incur double digit growth in this area on a regular basis. While TSA entered into a new maintenance contract in 2005 to control these escalating costs, it is questionable if cost control is still occurring. The Committee directs TSA to provide a detailed report on maintenance and utility costs for screening technologies and to identify ways that costs may be controlled in the future.

THREAT CONTAINMENT UNITS

The Committee understands that TSA has a number of bomb threat containment units that are not utilized today. TSA is directed to report to the Committee on whether threat containment

units should be part of its explosive detection operations and if so, whether additional units are needed.

AVIATION SECURITY DIRECTION AND ENFORCEMENT

The Committee recommends $792,308,000 for aviation security direction and enforcement, $32,940,000 below the amount requested and $217,669,000 below the amount provided in fiscal year 2008. This reduction reflects the movement of information technology projects to the Transportation Security Support appropriation and the denial of the newly proposed law enforcement account. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Aviation regulation and other enforcement	$209,991,000	$246,268,000
Airport management and support	373,010,000	407,166,000
Federal flight deck officer and flight crew training	0	25,025,000
Air cargo	0	109,849,000
Perimeter security	0	4,000,000
Law enforcement	242,247,000	0
Subtotal, aviation security direction and enforcement	825,248,000	792,308,000

AVIATION REGULATION AND OTHER ENFORCEMENT

The Committee recommends $246,268,000 for aviation regulation and other enforcement, $36,277,000 above the budget request and $9,685,000 below the amount provided in fiscal year 2008. The budget proposed to split regulatory and enforcement activities into two separate accounts, realigning 203 FTEs and 92 canine teams into this new structure. The Committee denies the new law enforcement account, thereby keeping the enforcement FTEs and canines in aviation regulation and other enforcement. The budget also proposed to merge the air cargo program with regulatory activities under this account structure, including 325 FTEs. The Committee denies this proposal as well.

The Committee has had a longstanding concern about the number of aviation security inspectors TSA has on board, a figure that has fluctuated widely. For example, the number of TSA aviation inspectors increased from approximately 700 in 2004 to 825 in 2005, but then decreased to 715 in 2007, at the same time that Congress required TSA to begin inspecting aircraft repair stations and international operations. Although TSA planned to have 836 aviation security inspectors (excluding air cargo inspectors) on board in 2008, this figure decreases to 771 in the 2009 request. The Committee is perplexed by these vast swings in inspector numbers at a time in which workload is rising. TSA is directed to maintain, at a minimum, the same number of aviation security inspectors in 2009 as planned for in 2008.

AIRPORT MANAGEMENT AND SUPPORT

The Committee recommends $407,166,000 for airport management and support, $34,156,000 above the budget request and $244,767,000 below the amount provided in fiscal year 2008. The Committee has adopted the budget's proposed realignment of all information technology (IT) projects and 39 associated FTEs, totaling

$251,286,000, from the airport management, IT and support account to the information technology account in the Transportation Security Support appropriation. Because the Committee has denied the newly proposed law enforcement account, the Committee has retained 128 FTEs in the airport management and support account.

FEDERAL FLIGHT DECK OFFICER AND FLIGHT CREW TRAINING

The Committee recommends $25,025,000 for the federal flight deck officer and flight crew training program, $66,000 below the amount provided in fiscal year 2008. The budget request proposed realigning this program into a new law enforcement PPA, which the Committee has denied. Within this total, $21,784,114 is for the federal flight deck officer training program and $3,240,886 is for flight crew training.

AIR CARGO

The Committee recommends $109,849,000 for air cargo, $36,849,000 above the amount provided in fiscal year 2008. The budget request proposed combining air cargo programs into aviation regulation and other enforcement, which the Committee has denied. It is imperative that air cargo remain a separate and distinct PPA so that Congress can more effectively oversee TSA's plans to screen 50 percent of air cargo carried on passenger aircraft for explosives by February 2009 and 100 percent by August 2010, as required by the 9/11 Act.

TSA has informed the Committee that it plans to meet the 9/11 mandate by developing and implementing a certified cargo screening program. Under this program, all certified cargo screening facilities, including certain indirect air carriers, shippers, and distribution centers, will be allowed to screen cargo prior to its consolidation onto pallets or into containers before it leaves these facilities. At this time, TSA relies exclusively on its personnel and air carriers to screen cargo at airports prior to loading it onto passenger aircraft. The certified cargo screening facilities will be required to ensure that the chain of custody of that cargo is maintained after it is screened. In the event of a break in the chain of custody, the affected cargo will be rescreened. All certified cargo screening facilities must meet stringent screening, facility, and personnel security standards, which will be validated by TSA. Under this program, all cargo, including pallet and shrink wrapped cargo, is subject to screening.

TSA rolled out the first phase (or pilot) of the certified cargo screening program in January 2008. This phase is designed to test and refine the proposed security measures prior to a nationwide roll-out. The pilot is anticipated to conclude in the fourth quarter of fiscal year 2008. The certified cargo screening program is currently focused on domestic originating cargo, and TSA does not currently anticipate certifying overseas entities. The Committee directs TSA to brief the Committees on Appropriations on the results of this pilot program before the agency moves to a nationwide roll-out. Within the funding provided, the Committee includes $5,000,000 for TSA to begin auditing indirect air carriers, shippers, and distribution centers participating in this program.

In addition to the certified shipper program, TSA is developing and plans to implement a new policy before the end of fiscal year 2008 that will require 100-percent screening of air cargo transported on narrow-body aircraft. Narrow-body aircraft carry breakbulk cargo. At the larger airports, this cargo typically arrives at a cargo facility from an indirect air carrier, and only a certain percent of it is currently subject to screening. This added measure of security will include cargo shipments that transfer from one air carrier to another.

PERIMETER SECURITY

The Committee recommends $4,000,000 for airport perimeter security pilots, the same as the amount provided in fiscal year 2008. This funding shall be awarded competitively and used to address specific vulnerabilities identified at airport perimeters.

IMPLEMENTING REQUIREMENTS OF THE 9/11 ACT

Excluding mandatory funding, the Committee includes $1.105 billion within the total appropriation provided to TSA for activities and requirements authorized in the 9/11 Act, including $544,000,000 for checkpoint and checked baggage screening systems at airports; $109,849,000 for air cargo security; $30,000,000 for the Visible Intermodal Protection and Response teams; $400,000,000 for specialized screening programs (travel document checkers, behavior detection officers, bomb appraisal officers, and officers to randomly screen more airport and airline employees); $11,600,000 for surface transportation inspectors; and $10,000,000 to implement regulations and other new activities. TSA shall use this $10,000,000 for: vulnerability and risk assessments; the development of regulations for name-based immigration status checks for public transportation and railroad employees; security reviews at foreign repair stations; piloting new technologies at airport exit lanes; developing procedures to implement a law enforcement biometric credential; procuring blast resistant cargo containers; and improving general aviation security. The Committee directs TSA to report to the Committees on Appropriations 90 days after the date of enactment of this Act on the proposed allocation of the $10,000,000 at the account and PPA level.

SURFACE TRANSPORTATION SECURITY

Appropriation, fiscal year 2008	$46,613,000
Budget estimate, fiscal year 2009 [1]	37,000,000
Recommended in the bill	49,606,000
Bill compared with:	
Appropriation, fiscal year 2008	+2,993,000
Budget Estimate, fiscal year 2009	+12,606,000

[1] Because the budget estimate assumes a realignment of many programs within the Transportation Security Administration, a direct comparison to previous fiscal years is not possible.

MISSION

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

RECOMMENDATION

The Committee recommends $49,606,000 for Surface Transportation Security, $12,606,000 above the amount requested and $2,993,000 above the amount provided in fiscal year 2008. Within this total, $24,885,000 is for surface transportation staffing and operations and $24,721,000 is for rail security inspectors and canines. The budget proposed moving the rail canines and the Visible Intermodal Protection and Response (VIPR) teams to a new law enforcement program, which the Committee has denied. At the time that VIPR was originally formed, these teams were to randomly patrol in and around transportation stations, including subways, bus stations, ferries, and other transit systems, to deter terrorists from surveiling these facilities and planning related attacks. While VIPR teams are also deployed in airports, it does not make sense to move the canines and rail inspectors associated with surface transportation into a new aviation security law enforcement program. The Committee directs TSA to develop performance measures to gauge the success of its VIPR teams in detecting and disrupting terrorist actions and provide a report describing these measures to the Committee no later than January 31, 2009.

In addition to the funds provided for surface transportation security under this heading, the Committee has provided $412,000,000 for rail, transit, bus, and ferry security grants under the Federal Emergency Management Agency's "State and Local Programs" appropriation.

REAL-TIME TRACKING OF HAZARDOUS MATERIALS ASSETS

The Committee encourages TSA, in cooperation with the Federal Railroad Administration, to support the freight rail industry's efforts to continue developing and deploying a system for the real-time collection of data from tank cars carrying hazardous materials. The system will employ telemetry devices that will relay alerts related to leak detection, dome openings, temperature changes, and excessive shock detection to the freight rail industry and State and Federal emergency response agencies.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

Appropriation, fiscal year 2008	$82,590,000
Budget estimate, fiscal year 2009	133,018,000
Recommended in the bill	108,807,000
Bill compared with:	
Appropriation, fiscal year 2008	+26,217,000
Budget Estimate, fiscal year 2009	−24,211,000

MISSION

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

RECOMMENDATION

The Committee recommends a direct appropriation of $108,807,000 for Transportation Threat Assessment and Credentialing, $24,211,000 below the amount requested and $26,217,000 above the amount provided in fiscal year 2008. In addition, the Committee anticipates TSA will collect $40,000,000 in fees. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Direct Appropriation:		
Secure flight	$82,211,000	$75,000,000
Crew and other vetting programs	50,807,000	33,807,000
Subtotal, direct appropriations	133,018,000	108,807,000
Fee Collections:		
Registered traveler	10,000,000	10,000,000
Transportation worker identification credential	9,000,000	9,000,000
Hazardous materials	18,000,000	18,000,000
Alien flight school (transfer from DOJ)	3,000,000	3,000,000
Subtotal, fee collections	40,000,000	40,000,000

SECURE FLIGHT

The Committee recommends $75,000,000 for Secure Flight, $7,211,000 less than the amount requested and $25,000,000 above the amount provided in fiscal year 2008. While TSA plans to accelerate the Secure Flight program, the agency has already slipped six months behind its accelerated schedule in finalizing the Secure Flight rulemaking. In addition, while TSA has improved in providing information to GAO, which Congress directed to review the Secure Flight program before it can move past the developmental phase, GAO anticipates that this review may not be completed until late November 2008, which is later than planned by TSA.

In periodic updates to Congress on the status of Secure Flight, GAO has expressed concern about the program's cost and schedule, as well as its systems development progress. Most recently, GAO noted that "although TSA has developed a life cycle cost estimate and an integrated master schedule for Secure Flight, the program has not fully followed best practices for developing reliable and valid estimates for both the program costs and schedule". In the area of costs, for example, GAO noted the following concerns: (1) the detailed cost estimated was produced between 2004 and 2006 and does not reflect the current program plan; (2) the cost estimate is not well documented; (3) there was no independent cost estimate performed; and (4) there are no costs captured for this program past 2012.

In the area of schedule, GAO notes that the current schedule is not fully integrated; a risk analysis has not been conducted to determine the level of confidence in meeting the completion date; the schedule estimate may not provide a meaningful benchmark from which to gauge progress, identify and address potential problems, promote accountability, and make informed decisions; and TSA has been unable to provide GAO with sufficient evidence to show that the agency will successfully achieve its integrated master schedule or the accelerated schedule. GAO also noted that if TSA does not

address key challenges to systems development, including risk management, planning, conducting end-to-end testing, and addressing deferred system security requirements, "the risk of the program not being completed on schedule and within estimated costs is increased, and the chances of it performing as intended are diminished."

Finally, GAO expressed concerns about the degree to which air carriers will need to modify their systems and the length of time it will take them to do it, which is necessary for TSA to conduct parallel testing. GAO notes that, at this time, no air carriers have been willing to participate in early parallel testing, which is included in TSA's accelerated schedule, and that TSA has delayed the start of parallel testing from May to September 2008. TSA has much work to do to address these concerns before this program can move beyond the development phase and meet TSA's current accelerated timeline for full implementation. The Committee reduces the budget request to reflect these delays in the program and numerous concerns raised by GAO.

The Committee continues a longstanding general provision (Sec. 511) that directs GAO to continue to evaluate DHS and TSA actions to meet the ten requirements listed in Section 522 of Public Law 108–344, including Secretarial certification. Bill language also prohibits the use of commercial data or the development and testing of algorithms assigning risk to passengers whose names are not on Federal watch lists.

CREW AND OTHER VETTING PROGRAMS

The Committee provides $33,807,000 for crew and other vetting programs instead of $50,807,000 as requested. This funding shall be used to support 15 FTEs working on a variety of vetting activities, including crew vetting; the imposition of temporary flight restrictions; reviews of non-scheduled commercial operators (charters) to ensure a level of security equivalent to regularly scheduled airlines; the vetting of general aviation, charter, and business aircraft that fly into Ronald Reagan Washington National Airport and the three Maryland airports within 15 miles of Washington, D.C. (Potomac Airpark, Washington Executive, and College Park); checks of alien flight school pilots seeking training in the United States; and infrastructure investments. Within the funds provided, the Committee recommends $12,500,000 for vetting infrastructure investments. None of this funding shall be used in support of the Secure Flight program, which has a separate appropriation. The Committee has included a new general provision allowing the imposition of fees for the retraining of students under the alien flight program.

VETTING INFRASTRUCTURE INVESTMENTS

The Committee provides $12,500,000 for vetting infrastructure investments, a new item for fiscal year 2009, instead of $30,000,000 as requested in the budget. Because TSA has not clearly described the investments necessary to enhance vetting infrastructure, the life cycle costs for this infrastructure, or the timeline for awarding investment contracts, the Committee has denied most of the funding for this program. However, the Committee recognizes that improvements must be made to the Office of Trans-

portation Threat Assessment and Credentialing's (TTAC) screening gateway infrastructure to handle new requirements contained in the 9/11 Act to evaluate rail and transit employees, as well as other requirements to evaluate chemical employees and people who transport ammonium nitrate. A recent DHS report stated that TSA plans to spend $7,800,000 of the funds provided in fiscal year 2008 to design an interface for web-based enrollment of critical transportation sector employees and to integrate this interface into the security threat assessment process. The additional funding provided in this recommendation may be used to begin making improvements to the screening gateway system to, among other things, enhance the vetting process and expand the number of adjudicators that can use this system at any one time. TSA is directed to brief the Committee once the agency is better able to clarify the necessary vetting infrastructure investments to increase capacity.

CREDENTIALING

The Committee is concerned that TSA currently issues multiple credentials (e.g. hazardous materials and transportation worker identification credentials) to many individuals instead of issuing those individuals a single credential that provides all necessary authorizations. In addition, the agency often requires individuals applying for one TSA credential to provide personal information, including biometrics, that may have already been collected as part of an application for a different TSA credential. Finally, TSA vetting processes for like programs, including the list of disqualifying offenses, are inconsistent. The Committee is aware of efforts TSA is undertaking to address these issues, including efforts to: create a consistent security risk-based framework across all credentials; eliminate redundant credentialing activities; make better use of information already collected; and improve the experience for individuals applying for multiple credentials. TSA is directed to brief the Committees on Appropriations on the status of these efforts no later than October 1, 2008, and quarterly thereafter. The briefings should include: the steps necessary to make improvements; budget requirements; schedule and milestones; the potential costs and benefits of program standardization; challenges; and statutory roadblocks. The Committee directs TSA to ensure that all current credentialing programs (TWIC, registered traveler, secure identification display areas, hazardous materials endorsements), as well as new vetting requirements, are included in this effort.

TRANSPORTATION SECURITY SUPPORT

Appropriation, fiscal year 2008	$523,515,000
Budget estimate, fiscal year 2009[1]	926,000,000
Recommended in the bill	950,235,000
Bill compared with:	
Appropriation, fiscal year 2008	+426,720,000
Budget Estimate, fiscal year 2009	+24,235,000

[1] Because the budget estimate assumes a realignment of many programs within the Transportation Security Administration, a direct comparison to previous fiscal years is not possible.

MISSION

The Transportation Security Support account includes financial and human resources support; the Transportation Security Intelligence Service; information technology support; policy development

and oversight; performance management and e-government; communications; public information and legislative affairs; training and quality performance; internal conduct and audit; legal advice; and overall headquarters administration.

RECOMMENDATION

The Committee recommends $950,235,000 for Transportation Security Support, $24,235,000 above the amount requested and $426,720,000 above the amount provided in fiscal year 2008. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Headquarters administration	$213,135,000	$237,370,000
Human capital services	218,105,000	218,105,000
Information technology	472,799,000	472,799,000
Intelligence	21,961,000	21,961,000
Subtotal, transportation security support	926,000,000	950,235,000

HEADQUARTERS ADMINISTRATION

The Committee recommends $237,370,000 for headquarters administration, $24,235,000 above the budget request and $55,821,000 below the amount provided in fiscal year 2008. The budget proposed realigning the background investigation and physical security activities to the newly proposed law enforcement account. Because the Committee has denied this proposal, these activities and the associated funding remain within headquarters administration. The budget also proposed transferring 373 FTEs to other TSA accounts (183 FTE to human capital services, 25 FTEs to checkpoint, 75 FTEs to EDS procurement and installations, and 90 FTEs to information technology) to better align with where the operations are occurring. The Committee has approved these FTE transfers.

HUMAN CAPITAL SERVICES

The Committee recommends $218,105,000 for human capital services, the same as the amount requested. Human capital services is a new PPA that combines funding previously appropriated for human resource services under the Aviation Security appropriation and human resource activities within headquarters administration. Activities to be conducted within this new account include recruitment, leadership training and development, and human resource administration.

INFORMATION TECHNOLOGY

The Committee recommends $472,799,000 for information technology, the same amount as requested and $263,475,000 above the amount provided in fiscal year 2008. The budget proposed combining funding for information technology activities previously funded under Aviation Security's Airport Management, IT, and Support account with information technology activities funded in the Transportation Security Support appropriation. The Committee has approved this proposal, and the funding recommendation reflects the transfer of 129 FTEs from these two accounts. Of the

funds provided for information technology, $251,286,000 is for airport IT and $221,513,000 is for the core IT programs centrally managed at TSA's headquarters, such as telecommunications infrastructure; disaster recovery; time and attendance; personnel and financial management systems; and performance management information systems.

COVERT TESTING

The Committee is strongly supportive of covert testing, which helps to identify vulnerabilities in critical systems, and directs TSA to be more proactive in fiscal year 2009 in developing innovative methods to test the weaknesses of our transportation security systems, both domestically and overseas. The Committee directs TSA to continue to report biannually on its red teaming and covert testing activities, to include specific discussions on the test results at airport checkpoints, in secure areas of airports, at air cargo facilities, and on other modes of transportation.

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

Similar to actions taken last year, the Committee has included bill language requiring TSA to provide the Committee with a detailed spending and deployment plan for checkpoint support and explosive detection equipment. This plan shall be submitted no later than 60 days after enactment of this Act and shall detail expenditures for checkpoint support and explosive detection procurement and installation on an airport-by-airport basis for fiscal year 2009. In regards to explosive detection equipment, the plan shall clearly delineate funding for next generation systems and refurbishment. The Committee recognizes that, after TSA has completed its EDS expenditure plan, TSA may become aware of a high priority needs that must be addressed. In those instances, TSA shall reassess the expenditure plan and reallocate funds in order to address the new requirement after providing notification to the Committees on Appropriations of this change.

FEDERAL AIR MARSHALS

Appropriation, fiscal year 2008	$769,500,000
Budget estimate, fiscal year 2009 [1]	0
Recommended in the bill	821,861,000
Bill compared with:	
Appropriation, fiscal year 2008	+52,361,000
Budget Estimate, fiscal year 2009	+821,861,000

[1] The budget request includes $786,000,000 for FAMs within the Aviation Security account.

MISSION

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

RECOMMENDATION

The Committee recommends $821,861,000 for FAMs, $52,361,000 above the amounts provided in fiscal year 2008. The budget did not request a separate appropriation for FAMs, but instead proposed

$786,000,000 for this activity within the Aviation Security appropriation. Of the total funding provided, $727,461,000 is for management and administration and $94,400,000 is for travel and training. This funding level maintains the increased staffing levels provided in 2008, restores funding provided in the 2007 supplemental to maintain mission coverage on international flights, and permits additional flight coverage to reflect an estimated four percent growth in air travel in 2009. The Committee continues to expect quarterly reports on mission coverage, staffing levels, and hiring rates as directed in previous years.

COAST GUARD

OPERATING EXPENSES

Appropriation, fiscal year 2008 [1]	$5,891,347,000
Budget estimate, fiscal year 2009	6,213,402,000
Recommended in the bill	6,201,830,000
Bill compared with:	
Appropriation, fiscal year 2008	+310,483,000
Budget Estimate, fiscal year 2009	−11,572,000

[1] Does not include $110,000,000 transfer from DoD, pursuant to PL 110–181, for Operation Iraqi Freedom.

MISSION

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

RECOMMENDATION

The Committee recommends a total appropriation of $6,201,830,000 for Operating Expenses, including $340,000,000 for national security activities. The recommended funding level is $11,572,000 below the amount requested and $310,483,000 above the amount provided in fiscal year 2008. The Committee has included bill language, suggested by Coast Guard, specifying that small boats with a service life of five years or less may be purchased with Operating Expense funding. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Military pay and allowance:		
Military pay and allowance	$2,590,635,000	$2,573,052,000
Military health care	352,368,000	351,986,000
Permanent change of station	133,834,000	132,886,000
Subtotal, military pay and allowance	3,076,837,000	3,057,924,000
Civilian pay and benefits	692,859,000	646,189,000
Training and recruiting:		
Training and education	96,205,000	95,629,000
Recruitment	99,858,000	99,850,000
Subtotal, training and recruiting	196,063,000	195,479,000
Operating funds and unit level maintenance:		
Atlantic Command	175,918,000	175,821,000

	Budget estimate	Recommended
Pacific Command	195,957,000	195,891,000
1st District	58,641,000	59,039,000
5th District	21,619,000	21,760,000
7th District	77,258,000	77,357,000
8th District	46,317,000	46,877,000
9th District	31,293,000	31,595,000
11th District	17,185,000	17,608,000
13th District	22,689,000	22,901,000
14th District	19,073,000	19,073,000
17th District	26,107,000	30,979,000
Headquarters directorates	320,225,000	318,830,000
Headquarters managed units	156,874,000	158,402,000
Other activities	786,000	785,000
Subtotal, operating funds and unit level maintenance	1,169,942,000	1,176,918,000
Centrally managed accounts	262,795,000	258,547,000
Intermediate and depot level maintenance:		
Aeronautical maintenance	310,207,000	310,207,000
Electronic maintenance	133,116,000	133,744,000
Civil/ocean engineering and shore facilities maintenance	176,124,000	178,363,000
Vessel maintenance	195,459,000	195,459,000
Maintenance backlog	0	10,000,000
Subtotal, intermediate and depot level maintenance	814,906,000	827,773,000
Port/vessel security and environmental response	0	29,000,000
Aviation mission hour gap	0	10,000,000
Total, operating expenses	6,213,402,000	6,201,830,000

FINANCIAL MANAGEMENT

The Department's Inspector General testified that Coast Guard "has shown no discernable progress in its ability to produce reliable financial statements or correct its material weaknesses since the inception of the Department in 2003." For example, in its 2007 drug control obligations report, Coast Guard stated that it "cannot provide assurances as to the integrity of the financial data contained" in its own report. The Committee is concerned that Coast Guard has been unable to make yearly progress in correcting critical financial management and accounting weaknesses and finds it unacceptable that Coast Guard cannot stand behind its own financial data. According to the OIG, Coast Guard has no corrective action plan with milestones to correct its material weaknesses. On March 5, 2008, the Commandant testified that he would provide a strategy and initial implementation plan within 30 days, but no new plan has been provided to the Committee. In fact, the Coast Guard submitted a plan over two months later than promised that had already been rejected by the OIG. Therefore, the Committee includes bill language requiring that Coast Guard submit a financial management improvement plan by December 1, 2008, that has been approved by the OIG and contains yearly, measurable milestones to correct financial weaknesses.

MARITIME SAFETY AND SECURITY

In fiscal year 2009, Coast Guard plans to obligate $2,593,000,000 for ports, waterways, and coastal security, $26,290,000 above the 2008 funding level. A portion of this funding will be used to implement and enforce both the Maritime Transportation Security Act (MTSA) and the SAFE Port Act. Approximately 3,000 facilities and 11,000 vessels are required to have security plans under MTSA.

Coast Guard has stated that some Coast Guard sectors lack the resources required to meet Certain Dangerous Cargo (CDC) vessel security requirements or other critical infrastructure protection requirements of MTSA. The number of CDC vessels entering U.S. ports is projected to increase, further exacerbating the resource gap. At least 5,000 additional vessels are expected to come into the inspection program as a result of the small boat and towing regulations.

Coast Guard's Boat Analysis Tool (BAT) uses standard methodology to quantify total mission required boat hours. The BAT identified a shortage of 400,000 hours in the ports, waterways, and coastal security mission. The 2008 appropriation provided $29,400,000 above the request for additional small boats and personnel to help minimize this gap. The Committee recommendation includes the additional $26,290,000 requested in fiscal year 2009 plus an additional $29,000,000 above the request for additional watchstanders, boats, and marine inspection staff, and for the conduct of additional oil spill and environmental response exercises, as discussed below. Within 60 days after enactment of this Act, Coast Guard shall provide the Committees on Appropriations an expenditure plan detailing how it will allocate the additional funding.

In a May 2008 review of Coast Guard's marine casualty investigations program, the OIG found that the program was short-staffed, "hindered by unqualified personnel conducting marine casualty investigations," ineffectively managed, and did not conduct appropriate investigations. Coast Guard now has a plan to enhance its marine safety program, and the Committee recommendation fully funds the additional marine inspection staff proposed in the 2009 budget. The Committee directs Coast Guard to utilize some of the $29,000,000 provided above the budget request to further improve this program.

ENVIRONMENTAL RESPONSE

Unfortunately, over the past year, Coast Guard's oil spill response capability has been tested by significant oil spills, including the large *Cosco Busan* oil spill in San Francisco Bay. Coast Guard recently issued the Incident Specific Preparedness Review (ISPR) of that spill, and the OIG is still working on its report assessing Coast Guard's overall environmental response capabilities. The ISPR report recommendations are categorized under two general themes: the need for an effective partnership of Federal, State and local governments and other key stakeholders; and the need to test resources and decision-making authority through the Area Contingency Planning process. As the ISPR notes, it is unfortunate that "many of the recommendations found in this report echo similar findings and recommendations of the *M/V Cape Mohican* spill ISPR conducted 12 years ago." Coast Guard leadership is responsible for ensuring that these recommendations are implemented and that capabilities are continuously tested. The Committee expects Coast Guard to allocate some of the additional $29,000,000 provided to improve Coast Guard maritime security and environmental response to conduct testing of Area Contingency Plans.

One of the issues raised in first OIG report on the *Cosco Busan* oil spill was that the San Francisco Vessel Traffic System (VTS) operations center does not have the most up-to-date traffic tech-

nology. The system used by the San Francisco VTS operations center is the Coast Guard Vessel Traffic System, which was installed in the 1990s. A newer and more advanced vessel traffic management system, the Ports and Waterways Safety System (PAWSS), was only partially installed at the San Francisco VTS operations center due to funding constraints that existed in 2003 and 2004, towards the end of the acquisition program. With PAWSS capability, the VTS watchstanders could improve their situational awareness of vessel proximity and orientation to the individual bridge columns, which could help prevent incidents like the *Cosco Busan* spill in the future. The Committee understands that Coast Guard will use base operating funds in fiscal year 2008 to support this upgrade to PAWSS and that deployment of this upgrade will be complete by March 2009. Coast Guard is directed to brief the Committees on Appropriations by August 1, 2008, on the location of all VTS that have not been upgraded to PAWSS and on Coast Guard's plans to support upgrades of these systems. Coast Guard is also directed to notify the Committees on Appropriations when the San Francisco VTS upgrade is completed.

AVIATION MISSION HOUR GAP

The Committee is concerned about the significant shortfall of maritime patrol aircraft (MPA) resource hours currently confronting Coast Guard, which estimates that it will be nearly 50 percent below its MPA resource hour needs in 2008. This gap is not expected to be eliminated until 2015. One example of this gap is the absence of permanent maritime patrol aircraft capability operating from Air Station Borinquen, Puerto Rico. The Committee is concerned about the impact of this absence upon Coast Guard's ability to patrol the highly trafficked smuggling routes of the Caribbean Basin. Coast Guard is directed to report to the Committee no later than February 16, 2009, on its plan to provide adequate resources for the maritime surveillance mission needs in the Air Station Borinquen area of responsibility.

Coast Guard is in the process of analyzing short term, stop-gap measures to address its MPA capability needs until its large-scale acquisitions are in full operation. The Committee has included $10,000,000 to fund such stop-gap measures. Before this funding may be obligated, Coast Guard shall submit an expenditure plan for approval to the Committees on Appropriations.

LEGACY CUTTER SUSTAINMENT

The Committee is concerned about Coast Guard's reliance upon high endurance and medium endurance cutters that are rapidly aging, many of which have completed over 30 years of service life, and the implications this has for the mission availability of these assets. As of the end of fiscal year 2007, the 378-foot, 270-foot, and 210-foot cutters had a "percent time fully mission capable" (PTFMC) combined average of only 58.3 percent, 33.7 percent below the combined average PTFMC target for these cutters. These concerns are punctuated by recent major causalities, crew habitability issues, and significant maintenance costs. According to Coast Guard's 2008 Revised Deepwater Implementation Plan, the 378-foot cutter fleet will be operating through 2017; the 270-foot cutter fleet will be operating through 2027; and the 210-foot cutter

fleet will be operating through 2022. In each case, the expected operating life is much longer than forecast just two years ago. The Committee directs Coast Guard to provide, no later than February 16, 2009, a detailed analysis of maintenance costs for the 378-foot, 270-foot, and 210-foot classes of cutters, including: comparisons of pre and post mission effectiveness projects (where applicable); examination of major engineering causalities over the last three years; and an examination of the costs and benefits of an intensive maintenance program upon availability through the remainder of the cutters' remaining service lives, as per the forecasts contained in the 2008 Revised Deepwater Implementation Plan.

MAINTENANCE BACKLOGS

Coast Guard's $814,900,000 fiscal year 2009 request for intermediate and depot level maintenance would address current needs only and not address its substantial cutter, aircraft, and shore maintenance backlog, which is estimated to total $745,000,000. As a result, the Committee provides additional funding of $10,000,000 and directs Coast Guard to use these funds to begin to address the backlog problem.

DIVERSITY

Coast Guard has acknowledged that changes in its culture are necessary to develop an officer corps and workforce capable of thriving in an increasingly multicultural national and global society. A Coast Guard review of issues at the Coast Guard Academy, however, found that the under-representation of minority populations within the faculty may contribute to an unhealthy racial climate. In addition, a 2006 survey of cadets revealed that 33 percent of females reported being subjected to gender discrimination or sexual harassment at the Academy. GAO reported in January 2008 that Coast Guard had only assessed its Academy's sexual harassment program on a limited basis, and did not have guidance, requirements, or data collection standards for its sexual harassment programs. After the release of the GAO report, Coast Guard appointed a sexual assault response coordinator and "committed" to adopting the assessment and data reporting practices that are currently followed by Department of Defense (DoD) service academies. The Committee includes bill language requiring Coast Guard to follow these DoD assessment and data reporting requirements.

Coast Guard is in the process of implementing a long-term strategy that integrates and assesses compositional, educational, programmatic and structural diversity. While Coast Guard's strategy may be long-term, the Committee expects to see shorter-term results. Last year, the Committee directed Coast Guard to raise the recruiting office recruitment ceilings in those offices with strong records of minority enlistments in order to increase such enlistments. Coast Guard is directed to continue this effort and to report to the Committee within six months from the date of enactment of this Act on its results. In addition, Coast Guard is directed to submit to the Committees on Appropriations the "Climate Management Plan" it plans to complete by spring 2009.

INLAND RIVER AIDS TO NAVIGATION

The Committee provides $4,000,000, as requested, to address the deteriorating material condition and operational safety of three different classes of Aids to Navigation cutters, the sole federal presence on the inland waterways. This project, a partial renovation focused on repairing critical subsystems, will serve as a bridging strategy until the requirements for recapitalization are determined.

COUNTER SMUGGLING

The Committee is concerned about the growth and evolution of advanced smuggling techniques, including liquefied narcotics and the use of highly-capable semi-submersible vessels. Coast Guard is directed to brief the Committee no later than November 10, 2008, on the state and adequacy of its advanced inspection and surveillance capabilities to detect, identify, and interdict such emerging threats.

ACQUISITION PERSONNEL

The Committee denies the request to transfer personnel devoted to overseeing and supporting Coast Guard acquisitions to the Operating Expenses (OE) appropriation from the Acquisition, Construction, and Improvements (AC&I) appropriation. Because the GAO is currently reviewing the benefits of such a transfer, it is premature to adopt this budget request. Therefore, OE has been reduced by $86,074,000 from the requested amount and AC&I has been increased by a like amount. In addition, $8,998,000 has been provided within AC&I for an increased number of acquisition personnel to perform the system integrator role for the Integrated Deepwater Program. Coast Guard should manage the staffing levels in each of these areas to maximize productivity and oversight. The funding requested for LOGTECH procurement training is included in the Committee recommendation.

MANAGEMENT AND TECHNOLOGY EFFICIENCIES

The Committee recommendation includes the $68,117,000 proposed in the President's budget for management and technology efficiencies. Within six months of the enactment of this Act, Coast Guard is directed to report in detail on how such efficiencies will be achieved.

LORAN–C

The Department proposed moving the Long Range Aids to Navigation (LORAN–C) program from Coast Guard to the National Protection and Programs Directorate (NPPD). Since Coast Guard will remain responsible for operating LORAN–C until a replacement system is developed, there is no logical reason to transfer these funds at this time to NPPD, an agency that has neither the preparation nor the experience to operate the LORAN–C system. Therefore, the Committee recommendation includes $34,500,000 for Coast Guard to continue to operate this critical system.

INTELLIGENCE INTEGRATION

The Committee includes $12,300,000, as requested, for the Maritime Awareness Global Network to consolidate information from twenty separate data sources, including commercially available personal information. However, no funding may be obligated for this project until Coast Guard certifies that it complies with all applicable laws, including privacy statutes, and the OIG reviews such certification.

A–76 ACTIVITIES

Coast Guard intends to conduct A–76 reviews on 400 FTEs per year through fiscal year 2012. From fiscal years 2003 through 2006, Coast Guard conducted A–76 reviews on only 339 FTEs, an average of 85 FTEs per year. The Committee is concerned about the sharp growth in planned A–76 program activities, and provides no funding for such reviews in fiscal year 2009. In light of the many pressing challenges facing Coast Guard, the Committee does not believe scarce resources should be used on A–76 studies.

POLAR ICEBREAKING OPERATING AND MAINTENANCE COSTS AND FUTURE POLAR NEEDS

The Committee is concerned about Coast Guard's ability to meet its polar operations mission requirements and provide the United States with the capability to support national interests in the polar regions. The Committee provides $200,000, as requested, to conduct an analysis of national mission needs in the high latitude regions to inform the national polar policy debate.

In fiscal year 2006 the Committees on Appropriations approved an Administration request for the National Science Foundation (NSF), the primary user of the three Coast Guard polar icebreaker vessels, to fund the costs of operating and maintaining these aging vessels. Because it has become more apparent that the national interest in the polar regions extends beyond scientific research, the Committee questions whether this arrangement should continue. Accordingly, the Committee directs Coast Guard and NSF to renegotiate the existing agreement in order to return the budget for operating and maintaining these vessels to Coast Guard for fiscal year 2010. This change is consistent with a new joint plan for Coast Guard support of scientific research by NSF and other Federal agencies, which also is to be included in the 2010 budget request. NSF shall retain responsibility for the contracting of scientific support services that Coast Guard does not have the capability to perform or cannot perform on a cost-competitive basis. The Committee is aware of a $4,000,000 funding shortfall related to the caretaker status of the POLAR STAR, and directs Coast Guard to address this shortfall within the amounts appropriated for fiscal year 2009.

BAY AREA LIGHTHOUSES

Five lighthouses collectively known as the "Bay Area lighthouses" (Lime Point, Point Bonita, Point Diablo, Point Montara, and Alcatraz) are under the control of Coast Guard until they are declared excess to Coast Guard needs. Authorizing law provides that if and when Coast Guard makes such a declaration, these

lighthouses will be transferred to the jurisdiction of the National Park Service. Prior to such a transfer, Coast Guard is responsible for evaluating any potential environmental liabilities at the site in cooperation with the accepting agency. Environmental remediation must be completed prior to any transfer, unless the accepting agency agrees to a different arrangement. The Committee understands that Coast Guard has no need for these lighthouses and directs it to report to the Committee within six months from the date of enactment of this Act on: any issues with respect to the excessing of these lighthouses; how it plans to evaluate any potential environmental liabilities at the site; when it intends to excess these lighthouses; and the projected dates and milestones for conducting all necessary environmental remediation required for the transfer of these lighthouses. The Committee notes that funding for environmental restoration is provided in a separate Coast Guard account.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriation, fiscal year 2008	$13,000,000
Budget estimate, fiscal year 2009	12,315,000
Recommended in the bill	13,000,000
Bill compared with:	
Appropriation, fiscal year 2008	0
Budget Estimate, fiscal year 2009	+685,000

MISSION

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

RECOMMENDATION

The Committee recommends $13,000,000 for Environmental Compliance and Restoration, the same as the amount provided in fiscal year 2008 and $685,000 above the amount requested. The Committee is aware of the $109,700,000 backlog in environmental compliance projects and expects Coast Guard to prioritize funding to clean up those facilities that are the most environmentally damaging and time sensitive.

RESERVE TRAINING

Appropriation, fiscal year 2008	$126,883,000
Budget estimate, fiscal year 2009	130,501,000
Recommended in the bill	130,501,000
Bill compared with:	
Appropriation, fiscal year 2008	+3,618,000
Budget Estimate, fiscal year 2009	0

MISSION

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

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

Continued training.—The training of officer and enlisted personnel;

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

Administration.—All administrative costs of the reserve forces program.

RECOMMENDATION

The Committee recommends $130,501,000 for Reserve Training, the same as the amount requested and $3,618,000 above the amount provided in fiscal year 2008.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSION)

Appropriation, fiscal year 2008	$992,634,000
Budget estimate, fiscal year 2009	1,205,118,000
Recommended in the bill	1,339,068,000
Bill compared with:	
Appropriation, fiscal year 2008	+346,434,000
Budget Estimate, fiscal year 2009	+133,950,000

MISSION

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

RECOMMENDATION

The Committee recommends $1,339,068,000 for Acquisition, Construction, and Improvements, $133,950,000 above the amount requested and $346,434,000 above the amount provided in fiscal year 2008. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Vessels and critical infrastructure:		
Inland river tender recapitalization	$5,000,000	$5,000,000
Response boat medium	64,000,000	64,000,000
Subtotal, vessels and critical infrastructure	69,000,000	69,000,000
Deepwater:		
Aircraft:		
Maritime patrol aircraft	86,600,000	86,600,000
HH–60 conversions	52,700,000	52,700,000

	Budget estimate	Recommended
HC–130H conversion/sustainment project	24,500,000	24,500,000
HH–65 conversions	64,500,000	64,500,000
Unmanned aircraft systems	3,000,000	0
Subtotal, aircraft	231,300,000	228,300,000
Surface ships:		
National security cutter	353,700,000	300,000,000
Replacement patrol boat (FRC–B)	115,300,000	115,300,000
IDS small boats	2,400,000	2,400,000
Patrol boats sustainment	30,800,000	30,800,000
Medium endurance cutter sustainment	35,500,000	35,500,000
Offshore patrol cutter	3,003,000	3,003,000
Subtotal, surface ships	540,703,000	487,003,000
Technology obsolescence prevention:	1,500,000	1,500,000
C4ISR:	88,100,000	88,100,000
Logistics:	37,700,000	37,700,000
Systems engineering and integration:	33,141,000	33,141,000
Government program management:	58,000,000	58,000,000
Subtotal, Deepwater	990,444,000	933,744,000
Other equipment:		
Automatic identification system	14,600,000	14,600,000
Rescue 21	73,000,000	73,000,000
HF recap	2,500,000	2,500,000
Defense messaging system	4,074,000	4,074,000
Command 21	1,000,000	1,000,000
Subtotal, other equipment	95,174,000	95,174,000
Shore facilities and aids to navigation:		
Survey and design, shore operational and support projects	2,050,000	2,050,000
TISCOM–TSD Building	2,500,000	2,500,000
Air Station Cape Cod	5,000,000	5,000,000
Sector Delaware Bay	13,000,000	13,000,000
Cordova, Alaska housing	11,600,000	11,600,000
Renovate USCGA Chase Hall, phase II	10,300,000	10,300,000
Montauk Housing	1,550,000	1,550,000
Waterways aids to navigation	4,000,000	4,000,000
Rescue Swimmer Training Facility	0	15,000,000
Sector Buffalo	0	3,000,000
Subtotal, shore facilities and aids to navigation	50,000,000	68,000,000
Personnel and related support:		
Direct personnel costs	0	95,072,000
AC&I core	500,000	500,000
Subtotal, personnel and related support	500,000	95,572,000
Coast Guard headquarters project	0	97,578,000
Total	1,205,118,000	1,359,068,000
Rescissions:		
Prior year, UAV funding	0	−20,000,000

QUARTERLY REPORT ON ACQUISITION PROJECTS

The Committee is pleased that Coast Guard's quarterly acquisition report has recently improved. The report now contains more detailed information on acquisition projects, including a ranking of project risks. Coast Guard is directed to continue submitting the report in this more comprehensive manner and to include all significant acquisition projects within it. The Committee also expects Coast Guard to improve its oversight of the earned value management data reported to it by the contractor.

DEEPWATER EXPENDITURE PLAN

Consistent with fiscal year 2008, the Committee includes bill language requiring Coast Guard to submit a detailed expenditure plan. A total of $500,000,000 of this appropriation shall remain unavailable until GAO reviews and the Committees on Appropriations approve the plan. The expenditure plan must contain the following: lifecycle staffing and training needs; identification of procurement competition, acquisition strategy, and an explanation for indefinite delivery/indefinite quality contracts for each procurement; activities, milestones, yearly costs, and lifecycle costs of each major asset, including independent cost estimates; DHS Chief Human Capital Officer certification of sufficient human capital capabilities; identification of project balances by fiscal year and operational gaps for each asset; DHS Chief Procurement Officer (CPO) certification of investment management process compliance; status of open OIG and GAO recommendations; and identification of the use of the Defense Contract Audit Agency. GAO is directed to continue its oversight of the Deepwater program, with a focus on reviewing the expenditure plan and assessment of the operational gaps identified by Coast Guard and plans to address these gaps. In addition, no funding may be obligated for low rate or initial production of a Deepwater asset until Coast Guard revises its Major Systems Acquisition Manual procedures to require a formal design review prior to the authorization of low rate initial production or initial production.

DEEPWATER

The Committee recommends $933,744,000 for Deepwater, $56,700,000 below the amount requested and $150,478,000 above the amount provided in fiscal year 2008.

MARITIME PATROL AIRCRAFT (MPA)

The Committee recommends $86,600,000 for two additional MPAs, the same as the amount requested. To date, $570,035,000 has been appropriated for 12 MPAs. In April 2003, Coast Guard informed the Committee that the requirements for the MPA were as follows: (1) the ability to arrive on the scene of 90 percent of search and rescue emergencies within two hours of initial notification; and (2) the ability to travel 300 nautical miles in 90 minutes (212 knot ground speed, with time to climb factored in), stay on scene for approximately four hours, and return over 300 nautical miles with required fuel reserves. However, the Committee understands that Coast Guard's formal requirements for the MPA and a plan for operational testing of those requirements have not been finalized yet. This is surprising since the MPA entered the operational testing phase in March 2008. The Committee directs Coast Guard to withhold obligation of 2009 MPA funding until its formal requirements for the MPA and the MPA's operational testing plan are provided to the Committee.

UNMANNED AIRCRAFT SYSTEMS

The Committee does not provide the $3,000,000 requested to study unmanned aerial vehicle solutions for meeting Deepwater's maritime surveillance requirements. Instead, funding is provided

for this study within the Research, Development, Test, and Evaluation account. The Vertical Unmanned Aerial Vehicle (VUAV) was originally conceived to be launched off of the National Security Cutters (NSC), enhancing the NSC's operational effectiveness by extending its surveillance range to approximately 100 nautical miles for up to twelve hours per day. In fact, the number of planned NSCs was reduced from 12 to 8 in part due to this anticipated extension of operational effectiveness. Unfortunately, the VUAV has not worked as planned, and Coast Guard has nothing to show for the $114,550,590 it has obligated for this project. Because some of this obligated amount has not yet been expended and Coast Guard has no plans for its expenditure, the Committee rescinds $20,000,000 currently unexpended for UAVs.

LONG RANGE SURVEILLANCE AIRCRAFT (HC–130J)

The first HC–130J was delivered in February 2008. However, due to parallel design and installation activities resulting in rework, changes in aircraft power requirements, late delivery of government-furnished equipment, and other changes, costs are likely to increase by 10 to 20 percent and additional costs are currently unbudgeted. Coast Guard is directed to provide the Committees on Appropriations with its finalized HC–130J Remediation Plan no later than August 1, 2008, and to identify unobligated funding that can be used to missionize all HC–130Js.

NATIONAL SECURITY CUTTER

The Committee recommends $300,000,000 for the NSC, $53,700,000 below the amount requested and $134,300,000 above the amount provided in fiscal year 2008. The request of $353,700,000 is primarily for production of the fourth NSC. Technical reviews of the third NSC's fatigue enhancement design changes are being conducted by the Coast Guard Technical Authority, which is employing the services and expertise of the Carderock Division of the Naval Surface Warfare Center. Coast Guard anticipates completion of the design and technical reviews of the third NSC by December 2008.

The Committee reduces NSC funding for two main reasons. First, the Committee believes that construction of the fourth NSC likely will be delayed, since the design and technical changes made to the fourth NSC will require another substantive technical review. Second, GAO found that Coast Guard plans to proceed with issuance of a task order for long lead materials on the fourth NSC despite not having reliable data on which to base an evaluation of the contractor's proposed price. GAO has pointed out to the Committee that because Coast Guard lacks confidence in how the contractor is representing its cost and schedule performance on the NSC, Coast Guard is likely to be in the position of paying the contractor for future projects without the understanding necessary to evaluate proposed prices. The Committee directs Coast Guard to increase its visibility into the contractor's earned value management data before it enters into a contract to construct the fourth NSC. The Committee expects this enhanced visibility to lead to cost reductions.

FAST RESPONSE CUTTER (FRC–B)/REPLACEMENT PATROL BOAT

The Committee provides the requested $115,300,000 for limited production of the FRC–B/Replacement Patrol Boat. Coast Guard has proceeded with a competitive procurement for the FRC–B, with award projected for July 2008. The lead cutter is expected to be delivered two years later, in the second quarter of fiscal year 2010. The Committee is concerned that this $115,300,000, when combined with the $41,580,000 in prior year funds that Coast Guard plans to use for the FRC–B, results in an average cost for the three limited production vessels of $52,000,000, well above earlier estimates provided by the Coast Guard. The Committee understands that cost estimates for this cutter are based on limited data and directs Coast Guard to take all steps necessary to control costs, including conducting a formal design review to ensure that at least 90 percent of the design drawings are complete by the critical design review stage.

OFFSHORE PATROL CUTTER (OPC)

The Committee recommends $3,003,000 for OPC requirements analysis, as requested. The OPC is the replacement cutter for the current 210-foot and 270-foot Medium Endurance cutters. In March 2006, after spending $19,758,000, Coast Guard suspended OPC design efforts due to cost concerns. The Committee understands that in making a subsequent decision to proceed with the OPC requirements analysis, the Coast Guard documented the OPC's expected capabilities, a draft concept of operations, and an initial assessment of cost and schedule. Coast Guard is directed to provide this documentation to the Committees on Appropriations by October 1, 2008. The Committee directs Coast Guard to plan for a full and open competition for the OPC.

C4ISR

The Committee understands that Coast Guard does not have an approved acquisition strategy for C4ISR. Coast Guard needs to develop an architecture with common components for use on assets and to decide whether to acquire C4ISR on an asset-by-asset basis or at a system level. The Committee understands that Coast Guard is revisiting the C4ISR approach proposed by the Deepwater contractor and is analyzing requirements and architecture. The Committee encourages such assessment and provides the $88,100,000 requested for C4ISR. If not all of this funding is required for C4ISR, Coast Guard may use the remainder for additional modeling and simulation activities that will help in determining the capabilities of existing and planned assets and inform the number of Deepwater assets required.

SHORE FACILITIES AND AIDS TO NAVIGATION

The Committee recommends $68,000,000 for shore facilities and aids to navigation, $18,000,000 above the amount requested and $27,003,000 above the amount provided in fiscal year 2008. The shore maintenance backlog totals $631,000,000, which consists of over 8,000 documented, deferred shore maintenance requirements. The Committee provides funding for all of the projects requested by Coast Guard plus two additional projects. An additional

$15,000,000 is recommended to fund a modular egress training simulator as part of the Rescue Swimmer Training Facility modernization. Coast Guard has listed this project on its Unfunded Priorities List, and it is cost effective to fund it as part of the current modernization of the facility. An additional $3,000,000 is provided to continue the consolidation of Sector Buffalo.

RESCUE 21

The Committee recommends $73,000,000 for Rescue 21, the same as the amount requested. Rescue 21 will replace the existing National Distress and Response System with improved coastal communications and command and control capabilities. The Rescue 21 system now stands watch along 10,042 miles of coastline. The Committee is aware Coast Guard is currently prototyping back-up solutions for Rescue 21 and urges Coast Guard to consider existing private maritime communications services, if appropriate, as part of this back-up solution.

PERSONNEL

The Committee recommends $95,572,000 for acquisition personnel, $12,852,000 above the amount provided in fiscal year 2008. The total equals the amount requested for this purpose when the budgets proposed in Operating Expenses and AC&I are combined. Coast Guard faces at least three challenges as it seeks to improve its acquisition management and oversight. The first is a shortage of civilian acquisition staff, with an almost 20 percent vacancy rate. Coast Guard is directed to report to the Committees on any additional authorities or bonuses needed to attract civilian acquisition expertise. The second is the lack of acquisition career path for Coast Guard military personnel. Coast Guard is directed to explore the establishment of a dedicated acquisition and finance career field for military personnel and to report to the Committee on the benefits and costs of this option. The third challenge is Coast Guard's reliance on contractors for technical and programmatic expertise. The Committee is pleased to hear that Coast Guard is currently analyzing its workforce to determine which roles are appropriate for contractors. Such analysis should be provided to the Committee upon its completion.

COAST GUARD HEADQUARTERS PROJECT

The Committee includes $97,578,000 for capital costs related to the new Coast Guard headquarters. The General Services Administration budget is responsible for the construction costs of the headquarters facility. The Committee expects the Department to limit the requirements for the new Coast Guard building to those that are the most realistic and necessary.

ALTERATION OF BRIDGES

Appropriation, fiscal year 2008	$16,000,000
Budget estimate, fiscal year 2009	0
Recommended in the bill	12,000,000
Bill compared with:	
Appropriation, fiscal year 2008	−4,000,000
Budget Estimate, fiscal year 2009	+12,000,000

MISSION

The bill includes funding for alteration of bridges deemed a hazard to marine navigation pursuant to the Truman-Hobbs Act. The purpose of these alterations is to improve the safety of marine navigation under the bridge rather than the improvement of surface transportation on the bridge itself.

RECOMMENDATION

The Committee recommends $12,000,000 for Alteration of Bridges, $12,000,000 above the amount requested and $4,000,000 below the amount provided in fiscal year 2008. The Committee directs funding to ongoing projects as follows: $5,000,000 for the Fourteen Mile Bridge, Mobile, Alabama; $5,000,000 for the Galveston Causeway Bridge, Galveston, Texas; and $2,000,000 for the Burlington Northern Railway Bridge in Burlington, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Appropriation, fiscal year 2008	$25,000,000
Budget estimate, fiscal year 2009	16,000,000
Recommended in the bill	16,000,000
Bill compared with:	
Appropriation, fiscal year 2008	−9,000,000
Budget Estimate, fiscal year 2009	0

MISSION

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

RECOMMENDATION

The Committee recommends $16,000,000 for Research, Development, Test, and Evaluation, the same as the amount requested and $9,000,000 below the amount provided in fiscal year 2008. Funding is directed to priority research in the following areas: aquatic nuisance species control; validation testing of the protocol for the evaluation of ballast water treatment technologies; oil spill response; and new technology assessments, including UAV.

BALLAST WATER TREATMENT SYSTEMS

Aquatic invasive species are transported easily within ballast water carried by ships from foreign waters. Any ship sailing from a foreign port is required to exchange ballast water outside of the U.S. Exclusive Economic Zone prior to calling at a U.S. port. This method has proven insufficient in preventing aquatic invasive species from entering U.S. waters as sediment remains in the ballasts even after the exchange and such sediment can still contain nuisance species. The Committee is aware of ballast water treatment system testing being done by a number of entities, including through the Great Ships Initiative. The Committee urges Coast Guard to work with these entities to test the efficacy of such system systems and methods in both salt and fresh water and includes $2,000,000 for this effort.

UNMANNED AERIAL SYSTEMS

The Committee provides $3,000,000 for Coast Guard's efforts to examine effective unmanned aerial systems (UAS) that pose low developmental risks and demonstrate cost-effectiveness. The Committee is pleased that Coast Guard is working with the Department of Defense to leverage UAS development, testing, and engineering efforts. Coast Guard is directed to report to the Committee no later than February 16, 2009, on its findings to date on determining the most effective UAS for maritime applications and for use with flight deck-equipped cutters.

PORT OPEN SOURCE SECURITY ENFORCEMENT (POSSE)

POSSE consists of research and development efforts to enhance the nation's ability to identify open-source chatter on port security subjects relevant to terrorism, along with investigations of threats to U.S. ports by terrorists posing as legitimate business actors. The Committee directs Coast Guard to evaluate the technical merits and capabilities of POSSE within the total funding provided, and to report the evaluation results to the Committees on Appropriation by March 2, 2009.

MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTION

Appropriation, fiscal year 2008 [1]	$272,111,000
Budget estimate, fiscal year 2009 [1]	257,305,000
Recommended in the bill [1]	257,305,000
Bill compared with:	
Appropriation, fiscal year 2008	−14,806,000
Budget Estimate, fiscal year 2009	0

[1] While this expenditure requires no annual action by Congress, it counts as discretionary spending.

MISSION

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

RECOMMENDATION

While this account requires no annual action by Congress, the Committee provides the amount requested of $257,305,000 to fund the Medicare-eligible retiree health care fund contribution. Given the unexplainable fluctuations in the amount Coast Guard is charged for the Medicare-eligible health care fund, the Committee directs GAO to evaluate, by April, 2009, the process DoD uses to determine the amount charged to Coast Guard and the relationship of this amount to the benefits received by Coast Guard retirees.

RETIRED PAY

Appropriation, fiscal year 2008	$1,184,720,000
Budget estimate, fiscal year 2009	1,236,745,000
Recommended in the bill	1,236,745,000
Bill compared with:	
Appropriation, fiscal year 2008	+52,025,000
Budget Estimate, fiscal year 2009	0

MISSION

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

RECOMMENDATION

The bill provides $1,236,745,000 for Retired Pay, the same as the amount requested and $52,025,000 above the amount provided in fiscal year 2008. The Committee includes bill language allowing funds to remain available until expended. This is scored as a mandatory appropriation in the Congressional budget process.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Appropriation, fiscal year 2008	$1,381,771,000
Budget estimate, fiscal year 2009	1,410,621,000
Recommended in the bill	1,366,620,000
Bill compared with:	
Appropriation, fiscal year 2008	−15,151,000
Budget Estimate, fiscal year 2009	−44,001,000

MISSION

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

RECOMMENDATION

The Committee recommends $1,366,620,000 for Secret Service Salaries and Expenses, $44,001,000 below the amount requested and $15,151,000 below the amount provided in fiscal year 2008. No

funding is provided for replacement of locks and keys at the White House, since this is a facilities management function more appropriately carried out by the General Services Administration. No funding is provided for the processing of mail at the White House, since this activity is an administrative duty that should be requested and financed through the routine expenses of the Executive Office of the President. The 2008 Appropriations Act specifically required the Secret Service and the Executive Office of the President to explain, in writing, the programmatic justification for funding White House mail screening within the Secret Service budget, rather than as part of the overhead costs of White House operations. To date, the Committee has received a discussion of the bureaucratic process used to assign these costs to the Secret Service, but no explanation of why the Secret Service is the appropriate agency to carry out this largely clerical responsibility. As a result, the Committee has no justification for funding this activity in the Secret Service budget.

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

	Budget estimate	Recommended
Headquarters Management and Administration	$182,104,000	$182,104,000
Protection:		
Protection of Persons and Facilities	710,468,000	703,168,000
Protective Intelligence Activities	59,761,000	59,761,000
National Special Security Events	1,000,000	1,000,000
White House mail screening	36,701,000	0
Presidential candidate nominee protection	41,082,000	41,082,000
Total, Protection	867,190,000	805,011,000
Investigations:		
Domestic field operations	241,772,000	241,772,000
International field office administration operations	28,342,000	28,342,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces	47,836,000	47,836,000
Support for missing and exploited children	8,366,000	8,366,000
Total, Investigations	326,316,000	326,316,000
Training:		
Rowley Training Center	53,189,000	53,189,000
Total, Salaries and Expenses	1,410,621,000	1,366,620,000

PRESIDENTIAL CAMPAIGN

The Committee recognizes that the 2008 presidential campaign is very likely to be the most demanding in Secret Service history. As a result, the Committee has funded the entire $41,082,000 request for this activity in 2009, which will include candidate protection for the last month of the campaigns, protection for the President-elect and Vice President-elect during the transition to the new Administration, and security at the 2009 presidential inauguration. Any additional funds required for campaign protection must be approved by the Committee in advance of obligation, pursuant to the regular reprogramming process.

POST PRESIDENTIAL DETAIL

The Committee provides $4,500,000, as requested, for a protective detail for President Bush once he departs office. The Com-

mittee does not include a requested general provision allowing six months of protection for the Vice President after leaving office. In the past this protection has been authorized by joint resolution of Congress or Executive Order. In addition, the House has already passed a bill authorizing this protection.

DISCONTINUED PROTECTIVE DETAILS

The Secret Service discontinued the protective operations for President Ford and First Lady Johnson following their deaths, but the agency did not have an opportunity to adjust its budget accordingly because the change occurred outside of the normal budget development cycle. The Committee therefore reduces the protective budget by $5,500,000 to account for activities the Secret Service no longer performs.

DISCRIMINATION

The Secret Service has been accused in a lawsuit of discriminatory human resource practices, including discrimination in promotion selections. The discovery process of that litigation has produced troubling allegations of document destruction and inappropriate e-mail messages sent between agents. Regardless of the outcome of this lawsuit, the Committee emphatically believes that discrimination has no place in the Federal workplace. The Committee therefore directs the Secret Service to ensure that all employees receive training upon hiring, and at least annually thereafter, on the agency's prohibition on discrimination, including the means for recourse or complaint for those who believe they have suffered from or witnessed discriminatory action or practice.

WHITE HOUSE MAIL SCREENING

The budget proposes $36,701,000 to screen mail sent to the White House and other Executive Office of the President agencies. This includes $22,200,000 for contracted mail processing services and facility rent, as well as $14,501,000 for purchase of equipment at the mail processing site.

As discussed in previous reports, the Administration has not provided a compelling justification for why the Secret Service should be responsible for processing White House mail. The Secret Service does not screen incoming email messages for malicious computer viruses, for example, or inspect the ingredients delivered to the various dining facilities within the Executive Office of the President compound.

To mitigate the unwarranted spread of Secret Service activities into missions that are unrelated to its core responsibilities and could be more economically handled by administrative staff, the Committee provides none of the requested funding for White House mail screening. The Committee strongly encourages the Administration to submit a budget amendment requesting these funds in the administrative accounts for White House operations.

SECRET SERVICE OVERTIME

As requested in the budget, the Committee caps annual overtime payments for any Secret Service employee at $35,000, the same

level as for CBP and ICE. The Secretary of Homeland Security may waive this restriction for national security purposes.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriation, fiscal year 2008	$3,725,000
Budget estimate, fiscal year 2009	3,725,000
Recommended in the bill	4,225,000
Bill compared with:	
Appropriation, fiscal year 2008	+500,000
Budget Estimate, fiscal year 2009	+500,000

MISSION

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

RECOMMENDATION

The Committee recommends $4,225,000, $500,000 more than both the President's request and the amount provided in fiscal year 2008. Of this increase, $250,000 is provided to fund inflationary cost increases, and $250,000 is to fund a perimeter security and noise abatement study for the Rowley facility.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2008	$47,346,000
Budget estimate, fiscal year 2009	54,600,000
Recommended in the bill	50,100,000
Bill compared with:	
Appropriation, fiscal year 2008	+2,754,000
Budget estimate, fiscal year 2009	−4,500,000

MISSION

The National Protection and Programs Directorate (NPPD) includes programs focused on security of the country's physical and cyber infrastructure, interoperable communications systems, and the US-VISIT entry-exit system. The Management and Administration account funds the immediate office of the Undersecretary for National Protection and Programs; provides for administrative overhead costs such as IT support and shared services; includes a national planning office for development of standard doctrine and policy for infrastructure protection and cyber security; and includes a Risk Management and Analysis Office, which develops standard doctrine and policy for DHS risk analyses.

RECOMMENDATION

The Committee recommends $50,100,000 for Management and Administration, $4,500,000 below the amount requested, and $2,754,000 above the amount provided in fiscal year 2008.

STAFFING LEVELS

The Committee notes high vacancy rates within NPPD for important functions such as the Office of Emergency Communications, which coordinates national interoperable communications policies, and the Infrastructure Security Compliance division, which implements the Department's chemical facility anti-terrorism standards. Given the slow pace of hiring across NPPD, it seems unlikely the Directorate will be able to fill the new positions it has requested in 2009. Therefore, the Committee provides $2,500,000 for Management and Administration staffing growth, instead of the $5,000,000 requested.

INTERGOVERNMENTAL PROGRAMS

The Committee does not provide funding for an Office of Intergovernmental Programs in NPPD. The Post-Katrina Emergency Management Reform Act of 2006 established this office within FEMA, which is where it continues to be funded.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

Appropriation, fiscal year 2008	$654,730,000
Budget estimate, fiscal year 2009	841,200,000
Recommended in the bill	846,756,000
Bill compared with:	
Appropriation, fiscal year 2008	+192,026,000
Budget estimate, fiscal year 2009	+5,556,000

MISSION

Infrastructure Protection and Information Security (IPIS) works to reduce the vulnerability of the nation's critical infrastructure, key resources, information technology networks, and telecommunications systems to terrorist attacks and natural disasters. IPIS is also responsible for maintaining effective telecommunications for government users in national emergencies, and for establishing policies and promoting solutions for interoperable communications at the Federal, State and local level.

RECOMMENDATION

The Committee recommends $846,756,000 for IPIS, $5,556,000 above the amount requested, and $192,026,000 above the amount provided in fiscal year 2008. The Committee withholds $149,312,000 from obligation until the Department submits and the Committee approves expenditure plans for three programs, as described below. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Infrastructure Protection:		
Identification and Analysis	$70,603,000	$70,603,000
Coordination and Information Sharing	52,367,000	68,232,000
Mitigation Programs	149,830,000	173,671,000
National Cyber Security Division:		
US-Computer Emergency Response Team	242,424,000	242,424,000
Strategic Initiatives	41,638,000	49,138,000
Outreach and Programs	9,438,000	7,188,000
National Security/Emergency Preparedness Telecommunications:		
Priority Telecommunications Services	58,740,000	58,740,000
Next Generation Networks	56,000,000	48,000,000

	Budget estimate	Recommended
National Command and Coordination Capability	61,000,000	14,100,000
Programs to Study and Enhance Telecommunications	15,100,000	15,100,000
Critical Infrastructure Protection Programs	11,260,000	11,260,000
eLORAN Development	34,500,000	0
Office of Emergency Communications	38,300,000	38,300,000
REAL ID Hub	0	50,000,000
Total, Infrastructure Protection and Information Security	841,200,000	846,756,000

NPPD PROGRAM PLANNING

The 2009 budget proposes significant increases for several programs within NPPD, most notably the National Cyber Security Initiative (NCSI), Next Generation Networks (NGN), and the National Command and Coordination Capability (NCCC). However, the justification materials submitted by NPPD lack a thorough explanation of how these proposed investments fulfill the homeland security goals of the Department; on what, how and when funds will be expended; and even the total cost to complete these initiatives. The Committee has seen far too many instances of troubled and ultimately wasteful investments made by DHS agencies that have not properly planned for major acquisitions. Therefore, the Committee withholds from obligation half of the funds appropriated for NCSI ($121,212,000) and NGN ($24,000,000), and all of the funds appropriated for NCCC ($14,100,000) until NPPD submits, and the Committee approves, expenditure plans for each of these projects. These plans shall each include a discussion of the strategic context for the initiatives; the specific goals and milestones NPPD has set for the programs; the funds allocated to achieving each of those goals and milestones; and a detailed analysis of investments in each program to date, as well as total investments required by fiscal year, to complete the projects as planned.

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS AND REGULATION OF AMMONIUM NITRATE

In the 2007 and 2008 Appropriations Acts, Congress authorized DHS to regulate the security of chemical facilities and the purchase and sale of ammonium nitrate, respectively. The Infrastructure Protection component within NPPD has promulgated chemical facility anti-terrorism standards, and is also working to implement controls on the transfer of ammonium nitrate. Since the number of locations subject to chemical facility regulations is higher than estimated in original DHS plans, the Committee provides $12,000,000 more than requested for chemical facility regulation implementation. In addition, since the costs to implement ammonium nitrate regulations were largely unaccounted for in the budget request, the Committee provides $5,000,000 to initiate this important effort.

NATIONAL INFRASTRUCTURE PROTECTION PLAN MANAGEMENT

The Committee continues to hear from outside experts about the importance of the collaborative working relationships between industry and government to address infrastructure security vulnerabilities. As envisioned in the National Infrastructure Protection Plan (NIPP), DHS and other sector-specific agencies work in conjunction with private stakeholders, State governments, and

other participants to identify and mitigate the vulnerability of infrastructure to terrorist attack or natural disaster. Given the value these groups produce for the protection of our country's infrastructure, the Committee provides $36,858,000 for NIPP management and related Critical Infrastructure and Key Resource partnerships, an increase of $15,865,000 over the requested level.

ETHANOL TRANSLOADING FACILITIES

The Committee is concerned that the siting of ethanol transloading facilities near high density communities may create new security vulnerabilities, The Committee understands the Department will soon review the vulnerabilities associated with one such facility in Virginia. The Committee directs the Department, in coordination with the Department of Transportation and other relevant agencies, to report to the Committee no later than 90 days after the date of enactment of this Act on the results of this vulnerability assessment. The report shall cover the risks associated with such transloading facilities, recommended security procedures, recommended coordination with local police, fire, health, and emergency responder communities, and other recommended actions for the Congress, the Executive Branch, or localities.

WATER SYSTEM SECURITY

The Committee is aware of a request from managers of the nation's public water systems for the Federal government to provide additional guidance about maintaining a resilient drinking water infrastructure. As part of managing its partnerships with other sector-specific agencies, the Committee encourages NPPD to work with the Environmental Protection Agency, which is the lead Federal agency for the water sector under the National Infrastructure Protection Plan, to improve Federal outreach to water system managers, increase support and guidance on implementation of risk assessment techniques, and publicize effective protective measures that can be taken to increase water system security.

BUSINESS COUNTERINTELLIGENCE

A key element of the nation's knowledge economy is the intellectual property developed by industries as diverse as finance, computer software, entertainment, and pharmaceuticals. While DHS has made progress identifying and mitigating the threat of attacks on our nation's physical assets though implementation of the NIPP, it has been less active in protecting America's soft assets from theft or destruction through espionage or sabotage. The Committee therefore directs NPPD to review the federal government's efforts to increase awareness of business counterintelligence, including efforts made by the Federal Bureau of Investigation to assess the threat of intelligence infiltration within the private sector, and to incorporate best practices into its NIPP management activities.

OFFICE OF BOMBING PREVENTION

A recent DHS assessment of terrorist methodologies concluded that improvised explosive devices (IEDs) remain "the favored method for terrorist attack" against "critical infrastructure and key assets." The Office of Bombing Prevention (OBP) is responsible for

implementing the DHS National Strategy for Bombing Prevention, and also trains State and local governments in how to identify and safely handle bombs and IEDs. The Committee provides OBP $11,000,000 for carrying out this important work, an increase of $1,841,000 over the requested level. Of this amount, $1,000,000 shall be for the purchase of the IED-Geospatial Analysis Tool Plus, which the Office of Bombing Prevention has informed the Committee would be a useful addition to its TRIPwire field assessment tool. The Committee also understands that OBP has participated in a Technical Support Working Group effort to develop IED countermeasures that could be used by state and local law enforcement, and urges OBP, in conjunction with S&T, to continue to support efforts to develop and implement counter-IED solutions for use by the civil sector.

PHILADELPHIA VIDEO SURVEILLANCE

The Committee provides $2,000,000 for continued deployment of infrastructure monitoring and crime cameras in the city of Philadelphia. The Committee directs NPPD to work with city administrators to use these funds in support of Philadelphia's plan to integrate new and existing cameras into a citywide surveillance system.

UNDERGROUND CRITICAL INFRASTRUCTURE

Much of what allows the United States to operate goes unnoticed below ground, in the network of tunnels hidden below our streets, buildings, and parks. The pipes, wires, cables, and other infrastructure that run through these tunnels are often protected only by unsecured manhole covers. The Committee provides $3,000,000 for NPPD to pilot methods for securing this infrastructure by evaluating the effectiveness and drawbacks of manhole cover locking systems.

MAPPING CRITICAL INFRASTRUCTURE

The Committee is aware of collaborative efforts by Infrastructure Protection alongside other Federal mapping and geological survey agencies in support of the development of reliable maps of critical infrastructure facilities. The Committee urges NPPD to review these efforts to ensure that critical needs are being met in this area.

US–CERT/NATIONAL CYBER SECURITY INITIATIVE

The Committee provides $242,424,000 for NPPD's US–CERT program, and the DHS share of the Administration's National Cyber Security Initiative (NCSI), as requested. The goal of the NCSI is to strengthen the security of government computer networks and reduce their vulnerability to attacks by outside forces. The appropriations provided by the Committee finance the DHS costs of consolidating its Internet connections while simultaneously developing and installing Internet traffic monitoring systems on government networks. The budget for US–CERT has increased by more than 500 percent since 2007, indicating the seriousness with which the Committee takes the need to improve cyber security. However, the Committee is concerned that absent a well-developed acquisition

plan, these resources may not be used in the most effective manner possible. As discussed above, the Committee requires NPPD to submit an expenditure plan providing more details on the purpose and goals of the NCSI and how proposed expenditures will meet them.

PRIORITY TELECOMMUNICATIONS SERVICES/NEXT GENERATION NETWORKS

The Committee recognizes the success of DHS and its predecessor agencies in working with the telecommunications industry to develop an effective emergency access system for Federal, State and local officials to use in times of crisis, and provides $58,740,000 for the Priority Telecommunications Service program, at the requested level. The Committee also recognizes that the dynamic nature of the telecommunications industry requires on-going investment to ensure that current capabilities are not lost when new technologies emerge. However, the Committee is disappointed that the managers of the National Security/Emergency Preparedness Telecommunications program have not provided any detailed explanation or discussion of key deliverables for investments made through the Next Generation Networks (NGN) program. In particular, the Committee is concerned that absent a defined set of goals, the NGN program has the potential to become an open-ended financial commitment of massive cost. Therefore, the Committee provides $48,000,000 for the NGN program, $8,000,000 below the requested level. As discussed above, the Committee requires NPPD to submit an expenditure plan providing more details about the purpose and goals of the NGN program.

NATIONAL COMMAND AND COORDINATION CAPABILITY

NPPD has proposed a $61,000,000 budget for a National Command and Coordination Capability (NCCC), an increase of 1,592 percent over the 2008 enacted level. This extraordinary increase in resources has not been accompanied by a detailed explanation of how this project will be carried out, what specific investments the funds will be used to make, or even why such a large investment is necessary. As a result, the Committee provides $14,100,000 for continued NCCC planning and initial implementation, and requires NPPD to submit an expenditure plan providing more details about the purpose and goals of this initiative.

CYBER SECURITY TRAINING

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

CYBER SECURITY INFORMATION SHARING AND COLLABORATION PROGRAM

The Committee does not fund the Cyber Security Information Sharing and Collaboration program, a $2,250,000 earmark for a specific institution of higher education that was requested by the President.

CONTROL SYSTEMS SECURITY

The Committee is concerned that the control systems that ensure the efficient and reliable operation of much of the nation's power, water, information and other critical systems are potentially vulnerable to compromise. To address this concern, the Committee provides $22,000,000 for the National Cyber Security Division's efforts in this area, $4,000,000 more than the request. This additional funding is to establish a power and cyber system protection, analysis and testing program at the Idaho National Laboratory.

E–LORAN

The Committee does not provide funding for the so-called e–LORAN system in the budget for NPPD, and instead returns the funds to the Coast Guard budget. Since Coast Guard will remain responsible for operating the existing LORAN–C until a replacement system is developed, there is no logical reason to transfer these funds to NPPD, an agency that has neither the preparation nor the experience to operate the LORAN system.

OFFICE OF EMERGENCY COMMUNICATIONS

The Committee is concerned about the effectiveness of the Office of Emergency Communications, which is chiefly responsible for coordinating at high levels throughout the government to promote and enhance emergency communication capabilities. The Committee directs the Secretary to establish a senior-level director of the Office to ensure that the Office has the high-level representation and executive independence needed to coordinate emergency communication activities.

REAL ID HUB

The Committee provides $50,000,000 for development of a REAL ID data hub, which will connect various State records systems to enable their departments of motor vehicles to verify the accuracy and authenticity of documents used for drivers license applications. The Administration requested this funding within the budget for United States Citizenship and Immigration Services (USCIS). The Committee does not want the immigration workload at USCIS to be overshadowed by other responsibilities, especially since USCIS now confronts historic backlogs of applications pending adjudication. To ensure that the REAL ID hub is developed appropriately, the Committee includes statutory prohibitions on retention of any data accessible through the hub system, or for Federal use of the hub system.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

Appropriation, fiscal year 2008	$475,000,000
Budget estimate, fiscal year 2009	390,300,000
Recommended in the bill	390,300,000
Bill compared with:	
Appropriation, fiscal year 2008	−84,700,000
Budget Estimate, fiscal year 2009	0

MISSION

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

RECOMMENDATION

The Committee recommends $390,300,000 for US–VISIT, the same as the amount requested and $84,700,000 below the amount provided in fiscal year 2008. The Committee includes: $20,000,000 for identity management and screening services; $66,368,000 to complete ten-print and interoperability investments for the "Unique Identity" program; $55,553,000 for biometric exit planning and implementation; $128,327,000 for operations and maintenance (including $25,327,000 to move US–VISIT operations from the current Department of Justice data centers to a DHS data center, and the establishment of a disaster recovery site at a second DHS data center); and $120,052,000 for program management.

EXPENDITURE PLANS

The Committee denies the request to remove requirements for a US–VISIT expenditure plan. Expenditure plans have been indispensable in providing information that enables the Committee to exercise its oversight responsibilities. To help ensure funding is used effectively for US–VISIT program management, and to support implementing 10-print standards, interoperability, and identity management services, the Committee recommends $300,300,000 be made available to the program upon enactment of this Act, with $90,000,000 withheld subject to expenditure plan approval.

The bill continues to require that the expenditure plan be reviewed by the GAO, and that it include: (1) a detailed account of program progress; (2) a plan of action showing how the funding will meet future program commitments; (3) the status of open GAO and OIG recommendations and actions taken or planned to address them; (4) a Chief Procurement Officer certification that the program has been approved through the US–VISIT procurement risk management process and a DHS investment management process that fulfills OMB capital planning and investment control requirements; (5) a Chief Information Officer certification that an independent verification and validation agent for the US–VISIT project is under contract, that US–VISIT system architecture is aligned to the DHS information systems enterprise architecture, and that US–VISIT has an investment risk management program that includes a list of high risks and the status of efforts to address them; (6) a Chief Human Capital Officer certification that US–VISIT human capital needs are being adequately managed; (7) a complete schedule for full implementation of a biometric exit program, or certification that such implementation within five years is not pos-

sible; and (8) a detailed account of costs associated with identity services. The Committee directs that the expenditure plan also include a schedule for the transition of operations from the current Department of Justice data centers to the new DHS data centers and a description of the funding required for this transition.

EXIT SOLUTION

The exit component of US–VISIT remains behind schedule. DHS has issued a notice of proposed rule making for a biometric exit solution for air and sea ports that would require air and sea carriers to collect and transmit biometric information to DHS in order to implement an air and sea exit system by the end of 2008. Section 711 of the 9/11 Act requires such a system to be implemented by that time in order for the Secretary to retain his authority to approve visa waiver program participation.

The Committee is concerned that no pilot tests have been carried out or are planned for the proposed assignment of biometric collection responsibilities to private industry. Previous exit pilots involved the use of kiosks by departing passengers, but only on a voluntary basis. To ensure that the final solution adopted is based on operational experience, the Committee includes bill language making no funding available for air exit implementation until US–VISIT conducts and submits a report on pilot tests of the air exit solution for approval by the Committees on Appropriations, to include at least two scenarios: (1) where airlines collect and transmit biometric exit data as proposed in the rule; and (2) where CBP collects such information at the departure gates. The Committee asks that the airline industry and the Department cooperate to design and carry out such pilots as soon as possible. The Committee expects the information gathered to include workload information, cost data, the impact on passenger processing time, and data related to the quality and security of traveler information collected. Such pilots should be conducted over a time period of not less than 30 days, with completion no later than October 31, 2008. The final rule on air exit should reflect information gathered through the pilots. The Committee directs that the report on pilot results be reviewed by GAO, which shall provide an independent assessment of the report.

The Department has provided no detailed and comprehensive exit strategy, as required by the fiscal year 2008 Appropriations Act. Such a strategy is essential to inform decisions about design, investment, staffing and funding. Although the Department's budget materials state that DHS will produce a biometric exit strategy and cost-benefit analysis for the land border by the end of 2008, the Committee continues to include language requiring a comprehensive strategic plan for exit, along with details on incremental efforts to achieve exit, within the fiscal year 2009 expenditure plan. The Committee understands that the Department is continuing discussions with Canadian and Mexican governments on reciprocity in sharing immigration entry information (in lieu of a U.S. exit process). The Committee directs the Department to provide a briefing on the status of such discussions.

UNIQUE IDENTITY

Unique Identity is the name for the program to establish a standard for collection of 10-print biometric information from travelers to the United States; implement full, real-time interoperability between the State Department, DHS and the Justice Department in sharing and matching data from DHS' automated Biometric Identification System (IDENT) and the FBI's Integrated Automated Fingerprint Identification System (IAFIS); and re-engineer IDENT to be fully compatible with new system and data requirements. The Committee understands that pilot testing of the 10-print system at U.S. international airports has been going smoothly, and that 10-print collection is now performed for all visa applicants at U.S. consulates overseas. Current data show that collection of such information takes only a few seconds on average, and that response to "hits" against relevant watchlist and database information is generating new information that is relevant to the Department's admissibility and status determinations and its enforcement actions.

DHS stated in its budget justification that, by the end of calendar year 2008, it would complete testing and national deployment of 3,000 10-print scanners at 292 air, sea and land ports of entry where 2-print scanners are currently used. DHS, Justice and State have informed the Committee that they expect to achieve initial interoperability of their databases and systems in October 2008. DHS's fiscal year 2009 budget request proposes to fund the design, build out and testing of full interoperability for sharing biometric data with other agencies, in particular the Departments of Justice and State. The Committee includes $66,368,000, as requested, for Unique Identity.

The Committee understands that one element of Unique Identity, enumeration (assignment of a unique numerical identifier for an individual's biometric and biographic records and transactions), may be experiencing delay. In part, this may be due to the fact that enumeration is still a pilot effort, and that DHS has not yet developed a policy to promote enumeration as a standard for data exchange and verification throughout the Department.

The Committee directs US–VISIT, in coordination with the Departments of Justice and State, to continue quarterly briefings to the Committees on Appropriations on Unique Identity, including the status of enumeration. The Department is directed to submit a report on the prospects for implementation of enumeration throughout the Department with the submission of the fiscal year 2010 budget request.

The Committee is concerned that limitations within Department of Justice systems have resulted in a backlog of DHS biometric queries, requiring such queries to be prioritized. While the Committee supports interim measures that give priority to determining the status of high risk persons, such delays in processing continue a vulnerability that unrecognized persons may be missed simply because different government databases cannot be compared. The Committee therefore directs that the quarterly briefings on 10-print transition and interoperability also report on the status of such gaps in system interoperability and measures being taken to close them.

OVERSTAYS

The identification and resolution of "overstays" (foreign visitors and immigrants who do not leave the U.S. when required to do so based on the terms of their visa or temporary visitor status) is a critical US–VISIT mission. The number of overstays reported to ICE for enforcement in fiscal year 2007 was 12,618, triple the number from fiscal year 2006, and the trend for fiscal year 2008 is increasing. Not all overstay records reported to US–VISIT are reviewed, although priority is given to travelers from countries of interest. The consequence is that the number of potential overstays is growing by approximately 350,000 a year, and currently totals 945,000.

The Committee includes $20,000,000, as requested, for identity management services, $4,200,000 above fiscal year 2008. The Department reports that this funding would only increase the number of overstay cases being reviewed by 25 percent, and that $14,600,000 more would be required to review all overstay reports. While additional staffing may be a partial solution, the Committee understands that some technological remedies, such as improved matching systems, may be available to help speed up reviews. Regardless of whether the solution lies in staff, technology, or a combination of the two, the Committee expects to see more effort made to eliminate this vulnerability, and directs DHS to submit a reprogramming of fiscal year 2008 funding as soon as possible to enable the review of all overstay reports.

STRATEGIC ALIGNMENT

US–VISIT has a growing mission to manage significant biometric and biographic databases and services for the Department and other federal agencies. GAO (GAO–08–361) recommended the alignment of US–VISIT investments and activities with the DHS enterprise architecture for every stage of planning and budgeting. It also recommended full coordination with related projects, such as the Western Hemisphere Travel Initiative, the Electronic Systems for Travel Authorization, and the Global Entry system. The Committee urges the Department to act on its plans to implement a US–VISIT governance board, and directs the Department to submit with the fiscal year 2010 budget request a full description of the internal DHS governance process, as well as a detailed report on steps US–VISIT and the Department have taken to define, manage and coordinate relationships between US–VISIT and other immigration and border management programs.

STAFFING AND CONTRACTOR SUPPORT

The Committee understands that US–VISIT is making efforts to address open GAO recommendations for contract and program management. Such steps entail developing tools to help improve acquisition methodology, implementing earned value management, and establishing strong acquisition management capability. Although contractor staff will likely remain a significant part of US–VISIT, the Committee expects to see some reduction in permanent contractor operations. As US–VISIT matures, the Committee continues to be frustrated with continued US–VISIT vacancies, despite increased workload and mission complexity. As a result, it includes

$4,343,000, as requested, for an additional 35 positions for strategic planning, program and human capital management, logistics and stakeholder communication. The Committee directs US–VISIT to brief the Committee not later than September 8, 2008, on the status of its workforce analysis and its progress in filling vacancies.

OFFICE OF HEALTH AFFAIRS

Appropriation, fiscal year 2008	$116,500,000
Budget estimate, fiscal year 2009	161,339,000
Recommended in the bill	134,404,000
Bill compared with:	
Appropriation, fiscal year 2008	+17,904,000
Budget estimate, fiscal year 2009	−26,935,000

MISSION

The Office of Health Affairs (OHA) serves as the Department of Homeland Security's principal agent for all medical and public health matters. Working across local, State, Federal, tribal and territorial governments and with the private sector, OHA has the lead DHS role in the establishment of a scientifically rigorous, intelligence-based, medical and biodefense architecture that ensures the health and medical security of our nation.

RECOMMENDATION

The Committee recommends $134,404,000 for OHA, $26,935,000 below the amount requested and $17,904,000 above the amount provided in fiscal year 2008. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

Office of Health Affairs	Budget estimate	Recommended
BioWatch	$111,606,000	$88,806,000
National Biosurveillence Integration System	8,000,000	8,000,000
Rapidly Deployable Chemical Detection System	2,600,000	2,600,000
Planning and Coordination	9,923,000	5,775,000
Salaries and Expenses	29,210,000	29,223,000
Total	161,339,000	134,404,000

SURVEILLANCE AND DETECTION

The Committee recommends $88,806,000 for BioWatch, $22,800,000 less than the amount requested, and $11,698,000 above the amount provided in fiscal year 2008. BioWatch is an early warning system, deployed in over 30 of the country's major metropolitan areas, that can currently detect trace amounts of nucleic-acid pathogens in the air. The Committee continues to have concern about aspects of the BioWatch program, including the efficiency and effectiveness of the systems; the lack of a comprehensive deployment strategy, including the relationship of generation 2.5 and 3.0 systems; the lack of clarity related to post-detection characterization and notification processes; and the use of multiple technologies. In fiscal year 2008, the Committee directed the National Academies of Science (NAS) to evaluate the program and compare it to an enhanced surveillance system that relies on U.S. hospitals and the U.S. public health system. The results of the NAS evaluation are expected within a year. The Committee's recommended

level for fiscal year 2009 continues current operations and allows OHA to expand the testing of next generation systems. The Committee directs OHA to notify the Committee 15 days prior to deploying any BioWatch device to new locations.

The Committee recommends $8,000,000 for the National Bio-Surveillance Integration Center, the same amount as requested and the amount provided in fiscal year 2008. The Committee also includes $500,000 for the Biological Warning and Incident Characterization system, as requested.

PANDEMIC INFLUENZA

The GAO found in August 2007 that Federal government leadership roles and responsibilities for preparing for and responding to a pandemic will require further clarification and testing before roles and responsibilities are understood. GAO recommended that the Secretaries of Homeland Security and Health and Human Services work together to develop and conduct rigorous testing, training, and exercises for pandemic influenza to ensure that the Federal leadership roles are clearly defined and understood and that leaders are able to effectively execute shared responsibilities to address emerging challenges. DHS agreed with that recommendation and stated that its Incident Management Planning Teams (IMPTs) were addressing the shortfalls identified by GAO. While the Committee is encouraged that DHS is taking GAO recommendations seriously, it is concerned that the Department intends to rely on IMPT for leadership related to pandemic flu, instead of OHA, which is the Department's primary point of contact with other Federal departments and agencies on medical and public health issues. The Committee directs that OHA lead the Department's efforts related to pandemic flu and implement the recommendations by GAO to clarify and define roles and responsibilities.

SALARIES AND EXPENSES

The Committee recommends $29,223,000 for Salaries and Expenses, $13,000 above the amount requested and $4,906,000 above the amount provided in fiscal year 2008. Within the total funding available, $644,000 is for eight additional positions to strengthen the administrative and financial reporting capabilities of OHA, including oversight of Project BioShield, and $750,000 is to continue an effort to standardize medical policies across DHS. The Committee expects this effort to minimize medical and public health incidents. Recent reports have revealed serious problems with medical care within DHS, including a tuberculosis patient who gained entry into the United States multiple times, even though his name was given to CBP by the Centers for Disease Control; the death of an infant at an immigration checkpoint in Honolulu; and allegations of substandard treatment and failure to provide necessary treatment in ICE detention centers. OHA is directed to provide to the Committee, within four months of enactment of this Act, a plan to communicate and enforce medical standard policies across DHS.

EMERGENCY PERSONNEL AND DISASTER RESPONSE

A February 2008 report from the Federal Communications Commission's Joint Advisory Committee (JAC) on Communications Ca-

pabilities of Emergency Medical and Public Health Care Facilities looked comprehensively at the nation's current communications capabilities across the continuum of emergency medical and public health agencies. The JAC found that "the communications technologies upon which life-saving decisions depend are often outdated, fragile, limited only to voice, and woefully inadequate to respond to a mass casualty or disaster event. Too often today, EMS responders, doctors, and nurses must practice 21st century medicine with 20th century communications technology." OHA is directed to work with FEMA's Grants Preparedness Directorate and the emergency medical services community to foster solutions to the problems identified by the JAC.

PLANNING AND COORDINATION

The Committee recommends $5,775,000 for planning and coordination activities, $4,148,000 below the amount requested and $1,300,000 above the amount provided in fiscal year 2008. Of the amount available for planning and coordination, the Committee recommends $1,000,000 for the National Biodefense Architecture (NBA), a new initiative designed to establish a comprehensive framework of Federal, State, local and private sector biodefense responsibilities and capabilities. The NBA request is reduced by half, to reflect the lack of detail provided. OHA can accomplish its broad fiscal year 2009 goal of defining the future vision of NBA with the funding provided. OHA is directed to brief the Committee quarterly on this effort.

The Committee includes the requested $300,000 for the Medical First Responder All-Hazards Best Practices program. This program will foster interagency collaboration for the development of best practices and protocol development. The development of these best practices is intended to mitigate the medical consequences of disasters of all hazards. As part of this effort, the Committee expects OHA to develop best practices for medical personnel to deal with the consequences of anthrax following an attack. The Committee remains committed to ensuring the Nation is adequately prepared for a potential anthrax attack and includes this funding as well as $88,806,000 for BioWatch to detect air-borne pathogens, including anthrax. The Committee notes that following the 2001 anthrax attack in Florida, with the lack of rapid diagnostic tools, doctors utilizing best practices were essential to diagnosing anthrax.

The Committee does not include additional funding to expand the Knowledge Development and Dissemination Program; begin the Biodefense Response and Recovery Demonstration Project; or to begin medical readiness modeling and simulation programs. Instead the Committee directs OHA to increase oversight of the programs it currently oversees, including BioWatch and Project BioShield.

ENVIRONMENTAL EXPOSURE

The Committee understands that OHA is exploring ways to integrate exposure science into response planning for terrorist events and other disasters, and notes that major disasters, such as the 9/11 terrorist attacks and Hurricane Katrina, have produced environmental contaminants that resulted in significant adverse health consequences for emergency responders and the public. The Com-

mittee notes that environmental contaminants have also affected individuals living in FEMA-provided housing. The Committee believes that significant work must be done to better understand environmental exposures following disasters and to develop response protocols and technologies that will prevent or mitigate such health effects. The Committee urges OHA to continue its activities in this area and to coordinate a Federal effort to apply exposure science to disaster response by working with other Federal agencies that have expertise related to environmental exposures, public health, and occupational safety.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2008 [1]	$664,000,000
Budget estimate, fiscal year 2009 [2]	957,405,000
Recommended in the bill [1] [2]	821,151,000
Bill compared with:	
Appropriation, fiscal year 2008	+157,151,000
Budget estimate, fiscal year 2009	−136,254,000

[1] Excludes transfer from Disaster Relief.
[2] Request includes the United States Fire Administration appropriation for which funding is provided in a separate account.

MISSION

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

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

RECOMMENDATION

The Committee recommends $821,151,000 for Management and Administration, $136,254,000 below the amount requested and $157,151,000 above the amount provided in fiscal year 2008. In addition to this direct appropriation, $90,600,000 is transferred from Disaster Relief. Included within the amount provided is $5,000,000 to accelerate efforts at FEMA to develop tools to measure the achievement and effectiveness of certain grant programs. The Com-

mittee does not fund the $40,913,000 request for the United States. Fire Administration within this account. Specific programs, projects, and activities are detailed below.

STAFFING

The Committee agrees to transfer $90,600,000 from Disaster Relief, $15,000,000 less than requested, to support the conversion of temporary disaster employees to permanent status. The funding shall remain unavailable until the Committee receives and approves an implementation plan that contains an expenditure plan, a hiring schedule, and a list of positions to be filled by Cadre On-Call Response Employees (CORE), including where they will be located. The reduction to the request is based on delays in the planned conversion of employees and the fact that previous funding provided for this effort has been reprogrammed by FEMA.

REGIONAL OFFICES

The Committee recommends $6,000,000 for the relocation of three regional offices due to expiring leases, $4,000,000 less than the amount requested. Although FEMA's budget request anticipated the relocation of five regional offices, FEMA subsequently indicated to GAO that it now plans to relocate three offices, at a cost of $2,000,000 each.

MT. WEATHER

The Committee recommends $45,530,000 for Mt. Weather capital improvements, $3,419,000 below the amount requested and the same as the amount provided in fiscal year 2008. FEMA has no comprehensive ten-year capital improvement plan for Mt. Weather, and additional funding will not be provided until such a plan is developed and submitted to the Committee. The Committee directs FEMA to provide a comprehensive ten-year capital improvement plan for Mt. Weather. within six months after the date of enactment of this Act. The Committee notes that it has provided $65,202,200 for capital improvements since fiscal year 2007.

EMERGENCY MANAGEMENT INSTITUTE

The Committee recommends $7,000,000 for the Emergency Management Institute (EMI), $1,253,000 above the amount provided in fiscal year 2008. EMI provides training to Federal, State, local, tribal, public and private sector officials to strengthen emergency management core competencies. The Committee expects the additional funding to increase the capacity of EMI and enable additional State and local officials to attend courses.

NATIONAL DAM SAFETY PROGRAM

The Committee recommends $6,000,000 for the National Dam Safety Program (NDSP), $500,000 above the amount provided in fiscal year 2008. The NDSP provides support for the improvement of the State dam safety programs that regulate most of the 79,500 dams in the United States.

URBAN SEARCH AND RESCUE RESPONSE SYSTEM

The Committee recommends $32,500,000 for the Urban Search and Rescue (US&R) Response System, $7,500,000 above the amount requested and the same as the amount provided in fiscal year 2008. The Committee is concerned with the readiness level of US&R teams and provides additional funding to ensure the teams are properly trained and equipped to respond to future disasters. While FEMA estimated in 2006 that each team would require $1,662,200 to operate, the 28 teams received an average of only $1,036,143 in fiscal year 2008, leaving local agencies responsible for meeting shortfalls.

The Committee directs FEMA to report, within six months after the date of enactment of this Act, on the feasibility of adding an additional team to the US&R program. If FEMA determines it is feasible to add an additional team, the report shall include a recommendation for the geographical location and an estimate of the associated cost.

LOGISTICS MANAGEMENT PROGRAM

The Committee recommends $119,078,000 for logistics management, the same as the amount requested and $9,368,000 above the amount provided in fiscal year 2008. The additional funding is for hiring 22 additional logistics planners, to improve FEMA's tracking systems, and to hire six site managers for FEMA's logistics centers. The Committee expects FEMA to engage the private sector and incorporate industry best practices, including adaptive planning technologies, in its logistics program. The Committee directs FEMA to continue quarterly briefings on its progress in developing its logistics program, including efforts to reach out to the private sector. Within logistics management, the Committee encourages FEMA to ensure that its logistics personnel are appropriately trained and encourages FEMA to explore training provided by LOGTECH.

EMERGENCY ALERT SYSTEM

The Committee recommends $28,400,000 for the Integrated Public Alert and Warning System (IPAWS), the same as the amount requested. IPAWS uses digital and satellite technology to expand alerts and warnings to new communication media. The Committee directs FEMA to provide the Committee with a plan by January 2009 to complete the conversion to IPAWS from the current emergency alert system by the end of calendar year 2009.

READY CAMPAIGN

The Committee recommends $1,500,000 for the READY campaign in FEMA. This program was previously funded within the Office of the Secretary and Executive Management. The Committee believes this program, aimed at providing appropriate tools to citizens to increase individual preparedness, is intrinsic to FEMA's preparedness mission, and therefore directs FEMA to combine this program with "Are You Ready?" a similar education program already managed by FEMA.

As part of the READY campaign, the Committee directs FEMA to address the needs of special populations, especially those of older adults. The Committee recognizes the unique challenges that face

older adults before, during, and after disasters and encourages FEMA to devote resources to reaching that community to ensure they are better prepared.

CONGRESSIONAL BUDGET JUSTIFICATION

The Committee continues to be disappointed by FEMA's budget justification. In fiscal year 2008 the Committee directed that the fiscal year 2009 budget be detailed by office. Because of what appears to be significant system deficiencies, FEMA submitted the budget by office a month late. The Committee continues the requirement for the submission of a budget by office for fiscal year 2010.

In addition, the budget contains no information for many programs below the program and project level. For fiscal year 2010, the Committee expects budget detail for the National Dam Safety Program; the National Fire Academy; the National Incident Management System; National Continuity programs; the National Fire Data Center; the Emergency Management Assistance Compact; the National Hurricane Program; the National Earthquake Hazards Reduction Program; the Disability Coordinator; the Law Enforcement Advisor; the Mobile Emergency Response System; the Disaster Housing Assistance Program; and the Emergency Management Institute.

FIRST RESPONDER READINESS

The Committee is concerned about the nation's ability to respond to all disasters in U.S. territories, especially disasters that offer no warning. FEMA is directed to analyze the response capabilities of the U.S. territories, including the level of readiness of first responders and the availability of adequate training programs. FEMA shall report to the Committee on the results of this analysis within six months after the date of enactment of this Act. The Committee also directs FEMA to examine the utility of additional sites for all-hazard first responder training and report to the Committee on its findings no later than February 16, 2009.

INCREASED ACCOUNTABILITY

The Committee notes that GAO and OIG have made many recommendations for improvements to FEMA's operations and programs. Although FEMA has agreed to implement many of these recommendations, the status of such implementation is unclear. The Committee directs FEMA to provide GAO and OIG with a time-frame for implementing all recommendations agreed to by FEMA.

STATE AND LOCAL COLLABORATION

The Committee is concerned that processes are not in place to ensure a collaborative partnership with State, local, and tribal officials in the development of critical plans and systems. According to briefings by GAO, FEMA has not even developed policies and procedures to ensure a collaborative process for future updates to the National Response Framework. Such policies and procedures for collaboration with State and local officials should be developed immediately and shared with FEMA's National Advisory Council for

review and approval. The Committee specifically encourages FEMA to include State, local, and tribal representatives in the development of the Integrated Planning System and any grants performance system developed by the Department.

SPECIAL POPULATIONS

GAO recommended (GAO 08–369) that FEMA coordinate with the National Council on Disability to ensure that the needs of individuals with disabilities are fully addressed by FEMA's programs. The Committee directs FEMA's Disability Coordinator Office to implement this recommendation expeditiously.

The Committee continues to be concerned that individuals with Limited English Proficiency (LEP) may be underserved during disaster response efforts. The Committee directs FEMA to coordinate with representatives of LEP populations on ways to address their needs through the agency's preparedness and response capabilities. FEMA is directed to provide a report on its efforts to coordinate with LEP populations within six months after the date of enactment of this Act.

IMPACT OF CLIMATE ON FUTURE DISASTERS

The Committee is concerned that FEMA does not have a robust climate change program in place to assess the potential impact of future disasters on its ability to prepare for, mitigate against, and respond to natural disasters; its managing of the National Flood Insurance Fund; and its efforts to help maintain accurate maps of the nation's flood plains. To begin to address the shortfall in information about the impact of climate change, the Committee provides $5,000,000 for the State of North Carolina to perform a risk assessment and mitigation strategy demonstration of the potential impacts of sea level rise in that state associated with long-term climate change. FEMA is directed to use the study results to assess the long-term fiscal implications of climate change as it affects the frequency and impacts of natural disasters, and to disseminate information from the study to other states to inform their climate change mitigation efforts.

FLOOD CONTROL AND HAZARD MITIGATION DEMONSTRATION PROGRAM

The Committee is aware of several existing flood control projects in the Upper Cumberland and Big Sandy watershed undertaken by the U.S. Army Corps of Engineers following the flood of 1977 that can potentially serve as demonstrative interagency flood control and hazard mitigation solutions. The Committee provides $2,425,000 to conduct demonstration flood control and hazard mitigation projects with interagency stakeholders, including FEMA, the U.S. Army Corps of Engineers, U.S. Department of Agriculture, and State and local agencies. Funds are provided to demonstrate a wide range of project solutions across FEMA's multiple disaster preparedness and mitigation programs, including: retrofitting and hardening of existing flood walls and levees; pump refurbishment; land acquisition; transportation infrastructure modifications; and other flood damage reduction projects within this watershed.

FLORIDA HURRICANE RECOVERY

FEMA is directed to maintain the Florida long-term recovery office as long as sufficient work remains to be completed following the 2004 and 2005 hurricanes that struck the State. FEMA is further directed to notify the Committees on Appropriations 60 days prior to closing the office.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2008	$3,177,800,000
Budget estimate, fiscal year 2009 [1]	1,900,000,000
Recommended in the bill [2]	3,056,000,000
Bill compared with:	
Appropriation, fiscal year 2008	−121,800,000
Budget estimate, fiscal year 2009	+1,156,000,000

[1] Proposes to incorporate Emergency Management Performance Grants into this account.
[2] Does not incorporate Emergency Management Performance Grants into this account.

MISSION

State and Local Programs help build and sustain the preparedness and response capabilities of the first responder community. These programs include support for various grant programs; training programs; planning activities; and technical assistance.

RECOMMENDATION

The Committee recommends $3,056,000,000 for State and Local Programs, $1,156,000,000 above the amount requested and $121,800,000 below the amount provided in fiscal year 2008. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
State Homeland Security Grant Program	$200,000,000	$950,000,000
Urban Area Security Initiative	825,000,000	850,000,000
Metropolitan Medical Response System	0	50,000,000
Citizen Corps Program	15,000,000	15,000,000
Public Transportation Security Assistance and Railroad Security Assistance	175,000,000	400,000,000
Port Security Grants	210,000,000	400,000,000
Over-the-Road Bus Security Assistance	12,000,000	12,000,000
Trucking Security Grants	8,000,000	8,000,000
Real ID grants	0	50,000,000
Interoperable Emergency Communications Grant Program	0	50,000,000
Emergency Operations Centers	0	35,000,000
National Security and Terrorism Prevention Grants	110,000,000	0
Emergency Management Performance Grants	200,000,000	0
National Programs:		
National Domestic Preparedness Consortium	32,000,000	92,000,000
Center for Domestic Preparedness	47,000,000	47,000,000
National Exercise Program	40,000,000	40,000,000
Technical Assistance	10,000,000	10,000,000
Continuing Training Program	0	31,000,000
Evaluations and Assessments	16,000,000	16,000,000
Total State and Local Programs	1,900,000,000	3,056,000,000

The bill contains provisions: (1) allowing the transfer of up to 2 percent of State and Local program appropriations to FEMA's Management and Administration account for costs associated with ad-

ministering grants and training programs; (2) designating certain timeframes for grant processing; and (3) requiring grantees to provide additional reports as determined necessary by the Secretary.

For the purposes of eligibility for funds, 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, Alaskan Native village, independent authority, special district, or other political subdivision of any State shall constitute a "local unit of government."

The Committee includes a general provision requiring FEMA to brief the Committee five days prior to any announcement of State Homeland Security Grant Programs (SHSGP) and Urban Area Security Initiative (UASI) grant awards. Such briefings shall include detailed information on the risk analysis employed, the process for determining effectiveness, the process or formula used for selecting grantees, and any changes to methodologies used in the previous fiscal year.

MEASURING PREPAREDNESS AND RISK

In testimony before the Committee, GAO noted that "[DHS'] monitoring of homeland security grant expenditures does not provide a means to measure the achievement of desired program outcomes. FEMA's current efforts do not provide information on the effectiveness of those funds in improving the nation's capabilities or reducing risk." Therefore the Committee includes $5,000,000 in Management and Administration to accelerate efforts at FEMA to develop tools to measure the achievement and effectiveness of certain grant programs. The Committee also directs GAO to validate the tools developed by FEMA. GAO should determine whether the measurement tools developed are reasonable, fair, and able to measure how grants increase the preparedness level of each State and Urban Area and reduce risk.

The Committee is currently awaiting results of the National Academy of Sciences risk study, and expects FEMA to work with the National Protection and Programs Directorate to utilize the results of that analysis. The Committee also continues the requirement for GAO to review the risk methodology developed and used by DHS to distribute SHSGP and UASI grants.

IMPLEMENTING THE REQUIREMENTS OF THE 9/11 ACT

The Committee is concerned that FEMA has not adequately notified grantees of all statutory requirements pertaining to the transit security assistance program, the railroad security assistance programs (including Amtrak and Freight Rail) and the over-the-road bus security program, including those of prevailing wage and employee protections. Congress added these requirements in the 9/11 Act to assure, among other things, that workers employed on construction projects assisted by grant funds are paid not less than prevailing wage rates and that workers at transit agencies and bus providers are protected when grant funds are distributed. However, there is no mention in the application kits and program guidance issued by FEMA that grant recipients must adhere in these requirements as a condition of receiving funds. The Committee is

concerned about this omission and directs FEMA to ensure that these and all future grantees are aware of and comply with the requirements of the law.

STATE HOMELAND SECURITY GRANT PROGRAM

The Committee recommends $950,000,000 for the State Homeland Security Grant Program (SHSGP), the same as the amount provided in fiscal year 2008 and $750,000,000 above the amount requested. In accordance with the 9/11 Act, at least 25 percent of SHSGP and Urban Area Security Initiative funds shall be used for Law Enforcement Terrorism Prevention activities. Each state and Puerto Rico shall pass on no less than 80 percent of their grant funding to local units of government within 45 days of receiving the funds.

The Committee is aware that the fiscal year 2008 grant guidance permits up to 25 percent of SHSGP and Urban Area Security Initiative funds to be used to pay the salaries and expenses for individuals to serve as intelligence analysts for a period of up to three years. This limitation conflicts with the 9/11 Act, which did not set a time limit on paying salaries and expenses for new and existing intelligence analysts. The Committee directs FEMA to fully comply with the 9/11 Act and remove the time limitation for intelligence analysts.

Within the funds available, the Committee recommends $60,000,000 for Operation Stonegarden. All awards under Operation Stonegarden shall be made on a competitive basis to tribal governments and units of local government, including towns, cities, and counties along land borders of the United States to enhance the coordination between local and Federal law enforcement agencies. The Committee notes that the Tohono O'odham tribe, located along the U.S. southwest border, has historically provided border-related law enforcement along the approximately 75 miles of its land that is contiguous to the U.S./Mexico border.

Operation Stonegarden's eligible costs include, but shall not necessarily be limited to: overtime; vehicle maintenance; vehicle and equipment rental costs; reimbursement for mileage; fuel costs; equipment replacement costs; and travel costs for law enforcement entities assisting other local jurisdictions in law enforcement activities. The Committee directs that only CBP and FEMA make award decisions. No administrative costs shall be deducted from Operation Stonegarden award totals by States.

URBAN AREA SECURITY INITIATIVE GRANTS

The Committee recommends $850,000,000 for Urban Area Security Initiative Grants, $25,000,000 above the amount requested and $30,000,000 above the amount provided in fiscal year 2008. The funds should be distributed based on terrorism risk as called for in the 9/11 Act. Of the amount available, $15,000,000 is for grants to non-profit organizations determined by the Secretary to be at high risk of terrorist attack.

METROPOLITAN MEDICAL RESPONSE SYSTEM

The Committee recommends $50,000,000 for the Metropolitan Medical Response System, $50,000,000 above the amount requested

and $9,000,000 above the amount provided in fiscal year 2008. The Committee directs FEMA to work with the Office of Health Affairs to develop guidelines for the program. This funding enables local jurisdictions to prepare for and respond to all-hazards mass casualty incidents, including terrorism, epidemic disease outbreaks, natural disasters, and large-scale hazardous materials incidents.

CITIZEN CORPS PROGRAM

The Committee recommends $15,000,000 for the Citizen Corps program, the same as the amount requested and the amount provided in fiscal year 2008. This funding supports programs to engage citizens in preventing, preparing for, and responding to all hazards. Eligible activities include planning and evaluation; public education and communication; training; and participation in exercises.

PUBLIC TRANSPORTATION SECURITY ASSISTANCE AND RAILROAD SECURITY ASSISTANCE

The Committee recommends $400,000,000 for Public Transportation Security Assistance and Railroad Security Assistance, $225,000,000 above the amount requested and the same as the amount provided in fiscal year 2008. The Committee includes a provision directing the Department to make grants directly to public transportation agencies. The Committee also prohibits any cost sharing requirement for public transportation agencies and Amtrak.

PORT SECURITY GRANTS

The Committee recommends $400,000,000 for Port Security grants, $190,000,000 above the amount requested and the same as the amount provided in fiscal year 2008. GAO found in a December 2007 report that Federal port security grants have generally been directed at preventing attacks, not responding to them. GAO noted that decisions about the need for more port response capabilities are hindered by a lack of performance measures tying resource needs to effectiveness in response. GAO recommended that the Secretary of Homeland Security work with Federal, State, and local stakeholders to develop explicit performance measures for emergency response capabilities. These performance measures should then be used in risk-based analyses to set priorities for the use of grant funding. FEMA and Coast Guard shall report to the Committee within 30 days of enactment of this Act on plans for developing performance measures for emergency response capabilities. The Committee directs Coast Guard to make all final grant award allocations.

OVER-THE-ROAD BUS SECURITY ASSISTANCE

The Committee recommends $12,000,000 for Over-the-Road Bus Security grants, the same as the amount requested and $500,000 above the amount provided in fiscal year 2008.

TRUCKING INDUSTRY SECURITY GRANTS

The Committee recommends $8,000,000 for trucking industry security grants, the same amount as requested and $8,000,000 below

the amount provided in fiscal year 2008. The funding is to be competitively awarded. FEMA is directed to submit an expenditure plan to the Committees on Appropriations within 30 days of enactment of this Act and prior to the obligation of funds.

REAL ID GRANTS

The Committee recommends $50,000,000 for grants to assist States in complying with the largely unfunded mandate of the REAL ID Act, $50,000,000 above the amount requested and the same as the amount provided in fiscal year 2008. DHS estimates the total cost to States of implementing REAL ID to be $3,965,000,000 over eleven years. This REAL ID grant program is funded instead of the unauthorized National Security and Terrorism Prevention grant program proposed by the Department.

INTEROPERABLE EMERGENCY COMMUNICATIONS GRANTS

The Committee recommends $50,000,000 for interoperable emergency communications grants, $50,000,000 above the amount requested and the same as the amount provided in fiscal year 2008. The Committee includes a provision mandating that application kits be made available to States within 30 days after enactment of this Act; that States have 45 days to apply after a grant opportunity is announced; and that FEMA make grant determinations within 60 days of the application deadline. FEMA is directed to work with the Office of Emergency Communications to develop program guidance for these grants.

The Committee is aware that fiscal year 2008 grant guidance prohibits grantees from using awards for equipment acquisition. This is in contravention of the Committee's fiscal year 2008 direction to FEMA to award funds pursuant to the 9/11 Act, which does not preclude purchasing equipment. The Committee understands that FEMA places priority on leadership and governance, common planning and operational protocols, and skills and capabilities. The Committee agrees with this priority, but States and localities also should be given the flexibility to purchase equipment if they have made progress or have separate funding sources to address FEMA's priority areas. Therefore, the Department is directed to allow States and local governments to purchase equipment pursuant to requirements in the 9/11 Act.

EMERGENCY OPERATIONS CENTERS

The Committee recommends $35,000,000 for Emergency Operations Centers (EOCs), $35,000,000 above the amount requested and $20,000,000 above the amount provided in fiscal year 2008. Funding is available until expended. Funding is provided for equipping, upgrading, and constructing EOCs pursuant to section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Committee recognizes the vast needs for EOC funding and provides this funding in addition to funding States and locals may use from other Homeland Security grants for the same purpose.

The Committee provides funding for the following Emergency Operations Center projects in the following amounts:

Tensas Parish Police Jury, LA	$750,000
City of Rialto, CA	225,000

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

NATIONAL PROGRAMS

The Committee recommends $236,000,000 for National Programs, $91,000,000 above the amount requested and $63,300,000 below the amount provided in fiscal year 2008.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

Of the funds recommended for National Programs, the Committee provides $92,000,000 for the National Domestic Preparedness Consortium, $60,000,000 above the amount requested and $4,000,000 above the amount provided in fiscal year 2008. Consortium members funded in fiscal year 2008 shall each receive $23,000,000.

CENTER FOR DOMESTIC PREPAREDNESS

Of the funds recommended for National Programs, the Committee provides $47,000,000 for the Center for Domestic Preparedness, the same as the amount requested and $15,500,000 below the amount provided in fiscal year 2008.

NATIONAL EXERCISE PROGRAM

Of the funds recommended for National Programs, the Committee provides $40,000,000 for the National Exercise Program, the same as the amount requested and $10,000,000 below the amount provided in fiscal year 2008. This program provides the opportunity for key leaders at the Federal, State, local, territory and Tribal lev-

els, along with representatives of nongovernmental organizations and the private sector, to gauge the level of effectiveness of plans, policies and procedures for responding to natural disasters and terrorist attacks.

In October 2007, DHS conducted the Top Officials 4 (TOPOFF 4) exercise, involving top officials at every level of government. TOPOFF 4 used a radiological dispersal device scenario to test the capabilities of Federal, State, and local governments. The Department's after action preliminary results showed difficulties in conducting and coordinating multiple missions at incident sites and indicated that command structures were used that did not follow the National Incident Management System. The Committee is troubled by these results, given that this exercise took place more than two years after the response to Hurricane Katrina, for which similar problems were identified. The Department is directed to provide a detailed report to the Committee on the Federal, State, and local issues related to incident management lapses during TOPOFF 4. Further, OIG shall review changes made by DHS as a result of problems identified through TOPOFF 4 and make recommendations for any further improvements needed.

CONTINUING TRAINING GRANTS

Of the funds recommended for National Programs, the Committee provides $31,000,000 for continuing training grants, $31,000,000 above the amount requested and equal to the amount provided in fiscal year 2008. The Committee recommends full funding for the graduate-level homeland security education programs currently supported by the Department. The Department is directed to maintain its strong support for these proven curricula, and to continue to leverage them where appropriate as the Department meets the growing need for education within its own ranks and by States and localities around the Nation.

TECHNICAL ASSISTANCE

Of the funds recommended for National Programs, the Committee provides $10,000,000 for technical assistance, the same as the amount requested and $2,000,000 below the amount provided in fiscal year 2008. The Committee recognizes that State and local officials require technical assistance to ensure that equipment is used properly and to support effective planning.

EVALUATIONS AND ASSESSMENTS

Of the funds recommended for National Programs, the Committee provides $16,000,000 for evaluations and assessments, the same as the amount requested and $3,000,000 below the amount provided in fiscal year 2008. FEMA shall brief the Committee every six months on results from completed evaluations.

EMERGENCY MEDICAL SERVICES

FEMA is directed, in conjunction with the Office of Health Affairs, to report to the Committee regarding the current state of disaster preparedness capabilities of emergency medical service providers and the capabilities required to meet future preparedness goals. This report is due no later than six months after the enact-

ment of this Act and shall include an analysis of the gap between current and target capabilities. FEMA is directed to include language in its grants guidance requiring States to include EMS providers in their Statewide Homeland Security Plans as well as their UASI plans. If a State provides no funding to EMS providers, the State should justify lack of funding through demonstrating that related targeted capabilities have been met or identifying other pressing priorities.

STOCKPILING OF CRITICAL SUPPLIES

The Committee is concerned with the ability of State and local governments to provide emergency assistance for the first 72 hours following a large-scale catastrophe—a standard that FEMA itself believes State and local governments must be prepared to meet. Therefore, the Committee directs FEMA to allow Federal homeland security grant recipients to allocate a reasonable portion of grant funds, as determined by FEMA, for the stockpiling of critical, emergency provisions, such as shelf stable food products like Meals Ready to Eat, water, and basic medical supplies. The Committee encourages FEMA to ensure that grant applicants have a proper stockpile inventory management plan in place prior to allocating grant funds for stockpiling purposes.

FIREFIGHTER ASSISTANCE GRANTS

Appropriation, fiscal year 2008	$750,000,000
Budget estimate, fiscal year 2009	300,000,000
Recommended in the bill	800,000,000
Bill compared with:	
Appropriation, fiscal year 2008	+50,000,000
Budget estimate, fiscal year 2009	+500,000,000

MISSION

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

RECOMMENDATION

The Committee recommends $800,000,000 for Firefighter Assistance Grants, $500,000,000 above the amount requested and $50,000,000 above the amount provided in fiscal year 2008. Of this amount, $230,000,000 is for firefighter staffing, as authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (Staffing for Adequate Fire and Emergency Response—SAFER). FEMA is directed to continue granting funds directly to local fire departments and to include the United States Fire Administration during the grant decision process. FEMA is also directed to maintain an all-hazards focus and is prohibited from limiting the list of eligible activities. Funds are available until September 30, 2010, and no more than 3 percent may be used for administrative expenses.

The Committee continues the requirement for FEMA to peer-review FIRE and SAFER grant applications that meet criteria established by FEMA and the Fire Service; to clearly define the criteria

for peer-review in the grant application package; to rank order applications according to peer-review; and to fund applications according to their rank order. For those applicants whose grant applications are not reviewed, FEMA must provide an official notification detailing why the application did not meet the criteria for review. The Committee directs FEMA to encourage applications from multiple fire departments to enhance regional approaches to firefighting. Such applications shall not restrict the lead applicant from submitting, or FEMA from fully considering, a separate application for the lead applicant's fire department.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

Appropriation, fiscal year 2008	$300,000,000
Budget estimate, fiscal year 2009 [1]	0
Recommended in the bill [2]	315,000,000
Bill compared with:	
Appropriation, fiscal year 2008	+15,000,000
Budget estimate, fiscal year 2009	+315,000,000

[1] Proposes to incorporate Emergency Management Performance Grants into the State and Local Programs account.
[2] Does not incorporate Emergency Management Performance Grants into the State and Local Programs account and instead provides a separate account.

MISSION

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

RECOMMENDATION

The Committee recommends $315,000,000 for EMPG, $315,000,000 above the amount requested and $15,000,000 above the amount provided in fiscal year 2008. The Committee does not agree to transfer EMPG to the State and Local Programs account, continuing instead to fund the EMPG program as a separate appropriation. EMPG is the one true all-hazard source of funding for emergency managers.

The Committee directs FEMA to continue EMPG grant practices used in fiscal year 2007, including a continued emphasis on all-hazards activities and the inclusion of personnel expenses and Emergency Operations Centers as eligible uses of funding.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Appropriation, fiscal year 2008	$ −505,000
Budget estimate, fiscal year 2009	−1,000,000
Recommended in the bill	−1,000,000
Bill compared with:	
Appropriation, fiscal year 2008	−495,000
Budget estimate, fiscal year 2009	0

MISSION

The Radiological Emergency Preparedness Program (REPP) ensures that the public health and safety of citizens living near commercial nuclear power plants will be adequately protected in the event of a nuclear power station incident. In addition, the program informs and educates the public about radiological emergency pre-

paredness. REPP provides funding only for 'offsite' emergency preparedness activities of State and local governments that take place beyond nuclear power plant boundaries.

RECOMMENDATION

The Committee provides for the receipt and expenditure of REPP fees collected as authorized by Public Law 105–276. The request estimates that fee collections will exceed expenditures by $1,000,000 in fiscal year 2009.

UNITED STATES FIRE ADMINISTRATION

Appropriation, fiscal year 2008	$43,300,000
Budget estimate, fiscal year 2009 [1]	0
Recommended in the bill [2]	44,979,000
Bill compared with:	
Appropriation, fiscal year 2008	+1,679,000
Budget estimate, fiscal year 2009	+44,979,000

[1] Proposes to incorporate the U.S. Fire Administration into the Management and Administration account.
[2] Does not incorporate the U.S. Fire Administration into the Management and Administration account and instead provides a separate account.

MISSION

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

RECOMMENDATION

The Committee recommends $44,979,000 for USFA, $44,979,000 above the amount requested and $1,679,000 above the amount provided in fiscal year 2008. The Committee includes $1,179,000 to continue implementation of the National Fire Incident Reporting System (NFIRS), the same amount as requested within the FEMA Management and Administration account. The Committee believes NFIRS is directly related to the mission of USFA and should be managed and operated by USFA. In addition, $500,000 is included to address the deferred maintenance needs of buildings and facilities on the USFA campus.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2008 [1]	$1,400,000,000
Budget estimate, fiscal year 2009	1,900,000,000
Recommended in the bill	1,900,000,000
Bill compared with:	
Appropriation, fiscal year 2008	+500,000,000
Budget estimate, fiscal year 2009	0

[1] Excludes $2,900,000,000 provided as an emergency supplemental appropriation in fiscal year 2008.

MISSION

FEMA is responsible for administering disaster assistance programs and coordinating the Federal response following presidential disaster declarations. Major activities under the Disaster Relief

fund are: providing aid to families and individuals; supporting the efforts of State and local governments to take emergency protective measures, clearing debris and repairing infrastructure damage; mitigating the effects of future disasters; and helping States and local communities manage disaster response, including the assistance of disaster field office staff and automated data processing support.

RECOMMENDATION

The Committee recommends $1,900,000,000 for Disaster Relief, the same as the amount requested and $500,000,000 above the amount provided in fiscal year 2008, excluding emergency funding. The Committee does not approve the separate Disaster Readiness and Support account. Because the activities contemplated for that proposed account would be directly associated with future disasters, the Committee expects those activities to continue to be funded within the Disaster Relief account. The Committee includes a provision to allow the transfer of up to $90,600,000 to FEMA Management and Administration for the conversion of 298 CORE to permanent positions. The transfer may not occur until the Committee receives an implementation plan for converting CORE that includes an expenditure plan; a hiring schedule; and a list of positions to be filled by CORE employees, including where they will be located. The Committee also includes a provision to allow the transfer of $15,000,000 to OIG for disaster related audits and investigations.

The Committee is concerned with the accuracy of FEMA's estimates for Disaster Relief. GAO found (GAO 08–30) that FEMA's estimates for the final cost of a particular disaster do not come within ten percent of the actual cost until six months after the disaster occurs. GAO also found that FEMA "starts from scratch" after each disaster in developing cost estimates, without using past disasters as a guide. FEMA is directed to implement the GAO recommendations, including developing models to estimate predictable costs of non-hurricane disasters and evaluating the benefits of using geographically specific averages.

FEMA uses mission assignments (MA) to request support from other Federal agencies for response related activities. According to the OIG, past reviews have found that FEMA's management controls were generally not adequate to ensure that costs were reasonable; invoices were accurate; deliverables were met; and proper accounting of Federal property was made. The Committee understands that FEMA has formed an intra/interagency MA Working Group to review the system and make recommendations for improvements. FEMA is directed to brief the Committee on the group's recommendations by November 2008.

The Committee continues and modifies language requiring monthly reports detailing information related to Hurricanes Katrina, Rita, Wilma, and other disasters, including amounts allocated, obligated and undistributed.

POST-DISASTER HAZARD MITIGATION GRANT PROGRAM (HMGP)

The Committee continues to believe that HMGP is an effective tool for communities to rebuild in a way that will prevent loss in future disasters. The total amount of HMGP funds available to

Louisiana under both Hurricane Katrina and Rita is approximately $1.47 billion. The total amount of HMGP funds available to Mississippi under Hurricane Katrina is approximately $413,000,000.

Based on information submitted by FEMA, the Committee is encouraged that there appears to be some progress in implementing HMGP in the Gulf Coast. For instance, the Committee understands that FEMA requested and received a waiver from the Office of Management and Budget to allow those who incurred mitigation costs after the hurricane, but before HMGP was awarded, to recoup costs through HMGP. The State of Louisiana plans to utilize this new retroactive authority to provide $30,000 HMGP grants to homeowners for whom the cost of elevating a home exceeded the elevation funding available under the Road Home program. The State plans to use $750,000,000 of its HMGP allocation for this retroactive elevation program. In addition, the State has either received or been approved for $250,000,000 in other traditional mitigation projects, such as the purchase of generators for critical facilities. Mississippi has identified a total of $413,000,000 in traditional mitigation projects, including the construction of safe rooms, elevations of properties, and buyouts of properties.

Although FEMA has made some progress in overcoming administrative hurdles to evaluating and approving HMGP applications, significant challenges remain, and the rate of obligation for program funds in both Louisiana and Mississippi continues to be low. To date approximately only $128,300,000 has been obligated in Louisiana and only $54,300,000 has been obligated in Mississippi. The Committee notes that the deadline for Louisiana and Mississippi to submit applications to FEMA for HMGP projects is September 1, 2008. Given the continued challenges related to the rate of project approval and obligation, the Committee urges FEMA to consider extending this deadline.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

SUBSIDY

Appropriation, fiscal year 2008	$295,000
Budget estimate, fiscal year 2009	295,000
Recommended in the bill	295,000
Bill compared with:	
Appropriation, fiscal year 2008	0
Budget estimate, fiscal year 2009	0

LIMITATION ON DIRECT LOANS

Appropriation, fiscal year 2008	$25,000,000
Budget estimate, fiscal year 2009	25,000,000
Recommended in the bill	25,000,000
Bill compared with:	
Appropriation, fiscal year 2008	0
Budget estimate, fiscal year 2009	0

MISSION

Beginning in 1992, loans made to States under the cost sharing provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act were funded in accordance with the Federal Credit Reform Act of 1990. The Disaster Assistance Direct Loan Program Account, which was established as a result of the Federal Credit

Reform Act, records the subsidy costs associated with the direct loans obligated beginning in 1992 to the present.

RECOMMENDATION

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

FLOOD MAP MODERNIZATION FUND

Appropriation, fiscal year 2008	$220,000,000
Budget estimate, fiscal year 2009	150,000,000
Recommended in the bill	220,000,000
Bill compared with:	
Appropriation, fiscal year 2008	0
Budget estimate, fiscal year 2009	70,000,000

MISSION

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

RECOMMENDATION

The Committee recommends $220,000,000 for the Flood Map Modernization Fund, $70,000,000 above the amount requested and the same as the amount provided in fiscal year 2008. The Committee notes that with the funding provided in fiscal year 2008, FEMA will achieve its goal of modernizing maps for 92 percent of the country's population and 65 percent of the land area. With fiscal year 2009 funding, the Committee expects FEMA to focus on updating, reviewing, and maintaining maps that have already been modernized to ensure that flood maps remain current to accurately reflect flood hazards. The goal shall be to review and, as necessary, update maps that are three years past their modernized dates, and to complete necessary updates no later than five years past their modernized dates to ensure maps are accurately maintained. To support this goal and to leverage the use of Federal resources for this activity, the Committee directs that no less than 20 percent of the funds provided under this heading be made available for map maintenance conducted by Cooperating Technical Partners (CTP) that provide a 25 percent cash match and have a strong record of working effectively with FEMA on floodplain mapping activities. Concurrent with the fiscal year 2010 budget submission, FEMA shall submit to the Committees on Appropriation a 5-year National Flood Map Maintenance Plan for fiscal years 2010 to 2014.

When allocating map modernization funds, the Committee encourages FEMA to prioritize as criteria the number of stream and coastal miles within the State and the participation of the State in leveraging non-federal contributions.

The Committee continues to be aware of concerns about the decision by FEMA to include a note on some flood maps recommending that property owners in areas behind certified levees purchase flood insurance. These concerns stem from a perception that the FEMA note may imply that FEMA is aware of specific information that casts doubt on the structural integrity or protection value of particular levees when no such information exists. The Committee directs FEMA to consult with stakeholder communities on the current wording of the FEMA note to ensure that it (1) accurately reflects FEMA's state of knowledge about the level of protection provided by the particular levees to which the note is applied, including identification of levees that provide protection from the 500-year flood; and (2) clarifies whether or not property owners are legally required to purchase flood insurance in areas protected by such levees.

The Committee understands the need for FEMA to utilize surveys to accurately identify flood plain areas. According to the National Oceanic and Atmospheric Administration, the National Spatial Reference System (NSRS) replaces expensive, labor-intensive field surveying projects, including flood plain mapping, with new, timelier and more cost-efficient GPS technology. NSRS reduces engineering errors and disasters caused by changing land surfaces due to subsidence, floods, earthquakes, and other natural events. Post Hurricane Katrina, FEMA undertook an effort to improve the spatial reference system for Southern Louisiana using GPS technology to survey the coast and aid in rebuilding. The Committee notes that other States are in need of similar surveying efforts and encourages FEMA to aid States in improving their spatial reference systems.

The Committee urges the Department of Homeland Security to conduct flood plain mapping in areas where levees may be used in the construction of a border wall after such construction.

The Committee understands that roads and other levee-like structures can, in some cases, serve as effective barriers to flooding. Where such structures can be shown to provide protection from flooding, FEMA is directed to work with communities to fully account for that protection in flood maps.

NATIONAL FLOOD INSURANCE FUND

Appropriation, fiscal year 2008	$145,000,000
Budget estimate, fiscal year 2009	156,599,000
Recommended in the bill	156,599,000
Bill compared with:	
Appropriation, fiscal year 2008	+11,599,000
Budget estimate, fiscal year 2009	0

MISSION

The National Flood Insurance Fund (NFIF), which was established in the Treasury by the National Flood Insurance Act of 1968, is a fee-generated fund and is the funding mechanism for the National Flood Insurance Program (NFIP). The Act, as amended, authorizes the Federal Government to provide flood insurance on a national basis.

RECOMMENDATION

The Committee includes bill language providing up to $49,418,000 for salaries and expenses to administer the NFIF, the same as the budget request and $3,776,000 above the amount provided in fiscal year 2008. The Committee includes bill language providing up to $80,000,000 for the severe repetitive loss property mitigation pilot program under section 1361A of the National Flood Insurance Act; $10,000,000 for the repetitive insurance claims properties under section 1323 of the National Flood Insurance Act; and $35,700,000 for Flood Mitigation Assistance under section 1366 of the National Flood Insurance Act. No less than $107,181,000 is available for flood plain management and flood mapping. Flood mitigation funds are available until September 30, 2010, and funding is offset by premium collections.

The Committee is supportive of FEMA's efforts to assess coastal maps that are considered outdated and to expand program management and oversight of the insurance companies and agents who deliver insurance to customers.

The Committee recognizes the need for adequate flood insurance, but also understands the effect that paying one yearly installment has on low to moderate income families. Thus, the Committee encourages FEMA to implement a pilot program through which the NFIP would allow low to moderate income individuals to pay their premium in quarterly installments.

NATIONAL PREDISASTER MITIGATION FUND

Appropriation, fiscal year 2008	$114,000,000
Budget estimate, fiscal year 2009	75,000,000
Recommended in the bill	75,000,000
Bill compared with:	
Appropriation, fiscal year 2008	−39,000,000
Budget estimate, fiscal year 2009	0

MISSION

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

RECOMMENDATION

The Committee recommends $75,000,000 for the National Predisaster Mitigation Fund (PDM), the same as the amount requested, and $39,000,000 below the amount provided in fiscal year 2008. The Committee notes that this program is one of several mitigation programs run by FEMA, including the Repetitive Flood Claims grant program, the Flood Mitigation Assistance program, the Hazard Mitigation Grant Program, and the Severe Repetitive Loss grant program. Each program has a different authorization, but all aim to mitigate losses from future disasters. The Committee directs FEMA to report to the Committee within six months of enactment of this Act on a mitigation strategy showing how each program contributes to mitigation goals.

The Committee includes the following predisaster mitigation projects in the following amounts:

City of Rainbow City, AL	1,000,000
Municipality of Murrysville, PA	100,000
Bibb County, Emergency Management Agency, AL	750,000
City of Wynne, AR	50,000
City of San Diego, CA	1,000,000
Pinellas County, FL	1,000,000
Brigham City (Corporation), UT	650,000
City of Collidge, GA	80,000
Drywood Township, Garland, KS	35,000
City of Merced, CA	500,000
City of Newark, DE	300,000
Adjutant General's Office of Emergency Preparedness, SC	1,000,000
Alabama Department of Homeland Security, AL for Jackson County	90,000
Harris County Flood Control District, TX	1,000,000
Tarrant County, TX	1,000,000
City of Chula Vista, CA	400,000
North West, MO Regional Council of Governments	300,000
Florida Atlantic University, Boca Raton, FL	300,000
City of Kannapolis, NC	468,000
Town of Conklin, NY	330,000
County of Hawaii, Civil Defense Agency, HI	400,000
City of Berlin, NH	100,000
City of Trenton, NJ	500,000
Santa Clara Water Valley District, San Jose, CA	790,000
City of Houston, TX	200,000
West Jefferson Medical Center, Marrero, LA	400,000
Erie County, Sandusky, OH	399,000
Wayne County, Detroit, MI	300,000
New York State Emergency Management Office, NY	1,000,000
City of Berkeley, CA	750,000
City of Taylorsville, KY	750,000
Westchester and Rockland Counties, NY	500,000
Town of Lake Placid, FL	500,000
Tifton-Tift County Emergency Management Agency (EMA), GA	40,000
Town of Pembroke Park, FL	400,000
City of Miami, FL	1,000,000
City of Mission Viejo, CA	850,000
Yardley Borough, PA	500,000
Clark County Emergency Management, WI	300,000
County of Essex, NJ	500,000
Val Verde County, Del Rio, TX	500,000
County of Los Angeles, CA	600,000
City of Los Angeles, CA	500,000
City of New Braunfels, TX	360,000
Brown Township Board of Trustees, Malvern, OH	247,728
City of Barberton, OH	200,000
Mississippi Homeland Security Office, MS	500,000
Town of North Andover, MA	100,000
Cities of Lake Station and Hobart, IN	500,000
City of Owatonna, MN	400,000
City of Lake City, TN	418,000
Putnam County, FL	450,000

EMERGENCY FOOD AND SHELTER

Appropriation, fiscal year 2008	$153,000,000
Budget estimate, fiscal year 2009	100,000,000
Recommended in the bill	200,000,000
Bill compared with:	
Appropriation, fiscal year 2008	+47,000,000
Budget estimate, fiscal year 2009	+100,000,000

MISSION

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

RECOMMENDATION

The Committee recommends $200,000,000 for the Emergency Food and Shelter Program (EFSP), $100,000,000 above the amount requested and $47,000,000 above the amount provided in fiscal year 2008. Up to 3.5 percent may be used for administrative expenses.

The EFSP provides assistance for those in need of food, rental assistance, mortgage assistance and shelter. With recent estimates showing foreclosure rates rising 75 percent from 2006 and food prices rising nearly five percent from last year, the additional funding provided for EFSP will assist those most in need of food and shelter assistance, with the goal of preventing homelessness and hunger.

CERRO GRANDE FIRE CLAIMS

The Committee approves the budget request to rescind $9,000,000.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Appropriation, fiscal year 2008	$80,973,000
Budget estimate, fiscal year 2009	154,540,000
Recommended in the bill	101,740,000
Bill compared with:	
Appropriation, fiscal year 2008	+20,767,000
Budget estimate, fiscal year 2009	−52,800,000

MISSION

The mission of United States Citizenship and Immigration Services (USCIS) is to process all immigrant and non-immigrant benefits provided to visitors to the United States; adjudicate naturalization requests; promote national security as it relates to immigration issues; eliminate immigration adjudication backlogs; and implement solutions to improve immigration customer services.

USCIS also maintains substantial records and data related to the individuals who have applied for immigration benefits.

RECOMMENDATION

The Committee recommends $101,740,000 in discretionary appropriations for USCIS, $52,800,000 below the requested level and $20,767,000 above the amount provided in 2008. The Committee does not fund REAL ID hub development within the USCIS appropriation and instead funds it in the National Protection and Programs Directorate (NPPD). NPPD manages a similar identity verification system and also has experience with data integration projects. The Committee also does not provide the $4,000,000 requested in the official budget transmission that was not justified in any of the Department's supporting materials, and which the Department has informed the Committee was an error. The Committee provides the requested $100,000,000 for the E-Verify program (previously called Employment Eligibility Verification (EEV) or Basic Pilot), which is $40,000,000 above the amount provided in 2008. The Committee notes that the Congressional Budget Office recently estimated that nationwide implementation of the E-Verify system would cost billions of dollars at USCIS, the Social Security Administration, and other agencies, and would take several years to complete. The Committee encourages USCIS to develop a detailed plan for projected use of the E-Verify system, including an estimate of costs for each of the government agencies responsible for managing key aspects of the program, and a timeline for system completion. To support the mission of the Office of Citizenship, which was created in USCIS by the Homeland Security Act to further the rights and responsibilities of citizenship, the Committee provides $1,200,000 for grants to community-based organizations that are located in areas of the country with the highest concentrations of immigrants. Such grants shall be awarded competitively.

USER FEE FUNDED PROGRAMS

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

The Committee reiterates the concerns expressed last year that fee increases that took effect in 2007 may put the dream of citizenship out of the reach of many individuals and families with limited income. In addition, the Committee has become aware that fee waivers for extraordinary circumstances are far less available under the new fee rule than under older regulations. The Committee strongly encourages USCIS to continue regular reviews of its fee structure to ensure that revenues do not exceed the necessary costs of USCIS business operations. The Committee also di-

rects USCIS to review its policies for fee waivers to ensure that appropriate consideration is available for those who do not possess the financial wherewithal to afford the new charges.

ACCURACY OF E-VERIFY

While the Committee provides the requested amount for the E-Verify system, it is concerned with the high rate of individuals falsely identified as ineligible to work, as reported in a recent analysis of the E-Verify system by a third-party auditing firm. Of particular concern is the report's conclusion that nearly one in ten naturalized citizens is reported by E-Verify as non-work authorized. To ensure USCIS is taking appropriate steps to address these problems, the Committee directs USCIS to report to the Committees on Appropriations within 90 days of enactment of this Act on its plans to improve the accuracy of the E-Verify system.

REFUGEE PROCESSING

The Committee is concerned that the U.S. refugee acceptance process has not been as effective as it could be in assisting those who require resettlement. In particular, the Committee notes that non-government refugee assistance personnel working in countries with large Iraqi refugee populations have been given inadequate guidance by USCIS about how to evaluate cases where refugee applicants may have provided material support to extremist groups under duress or threat, or to other groups that may have once been supportive of U.S. causes or geopolitical goals. The Committee is concerned that provisions enacted in the 2008 Consolidated Appropriations Act expanding the authorities of the Secretary of Homeland Security to provide discretionary exemptions to material support prohibitions on refugee resettlement have not yet been formalized as departmental policy. The Committee directs USCIS, in conjunction with the Department of State, to clarify U.S. Government policy on refugee acceptance related to material support prohibitions. The Committee further directs USCIS to provide written policy to its adjudicators who determine eligibility for discretionary exemptions to material support prohibitions.

NONIMMIGRANT SPECIALTY WORKER VISA (H–1B) ANALYSIS

The Committee is concerned that the current cap on nonimmigrant specialty worker (H–1B) visas negatively affects the nation's ability to remain internationally competitive in the applied sciences and high-technology industries. The Committee also notes the importance of ensuring that U.S. workers are not unfairly displaced or otherwise disadvantaged by H–1B visa holders. The Committee directs GAO to conduct an analysis on how the 2008 cap of 65,000 H–1B visas affects the ability of domestic companies to continue to develop modern technology and perform innovative scientific research and development. That analysis, at a minimum, shall include an assessment of the number of jobs outsourced to overseas locations due to the H–1B visa cap; the effect of the cap on domestic investment in basic research and development; an assessment of the aggregate costs of the H–1B visa cap on U.S. companies; and the correlation between the H–1B visa program and the willingness of foreign companies to hire American workers or

work with American companies abroad. GAO should also report on the current requirements for ensuring that American workers are not displaced or otherwise disadvantaged by the H–1B program, and provide an analysis of the expected impact of an expanded H–1B program on domestic employment.

VISA PROGRAMS AUTHORIZED BY THE VIOLENCE AGAINST WOMEN ACT

In the final version of its 2007 fee rule, USCIS provided for the waiver of application fees for certain visas authorized under the Violence Against Women Act (VAWA). These waivers were provided in recognition that the circumstances in which VAWA visa applicants often find themselves may make them unable to pay fees required by the very programs designed to help them. The Committee is concerned, however, that USCIS did not fully consider the range of supporting forms required for VAWA visa applicants. Since the fees associated with these underlying forms, most notably the I–601 waiver of inadmissibility form and the I–765 employment authorization form, are not subject to fee waivers, applicants may still face a financial inability to participate in a program Congress intended be available to them for humanitarian reasons. The Committee directs USCIS to review its policies for fee waivers on forms required to accompany VAWA visa applications, and to brief the Committee within 60 days of enactment of this Act on steps it is taking to ensure that financial conditions do not bar VAWA visa applicants from humanitarian relief authorized by law.

NATURALIZATION CEREMONIES

The Committee directs USCIS to identify, in the 2010 budget submission, all funds allocated to naturalization and oath of allegiance ceremonies, including an analysis of historic expenditures by fiscal year since 2006. In addition, the Committee directs USCIS to work with local public and private groups to ensure that naturalization and oath of allegiance ceremonies are held as part of Independence Day celebrations.

ORPHANS FIRST PROGRAM

The Committee supports the efforts of USCIS and the Department of State to ensure through the Orphans First program that children adopted from Vietnam by U.S. parents have not been fraudulently or erroneously identified as orphans. The Committee is concerned, however, that significant delays in verifying the eligibility of some Vietnamese children for adoption are taking a significant toll on both these children and the U.S. parents who wish to adopt them. The Committee urges USCIS to devote additional resources to ensuring the timely completion of investigations related to verifying the status of children identified for adoption.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Appropriation, fiscal year 2008	$238,076,000
Budget estimate, fiscal year 2009	230,670,000
Recommended in the bill	242,530,000
Bill compared with:	
Appropriation, fiscal year 2008	+4,454,000
Budget estimate, fiscal year 2009	+11,860,000

MISSION

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

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

RECOMMENDATION

The Committee recommends $242,530,000 for FLETC, $11,860,000 above the amount requested and $4,454,000 above the amount provided in fiscal year 2008. Funding includes an additional $2,000,000 to leverage Department of Defense modeling and simulation technologies to improve FLETC's simulated training capabilities; an additional $2,200,000 for instructors for United States Capitol Police training needs; and an additional $5,640,000 for basic training of 734 additional CBP Officers. The Committee also encourages FLETC to examine new technology that allows for cost-effective maintenance of firearms.

The Committee does not include the requested transfer of $1,290,000 for the Office of Federal Law Enforcement Training Accreditation Board and seven FTEs from FLETC to the Chief Human Capital Officer. Additionally, the Committee does not support the proposal to eliminate $730,000 in funding for the FLETC Washington, DC Office.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriation, fiscal year 2008	$50,590,000
Budget estimate, fiscal year 2009	43,456,000
Recommended in the bill	43,456,000
Bill compared with:	
Appropriation, fiscal year 2008	−7,134,000
Budget estimate, fiscal year 2009	0

MISSION

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

RECOMMENDATION

The Committee recommends $43,456,000 for Acquisitions, Construction, Improvements, and Related Expenses, the same as the amount requested and $7,134,000 below the amount provided in fiscal year 2008. The decrease is due to a deletion of one-time costs.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2008	$138,600,000
Budget estimate, fiscal year 2009	132,100,000
Recommended in the bill	132,100,000
Bill compared with:	
Appropriation, fiscal year 2008	−6,500,000
Budget estimate, fiscal year 2009	0

MISSION

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

RECOMMENDATION

The Committee recommends $132,100,000 for Science and Technology Management and Administration, the same amount as requested and $6,500,000 below the amount provided in fiscal year 2008. The Committee recommendation includes the requested transfer of 124 FTEs from this account to laboratory facilities in the Research, Development, Acquisition, and Operations appropriation. These 124 FTEs are Federal employees located at the Plum Island Animal Disease Center, the Transportation Security Laboratory and the Environmental Measurements Laboratory. With this transfer, the Management and Administration appropriation will be limited to headquarters FTEs only. Within the level appropriated, sufficient funding has been provided to annualize FTEs hired in 2008.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

Appropriation, fiscal year 2008	$691,735,000
Budget estimate, fiscal year 2009	736,737,000
Recommended in the bill	754,897,000
Bill compared with:	
Appropriation, fiscal year 2008	+63,162,000
Budget estimate, fiscal year 2009	+18,160,000

MISSION

The mission of the Science and Technology Directorate is to develop and deploy technologies and capabilities to secure our homeland. This Directorate conducts, stimulates, and enables research, development, testing, evaluation, and the timely transition of

homeland security capabilities to Federal, State, and local operational end-users. This activity includes investments in both evolutionary and revolutionary capabilities with high payoff potential; early deployment of off-the-shelf, proven technologies to provide for initial defense capability; near-term utilization of emerging technologies to counter current terrorist threats; and development of new capabilities to thwart future and emerging threats.

RECOMMENDATION

The Committee recommends $754,897,000 for Research, Development, Acquisition, and Operations (RDA&O), $18,160,000 above the amount requested and $63,162,000 above the amount provided in fiscal year 2008. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Border and Maritime Security	$35,300,000	$30,300,000
Chemical and Biological	200,408,000	200,408,000
Command, Control and Interoperability	62,390,000	62,390,000
Explosives	96,149,000	96,149,000
Human Factors	12,460,000	12,460,000
Infrastructure and Geophysical	37,816,000	48,816,000
Innovation	45,000,000	38,660,000
Laboratory Facilities	146,940,000	151,940,000
Test, Evaluation and Standards	24,674,000	28,674,000
Transition	31,830,000	33,830,000
University Programs	43,770,000	51,270,000
Total	736,737,000	754,897,000

BORDER AND MARITIME SECURITY

The Committee recommends $30,300,000 for border and maritime security, $5,000,000 below the amount requested and $4,821,000 above the amount provided in fiscal year 2008. The Committee does not include the funding requested for new maritime technologies. This work is more appropriately handled by Coast Guard within its Research, Development, Test, and Evaluation account.

The Committee continues to believe that a viable container security device (CSD) is an essential tool within an effective cargo supply chain security regime. The Committee is aware of CBP's and S&T's current efforts to "monitor the state of technology to acquire and test the most promising commercial-off-the-shelf solutions for container security and in-bond shipments", as per the Department's report submitted to the Committee on April 10, 2008. Despite these efforts, however, the progress of CSD development has been unacceptably slow. S&T is directed, in conjunction with CBP, to provide quarterly updates to the Committee beginning on October 15, 2008, on its efforts to explore a viable CSD solution.

COMMAND, CONTROL, AND INTEROPERABILITY

The Committee recommends $62,390,000 for command, control, and interoperability, the same level as requested and $5,410,000 above the amount provided in fiscal year 2008. Within the funds provided, the Committee includes $3,000,000 as requested and encourages S&T to continue its web distributed environment for crit-

ical infrastructure decision making exercises. Well planned cyber attacks could have devastating consequences on America's economy, especially if they were to substantially disrupt the financial services, telecommunications, transportation, energy, and other critical infrastructures that are highly reliant on advanced computer and information technology. This project addresses the vulnerabilities of these key sectors of our economy to low probability, high consequence attacks.

FIRST RESPONDER COMMUNICATIONS EQUIPMENT STANDARDS

First responder communications equipment procured with federal funding should be compliant with common system standards for digital public safety radio communications (Project 25 standards), to ensure interoperability. S&T, in conjunction with the Director of the National Institute of Standards and Technology, shall continue assessing the compliance of first responder communications equipment with Project 25 standards.

EXPLOSIVES

The Committee recommends $96,149,000 for explosives, the same level as requested and $18,495,000 above the amount provided in fiscal year 2008. This program has grown by $32,400,000 over the past two years, largely for research and development on improvised explosive devices (IED). With the 2009 funding increase, S&T plans to identify near-term technological improvements to prevent, reduce or eliminate the consequences of IEDs in less than five years. While the Committee is extremely supportive of this effort, the Committee urges S&T to accelerate its efforts to achieve results in the nearer term, within the next one or two years.

INFRASTRUCTURE AND GEOPHYSICAL

The Committee recommends $48,816,000 for infrastructure and geophysical, $11,000,000 above the amount requested and $15,684,000 below the amount provided in fiscal year 2008. Within the funds provided is $11,000,000 for the National Institute for Hometown Security to support existing work in research, development and application of technology for community-based critical infrastructure protection solutions.

The Committee includes the requested $4,000,000 for continued development of emergency responder tracking, monitoring and rescue systems. Such systems would permit incident commanders to wirelessly locate, track, and monitor individual first responders throughout multi-story structures in real-time. This would allow incident commanders to make decisions that would save lives and help meet the 2005 U.S. Fire Administration's goal of reducing line-of-duty deaths by 25 percent in 2010. The Committee encourages S&T to consider providing additional resources to investigate alternative technologies to ensure that monitoring can be successfully carried out in diverse environments and under varied circumstances. For instance, a successful monitoring technology would be capable of accurately monitoring the location and health status of an individual first responder who is isolated from other first responders during an emergency response.

INNOVATION

The Committee recommends $38,660,000 for innovation, $6,340,000 below the amount requested and $5,660,000 above the amount provided in fiscal year 2008. A reduction to this program has been made due to a lack of budgetary details on the initiatives that will be funded in 2009.

NEW TECHNOLOGIES

New technologies may significantly help the Department as it seeks to secure our homeland. The Committee encourages S&T to assess technologies such as gallium nitride-based multi-mission phased array radar; gunshot detection and classification systems; passive and active biological chemical sensors at seaports; handheld x-ray imaging devices; mono-energetic gamma resonant imaging and detection systems; technologies to thwart radio-controlled improvised explosive devices using geospatial analysis tools; smart sensor and microsystem technologies for high threat problem-solving; remote border intrusion sensing technology; blast mitigation modeling and simulation tools; maturation of existing command and control systems using modular, distributable, standards-based and information-centric decision architecture; enhanced three dimensional backscatter x-ray for use in cargo container inspection; near real-time interactive tools for mapping flood hazards; and enzyme-based technology for explosive detection.

LABORATORY FACILITIES

The Committee recommends $151,940,000 for laboratory facilities, $5,000,000 above the amount requested and $48,126,000 above the amount provided in fiscal year 2008. The Committee funds 124 existing FTEs within the laboratory facilities account, as requested, because these individuals work directly for S&T laboratories. In the past, these FTEs have been funded within the Management and Administration appropriation. Within this appropriation, $35,600,000 is included to begin detailed design for the National Bio and Agro-defense Facility (NBAF) and its supporting infrastructure in 2009 and $15,000,000 is included for ongoing construction at Area 300 of the Pacific Northwest National Laboratory, pursuant to the multi-agency memorandum of understanding.

The Committee is concerned about a recent GAO report that DHS has neither conducted nor commissioned a study to determine whether work on foot-and-mouth disease can be done safely on the U.S. mainland. Instead, DHS relied on a 2002 Department of Agriculture study that addressed a different question and did not assess the past history of releases of this virus or other dangerous pathogens. New bill language prohibits the obligation of funds for the new NBAF facility design and construction until S&T completes a risk analysis of whether foot-and-mouth disease work can be done safely on the mainland, and GAO reviews this risk analysis.

MULTI-FUNCTION PHASED ARRAY RADARS

The Committee remains aware that many of the surveillance radars used by a number of Federal agencies around the country will near the end of their design life during the next decade. The multi-

agency Multifunctional Phased Array Radar Working Group within the office of the Federal Coordinator of Meteorological Services is charged with facilitating the development of next-generation radars based on advanced technologies, such as high efficiency radio frequency power amplifiers, highly efficient power management systems, more efficient radar transmit-receive modules, and improved processing systems and algorithms. This new generation of radar will have important applications for DHS missions and the related missions of other Federal agencies, including improvements in hazardous weather and flood forecasts; land-falling hurricane and tornado prediction and warning; rapid identification of chemical and biological contaminant plumes; wildfire management; airspace surveillance for non-cooperative aircraft incursions; and control of unmanned aerial systems. While the Committee applauds this multi-agency initiative, it is concerned that the pace of current efforts may not be sufficient to achieve the Working Group's objectives. The Committee encourages DHS to remain actively involved in the activities of the Working Group and to contribute to the development of requirements and competitive critical demonstrations of key multi-function phased array radar technologies.

TEST, EVALUATION AND STANDARDS

The Committee recommends $28,674,000 for test, evaluation and standards, $4,000,000 above the budget request and $154,000 above the amount provided in fiscal year 2008. Within this amount, the Committee provides $5,000,000 to develop an operational test and evaluation program for first responder technologies so that there is a unified effort to objectively evaluate products against identified, minimum requirements.

TRANSITION

The Committee recommends $33,830,000 for transition, $2,000,000 above the budget request and $8,565,000 above the amount provided in fiscal year 2008. The Committee is aware of numerous challenges confronting industry in keeping up with the growing demand for critical homeland security equipment, and the fact that such challenges have contributed to expenditure delays in State and local first responder funding. Therefore, within the funds provided is $2,000,000 to establish a pilot program to identify and transition advanced technologies and manufacturing processes that would achieve significant productivity and efficiency gains in the homeland security industrial base.

UNIVERSITY PROGRAMS

The Committee recommends $51,270,000 for university programs, $7,500,000 above the amount requested and $1,973,000 above the amount provided in fiscal year 2008. Within this funding level, a total of $36,720,000 has been provided for the Centers of Excellence, $4,500,000 above the budget request. In addition, the Committee provides $2,000,000 to continue an ongoing memorandum of understanding with the Naval Postgraduate School. Finally, the Committee has provided sufficient funding to maintain the fellows program at the same level as provided in fiscal year 2008.

The Committee is concerned that the office of university programs does not request sufficient funding to support the research missions of its Centers of Excellence. The Committee notes that in each of the last two years, the budget either proposed reductions in funding for previously established Centers to establish new Centers and/or reductions to overall program funding. This seriously undermines the ability of the Centers to contribute to the research mission of the Department and the protection of the homeland.

Within the recommended level for university programs is $3,900,000 for minority serving institutions, as requested. S&T should explore ways to prepare minority youth for careers in homeland security by promoting skills and educational curricula in this field, and report back to the Committee by February 25, 2009, on these efforts.

In addition, the Committee encourages S&T to consider working with non-profit organizations that are focused on preparing minority youth for civil service careers and that may already be working with some of the participating institutions.

DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING PROJECTS

The Committee is aware of extensive efforts underway by the Department of Defense Research and Engineering (DDRE) Directorate that may have applications for homeland security missions, including research into tunnel detection and bioterrorism. S&T is directed to brief the Committee no later than November 3, 2008, on how it is collaborating with DDRE on the discovery of technical homeland security solutions.

UNOBLIGATED BALANCES

For the past few years, S&T has had high unexpended obligations in its Research, Development, Acquisition and Operations (RDA&O) account. The Committee understands that the Directorate has made efforts to reduce these balances and has initiated a quarterly review to identify unused funds for work that has yet to be performed and funds where S&T has not been billed but work has been completed. In the past, GAO has identified high undelivered order balances for work S&T has sponsored at the Department of Energy's national laboratories, which accounts for 30 to 40 percent of total RDA&O funding. Although it is unclear how much of the unexpended obligations may be in excess of program needs, it is possible that some funding may be identified and returned to the S&T account from which it was originally derived. The Committee directs S&T to report the results of its quarterly validation and verification reviews, the amount available to deobligate, and identify how S&T plans to use these funds. In addition, S&T shall submit, with its 2010 budget justification, a report on its unexpended obligated balances and justify instances where high undelivered order balances occur.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2008	$31,500,000
Budget estimate, fiscal year 2009	38,900,000
Recommended in the bill	35,475,000
Bill compared with:	
Appropriation, fiscal year 2008	+3,975,000
Budget estimate, fiscal year 2009	−3,425,000

MISSION

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

RECOMMENDATION

The Committee recommends $35,475,000 for Management and Administration, $3,425,000 below the amount requested and $3,975,000 above the amount provided in fiscal year 2008. The Committee has not funded the budget request for seven new full-time equivalent (FTEs) employees in fiscal year 2009. Halfway through fiscal year 2008, DNDO has not hired any of the new FTEs funded in 2008 and is currently below the 2007 FTE level. It is premature for the Committee to approve new FTEs until DNDO can fill its current vacancies.

RESEARCH, DEVELOPMENT, AND OPERATIONS

Appropriation, fiscal year 2008	$323,500,000
Budget estimate, fiscal year 2009	334,200,000
Recommended in the bill	333,200,000
Bill compared with:	
Appropriation, fiscal year 2008	+9,700,000
Budget estimate, fiscal year 2009	−1,000,000

MISSION

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

RECOMMENDATION

The Committee recommends $333,200,000 for Research, Development, and Operations, $1,000,000 below the amount requested and $9,700,000 above amount provided in fiscal year 2008. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Systems Engineering and Architecture	$25,147,000	$25,147,000
Systems Development	108,100,000	108,100,000

	Budget estimate	Recommended
Transformational Research and Development	113,300,000	113,300,000
Assessments	32,000,000	32,000,000
Operations Support	37,753,000	37,753,000
National Technical Nuclear Forensics Center	17,900,000	16,900,000
Total	334,200,000	333,200,000

NEXT THREATS

While DNDO has been able to expedite the procurement and deployment of radiation detection technologies to scan cargo for radioactive and nuclear materials at our seaports and land ports of entry, other vulnerabilities still exist. Beginning last year, the Committee funded pilots and assessments of new technologies to reduce vulnerabilities at airports, from general aviation aircraft, in the maritime environment, in rail yards, and at non-ports of entry land borders. Consistent with direction in the 2008 statement of managers, DNDO shall continue to brief the Committees on Appropriations on the progress it has made in identifying the necessary architecture for these technologies, the strengths and weaknesses of these technologies, and a timetable for developing and deploying them. As part of the small maritime craft assessments, DNDO is encouraged to assess underwater detection technologies that can be used for security scanning at U.S. ports. The Committee is aware of at least one technology that may be able to detect special nuclear materials using submersible remotely operated vehicles that would travel underneath vessels at ports or in open waters.

SCREENING CARGO CONTAINERS

The Committee directs DNDO to submit a report to the Committees on Appropriations by May 1, 2009, that explains the plan for achieving 100 percent scanning of all cargo containers entering the United States, as mandated by P.L. 109–347. This report should specifically detail the progress of the cargo advanced automated radiography system, which is intended to test, deploy, and install x-ray scanning capability at the nation's ports. This report should also explain the process for soliciting requests from all eligible technology companies, including minority, women, and veteran-owned technology businesses, and the status of implementing that process.

SYSTEMS DEVELOPMENT OF CRANE-BASED TECHNOLOGIES

Within the $108,100,000 provided for systems development, the Committee provides $15,000,000 to support the development of on-dock rail solutions as requested. Last year, the Committee encouraged the testing of crane mounted radiation detection technologies in cooperation with CBP. Depending on the results of these performance tests, this technology may support on-dock rail applications. The Committee encourages DNDO, in conjunction with CBP, to continue development, engineering, and testing efforts for both straddle carriers and crane-mounted sensors and portals that can be used in the rail environment as well as in shipyards.

RED TEAM EXERCISES AND ASSESSMENTS

Within the assessments budget, $9,900,000 is provided for red teaming and net assessments, $100,000 above amount provided in fiscal year 2008 and the same level as requested. DNDO should continue to conduct covert operations to assess the effect of preventative radiological and/or nuclear capabilities on an adversary's behavior; conduct covert and overt operations to measure performance of preventative radiological and/or nuclear capabilities; test the effectiveness of operations, protocols, training, communications and technical support; and capture lessons learned to overcome weaknesses found. DNDO is directed to continue to report quarterly on red team exercises and assessments, vulnerabilities identified, and changes that are being made to the system to address these vulnerabilities.

NATIONAL TECHNICAL NUCLEAR FORENSICS CENTER

The Committee recommends $16,900,000 for the National Technical Nuclear Forensics Center, $1,000,000 below the amount requested and $1,900,000 above the amount provided in fiscal year 2008. Funding has been halved for the new fellowship program proposed in this year's budget because this program should be introduced on a small scale and grow based on performance.

Within the amount recommended, the Committee fully funds the National Technical Nuclear Forensics Center. The Committee recognizes the important role that nuclear forensics plays in the attribution of interdicted or detonated nuclear material to its source. The research and analysis coordinated by the National Technical Forensics Center supports law enforcement and emergency response and deters prospective nuclear proliferators.

RISK ASSESSMENT ON RADIOLOGICAL DISPERSION DEVICES

Radiological materials used in medical, industrial, academic, and other facilities must be secured to prevent theft of a radiological dispersion device for possible use by terrorists. The Committee directs DNDO, in conjunction with the Secretary of Energy and the Nuclear Regulatory Commission, to conduct a risk assessment regarding the threat, vulnerability, and consequences related to the theft or other procurement of radiological materials that could be used by a terrorist in a radiological dispersion device. This assessment shall: (1) consider relevant studies previously prepared by other Federal agencies or other reputable sources; (2) focus on those radiological materials that constitute the greatest risk; (3) consider the potential radiological dispersion device value of different radiological materials including availability, dispersability, and ease of handling such materials; (4) consider the vulnerability for theft or other procurement that different facilities represent; and (5) consider the consequences of a successful radiological dispersion device attack, including risk of death or injury and economic losses. This assessment shall be submitted to the Committees on Appropriations no later than April 30, 2009, and may be submitted in a classified format.

SYSTEMS ACQUISITION

Appropriation, fiscal year 2008	$129,750,000
Budget estimate, fiscal year 2009	190,700,000
Recommended in the bill	175,700,000
Bill compared with:	
Appropriation, fiscal year 2008	+45,950,000
Budget estimate, fiscal year 2009	−15,000,000

MISSION

The Systems Acquisition appropriation provides for the acquisition and deployment of radiation detection technologies to the Nation's ports of entry (POEs), along our borders, and in urban areas. To carry out this mission, DNDO will acquire a full range of radiation detection technologies, including fixed, mobile, and relocatable radiation portal monitors and backpack and handheld detection systems.

RECOMMENDATION

The Committee recommends $175,700,000 for Systems Acquisition, $15,000,000 below the amount requested and $45,950,000 above the amount provided in fiscal year 2008. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Radiation Portal Monitor program	$157,700,000	$142,700,000
Securing the Cities	20,000,000	20,000,000
Human Portable Radiation Detection Systems program	13,000,000	13,000,000
Total	190,700,000	175,700,000

RADIATION PORTAL MONITOR PROGRAM

The Committee recommends $142,700,000 for the radiation portal monitor program, $15,000,000 below the amount requested and $52,700,000 above the amount provided in fiscal year 2008. Beginning with the fiscal year 2007 Appropriations Act, the Committee has prohibited the obligation of funding to procure advanced spectroscopic portal (ASP) systems until the Secretary of DHS certifies that these systems are more effective than the traditional radiation portal monitors. Certification has been repeatedly delayed due to substantive issues that must be addressed. At this time, DNDO does not anticipate that certification will occur until the end of fiscal year 2008.

DNDO reports that the Secretary may certify one ASP vendor's system while the others are still undergoing testing and evaluation. This is likely to result in the procurement of fewer systems in 2009 because of the time it will take the vendors to ramp up their production lines after certification occurs. As a result, the Committee has reduced funding for this effort by $10,000,000. In addition, the Committee has not included the $5,000,000 requested for the ASP block upgrade to version 5.0. It is premature to provide this funding until it is clear that ASPs will be certified as operationally more effective than the current radiation portal monitors. Consistent with direction in prior years, if the Secretary is unable to certify that ASP systems are more effective than current systems,

DNDO should use its fiscal year 2009 funding to acquire traditional polyvinyl toluene (PVT) radiation portal monitors.

NORTHERN BORDER

Originally, DNDO planned to screen 100 percent of all containerized cargo entering U.S. seaports for radiation by 2013. Using additional funding Congress provided in the 2007 supplemental and reallocated funding from previous appropriations, DNDO now estimates that this goal can be reached by the end of calendar year 2009. The Committee has fully funded the 2009 budget request, totaling $39,300,000, to procure 240 PVT systems and deploy them to all remaining Northern border sites by the end of calendar year 2009.

SECURING THE CITIES

In total, the Committee provides $30,000,000 for the Securing the Cities program, including $20,000,000 for systems acquisition and $10,000,000 for research, development and operations. This is the same level as requested in fiscal year 2009. With this funding, DNDO plans to conduct operational tests and evaluations of the system, assess its effectiveness, and analyze whether it should be applied to other cities in the United States. DNDO is directed to keep the Committees on Appropriations regularly informed about its efforts in this area and urges the timely submission of the Securing the Cities strategic plan.

HUMAN PORTABLE RADIATION DETECTION SYSTEMS

The Committee funds the $13,000,000 requested to acquire human portable radiation detection systems. This funding level will permit DNDO to acquire 339 portable radiation detection units (handheld and backpacks) to be used by CBP officers, 149 backpack and sodium iodide based detectors to be used by the Coast Guard, and 114 backpack and hand held units to be used as part of two small craft maritime pilot projects in San Diego, California, and Puget Sound, Washington. The Committee also encourages DNDO to begin discussions with TSA to determine if this type of technology would be useful to the Visible Intermodal Protection Response teams and, if so, to begin pilot deployments.

TITLE V—GENERAL PROVISIONS

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

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

Section 503. The Committee continues and modifies a provision providing reprogramming authority for funds within an account and not to exceed 5 percent transfer authority between appropriations accounts with the requirement for a 15-day advance Congressional notification. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this report. These reprogramming guidelines shall be

complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2009.

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

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

Section 506. The Committee continues a provision providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2009 until the enactment of an Act authorizing intelligence activities for fiscal year 2009.

Section 507. The Committee continues a provision requiring notification of the Committees on Appropriations three days before grant allocations, discretionary grant awards, discretionary contract awards, or a letter of intent totaling $1,000,000 or more is announced by the Department. The Department is required to brief the Committees on Appropriations five full business days prior to announcing the intention to make formula-based State Homeland Security grants and Urban Area Security Initiatives. Notification shall include a description of the project or projects to be funded, including city, county and state.

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

Section 509. The Committee continues a provision providing that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved except funds for the development of a proposed prospectus.

Section 510. The Committee continues longstanding provisions contained in previous Appropriations Acts into fiscal year 2009. These provisions relate to the Buy American Act; reporting requirements of the privacy officer; contracting officer's technical representative training; Sensitive Security Information; replacement patrol boat (FRC–B) program; federal building performance and requirements outlined in title V of the National Energy Conservation Policy Act or subtitle A of title I of the Energy Policy Act of 2005; classifying the functions of the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the Federal Activities Inventory Reform Act; use of funds in conformance with section 303 of the Energy Policy Act of 1992; Executive Order 13149, relating to fleet and transportation efficiency; and linking all contracts that provide award fees to successful acquisition outcomes.

Section 511. The Committee continues a provision regarding Secure Flight.

Section 512. The Committee continues a provision mandating that no funds can be used to contract out the services provided by United States Citizenship and Immigration Services immigration information officers, contact representatives, or investigative assistants.

Section 513. The Committee continues a provision directing the Secretary to research, develop, and procure new technologies to inspect and screen air cargo and to utilize existing checked baggage explosive detection equipment and screeners to screen cargo on passenger aircraft where practicable at each airport. In addition, language requires TSA to work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter. The Committee requires quarterly submission of air cargo inspection statistics detailing incremental progress.

Section 514. The Committee continues and modifies a provision that directs that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004, 2005, 2006, 2007, and 2008, which are recovered or deobligated, shall be available only for procurement and installation of explosive detection systems, for air cargo, baggage and checkpoint screening systems, subject to section notification. The Committee also requires quarterly reports on recovered or deobligated funds.

Section 515. The Committee continues a provision that extends the authorization of the Department's Working Capital Fund through fiscal year 2009.

Section 516. The Committee continues a provision requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 517. The Committee continues and modifies a provision relating to undercover investigative operations authority of the Secret Service for fiscal year 2009.

Section 518. The Committee continues a provision regarding the enforcement of section 4025(1) of Public Law 108–458.

Section 519. The Committee continues and modifies a provision prohibiting the Secretary of Homeland Secretary from reducing the Coast Guard's civil engineering program except as specifically authorized in statute after enactment of this Act.

Section 520. The Committee continues and modifies a provision prohibiting the obligation of funds to the Office of the Secretary and Executive Management, Office of the Under Secretary, or Office of the Chief Financial Officer for grants or contracts awarded by any means other than competitively. Certain exceptions apply. The Secretary may waive the application in a national emergency, with notification to the Committees on Appropriations. The bill also requires the Inspector General to review departmental contracts awarded noncompetitively and report on the results to the Committees on Appropriations.

Section 521. The Committee continues and modifies a provision prohibiting funds for any position designated as a Principal Federal Official (PFO). The position shall not be designated for a Robert T. Stafford Act declared disaster or emergency or at the same time as any Federal Coordinating Officer (FCO). This prohibition on PFOs

shall apply to PFOs, any successors to that position and any similar position created by the Department.

The Committee remains concerned that the Department has not defined a clear role for the PFO and that the position conflicts with the FCO's role during Presidentially-declared disasters and emergencies. States and emergency management officials have also expressed concern that use of both an FCO and PFO lead to confusion in the field following disasters and undermines FEMA's emergency management role. The prohibition does not apply to major non-Stafford Act responses that may include a Stafford Act component. In instances when a PFO is designated, the Department is expected to work with State and local governments and other Federal partners to clearly define the role of the PFO and ensure there is no conflict with the well-tested role of the FCO.

Section 522. The Committee continues a provision prohibiting funding to grant an immigration benefit to any individual unless the results of background checks legally required to be completed prior to the grant of the benefit have been received by DHS.

Section 523. The Committee continues a provision prohibiting use of funds to destroy or put to pasture any horse or other equine belonging to the Federal Government unless adoption has been offered first.

Section 524. The Committee continues a provision prohibiting funds made available to the Office of the Secretary and Executive Management to be expended for any new hires that are not verified through the basic pilot program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act.

Section 525. The Committee continues a provision prohibiting funds available in this Act from being used to implement a rule or regulation which implements the notice of proposed rulemaking related to Petitions for Aliens to Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Section 526. The Committee continues and modifies a provision extending other transactional authority of DHS through fiscal year 2009. Language requires the Secretary to issue policy guidance detailing the appropriate use of other transaction authority and provide additional training to each employee that has authority to handle procurements under other transaction authority. The Committee also includes reporting requirements for projects in which this authority was used.

Section 527. The Committee includes a new provision relating to the liquidation of Plum Island assets if the site is not chosen for the new National Bio and Agro-defense Facility and how proceeds from this sale may be applied.

Section 528. The Committee includes a new provision that prohibits the delegation of authority unless delegation is specifically authorized.

Section 529. The Committee includes a new provision requiring the Secretary to submit a listing of programs, projects, and activities by account, including amounts, from which all reprogramming will be based.

Section 530. The Committee includes a new provision pertaining to the human resource management system.

Section 531. The Committee includes a new provision requiring the Secretary of Homeland Security, in consolidation with the Secretary of Treasury, to notify the Committees on Appropriations of any proposed transfers from the Department of Treasury Forfeiture Fund to any agency within the Department of Homeland Security. No funds may be obligated until the Subcommittees approve the proposed transfers.

Section 532. The Committee includes a new provision prohibiting funds for grants or contracts that do not comply with subchapter IV of chapter 31 of title 40.

Section 533. The Committee includes a new provision pertaining to alien flight school training.

Section 534. The Committee includes a new provision on unmanned aerial systems.

Section 535. The Committee continues a provision relating to prescription drugs.

Section 536. The Committee includes a new provision permitting the Secretary to utilize cost savings from any recovered or deobligated funds or from staffing shortfalls for fuel costs that exceed the amount requested in fiscal year 2009.

Section 537. The Committee includes a new provision requiring the Assistant Secretary of Homeland Security (Transportation Security Administration) to certify that no security risks will result if an airport does not participate in the basic pilot program.

TITLE VI—ADDITIONAL DIASTER ASSISTANCE FOR FISCAL YEAR 2008 FOR MIDWESTERN UNITED STATES AND OTHER PURPOSES

The Committee includes a new Title VI providing emergency funding for loans for additional disaster assistance for the Midwestern United States.

APPROPRIATIONS CAN BE USED ONLY FOR THE PURPOSES FOR WHICH MADE

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

Section 1301. Application.

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

HOUSE OF REPRESENTATIVES REPORT REQUIREMENTS

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

TRANSFER OF FUNDS

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

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

APPROPRIATION TRANSFERS RECOMMENDED IN THE BILL

Account to which transfer is to be made	Amount	Account from which transfer is to be made	Amount
Office of Inspector General	$15,000,000	Disaster Relief Fund	$15,000,000
FEMA, Management and Administration	90,600,000	Disaster Relief Fund	90,600,000

RESCISSION OF FUNDS

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

Account/activity	Rescissions
Acquisition, Construction and Improvements/Vertical Unmanned Aerial Vehicle	$20,000,000
Cerro Grande Fire Claims	9,000,000

APPROPRIATIONS NOT AUTHORIZED BY LAW

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

Department of Homeland Security
Schedule of Unauthorized Appropriations
(Dollars in thousands)

Agency/Program	Last Year of Authorization	Authorized Level	Appropriation in Last Year of Authorization	Appropriations in this Bill
Office of the Federal Coordinator for Gulf Coast Rebuilding	NA[1]	NA	NA	$341
Customs and Border Protection, Salaries and Expenses	2003	2,739,695[2]	3,195,094[3]	7,534,346
Customs and Border Protection, Salaries and Expenses	2002[4]	such sums	730,710	7,534,346
Customs and Border Protection, Salaries and Expenses	2004[5]	1,399,592		7,534,346
Customs and Border Protection, Salaries and Expenses	2004[6]	1,683,667		7,534,346
Customs and Border Protection, Automation Modernization	2004[7]	308,000	NA	511,334
Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement	2004[8]	175,099,725	NA	510,000
Immigration and Customs Enforcement, Salaries and Expenses	2003[9] / 2004[11]	NA[9] / $1,399,592.4[10]	$3,032,094[11]; NA[12]	4,746,171,000
Immigration and Customs Enforcement, Automation Modernization	2003[9]	2,739,695	380,000[13]	57,000
Immigration and Customs Enforcement, Construction	2003[9]	NA	258,637[9]	10,000

[1] Created by Executive Order 13390 on November 1, 2005.
[2] Immigration and Naturalization Service- inspection, investigations, Border Patrol, detention and deportation only.
[3] Includes $2,862,094,000 from the FY 2003 INS Salaries and Expenses appropriation, and $333,000,000 included in the FY 2003 Wartime Supplemental Appropriations Act, P.L. 108-11.
[4] Agriculture Plant and Health Inspection Service only.
[5] P.L. 107-210, section 311(a)(2) for Noncommercial Activities only.
[6] P.L. 107-210, section 311(b)(1) for Commercial Activities only.
[7] P.L. 107-210, section 311(b)(2) for Automated Commercial Environment only.
[8] P.L. 107-210, section 311(b)(2) for Air and Marine Interdiction
[9] Immigration and Naturalization Service--inspection, investigations, Border Patrol, detention and deportation only. (8 U.S.C. 1101, note; Immigration and Nationality Act, section 404(a))
[10] Customs Service, including the investigations function (19 U.S.C. 2075(b)(1)).
[11] Includes $2,862,094,000 from the FY 2003 INS Salaries and Expenses appropriations, and $170,000,000 included in the FY 2003 Wartime Supplemental Appropriations Act, PL 108-11
[12] No 2004 appropriation for the U.S. Customs Service
[13] For Entry-Exit system.

Transportation Security Administration, Transportation Threat Assessment and Credentialing[14]	2005	Such sums	69,919	108,807
Transportation Security Administration, Transportation Security Support	NA	NA	NA	950,235
Coast Guard, Operating Expense	2006	5,633,900	5,492,331	6,201,830
Coast Guard, Environmental Compliance and Restoration	2006	12,000	12,000	13,000
Coast Guard, Reserve Training	2006	119,000	119,000	130,501
Coast Guard, Acquisition, Construction, and Improvements	2006	1,903,821	1,141,800	1,359,068
Coast Guard, Alteration of Bridges	2006	38,400	15,000	12,000
Coast Guard, Research, Development, Test, and Evaluation	2006	24,000	17,750	16,000
Coast Guard, Retired Pay	2006	1,014,080	1,014,080	1,236,745
Office of Health Affairs[15]	NA	NA	NA	134,404
FEMA, Management and Administration: Urban Search and Rescue Response System	2008	NA	32,500	32,500
FEMA, State and Local Programs: Citizen Corps Program	NA	NA	15,000	15,000
FEMA, State and Local Programs: Metropolitan Medical Response System	2008	NA	41,000	50,000
FEMA, State and Local Programs: Trucking Industry Security Grants	NA	NA	16,000	8,000
FEMA, Disaster Assistance Direct Loan Program Account	NA	NA	NA	295
FEMA, National Predisaster Mitigation Fund	2008	NA	114,000	75,000
FEMA, Emergency Food and Shelter	1994	NA	153,000	200,000
United States Citizen and Immigration Services	2002	631,745	707,392	101,740
Federal Law Enforcement Training Center, Salaries and Expenses	1991	NA	NA	242,530
Federal Law Enforcement Training Center, Acquisition, Construction, Improvements and Related Expenses	NA	NA	NA	43,456

NA indicates not authorized.

[14] Throughout FY 2005, Secure Flight, Crew Vetting, Register Traveler Program, and Alien Flight School were under the Aviation Program and were therefore authorized. The Transportation Threat Assessment and Credentialing Appropriation has not been authorized.

[15] The Chief Medical Officer is authorized in public law 109-295

COMPARISON WITH BUDGET RESOLUTION

Clause 3(c)(2) of Rule XIII and section 308(a)(1)(A) of the Congressional Budget Act requires the report accompanying a bill providing new budget authority to contain a statement comparing the levels in the bill to the suballocations submitted under section 302(b) of the Act for the most recently agreed to concurrent resolution on the budget for the applicable fiscal year. That information is provided in the following table.

[In millions of dollars]

	302(b) allocation		This bill	
	Budget authority	Outlays	Budget authority	Outlays
General purpose discretionary	42,075	42,390	42,075	42,377
Mandatory	1,152	1,148	1,152	1,148
Total	43,227	43,538	43,227	43,525

[1] Includes outlays from prior year budget authority.

FIVE YEAR OUTLAY PROJECTIONS

In compliance with clause 3(c)(2) of Rule XIII and section 308(a)(1)(B) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

[In millions of dollars]

Outlays:	
2009	[1] 24,054
2010	7,537
2011	5,690
2012	2,321
2013 and future years	1,230

[1] Excludes outlays from prior year budget authority.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with clause 3(c)(2) of Rule XIII and section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the financial assistance to state and local governments is as follows:

[In millions of dollars]

FY 2009 New Budget Authority	4,983
FY 2009 outlays resulting therefrom	461

CONSTITUTIONAL AUTHORITY

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

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

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

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

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

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

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

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

CONGRESSIONAL EARMARKS

The following table is submitted in compliance with clause 9 of Rule XXI, and lists the congressional earmarks (as defined in paragraph (d) of clause 9) contained in the bill or in this report. Neither the bill nor the report contain any limited tax benefits or limited tariff benefits as defined in paragraph (e) or (f) of clause 9 of Rule XXI.

DEPARTMENT OF HOMELAND SECURITY

Account	Project	Amount	Member	State
CBP Salaries and Expenses	Containerized Cargo Inspection Demonstration Project, Port of Charleston, SC	$2,000,000	Henry Brown	SC
CBP Air and Marine Interdiction, Operations, Maintenance, and Procurement	Wireless Airport Surveillance Platform, NC	$5,000,000	Bob Etheridge	NC
CG Acquisition, Construction and Improvements	Sector Buffalo, NY	$3,000,000	Brian Higgins	NY
CG Acquisition, Construction and Improvements	Rescue Swimmer Training Facility, NC	$15,000,000	G.K. Butterfield	NC
CG Alteration of Bridges	Fourteen Mile Bridge, Mobile, AL	$5,000,000	Robert Aderholt, Jo Bonner	AL
CG Alteration of Bridges	Galveston Causeway Bridge, Galveston, TX	$5,000,000	John Culberson, Gene Green, Ted Poe, Ron Paul	TX
CG Alteration of Bridges	Burlington Northern Railroad Bridge, Burlington IA	$2,000,000	David Loebsack	IA
Secret Service Acquisition, Construction, Improvements, and Related Expenses	Perimeter security and noise abatement study at the Rowley training center, MD	$250,000	Steny Hoyer	MD
NPPD Infrastructure Protection and Information Security	Philadelphia Infrastructure monitoring, PA	$2,000,000	Chaka Fattah	PA
NPPD Infrastructure Protection and Information Security	Critical Underground Infrastructure in major urban areas	$3,000,000	Peter King, Carolyn McCarthy, James Walsh	NY
NPPD Infrastructure Protection and Information Security	Office of Bombing Prevention, IED-Geospatial Analysis Tool Plus, PA	$1,000,000	John Murtha	PA
NPPD Infrastructure Protection and Information Security	State and Local Cybersecurity Training, University of Texas, San Antonio, TX	$3,500,000	Ciro Rodriguez	TX
NPPD Infrastructure Protection and Information Security	Power and Cyber Systems Protection, Analysis, and Testing Program at Idaho National Laboratory, ID	$4,000,000	Mike Simpson	ID
FEMA Management and Administration	Impact of Climate on Future Disasters, State of North Carolina	$5,000,000	David Price	NC

FEMA Management and Administration	Flood Control and Hazard Mitigation Demonstration Program, Commonwealth of Kentucky	$2,425,000	Harold Rogers	KY
FEMA State and Local Programs	National Domestic Preparedness Consortium	$92,000,000	The President, Rodney Alexander, John Carter, Chet Edwards, Charles Gonzalez	Multi
FEMA State and Local Programs	Emergency Operations Center, Tensas Parish Police Jury, LA	$750,000	Rodney Alexander	LA
FEMA State and Local Programs	Emergency Operations Center, City of Rialto, CA	$225,000	Joe Baca	CA
FEMA State and Local Programs	Emergency Operations Center, Village of Poynette, WI	$1,000,000	Tammy Baldwin	WI
FEMA State and Local Programs	Emergency Operations Center, Sebastian County, AR	$750,000	John Boozman	AR
FEMA State and Local Programs	Emergency Operations Center, Lake County, FL	$1,000,000	Corrine Brown	FL
FEMA State and Local Programs	Emergency Operations Center, Sarasota County, FL	$1,000,000	Vern Buchanan	FL
FEMA State and Local Programs	Emergency Operations Center, Northumberland County, Department of Public Safety, PA	$1,000,000	Christopher P. Carney	PA
FEMA State and Local Programs	Emergency Operations Center, City of Detroit, MI	$1,000,000	John Conyers, Carolyn Kilpatrick	MI
FEMA State and Local Programs	Emergency Operations Center, San Diego Unified School District, San Diego, CA	$400,000	Susan A. Davis	CA
FEMA State and Local Programs	Emergency Operations Center, City of Half Moon Bay, CA	$750,000	Anna G. Eshoo	CA
FEMA State and Local Programs	Emergency Operations Center, Chesterfield County, VA	$250,000	Randy Forbes	VA
FEMA State and Local Programs	Emergency Operations Center, Spencer County Commissioners, Rockport, IN	$1,000,000	Baron P. Hill	IN
FEMA State and Local Programs	Emergency Operations Center, City of Gladstone, OR	$60,000	Darlene Hooley	OR
FEMA State and Local Programs	Emergency Operations Center, City of Coral Springs, FL	$550,000	Ron Klein, Robert Wexler	FL
FEMA State and Local Programs	Emergency Operations Center, Snohomish County, WA	$1,000,000	Rick Larsen	WA

DEPARTMENT OF HOMELAND SECURITY—Continued

Account	Project	Amount	Member	State
FEMA State and Local Programs	Emergency Operations Center, County of Atlantic, NJ	$750,000	Frank LoBiondo	NJ
FEMA State and Local Programs	Emergency Operations Center, City of Rio Vista, CA	$150,000	Daniel Lungren	CA
FEMA State and Local Programs	Emergency Operations Center, American Red Cross, Sacramento Sierra Chapter, CA	$35,000	Doris Matsui	CA
FEMA State and Local Programs	Emergency Operations Center, Village of Bellerose, NY	$200,000	Carolyn McCarthy	NY
FEMA State and Local Programs	Emergency Operations Center, Town of Pomona Park, FL	$300,000	John Mica	FL
FEMA State and Local Programs	Emergency Operations Center, San Francisco Police Department, CA	$1,000,000	Nancy Pelosi	CA
FEMA State and Local Programs	Emergency Operations Center, North Carolina Department of Crime Control and Public Safety, NC	$1,000,000	David Price	NC
FEMA State and Local Programs	Emergency Operations Center, City of Del Rio, TX	$500,000	Ciro Rodriguez	TX
FEMA State and Local Programs	Emergency Operations Center, City of Bell Gardens, CA	$175,000	Lucille Roybal-Allard	CA
FEMA State and Local Programs	Emergency Operations Center, City of Cudahy, CA	$50,000	Lucille Roybal-Allard	CA
FEMA State and Local Programs	Emergency Operations Center, The County of Cook, IL	$1,000,000	Bobby Rush	IL
FEMA State and Local Programs	Emergency Operations Center, Douglas County, GA	$500,000	David Scott	GA
FEMA State and Local Programs	Emergency Operations Center, City of Richmond, Office of Emergency Management, VA	$750,000	Robert C. "Bobby" Scott	VA
FEMA State and Local Programs	Emergency Operations Center, Hudson County, NJ	$1,000,000	Albio Sires	NJ
FEMA State and Local Programs	Emergency Operations Center, Marion County, FL	$750,000	Cliff Stearns	FL
FEMA State and Local Programs	Emergency Operations Center, City of Miami Beach, FL	$1,000,000	Debbie Wasserman Schultz, Ilena Ros-Lehtinen	FL

FEMA State and Local Programs	Emergency Operations Center, Vermont Emergency Management Agency, VT	$1,000,000	Peter Welch	VT
FEMA State and Local Programs	Emergency Operations Center, Crittenden County, KY	$750,000	Ed Whitfield	KY
FEMA Predisaster Mitigation	City of Rainbow City, AL	$1,000,000	Robert Aderholt	AL
FEMA Predisaster Mitigation	Municipality of Murrysville, PA	$100,000	Jason Altmire	PA
FEMA Predisaster Mitigation	Bibb County, Emergency Management Agency, AL	$750,000	Spencer Bachus	AL
FEMA Predisaster Mitigation	City of Wynne, AR	$50,000	Marion Berry	AR
FEMA Predisaster Mitigation	City of San Diego, CA	$1,000,000	Brian Bilbray	CA
FEMA Predisaster Mitigation	Pinellas County, FL	$1,000,000	Gus Bilirakis, C.W. Bill Young, Kathy Castor	FL
FEMA Predisaster Mitigation	Brigham City (Corporation), UT	$650,000	Rob Bishop	UT
FEMA Predisaster Mitigation	City of Coolidge, GA	$80,000	Sanford Bishop	GA
FEMA Predisaster Mitigation	Drywood Township, Garland, KS	$35,000	Nancy Boyda	KS
FEMA Predisaster Mitigation	City of Merced, CA	$500,000	Dennis Cardoza	CA
FEMA Predisaster Mitigation	City of Newark, DE	$300,000	Michael Castle	DE
FEMA Predisaster Mitigation	Adjutant General's Office of Emergency Preparedness, SC	$1,000,000	James E. Clyburn	SC
FEMA Predisaster Mitigation	Alabama Department of Homeland Security, for Jackson County, AL	$90,000	Robert Cramer	AL
FEMA Predisaster Mitigation	Harris County Flood Control District, TX	$1,000,000	John Culberson	TX
FEMA Predisaster Mitigation	Tarrant County, TX	$1,000,000	Kay Granger	TX
FEMA Predisaster Mitigation	City of Chula Vista, CA	$400,000	Bob Filner	CA
FEMA Predisaster Mitigation	North West, MO Regional Council of Governments	$300,000	Sam Graves	MO

DEPARTMENT OF HOMELAND SECURITY—Continued

Account	Project	Amount	Member	State
FEMA Predisaster Mitigation	Florida Atlantic University, Boca Raton, FL	$300,000	Alcee Hastings, Tim Mahoney, Debbie Wasserman Schultz	FL
FEMA Predisaster Mitigation	City of Kannapolis, NC	$468,000	Robin Hayes	NC
FEMA Predisaster Mitigation	Town of Conklin, NY	$330,000	Maurice Hinchey	NY
FEMA Predisaster Mitigation	County of Hawaii, Civil Defense Agency, HI	$400,000	Mazie Hirono	HI
FEMA Predisaster Mitigation	City of Berlin, Public Health Department, NH	$100,000	Paul Hodes	NH
FEMA Predisaster Mitigation	City of Trenton, NJ	$500,000	Rush Holt, Christopher Smith	NJ
FEMA Predisaster Mitigation	Santa Clara Water Valley District, San Jose, CA	$790,000	Michael Honda	CA
FEMA Predisaster Mitigation	City of Houston, TX	$200,000	Sheila Jackson-Lee	TX
FEMA Predisaster Mitigation	West Jefferson Medical Center, Marrero, LA	$400,000	William Jefferson	LA
FEMA Predisaster Mitigation	Erie County, Sandusky, OH	$399,000	Marcy Kaptur	OH
FEMA Predisaster Mitigation	Wayne County, Detroit, MI	$300,000	Carolyn Kilpatrick	MI
FEMA Predisaster Mitigation	New York State Emergency Management Office, NY	$1,000,000	Nita Lowey, José Serrano, Peter King	NY
FEMA Predisaster Mitigation	City of Berkeley, CA	$750,000	Barbara Lee	CA
FEMA Predisaster Mitigation	City of Taylorsville, KY	$750,000	Ron Lewis	KY
FEMA Predisaster Mitigation	Westchester and Rockland Counties, NY	$500,000	Nita Lowey	NY
FEMA Predisaster Mitigation	Town of Lake Placid, FL	$500,000	Tim Mahoney	FL
FEMA Predisaster Mitigation	Tifton-Tift County Emergency Management Agency (EMA), GA	$40,000	Jim Marshall	GA

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

DEPARTMENT OF HOMELAND SECURITY—Continued

Account	Project	Amount	Member	State
FEMA Predisaster Mitigation	City of Lake City, TN	$418,000	Zack Wamp	TN
S&T Research, Development, Acquisition, and Operations	Naval Postgraduate School, CA	$2,000,000	Sam Farr	CA
S&T Research, Development, Acquisition, and Operations	Homeland Security Research, Development, & Manufacturing Pilot, Bay Shore, NY	$2,000,000	Steve Israel, Peter King	NY
S&T Research, Development, Acquisition, and Operations	National Institute for Hometown Security, Community-Based Infrastructure Protection Solutions, KY	$11,000,000	Harold Rogers	KY

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

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

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

(Public Law 107–206)

AN ACT Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

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TITLE I—SUPPLEMENTAL APPROPRIATIONS

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CHAPTER 12

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GENERAL PROVISIONS—THIS CHAPTER

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SEC. 1202. (a) The Federal Law Enforcement Training Center may, for a period ending not later than December 31, [2010] *2011*, appoint and maintain a cadre of up to 350 Federal annuitants: (1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

* * * * * * *

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

(Public Law 109–295)

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

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TITLE V—GENERAL PROVISIONS

* * * * * * *

SEC. 532. (a) UNITED STATES SECRET SERVICE USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.—During fiscal year [2008] *2009*, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the "Secret Service") that is necessary for the detection and prosecution of crimes against the United States—

(1) * * *

* * * * * * *

HOMELAND SECURITY ACT OF 2002

* * * * * * *

TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

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Subtitle D—Acquisitions

SEC. 831. RESEARCH AND DEVELOPMENT PROJECTS.

(a) AUTHORITY.—[Until September 30, 2008,] *Until September 30, 2009 and subject to subsection (d),* the Secretary may carry out a pilot program under which the Secretary may exercise the following authorities:

(1) * * *

* * * * * * *

(d) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—The authority of the Secretary under this section shall terminate September 30, 2008, unless before that date the Secretary—

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

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

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

[(d)] *(e)* DEFINITION OF NONTRADITIONAL GOVERNMENT CONTRACTOR.—In this section, the term "nontraditional Government

contractor" has the same meaning as the term "nontraditional defense contractor" as defined in section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note).

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DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

(Public Law 108–90)

AN ACT Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

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TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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SEC. 520. *(a) FEES.*—For fiscal year 2004 and thereafter, the Secretary of Homeland Security shall charge reasonable fees for providing credentialing and background investigations in the field of transportation: *Provided,* That the establishment and collection of fees shall be subject to the following requirements:

(1) * * *

* * * * * * *

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

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

(2) INTERRUPTION OF TRAINING.—If the Secretary determines, in carrying out the process established under paragraph (1), that an alien is a present risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall not provide the training or if such training has commenced that person shall immediately terminate the training.

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

* * * * * * *

COMPLIANCE WITH RULE XIII, CLAUSE 3(f)(1)

Pursuant to clause 3(f)(1)(A) of rule XIII of the Rules of the House of Representatives, the Committee has inserted at the appropriate place in the report a description of the effects of provisions proposed in the accompanying bill which may be considered, under certain circumstances, to change the application of existing law, either directly or indirectly.

The bill provides, in some instances, funding of agencies and activities where legislation has not yet been finalized. In addition, the bill carries language, in some instances, permitting activities not authorized by law. Additionally, the Committee includes a number of general provisions.

TITLE I—DEPARTMENT MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The Committee includes language providing funds for reception and representation expenses.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The Committee includes language providing funds for reception and representation expenses and for costs necessary to consolidate headquarters operations, including tenant improvements and relocation costs.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Committee includes language providing funds for the Chief Financial Officer.

OFFICE OF THE CHIEF INFORMATION OFFICER

The Committee includes language providing funds for the Chief Information Officer (CIO) and for the development and acquisition of information technology equipment, software, services, and related activities and prohibits the use of funds to augment other automated systems. The Committee includes reporting requirements for information technology acquisition projects.

ANALYSIS AND OPERATIONS

The Committee includes language providing funds for information analysis and operations coordination activities, including funding for official representation expenses. The Committee restricts the obligation of funds to begin operations of a new office until certification that this program complies with applicable laws.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The Committee includes language providing funds for the Office of the Federal Coordinator for Gulf Coast Rebuilding.

OFFICE OF INSPECTOR GENERAL

The Committee includes language providing funds for certain confidential operational expenses, including the payment of informants.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The Committee includes language making funds available for border security, immigration, customs, and agricultural inspections and regulatory activities; purchase or lease of vehicles; contracting with individuals for personal services; Harbor Maintenance Fee collections; official reception and representation expenses; Customs User Fee collections; and payment of rental space in connection with pre-clearance operations; and compensation of informants. The Committee includes provisions regarding average overtime limitations, and a restriction on the obligation of funds to operate a new intelligence framework until the Commissioner certifies that this framework complies with applicable laws.

AUTOMATION MODERNIZATION

The Committee includes language making funds available until expended for automated systems and includes language requiring the submission of an expenditure plan prior to the obligation of funds.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The Committee includes language making funds available until expended for customs and border protection fencing, infrastructure, and technology and includes language requiring the submission of an expenditure plan prior to the obligation of funds. In addition, the Committee prohibits funding for any funding under this heading unless the Secretary certifies that DHS has complied with the consultation provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Finally, the Committee prohibits funding for any project or activity for which the Secretary has exercised authority to waive environmental and other law until 15 days after notice of the intent to exercise such waiver is published in the Federal Register.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The Committee includes language making funds available for the operation, maintenance and procurement of marine vessels, aircraft, unmanned aircraft systems, and other equipment; travel; rental payments for facilities; and assistance to other law enforcement agencies and humanitarian efforts. The Committee includes language prohibiting the transfer of aircraft and related equipment out of the Customs and Border Protection unless certain conditions are met.

CONSTRUCTION

The Committee includes language making funds available until expended for the planning, construction, renovating, equipping, and maintaining of buildings and facilities.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The Committee includes language making funds available for enforcement of immigration and customs laws, detention and removals, and investigations; purchase of replacement vehicles; special operations; official reception and representation expenses; compensation to informants; public awareness of the child pornography tipline and anti-child exploitation activities; and reimbursement of other Federal agencies for certain costs. The Committee includes language regarding overtime compensation and forced child labor laws. In addition, the Committee includes language that conditions agreements that delegate immigration enforcement authority to States or political subdivisions thereof. The Committee also includes language prohibiting the use of funds for contracts at detention centers that do not perform adequately. Finally, the Committee includes reporting requirements pertaining to efforts to identify and remove criminal aliens and nationwide expansion of the alternatives to detention programs.

FEDERAL PROTECTIVE SERVICE

The Committee includes language making funds available until expended for the operations of the Federal Protective Service. The Committee permits the Secretary and OMB to adjust security fees to maintain in-service field staffing levels directly engaged in protecting and enforcing laws at Federal buildings.

AUTOMATION MODERNIZATION

The Committee includes language making funds available until expended for automated systems.

CONSTRUCTION

The Committee includes language making funds available until expended for the planning, constructing, renovating, equipping, and maintaining of buildings and facilities. The Committee prohibits funds to solicit or consider privatizing facilities owned by the U.S. Government to detain illegal aliens until receipt of a privatization plan.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The Committee includes language making funds available for civil aviation security; and establishing conditions under which security fees are collected, credited, and distributed. The Committee also includes language providing funds for reception and representation expenses.

SURFACE TRANSPORTATION SECURITY

The Committee includes language providing funds for surface transportation security programs of the Transportation Security Administration.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The Committee includes language on the development and implementation of screening programs. The Committee requires the Assistant Secretary to notify the Committee that there are no security risks if the Secure Flight program does not check airline passenger names against the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

The Committee includes language providing funds for transportation security support and intelligence programs of the Transportation Security Administration. The Committee includes language requiring the submission of a detailed spend plan for checkpoint support systems and explosive detection systems refurbishment, procurement and installation.

FEDERAL AIR MARSHALS

The Committee includes language providing funds for the Federal Air Marshals.

COAST GUARD

OPERATING EXPENSES

The Committee includes a provision regarding passenger motor vehicles, minor shore construction projects, purchase of small boats, recreation and welfare, the Oil Spill Liability Trust Fund, and prohibits the use of funds for yacht documentation except under certain circumstances and for administrative expenses in connection with shipping commissioners in the United States. The Committee includes language on reception and representation expenses. The Committee also prohibits the obligation of funds for operation of the Maritime Awareness Global Network until the Commandant certifies certain conditions have been met and such certification is reviewed by the Inspector General. Finally, the language requires the Coast Guard to comply with requirements pertaining to their academy.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The Committee includes language providing funds for environmental compliance and restoration of the Coast Guard.

RESERVE TRAINING

The Committee includes language providing funds for the Coast Guard reserve, including maintenance and operation of the reserve program, personnel and training costs, equipment and services.

ACQUISITIONS, CONSTRUCTION AND IMPROVEMENTS

The Committee includes language providing for funds for Coast Guard acquisition, construction, renovation, and improvement of

aids to navigation, shore facilities, vessels, and aircraft as well as for maintenance, rehabilitation, lease and operations of facilities and equipment. The Committee authorizes the disposal of surplus real property. The Committee prohibits funding for any Deepwater asset until it revises its Major Systems Acquisition Manual. The Committee requires a revised Integrated Deepwater Systems program plan that meets certain conditions. The Committee includes a provision requiring a capital investment plan for future appropriations years with certain conditions.

ALTERATION OF BRIDGES

The Committee provides funds for bridge alteration projects.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The Committee includes language providing funds for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease and operation of facilities and equipment. The Committee includes language allowing funds to remain available until expended; authorizing funds to be derived from the Oil Spill Liability Trust Fund; and authorizing funds received from State and local governments, other public authorities, private sources, and foreign countries to be credited to this account and used for certain purposes.

RETIRED PAY

The Committee includes language providing funds for retired pay and medical care for the Coast Guard's retired personnel and their dependents and makes these funds available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The Committee includes language that provides funds for the purchase and replacement of vehicles; the hire of aircraft; purchase of motorcycles; services of expert witnesses as may be necessary; rental of certain buildings; improvements to buildings as may be necessary for protective missions; per diem and subsistence allowances; firearms matches; presentation of awards; protective travel; research and development; grants for behavioral research; official reception and representation expenses; technical assistance and equipment to foreign law enforcement organizations; advance payment for commercial accommodations; and for grants to activities of missing and exploited children. The Committee provides for two year availability of funds for protective travel. The Committee authorizes the obligation of funds in anticipation of reimbursements for training, under certain conditions. The Committee also includes language regarding overtime compensation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The Committee includes language providing funds for the acquisition, construction, improvement, and related expenses of Secret Service facilities and makes these funds available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND EXPENSES

The Committee includes language providing funds for the Office of the Under Secretary for National Protection and Programs and the National Planning Office as well as to support business operations, information technology and risk management. The Committee also includes language providing funds for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The Committee includes language making funds available for Information Protection and Information Security, a portion of which is available until September 30, 2010. The Committee conditions the obligation of funds for the development of the REAL ID hub. Also, the Committee prohibits the obligation of funds for the National Cyber Security Initiative, the Next Generation Networks program, and the National Command and Coordination Capability program until expenditure plans for each project are submitted.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

The Committee includes language making funds available until expended for the US–VISIT program and includes language requiring the submission of an expenditure plan prior to the obligation of funds. The Committee also includes language making no funding available for implementation of a final air exit solution proposed by the Department until US–VISIT conducts pilot tests of at least two scenarios, which shall be reviewed by GAO.

OFFICE OF HEALTH AFFAIRS

The Committee includes language making funds available for the health affairs, biosurveillance, BioWatch, chemical response, and other activities. The Committee also includes language providing funds for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

The Committee includes language that provides funds for management and administration. The Committee also includes a provision providing funds for reception and representation expenses. The Committee also includes language limiting administrative costs and providing funding for Urban Search and Rescue Response System. The Committee also includes language that provides funds for the Office of the National Capital Region Coordination. The Committee also includes language requiring the President's budget be detailed by office

STATE AND LOCAL PROGRAMS

The Committee includes language that provides funds for grants, contracts, cooperative agreements, and other activities. The Com-

mittee also includes provisions identifying the amount of funds available for State Homeland Security grants, including Operation Stonegarden; Urban Area Security Initiative; Metropolitan Medical Response System; Citizen Corps Program; Public Transportation Security Assistance and Railroad Security Assistance; Port Security Grants; Over-the-Road Bus Security Assistance; Trucking Industry Security grants; Interoperable Emergency Communications Grant Program; Emergency Operations Centers; REAL ID grants; training, exercises, technical assistance, and other programs. The Committee includes language specifying the conditions under which both applications and grants are made to certain grants made in the Act. The Committee also includes language specifying the conditions for distribution of certain grants. The Committee also includes language allowing for the transfer of funds for program administration. The Committee also includes provisions allowing training to emergency response providers and requiring a report by the GAO.

FIREFIGHTER ASSISTANCE GRANTS

The Committee includes language providing funds until September 30, 2010. The Committee also includes language providing that not to exceed three percent of the total is available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The Committee includes language providing funds. The Committee also includes language that not to exceed three percent of the total appropriation is available for administrative costs.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The Committee includes a provision regarding charges assessed for the radiological emergency preparedness program, including conditions and methodology for the assessment and collection of fees.

UNITED STATES FIRE ADMINISTRATION

The Committee includes language that provides funds for expenses of the U.S. Fire Administration.

DISASTER RELIEF

The Committee includes language making funds available until expended. The Committee requires monthly disaster reports and details requests for reimbursement. The Committee includes transfer language and withholds certain amounts for transfer until submission of a plan. The Committee also includes language requiring reports on disaster damage assessments. The Committee includes language allowing funding transfers to FEMA M&A and OIG.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The Committee includes a provision limiting gross obligations for direct loans. The Committee also includes a provision regarding the cost of modifying loans.

FLOOD MAP MODERNIZATION FUND

The Committee includes provisions regarding non-Federal sums for cost-shared mapping activities and limiting total administrative costs to 3 percent of the total appropriation. The Committee also includes language making funds available until expended.

NATIONAL FLOOD INSURANCE FUND

The Committee includes language limiting funds available for salaries and expenses; language making funds available for flood plain management and flood mapping until September 30, 2010. The Committee includes provisions limiting operating expenses; for interest on Treasury borrowings; for agents' commissions and taxes; for fees collected under section 1308 to be available for floodplain management and flood mapping; and for flood mitigation activities associated with sections 1361A and 1323 of the National Flood Insurance Act of 1968. The Committee includes language permitting fees collected pursuant to section 1302 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 be deposited to supplement other amounts. In addition, the Committee includes language making funds for mitigation activities available until expended. The Committee includes language providing that not to exceed four percent of the total appropriation is available for administrative costs.

NATIONAL PREDISASTER MITIGATION FUND

The Committee includes language making funds available until expended. The Committee includes a provision limiting total administrative costs to 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

The Committee includes language making funds available until expended and limiting total administrative costs to 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The Committee includes language making funds available for citizenship and immigration services and permits funds to be used to acquire, equip, and dispose of a limited number of vehicles. The Committee also includes language authorizing employee use of these vehicles.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The Committee includes language making funds available for official representation expenses; purchase of police type pursuit vehicles; student athletic and related recreational activities; conducting and participating in firearms matches; public awareness and community support; marketing; room and board; services; services authorized by 5 U.S.C. 3109; law enforcement accreditation; reimbursements for certain mobile phone expenses; and for reception

and representation expenses. The Committee includes language authorizing the training of certain law enforcement personnel; authorizes the use of appropriations and reimbursements for such training and establishes a cap on total obligations. The Committee also includes language authorizing funds for the compensation of accreditation costs for participating agencies; and authorizing the hiring of retired Federal employees until 2011. Language is included directing the Federal Law Enforcement Training Center to lead the training accreditation process as well as to measure and assess federal law enforcement training programs, facilities, and instructors. Finally, the Committee includes language requiring the Director of the Federal Law Enforcement Training Center to ensure that all training facilities are operated at highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

The Committee includes language making funds available until expended for real property and facilities and authorizes reimbursement from government agencies requesting construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The Committee includes language providing funds for reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

The Committee includes language making funds available until expended. The Committee prohibits the obligation of funds for the National Bio and Agro-defense Facility until a risk analysis has been completed and reviewed by GAO.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

The Committee includes language that provides funds for management and administration. The Committee also includes a provision providing funds for reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The Committee includes language making funds for nuclear detection research, development, testing and evaluation. Language is included making funds available until expended.

SYSTEMS ACQUISITION

The Committee includes language providing funds for the purchase and deployment of radiation detection equipment. The Committee limits the full scale procurement of certain types of these systems until the Secretary of Homeland Security certifies a significant increase in operational effectiveness as well as requires separate and distinct certifications for primary and secondary procurements.

TITLE V—GENERAL PROVISIONS

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

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

Section 503. The Committee continues and modifies a provision providing reprogramming authority for funds within an account and not to exceed 5 percent transfer authority between appropriations accounts with the requirement for a 15-day advance Congressional notification. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this report. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2009.

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

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

Section 506. The Committee continues a provision providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2009 until the enactment of an Act authorizing intelligence activities for fiscal year 2009.

Section 507. The Committee continues a provision requiring notification of the Committees on Appropriations three days before grant allocations, discretionary grant awards, discretionary contract awards, or a letter of intent totaling $1,000,000 or more is announced by the Department. The Department is required to brief the Committees on Appropriations five full day business days prior to announcing the intention to make formula based State Homeland Security grants and Urban Area Security Initiatives. Notification shall include a description of the project or projects to be funded, including city, county and state.

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

Section 509. The Committee continues a provision providing that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved except funds for the development of a proposed prospectus.

Section 510. The Committee continues longstanding provisions contained in previous Appropriations Acts into fiscal year 2009.

These provisions relate to the Buy American Act; reporting requirements of the privacy officer; contracting officer's technical representative training; Sensitive Security Information; replacement patrol boat (FRC–B) program; federal building performance and requirements outlined in title V of the National Energy Conservation Policy Act or subtitle A of title I of the Energy Policy Act of 2005; classifying the functions of the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the of the Federal Activities Inventory Reform Act; use of funds in conformance with section 303 of the Energy Policy Act of 1992; Executive Order 13149, relating to fleet and transportation efficiency; and linking all contracts that provide award fees to successful acquisition outcomes.

Section 511. The Committee continues a provision regarding Secure Flight.

Section 512. The Committee continues a provision mandating that no funds can be used to contract out the services provided by United States Citizenship and Immigration Services immigration information officers, contract representatives, or investigative assistants.

Section 513. The Committee continues a provision directing the Secretary to research, develop, and procure new technologies to inspect and screen air cargo and to utilize existing checked baggage explosive detection equipment and screeners to screen cargo on passenger aircraft where practicable at each airport. In addition, language requires TSA to work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter. The Committee requires quarterly submission of air cargo inspection statistics detailing incremental progress.

Section 514. The Committee continues and modifies a provision that directs that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004, 2005, 2006, 2007, and 2008, which are recovered or deobligated, shall be available only for procurement and installation of explosive detection systems, for air cargo, baggage and checkpoint screening systems, subject to section notification. The Committee also requires quarterly reports on recovered or deobligated funds.

Section 515. The Committee continues a provision that extends the authorization of the Department's Working Capital Fund through fiscal year 2009.

Section 516. The Committee continues a provision requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 517. The Committee continues and modifies a provision relating to undercover investigative operations authority of the Secret Service for fiscal year 2009.

Section 518. The Committee continues a provision regarding the enforcement of section 4025(1) of Public Law 108–458.

Section 519. The Committee continues and modifies a provision prohibiting the Secretary of Homeland Secretary from reducing the Coast Guard's civil engineering program except as specifically authorized in statute after enactment of this Act.

Section 520. The Committee continues and modifies a provision prohibiting the obligation of funds to the Office of the Secretary and Executive Management, Office of the Under Secretary, or Office of the Chief Financial Officer for grants or contracts awarded by any means other than competitively. Certain exceptions apply. Bill language permits the Secretary to waive the application in a national emergency, with notification. The bill also requires the Inspector General to review departmental contracts awarded noncompetitively and report on the results to the Committees on Appropriations.

Section 521. The Committee continues and modifies a provision prohibiting funds for any position designated as a Principal Federal Official (PFO). The position shall not be designated for a Robert T. Stafford Act declared disaster or emergency or at the same time as any Federal Coordinating Officer. This prohibition on PFOs shall apply to PFOs, any successors to that position and any similar position created by the Department.

Section 522. The Committee continues a provision prohibiting funding to grant an immigration benefit to any individual unless the results of background checks legally required to be completed prior to the grant of the benefit have been received by DHS.

Section 523. The Committee continues a provision prohibiting use of funds to destroy or put to pasture any horse or other equine belonging to the Federal Government unless adoption has been offered first.

Section 524. The Committee continues a provision prohibiting funds made available to the Office of the Secretary and Executive Management to be expended for any new hires that are not verified through the basic pilot program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act.

Section 525. The Committee continues a provision prohibiting funds available in this Act from being used to implement a rule or regulation which implements the notice of proposed rulemaking related to Petitions for Aliens to Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Section 526. The Committee continues a provision extending other transactional authority of DHS through fiscal year 2009. Certain training and reporting requirements are included.

Section 527. The Committee includes a new provision relating to the liquidation of Plum Island assets if the site is not chosen for the new National Bio and Agro-defense Facility and how proceeds from this sale may be applied.

Section 528. The Committee includes a new provision that prohibits the delegation of authority unless delegation is specifically authorized.

Section 529. The Committee includes a new provision requiring the Secretary to submit a listing of programs, projects, and activities by account, including amounts, from which all reprogramming will be based.

Section 530. The Committee includes a new provision pertaining to the human resource management system.

Section 531. The Committee includes a new provision requiring the Secretary of Homeland Security, in consolidation with the Secretary of Treasury, to notify the Committees on Appropriations of

any proposed transfers from the Department of Treasury Forfeiture Fund to any agency within the Department of Homeland Security. No funds may be obligated until the Committees approve the proposed transfers.

Section 532. The Committee includes a new provision prohibiting funds for grants or contracts that do not comply with subchapter IV of chapter 31 of title 40.

Section 533. The Committee includes a new provision pertaining to alien flight school training.

Section 534. The Committee includes a new provision on unmanned aerial systems.

Section 535. The Committee continues a provision relating to prescription drugs.

Section 536. The Committee includes a new provision permitting the Secretary to utilize cost savings from any recovered or deobligated funds or from staffing shortfalls for fuel costs that exceed the amount requested in fiscal year 2009.

Section 537. The Committee includes a new provision requiring the Assistant Secretary of Homeland Security (Transportatipn Security Administration) to certify that no security risks will result if an airport does not participate in the basic pilot program.

TITLE VI—ADDITIONAL DISASTER ASSISTANCE FOR FISCAL YEAR 2008 FOR MIDWESTERN UNITED STATES AND OTHER PURPOSES

The Committee includes a new Title VI providing emergency funding for loans for additional disaster assistance for the Midwestern United States.

DETAILED EXPLANATIONS IN REPORT

It should be emphasized again that a more detailed statement describing the effect of the above provisions inserted by the Committee which directly or indirectly change the application of existing law may be found at the appropriate place in this report.

ROLL CALL VOTES TAKEN IN COMMITTEE

As required by clause 3(b) of rule XIII, following are the results of the roll call votes taken on amendments and/or the motion to report during committee consideration of the bill.

ROLL CALL NO. 1

Date: June 24, 2008

Measure: Dept. of Homeland Security Appropriations Act, 2009

Amendment by: Mr. Rogers

Description: To reinstate Border Security Fencing, Infrastructure, and Technology (BSFIT) expenditure plan language enacted in fiscal year 2007, thereby eliminating current requirements to document cost-benefit analysis behind DHS fencing decisions and provide 15-day notification when the Secretary waives environmental and other laws, as well as a restriction on all BSFIT funding until the Department complies with the law requiring it to consult with Federal agencies, States, landowners, local and tribal governments. The amendment would also eliminate a requirement for the Secretary to certify to such compliance.

Result: Defeated, 27 YEAS to 36 NAYS.

Members Voting YEA	*Members Voting NAY*
Mr. Aderholt	Mr. Berry
Mr. Alexander	Mr. Bishop
Mr. Bonner	Mr. Boyd
Mr. Calvert	Mr. Chandler
Mr. Carter	Mr. Cramer
Mr. Crenshaw	Ms. DeLauro
Mrs. Emerson	Mr. Dicks
Mr. Frelinghuysen	Mr. Edwards
Mr. Goode	Mr. Farr
Ms. Granger	Mr. Fattah
Mr. Hobson	Mr. Hinchey
Mr. Kingston	Mr. Honda
Mr. Kirk	Mr. Israel
Mr. Knollenberg	Mr. Jackson
Mr. LaHood	Ms. Kaptur
Mr. Latham	Mr. Kennedy
Mr. Lewis	Ms. Kilpatrick
Mr. Regula	Ms. Lee
Mr. Rehberg	Mrs. Lowey

(Continued on next page)

ROLL CALL NO. 1 (CONTINUED)

Members Voting YEA

Mr. Rogers
Mr. Simpson
Mr. Tiahrt
Mr. Walsh
Mr. Wamp
Dr. Weldon
Mr. Wolf
Mr. Young

Members Voting NAY

Ms. McCollum
Mr. Mollohan
Mr. Moran
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Ms. Wasserman Schultz

ROLL CALL NO. 2

Date: June 24, 2008

Measure: Dept. of Homeland Security Appropriations Act, 2009

Amendment by: Mr. Carter

Description: To increase funding for the Immigration and Customs Enforcement 287(g) program by $12,000,000.

Result: Defeated, 28 YEAS to 36 NAYS.

Members Voting YEA

Mr. Aderholt
Mr. Alexander
Mr. Bonner
Mr. Calvert
Mr. Carter
Mr. Crenshaw
Mr. Culberson
Mrs. Emerson
Mr. Frelinghuysen
Mr. Goode
Ms. Granger
Mr. Hobson
Mr. Kingston
Mr. Kirk
Mr. Knollenberg
Mr. LaHood
Mr. Latham
Mr. Lewis
Mr. Regula
Mr. Rehberg
Mr. Rogers
Mr. Simpson
Mr. Tiahrt
Mr. Walsh
Mr. Wamp
Dr. Weldon
Mr. Wolf
Mr. Young

Members Voting NAY

Mr. Berry
Mr. Bishop
Mr. Boyd
Mr. Chandler
Mr. Cramer
Ms. DeLauro
Mr. Dicks
Mr. Edwards
Mr. Farr
Mr. Fattah
Mr. Hinchey
Mr. Honda
Mr. Israel
Mr. Jackson
Ms. Kaptur
Mr. Kennedy
Ms. Kilpatrick
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Mollohan
Mr. Moran
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Ms. Wasserman Schultz

ROLL CALL NO. 3

Date: June 24, 2008

Measure: Dept. of Homeland Security Appropriations Act, 2009

Amendment by: Mr. Kingston

Description: To increase funding for Immigration and Customs Enforcement worksite enforcement by $2,300,000.

Result: Defeated, 25 YEAS to 31 NAYS.

Members Voting YEA

Mr. Alexander
Mr. Bonner
Mr. Calvert
Mr. Carter
Mr. Crenshaw
Mrs. Emerson
Mr. Frelinghuysen
Mr. Goode
Ms. Granger
Mr. Hobson
Mr. Kingston
Mr. Kirk
Mr. Knollenberg
Mr. LaHood
Mr. Latham
Mr. Lewis
Mr. Regula
Mr. Rehberg
Mr. Rogers
Mr. Simpson
Mr. Walsh
Mr. Wamp
Dr. Weldon
Mr. Wolf
Mr. Young

Members Voting NAY

Mr. Bishop
Mr. Chandler
Mr. Cramer
Ms. DeLauro
Mr. Dicks
Mr. Edwards
Mr. Farr
Mr. Hinchey
Mr. Honda
Mr. Israel
Mr. Jackson
Mr. Kennedy
Ms. Kilpatrick
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Mollohan
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Ms. Wasserman Schultz

ROLL CALL NO. 4

Date: June 24, 2008

Measure: Dept. of Homeland Security Appropriations Act, 2009

Substitute amendment by: Mr. Price

Description: Offered as substitute to amendment by Mr. Kirk. The Price substitute requires the Assistant Secretary of the Transportation Security Administration to certify that non-participation by airports in the immigration basic pilot program (currently known as E-Verify) does not pose a security risk, if the Assistant Secretary does not require such participation.

Result: Adopted, 33 YEAS to 26 NAYS.

Members Voting YEA

Mr. Berry
Mr. Bishop
Mr. Chandler
Mr. Cramer
Ms. DeLauro
Mr. Dicks
Mr. Edwards
Mr. Farr
Mr. Hinchey
Mr. Honda
Mr. Israel
Mr. Jackson
Ms. Kaptur
Mr. Kennedy
Ms. Kilpatrick
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Mollohan
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Ms. Wasserman Schultz

Members Voting NAY

Mr. Aderholt
Mr. Alexander
Mr. Bonner
Mr. Boyd
Mr. Calvert
Mr. Carter
Mr. Crenshaw
Mrs. Emerson
Mr. Frelinghuysen
Mr. Goode
Ms. Granger
Mr. Hobson
Mr. Kirk
Mr. Knollenberg
Mr. LaHood
Mr. Latham
Mr. Lewis
Mr. Regula
Mr. Rehberg
Mr. Rogers
Mr. Simpson
Mr. Tiahrt
Mr. Walsh
Mr. Wamp
Mr. Wolf
Mr. Young

ROLL CALL NO. 5

Date: June 24, 2008

Measure: Dept. of Homeland Security Appropriations Act, 2009

Amendment by: Mr. Calvert

Description: To reauthorize the immigration basic pilot program, currently known as E-Verify, through 2018.

Result: Defeated, 25 YEAS to 36 NAYS.

Members Voting YEA

Mr. Aderholt
Mr. Alexander
Mr. Bonner
Mr. Calvert
Mr. Carter
Mr. Crenshaw
Mrs. Emerson
Mr. Frelinghuysen
Mr. Goode
Ms. Granger
Mr. Hobson
Mr. Kingston
Mr. Kirk
Mr. Knollenberg
Mr. LaHood
Mr. Latham
Mr. Lewis
Mr. Regula
Mr. Rehberg
Mr. Rogers
Mr. Simpson
Mr. Tiahrt
Mr. Wamp
Mr. Wolf
Mr. Young

Members Voting NAY

Mr. Berry
Mr. Bishop
Mr. Boyd
Mr. Chandler
Mr. Cramer
Ms. DeLauro
Mr. Dicks
Mr. Edwards
Mr. Farr
Mr. Fattah
Mr. Hinchey
Mr. Honda
Mr. Israel
Mr. Jackson
Ms. Kaptur
Mr. Kennedy
Ms. Kilpatrick
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Mollohan
Mr. Moran
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Ms. Wasserman Schultz

ROLL CALL NO. 6

Date: June 24, 2008

Measure: Dept. of Homeland Security Appropriations Act, 2009

Amendment by: Mr. Tiahrt

Description: To delete the prohibition on funding for operation of the Coast Guard Maritime Awareness Global Network and the Customs and Border Protection Analytical Framework for Intelligence Officers prior to the Inspector General determining that these programs are in compliance with all applicable laws, including laws protecting privacy.

Result: Defeated, 26 YEAS to 35 NAYS.

Members Voting YEA

Mr. Aderholt
Mr. Alexander
Mr. Bonner
Mr. Calvert
Mr. Carter
Mr. Crenshaw
Mrs. Emerson
Mr. Frelinghuysen
Mr. Goode
Ms. Granger
Mr. Hobson
Mr. Kingston
Mr. Kirk
Mr. Knollenberg
Mr. LaHood
Mr. Latham
Mr. Lewis
Mr. Regula
Mr. Rehberg
Mr. Rogers
Mr. Simpson
Mr. Tiahrt
Mr. Walsh
Mr. Wamp
Mr. Wolf
Mr. Young

Members Voting NAY

Mr. Berry
Mr. Bishop
Mr. Boyd
Mr. Chandler
Mr. Cramer
Ms. DeLauro
Mr. Dicks
Mr. Edwards
Mr. Farr
Mr. Fattah
Mr. Hinchey
Mr. Honda
Mr. Israel
Mr. Jackson
Ms. Kaptur
Mr. Kennedy
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Mollohan
Mr. Moran
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Ms. Wasserman Schultz

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Office of the Secretary and Executive Management:					
Immediate Office of the Secretary	2,540	3,378	2,904	+364	-474
Immediate Office of the Deputy Secretary	1,122	1,505	1,235	+113	-270
Chief of Staff	2,639	2,693	2,693	+54	---
Office of Counternarcotics Enforcement	2,680	4,018	4,018	+1,338	---
Executive Secretariat	4,722	5,848	7,778	+3,056	+1,930
Office of Policy	33,000	43,693	43,963	+10,963	+270
Office of Public Affairs	6,650	8,291	5,991	-659	-2,300
Office of Legislative and Intergovernmental Affairs	4,900	5,697	4,900	---	-797
Office of General Counsel	13,500	20,914	18,439	+4,939	-2,475
Office of Civil Rights and Civil Liberties	14,200	17,917	17,917	+3,717	---
Citizenship and Immigration Services Ombudsman	5,900	6,471	6,471	+571	---
Privacy Officer	5,500	6,804	6,804	+1,304	---
House committee amendment	---	---	-5,700	-5,700	-5,700
Total, Office of the Secretary and Executive Management	97,353	127,229	117,413	+20,060	-9,816
Office of the Under Secretary for Management:					
Under Secretary for Management	2,012	2,654	2,404	+392	-250
Office of Security	53,490	60,882	59,682	+6,192	-1,200
Office of the Chief Procurement Officer	28,495	42,003	38,355	+9,860	-3,648
Office of the Chief Human Capital Officer:					
Salaries and expenses	8,811	31,827	28,827	+20,016	-3,000
Human resources	10,000	15,000	10,000	---	-5,000

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Office of the Chief Human Capital Officer	18,811	46,827	38,827	+20,016	-8,000
Office of the Chief Administrative Officer:					
Salaries and expenses	41,430	41,727	44,427	+2,997	+2,700
Nebraska Avenue Complex (NAC)	6,000	6,000	6,000	---	---
St. Elizabeths Project	---	120,000	---	---	-120,000
Subtotal, Office of the Chief Administrative Officer	47,430	167,727	50,427	+2,997	-117,300
Total, Office of the Under Secretary for Management	150,238	320,093	189,695	+39,457	-130,398
Office of the Chief Financial Officer	31,300	56,235	55,235	+23,935	-1,000
Office of the Chief Information Officer:					
Salaries and expenses	81,000	86,928	86,928	+5,928	---
Information technology activities	56,200	42,445	42,445	-13,755	---
Security activities	124,900	70,323	70,323	-54,577	---
Homeland Secure Data Network (HSDN)	33,100	47,673	47,673	+14,573	---
Subtotal, Office of the Chief Information Officer	295,200	247,369	247,369	-47,831	---
Analysis and Operations	306,000	333,262	324,423	+18,423	-8,839
Rescission	-8,700	---	---	+8,700	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Analysis and Operations	297,300	333,262	324,423	+27,123	-8,839
Total, Departmental Operations	871,391	1,084,188	934,135	+62,744	-150,053
Office of the Federal Coordinator for Gulf Coast Rebuilding	2,700	291	341	-2,359	+50
Office of Inspector General					
Operating expenses	92,711	101,013	101,013	+8,302	---
(transfer from Disaster Relief)	(16,000)	---	(15,000)	(-1,000)	(+15,000)
Operating expenses (including transfers)	108,711	101,013	116,013	+7,302	+15,000
Appropriations	(92,711)	(101,013)	(101,013)	(+8,302)	---
by transfer	(16,000)	---	(15,000)	(-1,000)	(+15,000)
Total, title I, Departmental Management and Operations (including transfers)	982,802	1,185,492	1,050,489	+67,687	-135,003
Appropriations	(975,502)	(1,185,492)	(1,035,489)	(+59,987)	(-150,003)
Rescissions	(-8,700)	---	---	(+8,700)	---
by transfer	(16,000)	---	(15,000)	(-1,000)	(+15,000)

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
U.S. Customs and Border Protection					
Salaries and expenses:					
Headquarters, Management, and Administration:					
Management and administration, border security inspections and trade facilitation.....	619,325	644,351	644,351	+25,026	---
Management and administration, border security and control between ports of entry.....	602,016	622,300	622,300	+20,284	---
Subtotal, Headquarters, Mgt & Admin.....	1,221,341	1,266,651	1,266,651	+45,310	---
Border security inspections and trade facilitation:					
Inspections, trade, and travel facilitation at ports of entry.....	1,583,235	1,834,793	2,061,035	+477,800	+226,242
Model ports of entry (emergency).....	40,000	---	---	-40,000	---
Terrorist prevention system enhancements for passenger screening (emergency).....	45,000	---	---	-45,000	---
Electronic travel authorizations (emerg.).	36,000	---	---	-36,000	---
WHTI (emergency).....	150,000	---	---	-150,000	---
Subtotal, Inspections, trade, and travel facilitation at ports of entry.....	1,854,235	1,834,793	2,061,035	+206,800	+226,242
Harbor maintenance fee collection (trust fund)	3,093	3,154	3,154	+61	---
Container security initiative.....	156,130	149,450	149,450	-6,680	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other international programs	10,866	10,984	10,984	+118	---
Customs-Trade Partnership Against Terrorism (C-TPAT)	62,310	64,496	64,496	+2,186	---
Free and Secure Trade (FAST)/NEXUS/SENTRI	11,243	11,274	11,274	+31	---
Inspection and detection technology investments	105,027	117,144	113,944	+8,917	-3,200
Automated targeting systems	27,580	32,550	32,550	+4,970	---
National Targeting Center	23,950	24,481	24,481	+531	---
Training	24,813	24,778	24,778	-35	---
Subtotal, Border security inspections and trade facilitation	2,279,247	2,273,104	2,496,146	+216,899	+223,042
Border security and control between ports of entry:					
Border security and control	2,984,443	3,440,505	3,442,455	+458,012	+1,950
Ground transportation contract (emergency)	25,000	---	---	-25,000	---
Border patrol vehicles (emergency)	13,000	---	---	-13,000	---
Training	52,789	74,815	74,815	+22,026	---
Subtotal, Border security and control between ports of entry	3,075,232	3,515,320	3,517,270	+442,038	+1,950
Air and Marine Personnel Compensation and Benefits	212,740	254,279	254,279	+41,539	---
Emergency appropriations	14,000	---	---	-14,000	---
Subtotal, Air and Marine Personnel Compensation and Benefits	226,740	254,279	254,279	+27,539	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Salaries and expenses	6,802,560	7,309,354	7,534,346	+731,786	+224,992
Appropriations	(6,476,467)	(7,306,200)	(7,531,192)	(+1,054,725)	(+224,992)
Emergency appropriations	(323,000)	---	---	(-323,000)	---
Harbor maintenance trust fund	(3,093)	(3,154)	(3,154)	(+61)	---
Automation modernization:					
Automated commercial environment/International Trade Data System (ITDS)	316,969	316,851	316,851	-118	---
Automated commercial system and current operations and processing support	159,640	194,483	194,483	+34,843	---
Subtotal, Automation modernization	476,609	511,334	511,334	+34,725	---
Border security fencing, infrastructure, and technology (BSFIT):					
Development and deployment	35,000	275,000	245,000	+210,000	-30,000
Emergency appropriations	1,053,000	---	---	-1,053,000	---
Operations and support	73,000	410,000	410,000	+337,000	---
Program management	64,000	90,000	120,000	+56,000	+30,000
Subtotal, BSFIT	1,225,000	775,000	775,000	-450,000	---
Appropriations	(172,000)	(775,000)	(775,000)	(+603,000)	---
Emergency appropriations	(1,053,000)	---	---	(-1,053,000)	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Air and Marine Interdiction, Operations, Maintenance, and Procurement:					
Operations and maintenance	353,614	380,022	380,022	+26,408	---
Procurement	122,433	147,978	129,978	+7,545	-18,000
Emergency appropriations	94,000	---	---	-94,000	---
Subtotal	216,433	147,978	129,978	-86,455	-18,000
Subtotal, Air and marine interdiction, operations, maintenance, and procurement	570,047	528,000	510,000	-60,047	-18,000
Appropriations	(476,047)	(528,000)	(510,000)	(+33,953)	(-18,000)
Emergency appropriations	(94,000)	---	---	(-94,000)	---
Construction:					
Construction	287,363	363,501	363,501	+76,138	---
Construction (Border Patrol) (emergency)	61,000	---	---	-61,000	---
Subtotal, Construction	348,363	363,501	363,501	+15,138	---
Total, Direct appropriations for Customs and and Border Protection	9,422,579	9,487,189	9,694,181	+271,602	+206,992
Fee accounts:					
Immigration inspection user fee	(535,291)	(570,059)	(570,059)	(+34,768)	---
Immigration enforcement fines	(3,440)	(3,331)	(3,331)	(-109)	---
Land border inspection fee	(30,121)	(26,880)	(26,880)	(-3,241)	---
COBRA passenger inspection fee	(392,180)	(410,666)	(410,666)	(+18,486)	---
APHIS inspection fee	(299,622)	(333,433)	(333,433)	(+33,811)	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Puerto Rico collections	(117,214)	(96,719)	(96,719)	(-20,495)	---
Small airport user fees	(7,057)	(7,057)	(7,057)	---	---
Subtotal, fee accounts	(1,384,925)	(1,448,145)	(1,448,145)	(+63,220)	---
Total, U.S. Customs and Border Protection	(10,807,504)	(10,935,334)	(11,142,326)	(+334,822)	(+206,992)
Appropriations	(7,891,579)	(9,487,189)	(9,694,181)	(+1,802,602)	(+206,992)
Emergency apropriations	(1,531,000)	---	---	(-1,531,000)	---
(Fee accounts)	(1,384,925)	(1,448,145)	(1,448,145)	(+63,220)	---
U.S. Immigration and Customs Enforcement					
Salaries and expenses:					
Headquarters Management and Administration (non-Detention and Removal Operations):					
Personnel compensation and benefits, service and other costs	164,887	200,188	194,619	+29,732	-5,569
ICE vehicle replacements (emergency)	4,000	---	---	-4,000	---
Headquarters managed IT investment	146,654	174,349	166,349	+19,695	-8,000
Subtotal, Headquarters management and administration	315,541	374,537	360,968	+45,427	-13,569
Legal proceedings	208,350	214,332	215,134	+6,784	+802

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Identification and removal of criminal aliens:					
Criminal alien program	---	189,069	189,069	+189,069	---
Fugitive operations	---	226,477	226,477	+226,477	---
Custody operations	---	46,000	46,000	+46,000	---
State and local programs	---	83,380	78,474	+78,474	-4,906
Immigration investigations	---	164,905	164,905	+164,905	---
Other criminal investigations	---	40,545	40,545	+40,545	---
Additional funding to identify and remove criminal aliens	---	---	54,530	+54,530	+54,530
Subtotal, Identification and removal of criminal aliens	---	750,376	800,000	+800,000	+49,624
Investigations:					
Domestic	1,372,328	---	---	-1,372,328	---
Customs and trade investigations	---	757,000	758,120	+758,120	+1,120
Counterterrorism investigations/ JTTF support	---	66,734	66,734	+66,734	---
Human smuggling and trafficking investigations	---	109,991	109,991	+109,991	---
Immigration investigations	---	124,783	124,783	+124,783	---
Gang enforcement investigations	---	35,070	47,070	+47,070	+12,000
Worksite enforcement investigations	---	92,300	90,000	+90,000	-2,300
Emergency appropriations	50,200	---	---	-50,200	---
Subtotal, Domestic investigations	1,422,528	1,185,878	1,196,698	-225,830	+10,820
International	107,551	---	---	-107,551	---
International investigations	---	106,741	107,021	+107,021	+280

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Visa security program	---	18,400	18,500	+18,500	+100
Subtotal, International investigations	107,551	125,141	125,521	+17,970	+380
Subtotal, Investigations	1,530,079	1,311,019	1,322,219	-207,860	+11,200
Intelligence	52,146	52,956	52,956	+810	---
Detention and removal operations:					
Custody Operations	1,461,212	1,650,495	1,650,495	+189,283	---
Emergency appropriations	186,000	---	---	-186,000	---
Fugitive operations	186,145	---	---	-186,145	---
Emergency appropriations	32,800	---	---	-32,800	---
Criminal Alien program	178,829	---	---	-178,829	---
Alternatives to detention	43,889	55,791	63,000	+19,111	+7,209
Emergency appropriations	10,000	---	---	-10,000	---
Transportation and removal	249,126	281,399	281,399	+32,273	---
Emergency appropriations	33,400	---	---	-33,400	---
Subtotal, Detention and removal operations	2,381,401	1,987,685	1,994,894	-386,507	+7,209
Comprehensive identification and removal of criminal aliens (emergency)	200,000	---	---	-200,000	---
Subtotal, Salaries and expenses	4,687,517	4,690,905	4,746,171	+58,654	+55,266
Appropriations	(4,171,117)	(4,690,905)	(4,746,171)	(+575,054)	(+55,266)
Emergency appropriations	(516,400)	---	---	(-516,400)	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal protective service:					
Basic security	186,673	189,673	189,673	+3,000	---
Building specific security (including capital equipment replacement/acquisition)	426,327	426,327	426,327	---	---
Subtotal, Federal Protective Service	613,000	616,000	616,000	+3,000	---
Offsetting fee collections	-613,000	-616,000	-616,000	-3,000	---
Automation modernization	30,700	57,000	57,000	+26,300	---
Construction	6,000	---	10,000	+4,000	+10,000
Emergency appropriations	10,500	---	---	-10,500	---
Subtotal, Construction	16,500	---	10,000	-6,500	+10,000
Total, Direct appropriations for U.S. Immigration Customs Enforcement	4,734,717	4,747,905	4,813,171	+78,454	+65,266
Fee accounts:					
Immigration inspection user fee	(113,500)	(119,000)	(119,000)	(+5,500)	---
Breached bond/detention fund	(63,800)	(60,000)	(60,000)	(-3,800)	---
Student exchange and visitor fee	(56,200)	(120,000)	(120,000)	(+63,800)	---
Subtotal, fee accounts	(233,500)	(299,000)	(299,000)	(+65,500)	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, U.S. Immigration and Customs Enforcement (gross)	(5,581,217)	(5,662,905)	(5,728,171)	(+146,954)	(+65,266)
Offsetting fee collections	(-613,000)	(-616,000)	(-616,000)	(-3,000)	---
Total, U.S. Immigration and Customs Enforcement	(4,968,217)	(5,046,905)	(5,112,171)	(+143,954)	(+65,266)
Appropriations	(4,207,817)	(4,747,905)	(4,813,171)	(+605,354)	(+65,266)
Emergency appropriations	(526,900)	---	---	(-526,900)	---
Fee accounts	(233,500)	(299,000)	(299,000)	(+65,500)	---
Transportation Security Administration					
Aviation security:					
Screening operations:					
Screener workforce:					
Privatized screening	143,385	151,272	151,272	+7,887	---
Passenger & Baggage screener - personnel, compensation, and benefits	2,636,104	2,716,014	2,716,014	+79,910	---
Subtotal, Sceener workforce	2,779,489	2,867,286	2,867,286	+87,797	---
Screener training and other	223,766	197,318	197,318	-26,448	---
Human resource services	182,234	---	---	-182,234	---
Checkpoint support	---	127,683	250,000	+250,000	+122,317

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
EDS/ETD Systems:					
EDS procurement and installation	294,000	153,894	294,000	---	+140,106
Screening technology maintenance and utilities	264,000	310,625	310,625	+46,625	---
Operation integration	25,000	21,481	21,481	-3,519	---
Subtotal, EDS/ETD Systems	583,000	486,000	626,106	+43,106	+140,106
Subtotal, Screening operations	3,768,489	3,678,287	3,940,710	+172,221	+262,423
Aviation security direction and enforcement:					
Aviation regulation and other enforcement	255,953	209,991	246,268	-9,685	+36,277
Airport management and support	651,933	373,010	407,166	-244,767	+34,156
FFDO and flight crew training	25,091	---	25,025	-66	+25,025
Air cargo	73,000	---	109,849	+36,849	+109,849
Airport perimeter security	4,000	---	4,000	---	+4,000
Law enforcement	---	242,247	---	---	-242,247
Subtotal, Aviation security direction and enforcement	1,009,977	825,248	792,308	-217,669	-32,940
Implementing requirements of P.L. 110-53	30,000	---	10,000	-20,000	+10,000
Discretionary fees:					
General aviation at DCA	25	---	---	-25	---
Indirect air cargo	200	---	---	-200	---
Total, Discretionary fees	225	---	---	-225	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Fee-funded programs:					
General aviation at DCA	---	(75)	(75)	(+75)	---
Indirect air cargo	---	(200)	(200)	(+200)	---
Total, Fee-funded programs	---	(275)	(275)	(+275)	---
Aviation security capital fund (mandatory)	(250,000)	(250,000)	(250,000)	---	---
Aviation security capital fund enhancement (mandatory)	---	(426,000)	---	---	(-426,000)
Checkpoint screening security fund (mandatory)	(250,000)	---	---	(-250,000)	---
Total, Aviation security (gross) (including transfers)	4,808,691	4,503,535	4,743,018	-65,673	+239,483
Offsetting fee collections (non-mandatory)	-2,210,000	-2,320,000	-2,320,000	-110,000	---
Discretionary fees - offsetting collections (non-mandatory)	-225	---	---	+225	---
Fee-funded programs (nonadd)	---	(-275)	(-275)	(-275)	---
Total, Aviation security (net)	2,598,466	2,183,535	2,423,018	-175,448	+239,483
Aviation security capital fund	(250,000)	(250,000)	(250,000)	---	---
Recapitalization fee proposal	---	(426,000)	---	---	(-426,000)
Checkpoint screening security fund	(250,000)	---	---	(-250,000)	---
Surface transportation security:					
Staffing and operations	24,485	25,397	24,885	+400	-512
Rail security inspectors and canines	22,128	11,603	24,721	+2,593	+13,118

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	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Surface transportation security.....	46,613	37,000	49,606	+2,993	+12,606
Transportation Threat Assessment and Credentialing:					
Secure Flight.....	50,000	82,211	75,000	+25,000	-7,211
Crew vetting.....	14,990	---	---	-14,990	---
Screening administration and operations.....	9,500	---	---	-9,500	---
Crew and other vetting programs.....	---	50,807	33,807	+33,807	-17,000
TWIC direct appropriations.....	8,100	---	---	-8,100	---
Registered Traveler Program fees.....	(35,101)	(10,000)	(10,000)	(-25,101)	---
TWIC fees.....	(26,500)	(9,000)	(9,000)	(-17,500)	---
Hazardous materials fees.....	(19,000)	(18,000)	(18,000)	(-1,000)	---
Alien Flight School (by transfer from DOJ) - fees.	(2,000)	(3,000)	(3,000)	(+1,000)	---
Subtotal, Transportation Threat Assessment and Credentialing (Gross).....	(165,191)	(173,018)	(148,807)	(-16,384)	(-24,211)
Fee funded programs.....	(82,601)	(40,000)	(40,000)	(-42,601)	---
Subtotal, Transportation Threat Assessment and Credentialing (net).....	82,590	133,018	108,807	+26,217	-24,211
Transportation security support:					
Headquarters administration.....	293,191	213,135	237,370	-55,821	+24,235
Information technology.....	209,324	472,799	472,799	+263,475	---
Human capital services.....	---	218,105	218,105	+218,105	---
Intelligence.....	21,000	21,961	21,961	+961	---
Subtotal, Transportation security support.....	523,515	926,000	950,235	+426,720	+24,235

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(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Air Marshals:					
Management and administration	674,173	693,900	727,461	+53,288	+33,561
Travel and training	95,327	92,100	94,400	-927	+2,300
Subtotal, Federal Air Marshals	769,500	786,000	821,861	+52,361	+35,861
Total, Transportation Security Administration (gross) (including transfers)	6,813,510	7,101,553	6,963,527	+150,017	-138,026
Offsetting fee collections	(-2,210,225)	(-2,320,000)	(-2,320,000)	(-109,775)	---
Aviation security capital fund	(250,000)	(250,000)	(250,000)	---	---
EDS recapitalization (mandatory)	---	(426,000)	---	---	(-426,000)
Checkpoint screening security fund	(250,000)	---	---	(-250,000)	---
Fee accounts	(82,601)	(40,000)	(40,000)	(-42,601)	---
Total, Transportation Security Administration (net)	4,020,684	4,065,553	4,353,527	+332,843	+287,974
Coast Guard					
Operating expenses:					
Military pay and allowance	2,921,673	3,076,837	3,057,924	+136,251	-18,913
Port and maritime security enhancements (emergency)	70,300	---	---	-70,300	---
Civilian pay and benefits	594,803	692,858	646,189	+51,386	-46,669
Training and recruiting	185,604	196,063	195,479	+9,875	-584
Operating funds and unit level maintenance	1,134,881	1,169,943	1,176,918	+42,037	+6,975

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
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	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Centrally managed accounts	229,896	262,795	258,547	+28,651	-4,248
Intermediate and depot level maintenance	754,190	814,906	827,773	+73,583	+12,867
Less adjustment for defense function	-340,000	-340,000	-340,000	---	---
Port/vessel security and environmental response	---	---	29,000	+29,000	+29,000
Aviation mission hour gap	---	---	10,000	+10,000	+10,000
Defense function	340,000	340,000	340,000	---	---
Transfer from Defense, O&M Navy	(110,000)	---	---	(-110,000)	---
Subtotal, Operating expenses	6,001,347	6,213,402	6,201,830	+200,483	-11,572
Appropriations	(5,481,047)	(5,873,402)	(5,861,830)	(+380,783)	(-11,572)
Emergency appropriations	(70,300)	---	---	(-70,300)	---
By transfer	(110,000)	---	---	(-110,000)	---
Defense function	(340,000)	(340,000)	(340,000)	---	---
Environmental compliance and restoration	13,000	12,315	13,000	---	+685
Reserve training	126,883	130,501	130,501	+3,618	---
Acquisition, construction, and improvements:					
Vessels:					
Response boat medium	9,200	64,000	64,000	+54,800	---
Emergency appropriation	35,800	---	---	-35,800	---
Inland river tender recapitalization	---	5,000	5,000	+5,000	---
Subtotal, Vessels	45,000	69,000	69,000	+24,000	---
Integrated deepwater systems:					
Aircraft:					
Unmanned aircraft systems	---	3,000	---	---	-3,000

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	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Maritime Patrol Aircraft (MPA)	170,016	86,600	86,600	-83,416	---
HH-60 conversions	57,300	52,700	52,700	-4,600	---
HC-130H conversions	18,900	24,500	24,500	+5,600	---
HH-65 conversion project	50,800	64,500	64,500	+13,700	---
Armed helicopter equipment	24,600	---	---	-24,600	---
C-130J fleet introduction	5,800	---	---	-5,800	---
Subtotal, Aircraft	327,416	231,300	228,300	-99,116	-3,000
Surface ships:					
National Security Cutter (NSC)	165,700	353,700	300,000	+134,300	-53,700
Offshore Patrol Cutter (OPC)	---	3,003	3,003	+3,003	---
Replacement Patrol Boat (FRC-B)	---	115,300	115,300	+115,300	---
IDS small boats	2,700	2,400	2,400	-300	---
Patrol Boat sustainment	40,500	30,800	30,800	-9,700	---
Medium endurance cutter sustainment	34,500	35,500	35,500	+1,000	---
Subtotal, Surface ships	243,400	540,703	487,003	+243,603	-53,700
Technology obsolescense	700	1,500	1,500	+800	---
C4ISR	89,630	88,100	88,100	-1,530	---
Logistics	36,500	37,700	37,700	+1,200	---
Systems engineering and integration	35,145	33,141	33,141	-2,004	---
Government program management	50,475	58,000	58,000	+7,525	---
Subtotal, Integrated deepwater systems	783,266	990,444	933,744	+150,478	-56,700

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	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other equipment:					
Automatic identification system	12,000	14,600	14,600	+2,600	---
Defense messaging system	5,000	4,074	4,074	-926	---
National distress and response system modernization (Rescue 21)	80,300	73,000	73,000	-7,300	---
HF Recap	2,500	2,500	2,500	---	---
National Capital Region Air Defense	11,500	---	---	-11,500	---
Maritime security response team - shoothouse	1,800	---	---	-1,800	---
Interagency operational centers for port security (emergency)	60,000	---	---	-60,000	---
Command 21	---	1,000	1,000	+1,000	---
Subtotal, Other equipment	173,100	95,174	95,174	-77,926	---
Shore facilities and aids to navigation	40,997	50,000	68,000	+27,003	+18,000
Personnel compensation and benefits:					
Core acquisition costs	505	500	500	-5	---
Direct personnel cost	82,215	---	95,072	+12,857	+95,072
Subtotal, Personnel compensation and benefits	82,720	500	95,572	+12,852	+95,072
Coast Guard headquarters	---	---	97,578	+97,578	+97,578
Subtotal, Acquisition, construction, and improvements (excluding rescissions)	1,125,083	1,205,118	1,359,068	+233,985	+153,950

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	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescission, UAV	-33,822	---	-20,000	+13,822	-20,000
Rescission, Offshore Patrol Cutter	-98,627	---	---	+98,627	---
Subtotal, Acquisition, construction, and improvements	992,634	1,205,118	1,339,068	+346,434	+133,950
Appropriations	(1,029,283)	(1,205,118)	(1,359,068)	(+329,785)	(+153,950)
Emergency appropriations	(95,800)	---	---	(-95,800)	---
Rescissions	(-132,449)	---	(-20,000)	(+112,449)	(-20,000)
Alteration of bridges	16,000	---	12,000	-4,000	+12,000
Research, development, test, and evaluation	25,000	16,000	16,000	-9,000	---
Medicare-eligible retiree health care fund contribution	272,111	257,305	257,305	-14,806	---
Subtotal, Coast Guard discretionary	7,336,975	7,834,641	7,969,704	+632,729	+135,063
Retired pay (mandatory)	1,184,720	1,236,745	1,236,745	+52,025	---
Total, Coast Guard (including transfers)	8,631,695	9,071,386	9,206,449	+574,754	+135,063
Appropriations	(8,488,044)	(9,071,386)	(9,226,449)	(+738,405)	(+155,063)
Emergency appropriations	(166,100)	---	---	(-166,100)	---
Rescissions	(-132,449)	---	(-20,000)	(+112,449)	(-20,000)
By transfer	(110,000)	---	---	(-110,000)	---

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	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Secret Service					
Salaries and expenses:					
Protection:					
Protection of persons and facilities.....	693,535	710,468	703,168	+9,633	-7,300
Protective intelligence activities.....	57,704	59,761	59,761	+2,057	---
National special security events.....	1,000	1,000	1,000	---	---
Presidential candidate nominee protection.....	85,250	41,082	41,082	-44,168	---
White House mail screening.....	16,201	36,701	---	-16,201	-36,701
Subtotal, Protection.....	853,690	849,012	805,011	-48,679	-44,001
Investigations:					
Domestic field operations.....	219,742	241,772	241,772	+22,030	---
International field office administration, operations.....	27,520	28,342	28,342	+822	---
Electronic crimes special agent program and electronic crimes task forces.....	44,565	47,836	47,836	+3,271	---
Support for missing and exploited children....	8,366	8,366	8,366	---	---
Subtotal, Investigations.....	300,193	326,316	326,316	+26,123	---
Administration:					
Headquarters, management and administration...	175,934	182,104	182,104	+6,170	---
Training:					
Rowley training center.....	51,954	53,189	53,189	+1,235	---

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	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Salaries and expenses	1,381,771	1,410,621	1,366,620	-15,151	-44,001
Acquisition, construction, improvements, and related expenses	3,725	3,725	4,225	+500	+500
Total, United States Secret Service	1,385,496	1,414,346	1,370,845	-14,651	-43,501
Total, title II, Security, Enforcement, and Investigations (including transfers)	28,195,171	28,786,379	29,438,173	+1,243,002	+651,794
Appropriations	(25,993,620)	(28,786,379)	(29,458,173)	(+3,464,553)	(+671,794)
Emergency appropriations	(2,224,000)	---	---	(-2,224,000)	---
Rescissions	(-132,449)	---	(-20,000)	(+112,449)	(-20,000)
By transfer	(110,000)	---	---	(-110,000)	---
(Fee Accounts)	(1,701,026)	(1,787,145)	(1,787,145)	(+86,119)	---
TITLE III - PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY					
National Protection and Programs Directorate					
Management and administration:					
Administrative activities	37,934	43,100	40,600	+2,666	-2,500
Risk management and analysis	9,412	9,500	9,500	+88	---
Intergovernmental programs	---	2,000	---	---	-2,000

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, Management and administration	47,346	54,600	50,100	+2,754	-4,500
Infrastructure Protection and Information Security:					
Infrastructure protection:					
Identification and analysis	69,522	70,603	70,603	+1,081	---
Coordination and information sharing	68,821	52,367	68,232	-589	+15,865
Mitigation programs	134,253	149,830	173,671	+39,418	+23,841
Subtotal, Infrastructure protection	272,596	272,800	312,506	+39,910	+39,706
Cyber security	210,413	---	---	-210,413	---
US Computer Emergency Response Team (US-CERT)	---	242,424	242,424	+242,424	---
Strategic initiatives	---	41,638	49,138	+49,138	+7,500
Outreach and programs	---	9,438	7,188	+7,188	-2,250
Subtotal, Cyber security	210,413	293,500	298,750	+88,337	+5,250
Office of Emergency Communications	35,700	38,300	38,300	+2,600	---
National Security/Emergency Preparedness Telecommunications:					
Priority telecommunications services	82,821	58,740	58,740	-24,081	---
Next generation networks	21,100	56,000	48,000	+26,900	-8,000
Programs to study and enhance telecommunications	16,000	15,100	15,100	-900	---
Critical infrastructure protection	16,100	11,260	11,260	-4,840	---
National command and coodination capability	---	61,000	14,100	+14,100	-46,900
eLORAN	---	34,500	---	---	-34,500

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, National Security/Emergency Preparedness Telecommunications	136,021	236,600	147,200	+11,179	-89,400
REAL ID Hub	---	---	50,000	+50,000	+50,000
Total, Infrastructure Protection and Information Security (Defense function)	654,730	841,200	846,756	+192,026	+5,556
U.S. Visitor and Immigrant Status Indicator Technology	200,000	390,300	390,300	+190,300	---
Emergency appropriations	275,000	---	---	-275,000	---
Total, US-VISIT	475,000	390,300	390,300	-84,700	---
Total, National Protection and Programs	1,177,076	1,286,100	1,287,156	+110,080	+1,056
Appropriations	(902,076)	(1,286,100)	(1,287,156)	(+385,080)	(+1,056)
Emergency appropriations	(275,000)	---	---	(-275,000)	---
Office of Health Affairs					
BioWatch	77,108	111,606	88,806	+11,698	-22,800
National biosurveillence integration system	8,000	8,000	8,000	---	---
Rapidly deployable chemical detection system	2,600	2,600	2,600	---	---
Planning and coordination	4,475	9,923	5,775	+1,300	-4,148
Salaries and expenses	24,317	29,210	29,223	+4,906	+13
Total, Office of Health Affairs	116,500	161,339	134,404	+17,904	-26,935

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Emergency Management Agency					
Management and administration:					
Operating activities	625,500	---	782,309	+156,809	+782,309
Operations activities	---	515,881	---	---	-515,881
Management activities	---	369,269	---	---	-369,269
(Defense function)	(88,930)	(294,000)	(294,000)	(+205,070)	---
Urban search and rescue response system	32,500	25,000	32,500	---	+7,500
Office of National Capitol Region Coordination	6,000	6,342	6,342	+342	---
U.S. Fire Administration	---	40,913	---	---	-40,913
(transfer from Disaster relief)	(60,000)	---	(90,600)	(+30,600)	(+90,600)
Subtotal, Management and administration (including transfers)	724,000	957,405	911,751	+187,751	-45,654
Appropriations	(664,000)	(957,405)	(821,151)	(+157,151)	(-136,254)
by transfer	(60,000)	---	(90,600)	(+30,600)	(+90,600)
(Non-defense appropriations)	(575,070)	(663,405)	(527,151)	(-47,919)	(-136,254)
(Defense appropriations)	(88,930)	(294,000)	(294,000)	(+205,070)	---
State and Local Programs:					
State Homeland Security Grant Program	890,000	200,000	890,000	---	+690,000
Operation Stonegarden	---	---	60,000	+60,000	+60,000
Emergency appropriations	60,000	---	---	-60,000	---
Subtotal, State Homeland Security Grant Program	950,000	200,000	950,000	---	+750,000
Urban area security initiative	820,000	825,000	850,000	+30,000	+25,000

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Regional catastrophic preparedness grants	35,000	---	---	-35,000	---
Metropolitan Medical Response System	41,000	---	50,000	+9,000	+50,000
Citizen Corps program	15,000	15,000	15,000	---	---
Public transportation security assistance and railroad security assistance	400,000	175,000	400,000	---	+225,000
Port security grants	400,000	210,000	400,000	---	+190,000
Over-the-road bus security assistance	11,500	12,000	12,000	+500	---
Trucking industry security grants	16,000	8,000	8,000	-8,000	---
Buffer Zone Protection Program grants	50,000	---	---	-50,000	---
National Security and Terrorism Prevention Grants	---	110,000	---	---	-110,000
Commercial equipment direct assistance program	25,000	---	---	-25,000	---
Interoperable emergency communications grant program	50,000	---	50,000	---	+50,000
Emergency Operations Centers	15,000	---	35,000	+20,000	+35,000
REAL ID Grants	---	---	50,000	+50,000	+50,000
Emergency appropriations	50,000	---	---	-50,000	---
National Programs:					
National Domestic Preparedness Consortium	88,000	32,000	92,000	+4,000	+60,000
Center for Domestic Preparedness	57,000	47,000	47,000	-10,000	---
Noble Training Center	5,500	---	---	-5,500	---
National exercise program	50,000	40,000	40,000	-10,000	---
Technical assistance	12,000	10,000	10,000	-2,000	---
Demonstration training grants	28,000	---	---	-28,000	---
Continuing training grants	31,000	---	31,000	---	+31,000
Evaluations and assessments	19,000	16,000	16,000	-3,000	---
Rural Domestic Preparedness Consortium	8,800	---	---	-8,800	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, National Programs	299,300	145,000	236,000	-63,300	+91,000
Emergency management performance grants	---	200,000	---	---	-200,000
Subtotal, State and Local Programs	3,177,800	1,900,000	3,056,000	-121,800	+1,156,000
Appropriations	(3,067,800)	(1,900,000)	(3,056,000)	(-11,800)	(+1,156,000)
Emergency appropriations	(110,000)	---	---	(-110,000)	---
Firefighter assistance grants:					
Fire grants	560,000	300,000	570,000	+10,000	+270,000
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants	190,000	---	230,000	+40,000	+230,000
Subtotal, Firefighter assistance grants	750,000	300,000	800,000	+50,000	+500,000
Emergency management performance grants	300,000	---	315,000	+15,000	+315,000
Subtotal, Grants and training	4,227,800	2,200,000	4,171,000	-56,800	+1,971,000
Appropriations	(4,117,800)	(2,200,000)	(4,171,000)	(+53,200)	(+1,971,000)
Emergency appropriations	(110,000)	---	---	(-110,000)	---
Radiological Emergency Preparedness Program	-505	-1,000	-1,000	-495	---
United States Fire Administration	43,300	---	44,979	+1,679	+44,979
Disaster relief	1,400,000	1,900,000	1,900,000	+500,000	---
(transfer to Management and Administration)	(-60,000)	---	(-90,600)	(-30,600)	(-90,600)
(transfer to Inspector General)	(-16,000)	---	(-15,000)	(+1,000)	(-15,000)
Supplemental Appropriations - P.L. 110-116					

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency appropriations (previously enacted).	(2,900,000)	---	---	(-2,900,000)	---
Subtotal, Disaster Relief.....	4,224,000	1,900,000	1,794,400	-2,429,600	-105,600
Disaster readiness and support.....	---	200,000	---	---	-200,000
Disaster assistance direct loan program account:					
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---
Direct loan subsidy.....	295	295	295	---	---
Administrative expenses.....	580	---	---	-580	---
Flood map modernization fund.....	220,000	150,000	220,000	---	+70,000
National flood insurance fund:					
Salaries and expenses.....	45,642	49,418	49,418	+3,776	---
Flood plain management and flood mapping.....	99,358	107,181	107,181	+7,823	---
Offsetting fee collections.....	-145,000	-156,599	-156,599	-11,599	---
Transfer to National flood mitigation fund.....	(-34,000)	---	---	(+34,000)	---
National flood mitigation fund (by transfer).....	(34,000)	---	---	(-34,000)	---
National predisaster mitigation fund.....	114,000	75,000	75,000	-39,000	---
Emergency food and shelter.....	153,000	100,000	200,000	+47,000	+100,000
Cerro Grande Fire Payments (rescission).....	---	-9,000	-9,000	-9,000	---
Total, Federal Emergency Management Agency (including transfers).....	9,706,470	5,572,700	7,407,425	-2,299,045	+1,834,725
Appropriations.....	(6,712,470)	(5,581,700)	(7,431,425)	(+718,955)	(+1,849,725)

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency appropriations	(110,000)	---	---	(-110,000)	---
Rescissions	---	(-9,000)	(-9,000)	(-9,000)	---
Enacted emergency appropriations	(2,900,000)	---	---	(-2,900,000)	---
by transfer	(94,000)	---	(90,600)	(-3,400)	(+90,600)
transfer out	(-110,000)	---	(-105,600)	(+4,400)	(-105,600)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
Total, title III, Protection, Preparedness, Response and Recovery Directorate	11,000,046	7,020,139	8,828,985	-2,171,061	+1,808,846
Appropriations	(7,731,046)	(7,029,139)	(8,852,985)	(+1,121,939)	(+1,823,846)
Emergency appropriations	(385,000)	---	---	(-385,000)	---
Rescissions	---	(-9,000)	(-9,000)	(-9,000)	---
Enacted emergency appropriations	(2,900,000)	---	---	(-2,900,000)	---
By transfer	(94,000)	---	(90,600)	(-3,400)	(+90,600)
Transfer out	(-110,000)	---	(-105,600)	(+4,400)	(-105,600)
(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:					
Employment eligibility verification (EEV) program	---	100,000	100,000	+100,000	---
Emergency appropriations	60,000	---	---	-60,000	---
FBI background checks (emergency appropriations)	20,000	---	---	-20,000	---
Benefit parole programs	523	540	540	+17	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Citizenship education grants	450	---	1,200	+750	+1,200
REAL ID Act implementation	---	50,000	---	---	-50,000
Unspecified budget request	---	4,000	---	---	-4,000
Subtotal, Regular and emergency appropriations	80,973	154,540	101,740	+20,767	-52,800
Appropriations	(973)	(154,540)	(101,740)	(+100,767)	(-52,800)
Emergency appropriations	(80,000)	---	---	(-80,000)	---
Adjudication services (fee account):					
Pay and benefits	(758,091)	(780,076)	(780,076)	(+21,985)	---
District operations	(546,413)	(535,156)	(535,156)	(-11,257)	---
Service center operations	(352,866)	(345,890)	(345,890)	(-6,976)	---
Asylum, refugee and international operations	(94,561)	(92,602)	(92,602)	(-1,959)	---
Records operations	(87,739)	(85,946)	(85,946)	(-1,793)	---
Business transformation	(139,000)	(139,000)	(139,000)	---	---
Subtotal, Adjudication services	(1,978,670)	(1,978,670)	(1,978,670)	---	---
Information and customer services (fee account):					
Pay and benefits	(89,977)	(92,587)	(92,587)	(+2,610)	---
Operating expenses:					
National Customer Service Center	(55,600)	(53,747)	(53,747)	(-1,853)	---
Information services	(22,222)	(21,465)	(21,465)	(-757)	---
Subtotal, Information and customer services	(167,799)	(167,799)	(167,799)	---	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Administration (fee account):					
Pay and benefits	(86,245)	(88,746)	(88,746)	(+2,501)	---
Operating expenses	(287,654)	(285,153)	(285,153)	(-2,501)	---
Subtotal, Administration	(373,899)	(373,899)	(373,899)	---	---
Systematic Alien Verification for Entitlements (SAVE) (fee accounts)	(18,504)	(18,818)	(18,818)	(+314)	---
Total, United States Citizenship and Immigration Services	(2,619,845)	(2,693,726)	(2,640,926)	(+21,081)	(-52,800)
Appropriations	(973)	(154,540)	(101,740)	(+100,767)	(-52,800)
Emergency appropriations	(80,000)	---	---	(-80,000)	---
Total Fees	(2,538,872)	(2,539,186)	(2,539,186)	(+314)	---
(Immigration Examination Fees)	(2,494,872)	(2,495,186)	(2,495,186)	(+314)	---
(Fraud prevention and detection fees)	(31,000)	(31,000)	(31,000)	---	---
(H1B Non-Immigrant Petitioner fees)	(13,000)	(13,000)	(13,000)	---	---
Federal Law Enforcement Training Center					
Salaries and expenses:					
Law enforcement training	219,786	230,670	241,240	+21,454	+10,570
Emergency appropriations	17,000	---	---	-17,000	---
Accreditation	1,290	---	1,290	---	+1,290
Subtotal, Salaries and expenses	238,076	230,670	242,530	+4,454	+11,860

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Appropriations	(221,076)	(230,670)	(242,530)	(+21,454)	(+11,860)
Emergency appropriations	(17,000)	---	---	(-17,000)	---
Acquisitions, construction, improvements, and related expenses:					
Direct appropriation	46,590	43,456	43,456	-3,134	---
Construction (emergency)	4,000	---	---	-4,000	---
Subtotal	50,590	43,456	43,456	-7,134	---
Appropriations	(46,590)	(43,456)	(43,456)	(-3,134)	---
Emergency appropriations	(4,000)	---	---	(-4,000)	---
Total, Federal Law Enforcement Training Center	288,666	274,126	285,986	-2,680	+11,860
Appropriations	(267,666)	(274,126)	(285,986)	(+18,320)	(+11,860)
Emergency appropriations	(21,000)	---	---	(-21,000)	---
Science and Technology					
Management and administration	138,600	132,100	132,100	-6,500	---
Research, development, acquisition, and operations:					
Border and maritime security	25,479	35,300	30,300	+4,821	-5,000
Chemical and biological	208,020	200,408	200,408	-7,612	---
Command, control, and interoperability	56,980	62,390	62,390	+5,410	---
Explosives	77,654	96,149	96,149	+18,495	---
Human factors	14,206	12,460	12,460	-1,746	---
Infrastructure and geophysical	64,500	37,816	48,816	-15,684	+11,000

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Innovation	33,000	45,000	38,660	+5,660	-6,340
Laboratory facilities	103,814	146,940	151,940	+48,126	+5,000
Test, evaluation and standards	28,520	24,674	28,674	+154	+4,000
Transition	25,265	31,830	33,830	+8,565	+2,000
University programs	49,297	43,770	51,270	+1,973	+7,500
Homeland Security Institute	5,000	---	---	-5,000	---
Subtotal, Research, development, acquisition, and operations	691,735	736,737	754,897	+63,162	+18,160
(Non-defense appropriations)	(516,735)	(736,737)	(754,897)	(+238,162)	(+18,160)
(Defense appropriations)	(175,000)	---	---	(-175,000)	---
Total, Science and Technology	830,335	868,837	886,997	+56,662	+18,160
Domestic Nuclear Detection Office					
Management and administration	31,500	38,900	35,475	+3,975	-3,425
Research, development, and operations:					
Systems engineering and architecture	22,400	25,147	25,147	+2,747	---
Systems development	118,100	108,100	108,100	-10,000	---
Transformational research and development	96,000	113,300	113,300	+17,300	---
Assessments	37,500	32,000	32,000	-5,500	---
Operations support	34,500	37,753	37,753	+3,253	---
National Technical Nuclear Forensics Center	15,000	17,900	16,900	+1,900	-1,000
Research, development, and operations	323,500	334,200	333,200	+9,700	-1,000

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Systems acquisition:					
Radiation Portal Monitor Program	90,000	157,700	142,700	+52,700	-15,000
Securing the Cities	30,000	20,000	20,000	-10,000	---
Human Portable Radiation Detection Systems Program	9,750	13,000	13,000	+3,250	---
Subtotal, Systems acquisition	129,750	190,700	175,700	+45,950	-15,000
Total, Domestic Nuclear Detection Office	484,750	563,800	544,375	+59,625	-19,425
Total, title IV, Research and Development, Training, and Services (including transfers)	1,684,724	1,861,303	1,819,098	+134,374	-42,205
Appropriations	(1,583,724)	(1,861,303)	(1,819,098)	(+235,374)	(-42,205)
Emergency appropriations	(101,000)	---	---	(-101,000)	---
(Fee Accounts)	(2,538,872)	(2,539,186)	(2,539,186)	(+314)	---
TITLE V - GENERAL PROVISIONS					
Rescission of unobligated balances	-59,287	---	---	+59,287	---
Rescission of recovered laspsed balances	-28,833	---	---	+28,833	---
Rescission, TSA undistributed carryover	-4,500	---	---	+4,500	---
Rescission, Counter Terrorism Fund	-8,480	---	---	+8,480	---
USM/OSEM management efficiencies	-5,000	---	---	+5,000	---
Sec. 573: Rescission of emergency appropriation	-20,000	---	---	+20,000	---
Sec. 573: Appropriation (emergency)	20,000	---	---	-20,000	---
Total, title V, General Provisions	-106,100	---	---	+106,100	---

SUMMARY OF THE COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2008
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VI - ADDITIONAL DISASTER ASSISTANCE FOR FISCAL YEAR 2008 FOR MIDWESTERN UNITED STATES AND OTHER PURPOSES					
Federal Emergency Management Agency					
Disaster assistance direct loan program account:					
Emergency appropriations	---	---	93,950	+93,950	+93,950
Limitation on direct loans	---	---	(100,000)	(+100,000)	(+100,000)
Total, title VI	---	---	93,950	+93,950	+93,950
Grand total	38,746,643	38,853,313	41,230,695	+2,484,052	+2,377,382
Appropriations	(36,283,892)	(38,862,313)	(41,165,745)	(+4,881,853)	(+2,303,432)
(Discretionary)	(35,099,172)	(37,625,568)	(39,929,000)	(+4,829,828)	(+2,303,432)
(Mandatory)	(1,184,720)	(1,236,745)	(1,236,745)	(+52,025)	---
Emergency appropriations	(2,710,000)	---	(93,950)	(-2,616,050)	(+93,950)
Rescissions	(-247,249)	(-9,000)	(-29,000)	(+218,249)	(-20,000)
Fee funded programs	(4,239,898)	(4,326,331)	(4,326,331)	(+86,433)	---
(Enacted emergency appropriations)	(2,900,000)	---	---	(-2,900,000)	---
(Limitation on direct loans)	(25,000)	(25,000)	(125,000)	(+100,000)	(+100,000)
(Transfer out)	(-110,000)	---	(-105,600)	(+4,400)	(-105,600)
(By transfer)	(220,000)	---	(105,600)	(-114,400)	(+105,600)

NOTE: FY 2009 Request does not include the budget amendment transmitted to Congress on June 9th.

ADDITIONAL VIEWS

On June 24, 2008, the full committee unanimously approved the fiscal year 2009 Homeland Security Appropriations bill. At that point, we were appreciative of the Majority's willingness to listen to our concerns and accommodate as much as possible. We were also pleased by what appeared to be continuance of the Committee's traditions of bi-partisanship and commitment to moving legislation through regular order. However, despite the Majority's assurance this bill would move through the regular appropriations process, including floor consideration under an open rule, we are now dismayed by what has become a near farcical process. Instead, the Majority has chosen to move this legislation without ever subjecting the bill to an open and fair debate on the floor of the People's House, let alone a true conference committee between the House and Senate. This so-called process is one of pure political convenience and it contradicts the civilized and deliberative procedures of the Appropriations Committee and the U.S. Congress.

Of particular distaste is the now-common use of parliamentary gimmicks to circumvent the committee process and avoid public meetings. By ducking the intent of House rules and procedures, the Majority has succeeded in crafting massive legislation behind closed doors with little input or oversight from Members of Congress, the media, or the public.

In addition, the Majority has broken with Committee tradition in order to limit floor consideration and debate on Appropriations bills. This has included delaying bill filing after Committee approval nearly three months ago (which limits public disclosure of bill text and Committee reports), and implementing limited or closed rules of floor debate and amendments on Appropriations bills—something that has historically been staunchly avoided and vehemently opposed by both Republican and Democrat Committee members.

The workings of the Appropriations Committee have become almost unrecognizable this year. Gone are the days when Republicans and Democrats worked together to serve the best interests of our country. By bypassing floor consideration, the Majority of Members of the House have been completely left out of the legislative process in crafting this legislation. It is long past time that our Committee return to regular order. We encourage colleagues on both sides of the aisle to join us in rejecting the mismanagement of the Appropriations Committee and what has become an irresponsible and unsustainable approach to governing.

Regarding the Homeland Security bill specifically, we remain dismayed by the Majority's party-line rejection during the full committee mark-up of a series of amendments related to securing the border, enhancing immigration and customs enforcement, and supporting key intelligence programs during the full committee mark-

up. We will continue to voice our concerns about these issues and attempt to work with the Majority in an effort to further improve the bill as it moves toward enactment, no matter how flawed the process.

BALANCING OVERSIGHT WITH RESULTS

While we are pleased by the bill's commitment to oversight—a theme this Subcommittee has held constant since its inception in 2003—we are concerned that the bill applies overly pervasive and burdensome restrictions on several critical programs which, in effect, delay vital operations, exposes our Nation to undue risk, and provides a means for the advancement of specific interests in lieu of the national interest in safety and security.

The most onerous of such restrictions is applied to CBP's border security, fencing, infrastructure, and technology (BSFIT) account, including: a withholding of all funds from obligation until the Department certifies consultation with affected States and local communities, including an explicit, lengthy requirement for the Department to consider the proposals of local communities as an alternative to Federally planned fencing and tactical infrastructure; a 15-day prohibition on the obligation of funds for fencing and tactical infrastructure when the Secretary invokes his waiver authority as per section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and a withholding of $400 million of the $775 million appropriated for the BSFIT account until an extensively detailed expenditure plan is submitted and approved. These limitations have a combined affect of a virtual "stop-work order" on border security infrastructure—an assertion that is substantiated by the manner in which the Majority has applied similar, but less stringent, funding restrictions in fiscal year 2008. The protracted delay in releasing the fiscal year 2008 funding places what is a fundamental mission of DHS and a Congressional mandate to secure the border at unnecessary risk. We believe that further delaying construction of needed border security infrastructure is a detriment to not only our homeland security and national security, but also our national sovereignty.

We maintain that expenditure plan requirements and the withholding of funds are essential oversight tools squarely within the jurisdiction of the Committee on Appropriations; however, we vehemently oppose the use of such tools and additional restrictions for impeding Congressional mandates, delaying the use of essential security resources, and advancing specific interests. Such misuse of oversight has been demonstrated by the Majority's lethargic release of $650 million withheld in fiscal year 2008 from the BSFIT account. This dangerously slow pace—which culminated in the full release of funds some six months after enactment—was justified by a continually evolving set of requirements not based upon the letter of the law, but rather built upon the interests of a few vocal critics of border security infrastructure. It was for this reason that we offered an amendment to the fiscal year 2009 bill designed to instill robust oversight and accountability from DHS, while at the same time, allowing for what is perhaps the most critical outcome of this bill: improved security. Unfortunately, our amendment to strike the fiscal year 2009 bill's onerous border security restrictions and in-

sert the expenditure plan and oversight requirements contained in the fiscal year 2007 Homeland Security Appropriations Act was defeated on a party-line vote. While the Majority claims the fiscal year 2009 requirements are "simply a follow-up" or "prudent expansion" of the fiscal year 2007 bipartisan expenditure plan requirements, we strongly believe that the current restrictions constitute a total expansion of so-called fiscal oversight into the arena of policymaking. We do not see this as the Committee's role and will continue to voice our reservations on the abuse of such expenditure plan requirements.

The fiscal year 2009 bill also includes restrictions on all funding for the operations of critical information technology systems that support intelligence operations in CBP and the Coast Guard until privacy reviews of each program are certified and such certifications are reviewed by the DHS Inspector General. CBP's Analytical Framework for Intelligence and the Coast Guard's Maritime Awareness Global Network—systems designed to more efficiently and effectively provide information to the Intelligence Community—have already undergone privacy impact assessments (PIAs) and are essential tools for DHS operations. While we certainly support the Inspector General reviewing these PIAs as well as any additional review of the programs for compliance with all applicable privacy laws, we see no reason to restrict all funding for operations and inhibit more effective information sharing until such reviews are completed. Therefore, we offered an amendment to strike the withholding of all funds for operations for these two programs, while maintaining the bill's direction for each agency to certify compliance with all applicable laws, including those regarding privacy, and for such certifications to be reviewed by the Inspector General. Unfortunately, this amendment was defeated on a party-line vote.

IMMIGRATION AND CUSTOMS ENFORCEMENT

The bill completely restructures the fiscal year 2009 budget for Immigration and Customs Enforcement (ICE) in an effort to devote $800 million towards the identification and removal of illegal aliens convicted of a crime. We are supportive of this effort and agree that it is among ICE's top priorities. However, we maintain that such a priority should not be funded at the expense of other critical ICE missions, including national security export enforcement; prevention and investigation of human smuggling and trafficking; customs and trade enforcement; worksite enforcement; prevention and investigation of international crimes ranging from child exploitation to money laundering; and enforcement of existing immigration law. We believe ICE must be well-funded and supported to enforce its full range of legal authorities and are appreciative of the Majority's willingness to include bill and report language clarifying the fiscal year 2009 distribution of resources does not, in any way, impede the inherent immigration and customs authorities unique to ICE.

In an effort to fully support and enhance ICE's investigative and enforcement resources, we offered amendments to address the fiscal year 2009 bill's reductions below the budget request to three critical programs: the 287(g) State and Local training program;

worksite enforcement; and ICE's cyber crimes program. Amendments to restore the Majority's reductions to 287(g) and worksite enforcement were defeated on party-line votes; but the amendment to restore the Majority's reduction to ICE's cyber crimes program was adopted, after the offset was changed by the Majority from the Office of the Chief Information Officer to the Office of the Secretary. While we are pleased this amendment was adopted by the Committee, we remain confused as to why the Majority would rather take funding from an account that had already been reduced in the bill by over 14 percent and is comprised entirely of salaries and expenses in support of Departmental operations, versus an account which can absorb what amounted to a 2.3 percent offset. We maintain that the bill does not justifiably reduce the 287(g) and worksite enforcement programs and amendments to restore these reductions should not have been necessary. We will continue to voice our support for full funding for these vital programs as the bill moves through the legislative process.

OPERATIONAL NEEDS

We are very concerned about growing operational costs confronting DHS. This issue is most pronounced through the skyrocketing costs of energy for the Department's operational agencies. As of June 25, 2008, we are aware of a projected shortfall in energy costs for DHS of over $187 million for fiscal year 2009. Therefore, we offered an amendment to partially address operational shortfalls in CBP and the Coast Guard. The Majority offered a substitute to our amendment by way of a new general provision that would allow DHS to apply cost savings through deobligations towards such shortfalls. While we are appreciative of the Majority correcting the bill's deficiency in addressing energy cost shortfalls, we are concerned that the new general provision will not generate sufficient savings to fully cover what are constantly rising energy costs. We will continue to work with the Majority in an effort to ensure the operational needs of our front line personal are fully supported in the bill.

TRANSPORTATION SECURITY

The reported bill maintains the absence of a cap on the number of TSA screeners that was originally placed on TSA at its inception. That cap, which was removed in the fiscal year 2008 consolidated Appropriations Act, was created for very good reasons—reasons that still exist today. The cap was installed because TSA was demonstrating a severe lack of discipline in its planning, hiring, and use of technology. Originally, TSA said it needed 35,000 screeners. Several months later they said 45,000. The line was drawn when they again came back and asked for funds for 70,000 screeners. By requiring in law that TSA could not exceed 45,000 screeners, TSA was forced to refocus its decision making. More screeners and expensive, manpower-intensive trace detection machines were not the answer. Rather, more efficient and effective technology, such as advanced x-ray machines and explosive detection systems, has proven itself over time. The screener cap has worked, and TSA is slowly getting the trace detection machines out of airport lobbies. How-

ever, absent law that expressly prohibits exceeding 45,000 screeners, we are convinced that TSA will revert to its old ways of solving screener problems, simply by adding more people—a very short-sighted and costly solution. We will continue to voice our support for restoration of the screener cap.

COAST GUARD

The bill includes a thoughtful combination of funding and oversight for the Coast Guard. We fully support the bill's operational enhancements to maritime security and marine safety, as well as to the growing maintenance needs of the Coast Guard's aging cutters. We are also supportive of the bill's reasonable funding for Deepwater; though are mindful of the bill's notation on the uncertainty surrounding the costs of the fourth National Security Cutter. We support the Majority's oversight of the Coast Guard's costing estimates and will continue to monitor the agency's improvement of this crucial capability. While the bill continues its aggressive and stringent oversight of Coast Guard acquisitions, we are confident the Coast Guard is leveraging these statutory requirements to put into place the right controls and organizational improvements to properly manage its large procurements. We firmly believe that too much of our national security is at stake for the Coast Guard to prolong the operation of antiquated systems—some dating back to World War II—and remain fully supportive of its modernization.

EMERGENCY PREPAREDNESS AND RESPONSE

This bill is $2.3 billion above the President's request, with the vast majority of that increase used to maintain first responder grants at what has been their highest level in 5 years. We are concerned about the annual expectations we are setting for State and local grants. These funds are intended to address counterterrorism needs and disaster preparedness—the homeland security portion of local first responders' duties. These cash-strapped agencies are certainly pleased to receive these grant funds and now even expect it. What began as a straightforward grant program has devolved into a revenue sharing program—something it never was intended to be. Rather than just adding billions to these grant programs—as this bill does—what we ought to be doing is working with the relevant authorizing committees to change the way these grant programs are structured, authorized, and administered, and layout specific, Federal expectations. Grants to States and local communities are intended to reduce our vulnerabilities and are not immune from fiscal discipline, especially in an arena as critical as homeland security.

Therefore, we offered an amendment in bill language to strengthen FEMA's ability to effectively measure the impact of first responder grants through an additional $5 million, as delineated in the Committee report, and a requirement for improved planning. Currently, FEMA cannot explain how much more capable or more prepared our Nation is thanks to over $23.7 billion in grant funding that has been appropriated since fiscal year 2002. Because the program has carried a persistent unexpended balance of $4 to $7 billion over the last few years, FEMA must be held accountable for

measuring the results of this funding towards improved homeland security. We are appreciative of the Majority's acceptance of our amendment and will continue to monitor FEMA' s progress in measuring the impact of first responder grants.

POLICY AND AUTHORIZATIONS

The bill includes a requirement for all grants and contracts to comply with prevailing wage requirements as per subchapter IV of chapter 31 of Title 40, U.S. Code—commonly referred to as Davis-Bacon requirements. These requirements are made permanent and apply to this and any other Act. We contend that inclusion of such a broad special interest provision, having not withstood a review of the policy's impact or its relevancy towards achieving homeland security goals, lacks sufficient justification for inclusion in this bill. We also note our disappointment that an amendment re-authorizing the E-Verify system was rejected by a party-line vote on the grounds that the bill should not include authorizing language. We remain confused at the apparent hypocrisy of including permanent Davis-Bacon requirements, as well as other authorizing language, but rejecting a re-authorization of an expiring program that is directly germane to the underlying bill and of vital importance to immigration enforcement and our homeland security. Such a double standard suggests the aim of the bill is tilting more towards specific interests rather than furthering our homeland security.

FISCAL RESPONSIBILITY

While we support the underlying functions supported by this bill, we maintain that the issue of homeland security cannot be simply solved by more money and more government. For the second year in a row, the 302(b) discretionary allocation for the Department of Homeland Security exceeds the amount proposed by the President by over $2 billion and more than twice the rate of inflation. The fiscal year 2009 302(b) allocation of $39.9 billion in discretionary funding is over 14.5% above last year's discretionary level and over 6.0% above the request (excluding emergency funding and Bio-Shield advance appropriations). We firmly believe that no Federal agency is immune from fiscal discipline, even the Department of Homeland Security.

In conclusion, we believe this bill has the potential to do a lot of good. There are many provisions and funding recommendations that we agree with, and applaud the bill's efforts in keeping the Department on track to produce results, as well as continuing the Committee's tradition of strict accountability.

JERRY LEWIS.
HAROLD ROGERS.

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