

DEPARTMENT OF HOMELAND SECURITY  
 APPROPRIATIONS BILL, 2010

JUNE 16, 2009.—Committed to the Committee of the Whole House on the State of  
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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. 2892]

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 Sep-  
 tember 30, 2010.

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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 American Recovery and Reinvestment Act of 2009, P.L. 111–5 is referenced as ARRA; the Department of Homeland Security is referenced as DHS; the Government Accountability Office is referenced as GAO; and the Office of Inspector General of the Department of Homeland Security is referenced as the IG.

The accompanying bill contains recommendations for new budget (obligational) authority for fiscal year 2010 for the Department of Homeland Security. The following table summarizes these recommendations and reflects comparisons with the budget, as amended, and with amounts appropriated to date for fiscal year 2009:

[In thousands of dollars]

Bureau/Agency	New budget (obligational) authority fiscal year 2009 enacted to date <sup>1</sup>	Budget estimates of new (obligational) authority, fiscal year 2010	Recommended by the House	House compared with	
				New budget authority fiscal year 2009	Budget estimate, fiscal year 2010
Departmental Management and Operations .....	1,070,439	1,389,892	1,238,670	168,231	– 151,222
Security, Enforcement and Investigations .....	28,714,570	30,760,707	30,758,323	2,043,753	– 2,384
Protection, Preparedness, Response and Recovery .....	8,294,360	8,691,755	8,777,241	482,881	85,486
Research, Development, Training, and Services .....	1,881,504	1,987,339	1,864,504	– 17,000	– 122,835
General Purpose Appropriations .....	100,000			– 100,000	
Rescission of Unobligated Balances .....	– 72,373		– 13,738	58,635	– 13,738
Grand total .....	39,988,500	42,829,693	42,625,000	2,636,500	– 204,693

<sup>1</sup> Does not include emergency funding provided in the Fiscal Year 2009 Omnibus Appropriations Act (P.L. 111–8) or the American Recovery and Reinvestment Act (P.L. 111–5).

#### SUMMARY OF MAJOR RECOMMENDATIONS IN THE BILL

The Committee recommends \$42,625,000,000 in discretionary resources for the Department of Homeland Security, \$204,693,000 below the amount requested and \$2,636,500,000 above fiscal year 2009 enacted levels (excluding emergency funding).

In order to invest in the critical priorities identified in this bill, and in an effort to build an economy on a solid foundation for growth and put the Nation on a path toward prosperity, the Committee includes \$406,788,000 in program terminations. In addition, the Committee recommends a number of reductions and other savings from the budget request totaling \$855,489,000. These adjustments, no matter their size, in conjunction with the other directions to the Administration included in this bill are important in

setting the right priorities within the spending allocation, for getting the deficit under control, and creating a government that is as efficient as it is effective.

#### PRIORITIES IN THE BILL

In this, the seventh annual appropriations bill produced by the House Appropriations Subcommittee on Homeland Security, the Committee 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 protective measures against 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.

The bill reflects a period of information-gathering and analysis that involved probing areas of Departmental policy and procedure, the extent of which is only afforded during times of transition in the government. Because the Administration's fiscal year 2010 budget request was not presented to Congress until May 7, 2009, the 15 hearings that the Subcommittee conducted were not dominated by the budget request. Rather, the Committee tackled some of the broader questions and cross-cutting issues that touch every component of the Department of Homeland Security—from preparing for a National Special Security Event to recovering from natural disasters; from acquiring technology to improve DHS operations to expeditiously obligating funds for critical grant programs; and from immigration enforcement to meeting the basic medical needs of those in the custody of U.S. Immigration and Customs Enforcement. On occasion, hearing panels paired departmental officials with experts from the Government Accountability Office, public organizations, and State governments to ensure that the Committee received a full range of information and analysis about departmental activities. After these topical hearings were completed, the Secretary presented the fiscal year 2010 budget request for DHS. By developing this broader perspective, culminating with the Secretary's testimony, the Committee was better equipped to set budget priorities that prepare the Department to face the diversity of challenges to our homeland.

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 made significant progress in each of these areas, and more work needs to be done.

The Committee is pleased to note that, in general, the budget request for 2010 did not continue the disingenuous practice of leaving funding voids where the Administration knows Congress has strong interests, such as with State and local grants. In doing so, the Department made some hard decisions about investments that cannot move forward at this time because of technical problems, such as advanced spectroscopic portal monitors. Or it took a more pragmatic approach to solving complex problems, for example by requesting no additional funding for implementation of a biometric exit program under US-VISIT, at least until technical, regulatory

and diplomatic issues can be resolved. This reality check makes it easier for the Committee to allocate resources to areas that have real needs, albeit in ways that may differ slightly from the Administration.

The Committee understands the demanding nature of the Department's mission, as well as resource and technology limitations that make it difficult to consistently satisfy the wide range of expectations from Congress, State and local governments, industries, citizens, other federal Departments and foreign governments. However, the Committee expects the departmental leadership to be frank and clear about the limitations it faces as well as the unmet needs it has inherited, so that we can work together to address these challenges. Described below is how the Committee addressed some of these matters for fiscal year 2010.

#### ENSURING TAXPAYER DOLLARS ARE WELL SPENT

Since its establishment, DHS has at times had difficulty spending appropriated funds in an effective and timely manner. While some departmental components have improved their financial and management oversight, others continue to have problems. Some DHS components continue to maintain high unobligated balances, or are slow to spend funds Congress designated for specific tasks. Transit grants, public safety interoperable communications grants, Coast Guard financial problems, and research funding are some of the key areas this Committee has singled out for review this year.

In the area of transit and rail security, "funds available for draw-down" has been the refrain heard throughout this hearing season. Based on the latest estimates from the Federal Emergency Management Agency (FEMA), about 90 percent of funds appropriated in fiscal year 2006 for rail and transit security grants are not drawn down. In trying to uncover reasons why critical homeland security funds were sitting in the U.S. Treasury waiting to be spent, this Committee was repeatedly presented with hazy responses, necessitating repeat appearances by FEMA and the Transportation Security Administration (TSA) to clarify the situation. Since those hearings, TSA and FEMA have changed their 2009 decision-making process so the project approval process takes place before grant awards, instead of up to 270 days afterwards. TSA and FEMA are also meeting with transit agencies to spur faster draw-down of previously appropriated funds. They are to report back to the Committee by August 2009 on their findings.

Public safety interoperable communications grants have similar draw-down problems, with about 93 percent remaining unexpended from 2007. While much of this delay was caused by the need for States to complete their interoperability plans, the Committee remains concerned about the slow rate of expenditure, particularly because Congress repeatedly hears from many first responders and emergency managers about the outstanding needs for interoperable communications equipment.

Questions about the effectiveness of investments by the Coast Guard have dogged the Department almost since its establishment. Cost growth has plagued the National Security Cutter, and false starts on developing the replacement for the 110-foot patrol boat, the new offshore patrol cutter, and an unmanned aerial system intended for use at sea have cost the taxpayers tens of millions of

dollars. The Coast Guard holds 95 percent of the un-auditable balances on the Department's books and the material weaknesses in its internal financial controls are the single largest obstacle standing in the way of the Department being able to get a clean audit. There have been signs of progress, however, with the Coast Guard submitting a comprehensive plan for putting their financial house in order—the Financial Strategy for Transformation and Audit Readiness. Additionally, this year's budget request includes several initiatives to improve internal oversight, including \$20,000,000 to modernize the Coast Guard's financial management structure. The Committee has fully funded these activities.

On a positive note, Science and Technology (S&T) has made progress in reducing its unobligated balances by tracking research expenditures more closely to make sure they align with the Department's priorities, and by recovering or realigning funds that have lain dormant due to expired programs. The increased vigilance with which S&T is managing its projects is encouraging and should continue.

#### FOCUSING ON OUR BORDERS

The Department's work to prevent illicit goods and unauthorized individuals from crossing our borders is more important than ever. Yet the challenge of border security remains daunting. DHS's resources must be targeted toward the most pressing threats to American communities, and our border challenges must be addressed in a comprehensive fashion that takes into account the various forces that feed the movement of people and goods.

*Southwest Border Initiative.*—The Committee fully supports efforts to address the security needs of the Southwest Border. This includes improving the capability of U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) to reduce the import of illegal narcotics to the United States as well as the smuggling of weapons and currency that feed violent Mexican drug cartels. These investments will help close a critical vulnerability in operations at ports of entry and in all the border areas in between. Initiated in fiscal year 2009 through the re-programming of existing funds, the Southwest Border Initiative is an effort involving DHS, the Department of State, and the Justice Department, which attacks the organizations and resources of the Mexican drug cartels. The initiative also supports the Mexican government's efforts to go after the cartels where they are based, and it provides additional resources to the communities along the border whose authorities are playing a role in the crack-down.

The bill includes \$26,100,000, as requested, for an additional 65 CBP Officers and mission support staff, as well as security infrastructure such as license plate readers to cover the outbound lanes at ports of entry where no such enforcement capacity now exists. It also provides for 44 new Border Patrol agents and mission support staff to enhance outbound and other security operations on the Southwest Border. The bill funds the full costs of the planned target staffing level of 20,019 Border Patrol agents, of whom over 17,000 will be based on the Southwest Border—an increase of 6,000, or more than 50 percent, since 2006.

The Committee also provides \$97,809,000 for ICE programs that support the Southwest Border Initiative, \$27,809,000 more than re-

quested. These funds will support expansion of critical ICE efforts to target the cartels, such as the Border Enforcement Security Task Force (BEST) initiative; Southwest Border intelligence analysis; criminal gang, drug, weapons smuggling and human trafficking investigations; and Mexico-based investigatory agents who will coordinate U.S. efforts with Mexican law enforcement agencies.

The bill also includes \$732,000,000 for the Border Security Fencing, Infrastructure, and Technology (BSFIT) appropriation, of which \$692,000,000 is for Southwest Border investments. This will bring total BSFIT funding for the Southwest Border to \$4.3 billion since the program began in 2006. The Committee expects this funding to be used for the testing, validation, and deployment of technological solutions for border security, including additional tactical communications capability for the Border Patrol. This sizable appropriation should help maintain and operate the substantial infrastructure investment already placed on the Southwest Border. The bill also provides the resources for the Department to employ the most effective means of environmental planning and mitigation in the execution of the Secure Border Initiative along the Southwest Border.

*Northern Border.*—The Committee strongly supports efforts to secure the 4,000 miles of the sparsely populated, often remote Northern Border between Canada and the 48 continental States, which presents unique challenges. The Committee includes full funding for Border Patrol staffing and recruitment efforts to bring the number of agents stationed along the border to 2,212 by 2010. This will amount to more than six times the 350 agents stationed on that border in 2001 and an increase of more than 140 percent above the number stationed there in 2006.

Technological solutions are essential in this vast area, and the Committee includes an additional \$40,000,000 in BSFIT funding as requested to continue investments in mobile and remote video surveillance systems. The Committee also supports the effort to integrate all CBP technology investment along the border, to include legacy systems of monitors, sensors, and communications. As CBP Air and Marine is a key part of the effort to maintain operational control of the Northern Border, the Committee includes the funding requested to add 144 new pilots, interdiction agents, and mission support staff to enable full staffing for the new air branches established along the Northern Border.

In addition, the Committee observes that ARRA included \$420,000,000 in new funding to rebuild and upgrade CBP-owned ports of entry. Most of those are on the Northern Border, and the Committee will be carefully monitoring those projects to ensure they are on time and within budget. Related to this, the Committee provides \$140,000,000 for the Western Hemisphere Travel Initiative, including \$16,000,000 for new initiatives such as communications and outreach for the 2010 Vancouver Olympics, auditing enhanced drivers licenses, and improving the technical infrastructure at ports of entry to expedite secure processing for passengers and pedestrians.

#### SETTING IMMIGRATION PRIORITIES

*Immigration Enforcement.*—In fiscal year 2008, DHS's immigration agencies set several new records: deporting the most people in

any year in U.S. history (369,409); holding more people in immigration detention per day than ever before (30,429); and initiating 1,191 worksite enforcement investigations that resulted in 6,287 arrests, the largest numbers since the formation of DHS. These figures reflect the billions of dollars the Committee has invested in immigration enforcement activities since 2003. But rather than simply rounding up as many illegal immigrants as possible, which is sometimes achieved by targeting the easiest and least threatening among the undocumented population, DHS must ensure that the government's huge investments in immigration enforcement are producing the maximum return in actually making our country safer. A closer examination of the data may give some pause:

- Since 2002, ICE has increased the deportation of non-criminals by 400 percent, while criminal deportations have only gone up 60 percent.
- Of the nearly 370,000 deported by ICE in fiscal year 2008, less than a third, or 114,358, were ever convicted of a criminal offense. This, despite the fact that up to 450,000 criminals eligible for deportation are in penal custody in any given year, according to ICE estimates.
- Less than one-quarter of those interdicted by ICE's Fugitive Operations Teams last year were actually convicted of criminal offenses.
- Over three-quarters of those arrested in ICE worksite enforcement raids last year were not charged with any crime.

Since 2007, the Committee has emphasized how ICE should have no higher immigration enforcement priority than deporting those who have proved their intent to do harm and have been convicted of serious crimes. In fiscal year 2008, ICE received \$200 million to identify incarcerated criminal aliens and remove them once judged deportable. In fiscal year 2009, ICE was directed to use \$1 billion of its resources to identify and remove aliens convicted of crimes, whether in custody or at large, and the Congress mandated this be ICE's number one mission. In this bill, the Committee directs ICE to use \$1.5 billion of its budget to expand efforts to locate and remove those criminal aliens who have proved they are a threat to our communities.

Over the past 18 months, ICE has developed a promising collaborative approach, working with State and local law enforcement agencies to streamline the identification of individuals who have been convicted of serious crimes and who may be in the country illegally. Known as "Secure Communities," this program allows local law enforcement agencies to check the fingerprints of individuals booked on criminal charges against both national criminal and immigration databases. It is planned for nation-wide deployment by 2011. When individuals are identified as illegally present in the United States, ICE can take appropriate steps to ensure the most dangerous of these criminals are deported upon completion of their jail sentences, while those convicted of lesser crimes are identified and deported as resources allow. This approach respects the traditional separation of local law enforcement responsibilities from the Federal role of enforcing immigration law, and requires no specialized training in Federal immigration law for local officials. The Committee is optimistic that Secure Communities will eventually prove more effective than many of the agreements ICE has estab-



lished to delegate immigration enforcement authority to local patrol officers. The Committee also encourages ICE to ensure it is consistently measuring the results of Secure Communities deployments and other State and local partnerships so that these different approaches can be adequately evaluated in the future.

*Effective and Humane Immigration Detention.*—The ICE detention program has expanded dramatically since the creation of the Department of Homeland Security, from an average daily capacity of 19,922 in 2002 to 33,400 in 2009, an increase of more than 67 percent. Based on recent and repeated reports about detainee deaths that appear to have been preventable, the Committee is concerned that ICE has not made adequate improvements in programs that manage and oversee ICE detention activities, particularly those that ICE procures through contracts. Certainly not every death is preventable or avoidable. However, the incidence of deaths among ICE detainees, as well as the conditions under which some of these deaths occurred, raises serious questions about the health care provided by ICE for those it detains and whether the individuals who died were given appropriate and timely medical attention. When ICE holds individuals in federal custody, it has a responsibility to treat those people fairly and humanely, and to provide access to necessary medical care when requested. Unfortunately, ICE and the local and contract prisons it uses to detain illegal immigrants do not always seem able or willing to fulfill that responsibility.

Last year, Congress provided \$2,000,000 for ICE and the DHS Office of Health Affairs to hire outside experts to review the ICE medical system and offer recommendations on how it could be improved. The Committee is disappointed that it took ICE more than six months to award the contract for this study, and as a result, that evaluation has not yet been completed. This year, the Committee provides \$8,800,000 to expand ICE detention oversight in its field offices and \$20,400,000 to initiate acquisition of an electronic health records system for ICE detainees. In addition, the Committee denies a request from ICE to authorize the sale of Federally-owned detention centers to pay for consolidation of ICE field offices, which would result in all ICE detention being provided as a contracted service. The Committee believes this proposal is unwise given the serious questions about ICE's ability to oversee the health care provided to its detainees at some contract facilities. Until ICE is able to prove that it can adequately oversee compliance with detention standards, including the delivery of timely and appropriate medical care by all of its detention contractors, the Committee will not support the liquidation of Federal detention facilities.

*Ensuring a Legal Workforce.*—United States Citizenship and Immigration Services (USCIS) has created and maintains an internet-based system through which employers can verify the work eligibility of their new hires. As of May 2009, USCIS had enrolled over 125,000 companies in this system, which is commonly known as E-Verify. The Committee continues to recognize the need for a voluntary computer-based employment verification system, and therefore provides \$112,000,000 for the on-going operation, maintenance and enhancement of the E-Verify system. In addition, the Com-

mittee includes a 2-year extension of the E-Verify authorization, as requested in the budget.

#### STRENGTHENING TRANSPORTATION AND MARITIME SECURITY EFFORTS

*Transportation 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, cargo, and carried by individuals. Yet, the screening systems still employed at many airports are inefficient and not well-suited to meet 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. This year, the President recognized the importance of addressing these needs and requested a record amount of funding. The Committee has provided \$1.05 billion, including \$250,000,000 in mandatory funding, to procure and install explosive detection systems in-line at our nation's airports. This funding, coupled with the \$700,000,000 provided in ARRA, will more than fully fund the \$1.5 billion in high priority needs TSA identified earlier this year. According to TSA, more than two dozen airports had completed the necessary design work to move forward with the installation of these more efficient systems. With funding provided in this bill, TSA expects to acquire and install 41 in-line systems so that additional airports have optimal systems installed at some or at all terminals, as well as retain 100 percent electronic checked baggage screening compliance at airports that otherwise may not be maintained due to anticipated growth or recapitalization needs.

In the area of air cargo, TSA has met the 9/11 Act mandate requiring 50 percent of air cargo carried on passenger aircraft be screened for explosives. However, the more challenging mandate of screening 100 percent of that cargo looms ahead, with a deadline of August 2010. TSA has informed Congress that, by that date, it will be able to screen all air cargo that originates domestically before it is carried on passenger aircraft but it may not be able to meet the deadline with international air cargo. Screening international air cargo poses unique challenges since TSA would need to place personnel overseas to screen U.S.-bound cargo and/or strengthen relations with foreign airports and companies to screen cargo before it is placed on an aircraft heading to the United States. This Committee believes that assuring 100 percent of air cargo carried on passenger aircraft is screened is an important mandate, one that TSA can meet within the timeframe Congress has set. Therefore, the Committee has provided \$122,849,000 in fiscal year 2010 for these efforts. This recommendation includes funding for TSA to address the international challenge, as well as for increased oversight activities to make sure that the certified shippers, freight forwarders, companies and other entities screening air cargo domestically adhere to our stringent security requirements.

Transit systems are vulnerable to terrorist attack, as demonstrated in London, Madrid, and other locations around the world. Since 9/11, \$1.67 billion has been provided to protect those 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 \$250,000,000 provided in this bill for transit and rail security, cou-

pled with the \$150,000,000 provided in ARRA that has not yet been awarded, puts us one step closer to meeting these identified security needs.

In addition to grant dollars provided directly to transit systems, both TSA and S&T have stepped up their efforts in this area. TSA requested additional surface transportation inspectors to participate on Visible Intermodal Protection and Response teams, which conduct unannounced, high-visibility exercises in mass transit or passenger rail facilities. The Committee has provided \$25,000,000 for these activities. In addition, the Committee has fully funded 9/11 Act activities for surface transportation, including funding to continue vulnerability and threat assessments of high risk entities, to conduct additional security exercises and training programs, and for critical information sharing activities. S&T has begun a new research program that focuses on the risk of explosives in rail and transit facilities. Prior research has focused on finding effective methods to counteract, defeat, and mitigate the threat of improvised explosive devices (IEDs), with a heavy emphasis on deterring the threat to commercial aviation. Within an overall increase of \$24,660,000 in fiscal year 2010 for explosives research is \$5,000,000, as requested by the Administration, to expand those efforts to address the specific threat of IEDs to mass transit. As recent attacks worldwide have shown, the threat to mass transit from IEDs must be addressed, and the investments in this bill provide a step forward in that direction.

*Maritime Security.*—Our nation's ports are critical to ensuring that individuals and businesses have access to the many products on which they rely. Port security is in the hands of CBP, Coast Guard, port authorities and local police agencies. In 2002 Coast Guard estimated that \$7 billion was needed to implement the sea port security improvements mandated in the Maritime Transportation Security Act. To date, Congress has appropriated \$2.18 billion for grants to help ports meet these requirements. The Committee has provided an additional \$250,000,000 for port security grants in this bill.

In addition to these grants, over the last two years, the Committee has provided \$93,800,000 in additional resources for Coast Guard efforts to increase maritime safety and security, over and above the Administration's requests. These investments brought on more watchstanders and boat and marine inspectors, and increased capacity for security-related activities and investigations. As a result, the Coast Guard has a more robust capability to ensure the safety and security of U.S. ports through domestic and international activities. For example, the Coast Guard helps reduce risk to the U.S. by verifying the use of effective anti-terrorism measures in foreign ports. Out of 500 ports screened in 135 countries, seven were found to have serious flaws, requiring vessels from those ports to take additional security steps as a condition of entry into U.S. ports. The Committee fully funded the Administration's request for \$7,500,000 in new investments to improve marine safety by filling the gap between the size of its workforce and the growth of the shipping industry. The Coast Guard is already in the process of using resources provided in previous years to add more qualified marine inspectors and other personnel to their ranks under the Marine Safety Enhancement Plan the Commandant submitted to

Congress in 2007. This year's funding will deploy 25 apprentice marine inspectors to 11 ports, establish Senior Marine Inspector Training Officers in seven critical "feeder ports," and expand the Coast Guard's capacity to train inspectors and investigators. This bill also makes permanent the highly successful biometrics at sea pilot program. This tool has helped ensure that known felons, those already deported, or those on terrorist watchlists who are attempting to enter our country illegally are tried and punished, rather than simply being sent back to try again.

*Maritime Cargo Security.*—The Committee remains strongly supportive of efforts to secure the nation's economic lifelines by detecting dangerous cargo and preventing it from reaching U.S. soil. The bill includes \$804,000,000 in funding for work at CBP and the Domestic Nuclear Detection Office (DNDO) to develop and deploy systems to screen cargo for weapons or nuclear precursor materials. The Committee is aware that there are monumental obstacles to meeting the 2012 deadline set by the 9/11 Act for 100 percent scanning of U.S.-bound cargo and welcomes the Administration's candor in this regard. However, there should be no diminution of the effort to strengthen the overseas operation to monitor and target cargo, and to develop better technology to accomplish this mission. In addition, the Committee expects to see tangible results from CBP's new secure filing rule, also known as "10+2", which will bring about improved information for both enforcement and facilitation of cargo.

The bill provides \$162,000,000, a nine percent increase over fiscal year 2009, for the Container Security and Secure Freight Initiatives, which are designed to "push the borders out" by basing cargo inspection and monitoring activity at overseas ports. These initiatives target high risk cargo for appropriate action, either before it is loaded on vessels or before those vessels reach the U.S. The Committee also includes \$143,563,000, as requested, for inspection and detection technology, which will fund 12 replacement and 5 new large-scale nonintrusive inspection (NII) systems, as well as 600 smaller NII systems for ports of entry. The bill continues to support robust research and development for newer, more effective technologies to improve container security. The Committee also includes funding as requested to bolster staffing at the National Targeting Center, as well as to staff the Import Safety and Trade Enforcement Initiative, both which should contribute to improved supply chain security and better protection of the country from illegal and dangerous imports.

#### REDUCING CYBER SECURITY VULNERABILITIES

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. Furthermore, the expertise necessary to protect vulnerable computer infrastructure has not generally kept pace with the escalating sophistication and intensity of cyber attacks. In order to protect the government's computer networks from sabotage or attack, the Committee provides \$381,904,000 to carry out the DHS portion of the National Cyber Security Initiative. These funds will help improve

the security of federal computer networks and strengthen Federal assistance to States, localities, and the private sector, all of which face similar threats of disruptive and potentially costly cyber attacks. As the confusion surrounding the 2009 computer virus called “Conficker” showed, there is still a large gap in the understanding of the behavior and anatomy of malware. In order to better protect against future attacks, the bill provides the Administration’s request of \$19,500,000 to invest in next generation technologies to enhance DHS’s capability to deal with cyber attacks.

#### MEETING THE NEEDS OF STATE AND LOCAL PARTNERS

The Committee is pleased DHS’s budget finally recognizes State and local emergency planners and responders as equal partners in homeland security by requesting \$3,867,000,000 for grants that assist them with everything from planning to equipping first responders. The Committee strengthens that commitment to State and local partners by providing \$3,959,000,000 for comparable grant programs, including an increase of \$15,000,000 for Emergency Management Performance Grants, the one true all-hazards preparedness grant program. The Committee also requires FEMA to post changes to policies online in order to afford State and local partners the opportunity for input. FEMA’s National Advisory Council, which is comprised of various emergency management stakeholders, must also review all policy changes.

#### CORRECTING LONGSTANDING PROBLEMS

*Food and Shelter.*—The Committee recognizes some shortfalls in the Department of Homeland Security budget request, in part due to the poor economic condition we are currently experiencing. For example, an increasing number of Americans are relying on food and housing assistance to meet basic needs. Since the recession began in December 2007, the U.S. has lost a net total of 5.7 million jobs. As of April 2009, the nationwide unemployment rate stands at 8.9 percent, a quarter-century high. Recent estimates show foreclosure rates rising 30 percent from 2008 as food prices continue to rise. In April 2009, food prices rose nearly 1.5 percent. Yet, the budget proposed cutting the Emergency Food and Shelter Program funding to \$100,000,000, or half the fiscal year 2009 enacted level. The Committee has restored funding for this program.

*Housing.*—More than 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. Based on the latest estimates from FEMA, nearly 30,000 households are still receiving disaster housing assistance, of which nearly 3,000 are in trailers and about 27,000 are in rental units as part of the joint Department of Housing and Urban Development (HUD)/FEMA program called the Disaster Housing Assistance Program. In fiscal year 2009 the Committee required the Office of the Federal Coordinator for Gulf Coast Rebuilding to consult experts to draw up a framework for developing and sustaining affordable rental housing in affected Gulf Coast communities. The panel was tasked to provide recommendations for how HUD, the private sector, and the States could achieve a sufficient stock of affordable rental housing to meet the needs of all those displaced after the hurricanes who still lack permanent housing options. The Office’s

report focused on issues specific to the Gulf Coast, but several of its recommendations should be studied and incorporated by Federal, State and local governments to deal with future disasters, including improved case management services for families in interim housing and the need for new sources of funding for long-term, post-disaster housing. The Committee is committed to ensuring this type of post-disaster housing disaster never happens again. This bill directs FEMA and HUD to formalize an agreement to bring HUD’s expertise to bear for if another Hurricane Katrina-like disaster forces tens of thousands from their homes.

*Firefighter Assistance Grants.*—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 Assistance for Firefighters (AFG) grants by 70 percent compared to fiscal year 2009 even though, for fiscal year 2008 alone, FEMA received 21,022 applications for AFG funds, with requests totaling \$3,137,121,053. The Committee provides \$800,000,000 for firefighter assistance grants to help address these and other unmet needs of the nation’s Fire Service including \$380,000,000 for AFG grants.

In conclusion, the bill seeks to push the Department to practice better financial and program management; to set clear and well-reasoned priorities and goals in areas ranging from the security needs of our borders to immigration enforcement, from transportation and maritime security to cyber security vulnerabilities, from improved disaster management to helping our citizens who are most at risk; and to strengthen partnerships with international, federal, state, local and private sector entities. The new Administration faces many homeland security challenges, and this Committee will be its partner as we take on these challenges together.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

Appropriation, fiscal year 2009 .....	\$123,456,000
Budget request, fiscal year 2010 .....	160,760,000
Recommended in the bill .....	147,427,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+23,971,000
Budget request, fiscal year 2010 .....	- 13,333,000

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’s efforts to achieve 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 \$147,427,000 for the Office of the Secretary and Executive Management, \$13,333,000 below the

amount requested and \$23,971,000 above the amount provided in fiscal year 2009. 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 as follows:

	Budget estimate	Recommended
Immediate Office of the Secretary .....	\$5,061,000	\$3,783,000
Immediate Office of the Deputy Secretary .....	1,810,000	1,440,000
Chief of Staff .....	2,595,000	2,926,000
Office of Counternarcotics Enforcement .....	3,912,000	3,712,000
Executive Secretariat .....	8,344,000	7,578,000
Office of Policy .....	61,564,000	51,564,000
Office of Public Affairs .....	6,539,000	6,039,000
Office of Legislative Affairs .....	7,097,000	6,797,000
Office of Intergovernmental Programs .....	2,800,000	2,800,000
Office of General Counsel .....	24,028,000	24,028,000
Office of Civil Rights and Liberties .....	22,104,000	22,104,000
Citizenship and Immigration Services Ombudsman .....	6,935,000	6,685,000
Privacy Officer .....	7,971,000	7,971,000
Total .....	160,760,000	147,427,000

The Committee notes with dismay that the Department ignored explicit Congressional direction and reconfigured several programs, projects, and activities (PPAs) in its budget request. Without consulting with the Committee, the Department merged the Immediate Office of the Secretary, the Immediate Office of the Deputy Secretary, Chief of Staff and Executive Secretariat into a single new budget line entitled “Executive Leadership and Direction.” The Department also created another new line item called “Stakeholder Relations,” which would have included the Office of State and Local Law Enforcement, the Private Sector Coordination Office, intergovernmental functions from a number of other components in the Department’s executive management, and the Office of Intergovernmental Affairs (to be transferred from FEMA). Since the budget was submitted, the Committee has been told that the creation of the second PPA was canceled, although the transfer of the Office of Intergovernmental Affairs from FEMA is still a part of the request, appearing as the Office of Intergovernmental Programs listed above. This incomplete last minute change has made it difficult to review the budgets for the affected functions with clarity. This is not the first time DHS has submitted budget requests with such deficiencies. The Committee reiterates that structural alterations to the request should only be made after advance consultation with the Committee on Appropriations; and if they are approved for use in the budget request, the budget should carry a complete table comparing new and old elements to allow for seamless tracking of the use of taxpayer dollars.

Many of the activities that the Office of Counternarcotics Enforcement undertakes closely align with actions being reviewed by the Office of Policy. While the Committee recognizes that the Office of Counternarcotics Enforcement is a separately authorized office, there are synergies among these two entities that, if combined, could provide more effective oversight of DHS activities within its component agencies, with other federal agencies, and in working with other governments. As such, the Committee directs the Secretary to evaluate whether it would be appropriate to shift the

functions of the Office of Counternarcotics Enforcement into the Office of Policy, and report to the Committee no later than January 15, 2010 on its conclusions.

#### NATIONAL SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY

The Committee just received the National Southwest Border Counternarcotics Strategy on June 5, 2009, which is to guide the joint efforts and policy planning of the Department of Homeland Security, the Justice Department, the Office of National Drug Control Policy, and other agencies. The Committee directs DHS to brief the Committee not later than July 15, 2009, on how it will implement the policy in 2009 and 2010, to include any impacts on the fiscal year 2010 budget request for the Department and its component agencies.

#### IMMEDIATE OFFICE OF THE SECRETARY

The Committee recommends \$3,783,000 for the Immediate Office of the Secretary, \$1,278,000 below the amount requested and \$643,000 above the amount provided in fiscal year 2009. Funding has been reduced from the request as the Committee rejects the proposed transfer of \$1,278,000 from other accounts to pay in advance for projected travel by component agency personnel with the Secretary. The Committee directs the Department to continue to manage travel in the same fashion as the current fiscal year.

#### IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The Committee recommends \$1,440,000 for the Immediate Office of the Deputy Secretary, \$370,000 below the amount requested and \$40,000 above the amount provided in fiscal year 2009. Funding has been reduced from the request as the Committee rejects the proposed transfer of \$370,000 from other accounts to pay in advance for projected travel by component agency personnel with the Deputy Secretary. The Committee directs the Department to continue to manage travel in the same fashion as the current fiscal year.

#### OFFICE OF THE CHIEF OF STAFF

The Committee recommends \$2,926,000 for the Office of the Chief of Staff, \$331,000 above the amount requested and \$233,000 above the amount provided in fiscal year 2009. The increase above the request is due to the rejection of the proposed transfer of \$1,278,000 from other accounts, including \$331,000 from this office, to pay in advance for projected travel by component agency personnel with the Secretary.

#### OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The Committee recommends \$3,712,000 for the Office of Counternarcotics Enforcement, \$200,000 below the amount requested and \$6,000 below the amount provided in fiscal year 2009. The Committee has made a slight reduction to the request due to vacancies in this office that are expected to continue through the remainder of fiscal year 2009 and into fiscal year 2010.



## EXECUTIVE SECRETARIAT

The Committee recommends \$7,578,000 for the Executive Secretariat, \$766,000 below the amount requested and \$130,000 above amount provided in fiscal year 2009. 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 2009 and into fiscal year 2010.

## OFFICE OF POLICY

The Committee recommends \$51,564,000 for the Office of Policy, \$10,000,000 below the amount requested and \$8,301,000 above the amount provided in fiscal year 2009. This funding level includes \$2,000,000 for the Administration's new program to coordinate assessment of the Department's mission requirements across components, \$3,000,000 less than the request. While the Committee supports this effort, this should be an organic function of the Department's leadership, not a separate office. In addition, the Committee provides \$3,000,000 for the new Intermodal Security Coordination Office, a joint initiative between the Department of Homeland Security and the Department of Transportation (DOT), \$7,000,000 less than the request. While addressing concerns about security at maritime and intermodal facilities is important, the Committee notes that there are already existing structures and arrangements in place among DHS component agencies to coordinate efforts with DOT, and urges the Department to ensure this funding does not create parallel structures or needlessly duplicate efforts.

## OFFICE OF PUBLIC AFFAIRS

The Committee recommends \$6,039,000 for the Office of Public Affairs, \$500,000 below the amount requested and \$48,000 above the amount provided in fiscal year 2009. The Committee has made a slight reduction to the request due to the continued vacancies in this office.

## OFFICE OF LEGISLATIVE AFFAIRS

The Committee recommends \$6,797,000 for the Office of Legislative Affairs, \$300,000 below the amount requested and \$1,800,000 above the level provided in fiscal year 2009. The Committee has made a slight reduction to the request due to unjustified increases in Working Capital Fund expenses. The name of this office has been changed to avoid confusion with the newly proposed Office of Intergovernmental Programs.

## OFFICE OF INTERGOVERNMENTAL PROGRAMS

The Committee supports the shifting of \$2,000,000 and 17 FTE from FEMA as requested in the budget for the Office of Intergovernmental Programs, as well as the \$800,000 requested for information technology infrastructure. The Committee requires that the Secretary present a detailed organizational plan for the new office within 60 days of enactment of this bill. The plan should outline the cost savings and efficiencies this reorganization is expected to create.

## OFFICE OF GENERAL COUNSEL

The Committee recommends \$24,028,000 for the Office of General Counsel, as requested, and \$3,914,000 above the amounts provided in fiscal year 2009. The Committee fully funds the 10 new full-time employee equivalents (FTEs) requested for fiscal year 2010 within this recommended level.

## CITIZENSHIP AND IMMIGRATION SERVICES OMBUDSMAN

The Committee recommends \$6,685,000 for the Citizenship and Immigration Services Ombudsman, \$250,000 below the amount requested and \$214,000 above the amount provided in fiscal year 2009. The Committee has made a slight reduction to the request due to the continued vacancies in this office.

## USER FEES

The Committee understands that user fee collections, which help pay for several key component activities, have fallen, significantly in some cases. The Committee takes special note that CBP's collections of immigration and customs inspection fees, which fund about 6,500 FTEs and as recently as 2008 exceeded \$1,000,000,000, have declined and will likely decrease further if travel continues to decline. The CBP budget estimates that air travel will be five percent lower in fiscal year 2010 than in fiscal year 2009. In addition, the Committee is concerned that FEMA has overestimated fee collection from flood insurance policies for fiscal year 2010 and that the agency will not be able to support the 330 FTE funded with those fees or sustain critical flood plain management activities. During the current fiscal year, FEMA expressed concern to the Committee that fees would not keep up with estimates and that reprogramming actions may be needed. While the Administration is planning to offer legislation to consolidate several currently separate user fees, such action would not address the underlying vulnerability of staffing and operations to resource reductions. The Committee directs the Secretary to report not later than November 1, 2010 on actual fiscal year 2009 collections and projected 2010 collections for all impacted entities at DHS, along with a contingency plan for making up any difference between expected collections and budgeted activities.

## BUDGET JUSTIFICATIONS

For fiscal year 2011, 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 in the back of the Committee report. All funding and staffing changes for each individual office must be highlighted and explained. The Committee expects this level of detail to include separate discussions for personnel, compensation, and benefits; travel; training; and other services.

## WORKING CAPITAL FUND

Consistent with prior years, the Committee directs the Department to include a separate appropriation justification for the Working Capital Fund (WCF) in the fiscal year 2011 budget request. This 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 2010 and 2011. 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 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.

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 House or Senate Committees on Appropriations have disapproved either in report language or in their responses to reprogramming requests.

#### RECEPTION AND REPRESENTATION

Within the Office of the Secretary and Executive Management, the Committee provides \$60,000 for official reception and representation expenses, as requested, the same level provided in fiscal year 2009. Within this total, \$20,000 shall be for international programs within the Office of Policy for activities related to the visa waiver program.

#### DEPARTMENTAL RESPONSIVENESS TO GAO

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

#### GREENHOUSE GAS EMISSIONS

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

every six months thereafter on the progress the Department has made in emission reductions.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$191,793,000
Budget request, fiscal year 2010 .....	337,990,000
Recommended in the bill .....	268,690,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+76,897,000
Budget request, fiscal year 2010 .....	-69,300,000

<sup>1</sup>Excludes \$200,000,000 in appropriations provided in the American Recovery and Reinvestment Act (P.L. 111-5).

MISSION

The Office of the Under Secretary for Management’s primary mission is to deliver quality administrative support services for human resources and personnel; 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 \$268,690,000 for the Office of the Under Secretary for Management, \$69,300,000 below the amount requested and \$76,897,000 above the amount provided in fiscal year 2009. 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 .....	\$2,864,000	\$2,864,000
Office of Security .....	95,193,000	95,193,000
Office of the Chief Procurement Officer .....	71,038,000	66,538,000
Office of the Chief Human Capital Officer .....	44,404,000	43,604,000
Office of the Chief Administrative Officer .....	124,491,000	60,491,000
<b>Total .....</b>	<b>337,990,000</b>	<b>268,690,000</b>

OFFICE OF SECURITY

The Committee recommends \$95,193,000 for the Office of Security, as requested and \$34,311,000 above the amount provided in fiscal year 2009. This increase includes \$25,000,000 for the Department to begin issuing smart identity cards for large numbers of Departmental employees. The Committee directs the Office of Security to provide a report on its progress in issuing new identity cards and remaining needs for additional infrastructure and materials needed to complete the project. The Committee is pleased to note a large number of new hires approaching the end of the clearance process, and the expected significant reduction in vacancies in this office. Funding is also provided to create a special access program control office, which will improve oversight of sensitive com-

partmentalized information, and to improve the timeliness of processing background investigations.

#### OFFICE OF THE CHIEF PROCUREMENT OFFICER

The Committee recommends \$66,538,000 for the Office of the Chief Procurement Officer (OCPO), \$4,500,000 below the amount requested and \$27,535,000 above the amount provided in fiscal year 2009. The increase above fiscal year 2009 supports three efforts: the third year of the DHS-wide acquisition workforce intern program, setting up a classified program support office, and expanding the acquisition program management division.

#### ACQUISITION PROFESSIONAL CAREER INTERNSHIP PROGRAM

The Committee fully funds the request of \$7,000,000 to expand the acquisition career professional internship program in its third year, creating 100 more full-time positions. Congress has been highly critical of the performance of DHS acquisition programs in the past. Across the government, Federal agencies are experiencing shortages of procurement managers as employees retire or move to the private sector. Of the more than 1,300 people managing acquisition at DHS, 300 are eligible to retire in the next three years. These are inherently governmental positions that cannot be filled by contractors. It takes at least four years to train a fully capable acquisition official. This internship program helps recruit and train the procurement staff needed to fill those gaps on the horizon. The Department has indicated that without funding for this program, programs will be short-staffed, leading to schedule delays, cost overruns and decreased performance.

Recognizing the competing demands for this type of staff in government service and the private sector, OCPO shall submit to the Committee no later than 60 days after the date of the enactment of this Act a report outlining all Departmental efforts aimed at decreasing the attrition rate of the DHS acquisition workforce. This report shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by each project. The Committee also directs OCPO to provide a breakdown of where the interns and graduates of the acquisition career professional internship program are serving within 60 days of enactment, and on an annual basis accompanying the budget request.

#### CLASSIFIED PROGRAM SUPPORT OFFICE

The Committee recommends \$6,500,000 and six FTEs to establish an office to provide support for DHS acquisitions requiring classified contracts, a capacity the Department does not currently possess. As it stands, if an acquisition required a classified contract, the Department would run the risk of either not getting the goods and services it paid for due to the vagueness required by unclassified contracts, or disclosing details of classified programs through the procurement process.

## ACQUISITION PROGRAM MANAGEMENT DIVISION

The Committee provides \$7,000,000 and five FTEs to increase capacity in the acquisition program management division. This division is responsible for creating reviews and analysis procedures for major acquisition programs at the Department to help control costs and ensure success. Currently the office only has the resources to review twenty of the Department's seventy major programs. This funding will allow the Department to increase the number of reviews it conducts on major programs, and provide additional support to ongoing acquisitions by identifying problems earlier in the process. The Committee recommends that the reduction from the Administration's request should come from contractor support rather than in-house expertise.

## DHS INVESTMENT REVIEW PROCESS FOR MAJOR PROCUREMENTS

In fiscal year 2008, DHS obligated more than \$13.75 billion for the procurement of goods and services to support homeland security missions, making it the fifth-largest federal government agency in terms of procurement. GAO recently reported (GAO-09-29) that while DHS's investment review process calls for executive decision-making at several points in the life cycle of major programs, the implementation of the investment review process at DHS has failed to identify and remediate cost, schedule, and performance problems in a number of its major investments. GAO has found that the DHS Investment Review Board (IRB) and Joint Requirements Council have been under-powered and under-resourced to address problems once identified. GAO also found that key acquisition documents needed to help illuminate cost, schedule and performance problems were not prepared and approved for several major investments. Specifically, GAO reported in November 2008 that 94 percent of DHS's major investments lacked reviews in accordance with the Department's investment review policy, and 68 percent lacked a life-cycle cost estimate. In fiscal year 2008, \$681.2 million of taxpayer dollars were spent on capital assets without a Mission Needs Statement—a document that verifies that the investment is needed and supported by the Department. That reflects 18 of DHS's 57 major investments that year. GAO's key finding was most troubling: "DHS cannot ensure that its investment decisions are appropriate and will ultimately address capability gaps."

While DHS has begun to improve the investment review process, including issuance of a November 2008 interim acquisition directive, the Committee is anxious to see positive results. This Administration has not had a chance to demonstrate a track record on this issue, but the Committee is heartened by the concepts outlined in the Secretary's recent report outlining the top 25 acquisition programs under the Department's purview and how those will be reviewed, as well as the proposed investments in the Administration's budget to improve oversight of DHS acquisitions. The Deputy Secretary shall provide a report to the Committees on Appropriations by October 1, 2009, updating the list of the Department's top 25 investments and their status in the acquisition review process. Furthermore, the report should include information on what progress has been made on improving overall compliance with the reformed investment review policies of the Department, including

strengthening the capacities of the Acquisition Review Board and other oversight mechanisms, such as portfolio and component-level reviews.

#### OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

The Committee recommends \$43,604,000 for the Office of the Chief Human Capital Officer, \$800,000 below the amount requested and \$4,777,000 above the amount provided in fiscal year 2009. Of this total, \$33,604,000 is recommended for the salaries and expenses of the Office of the Chief Human Capital Officer and \$10,000,000 is recommended for human resource activities to enhance employee morale and create a more satisfying work environment.

The Committee is pleased to note the progress made in hiring in several component offices where hiring is administered by the Office of the Chief Human Capital Officer. The Office is directed to continue providing monthly reports to the Committees on Appropriations, summarizing the vacancy situation at the Department, and urges the Office to provide the reports in a more timely fashion. These monthly reports should include the number of new hires brought on-board for each headquarters office in the previous month, as well as the number of applications received as a ratio to the number of vacancies closed. Each report should also include an end-of-the-month snapshot for each headquarters office, with the number of new hires pending security or suitability clearance, the number of open vacancies, and the number of selection referral lists pending with management.

#### OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The Committee recommends \$60,491,000 for the Office of the Chief Administrative Officer, \$64,000,000 below the amount requested and \$10,064,000 above the amount provided in fiscal year 2009. Of this total, \$44,491,000 is recommended for the salaries and expenses of the Office of the Chief Administrative Officer, \$6,000,000 is for costs associated with DHS headquarters needs at the Nebraska Avenue Complex, and \$10,000,000 is for the DHS headquarters consolidation project. Within the funding level for salaries and expenses is \$1,000,000 for logistics and procurement personnel from across the Department to receive training and education through LOGTECH and related programs, which have benefited Coast Guard personnel. The Committee approves the requested transfer of \$10,800,000 and 5 full-time employee equivalents to the Directorate of Operations Coordination for continuity of operations oversight.

#### DHS HEADQUARTERS FACILITIES

The Committee is well aware of the expansive needs for departmental facilities, which will exceed what can be provided at the new headquarters slated to be built on the St. Elizabeths campus. While the Committee recognizes that consolidation of some DHS facilities could take place as existing leases expire, before components begin to move to the new site in 2013, the Committee finds the proposal to spend \$75,000,000 for this purpose insufficiently justified at this time. Therefore, the Committee instead provides

\$10,000,000 to begin the needed improvements and security enhancements once leased space is acquired, and directs the Office of the Chief Administrative Officer to provide a detailed briefing to the Committee on the plans for lease consolidation.

ST. ELIZABETHS CAMPUS DEVELOPMENT

The Committee is aware of continuing concerns about the potential impact of the St. Elizabeths campus development on the surrounding infrastructure and community. The Committee directs DHS to continue to work with the local community and the National Capital Planning Commission to ensure parking and traffic management issues are properly dealt with so that the new headquarters has a positive impact on the neighborhood while meeting the requirements of DHS and its personnel.

DHS FACILITIES AND RENEWABLE ENERGY

The Department of Homeland Security has facilities in a wide range of geographic locations across the country. This puts the Department in a unique position to seek out opportunities to capitalize on distributed power generation using alternative and renewable energy sources as a means of ensuring operational energy security, saving money, and reducing the Department's environmental impact. The Department is directed to provide a report to the Committee prior to the submission of the Administration's fiscal year 2011 budget request that outlines the best opportunities for each component of the Department to take advantage of distributed power generation using alternative and renewable energy sources, and accounts for the possible risks and rewards involved.

OFFICE OF THE CHIEF FINANCIAL OFFICER

Appropriation, fiscal year 2009 .....	\$55,235,000
Budget request, fiscal year 2010 .....	65,530,000
Recommended in the bill .....	63,530,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+8,295,000
Budget request, fiscal year 2010 .....	-2,000,000

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 \$63,530,000 for the Office of the Chief Financial Officer (CFO), \$2,000,000 below the amount requested and \$8,295,000 above the amount provided in fiscal year 2009. In support of more robust internal controls and more well-planned budgets, the Committee has fully funded the new FTEs requested for the Office of Financial Management.



## TRANSFORMATION AND SYSTEMS CONSOLIDATION

The Committee is concerned that the Department continues to struggle to produce reliable, timely and useful financial management information and that, to date, auditors have been unable to issue a clean opinion of the Department's financial statements. Within the funding provided for the CFO is \$17,800,000 for the Transformation and Systems Consolidation (TASC) project, \$2,000,000 below the requested level, due to high unobligated program balances resulting from program delays. 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 departmental components.

The Committee is concerned that the cost estimate for TASC may be significantly understated, and that the timeline for implementing this needed reform may continue to be stalled by bid protests and lawsuits. In light of these concerns, the Committee directs the Department to report to the Committee within 90 days of the enactment of this bill, and every six months thereafter on consolidating their financial management system. The report shall include the following matters: a detailed accounting of the Department's progress in assessing, selecting, transitioning to, and implementing a consolidated financial management system; a schedule showing when components will transition to the new financial system, accompanied by an explanation of how the transitions were prioritized; a breakdown of the resources needed to meet the human capital needs of the Department in transitioning to and fully implementing this system; the Department's plans to use an independent validation and verification agent to actively review the program once implementation has begun; and a risk management analysis for the system that identifies and evaluates ongoing risks for the Department, including a list of the program's most significant risks and the status of efforts to mitigate them.

Since 2003, the Coast Guard has had severe weaknesses in its financial management. Recent IG reports indicate that the Coast Guard's financial management practices may be worsening and remain the largest single contributor to the Department's inability to receive a clean audit. The Coast Guard claims that many of its problems will be ameliorated by the implementation of the consolidated financial system. In light of this, the Committee urges the CFO to consider transferring the Coast Guard to the new financial management system as soon as possible to help rectify these long-standing problems.

## CONGRESSIONAL BUDGET JUSTIFICATIONS

The Committee directs the Department to submit all of its fiscal year 2011 budget justifications on the first Monday in February, 2010, concurrent with the official submission of the President's budget to Congress. This should include all classified budgets as well as non-classified budgets. These justifications should have the customary level of detailed data and explanatory statements to support the appropriations requests, including tables that detail each agency's programs, projects, and activities for fiscal years 2009 and 2010. The Committee directs the CFO to ensure that ade-

quate justification is given to each increase, decrease, transfer, and staffing change proposed in fiscal year 2011. The CFO should also ensure that each item directed by the Committee to be provided as part of the fiscal year 2011 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, one of note is the Coast Guard's Capital Investment Plan, a document this Committee depends on each year.

The CFO shall submit, as part of the 2011 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.

IMPACT OF CHANGING IMMIGRATION LAW FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The Committee is aware that on November 28, 2009, the Department will implement new rules affecting the entry and departure of travelers to and from Guam and the Commonwealth of the Northern Mariana Islands, pursuant to Title VII of Public Law 110-229, the Consolidated Natural Resources Act of 2008, and associated changes in immigration law and rules administered by the Department. The Committee understands that this change in law and regulation will increase workload and resource requirements for Departmental components who are responsible for administering immigration and travel laws, but the Department included no request for additional funding in its fiscal year 2010 budget request. The Committee therefore directs the Secretary to report to the Committee not later than January 15, 2010, on fiscal year 2010 resource requirements for carrying out the changes mandated in Public Law 110-229, including any required reprogramming or transfer of funds; acquisition or leasing of property; and relocation or hiring of additional personnel.

MONTHLY REPORTING REQUIREMENTS

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 2009 .....	\$272,169,000
Budget request, fiscal year 2010 .....	338,393,000
Recommended in the bill .....	299,593,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+27,424,000
Budget request, fiscal year 2010 .....	- 38,800,000

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 \$299,593,000 for the Office of the Chief Information Officer, \$38,800,000 below the requested level and \$27,424,000 above the amount provided in fiscal year 2009. The majority of the reduction from the requested funding level is due to concerns over the data center migration initiative.

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

	Budget estimate	Recommended
Salaries and Expenses .....	\$86,912,000	\$86,912,000
Information Technology Activities .....	51,417,000	51,417,000
Security Activities .....	152,403,000	113,603,000
Homeland Secure Data Network .....	47,661,000	47,661,000
Total, Chief Information Officer .....	338,393,000	299,593,000

## SECURITY ACTIVITIES

The Committee recommends \$113,603,000 for Security Activities, \$38,800,000 below the amount requested and \$20,980,000 above the amount provided in fiscal year 2009. The Administration requested a total of \$200,000,000 throughout DHS to pay for migration of component resources to the Department's two consolidated data centers, including \$58,800,000 for the CIO's share. The purpose of operating two data centers is to help manage the significant risk associated with locating all of the Department's data at a single site.

The Committee is disturbed by the recent report from the Department's Inspector General entitled "DHS's Progress in Disaster Recovery Planning for Information Systems." The report notes several problems with the CIO's plans to migrate and consolidate the Department's data centers into two centralized locations for efficiency, security and survivability in the event of a disaster. It notes that the data centers are still missing key infrastructure, such as interconnecting circuits and redundant hardware to allow them to act as effective backups. Some component agencies have plans to migrate their data to one of the centers, but lack an alternate site to actually process the data in the event of a disaster. Guidance provided to or developed by participating components does not conform to government standards, and 85 percent of components had not fully tested their contingency plans that would allow them to continue to operate in the aftermath of a significant event.

The IG found a number of alarming problems and vulnerabilities at these two data centers. Notably, risk assessments for both centers are out of date and are not expected to be updated until the end of the year. Equally disturbing was the failure of the last risk assessment to recommend action plans to deal with a possible hurricane, despite one facility's 20-mile proximity to the Gulf Coast. Among the vulnerabilities identified in the report were single points of failure for telecommunications and power, inadequate security, guards that lacked adequate clearances to protect such sensitive facilities, use of water-based fire extinguishers in computing and power facilities, lack of a perimeter fence, and failure to consider the risks from being located next to a testing facility for rocket engines.

This report was made public the day the budget was released. The Office of the CIO was aware of the shortcomings identified in this report for months and agreed with its findings. Yet at no point in outlining their budget before the Committee did the Department acknowledge the shortcomings identified in the report, or indicate that its budget was responsive to these concerns. Until that happens, the Committee cannot in good conscience continue funding migration of component data centers to these sites. Within the funds appropriated for Security Activities is \$20,000,000 to update the risk assessments and take steps to remedy the problems identified in the report. The CIO is directed to provide an expenditure plan to the Committee within 60 days of enactment of this Act outlining how these funds will be allocated, and to supply quarterly reports thereafter on the progress in mitigating the risks identified in the report.

HOMELAND SECURITY DATA NETWORK

The Committee provides \$47,661,000, as requested, for the Homeland Security Data Network (HSDN) project, which is the secure computer network for DHS and its State and local partners. Recent press reports have detailed a security breach found in the system that has since been remedied. The Committee encourages the CIO to continue to take proactive steps to ensure the integrity of this investment, and to keep Congress informed of similar threats as they develop.

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 2009 .....	\$ 327,373,000
Budget request, fiscal year 2010 .....	357,345,000
Recommended in the bill .....	345,556,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+18,183,000
Budget request, fiscal year 2010 .....	- 11,789,000

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 \$345,556,000 for Analysis and Operations, \$11,789,000 below the amount requested and \$18,183,000 above the amount provided in fiscal year 2009.

STATE AND LOCAL FUSION CENTERS

The Committee provides the funding requested to expand support to all existing State and Local Fusion Centers, but notes that the Office of Intelligence and Analysis has failed to submit the

quarterly reports on this activity, as required in the 2009 Appropriations Act. The Committee directs the Office of Intelligence and Analysis to re-establish this quarterly reporting requirement immediately, and to include a national review of fusion center distribution, evaluating the potential for overlapping roles and jurisdictions.

NATIONAL APPLICATIONS OFFICE AND NATIONAL IMMIGRATION INFORMATION SHARING OPERATION

As specified in the classified annex to this report, the Committee has reduced the funding requested for the National Applications Office (NAO) and National Immigration Information Sharing Operation (NIISO) below the levels requested. The Committee is concerned that although the Department has had at least 18 months to develop and submit operating documents and certifications showing that these programs can be conducted within existing privacy and civil liberties statutes, it has failed to adequately do so. While the Committee strongly supports programs that the Department believes are necessary for the security of the country, it is pointless to sustain funding for programs that are not operational and have been unable to demonstrate they can function within existing law. If the Department continues to promote the necessity of NAO or NIISO, it should use funding provided in the Analysis and Operations appropriation for planning, legal reviews and consultation with the relevant authorizing committees of jurisdiction to ensure these initiatives will operate in compliance with the law.

DIRECTORATE OF OPERATIONS COORDINATION

The Committee has reduced funding 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 2009 expenditure plan, and therefore does not fund the requested increase for additional personnel in 2010.

The Committee supports the transfer of DHS Continuity of Operations (COOP) activities from the Office of Administration to the Directorate of Operations Coordination. However, the Committee strongly believes that cross-government COOP planning should remain at the Federal Emergency Management Agency (FEMA), and directs the Directorate of Operations Coordination to make no attempt to assume control of cross-government COOP responsibilities currently carried out by FEMA.

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 2009 .....	\$1,900,000
Budget estimate, fiscal year 2010 .....	2,000,000
Recommended in the bill .....	2,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+100,000
Budget estimate, fiscal year 2010 .....	--

MISSION

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

RECOMMENDATION

The Committee recommends \$2,000,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding (OFCGCR), the same as the amount requested and \$100,000 above the amount provided in fiscal year 2009.

The Committee is concerned by the lack of adequate healthcare for the people of south Louisiana who have relied on Charity Hospital to provide health care to the poor and indigent since 1732. The hospital has been closed since Hurricane Katrina caused severe flooding and wind damage in 2005. The Committee is aware that FEMA Region VI recently denied the State's latest appeal on the level of reimbursement for Charity. The Committee believes the appeals process or arbitration, pursuant to section 601 of ARRA, should be utilized to bring a conclusion to this matter. OFCGCR shall work with FEMA, the Department of Health and Human Services, and the State of Louisiana to identify and pursue the path forward to bring Charity hospital back on-line.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$114,513,000
Budget request, fiscal year 2010 .....	127,874,000
Recommended in the bill <sup>2</sup> .....	127,874,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+13,361,000
Budget request, fiscal year 2010 .....	--

<sup>1</sup>Includes a \$16,000,000 transfer from the Disaster Relief Fund. Excludes \$5,000,000 provided in the American Recovery and Reinvestment Act (P.L. 111-5).

<sup>2</sup>Includes a \$16,000,000 transfer from the Disaster Relief Fund.

MISSION

The Homeland Security Act of 2002 established an Office of Inspector General (IG) 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 for keeping the Secretary of Homeland Security and the Congress fully and currently informed of problems and deficiencies in the administration of programs and operations; (3) fulfilling statutory responsibilities for the annual audit of the Department's financial statements; (4) ensuring the security of 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 legislation, the Inspector General is to report dually to the Secretary of Homeland Security and to the Congress.

While oversight of DHS disaster response is included in the IG's mission, Hurricane Katrina brought a renewed focus and a major shift in IG resources to that mission area. In October 2005, in response to the need for enhanced oversight, the Inspector General established the Gulf Coast Hurricane Recovery Office to focus exclusively on preventing problems through a proactive program of internal control reviews and contract audits to ensure that disaster assistance funds were spent wisely. In April 2009, the Administration closed down the office amid public criticism of its performance. FEMA officials characterized the move as one that would speed decision making and improve efficiency in relief efforts. The Committee hopes that this is the case, but urges the IG to maintain its oversight of the continuing relief and reconstruction efforts on the Gulf Coast.

#### RECOMMENDATION

The Committee recommends \$127,874,000 for the Office of Inspector General, \$111,874,000 in a direct appropriation and \$16,000,000 by transfer from the Disaster Relief Fund. This total amount is in line with the budget request and \$13,361,000 above the amount provided in fiscal year 2009. Consistent with prior years, funding transferred from the Disaster Relief Fund is to continue and expand audits and investigations related to disasters, including the 2005 Gulf Coast hurricanes.

#### AUDIT REPORTS

The Committee directs the IG 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. The Committee notes that distribution on several key reports has not been timely, and urges the IG to take full advantage of opportunities for electronic distribution to help remedy this situation. In addition, the Committee notes that the IG missed the deadline for submission of two audit reports specifically requested in the report accompanying the fiscal year 2009 Appropriations Act. Delays such as this hinder the Committee's ability to make the best decisions regarding matters under review, and as such are unacceptable.

The Committee directs IG to withhold any 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

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$7,603,206,000
Budget estimate, fiscal year 2010 .....	7,623,068,000
Recommended in the bill .....	7,576,897,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	– 26,309,000
Budget estimate, fiscal year 2010 .....	– 46,171,000

<sup>1</sup>Excludes \$160,000,000 in appropriations in the American Recovery and Reinvestment Act of 2009 (P.L. 111–5).

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, including weapons and bulk cash; 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 58,000, 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 \$7,576,897,000 for Salaries and Expenses, \$46,171,000 below the amount requested and \$26,309,000 below the amount provided in fiscal year 2009. The net reduction in funding from 2009 is chiefly due to the realignment of funding for real property construction, rent and management into the new Facilities Management account. This recommendation provides \$981,850,000 for Headquarters Management and Administration, which includes an additional \$5,000,000 to protect classified and sensitive CBP internet and computer systems, but no funding for data center migration; Border Security Inspections and Trade Facilitation is funded at \$2,250,310,000, including \$225,000,000 to annualize the cost of law enforcement officer retirement conversion for CBP Officers; \$140,000,000 for the Western Hemisphere Travel Initiative (WHTI); and increases as follows: \$9,340,000 for import safety; \$18,100,000 to combat southbound smuggling crime and violence, and \$3,000,000 for a Global Advance Passenger Information/ Passenger Name Record initiative.



Border Security and Control between Ports of Entry is funded at \$3,557,559,000, reflecting adjustments for pay annualization for the recent increase of Border Patrol agents to 20,019, more than twice the number of agents onboard in 2001. The funding will also support deployment of 367 new Border Patrol agents to the Northern Border for a total deployment of 2,212 by the end of fiscal year 2010, nearly seven times the number deployed to the Northern Border in 2001. The bill will support deployment of over 17,000 to the Southwest Border, almost 90 percent above the number onboard in 2001.

Air and Marine Operations are funded at \$309,629,000, as requested, \$37,950,000 above fiscal year 2009 funding, and include a net increase of \$19,115,000 to hire 144 additional pilots, interdiction agents and support staff to expand and improve patrols and surveillance operations.

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

	Budget estimate	Recommended
Headquarters, Management, and Administration:		
Management and Administration, Border Security Inspections and Trade Facilitation .....	\$522,825,000	\$503,500,000
Management and Administration, Border Security and Control between Ports of Entry .....	497,675,000	478,350,000
Subtotal, Headquarters Management and Administration .....	1,020,500,000	981,850,000
Border Security Inspections and Trade Facilitation:		
Inspections, Trade, and Travel Facilitation at Ports of Entry .....	2,255,210,000	2,250,310,000
Harbor Maintenance Fee Collection (Trust Fund) .....	3,226,000	3,226,000
International Cargo Screening .....	165,421,000	162,000,000
Other international programs .....	11,181,000	11,181,000
Customs-Trade Partnership Against Terrorism .....	62,612,000	62,612,000
Trusted Traveler Programs .....	11,274,000	11,274,000
Inspection and Detection Technology Investments .....	143,563,000	143,563,000
Automated Targeting Systems .....	32,560,000	32,560,000
National Targeting Center .....	26,355,000	26,355,000
Training .....	24,778,000	24,778,000
Subtotal, Border Security Inspections and Trade Facilitation .....	2,736,180,000	2,727,859,000
Border Security and Control between Ports of Entry:		
Border Security and Control .....	3,505,008,000	3,505,808,000
Training .....	51,751,000	51,751,000
Subtotal, Border Security and Control between POEs .....	3,556,759,000	3,557,559,000
Air and Marine Operations .....	309,629,000	309,629,000
Total .....	7,623,068,000	7,576,897,000

#### MIGRATION TO NEW DEPARTMENT DATA CENTERS

Consistent with funding recommendations contained throughout this report, the Committee provides no new funding for CBP data center migration activities. This is due to the Inspector General's recent findings, described in the Chief Information Officer section of the report, regarding possible unmitigated risks at the destination data center sites. As any failure of CBP systems could have devastating effects on critical customs and immigration enforcement and regulatory programs, it is essential this risk be mini-

mized before migration goes forward. To the extent that any of the proposed funding is not directly related to the migration, but is preparatory acquisition or services, the Committee encourages CBP to submit reprogramming proposals if appropriate.

#### LAW ENFORCEMENT OFFICER CONVERSION

The Committee commends the Department for requesting funding for the costs associated with retirement and pay costs due to the conversion of CBP Officers to law enforcement officer status, which began on July 1, 2008. This is a critical requirement and the Committee expects the positive impact will result in improved CBP retention and recruitment of the most qualified and dedicated officers. The Committee is aware that there is a potential for retirement and benefit costs associated with conversion to exceed the \$225,000,000 requested, but that CBP is planning to manage such a contingency by reallocating funds within accounts. The Committee asks to be notified if such additional costs are incurred, and of the steps taken to fill the shortfall.

#### SOUTHWEST BORDER OUTBOUND ENFORCEMENT INITIATIVE

The Committee has included an increase of \$26,132,000, as requested, to augment efforts begun in 2009 as part of the Southwest Border Initiative, a targeted effort to stop smuggling of the drugs, weapons and bulk cash on which violent drug cartels depend. This funding includes \$16,132,000 for an additional 65 CBP Officers, 44 Border Patrol agents, and 16 support personnel, as well as \$10,000,000 for additional license plate readers to be installed at southbound vehicle lanes where such technology is still lacking. In order to stay informed about the progress of this initiative, the Committee directs CBP to include statistics about its outbound enforcement progress in the quarterly Strategic Border Initiative report to the Committees on Appropriations.

#### IMPORT SAFETY AND TRADE ENFORCEMENT INITIATIVE

The Committee has included \$9,340,000, as requested, for an initiative to implement import safety requirements of Executive Order 13439, as well as to better staff CBP's Office of International Trade to carry out critical trade functions, and help protect the nation against unsafe food and products, such as recently experienced in melamine-contaminated food, and toys painted with lead paint. Although the overall volume of trade may decline this year, the growth in the workload driven by the increase in entities engaged in trade and the increase in trade agreements make this initiative an important one. The Committee directs CBP to provide a briefing not later than December 1, 2009, on the plans for implementing this initiative.

#### GLOBAL ADVANCE PASSENGER INFORMATION/PASSENGER NAME RECORD INITIATIVE

The Committee provides an additional \$3,000,000, as requested, for the effort to collaborate with foreign governments on sharing travel information. The Committee directs CBP to provide a classified briefing not later than December 1, 2009, on this program.

## WESTERN HEMISPHERE TRAVEL INITIATIVE

The Committee includes \$140,000,000 for the continued costs of infrastructure, technology and operations for WHTI, which went into effect on June 1, 2009. This includes an increase of \$16,000,000 for: (1) expanded program support for the 2010 Winter Olympics and at additional ports of entry; (2) audits of enhanced drivers licenses and wait time studies; (3) deployment of WHTI technology to novel configurations, such as dual use lanes and straddle booths; and (4) coverage of pedestrians and passengers in modes of transportation other than personally operated vehicles.

The Committee expects the WHTI effort will become integrated within the regular inspection and trade/travel facilitation functions, and directs CBP to report not later than December 1, 2009, on the status of WHTI implementation, the transition to regular operations, and the elements and funding that will be non-recurred when WHTI processes are the norm.

## INSPECTION AND DETECTION TECHNOLOGY

The Committee includes \$143,563,000, as requested, for Inspection and Detection Technology. The Committee understands that, in addition to ongoing operation and maintenance of CBP's inventory of technology systems, this funding will include 12 new replacement large scale nonintrusive inspection (NII) systems, five additional NII systems for upgraded ports of entry, and approximately 600 small scale and hand-held NII for replacement or to deploy where shortages exist. The Committee expects CBP to award procurement for these items on a fully competitive basis, with the focus for award being on attaining the performance goals for which technology is to be used.

## BORDER PATROL STAFFING

The Committee funds the request for Border Patrol hiring and operations, and strongly supports the plan to achieve a target of 2,212 agents on the Northern Border by the end of fiscal year 2010. As the Border Patrol gains experience with its expanded presence on both borders, it will be doing so in the context of new technology and infrastructure from the Secure Border Initiative, which in turn may affect the operational requirements for the numbers of agents and perhaps lead to changes in how they are deployed. The Committee strongly encourages CBP and the Border Patrol to look carefully at its requirements and provide a briefing to the Committee not later than February 1, 2010, on its planning for long term staffing for the Border Patrol, including the methodology for determining optimal size as well as patterns of deployment.

## NORTHERN BORDER STRATEGIC EFFORTS

The Committee has urged that more resources and attention be devoted to closing vulnerabilities on the extended Northern Border, and as a result, there have been many tangible changes. Border Patrol presence has grown from 336 agents in 2001 to a planned 2010 deployment of 2,212; Air and Marine units have grown to include five primary air branches and additional marine units; and CBP field operations has received more Officers for border processing and initiatives such as WHTI. The number of border en-

forcement task forces is increasing, as is the tempo of their work. SBInet will soon deploy mobile and remote video surveillance systems, and improved tactical communications for the Border Patrol. CBP's aging and inadequate ports of entry will be replaced or upgraded with ARRA funding. The implementation of WHTI brings a more robust inspection process to the Northern Border, with new infrastructure, technology, and staffing to support it.

These enhancements will change significantly the way CBP works on the Northern Border, including programs to enforce border security and expedite trade and travel with our Canadian neighbor. To take stock of where the agency is and where it will go, the Committee requests a report, not later than January 15, 2010, that will provide an accounting of Northern Border initiatives, staffing and funding; an assessment of the impact such investments and initiatives have had on CBP's execution of its dual missions to secure the border and facilitate trade and travel; and the priorities CBP has for its operations and programs on the Northern Border going forward.

#### ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION

The Electronic System for Travel Authorization (ESTA) provides automated electronic vetting of travelers from 35 visa waiver countries, eight of them added in fiscal year 2008. The Committee understands that CBP projects it will process over 17 million ESTA applications in fiscal year 2009, with an estimated rejection rate of 0.2 percent. As ESTA transitions to an "operations and maintenance" phase, the Committee directs CBP to include, as part of its fiscal year 2011 budget request, details on ESTA staffing, funding, and implementation schedule, to include an assessment of ESTA performance in its first two years of operation.

#### TRUSTED TRAVELER PROGRAMS

CBP currently operates four "trusted traveler" programs: the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) for travelers on the Southwest border, the NEXUS air and land programs for travelers on the Northern Border, the Free and Secure Trade (FAST) program for commercial travel facilitation, and Global Entry (GE), an expedited clearance program for pre-approved international air travelers. While it has not requested additional funding for the purpose in fiscal year 2010, CBP informed the Committee that it is developing a global enrollment system that will, when fully operational, serve as the application gateway to a single trusted traveler program.

The established systems—SENTRI, FAST, and NEXUS—are all seeing growth in part because, by participating, a traveler will satisfy the requirements of WHTI. GE, by comparison, is yet a fairly small program. GE was initiated in June 2008 on a pilot basis and currently operates at seven U.S. international airports. GE is scheduled to be extended to an additional 13 airports with funding provided by this Committee in fiscal year 2009. The Department reports it had approved 6,100 GE members as of January 2009 and estimates there will be 13,500 by October 2009. Initially limited to U.S. citizens and residents, GE is being expanded on a reciprocal, pilot basis, to participants in Privium, the Dutch expedited clearance program.

While the Department reports GE has the potential to exceed this estimated enrollment—to more than 800,000, the number of frequent international travelers projected by DHS—initial registration efforts are clearly proceeding more slowly than expected. Furthermore, while the program collects fees from participants, it is not clear whether GE—or an eventual comprehensive “trusted traveler” program—could operate exclusively on a fee basis and still meet the needs of a significant growth in membership. The Committee needs to understand CBP’s capacity and requirements to make this program a success and so directs CBP to provide, not later than January 15, 2010, a detailed report on: (1) its progress in expanding the GE program; (2) the status of efforts to facilitate the migration of NEXUS and SENTRI users into Global Entry; (3) its progress in integrating FAST with the Automated Commercial Environment; and (4) prospects for developing a global enrollment system through a unified trusted traveler program. The report should also identify relevant implementation considerations and resource requirements for these efforts.

#### SENTRI LANES AT PORT OF SAN YSIDRO

The Committee recognizes the San Ysidro port of entry as one of the busiest border crossings in the world, which continues to need major renovation and reengineering to handle its massive processing and security requirements. The Committee encourages CBP to explore the possibility of conducting a demonstration project to determine the effectiveness of operating up to ten SENTRI lanes at San Ysidro during peak hours, seven days a week, with the option of opening an additional SENTRI lane during peak crossing times of 5 a.m. to 10 a.m. and 3 p.m. to 9 p.m. whenever wait times exceed 15 minutes.

#### INTERNATIONAL CARGO SCREENING

The Committee has great interest in the success of the International Cargo Screening program, which consists of the Container Security Initiative (CSI) and the Secure Freight Initiative (SFI), and funds it at \$162,000,000, nine percent above the fiscal year 2009 level. The CSI has deployed CBP Officers and specialists to 58 major international seaports, scanning U.S.-bound cargo in a targeted fashion, based on estimated risk. CBP has been working to establish more permanent positions at its CSI locations, as well as to place more resources at the National Targeting Center. The Committee strongly encourages these efforts.

The SFI, by contrast, is a pilot program to determine the feasibility of 100 percent scanning of U.S.-bound cargo in foreign ports. While these pilots have produced useful data and shown the potential of a 100 percent scanning approach for some ports and trade lanes, they have also revealed considerable challenges. Both the Secretary and the Acting CBP Commissioner have stated they do not expect to be able to meet the statutorily mandated target for 100 percent overseas scanning of U.S.-bound cargo by 2012, and have expressed misgivings about the feasibility of such a goal given the formidable financial, technical and diplomatic obstacles. The Committee welcomes this candor. It has become increasingly clear that, at least for now, a 100 percent scanning goal is not feasible,

and even if it were, would come at an unacceptably high cost monetarily and in the displacement of other efforts.

While cargo security efforts should not be tied to one model, the threat of trade supply chains being used to move weapons, or to be themselves a target for economic disruption, remains. A number of programs help contribute to security in this regard, including the Customs-Trade Partnership Against Terrorism (C-TPAT), the new security filing (10+2) rule, and improved exchange of information with friendly governments. However, assuming that 100 percent overseas scanning is not likely soon, if ever, to be achieved, it is not clear what mix of measures the Department assumes it should work toward to take its place. Might SFI be the best approach, based on the risk, for ports in high threat areas? How permanent a solution is CSI, and what is its optimal end-state? The Committee directs CBP to report, not later than January 15, 2010, on its strategy to achieve meaningful cargo and supply chain security in the absence of the total scanning requirement.

#### MODEL PORTS OF ENTRY

The Committee strongly desires to see the Model Ports of Entry (MPOE) program significantly improve the quality of the arrival experience for both international visitors to the U.S. as well as returning U.S. citizens and residents. While Congress funded additional CBP Officers for airports in fiscal years 2008 and 2009, the Committee understands CBP has not adjusted staffing allocation and scheduling systems to most effectively improve the efficiency of passenger processing. As a result, additional CBP Officers has not translated into shorter wait times for international visitors at the 20 MPOE airports. The Committee recognizes that CBP schedulers have limited flexibility as they face a complex scheduling environment, with significant and erratic variation in the number and mix of arriving international passengers, both daily and hourly. Nevertheless, the Committee expects CBP to correct any staffing model deficiencies, improve its scheduling capacity, and if required, automate its scheduling system and employ industrial engineering services to improve its MPOE passenger operations. The Committee is willing to consider reprogramming or reallocation requests to achieve this goal. The Committee directs CBP to report, not later than December 1, 2009, on its progress in making such improvements, to include an update on the information required in the fiscal year 2009 Committee report on MPOE implementation and performance.

#### IN-BOND CARGO AND CONTAINER SECURITY

CBP continues to gather information from its tests of commercial off-the-shelf technology as a means to track shipments that transit the United States under CBP bond, including its radio frequency transponder technology demonstration for in-bond shipments. The Committee directs CBP to provide, not later than January 15, 2010, an updated status report on its study of potential technology solutions for tracking and managing in-bond shipments, including the number of such in-bond shipments for fiscal years 2007–2009, and the number of times in-bond documents were not fully reconciled between arrival and destination ports.

## TEXTILE TRANSSHIPMENT ENFORCEMENT

The Committee includes \$4,750,000, as in previous years, 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 2011 budget on execution of its five-year strategic plan. The report should include information covering 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).

## PROJECT SEAHAWK

The Committee encourages CBP to continue its work with the Department of Justice and local law enforcement on the Project SeaHawk law enforcement task force to the maximum extent possible.

## CONTAINER SECURITY DEVICE

The Committee continues to believe a viable Container Security Device (CSD) is an essential element of an effective supply chain security framework. The Committee is disappointed by the failure of CBP and S&T to develop and deploy a viable CSD, despite years of effort and the expenditure of considerable resources. As numerous security experts have attested and CBP itself has noted such a CSD could be of value in high-risk trade lanes. The Committee remains strongly interested in seeing if this technology can advance, and directs CBP to continue to explore possible solutions with S&T for CSD testing and deployment, and to provide quarterly updates of its progress to the Committee.

## FRESNO AIRPORT

The Committee encourages CBP to review the port-of-entry status of Fresno Yosemite International Airport, which is currently operating at user-fee status, to determine if the airport meets the international flight threshold necessary to be designated a non-reimbursable Port-of-Entry. Further, the Committee asks CBP to provide an estimate on the costs the agency would incur should the status be adjusted at Fresno Yosemite International Airport and report to the Committee whether an increase in programmatic funds is necessary to achieve this change in status, if appropriate.

## JOINT OPERATIONS WITH THE NATIONAL PARK SERVICE

The Committee recognizes the Department's exceptional coordination with the National Park Service along the border, specifically the joint operations and projects at Big Bend National Park and Amistad National Recreation Area. These joint operations are essential to combat illegal activity and keep park visitors safe. Furthermore, the Committee encourages expeditious completion of these projects.

PORTABLE SOLAR CHARGING RECHARGEABLE BATTERY SYSTEM

The Border Patrol is frequently required to operate for extended periods of time in remote locations where access to electric power can only be provided by heavy auto and marine type batteries. The Committee includes \$800,000 to meet the requirement of the Border Patrol for a quiet, lightweight power source. Solar rechargeable systems will enable agents to access wider areas and to remain deployed for longer periods of time on border observation and criminal interdiction operations. Funding shall be competitively awarded.

AUTOMATION MODERNIZATION

Appropriation, fiscal year 2009 .....	\$511,334,000
Budget estimate, fiscal year 2010 .....	462,445,000
Recommended in the bill .....	462,445,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 48,889,000
Budget estimate, fiscal year 2010 .....	---

MISSION

Automation Modernization includes funding for major information technology modernization and development projects for CBP, including the Automated Commercial Environment (ACE) system and the multi-agency International Trade Data System (ITDS); support and transition of the legacy Automated Commercial System (ACS); the integration and connectivity of information technology infrastructure within CBP and DHS as part of Critical Operations Protection and Processing Support (COPPS); modernization of the TECS enforcement and compliance system; and the Terrorism Prevention Systems Enhancements (TPSE) initiative aimed at enhancing system infrastructure to ensure continuity of operations in critical passenger programs.

RECOMMENDATION

The Committee recommends \$462,445,000 for Automation Modernization, the same as the amount requested and \$48,889,000 below the amount provided in fiscal year 2009. Not less than \$267,960,000 is for ACE development. CBP is directed to provide an expenditure plan detailing how it will distribute this funding to ACE/ITDS, COPPS, TECS, and TPSE, and the Committee includes bill language making \$167,960,000 unavailable for obligation for ACE until 30 days after it receives a detailed expenditure plan.

ACE PROGRAM DELAYS

The Committee is greatly concerned by delays in completing critical releases for ACE, in particular Entry Summary, Accounts, and Revenue (ESAR) and e-Manifest, which are now scheduled to be completed in 2012 and 2013 respectively. The need to field ACE with all its major functionality, and thereby automate all critical customs and trade transactions, has been a Committee priority since the inception of the program at the beginning of the decade. While ACE requirements changed initially due to the increased focus on security after the 9/11 attacks, continued delays in implementing critical functions are disappointing and costly to the effi-



ciency of trade. While the reduction in funding for ACE development may be consistent with technical or other development delays, promised ACE functionality would be a boon for the beleaguered trade sector in this economy. To ensure the Committee has information it needs to assess the effectiveness of the ACE effort, the Committee continues to require an expenditure plan to maintain effective oversight of this important modernization effort.

#### INTERNATIONAL TRADE DATA SYSTEM

The International Trade Data System (ITDS) is a multi-agency initiative designed to establish a single “window” for the collection and sharing of data and statistics on trade, to be developed along with the Automated Commercial Environment (ACE). CBP has been named the “managing partner” for ITDS, which presently includes 46 participating government agencies (PGAs). However, CBP says that in order to achieve the effective “single window” objective for trade data, there needs to be participation from all 79 key agencies with policy or regulatory roles affecting the collection and use of trade data. Until all 79 agencies are participating, the benefits of ITDS will be limited, as there will continue to be multiple and overlapping requirements for similar trade data. The Committee directs CBP to include in its expenditure plan a report on progress in implementing ITDS, with regard to the technical features of ITDS as well as the recruitment of all PGAs needed to enable ITDS to achieve the benefits of a “single window.”

#### TECS

Funding for TECS modernization in the amount of \$50,000,000, as requested, is included within the COPPS program, project and activity line, and covers the modernization program to replace existing mainframe elements of TECS with a sustainable modern architecture and graphical user interfaces. A joint effort between CBP and U.S. Immigration and Customs Enforcement (ICE), TECS modernization is to be completed in the next five years. The Committee directs CBP to brief the Committee not later than December 1, 2010 on the status of modernization efforts.

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

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$775,000,000
Budget estimate, fiscal year 2010 .....	779,452,000
Recommended in the bill .....	732,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	– 43,000,000
Budget estimate, fiscal year 2010 .....	– 47,452,000

<sup>1</sup>Excludes \$100,000,000 in appropriations in the American Recovery and Reinvestment Act of 2009 (P.L. 111–5).

#### 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 \$732,000,000 for Border Security Fencing, Infrastructure, and Technology (BSFIT), \$47,452,000 below the amount requested and \$43,000,000 below the amount provided in fiscal year 2009. The Committee recommends \$440,000,000 for development and deployment, which will fund technology and tactical infrastructure investment, including \$40,000,000 for Northern Border technology and \$40,000,000 for tactical communications; \$200,000,000 for operations and maintenance; and \$92,000,000 for program management, including \$40,000,000 for environmental assessment and mitigation. Of this total, \$150,000,000 may not be obligated until an expenditure plan is approved by the Committees on Appropriations and reviewed by GAO. The Committee retains 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 stating no BSFIT funds may be obligated until the Secretary certifies that DHS has complied with the consultation provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

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

	Budget estimate	Recommended
Development and Deployment		
• Technology and Infrastructure Investment .....	454,000,000	400,000,000
• Northern Border Technology Investment .....	40,000,000	40,000,000
Subtotal, Development and Deployment .....	494,000,000	440,000,000
Operations, Maintenance and Support (Integrated Logistics) .....	200,000,000	200,000,000
Program Management		
• Personnel Operations and Support .....		52,000,000
• Regulatory and Environmental Requirements .....		40,000,000
Subtotal, Program Management .....	85,452,000	92,000,000
Total .....	779,452,000	732,000,000

## QUARTERLY REPORTS

The Committee directs the Department to continue its quarterly Secure Border Initiative status reports. The report should include an update on Northern Border and tactical communication investments.

## SECURE BORDER TECHNOLOGY INVESTMENT

Congress has appropriated over \$3,500,000,000 for BSFIT activities since 2006. To date, this has resulted in completion of about 624 miles (of 670 deemed appropriate and necessary by the previous administration) in pedestrian and vehicle fencing. Initial SBInet technology deployment is scheduled to begin in the Tucson area in summer 2009. This is a year later than originally planned, due in part to the need to ensure systems pass technology qualification testing and to avoid installing technology prematurely. Be-

cause this deployment has been delayed, the Committee has included \$440,000,000 for Development and Deployment funding, a reduction of \$54,000,000 from the request. The Committee will consider reprogramming of funds to accelerate technology deployment should that prove feasible.

#### NORTHERN BORDER TECHNOLOGY INVESTMENT

The Committee is encouraged to see deployment of technology investments to the Northern Border, with mobile and remote video surveillance systems scheduled to be installed in Detroit, Swanton, and Buffalo this year. The Committee includes \$40,000,000, as requested, for continued technology investments to address Northern Border vulnerabilities, and directs that quarterly SBI reports include a status report on technology investments on the Northern Border.

#### OPERATIONS, MAINTENANCE, AND SUPPORT

The Committee includes \$200,000,000, as requested, for the operation and maintenance of systems and infrastructure deployed with BSFIT funding. This represents a 33 percent increase over the fiscal year 2009 appropriated level. Within this amount, the Committee understands that \$75,000,000 is for operation and maintenance costs for tactical infrastructure, with the remaining \$125,000,000 for support of technology, including tactical communications and integrated logistics support of newly deployed systems. The Committee expects to see a detailed rationale for the application of this funding in the fiscal year 2010 expenditure plan, and directs CBP to continue to provide a monthly report on operations, maintenance, and support obligations and expenditures.

#### ENVIRONMENTAL AND REGULATORY ASSESSMENTS AND MITIGATION

The Committee includes \$40,000,000 for regulatory and environmental assessments and mitigation. The Committee continues to support a policy of minimizing adverse environmental and other negative impacts from SBI construction, and expects CBP to use these funds to work in coordination with the Department of Interior and other government agencies with responsibilities for environmental policy on the border, as well as with State and local governments and subject matter experts from the scientific and environmental community. The funding should, as appropriate, be used for science-based approaches to monitor and mitigate environmental and ecological impacts. In particular, the Committee directs CBP to examine the use of "buffer areas" to accommodate both mitigation and security objectives for detecting and responding to illegal border crossing, such as those employed by the Department of Defense around bases and testing areas, and to report its findings with the submission of the fiscal year 2010 expenditure plan. The Committee also directs CBP to include a detailed environmental mitigation plan and report on mitigation efforts with its fiscal year 2010 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. The plan should

also address mitigating and minimizing the impact not only of SBI construction and infrastructure, but also of increasingly intensive Border Patrol operations in sensitive border ecosystems.

The Committee expects the Department to continue to limit any future exercise of the Secretary's waiver authority to specific, narrow, unaggregated segments of the border, and retains 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 fiscal year 2009 BSFIT expenditure plan represented an improvement over previous submissions. There remain some gaps, however, as identified by the Government Accountability Office, including a failure to adequately show how proposed spending corresponded with the accomplishment of specific strategic objectives, and the lack of a documented comparison of construction alternatives in terms of their impacts, unintended or otherwise, on local communities. To help ensure future BSFIT investment decisions are transparent, maintain a foundation for effective investment, document performance against promises, and support a balanced approach to all threats along the borders, the Committee continues to include bill language restricting the availability of some funding for obligation until approval of an expenditure plan.

The Committee understands that the Department has indicated it does not currently plan to initiate any significant new pedestrian or vehicle fence construction in 2010. Therefore the statutory requirements to explain and justify such decisions, and document the consultation and analytic processes that underlie them, should not pose any significant administrative burden for CBP or the Department. However, the Committee retains existing statutory language so that the process of identifying and pursuing any additional tactical infrastructure will be guided by the same requirements for transparency and rigor. In addition, the future size and growth of funding planned for the complex SBInet technology portion of BSFIT demands the level of accountability that the expenditure plan provides to the Committee. The Committee therefore makes \$150,000,000 unavailable for obligation until an expenditure plan has been submitted to the Committee that:

1. Defines activities, milestones, and costs for implementing the program;
2. Demonstrates how specific projects will further the goals and objectives of the Secure Border Initiative (SBI) and how funding will be allocated to the highest priority border security needs;
3. Includes an explicit plan of action for meeting program commitments;
4. Identifies funding and staffing requirements;
5. Describes how the plan addresses Northern Border and Port of Entry security needs;
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 Office of Inspector General recommendations and describes status of efforts to address them;

8. Includes Chief Procurement Officer certification that investment management and acquisition requirements are met;
9. Includes Chief Information Officer certification that information technology and risk management requirements are met;
10. Includes Chief Human Capital Officer certification that the human capital needs are met;
11. Includes a detailed analysis, with comparison of alternatives, for any segment of border for which fence or tactical infrastructure solutions are proposed, and includes evaluation of stakeholder-proposed alternatives as potential substitutes for tactical infrastructure; and
12. Is reviewed by GAO.

#### ALTERNATIVES ANALYSIS

To the extent that additional fencing is proposed, the Committee expects the fiscal year 2010 expenditure plan to contain analyses of alternatives for effective control of the border. These analyses should document the decision process that led to selection of fencing as the optimal solution. The Committee directs that such comparisons include the following:

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 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 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 unlikely to be used 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

Section 564(2) of Public Law 110–161 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 continues bill language 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.

## BORDER INTEROPERABILITY DEMONSTRATION PROJECT

The fiscal year 2009 BSFIT appropriation included \$30,000,000, as authorized in section 320 of the 9/11 Act, for Border Interoperability Demonstration Projects in Northern and Southwestern border communities. A report on the implementation of this program was due on April 6, 2009, but has not yet been received. Indeed, the Committee understands no funding has been obligated for this program, and therefore no grants have been made to border communities, although funds were appropriated over eight months ago. The Committee directs the Department to proceed immediately to carry out this program and to report to the Committee as soon as possible on its status.

## AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

Appropriation, fiscal year 2009 .....	\$528,000,000
Budget estimate, fiscal year 2010 .....	505,826,000
Recommended in the bill .....	513,826,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 14,174,000
Budget estimate, fiscal year 2010 .....	+8,000,000

## 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. CBP Air and Marine also supports counter-terrorism efforts of many other law enforcement agencies.

## RECOMMENDATION

The Committee recommends \$513,826,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement, \$8,000,000 above the amount requested and \$14,174,000 below the amount provided in fiscal year 2009. The funding includes \$374,217,000 for operations and maintenance, and \$139,609,000 for procurement. Within the latter, \$65,000,000 is included, as requested, to continue P-3 Service Life Extension. The Committee includes \$66,600,000, as requested, for continued acquisition of items in the CBP Air and Marine strategic acquisition plan. In addition, the Committee provides \$8,000,000 to undertake modernization of the Air and Marine Operations Center (AMOC).

## MARINE BOATS

The Committee is aware that there has been an increase in efforts to smuggle illegal drugs and immigrants into the United States by sea. CBP Air and Marine has approximately 200 marine vessels in its inventory, including new interceptor and riverine vessels funded in the past three years. At the same time, the Committee understands that the mission of the fleet has expanded, along with patrol areas, and that such intensive usage is degrading the current fleet. The Committee has included funding, as requested, for marine vessels, and directs CBP to report, not later

than January 15, 2010, with an update on its strategic acquisition plan with regard to vessel procurement. The report should describe the operational status of its fleet, requirements to retire or replace vessels, and associated resource implications.

AIR AND MARINE OPERATIONS CENTER

The Committee recognizes that the U.S. Customs and Border Protection Air and Marine Operations Center (AMOC) has developed the necessary expertise, technical capability, joint agency framework, and law enforcement foundation to serve the nation's needs for general aviation air interdiction and security operations, as well as air investigations support. The Committee has included \$8,000,000 towards the cost of upgrading the software and systems needed for AMOC to fulfill its role as a national air security center, and direct CBP to report to the Committee on the role and operation of the AMOC, its place in coordinating homeland security operations, and the status of efforts to modernize the AMOC and fully staff its operations.

NORTHERN BORDER AIR BRANCHES

The Committee includes funding, as requested, to fill remaining gaps in assets and resources for the five primary air branches established on the Northern Border: Bellingham, Washington; Great Falls, Montana; Grand Forks, North Dakota; Detroit Michigan; and Plattsburg, New York.

FACILITIES MANAGEMENT

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$403,201,000
Budget estimate, fiscal year 2010 .....	678,633,000
Recommended in the bill .....	682,133,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+278,932,000
Budget estimate, fiscal year 2010 .....	+3,500,000

<sup>1</sup>Excludes \$420,000,000 in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

MISSION

The Facilities Management account is a new account that funds all CBP real estate and facilities, including consolidating all funding for construction, leasing acquisition, rent, facility program support, operations, management, headquarters support, and tunnel remediation activities. This consolidates funding previously carried in the Construction account and the Salaries and Expenses activities for rent, leasing, and program management costs. This includes the planning, design, and assembly of Border Patrol infrastructure, including Border Patrol stations, checkpoints, temporary detention facilities, mission support facilities, training facilities, and 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 \$682,133,000 for Facilities Management, \$3,500,000 above the amount requested and \$278,932,000 above the amount provided in fiscal year 2009. The funding in-

cludes \$242,857,000 for Facilities Construction and Sustainment, \$402,263,000 for Rent, chiefly related to leases with the General Services Administration (GSA) and rent-related services; and \$37,013,000 for Program Oversight and Management.

LAND PORT OF ENTRY MODERNIZATION

As part of ARRA, \$420,000,000 was provided to replace or modernize the 43 land ports of entry owned by CBP. Most land ports of entry are owned by GSA, particularly the largest urban crossings, and the projected cost to upgrade these ports has been estimated by CBP to be as high as \$1,500,000,000. The Committee directs CBP to continue working with GSA to prioritize funding for modernizing these facilities.

RURAL AND REMOTE HOUSING

Over the last five years, the number of Border Patrol agents has nearly doubled. There has also been a major increase in hiring of Customs and Border Protection Officers and other personnel. The border areas where many of these new agents and officers serve are in very rural and remote regions of the country, and in order for them to maintain a satisfactory quality of life, they need adequate access to housing for themselves and their families. These border areas already face housing challenges, which are exacerbated by the influx of new CBP personnel. The Committee recommends the Department provide a Quarters Management Plan that lays out in detail how it will ensure that its agents and officers have adequate housing opportunities in rural and remote areas of the border.

AIR AND MARINE OPERATIONS EL PASO HANGAR

The Committee includes \$3,500,000 for demolition and replacement of a hangar and office space at El Paso International Airport that will facilitate CBP air operations in a high priority mission area; will permit direct access to the longest runway at the airport; and enable CBP to establish a dedicated taxiway for a fully-secured site if required.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

Appropriation, fiscal year 2009 .....	\$4,927,210,000
Budget estimate, fiscal year 2010 .....	5,348,000,000
Recommended in the bill .....	5,311,493,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+384,283,000
Budget estimate, fiscal year 2010 .....	-36,507,000

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 20,000 employees within four major pro-



gram areas: Office of Investigations; Federal Protective Service; Office of Intelligence; and Detention and Removal Operations.

#### RECOMMENDATION

The Committee recommends \$5,311,493,000 for Salaries and Expenses, \$36,507,000 below the amount requested and \$384,283,000 above the amount provided in fiscal year 2009. Within these amounts, the Committee allocates \$1,500,000,000 to finance ICE's various efforts to identify undocumented individuals with criminal records who are incarcerated or at-large and to remove those who are judged deportable in immigration court. Of this amount, \$200,000,000 is provided for continued expansion of the Secure Communities program. The Committee believes that ICE should have no greater immigration enforcement priority than to remove deportable aliens with serious criminal histories from the United States, and applauds ICE's efforts to develop productive relationships with local law enforcement and corrections agencies to implement this initiative.

The Committee provides \$1,643,360,000 for ICE's domestic investigatory responsibilities, \$27,809,000 above the requested amount. In addition to funding the requested expansion of cyber-related investigations of child pornography and on-line fraud, the Committee has increased funding for ICE investigations aimed at disrupting drug-related violence along the Southwest border by providing more than the request for investigations related to transnational criminal gangs, illegal export of firearms, cross-border drug smuggling, and human smuggling and trafficking.

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

	Budget estimate	Recommended
Headquarters Management and Administration:		
Personnel, Services and Other Costs .....	\$321,850,000	\$276,973,000
Headquarters-Managed Information Technology Investments .....	243,264,000	209,414,000
Legal Proceedings .....	221,666,000	221,666,000
Domestic Investigations .....	1,615,551,000	1,643,360,000
International Investigations:		
International Operations .....	112,872,000	112,872,000
Visa Security Program .....	30,186,000	30,186,000
Subtotal, International Investigations .....	143,058,000	143,058,000
Intelligence .....	67,842,000	67,842,000
Detention and Removal Operations:		
Custody Operations .....	1,771,168,000	1,771,168,000
Fugitive Operations .....	229,682,000	229,682,000
Criminal Alien Program .....	192,539,000	192,539,000
Alternatives to Detention .....	63,913,000	73,913,000
Transportation and Removal Program .....	281,878,000	281,878,000
Subtotal, Detention and Removal Operations .....	2,539,180,000	2,549,180,000
Identification and Removal of Criminal Aliens .....	195,589,000	200,000,000
Total, ICE Salaries and Expenses .....	5,348,000,000	5,311,493,000

#### ICE PROGRAMS TO IDENTIFY AND REMOVE CRIMINAL ALIENS

Over the past two years, Congress has emphasized that ICE must have no higher immigration enforcement priority than to identify foreign-born individuals who have been convicted of crimes

and sentenced to imprisonment, and to remove those people from the country once they have been judged deportable by immigration court. In the 2008 and 2009 Appropriations Acts, Congress provided \$350,000,000 in unrequested funding to initiate the Comprehensive Identification and Removal of Criminal Aliens (CIRCA) program, which ICE has renamed "Secure Communities." In addition, in the 2009 Appropriations Act, Congress directed that at least \$1,000,000,000 of ICE's budget be used to identify aliens convicted of crimes, and to ensure their removal once they have been judged deportable.

Using the funds previously appropriated for Secure Communities, ICE has instituted an effective pilot program that locates criminal aliens through coordination with local jail facilities, while maintaining the clear division between the law enforcement roles of Federal and local officers. In brief, the ICE system known as "Interoperability" allows local law enforcement agencies to check fingerprints of individuals booked on criminal charges against both national criminal and immigration databases. If an individual is identified through this system as illegally present in the United States, ICE can take appropriate steps to ensure the most dangerous of these criminals are deported upon completion of their jail sentences, while those convicted of lesser crimes are identified and deported as resources allow.

The Committee is strongly supportive of this approach, since it respects the traditional separation of local law enforcement responsibilities from the Federal role of enforcing immigration law. Because the Interoperability system locates the criminal records of those identified as in the country illegally, it allows ICE to target its resources to remove those illegal aliens who have proved their intent to do harm to U.S. communities. The system also provides important and timely information to local authorities on the criminal backgrounds and identities of individuals in their custody. Furthermore, the program is an economical solution because it requires no specialized training in Federal immigration law for local law enforcement officers. Considering these advantages, the Committee fully expects the Secure Communities program will prove more effective than many of the agreements ICE has established to delegate immigration enforcement authority to local patrol officers, an approach that can be effective but has also generated significant controversy when inappropriately implemented.

Given the advantages of the Secure Communities approach, the Committee provides an additional \$200,000,000 in the bill to continue the program's expansion, with the ultimate goal of deploying Interoperability on a nation-wide basis and equipping ICE with adequate personnel and mission support to identify and remove all convicted criminal aliens from the country after they have been judged deportable but before they are released from custody. Consistent with past appropriations for this program, the Committee requires ICE to report every three months on the status of the program. Given problems with these reports being delivered to the Committee on a timely basis, the bill includes a statutory requirement making the reports due 30 days after the end of each quarter of the fiscal year.

While the Committee supports Secure Communities, it also believes ICE must work to make sure the program's implementation

does not negatively impact other aspects of the judicial system and allows for appropriate transparency for those prosecuted for immigration violations. In particular, the Committee has heard concerns from some jurisdictions that ICE detains individuals in immigration custody while criminal charges are still pending against them, effectively trumping the administration of criminal justice. To minimize this occurrence, it is imperative for ICE field agents to maintain regular communication with local jails and courts on the actions ICE takes relative to individuals who are identified through the local booking process. Furthermore, in order to track the program's performance and effectiveness, the Committee expects ICE to maintain and regularly update performance data from the locations where the Secure Communities program has been implemented, and to report frequently on the results of the program, both to the public and the Congress.

In addition to its Secure Communities initiative, the Committee believes ICE must do more with its existing programs to ensure that it is focusing its efforts on those who represent the greatest threats to society and civil order. Whether it be efforts to locate at-large criminals through the Fugitive Operations program, disrupt transnational criminal gangs through targeted investigations, or more effective use of the Interoperability system at prisons where ICE personnel are already stationed, the agency must make sure it is doing all that it can to find and remove criminals who have been judged deportable. In an analysis of its 2009 budget, ICE reported to the Committee that it will spend \$1,411,795,000 on these efforts, well in excess of the \$1,000,000,000 Congress directed be allocated to these activities. Recognizing the increased funding provided both for the Secure Communities program and other activities related to apprehending criminal aliens, the Committee directs ICE to use not less than \$1,500,000,000 of its 2010 budget to address this issue.

#### STATE AND LOCAL PROGRAMS

The Committee provides \$117,394,000, as requested, for ICE State and Local programs, which is \$17,741,000 more than provided in fiscal year 2009. Within this total, \$68,047,000 is for the 287(g) program; \$14,357,000 is for the Forensics Document Laboratory, which supports all ICE investigatory programs and offers specialized assistances to State and local law enforcement agencies; and \$34,990,000 is for the Law Enforcement Support Center.

Since the 287(g) program delegates federal immigration enforcement authority to local law enforcement officers, ICE must provide appropriate oversight of how this authority is exercised. After reviewing the 287(g) program, GAO reported that ICE oversight was not consistently applied at the various jurisdictions with delegated authority, and in some cases ICE provided little to no oversight at all. Congress has expressed significant concern about the 287(g) program over the past several years. Therefore, the Committee is pleased that over half of the increase to State and Local Programs will be used to expand oversight and outreach for the 287(g) program.

GAO also reported that ICE had not communicated specific program objectives to the local agencies involved in the 287(g) program. For example, GAO found four locations out of 29 jurisdic-

tions it reviewed where delegated authority was exercised in a manner inconsistent with ICE's immigration enforcement goals. This, in addition to minimal federal oversight, has resulted in a program that has not been consistently implemented at the various jurisdictions with which ICE has signed Memoranda of Agreement (MOAs). The Committee understands that DHS has begun to develop a standard, legally-enforceable 287(g) contract for new enrollees in the system, and directs ICE to replace existing 287(g) MOAs with new agreements that reflect the accountability measures contained in the standard 287(g) contract as soon as it has been finalized.

The Committee continues a provision enacted in the 2009 Appropriations Act that requires ICE to cancel any 287(g) agreements where the DHS IG has determined the terms of the agreement have been violated. The Committee also continues to direct the IG to review 287(g) agreements for any violation of the terms of such agreements. The IG should consult with GAO to ensure its reviews include the execution of agreements identified as problematic by GAO.

#### SOUTHWEST BORDER ENFORCEMENT INITIATIVE

The Committee provides \$97,809,000 to expand several ICE investigatory programs aimed at reducing the drug-related violence currently plaguing areas along our country's Southwest border. This is an increase of \$27,809,000 over the levels requested in the budget, including: a \$10,000,000 expansion of ICE investigations of transnational gangs; an additional \$10,000,000 for ICE to improve investigations of cross-border weapons smuggling, including expansion of Operation Armas Cruzadas; \$5,000,000 more for ICE drug smuggling investigations; and \$2,809,000 to expand human smuggling and trafficking investigations. In addition, the Committee approves the funding increases requested in the budget for the ICE Offices of Investigation, Intelligence, and International Affairs to implement the Administration's Southwest Border Enforcement Initiative. These funds will support ICE's expansion of the Border Enforcement Security Task Force program, additional financial and export investigations, additional overseas ICE agents working directly with Mexican government officials, and increased analytical support from the Border Violence Intelligence Cell.

#### COORDINATION OF ILLEGAL WEAPONS INVESTIGATIONS

The Committee is aware of growing concerns in Mexico that many of the firearms and military-grade weapons used in violent attacks by drug cartels have been acquired in the United States and illegally exported to Mexico. While ICE has authority to enforce restrictions on the international trade of firearms and munitions, the Committee believes more can and should be done to ensure that arms sales in the Southwest border region are made legally and in accordance with all applicable regulations. Unfortunately, the Committee has discovered that the interagency Memorandum of Understanding governing investigatory coordination between ICE and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has not been updated to reflect either agency's current operations. The Committee directs ICE to work expeditiously with ATF to update this important agreement, and to update Con-

gress immediately about any impediments that arise in this process.

#### ICE CUSTODY OPERATIONS

The Committee provides \$1,771,168,000 for ICE custody operations, as requested, which is \$49,900,000 over the 2009 appropriations level. This increase will allow ICE to maintain an aggregate annual detention capacity for 33,400 individuals, and funds the full-year salaries and benefits for staff added to Detention and Removals Operations over the past several years. At this point, ICE detention capacity is at the highest level in the agency's history, having grown more than 67 percent since 2002. While there will always be need for ICE to detain individuals who are apprehended while in the country illegally, the Committee believes that further expansion of ICE detention must be based on a rigorous analysis illustrating what compelling need will be met by placing yet more individuals in Federal custody. Furthermore, given that ICE has been unable to implement a nation-wide Alternatives to Detention program despite strong interest and increased funding from the Congress, the Committee questions whether ICE is adequately and equitably evaluating the need to detain every individual the agency apprehends, particularly those without criminal histories and who do not pose a flight risk. At a minimum, until ICE can prove that its low-risk detainees have nation-wide access to supervision programs or bonded parole, the Committee will remain skeptical of expanding detention capacity further.

#### MEDICAL CARE FOR ICE DETAINEES

A recent GAO report (GAO 09-308R) highlighted differences in the structure and quality of care provided across ICE detention facilities. In particular, the GAO analysis revealed varying degrees of ICE oversight of contract agreements with non-Federal detention providers, and highlighted the potential for inadequate or inconsistent medical care across the ICE detention system. Further, GAO noted the absence of almost any performance data about ICE detainees' medical conditions or treatments. The Committee believes that if ICE must detain individuals in government custody, it should do so in a manner that provides all detainees equal access to necessary medical care, regardless of the location at which they are held. In addition, ICE detention staff should maintain detailed medical information about the health of their detained populations, not only to better inform management and investment decisions by ICE executives, but also to guard against the outbreak of epidemics and to identify emerging medical needs. The Committee directs ICE to report within 30 days of the end of each quarter of the fiscal year on actions it has taken to address inadequacies in its medical services to detainees.

The Committee is especially concerned about cases of detainee death where it appears detainees did not receive appropriate emergency medical treatment or continuing medical care. The Committee directs the Department to review its medical care standards for all detention facilities, specifically evaluating the enforceability of current standards. Additionally, the Department should revise any standards that do not ensure appropriate medical treatment, the ability to access counsel and family, effective medical grievance

procedures, or any other standards necessary for humane treatment of detainees. The Committee also directs the Department to notify the Congress and the DHS IG within 48 hours of any death that occurs in ICE custody.

#### DETENTION STANDARDS OVERSIGHT AND COMPLIANCE

The Committee supports ICE's proposal to expand the Office of Professional Responsibility (OPR) and Detention Facilities Inspection Group (DFIG), and provides an additional \$12,400,000 for these programs in 2010, as requested. These funds will support deployment of DFIG personnel to ICE field offices throughout the country, growth of the OPR Management Investigations Unit, and associated mission support costs. As a means improve compliance with ICE performance standards, the Committee continues a provision prohibiting ICE expenditure of funds for any contracted detention facilities that receive two consecutive evaluations of less than "acceptable" or the equivalent median score of any subsequent evaluation system, a requirement established by the fiscal year 2009 Homeland Security Appropriations Act.

The Committee understands that ICE is considering restructuring and possibly renaming the DFIG and other detention oversight programs. The Committee directs ICE to work with the Department's Chief Financial Officer to ensure this restructuring complies with all applicable provisions in the fiscal year 2009 Homeland Security Appropriations Act.

#### DEPORTATION OF PARENTS OF U.S.-BORN CHILDREN

In February 2009, the DHS IG estimated that more than 100,000 parents of U.S.-born children were deported from the country between 1998 and 2007. The IG also reported that ICE does not consistently track information about the U.S.-born children of those it deports. As a result, the Committee directs ICE to begin collecting data to track: the number of instances in which both parents of a particular child were removed; the length of time a parent lived in the United States before removal; and whether the U.S. citizen children remained in the United States after the parents' removal. ICE should provide this data annually to the Office of Immigration Statistics, as well as to Congress with the annual budget submission.

#### ALTERNATIVES TO DETENTION

The Committee provides \$73,913,000 for ICE Alternatives to Detention programs, which is \$10,000,000 more than requested. The Committee continues to recognize the value of Alternatives to Detention programs which have yielded a 98-percent appearance rate at immigration proceedings. When properly implemented and managed, Alternatives to Detention programs augment ICE's regular detention capacity and provide a cost effective means of accounting for individuals accused of being in the country illegally but who do not require administrative custody during their immigration proceedings. The Committee is very concerned that ICE has not complied with the 2009 Appropriations Act, which required the agency to submit a plan for nation-wide deployment of the Alternatives to

Detention program by January 5, 2009. The Committee directs ICE to submit this plan immediately.

As a matter of principle, DHS should use the least restrictive and least costly means required to supervise individuals in removal proceedings. Whenever practical and appropriate, individuals who cannot be paroled without supervision or on bond should be enrolled in Alternatives to Detention programs, particularly those that are community-based and which emphasize the personal responsibility of the individual. These programs, which cost less per day than detention, are a more humane method for monitoring individuals who may have legitimate immigration claims but for whom detention is unreasonably burdensome, such as asylum seekers, families, and the elderly.

The Committee has heard significant concerns from immigrant advocates about how ICE is using electronic monitoring programs for individuals who would otherwise be eligible for release on parole or bond, or would be eligible to enroll in intensive supervision programs that are not based on technology. The Committee directs ICE to develop a benefit-cost analysis of its various Alternatives to Detention approaches, and include this information in the 2011 budget submission for the program.

#### CHILD AND FAMILY DETENTION

The Committee believes that detention is not generally appropriate for families and is concerned that the Department does not routinely make Alternatives to Detention available to families it takes into custody. In addition, while the Committee is pleased that ICE developed and implemented detention standards for families held in its custody, it remains concerned that ICE family detention standards are based on adult prison standards. The Committee directs the Department to prioritize the use of Alternatives to Detention program for families who do not need to be held in immigration detention. The Committee further directs the Office of Professional Responsibility to conduct a review of families detained in ICE custody since 2007 and determine whether ICE complied with its own internal guidance for when to hold families in custody and when to release them to Alternatives to Detention programs. The Committee directs ICE to report on the results of this review no later than the submission of the 2011 budget.

In addition, the Committee has heard reports of ICE prosecutors inappropriately using personal information about children when presenting cases in immigration court, such as medical records and psychological reviews. The Committee directs ICE to respect the privacy and confidentiality of detained children's case information, including privileged medical, psychological and social worker reports, and only to request access to those files when relevant to the case.

#### INAPPROPRIATE TREATMENT OF CHILDREN IN ICE CUSTODY

In last year's appropriation report, the Committee directed ICE to report quarterly on any incidents involving strip searches of children, placement of children in restraints, or use of disciplinary weapons against children. ICE has not provided the Committee any report on these techniques, indicating that they have not been used to date in fiscal year 2009. As a result, the Committee directs ICE

to review the necessity of retaining these practices within its child detention standards, and update the Committee on any changes to the policies by November 2, 2009. In addition, ICE is directed to continue to provide reports 30 days after the end of each quarter of the fiscal year on any incidents involving strip searches of children, placement of children in restraints, or use of disciplinary weapons against children.

As in past years, the Committee provides no funding for ICE bone and dental forensic examinations to determine the age of children in ICE custody. This questionable methodology is not based on credible scientific principles, and puts children at risk of erroneous classification as adults and transfer to adult detention centers. The Committee directs the IG to continue 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 uses bone or dental forensic examinations.

#### TRANSPORTATION OF UNACCOMPANIED ALIEN CHILDREN

In the 2009 Appropriations Act, the Committee directed ICE, the Office of Management and Budget, and the Department of Health and Human Services (HHS) to determine the appropriate agency for managing child transportation between DHS and HHS custody. To date, the Committee has not received this report, which has apparently been under review at the Department of Health and Human Services for several months. As a result, the Committee expects ICE will continue to pay for the cost of child transportation between DHS and HHS custody until the agencies determine the appropriate method for funding this activity.

#### HUMANITARIAN REVIEW OF IMMIGRATION ARRESTS

The Committee continues to support ICE's policies that allow for humanitarian review of those arrested in worksite enforcement actions affecting 150 or more individuals. Many who have been arrested in past worksite enforcement actions were primary care givers to infant children or elderly parents, meaning their detention would have harmed those unable to care for themselves. The Committee continues to believe ICE should expand this policy to cover all worksite enforcement activities. If ICE is unable to expand this policy, it must brief the Committee no later than November 2, 2009, about the impediments to doing so.

#### 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 \$4,750,000, as requested, to continue these important activities. The Committee directs ICE to provide a report with its fiscal year 2011 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, and a five-year enforcement plan for transshipment violations.



ICE DATA CENTER CONSOLIDATION

Consistent with recommendations contained throughout this report, the Committee provides no funding for ICE data center migration activities due to the IG's recent findings described in the Chief Information Officer section of the report regarding possible unmitigated risks at the destination data center sites.

ICE FIELD OFFICE CO-LOCATION

The Committee provides \$47,123,000 for ICE field office co-location. This level includes \$45,000,000 for the costs to consolidate disparate field offices, approximately half the requested amount, and \$2,123,000 for personnel to manage the ICE field office co-location program. These funds should allow ICE to significantly improve field office coordination by integrating various legacy field locations into single ICE facilities in major U.S. cities, especially those located along or near the Southwest border region. The need to strengthen ICE operations by improving field office efficiencies was last highlighted by the Committee in the 2006 Appropriations Act.

FEDERAL PROTECTIVE SERVICE

Appropriation, fiscal year 2009 .....	\$640,000,000
Budget estimate, fiscal year 2010 <sup>1</sup> .....	1,115,000,000
Recommended in the bill .....	1,115,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+475,000,000
Budget estimate, fiscal year 2010 .....	---

<sup>1</sup>In the 2010 budget, the Administration proposed realigning FPS responsibilities to the National Protection and Programs Directorate. Additionally, CBO re-structured FPS collections in its 2010 re-estimate of the President's budget to include reimbursable contract guard service collections, which had not been included in previous year appropriations.

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: 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 \$1,115,000,000, the same as the amount requested for fiscal year 2010. At this time, the Committee denies the proposed transfer of FPS managerial oversight from ICE to the National Protection and Programs Directorate (NPPD).

MANAGEMENT OF THE FEDERAL PROTECTIVE SERVICE

For the past two years Congress has been forced to set in law the staffing levels for the Federal Protective Service since there was no effort made by the Administration to determine the resources required to provide adequate security for Federal buildings.

This neglect of the agency charged with protecting Federal workers from risks both small and large is unacceptable, particularly given the fact that Federal buildings have historically been a target of terrorists. As a result, in the 2009 Appropriations Act, the Committee directed the Government Accountability Office to make recommendations about what resources are required for the FPS to be able to adequately protect Federal facilities. That analysis is ongoing.

It is unfortunate that rather than explicitly identifying the staff and funding levels necessary for FPS to perform its mission, the 2010 budget proposes to transfer responsibility for the agency to NPPD. In theory, the FPS mission is probably better aligned with that of NPPD, which is the DHS component responsible for protecting the nation's critical infrastructure. Furthermore, it is true that the managerial relationships between FPS and ICE have been strained, and that the growing significance of ICE enforcement of immigration and customs law does not particularly complement the FPS responsibility to protect Federal offices. However, the justification documents for this proposed transfer include no practical details about how the change will be implemented and identify no particular transition costs associated with the realignment. Furthermore, the justification fails to recognize the host of new and growing programs that NPPD currently manages, such as the National Cyber Security Initiative and the regulation of Ammonium Nitrate. Finally, the justification does not explain whether NPPD managers have the capacity to absorb a law enforcement responsibility like FPS, which would involve extensive field operations and contract oversight. Currently, NPPD field staff is limited, and the contracts it manages do not have the same nation-wide reach as those at FPS.

If the Committee is to take the Administration's FPS realignment proposal seriously, the Department must provide a more detailed discussion of the managerial steps that will be taken to ensure the transition functions smoothly and efficiently. There are too many examples of failed bureaucratic restructuring in the short history of the Department of Homeland Security to allow the Committee to proceed without further detail: the fruitless realignment of the Federal Air Marshals into ICE, the costly restructuring of the DHS Information Analysis and Infrastructure Protection Directorate, and the calamitous dissolution of the Federal Emergency Management Agency to form the Emergency Preparedness and Response Directorate.

The Committee therefore directs the Department to submit, no later than July 30, 2009, a detailed transition plan for the realignment of the Federal Protective Service, including an identification of the resources necessary to support a robust, nation-wide security presence at Federal facilities. Absent further information, it is premature to act on the proposed restructuring.

## AUTOMATION MODERNIZATION

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$57,000,000
Budget estimate, fiscal year 2010 .....	110,000,000
Recommended in the bill .....	105,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+48,000,000
Budget estimate, fiscal year 2010 .....	- 5,000,000

<sup>1</sup>Excludes \$20,000,000 in appropriations in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

## MISSION

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

## RECOMMENDATION

The Committee recommends \$105,000,000 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:

Project name	Budget estimate	Recommended
ATLAS .....	\$9,000,000	\$9,000,000
Detention and Removals Modernizations .....	22,000,000	22,000,000
Homeland Enforcement Communications System (HECS) .....	16,400,000	16,400,000
Field Investigations Support Systems .....	23,600,000	23,600,000
Electronic Health Records (eHR) .....	20,400,000	20,400,000
Unspecified Reduction .....	- - -	- 5,000,000

## ELECTRONIC HEALTH RECORDS

The Committee is pleased that ICE is tackling a persistent problem for all medical systems: the fallibility of paper-based patient records. Since ICE detainees can often be transferred between several detention facilities before their immigration cases are decided, portable medical records are an important part of ensuring the health of all those held in ICE custody. The Committee understands ICE will use funds provided for this project in 2010 to assess the Division of Immigrant Health Services electronic health records needs, and to initiate an acquisition of the most cost effective electronic health records system that meets those needs. The Committee directs ICE to review the electronic health records systems already used by other Federal agencies such as the Department of Veterans Affairs or the Bureau of Prisons, and to evaluate whether it would be cost effective to procure medical records management services from another Federal agency through an Economy Act transaction. In addition, the Committee directs ICE to ensure that whatever system of electronic health records it decides to implement, the system should be available and required to be used by all detention facilities that house ICE detainees.

## CONSTRUCTION

Appropriation, fiscal year 2009 .....	\$5,000,000
Budget estimate, fiscal year 2010 .....	- - -
Recommended in the bill .....	11,818,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+6,818,000
Budget estimate, fiscal year 2010 .....	+11,818,000

## MISSION

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

## RECOMMENDATION

The Committee recommends \$11,818,000 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 directs ICE to use the funds provided to address the highest-priority repair and alteration needs at the SPCs.

The budget proposed a general provision allowing ICE to sell its SPCs and retain the proceeds to pay for the cost of consolidating field offices for ICE agents and officers. The Committee does not include this provision. Until ICE is able to prove that it can adequately provide for the medical care and oversight of detention standards at its existing contract detention facilities, the Committee believes it would be premature to move to an exclusively contract detention model.

## TRANSPORTATION SECURITY ADMINISTRATION

## AVIATION SECURITY

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$4,754,518,000
Budget estimate, fiscal year 2010 .....	5,310,850,000
Recommended in the bill .....	5,265,740,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+511,222,000
Budget estimate, fiscal year 2010 .....	-45,110,000

<sup>1</sup>Excludes \$1,000,000,000 in appropriations in the American Recovery and Reinvestment Act (P.L. 111-5).

## MISSION

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

## RECOMMENDATION

The Committee recommends \$5,265,740,000 for Aviation Security, \$45,110,000 below the amount requested and \$511,222,000 above the amount provided in fiscal year 2009. 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 .....	\$4,475,117,000	\$4,409,776,000
Aviation security direction and enforcement .....	835,733,000	855,964,000
Mandatory aviation security capital fund <sup>1</sup> .....	250,000,000	250,000,000
Subtotal, aviation security .....	5,310,850,000	5,265,740,000

<sup>1</sup>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 \$2,100,000,000 in aviation security user fees, \$128,941,000 less than the budget. This level is based on a re-estimate of fees by the Congressional Budget Office that reflects the downward trend in air travel due to current economic conditions. These fees will be collected from both aviation passengers and the airlines and will partially offset the federal appropriation for aviation security.

## SCREENING OPERATIONS

The Committee recommends \$4,409,776,000 for passenger and baggage screening operations, \$65,341,000 below the amount requested and \$474,066,000 above amount provided in fiscal year 2009. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Screener Workforce:		
Privatized screening .....	\$149,643,000	\$149,643,000
Screener personnel, compensation and benefits... ..	2,788,575,000	2,788,575,000
Subtotal, screener workforce .....	2,938,218,000	2,938,218,000
Screener training and other .....	203,463,000	204,713,000
Checkpoint support .....	128,739,000	128,739,000
EDS/ETD Systems:		
EDS procurement and installation .....	856,591,000	800,000,000
Screening technology maintenance and utilities .....	326,625,000	316,625,000
Operation integration .....	21,481,000	21,481,000
Subtotal, EDS/ETD systems .....	1,204,697,000	1,138,106,000
Total, screening operations .....	4,475,117,000	4,409,776,000

## PRIVATIZED SCREENING

The Committee recommends \$149,643,000 for privatized screening, the same as the amount requested and \$1,629,000 below the amount provided in fiscal year 2009. This reduction reflects cost savings in contracts that were recently renegotiated. To date, nine airports and one heliport 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, but which are now in the final process of joining the privatized screening program. When this is completed, a total of 17 airports and heliports will be participating in SPP, and the Committee recommendation fully funds that level of activity. If additional airports are federalized, the Committee expects TSA to continue to provide screener service to airports, either through SPP or with federal screeners, in fiscal year 2010. 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 air-

ports 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.

#### SCREENER PERSONNEL, COMPENSATION AND BENEFITS

The Committee recommends \$2,788,575,000 for screener personnel, compensation, and benefits, the same as the amount requested and \$72,561,000 above the amount provided in fiscal year 2009. This level fully funds the pay and cost of living adjustments for all screeners and permits the agency to hire 55 new full-time equivalent bomb appraisal officers (BAOs). BAOs are highly trained individuals who are able to more accurately identify potential improvised explosive devices and their components and are trained in the disposal of these threat objects. After a screener identifies an item of concern, using a BAO for further analysis of the potential threat object can permit the resolution of the situation without the need to call in local law enforcement's bomb disposal unit, thereby reducing airport delays and closures. With the additional FTEs, TSA expects to have BAOs deployed at 158 airports throughout the United States by the end of 2010. TSA is encouraged to ensure that BAOs have all the appropriate tools to do their job effectively.

#### SCREENER TRAINING AND OTHER

The Committee recommends \$204,713,000 for screener training and other, \$1,250,000 above the amount requested and \$7,395,000 above the amount appropriated in 2009. The Committee notes the continued threat posed by rudimentary and ever evolving improvised explosive devices and recognizes the valuable security testing and evaluation provided by the Safe Skies Alliance. To further these efforts, the Committee provides \$1,250,000 to develop and enhance research and training capabilities for Transportation Security Officer improvised explosive detection recognition training by the Safe Skies Alliance.

#### CHECKPOINT SUPPORT

The Committee recommends \$128,739,000 for checkpoint support, the same amount as requested and \$121,261,000 below the amount appropriated in 2009. The reduction in funding reflects \$300,000,000 provided in ARRA for checkpoint support activities, which permitted TSA to accelerate the testing, piloting, and deployment of next-generation checkpoint technologies. TSA has informed the Committee that with the infusion of ARRA funding, the agency will meet its current nationwide requirements for advanced technology screening systems and liquid bottle scanners at the checkpoint and make significant headway in procuring and deploying other next generation devices. With the funds recommended in 2010, TSA plans to procure 895 additional systems, including whole body imagers, credential authentication technologies, shoe scanners, stand off detectors, enhanced metal detectors, next generation explosive trace machines, and technologies that may permit passengers to carryon larger sized liquids. These funds will also

allow the agency to reconfigure airports to accommodate the “checkpoint of the future” layout.

Over the past few years, the Committee has made significant investments in next-generation checkpoint technologies to increase TSA’s ability to detect concealed weapons and explosives. It is critically important that these screening technologies are deployed in order to address changing and evolving threats to air passengers and crew members. While new technologies provide protection to the traveling public, it remains critically important to safeguard privacy. Within 45 days of enactment, the Committee directs TSA to report to the Committees on Appropriations the details and strategy for a comprehensive program to ensure passenger privacy related to whole body imaging (WBI). At a minimum, this strategy should include: off-site monitoring; a spend plan for upgrading the existing software to include new privacy algorithms; procedures to prohibit storing, transferring, or copying any images produced by the machines; and a concept of operations plan for those passengers that choose a physical search rather than the WBI screening.

Consistent with fiscal year 2009, 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. Also, TSA shall continue to update the Committees quarterly on checkpoint technology expenditures, on an airport-by-airport basis. These updates shall include information on the specific technologies for purchase, project timelines, a schedule for obligation, and a table detailing actual versus anticipated unobligated balances at the close of the fiscal year, with an explanation of any deviation from the original plan.

#### 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. Although all commercial airports have explosive detection machines, many airports have older generation systems, which often occupy large amounts of lobby space, are more labor intensive, and are much less efficient than newer explosive detection system (EDS) machines. In 2006, TSA developed the EDS Strategic Plan that identified optimal screening solutions at the top 250 commercial airports, including the installation of in-line EDS and the replacement of explosive trace detection machines, which would address the challenges identified above. Earlier this year, TSA informed the Committee that it had approximately \$1.5 billion in identified needs to procure and install in-line EDS machines at airports based on priorities established in the Strategic Plan. According to TSA, these airports had completed a significant amount of design work and could spend the funding expeditiously. As a result, \$700,000,000 was provided in ARRA to address these needs. With this funding, TSA expects to acquire and install 41 in-line systems so that additional airports have optimal systems installed at some or at all terminals.

The Committee recommends \$800,000,000 for EDS procurement and installation, \$56,591,000 below the budget request and \$506,000,000 above the amount appropriated in fiscal year 2009. This funding will permit TSA to modify airport facilities to install

about 20 additional in-line systems at some or all airport terminals. Including the existing mandatory Aviation Security Capital Fund of \$250,000,000, the total appropriation (both mandatory and discretionary) for EDS procurement and installation is \$1,050,000,000 in fiscal year 2010. This funding, coupled with the \$700,000,000 provided in ARRA earlier in the year, fully satisfies TSA's list of airports that have approved optimal screening designs that could be funded. Within the \$800,000,000 of discretionary appropriations, 25 percent shall be applied to the needs of medium and small sized airports.

When finalizing the cost agreements with airports using these funds, TSA may be able to achieve unanticipated cost savings during facility modifications and installation of EDS machines at airports. For example, TSA has already informed the Committee that with the ARRA funding provided earlier this year, airports have calculated project costs below their original estimates. As a result, TSA anticipates savings of between \$50,000,000 and \$150,000,000. These funds will be applied to the airports that are next on the optimal baggage screening list with completed designs. In addition, it has come to the attention of the Committee that installing an optimal baggage screening solution using a pre-engineered structure outside an existing airport terminal can significantly reduce costs when compared to placing the system inside the terminal. At least three airports are exploring this design. In addition to being cost effective, this approach also speeds implementation while creating minimal disruptions to existing TSA and airline baggage operations. Because this is an eligible activity under 49 U.S.C. 44923, the Committee encourages TSA to consider using some of the recommended funds for dedicated pre-engineered structures related to optimal baggage screening solutions for EDS installations. This may save the Federal government significant time and money.

Last year, the Committee encouraged TSA to continue studying the efficacy of consolidating checked and carryon baggage screening systems at smaller and medium sized airports and to provide a progress report by February 16, 2009. This report has not been received. The Committee remains interested in the topic and urges TSA to provide this report expeditiously.

Consistent with prior years, 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. If new requirements occur after the plan is submitted, TSA shall reassess and reallocate funds after notifying the Committees of any change. Also, TSA shall continue to update the Committees quarterly on EDS expenditures, on an airport-by-airport basis. These updates shall include information on the specific technologies for purchase, project timelines, a schedule for obligation, and a table detailing actual versus anticipated unobligated balances at the close of the fiscal year, with an explanation of any deviation from the original plan.

#### SCREENING TECHNOLOGY MAINTENANCE AND UTILITIES

The Committee recommends \$316,625,000 for screening technology maintenance and utilities, \$10,000,000 below the amount requested and \$11,000,000 more than the amount provided in fiscal year 2009. The Committee notes that the funding requirement for



maintenance and utilities of explosive detection systems, checkpoint systems, and other technologies has grown by 7 percent from fiscal year 2009 to 2010. The maintenance increase is driven primarily by increases in deployed security equipment. Although TSA uses long-term maintenance contracts with fixed prices to try to safeguard the government against potential cost increases for maintaining aging technology systems, the agency nonetheless incurs double digit growth in this area year after year. Because of this, last year the Committee directed 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. That report is delinquent. Without an understanding of why these costs have escalated so dramatically and what TSA is doing about it, the Committee cannot fully support a 7 percent cost escalation.

TSA plans to renegotiate its long term maintenance contract late in 2009 or perhaps in 2010. The Committee encourages TSA to undertake this renegotiation expeditiously and has taken an \$11,000,000 reduction from the budget request to reflect cost savings anticipated under this new contract.

#### AVIATION SECURITY DIRECTION AND ENFORCEMENT

The Committee recommends \$855,964,000 for aviation security direction and enforcement, \$20,231,000 above the amount requested and \$57,156,000 above the amount provided in fiscal year 2009. The following table highlights funding levels by program, project, and activity:

	Budget estimate	Recommended
Aviation regulation and other enforcement .....	\$254,064,000	\$254,064,000
Airport management and support .....	448,424,000	453,924,000
Federal flight deck officer and flight crew training .....	25,127,000	25,127,000
Air cargo .....	108,118,000	122,849,000
Subtotal, aviation security direction and enforcement .....	835,733,000	855,964,000

#### AVIATION REGULATION AND OTHER ENFORCEMENT

The Committee recommends \$254,064,000 for aviation regulation and other enforcement, the same level as the budget request and \$8,796,000 above the amount provided in fiscal year 2009. Within this funding is \$8,696,000 to annualize 9/11 Act activities and to support implementation of new general aviation regulatory activities. Of the funding provided for general aviation, and consistent with prior years, \$275,000 shall be used for activities to train and alert general aviation pilots to proper security measures and best practices. Since 2008, this funding has been available to be awarded competitively; however, TSA has been quite slow in doing so. TSA does not plan to award the 2008 funds until late May or June 2009. The Committee is disappointed with the delay in awarding this program and directs the agency to move more expeditiously with the 2009 and 2010 funds.

The Committee understands that TSA is currently working with stakeholders to develop a modified Large Aircraft Security Program rule that minimizes adverse effects on general aviation while addressing security concerns. We also understand that after this consultation TSA plans to issue a new notice of proposed rulemaking

to ensure additional public comment. The committee applauds TSA for taking a deliberative approach to this issue and urges TSA to weight all the costs and benefits associated with new security mandates for general aviation operators and airports.

#### AIRPORT MANAGEMENT AND SUPPORT

The Committee recommends \$453,924,000 for airport management and support, \$5,500,000 above the budget request and \$52,258,000 above the amount provided in fiscal year 2009. Within this total is \$5,500,000 for the flight data initiative, to continue development, analysis and testing of deployable flight data recorders and other technologies to implement section 1620(2)(b) of the 9/11 Act. This initiative will provide near real-time access to data for immediate analysis of potential terrorist threats, provide secondary storage of flight data if the flight data and cockpit voice recorders do not survive, and overcome the delay in recovery of critical flight data from accident locations. This funding will support on aircraft installation and flight testing for all associated technologies by September 30, 2011.

#### AIR CARGO

The Committee recommends \$122,849,000 for air cargo, \$14,731,000 above the amount requested and the same amount provided in fiscal year 2009. Funding above the budget request shall be for additional domestic and international inspectors, for international air cargo activities to strengthen the development of a global air cargo security strategy, to continue air cargo pilots using emerging technologies that are being developed to screen larger sized items, and to convert law enforcement canine teams to TSA proprietary teams.

The 9/11 Act required DHS to establish a system to screen 50 percent of cargo transported on passenger aircraft by February 2009 and 100 percent by August 2010. Screening 100 percent of air cargo carried on passenger aircraft is an important mandate, one that TSA can meet within the timeframe Congress has set for domestic activities.

In February 2009, TSA stated that it was able to meet the 50 percent deadline because of a variety of initiatives the agency undertook, including requiring its personnel to screen 100 percent of cargo carried on passenger aircraft at the nation's 250 smallest airports, removing almost all cargo screening exemptions, and mandating that all nonexempt cargo carried on narrow body aircraft be screened. However, on March 18, 2009, GAO testified that TSA cannot verify that 50 percent of all nonexempt air cargo carried on passenger aircraft is actually being screened. This stems from the fact that TSA did not have a system in place to provide verification and to collect data from screening entities. Since then, TSA has developed a system to verify that this level of cargo screening is occurring.

It will be significantly more difficult to achieve 100 percent screening mandated by August 2010. To do so, TSA is developing the Certified Cargo Screening Program, which would permit certified supply chain facilities to screen air cargo using a variety of technologies prior to its consolidation onto pallets or into containers before it leaves these facilities. The certified cargo screening facili-

ties are required to ensure that the chain of custody for this 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 palletized and shrink-wrapped cargo, is subject to screening.

Earlier this year, TSA began a limited Phase One rollout in the eighteen major gateways, focusing on shippers in nine cities and freight forwarders in all eighteen airport markets. This work is all being done domestically; a similar program will need to occur overseas. TSA plans to evaluate the success of the Phase One program before expanding the program nationwide later this year. Consistent with the explanatory language accompanying Public Law 110-329, TSA shall brief the Committee on the results of this pilot before it moves to a nationwide rollout. This briefing should detail the processes for securing air cargo through the supply chain and include the schedule, milestones, and performance measures for the program. Assuming that most domestic air cargo screening will permanently move away from the airports to certified off-site facilities (e.g. manufacturers, indirect air carriers, and freight forwarders), the Committee has included additional funds to hire domestic inspectors above the 450 already on board, to validate that these entities are screening appropriately and consistently before they consolidate the air cargo into pallets. Funding may also be used to hire additional personnel to support policy development, rollout, and program management oversight of the Certified Cargo Screening Program, specifically in the areas of enrollment, assessment, and certification; technology management; and international policy coordination/harmonization.

To date, air cargo security has focused almost exclusively on the domestic market. However, a large amount of air cargo, particularly perishable items, is shipped from overseas locations to the United States. At this time, this cargo will be screened once it reaches the United States; however, TSA, in conjunction with U.S. Customs and Border Protection and international agencies, is developing a program to ensure the security of inbound cargo from outside the United States. Screening international air cargo poses unique challenges since TSA would need to place personnel overseas to screen U.S.-bound cargo and/or strengthen relations with foreign airports and companies to screen cargo before it is placed on an aircraft heading to the United States. TSA testified earlier this year that this problem would not be resolved by August 2010. The Committee has provided funding to hire and deploy international cargo transportation security inspectors to examine cargo operations at last points of departure to the United States, to enhance databases that assess risks and vulnerabilities of the air cargo being transported, and to develop a global air cargo security strategy. This additional funding should help TSA strengthen air cargo security throughout the worldwide supply chain.

In addition to funding provided for personnel, the Committee includes \$5,000,000 to support the testing, evaluation, and qualification of emerging screening technologies to screen larger sized items for inclusion on TSA's Qualified Technology List. This list will iden-

tify appropriate screening technologies for industry to procure to enable TSA to meet the 100 percent screening requirement.

Finally, within the total funding level for air cargo is \$7,000,000 to convert 35 canine teams from local law enforcement officer teams to TSA proprietary teams. To date, TSA has been unable to place 35 of the 85 canine teams previously allocated for placement with local law enforcement entities. These funds will enable TSA to convert these 35 teams such that they will be TSA owned and managed. This requires additional funding for TSA handlers, training, and logistics, and for other administrative support. These teams will work predominantly in the air cargo arena.

NEW FEE COLLECTIONS

The budget requested \$16,900,000 in new fee collections under Aviation Security for such activities as the certified cargo screening program (\$5,200,000), large aircraft security program (\$1,600,000), secure identification display area checks (\$10,000,000), and other security threat assessments (\$100,000). The Committee has provided this fee authority under the Transportation Threat Assessment and Credentialing program, which manages similar programs.

SURFACE TRANSPORTATION SECURITY

Appropriation, fiscal year 2009 .....	\$49,606,000
Budget estimate, fiscal year 2010 .....	128,416,000
Recommended in the bill .....	103,416,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+53,810,000
Budget estimate, fiscal year 2010 .....	-25,000,000

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 \$103,416,000 for Surface Transportation Security, \$25,000,000 below the amount requested and \$53,810,000 above the amount provided in fiscal year 2009. Within this total, \$42,293,000 is for surface transportation staffing and operations and \$61,123,000 is for rail security inspectors and canines. Within the amounts provided, the Committee has fully funded activities mandated by the 9/11 Act, including funding to continue vulnerability and threat assessments of high risk entities, to conduct additional security exercises and training programs, and to continue information sharing activities.

In addition to the funds provided for surface transportation security under this heading, the Committee has provided \$262,000,000 for rail, transit, and bus security grants under the Federal Emergency Management Agency's "State and Local Programs" appropriation and \$5,000,000 for new counter-explosive research and development activities in Science and Technology. S&T has other on-

going research activities that may be utilized to enhance security in the mass transit, rail, and bus environments.

#### VISIBLE INTERMODAL PROTECTION AND RESPONSE TEAMS

The Committee recommends \$25,000,000 for new rail inspectors to create new Visible Intermodal Protection and Response (VIPR) teams, half of the amount requested. These teams conduct unannounced, high-visibility exercises in mass transit or passenger rail facilities. TSA has informed the Committee that the requested funding reflects the entire cost to create 15 new teams. Past experience has shown that TSA has had substantial difficulty in hiring rail inspectors. In fact, TSA carried over about 47 percent of its fiscal year 2008 surface transportation appropriation into fiscal year 2009 in part because of delays in hiring inspectors for VIPR teams. At this time, of the total 175 rail inspectors authorized, TSA has 65 inspector positions that remain unfilled. Until TSA can show progress in hiring additional inspectors, it is premature to approve an additional 338 positions.

Over the past two years, a number of entities have expressed concern about the effectiveness of VIPR teams. For example, a February 2009 DHS IG, report noted that surface transportation security inspectors do not add as much value in a VIPR exercise as other TSA participants, such as air marshals or screeners, because they are not trained in behavior detection, have no training in passenger screening, are unable to detect explosives, and are not law enforcement authorities. One year earlier, the IG reported that “participants and outside observers question the value of VIPR exercises.” In particular, the Federal Law Enforcement Officers Association described the VIPR exercises as “clearly a waste of scarce Federal Air Marshal resources”. Transportation security inspectors (TSI) also considered their participation in VIPR exercises “unproductive”. The IG noted that in their survey of TSIs, 70 percent selected VIPR exercises as one of two duties they performed that were the least effective use of their time.

Because of these concerns, last year the report accompanying the fiscal year 2009 Appropriations Act required TSA to report on performance standards to measure the success of its VIPR teams in detecting and disrupting terrorism. In addition, the report was also to identify the methodology used to determine the distribution of VIPR resources and personnel among the various modes of transportation. To date, the Committee has not received this report and cannot determine what is necessary to address these concerns and to make these teams more effective. These issues must be resolved before the agency increases staffing for VIPR teams by over 200 percent as requested.

#### TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

Appropriation, fiscal year 2009 .....	\$116,018,000
Budget estimate, fiscal year 2010 .....	191,999,000
Recommended in the bill .....	171,999,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+55,981,000
Budget estimate, fiscal year 2010 .....	- 20,000,000

## MISSION

The mission of Transportation Threat Assessment and Credentialing (TTAC) is to reduce the probability of a successful 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 and the following screening programs: Secure Flight; Crew Vetting; Transportation Worker Identification Credential; Registered Traveler; Hazardous Materials; and Alien Flight School.

## RECOMMENDATION

The Committee recommends a direct appropriation of \$171,999,000 for TTAC, \$20,000,000 below the amount requested and \$55,981,000 above the amount provided in fiscal year 2009. In addition, the Committee anticipates TSA will collect \$44,900,000 in fees, including \$16,900,000 in a variety of new fees TSA proposed under Aviation Security. Because these new fees will be paid for by users undergoing background and credential checks, it is more appropriate to have these activities administered by the TTAC program, which already manages similar activities for transportation workers and hazardous materials truck drivers. A comparison of the budget estimate to the Committee's recommended level by budget activity is as follows:

	Budget estimate	Recommended
Direct Appropriation:		
Secure flight .....	\$84,363,000	\$84,363,000
Crew and other vetting programs .....	107,636,000	87,636,000
Subtotal, direct appropriations .....	191,999,000	171,999,000
Fee Collections:		
Transportation worker identification credential .....	9,000,000	9,000,000
Hazardous materials .....	15,000,000	15,000,000
Alien flight school (transfer from DOJ) .....	4,000,000	4,000,000
Certified cargo screening program .....	---	5,200,000
Large aircraft security program .....	---	1,600,000
Secure identification display area checks .....	---	10,000,000
Other security threat assessments .....	---	100,000
Subtotal, fee collections .....	28,000,000	44,900,000

## SECURE FLIGHT

The Committee recommends \$84,363,000 for Secure Flight, the same amount as requested and \$2,152,000 above the amount provided in fiscal year 2009. Secure Flight became operational in late-January 2009. At that time, TSA began to assume the watch-list matching function for a limited number of domestic flights for one airline, and has since phased in additional flights and airlines. Once Secure Flight's advanced technology is fully implemented, enhanced watch list matching will be done solely by the government. Airlines will gather a passenger's full name, date of birth, and gender when making an airline reservation to determine if the passenger is a match to the No Fly or Selectee lists. By providing the additional data elements of gender and date of birth, Secure Flight

will more effectively help prevent misidentification of passengers who have similar names to individuals on the watch-list and better identify individuals who may pose a known or suspected threat to aviation. TSA plans to assume the watch-list-matching function for all domestic flights by March 2010. The agency will then take on the watch-list-matching function for international flights departing to and from the United States by the end of 2010, which is currently the responsibility of CBP.

Since 2005, GAO has been evaluating TSA's progress in developing the Secure Flight program. In May 2009, GAO issued its most recent evaluation of this program (GAO-09-292). The evaluation found that TSA had generally achieved nine of the 10 statutory conditions related to the development of the Secure Flight program and had conditionally achieved one condition. For that one condition, which pertains to life cycle cost estimates and program plans, GAO notes that TSA had defined plans, but had not completed all activities for this condition to be satisfied. GAO also expressed concern that TSA had not yet developed plans to periodically assess the performance of the Secure Flight system's name-matching capabilities, which would help ensure that the system is working as intended. GAO is directed to continue reviewing the Secure Flight program until all ten conditions are generally achieved and periodically update the Committee on its findings.

#### CREW AND OTHER VETTING PROGRAMS

The Committee provides \$87,636,000 for crew and other vetting programs instead of \$107,636,000 as requested. This funding shall be used to support personnel working on a variety of vetting activities, including vetting flight crew members and employees with access to secure areas in the airports; 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 fully funds the annualization of 9/11 Act vetting activities; includes funding for 33 new positions as requested; and recommends \$56,500,000 for vetting infrastructure investments, as discussed below. None of this funding shall be used in support of the Secure Flight program, which has a separate appropriation.

#### VETTING INFRASTRUCTURE INVESTMENTS

The Committee provides \$56,500,000 for vetting infrastructure investments instead of \$76,500,000 as requested in the budget. Because TSA has not clearly detailed in its budget justification the investments necessary to enhance its current vetting infrastructure in 2010, and the requested amount does not match data provided to the Committee earlier this spring, numerous questions remain unanswered about this modernization program. As such, the Committee has denied about one-third of the requested increase for this program. However, the Committee recognizes that improvements

must be made to the Office of Transportation Threat Assessment and Credentialing's screening infrastructure, including prototype development as well as software and hardware procurements. These investments will consolidate a number of arbitrarily separate screening systems into one system and address new requirements contained in the 9/11 Act to vet a variety of transportation employees.

#### TRANSPORTATION SECURITY SUPPORT

Appropriation, fiscal year 2009 .....	\$947,735,000
Budget estimate, fiscal year 2010 .....	1,004,580,000
Recommended in the bill .....	992,980,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+45,245,000
Budget estimate, fiscal year 2010 .....	- 11,600,000

#### MISSION

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

#### RECOMMENDATION

The Committee recommends \$992,980,000 for Transportation Security Support, \$11,600,000 below the amount requested and \$45,245,000 above the amount provided in fiscal year 2009. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Headquarters administration .....	\$248,929,000	\$248,929,000
Human capital services .....	226,338,000	226,338,000
Information technology .....	501,110,000	489,510,000
Intelligence .....	28,203,000	28,203,000
Subtotal, transportation security support .....	1,004,580,000	992,980,000

#### INFORMATION TECHNOLOGY

The Committee recommends \$489,510,000 for information technology, \$11,600,000 below the amount requested and \$16,711,000 above the amount provided in fiscal year 2009. Consistent with funding recommendations contained throughout this report, the Committee provides no funding for Data Center Migration activities due to the IG's recent findings described in the Chief Information Officer section of this report regarding possible unmitigated risks at the destination data center sites.

#### COVERT TESTING

The Committee continues to support covert testing, which helps to identify vulnerabilities in critical systems, and directs TSA to continue developing innovative methods to test the weaknesses of our transportation security systems. Consistent with prior years,



TSA shall continue to report biannually on its red teaming and covert testing activities, including specific discussions on the test results at airport checkpoints, in secure areas of airports, at air cargo facilities, and in other transportation modes. This testing is particularly critical in the air cargo arena to ensure that screening conducted at indirect air carriers, certified cargo shipping facilities, and by shippers and distribution centers consistently meets federal security requirements before air cargo is placed on passenger aircraft.

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 the date of enactment of this Act. The Committee withholds \$5,000,000 from obligation until receipt of the plan, which has consistently been received late. As previously discussed, the plan shall detail expenditures for checkpoint support and explosive detection procurement and installation on an airport-by-airport basis for fiscal year 2010. The Committee recognizes that, after TSA has completed its expenditure plan, TSA may become aware of a high priority need 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 2009 .....	\$819,481,000
Budget estimate, fiscal year 2010 .....	860,111,000
Recommended in the bill .....	860,111,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+40,630,000
Budget estimate, fiscal year 2010 .....	---

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 \$860,111,000, as requested, for the Federal Air Marshals, \$40,630,000 above the amounts provided in fiscal year 2009. Of the total funding provided, \$762,569,000 is for management and administration and \$97,542,000 is for travel and training. The Committee continues to expect quarterly reports on mission coverage, staffing levels, and hiring rates as directed in previous years.

After September 11th, thousands of FAMs were deployed throughout the United States to detect, deter, and defeat hostile acts targeted against U.S. air carriers, airports, airline passengers, and air crews. FAMs protect both domestic and international

flights. The federal government as well as airports and airlines have invested billions of dollars to develop and deploy a wide variety of security measures to make it increasingly difficult to attack the aviation sector. These activities include hardening cockpit doors on all aircraft; screening all checked baggage for explosives; deploying next generation technologies at airport checkpoints to look for explosives, weapons, or other threat objectives on a person or in their carry-on baggage; deploying screeners to identify suspicious behavior; random checks of passengers, air crew, and airport employees; perimeter screening at airports; and security threat assessments or background checks against a wide range of workers throughout the airport and airline system. In the meantime, FAMs has been developing a new risk assessment model to better target staff deployments, with a focus on high-risk flights.

The Committee recognizes that the aviation sector continues to be an area of interest for those who wish to do us harm, and has recommended the amount requested for FAMs for 2010, which anticipates continuation of the present FTE level. However, the Committee believes it is time for the Department to reassess the appropriate long term staffing level for FAMs in light of the significantly enhanced security posture described above. This reassessment should include a determination of the appropriate mix of staff required on a day-to-day basis; an identification of the kinds and numbers of flights to which FAMs should be regularly assigned; whether legislative changes may be necessary to better tailor how FAMs deploys its marshals on a daily basis; and a detailed discussion on the methodology used to justify this optimal staffing mix. The results of this assessment should be provided to the Committees no later than February 1, 2010.

#### COAST GUARD

##### OPERATING EXPENSES

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$6,194,925,000
Budget estimate, fiscal year 2010 .....	6,556,188,000
Recommended in the bill .....	6,822,026,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+627,101,000
Budget estimate, fiscal year 2010 .....	+265,838,000

<sup>1</sup>Excludes \$110,000,000 transfer from DoD, pursuant to PL 110-181, for Iraqi war costs.

##### 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 \$6,822,026,000 for Operating Expenses. The recommended funding level is \$265,838,000 above the amount requested and \$627,101,000 above the amount provided in fiscal year 2009. 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 .....	\$2,708,923,000	\$2,727,521,000
Military health care .....	371,372,000	373,569,000
Permanent change of station .....	164,566,000	164,153,000
Counterdrug enforcement initiative .....	0	5,735,000
Subtotal, military pay and allowance .....	3,244,861,000	3,270,978,000
Civilian pay and benefits .....	699,594,000	700,490,000
Training and recruiting:		
Training and education .....	103,388,000	103,847,000
Recruitment .....	102,582,000	102,929,000
Subtotal, training and recruiting .....	205,970,000	206,776,000
Operating funds and unit level maintenance:		
Atlantic Command .....	177,474,000	177,474,000
Pacific Command .....	195,943,000	195,943,000
1st District .....	60,074,000	60,205,000
5th District .....	21,941,000	22,011,000
7th District .....	78,338,000	78,394,000
8th District .....	49,276,000	49,737,000
9th District .....	31,672,000	31,795,000
11th District .....	17,641,000	17,898,000
13th District .....	23,060,000	23,193,000
14th District .....	19,289,000	19,289,000
17th District .....	29,829,000	31,233,000
Headquarters directorates .....	285,193,000	291,970,000
Headquarters managed units .....	158,901,000	159,509,000
Other activities .....	882,000	911,000
Subtotal, operating funds and unit level maintenance .....	1,149,513,000	1,159,562,000
Centrally managed accounts .....	353,071,000	331,058,000
Intermediate and depot level maintenance:		
Aeronautical maintenance .....	365,291,000	365,291,000
Electronic maintenance .....	155,101,000	156,767,000
Civil/ocean engineering and shore facilities maintenance .....	180,929,000	182,743,000
Vessel maintenance .....	201,858,000	206,858,000
Subtotal, intermediate and depot level maintenance .....	903,179,000	911,659,000
Overseas Contingency Operations (OIF/OEF Support) .....	—	241,503,000
Total, operating expenses .....	6,556,188,000	6,822,026,000

#### OVERSEAS CONTINGENCY OPERATIONS

The Committee includes \$241,503,000 under operating expenses for the costs of the Coast Guard's support for overseas contingencies, including operations in the Persian Gulf and against pirates off the coast of Somalia. These funds in the past had been carried in supplemental appropriations bills under the Department of Defense then transferred to the Coast Guard. The Committee believes moving these funds to regular order appropriations bills and providing them to the Coast Guard directly rather than as a transfer improves transparency and opportunities for effective oversight.

## FINANCIAL MANAGEMENT

The Coast Guard's ongoing struggle with internal financial controls is a persistent area of concern. The Committee notes that the Coast Guard lags behind all other DHS components in terms of addressing material weaknesses in these systems, and it is the single largest holder of unauditable balances in the Department of Homeland Security, according to the IG.

At the Committee's direction, in December 2008 the Coast Guard produced an extensive financial management improvement plan for fiscal years 2009 and 2010. The Financial Strategy for Transformation and Audit Readiness (FSTAR) plan should help lead the Coast Guard and DHS out of the financial wilderness. The Committee therefore directs the Coast Guard to provide a report on the progress of this initiative no later than six months after the date of enactment of this Act, and every six months thereafter. This report should include an assessment of the performance of the Coast Guard against the milestones outlined in the FSTAR plan, identify any remaining major roadblocks to achieving a clean audit, and outline proposals on how to remove those roadblocks.

## MARITIME SAFETY AND SECURITY

According to the Coast Guard's posture statement for fiscal year 2010, it plans to obligate \$1,924,760,000 for ports, waterways, and coastal security, \$137,239,000 above the 2009 funding level, and the largest single increase in any mission area of the Coast Guard. Over the last two years, the Committee has provided nearly \$93,800,000 in additional resources for these activities over and above the past Administration's requests, investing in watchstanders, boat and marine inspectors, and increasing capacity for security-related activities and investigations. As a result, the Coast Guard has a more robust capability to ensure the safety and security of U.S. ports through domestic and international activities. For example, the Coast Guard helps reduce risk to the U.S. by verifying the use of effective anti-terrorism measures in foreign ports. Out of 500 ports screened in 135 countries, seven were found to have serious security flaws, requiring vessels from those ports to take additional security steps as a condition of entry into U.S. ports. The Committee has fully funded the budget request of \$7,500,000 in new investments to improve marine safety by filling the gap between the size of its workforce and the growth of the shipping industry. The Coast Guard's Marine Safety program inspects 70,000 domestic vessels and examines 11,000 foreign vessel examinations yearly. It is in the process of using resources this Committee provided to add more qualified marine inspectors and personnel to their ranks under the Marine Safety Enhancement Plan developed in 2007. This year, the Coast Guard will continue to grow the force by deploying 25 apprentice marine inspectors to 11 ports, and establish Senior Marine Inspector Training Officers in seven "feeder ports." Also, these new investments will expand training capacity and availability for Coast Guard personnel, and complete staffing for seven centers of expertise around the country to act as resources for inspectors and investigators.

The Committee has provided \$1,183,000 to make permanent the highly successful Biometrics at Sea program, as requested. The

Coast Guard is directed to brief the Committee on their plans for the future growth of this program within 60 days of the enactment of this bill.

Finally, the Committee has provided \$1,088,000 as requested for the sustainment of the Seahawk Charleston Interagency Operations Center.

#### COUNTERNARCOTICS ENFORCEMENT

This year, the Coast Guard anticipates spending \$1,288,285,000 in support of its role as the lead federal agency for maritime narcotics interdiction. The Coast Guard reports that fiscal year 2008 was a record year for drug seizures, despite smugglers' attempts to use new tactics. The Committee has provided \$5,735,000 for counternarcotics enforcement above the budget's proposed \$57,116,000 increase in this mission area. Funding includes a total of \$2,970,000 to expand the deployment of Airborne Use of Force capabilities in the Coast Guard's helicopter fleet, \$2,125,000 above the amount requested. This will increase the capacity of the Helicopter Interdiction Squadron from 1,000 deployment days to 2,200 deployment days per year. The Committee has also provided \$3,610,000 above the request to standardize the size of Law Enforcement Detachments, increasing them to 12 members per detachment, and to provide four additional civilian trainers to meet sustainment requirements.

#### INTERMEDIATE AND DEPOT LEVEL MAINTENANCE

The Committee recommends \$911,659,000 for intermediate and depot level maintenance, \$8,480,000 above the budget request and \$87,866,000 above the amounts provided in fiscal year 2009. The Committee has expressed concern in the past about the high demands being placed on a Coast Guard Cutter fleet whose key elements, such as the High Endurance Cutter (HEC), are in many cases reaching the end of their expected service lives. The Coast Guard reports a \$5,000,000 backlog of maintenance on HECs based on the west coast, while the two HECs based on the east coast are currently not operational and are awaiting completion of structural work before they can return to service. Without investment in sustainment plans or service life extension programs, these vessels will no longer be able to meet the demand for their services. Medium Endurance Cutters and patrol boats have benefitted from such plans and programs, but still face unforeseen maintenance issues. Therefore, the Committee has provided an additional \$5,000,000 to address priority maintenance needs for all three classes of cutters.

#### LORAN-C

Once again, the budget proposed terminating the Long Range Aids to Navigation (LORAN-C) program, as was proposed and rejected two years ago. Last year the Committee rejected another proposal to transfer LORAN-C from Coast Guard to the National Protection and Programs Directorate (NPPD), an agency that had neither the preparation nor the experience to operate the LORAN-C system.

In late 2006, the Department of Transportation convened an Independent Assessment Team to determine the future of LORAN in cooperation with DHS, whose final report was released to the public this year as the result of a Freedom of Information Act request. It concluded that eLORAN, a fully modernized and upgraded version of LORAN-C, should serve as a long-term backup for GPS for positioning, navigation and timing for twenty years. On the basis of the report's findings, DHS announced in February 2008 that eLORAN would be the backup system for GPS, and the Coast Guard testified later that year that the existing, upgradable LORAN-C infrastructure was the logical support system for eLORAN. The immediate implementation of a long-term, robust backup system is vital, given the GAO's recent finding that it is unclear whether new GPS satellites can be purchased and put in orbit in time to maintain uninterrupted GPS service to private and public sector consumers. Therefore, the Committee once again rejects termination of LORAN-C, denies the authority to sell existing LORAN-C sites as sought by the Administration, provides \$36,000,000 for continuing operation and maintenance, and directs the Coast Guard to provide a plan to the Committee within 30 days of enactment of this Act for upgrading the existing LORAN-C system to eLORAN in a cost-efficient fashion that complies with existing international agreements.

#### MANAGEMENT AND TECHNOLOGY EFFICIENCIES

Due to the continuation of the LORAN-C signal, the Committee recommendation includes only \$19,723,000 of the proposed \$55,723,000 of management efficiencies. Within 60 days of enactment of this Act, the Coast Guard is directed to report in detail on what management efficiencies will be implemented, and what their projected total cost/benefit is for Coast Guard and the American public over the next five years.

#### A-76 ACTIVITIES

The Committee continues to provide no funding for A-76 activities in fiscal year 2010. In light of the ongoing challenges facing the Coast Guard, the Committee does not believe scarce resources should be used on A-76 studies.

#### DATA CENTER MIGRATION

The Committee does not provide \$22,400,000 requested for data center migration activities due to the IG's recent findings described in the Office of the Chief Information Officer section of the report regarding possible unmitigated risks at the destination data center sites.

#### POLAR ICEBREAKING OPERATING AND MAINTENANCE COSTS AND FUTURE POLAR NEEDS

The Committee continues to be 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. These interests extend well beyond the realm of scientific research. As such, last year the Committee directed the Coast Guard and the National Science Foundation (NSF)

to renegotiate the existing agreement on polar icebreaking in order to return the budget for operating and maintaining these vessels to the Coast Guard for fiscal year 2010, and to provide a new joint plan for Coast Guard support of scientific research by NSF and other Federal agencies, which was to be included in the 2010 budget request. No agreement was reached, and no plan was submitted. Negotiations are apparently underway between the Coast Guard and NSF, but the budget has yet to be returned to the Coast Guard accounts. Therefore, the Committee directs the Coast Guard to continue negotiating the agreement for the return of icebreaking in the 2011 budget, and to provide the joint plan for Coast Guard support as soon as possible.

The Committee further directs the Coast Guard to use existing appropriations to continue its analysis of national mission needs in the high latitude regions to inform national polar policy.

INVASIVE SPECIES PROTECTION

The Committee is concerned about the threat that harmful invasive species, such as the Asian carp, pose to the Great Lakes ecosystem. The Committee is aware that the Chicago Sanitary and Ship Canal second dispersal barrier is not yet operating at maximum capacity and that the voltage could be increased to provide maximum effectiveness. The Coast Guard is directed to initiate safety testing of the second barrier at operational strength of up to 4 volts per inch, in coordination with the US Army Corps of Engineers, within 180 days of enactment of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriation, fiscal year 2009 .....	\$13,000,000
Budget estimate, fiscal year 2010 .....	13,198,000
Recommended in the bill .....	+13,198,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+198,000
Budget estimate, fiscal year 2010 .....	---

MISSION

The Environmental Compliance and Restoration appropriation assists in bringing Coast Guard facilities into compliance with applicable 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 \$13,198,000 for Environmental Compliance and Restoration, the same amount as requested and \$198,000 more than the amount provided in fiscal year 2009. The Committee is aware of the continuing backlog in environmental compliance projects and expects the Coast Guard to provide a

prioritized list outlining the backlog and a five-year remediation plan for the most environmentally damaging and time-sensitive of the contaminated sites within six months of the date of enactment of this Act.

RESERVE TRAINING

Appropriation, fiscal year 2009 .....	\$130,501,000
Budget estimate, fiscal year 2010 .....	133,632,000
Recommended in the bill .....	133,632,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+3,131,000
Budget estimate, fiscal year 2010 .....	---

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 \$133,632,000 for Reserve Training, the same as the amount requested and \$3,131,000 above the amount provided in fiscal year 2009.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$1,494,576,000
Budget estimate, fiscal year 2010 .....	1,383,980,000
Recommended in the bill .....	1,347,480,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 147,096,000
Budget estimate, fiscal year 2010 .....	- 36,500,000

<sup>1</sup>Excludes \$98,000,000 in appropriations in the American Recovery and Reinvestment Act (P.L. 111-5).

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 \$1,347,480,000 for Acquisition, Construction, and Improvements, \$36,500,000 below the amount requested and \$147,096,000 below the amount provided in fiscal year



2009. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Vessels and critical infrastructure:		
Response boat medium .....	\$103,000,000	\$103,000,000
Subtotal, vessels and critical infrastructure .....	103,000,000	103,000,000
Deepwater:		
Aircraft:		
Maritime patrol aircraft .....	175,000,000	138,500,000
HH-60 conversions .....	45,900,000	45,900,000
HC-130H conversion/sustainment project .....	45,300,000	45,300,000
HH-65 conversions .....	38,000,000	38,000,000
H-C130J missionization .....	\$1,300,000	1,300,000
Subtotal, aircraft .....	305,500,000	269,000,000
Surface ships:		
National security cutter .....	281,480,000	281,480,000
Offshore patrol cutter .....	9,800,000	9,800,000
Fast Response Cutter/Replacement Patrol Boat .....	243,000,000	243,000,000
IDS small boats .....	3,000,000	3,000,000
Patrol Boats sustainment .....	23,000,000	23,000,000
Medium endurance cutter sustainment .....	31,100,000	31,100,000
Subtotal, surface ships .....	591,380,000	591,380,000
Technology obsolescence prevention .....	1,900,000	1,900,000
C4ISR .....	35,000,000	35,000,000
Logistics .....	37,700,000	37,700,000
Systems engineering and integration .....	35,000,000	35,000,000
Government program management .....	45,000,000	45,000,000
Subtotal, Deepwater .....	1,051,480,000	1,014,980,000
Other equipment:		
Rescue 21 .....	117,000,000	117,000,000
HF recap .....	2,500,000	2,500,000
Subtotal, other equipment .....	119,500,000	119,500,000
Shore facilities and aids to navigation:		
Survey and design, shore operational and support projects .....	6,000,000	6,000,000
Waterways aids to navigation .....	4,000,000	4,000,000
Subtotal, shore facilities and aids to navigation .....	10,000,000	10,000,000
Personnel and related support:		
Direct personnel costs .....	99,500,000	99,500,000
AC&I core .....	500,000	500,000
Subtotal, personnel and related support .....	100,000,000	100,000,000
Total .....	1,383,980,000	1,347,480,000

QUARTERLY REPORTS ON ACQUISITION PROJECTS AND MISSION  
EMPHASIS

The Committee continues to find Coast Guard's quarterly acquisition reports and mission emphasis reports extremely useful, and as such, directs Coast Guard to continue submitting these comprehensive reports in a timely fashion. The Coast Guard is directed to continue to include in the acquisition reports information on small boat purchases and leases made within the Operating Expenses appropriation.

## STATUTORY REPORTING REQUIREMENTS

The Committee is frustrated that the Coast Guard failed to provide several reports required in law that were to accompany the 2010 budget request. Specifically, P.L. 110-329 requires the Coast Guard to submit a Deepwater expenditure plan and a capital investment plan, yet neither was received. While these are not simple documents, these are not new requests. The Coast Guard has been required to submit a capital investment plan every year since the agency moved to DHS. Similarly, the Coast Guard has been required to submit an annual expenditure plan using the fiscal year 2006 revised Deepwater Implementation Plan as the base document since fiscal year 2007. These reports are critical because they provide the Committee with needed data to assess the effectiveness of one of the country's largest annual investments in homeland security. The explanation provided in the budget justification for the lack of data from a Capital Investment Plan is wholly inadequate in satisfying the requirement. Although the Committee had chosen not to carry a withholding provision in the bill this year out of consideration for possible dislocations in the reporting process due to the transition of administrations, these documents should be provided to the Committee immediately, or there is little question that the question of withholdings will be revisited.

## DEEPWATER

The Committee recommends \$1,014,980,000 for Deepwater, \$36,500,000 below the amount requested and \$19,014,000 below the amount provided in fiscal year 2009.

## MARITIME PATROL AIRCRAFT

The Maritime Patrol Aircraft (MPA) serves as the Coast Guard's lead fixed-wing extended surveillance and quick response platform. The Committee recommends \$138,500,000 for two additional MPAs, mission pallets, spares, and logistics support as requested. The Committee does not include \$36,500,000 requested for accelerating the purchase of a MPA flight simulator ahead of its original schedule.

## MARITIME SURVEILLANCE

The Committee has consistently voiced its concerns over the gap between the Coast Guard's stated mission hour needs for maritime surveillance and available resource hours of surveillance assets. These concerns are based upon the Coast Guard's quantitative analysis of mission requirements and repeated testimony by operational personnel and security experts on the need for increased maritime surveillance capabilities, especially in the source and transit zones of the eastern Pacific Ocean and the Caribbean basin. The Committee is pleased the fiscal year 2010 budget request partially addresses this issue through funding for aircraft acquisition, conversion and sustainment. However, the Committee is concerned by the absence of requested funding to support operational testing and evaluation of either land-based or cutter-based unmanned aerial systems (UAS) in fiscal year 2010 given the unrealized potential of such assets for enhanced maritime surveillance. Furthermore, the Committee notes that even with these additional surveillance

resources requested for fiscal year 2010, the Coast Guard's available maritime surveillance hours will only be at approximately 65 percent of stated mission needs. The Coast Guard is directed to report to the Committee no later than November 1, 2009, on its planned efforts to leverage available interagency resources and other temporary surveillance capabilities, including the operational testing and evaluation of UAS, in fiscal year 2010 to address the maritime surveillance mission hour gap.

#### NATIONAL SECURITY CUTTER

The National Security Cutter (NSC) is the replacement for the 378-foot High Endurance Cutter, and as such, is capable of worldwide operations, extended on-scene presence, long transit and forward deployments. The Committee recommends \$281,480,000 for the NSC as requested, \$72,220,000 below the amount provided in fiscal year 2009. The Committee does this despite persistent concerns regarding cost controls and the production schedule for this class of cutter. These concerns are predicated on the fact that the cost of the fourth NSC is more than \$73,700,000 and fourteen percent higher than the previous two cutters in this class and that the Coast Guard's current schedule delays the award for the fifth NSC until 2011. The Committee is troubled by a projected production schedule for the remaining NSCs that delays fulfillment of known operational needs and appears to enable further cost growth and delays in cutter delivery. These concerns are exacerbated by the absence of requested funding for known, immediate maintenance needs of the legacy high endurance cutters (HECs) in fiscal year 2010. The Committee views the confluence of the NSC's extended production schedule with the uncertain long-term availability of the legacy HEC fleet as a detriment to offshore maritime security operations and directs the Coast Guard to: prioritize maintenance needs of the HEC fleet, as addressed elsewhere in this report, and inform the Committee no later than July 1, 2009, of its efforts to put in place a contractual structure for the remaining NSCs that will provide expeditious delivery at the least cost and risk to the taxpayer.

#### OFFSHORE PATROL CUTTER

The Offshore Patrol Cutter (OPC) is the replacement vessel for the current 210-foot and 270-foot Medium Endurance cutters. The Committee provides the requested \$9,800,000 to complete alternatives analysis and required acquisition documentation for the OPC, as well as beginning Phase I of preliminary design. The Committee understands from the Coast Guard that this approach will help reduce the risk of program cost growth. Given that such cost growth was behind the decision to stop work on the initial OPC, the Coast Guard is directed to brief the Committee on the result of the requirements analysis prior to initiating Phase I work on the new OPC.

#### FAST RESPONSE CUTTER

The Fast Response Cutter (FRC) is the more capable replacement for the Coast Guard's legacy 110-foot patrol boats. The Committee provides the requested \$243,000,000 for full-rate production

of four FRCs, \$127,700,000 above the amount provided in fiscal year 2009. The Coast Guard is expected to take delivery of the first FRC in fiscal year 2010. The Committee directs the Coast Guard to include in its quarterly briefings to the Committee on the FRC's progress information on the effectiveness of its various efforts to control cost growth.

#### LEGACY CUTTER SUSTAINMENT

The Committee continues to be concerned about legacy cutter sustainment as new vessels are being slowly brought into service. The Committee understands that the funding level in the request for cutter sustainment allows for these programs to continue on schedule, with the shipyards working at optimal capacity. The Committee is pleased by the increases in vessel availability resulting from the sustainment programs in place for patrol boats and Medium-Endurance Cutters. Coast Guard reporting indicates that the Medium Endurance Cutter Sustainment Program has increased the fully-capable mission availability of 270-foot cutters by 62 percent, and 210-foot cutters by 75 percent. Also, the Committee notes that attention to critical maintenance needs in the 378-foot High Endurance Cutter fleet has resulted in more marginal improvements in availability, and urges the Coast Guard to move ahead on a more robust sustainment option for the High Endurance Cutter.

#### DEEPWATER REVIEW AND CAPITAL INVESTMENT PLAN

The Committee notes that neither the Secretary's review of the Revised Deepwater Implementation Plan nor the future-years capital investment plan mandated in P.L. 110-329 were provided with the budget request. The Committee strongly urges the Department to produce those items expeditiously, and make sure that similar mandates carried in this legislation are met.

#### SHORE FACILITIES AND AIDS TO NAVIGATION

The Committee recommends \$10,000,000 for shore facilities and aids to navigation as requested, which is \$58,000,000 below the amount provided in fiscal year 2009. In 2009, Congress provided a major investment to address the maintenance backlog for the Coast Guard's shore facilities totaling \$166,000,000, including funding under ARRA. The Coast Guard shall provide the Committee with a prioritized list of projects in the backlog and the Coast Guard's plan to address them by January 15, 2010.

In addition, a general provision is included to authorize the Coast Guard to use previously appropriated funds for the consolidation of Sector Buffalo to enhance public access to Buffalo Lighthouse. The Coast Guard is directed to brief the Committee within 90 days of the date of enactment of this Act on how this aspect of the project will be completed by the end of fiscal 2011.

#### RESCUE 21

The Committee recommends \$117,000,000 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 22,292 miles of coastline, and is deployed at 41 percent of Coast Guard sectors. The Committee is aware of problems with siting some Rescue 21 towers that have resulted in cost increases and program delays, and urges the Coast Guard to be diligent in its planning processes to avoid such problems.

PERSONNEL AND RELATED SUPPORT

The Committee recommends \$100,000,000 for acquisition personnel, as requested, and \$7,170,000 above the amount provided in fiscal year 2009. The Committee is supportive of the efforts the Coast Guard has made in confronting problems with its acquisition management and oversight, especially the establishment of an acquisition career path for Coast Guard military personnel.

ALTERATION OF BRIDGES

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$16,000,000
Budget estimate, fiscal year 2010 .....	---
Recommended in the bill .....	10,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	-6,000,000
Budget estimate, fiscal year 2010 .....	+10,000,000

<sup>1</sup>Excludes \$142,000,000 in appropriations in the American Recovery and Reinvestment Act (P.L. 111-5).

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 \$10,000,000 for Alteration of Bridges, \$10,000,000 above the amount requested and \$6,000,000 below the amount provided in fiscal year 2009. The Committee directs the Coast Guard to fund bridges with the most critical needs, giving priority to ongoing projects that have received appropriations in the past but have not attained the Coast Guard's threshold to begin construction.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Appropriation, fiscal year 2009 .....	\$18,000,000
Budget estimate, fiscal year 2010 .....	19,745,000
Recommended in the bill .....	19,745,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+1,745,000
Budget estimate, fiscal year 2010 .....	---

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 \$19,745,000 for Research, Development, Test, and Evaluation, the same as the amount requested and \$1,745,000 above the amount provided in fiscal year 2009. The Committee notes the aggressive research agenda laid out in the budget request and requires a report from the Coast Guard within 90 days of the date of enactment of this Act describing how the research projects outlined in the request will be supported with the resources provided.

The report should include Coast Guard activities in support of the development of freshwater ballast treatment technologies.

UNMANNED AERIAL SYSTEMS

The Committee recognizes the Coast Guard’s efforts to examine effective unmanned aerial systems (UAS) that pose low developmental risks and demonstrate cost-effectiveness. Furthermore, the Committee is pleased to see the Coast Guard working with the Department of Defense in an effort to leverage UAS development, testing, and engineering efforts. However, the Committee is concerned the National Security Cutter (NSC) is commencing operations without a viable UAS solution and therefore will not provide its projected surveillance capabilities. The Coast Guard is directed to report to the Committee no later than December 1, 2009, on its efforts and findings to date on determining the most effective UAS for maritime applications, including long range surveillance, mid-altitude/mid-range surveillance, and for use with flight deck equipped cutters. The Coast Guard is further directed to include in this report a projected timeline for the integration and operation of a UAS with the NSC.

MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTION

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$257,305,000
Budget estimate, fiscal year 2010 <sup>1</sup> .....	261,000,000
Recommended in the bill <sup>1</sup> .....	261,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+3,695,000
Budget estimate, fiscal year 2010 .....	---

<sup>1</sup> 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, retiree dependents, and their potential survivors. The authority for Coast Guard to make this payment on an annual basis was provided in the Department of Defense Appropriations Act for Fiscal Year 2005.

RECOMMENDATION

While this account requires no annual action by Congress, the Committee provides \$261,000,000 to fund the Medicare-eligible retiree health care fund contribution. This number is based on a Congressional Budget Office re-estimate.

## RETIREED PAY

Appropriation, fiscal year 2009 .....	\$1,236,745,000
Budget estimate, fiscal year 2010 .....	1,361,245,000
Recommended in the bill .....	1,361,245,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+124,500,000
Budget estimate, fiscal year 2010 .....	---

## 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 \$1,361,245,000 for Retired Pay, the same as the amount requested and \$124,500,000 above the amount provided in fiscal year 2009. 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 2009 <sup>1</sup> .....	\$1,408,729,000
Budget estimate, fiscal year 2010 .....	1,485,609,000
Recommended in the bill .....	1,457,409,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+48,680,000
Budget estimate, fiscal year 2010 .....	-28,200,000

<sup>1</sup>Does not include \$100,000,000 in emergency funding provided in P.L. 111-8, the Fiscal Year 2009 Omnibus Appropriations Act.

## 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 \$1,457,409,000 for Secret Service Salaries and Expenses, \$28,200,000 below the amount requested but \$48,680,000 above the amount provided in fiscal year 2009. Excluding \$26,082,000 of one-time Presidential campaign costs funded in fiscal year 2009, the 2010 funding level provides a 5.4 percent increase in Secret Service operating budgets, significantly above the rate of inflation.

The Committee does not provide the \$4,040,000 requested to establish a new compensation framework for the Secret Service Uniformed Division, as discussed below. The Committee also denies \$21,260,000 requested for Secret Service computer network investments until the agency develops a plan that integrates Secret Service information technology systems with the Department's long-term plan for data center consolidation. Finally, the Committee reduces the requested budget for White House mail processing by \$2,900,000 to reflect one-time equipment purchases made in 2009.

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

	Budget estimate	Recommended
Headquarters Management and Administration .....	\$221,045,000	\$199,785,000
Protection:		
Protection of Persons and Facilities .....	759,561,000	755,521,000
Protective Intelligence Activities .....	67,824,000	67,824,000
National Special Security Event Fund .....	1,000,000	1,000,000
White House mail screening .....	25,315,000	22,415,000
Total, Protection .....	853,700,000	846,760,000
Investigations:		
Domestic field operations .....	260,892,000	260,892,000
International field office administration operations .....	30,705,000	30,705,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces .....	56,541,000	56,541,000
Support for missing and exploited children .....	8,366,000	8,366,000
Total, Investigations .....	356,504,000	356,504,000
Training:		
Rowley Training Center .....	54,360,000	54,360,000
Total, Salaries and Expenses .....	1,485,609,000	1,457,409,000

## PRESIDENTIAL CAMPAIGN AND INAUGURATION

The Committee congratulates the Secret Service on its accomplishments in the 2008 presidential campaign, which was the most demanding in the agency's history. Given the unprecedented interest in the campaign, and the large number of voters who turned out at rallies for both candidates, the Secret Service screened over five million people during the campaign, including nearly half-a-million at the party conventions. These statistics represent a 77 percent increase over the number of attendees at 2004 campaign events. The Secret Service is to be commended for its diligence and professionalism in ensuring the safety and civil rights of those who participate in our democracy, as well as for ensuring the security of the candidates and their families.

Apart from this otherwise sterling record, the Committee was disappointed by a series of missteps in the orchestration of the se-



curity plan for the 2009 presidential inauguration. A variety of factors, not all of which were under direct control of the Secret Service, led to thousands of ticketed guests being unable to witness the inauguration from the observation areas to which they were supposed to have been admitted. Problems such as insufficient pedestrian traffic direction, inadequate crowd control, and narrow entry gates that became bottlenecks all led to significant delays in processing attendees through ticket checkpoints and security screening. The Committee strongly urges the Secret Service, in conjunction with the Capitol Police, to further study the issues highlighted in the "Multi-Agency Response to Concerns Raised by the Joint Congressional Committee on Inaugural Ceremonies for the 56th Presidential Inauguration" and develop a plan for implementing that report's major recommendations so that these mistakes are not repeated at any future inaugural celebration.

#### FISCAL YEAR 2009 OMNIBUS APPROPRIATIONS

In response to operational requirements identified by the Secret Service, the Committee provided \$61,470,000 in the 2009 Omnibus Appropriations Act for the Secret Service to expand its protective operations, including hiring 150 new Special Agents and 204 technical, administrative and support staff. Buried within the 2010 budget request, the Secret Service proposed altering the number of personnel it planned to hire using these funds, unilaterally reducing the expansion of programs previously directed by Congress. The Committee notes that it is the role of the Congress, not the Executive Branch, to determine the appropriate resource levels for agency programs, and directs the Secret Service to ensure that all staff funded in the 2009 Omnibus Appropriation Act (P.L. 111-8) are indeed hired. The Committee directs the Secret Service to be more forthcoming about its hiring plans in future annual budget briefs. In addition, the Committee directs the Secret Service to provide an immediate briefing on its hiring plans for 2009 and 2010, including its schedule for filling any vacancies created by attrition or retirement, its schedule for hiring and annualizing new personnel funded in the 2009 Omnibus Appropriations Act, and its planned hiring to fill positions proposed in the 2010 budget.

#### WHITE HOUSE MAIL SCREENING

The Committee recommends \$22,415,000 to screen mail sent to the White House and other Executive Office of the President agencies, which is \$2,900,000 below the amount requested. The budget proposed \$25,315,000 for mail screening, a reduction of \$8,386,000 below the 2009 level. The request includes a cut of \$11,600,000 for one-time equipment purchases funded in 2009 that is partially offset by an increase of \$3,214,000 to annualize the rental budget for the facility. However, the 2009 appropriation actually included \$14,500,000 to equip the White House mail screening facility. As a result, the Committee reduces the White House mail screening budget by an additional \$2,900,000 to account for all of the one-time equipment costs funded in 2009.

## SECRET SERVICE INFORMATION TECHNOLOGY

The budget proposes \$33,960,000 for Secret Service information technology recapitalization, including new network infrastructure, system security, and application stability investments. The Committee is well aware of the threats posed by inadequate network controls and out-of-date technology since it has invested more than \$400,000,000 in DHS cybersecurity programs over the past two years. Furthermore, the Committee has also appropriated significant amounts for the construction of two state-of-the-art data centers that are supposed to consolidate all Departmental information storage at highly secure and protected locations. Although work remains to be done to ensure the Department's data centers can provide the robust level of service planned, there is no compelling justification to exempt the Secret Service from this consolidation. Therefore, the Committee provides only \$12,700,000 of this request, which will allow the agency to stabilize and secure its mission-critical applications through the database architecture and maintenance, information assurance, and cross-domain application/data environment initiatives. The Committee directs that none of this funding be used for planning or acquiring a stand-alone Secret Service data center. Further, the Committee directs the Secret Service to work with the Office of the Chief Information Officer for the Department of Homeland Security to develop immediately a transition plan to integrate the agency's network systems and data into the Department's data center consolidation effort after the risk assessment and mitigation work discussed elsewhere in this report is complete.

## UNIFORMED DIVISION MODERNIZATION

Included in the budget is a request for \$4,040,000 to restructure the Secret Service Uniformed Division's salary and benefits package. Many of the Uniformed Division's governing authorities, including its salary tables, are codified as a section of the District of Columbia code because the White House police force (the ancestor agency of the Uniformed Division) was originally a part of the Metropolitan Police Department. As a result, Secret Service Uniformed Division officers are subject to both Federal and District of Columbia work regulations, which makes administration of the Uniformed Division both complex and burdensome. To address this issue, the Administration has proposed the "Uniformed Division Modernization Act of 2010," which would establish a new pay schedule for Uniformed Division employees as part of the United States Code, and rectify anomalies between the Uniformed Division's personnel authorities and those that apply to other Federal law enforcement agencies. While the Committee is sympathetic to the need to modernize the personnel laws that govern the Uniformed Division, it has no jurisdiction to do so, and therefore has not included the modernization proposal in the 2010 Appropriations bill. Furthermore, there appear to be equity and fairness issues related to other Federal law enforcement agencies also governed by the District of Columbia code that have not been fully addressed in the proposed legislation. As a result of these concerns, the Committee provides no funding to implement a new Uniformed Division pay and benefits system, and encourages the Department

to work with the authorizing Committees of jurisdiction to address this issue through regular Congressional processes.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED  
EXPENSES

Appropriation, fiscal year 2009 .....	\$4,225,000
Budget estimate, fiscal year 2010 .....	3,975,000
Recommended in the bill .....	3,975,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 250,000
Budget estimate, fiscal year 2010 .....	- - -

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 \$3,975,000, the same levels as requested in the budget, and \$250,000 below the 2009 enacted level.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND  
RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2009 .....	\$ 51,350,000
Budget estimate, fiscal year 2010 .....	44,577,000
Recommended in the bill .....	44,577,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 6,773,000
Budget estimate, fiscal year 2010 .....	- - -

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 Under Secretary 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 \$44,577,000 for Management and Administration, as requested. This amount is \$6,773,000 below the amount provided in fiscal year 2009 due to the reallocation of several administrative budgets to the Infrastructure Protection and Information Security account, as described below.

## INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

Appropriation, fiscal year 2009 .....	\$806,913,000
Budget estimate, fiscal year 2010 .....	918,166,000
Recommended in the bill .....	883,346,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+76,433,000
Budget estimate, fiscal year 2010 .....	-34,820,000

## 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 levels.

## RECOMMENDATION

The Committee recommends \$883,346,000 for IPIS, \$34,820,000 below the amount requested, and \$76,433,000 above the amount provided in fiscal year 2009. The Committee withholds \$180,000,000 from obligation until the Department submits and the Committee approves expenditure plans for two programs, as described below. Given the lateness of the 2010 budget submission, the Committee is unable to re-arrange the Program, Project, and Activity display for the IPIS account, and instead presents funding in the same arrangement as past years. In addition, regardless of any restructuring proposals planned for the 2011 budget, the NPPD Chief Financial Officer is directed to submit the budget in a structure identical to that enacted in the 2010 Appropriations Act so that the Committee can easily compare funding levels for the myriad programs managed by NPPD. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Infrastructure Protection:		
Identification and Evaluation .....	\$86,610,000	\$86,610,000
Coordination and Information Sharing .....	50,582,000	62,912,000
Mitigation Programs .....	196,111,000	196,961,000
National Cyber Security Division:		
US-Computer Emergency Response Team .....	333,629,000	310,629,000
Strategic Initiatives .....	57,679,000	64,179,000
Outreach and Programs .....	9,346,000	7,096,000
Office of Emergency Communications .....	44,060,000	45,060,000
Nat'l Security/Emergency Preparedness Telecom:		
Priority Telecommunications Services .....	56,773,000	56,773,000
Next Generation Networks .....	50,250,000	25,000,000
National Command and Coordination Capability (rescission, non-add) .....	0	<sup>1</sup> [-5,963,000]
Programs to Study and Enhance Telecommunications .....	19,274,000	16,774,000
Critical Infrastructure Protection Programs .....	13,852,000	11,352,000
<b>Total, Infrastructure Protection and Information Security .....</b>	<b>918,166,000</b>	<b>883,346,000</b>

<sup>1</sup> Note: Rescission of balances for the National Command and Coordination Capability included in Title V.

## FACILITY RENT

As requested, the Committee includes the 2010 budgets for facility rental payments in the various IPIS program budgets. In previous fiscal years, this funding was reflected in the Management and Administration account.

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS AND REGULATION  
OF AMMONIUM NITRATE

For fiscal year 2010, the Committee provides \$103,363,000 for the costs of regulating the security of chemical facilities and ammonium nitrate transactions, an increase of \$25,363,000, or nearly 33 percent over 2009. Of this increase, \$12,000,000 will pay for implementation of new Ammonium Nitrate regulations, \$7,000,000 will be used to continue expansion of the Chemical Facility Anti-Terrorism Standards (CFATS) program, and \$6,363,000 will fund inflationary increases and staff pay raises. The Committee is pleased that the Administration appears to be taking the security of chemical facilities and the control of potentially dangerous chemicals seriously by requesting these additional funds.

## NATIONAL INFRASTRUCTURE PROTECTION PLAN MANAGEMENT

The 2010 request proposes a 40 percent cut to the budget for NPPD's partnership efforts to implement the National Infrastructure Protection Plan (NIPP) and its subsidiary Sector-Specific Agency (SSA) plans. The previous Administration proposed similar cuts to NIPP and SSA plan implementation programs. As envisioned in the 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. The nation's private sector infrastructure owners continue to inform the Committee of the value of collaborative working relationships between industry and government to address infrastructure security vulnerabilities. The Committee believes that such a cooperative approach to the security of the nation's infrastructure is much more cost-effective than either the total absence of government involvement in security planning or the direct application of government security regulations. Given the value of these groups to the protection of our country's infrastructure, the Committee provides \$51,390,000 for NIPP and SSA plan partnerships, an increase of \$12,390,000 over the requested level.

## OFFICE OF BOMBING PREVENTION

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 \$14,618,000 to carry out this important work.

## PHILADELPHIA INFRASTRUCTURE MONITORING

The Committee provides \$1,000,000 for NPPD to continue deployment of infrastructure monitoring and crime cameras in the city of Philadelphia. The Committee directs the agency to work with city administrators to position new cameras in areas of high

threat or crime, to ensure that both the local and the Federal governments can benefit from their deployment.

#### CYBER SECURITY

The Committee provides \$381,904,000 for the Cyber Security Division (CSD), which includes the DHS share of the Administration's National Cyber Security Initiative (NCSI). This amount is \$68,404,000 more than was provided in fiscal year 2009, reflecting the Committee's support of a robust effort to secure government networks and sensitive private networks, especially those related to critical infrastructure.

The goal of the NCSI is to strengthen the security of government computer networks and reduce their vulnerability to attacks by outside forces by consolidating internet connection points while simultaneously developing and installing monitoring devices that examine network traffic across government computer systems. The Committee is concerned by recent reports from the Department that show costs for the NCSI have risen while schedules for deploying the network devices and consolidating internet connection points have been delayed by approximately one year. In the 2009 Appropriations Act, Congress required DHS to submit an expenditure plan showing how the funds provided for the NCSI would be used to achieve the program's goals, and restricted from obligation half of the budget for the U.S. Computer Emergency Response Team (US-CERT) until the plan was approved. The 2009 expenditure plan for the NCSI, which was submitted on April 29, 2009, provided the Committee with valuable insight into the goals, milestones, and costs of the program. To ensure continued discipline in program execution, the Committee withholds \$155,000,000 of the 2010 US-CERT budget until it receives and approves an updated expenditure plan for the NCSI, reflecting any changes in the plan since the submission of the last report and discussing how appropriations provided in this bill will be used.

Because of lack of justification, the Committee has provided none of the \$15,250,000 requested for "Cyber Security Coordination" and the "Cyber Security Information Sharing and Collaboration Program." Consistent with funding recommendations contained throughout this report, the Committee also provides none of the \$10,000,000 requested for data center migration activities due to the IG's recent findings described in the Chief Information Officer section of the report regarding possible unmitigated risks at the destination data center sites. These reductions are offset by funding for several specific projects discussed below.

#### CYBER SECURITY INTELLIGENCE ANALYSIS

The 2010 budget proposed to fund a new cadre of cyber security intelligence analysts in the Office of Intelligence and Analysis. While the Committee does not dispute the potential value of a dedicated team of analysts focused on emerging cyber security threats, it believes the expertise necessary for such analysis is best evaluated by the program managers for the NCSI. As a result, if CSD believes it requires additional cyber security analysts focused on intelligence activities, the Committee directs it to enter into a reimbursable agreement with the Office of Intelligence and Analysis to establish this function.

## CYBER SECURITY TRAINING

The Committee provides \$5,847,000 for Cyber Security Training and Education, \$1,000,000 more than requested. The Committee recognizes that protecting our country's cyber infrastructure requires a workforce that is aware of and skilled in protecting computer networks. Therefore, within the total provided, \$3,500,000 is for continued development and implementation of State and local cyber security training at the University of Texas at San Antonio, \$500,000 is for Virginia's Operational Integration Cyber Center of Excellence (VOICCE) in Hampton, Virginia, and \$100,000 is for the Upstate New York Cyber Initiative at Clarkson University.

## CONTROL SYSTEMS SECURITY

Computerized control systems are an often unnoticed but critically important aspect of the nation's physical and cyber infrastructure. These devices ensure the efficient and reliable operation of much of the nation's power, water, information and other critical systems, and many have been shown to be unacceptably vulnerable to malicious attacks. To address this concern, the Committee provides \$26,563,000 for Control Systems Security efforts, including \$3,000,000 to conduct vulnerability analysis, testing, and protection of full-scale power systems and cyber-connected systems for the Department of Homeland Security, utilizing the range of unique resources available at the Idaho National Laboratory.

## CYBER SECURITY TEST BED AND EVALUATION CENTER

While the Department has made significant progress reducing the vulnerabilities of government computer networks, much remains to be done to mitigate the threats to privately-owned computer systems. Given that many companies have similar network vulnerabilities but are prevented by competitive strategies from sharing security tactics, a trusted third-party organization may be effective at providing both expertise and a neutral forum for information sharing. To address these challenges, the Committee provides \$3,500,000 for the Research Triangle Institute in Research Triangle Park, North Carolina, to initiate a Cyber Security Test Bed and Evaluation Center demonstration project focused on creating strong partnerships between the government and private sector companies to promote the security of private information networks.

## MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER

The New York State Office of Cyber Security and Critical Infrastructure Coordination has developed an effective program to monitor and ensure the security of State and municipally-owned computer networks. This group, known as the Multi-State Information Sharing and Analysis Center (MS-ISAC), is the premier State and local government cyber security entity. While DHS has a current contract with MS-ISAC to support these efforts, the center requires capital investment to expand its operations. In addition to the amounts requested by DHS to continue MS-ISAC operations, the Committee provides \$3,000,000 for expansion of the Managed Security Services effort, which will allow the center to protect several more States and localities from cyber attack.

OFFICE OF EMERGENCY COMMUNICATIONS

The Committee recommends \$45,060,000 for the Office of Emergency Communications, \$1,000,000 over the requested level and \$6,760,000 more than provided in fiscal year 2009. Of this amount, \$1,000,000 is for SEARCH to provide interoperable communications training, certification, technical assistance, and outreach programs to State, regional, and local first responder communications coordinators.

NATIONAL SECURITY/EMERGENCY PREPAREDNESS  
TELECOMMUNICATIONS

The National Security/Emergency Preparedness Telecommunications budget incorporates a group of programs focused on ensuring the availability of land-line and wireless telecommunications channels to Federal, State and local government employees to use in times of emergency. The Committee provides the requested \$56,773,000 for the Priority Telecommunications System. The Committee recommends \$16,774,000 for the Program to Study and Enhance Telecommunications, \$2,500,000 below the request because no funding is provided for the Continuity Communications Architecture due to inadequate justification. The Committee recommends \$11,352,000 for Critical Infrastructure Protection Programs, a reduction of \$2,500,000 below the request since no funding is provided for Regional Communications Coordinators, which would be duplicative of activities already carried out by FEMA. In the 2009 Appropriations Act, Congress required DHS to submit an expenditure plan showing how \$50,250,000 provided for the Next Generation Networks (NGN) program would be used to achieve the program's goals. Half of this amount was restricted from obligation until the plan was approved by the Committees on Appropriations. To date, this plan has not been submitted. As a result, the Committee recommends only \$25,000,000 for the NGN program in 2010, withholding the entire amount from obligation until an expenditure plan is provided. Since the unspent 2009 appropriations remain available through the end of fiscal year 2010, the Committee expects that this reduction will not significantly affect execution of the NGN program.

NATIONAL COMMAND AND COORDINATION CAPABILITY

The fiscal year 2010 budget reports that the National Command and Coordination Capability (NCCC) has been discontinued. Since this program was never adequately explained or justified, the Committee supports this decision. Furthermore, given that NCCC appears never to have produced any meaningful results or products, the Committee also rescinds the 2009 NCCC appropriation, as discussed in Title V of the bill.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR  
TECHNOLOGY

Appropriation, fiscal year 2009 .....	\$300,000,000
Budget estimate, fiscal year 2010 .....	356,194,000
Recommended in the bill .....	351,800,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+51,800,000
Budget estimate, fiscal year 2010 .....	-4,394,000



## 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 \$351,800,000 for US-VISIT, \$4,394,000 below the amount requested and \$51,800,000 above the amount provided in fiscal year 2009. The Committee includes: \$118,692,000 for Program Management Services; \$128,126,000 for Operations and Maintenance; \$31,000,000 for Identity Management and Screening Services; \$28,738,000 for Unique Identity/Interoperability; and \$45,244,000 for the costs of mirroring and preparing for the migration of data operations from the current Department of Justice data centers to a DHS data center, and establishing a disaster recovery site at a second DHS data center.

## EXPENDITURE PLANS

The Committee denies the request to remove requirements for an expenditure plan. Expenditure plans have proved to be effective means to provide information needed by the Committee to carry out productive oversight, particularly for projects that are long term in nature and where funding requests lack necessary detail. To help ensure funding is used effectively for US-VISIT program management and to support continued implementation of 10-print standards, interoperability, and identity management services, the Committee recommends that \$276,800,000 be made available to the program upon enactment of this Act, with \$75,000,000 withheld subject to receipt of an expenditure plan.

The bill continues to require that the plan 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 Government Accountability Office and Inspector General recommendations and actions to address them; (4) certifications by the Chief Procurement, Chief Information, and Chief Human Capital Officers that the program satisfies investment and information technology risk management and acquisition control requirements, and reflects adequate human capital planning; and (5) a detailed account of costs associated with identity services. The Committee directs that the expenditure plan also include a current schedule for the transition of operations from the current Department of Justice data centers to the new DHS data centers, and a description of remaining funding required for this transition.

## COMPREHENSIVE BIOMETRIC EXIT SOLUTION

For the past two years, this Committee has called upon DHS to either provide a meaningful plan to implement an exit solution within five years or else explain why an exit solution is not fea-

sible. In this budget, the Department clearly has taken a conservative and realistic position. No additional funding was requested for biometric exit in fiscal year 2010, and the Committee does not recommend any in this bill.

Despite longstanding Congressional direction through appropriations language and authorization statute for such a system to be developed, tested, and deployed, the United States currently has no biometric exit system in place. At present the only way to know whether a visitor departs the U.S. timely is for US-VISIT to analyze information from the Arrival and Department Information System (ADIS) and other records of travel to see if an exit corresponds with a recorded entry. This is clearly not a “real-time” system, and requires intensive analysis by US-VISIT’s Data Integrity Group (DIG) to identify and forward leads for further investigation or for amending databases to indicate a traveler has overstayed. The 9/11 Act called for implementation of a biometric system as a prerequisite for expansion of the visa waiver program, although the former Administration deemed that the law was satisfied by the existing, non-biometric exit record system.

DHS has conducted pilot tests of some exit procedures, using kiosks at selected U.S. international airports (with no effective enforcement mechanism and no real-time capability) and testing radio frequency technology embedded in immigration forms for land ports of entry. These efforts provided some helpful information but did not provide a satisfactory permanent solution. Rather than test other approaches, including mandatory screening, DHS in 2008 issued a notice of proposed rulemaking 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. This received many objections from the airline industry, in particular because they believed cost projections were unrealistic and because there had been no realistic field testing of the proposed policy. The rule has not been implemented.

To better inform rulemaking, Congress provided that no fiscal year 2009 US-VISIT appropriation funding could be obligated to implement a final air exit solution until the Committees on Appropriations received a report on at least two pilot tests, one where the airlines would collect biometric information and another where U.S. Customs and Border Protection would collect the information at airport departure gates. US-VISIT is currently beginning two pilots. One will be at Transportation Security Administration checkpoints, and the other conducted by CBP as described above. The Committee understands that no airline industry pilot will be conducted at this time, and that \$34,000,000 in prior year appropriations will be used to conduct the pilot tests, evaluate their findings, and determine how to proceed on a final rule, consistent with 9/11 Act requirements. The Committee recognizes that US-VISIT will use approximately \$6,000,000 to complete planning and design for a land exit solution, and \$3,600,000 will be used for a kiosk-based pilot test for H-2 Visa agricultural workers. US-VISIT is also planning to deliver a Land Exit Planning document to DHS this year, which will address the viability of a land exit solution, the range of potential solutions under consideration, and any possible timeline for a future land exit solution.

The Committee notes that CBP is undertaking significant efforts that could facilitate a land exit solution: the substantial renovation of CBP-owned ports of entry, and new investments in infrastructure and personnel to staff outbound lanes on the Southwest Border. The Department and US-VISIT should leverage these CBP initiatives to the extent possible to ensure that they are compatible with and facilitate planning, testing and implementing biometric exit solutions at land ports of entry.

The Committee expects the Department to conduct its planned pilot tests and evaluations so as to establish a realistic policy and plan for addressing exit information. The Committee directs the Department to provide the Committee with its land exit planning document as soon as it is completed. It also directs US-VISIT to report not later than January 15, 2010, on the results of its exit pilot programs and prospects for implementing any broader exit solutions. In addition, the report should describe the status of continuing discussions with Canadian and Mexican governments on sharing immigration entry information (in lieu of a U.S. exit process).

#### UNIQUE IDENTITY

The Unique Identity program was established to standardize collection of 10-print biometric information from travelers to the United States; share and compare biometric information collected and held by the Justice and State Departments, as well as other law enforcement agencies such as ICE; and make DHS's automated Biometric Identification System (IDENT) fully compatible with new system and data requirements. Pilot testing of the 10-print system at U.S. international air-, sea-, and land-ports of entry was completed in 2008, and 10-print collection is in place at virtually all ports of entry into the U.S. It is also performed for all visa applicants at U.S. consulates overseas. In 2009, DHS is expanding its support of the ICE Secure Communities program, which may add substantially to the US-VISIT/IDENT workload, with as many as 30,000 new biometric transactions daily. The Department is also developing interoperability with the Defense Department by entering data about known or suspected terrorists into IDENT, as well as helping DOD make near real-time checks of biometric information it collects.

Funding in fiscal year 2009, including \$112,000,000 in carry-forward funding, is \$178,000,000. The fiscal year 2010 request for \$28,700,000 is less than one-sixth of fiscal 2009 spending, which reflects the substantial completion of purchase and deployment of 10-print readers by DHS and CBP, and accomplishment of the initial interoperable capacity between the DOJ's Integrated Automated Fingerprint Identification System (IAFIS) and the IDENT system. The Committee recommends funding this request level, which will continue expanding interoperability between IAFIS and IDENT, support expansion of ICE's Secure Communities, and provide "wrap back", whereby authorized agencies will receive notifications of subsequent criminal activity by individuals with whom an initial encounter has occurred.

One reason for the significant reduction in funding for Unique Identity in fiscal year 2010 is that US-VISIT has only a limited amount of work it can undertake toward achieving full operating

capacity (FOC) with the Justice Department. The Justice Department and the FBI have said that they will not have completed necessary work on the Next Generation Identification biometric/fingerprint system (the successor to IAFIS) until 2014. Therefore, FOC will be delayed until that time. In the meantime, the ability of US-VISIT and its users to check records in the Justice databases will continue to be hampered by delays in checking and confirming biometric record matches. So for the time being, the potential benefits of real-time data sharing will not be realized for the purposes of border inspections or encounters with law enforcement or security personnel. Because of the importance of achieving this full interoperability as soon as possible, for border and travel security, as well as for counter terrorism and law enforcement, the Committee directs US-VISIT and its counterparts at the Justice Department to continue providing quarterly interoperability briefings. These should indicate the remaining gaps in system interoperability, the operational impacts such gaps have on agency operations, and measures being taken to close them in the near term.

#### ENUMERATION

The fiscal year 2009 US-VISIT appropriation called for the 2010 budget request to report on efforts to implement enumeration within the Department—the assignment of a unique numerical identifier for an individual’s biometric and biographic records and transactions. The Department has stated that IDENT will provide a unique identifier to any DHS or other U.S. government agency upon their submission of a new set of fingerprints to IDENT, which will enable IDENT to conduct one to one matching in the case of subsequent encounters against records associated with that unique identifier. However, DHS also has taken the position that it will not use any single enumerator for any “public-facing” use, due to potential risks to privacy and security for both DHS and individuals seeking license, privilege or status, without concomitant benefits. It instead has stated that use of multiple identifiers offers more options for individuals interacting the DHS while mitigating security and privacy risks. The Committee understands that the Department is in the process of establishing a policy with regard to its use of identifiers, and directs DHS to report not later than January 15, 2010, on the status of this policy and the steps it will take to ensure compliance of DHS components and programs with such policy.

#### IDENTITY MANAGEMENT AND SCREENING SERVICES

The Committee includes \$31,000,000 for Identity Management and Screening Services, \$11,000,000 above the level funded in fiscal year 2009. This comprises four service activities: (1) the Biometric Support Center, which verifies matching fingerprints, processes latent prints, and provides enrollment services for candidates submitted by law enforcement users to include in watchlist or recidivist databases; (2) the Data Integrity Group, which matches arrival, departure, and status adjustments for individuals who overstay their terms of admission to the United States; (3) Law Enforcement and Intelligence, which reviews biometric watchlist encounters, supports U.S. Citizenship and Immigration Services anti-fraud efforts, and shares information with international partners;

and (4) Information Sharing and Technical Assistance, which partners with foreign governments on promoting standards for biometric use and data sharing for common border control and immigration enforcement efforts. These activities are likely to attract more demand for service support as the value of such biometric and analytical services is recognized. The Committee directs US-VISIT to brief the Committee not later than December 1, 2009 on its workload and performance in meeting demand for these services.

#### OVERSTAYS

The Committee has been concerned about the growing backlog in 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), which is a critical US-VISIT mission carried out by the agency’s DIG. The number of overstays reported to ICE for enforcement in fiscal year 2008 was 13,343—a thousand more than in 2007. This resulted in 715 arrests and 13,276 out of country lookouts—double the numbers in 2007. The number of Port or Visa refusals based on lookouts placed by US-VISIT/DIG tripled to 1,441.

These are encouraging figures, and the Committee is pleased to note that US-VISIT is experiencing efficiencies in DIG operations as it has filled positions and established a stable, experienced workforce. The Committee is troubled, however, by the huge backlog in overstay records that US-VISIT has been unable to review—a number that exceeds 750,000 and is growing. This gap represents a major vulnerability. In the absence of an effective “exit” system, this overstay review process is the only means to detect whether individuals comply with the terms of their presence in the country, and to perhaps determine whether such a person is of concern to national security or general law enforcement. On the other hand, failure to correct a record of overstay that is inaccurate or non-threatening could have the effect of incorrectly retaining derogatory immigration records on individuals, possibly jeopardizing their ability to enter or visit the United States. The Committee strongly supports efforts to extend overstay calculation to all travelers to the United States, while maintaining or improving the accuracy of its investigative leads. The Committee directs US-VISIT to report not later than December 1, 2009, on steps that are being taken to reduce the backlog of “unreviewed” overstay records. The report should also include a summary of DIG performance in meeting targets for credibility and cost identified in the 2010 budget submission.

#### STAFFING AND CONTRACTOR SUPPORT

The budget includes \$8,600,000 in funding for 62 positions currently filled by contractors that will be converted to government employee positions in fiscal year 2010, a change needed to enable US-VISIT to more effectively carry out its governmental operational and contract oversight responsibilities. The Committee is pleased to see this effort, and directs US-VISIT to include a status report on its hiring and conversion effort as part of its quarterly briefings to the Committees.

OFFICE OF HEALTH AFFAIRS

Appropriation, fiscal year 2009 .....	\$157,191,000
Budget estimate, fiscal year 2010 .....	138,000,000
Recommended in the bill .....	128,400,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 28,791,000
Budget estimate, fiscal year 2010 .....	- 9,600,000

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 \$128,400,000 for OHA, \$9,600,000 below the amount requested and \$28,791,000 below the amount provided in fiscal year 2009. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget Estimate	Recommended
BioWatch .....	\$94,513,000	\$79,413,000
National Biosurveillance Integration System:		
National Biosurveillance Integration Center .....	8,000,000	8,000,000
North Carolina Collaboratory for Bio-Preparedness .....	0	5,000,000
Subtotal .....	8,000,000	13,000,000
Rapidly Deployable Chemical Detection System .....	2,600,000	2,600,000
Planning and Coordination .....	2,476,000	2,976,000
Salaries and Expenses .....	30,411,000	30,411,000
Total .....	138,000,000	128,400,000

BIOSURVEILLANCE ACTIVITIES

The Committee recommends \$79,413,000 for BioWatch, \$15,100,000 less than the amount requested, and \$32,193,000 below the amount provided in fiscal year 2009. The Committee has expressed concerns regarding the management and functionality of BioWatch for two years. Unfortunately the Committee’s concerns have only increased over the past six months with revelations that Generation 2.5 systems, which were purchased without the direct consent of the Committee and described as necessary and emergency, were recently turned off because of concerns that their sensor readings were not accurate. The Committee understands that the next generation testing, funded last year at \$34,498,000, has also fallen short. Specifically, the technology sought by OHA was not as developed as previously described and will require more extensive testing.

The Committee is losing patience with the development of next generation systems and must take action to ensure that the taxpayers’ dollars are spent judiciously. The Committee directs S&T to lead the testing for Generation 3 systems. The Committee does

not fund the Generation 3 testing in OHA as requested, but instead provides the requested \$15,100,000 for Generation 3 testing within S&T. In addition, OHA is to transfer all of its activities related to Generation 3 testing to S&T, where S&T shall apply it in the same manner as originally appropriated. This transfer can be effectuated through a Memorandum of Understanding between OHA and S&T.

In fiscal year 2009, the Committee required OHA to provide an expenditure plan on the BioWatch base program and an expenditure plan on the BioWatch Generation 3 field testing program within 60 days after enactment of that Act. The Committee has yet to receive either of these plans, which leads to the conclusion that OHA is directionless in its management of this program. It is unthinkable that OHA cannot provide the Committee with a complete reporting of its base program, which consists of Generation 1 and 2, after two years of steady state. The Committee expects to receive the long overdue expenditure plan for the base BioWatch program immediately. Fiscal year 2010 funding for BioWatch will be unavailable for obligation until OHA submits that plan. The Committee notes the slow obligation rate of these funds and expects no interruption in the operation of this program due to this withholding.

The Committee continues its requirement for OHA to notify the Committee 15 days prior to deploying any BioWatch device to new locations.

The Committee understands that State and local governments are allowed to purchase chemical and biological sensors as part of certain DHS grant programs. The Committee is concerned that these systems are not fully validated and will be unable to detect deadly pathogens. The Committee directs OHA to work with the Federal Emergency Management Agency's Grants Directorate to validate systems prior to FEMA's approval of such equipment requests.

#### NATIONAL BIOSURVEILLANCE INTEGRATION CENTER

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 2009. The Committee also includes \$5,000,000 for the North Carolina Collaboratory for Bio-Preparedness. The funds will support a demonstration project to support the development of a comprehensive, statewide system to analyze public health trends and detect incidents that may threaten homeland security. The Committee expects the OHA to utilize this demonstration to diversify its biosurveillance activities to include more robust syndromic surveillance, given the lack of confidence in certain BioWatch sensors, and to use the experience to potentially develop a model for a nationwide bio-preparedness system.

#### PLANNING AND COORDINATION

The Committee recommends \$2,976,000 for planning and coordination activities, \$500,000 above the amount requested and \$2,799,000 below the amount provided in fiscal year 2009. The Committee supports OHA's role in planning for pandemic flu and provides the increase for OHA's Office of Medical Readiness in support of its pandemic planning and coordination activities.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2009 .....	\$837,437,000
Budget estimate, fiscal year 2010 .....	852,200,000
Recommended in the bill .....	844,500,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+7,063,000
Budget estimate, fiscal year 2010 .....	-7,700,000

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 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 \$844,500,000 for Management and Administration, \$7,700,000 below the amount requested and \$7,063,000 above the amount provided in fiscal year 2009. In addition, up to \$90,080,000 may be transferred from the Disaster Relief fund, compared to \$50,000,000 requested. As requested, \$35,000,000 is to resolve employee pay shortfalls resulting from lax hiring and budgeting guidelines at FEMA. The Committee is perplexed at the notion that FEMA could hire employees at rates above what its budget could support. The Committee directs the IG to investigate the hiring practices of FEMA as it pertains to this issue and report to the Committee within three months after the date of enactment of this Act. As part of the investigation, the IG shall evaluate whether or not the budget request of \$35,000,000 is sufficient to rectify FEMA's pay deficiencies. Funding is unavailable for transfer from the Disaster Relief fund until the Committee receives an expenditure plan as specified in the Disaster Relief account.



## NATIONAL CAPITOL REGION

The Committee provides \$6,995,000 for the Office of the National Capitol Region Coordination (ONCRC), the same amount as requested and \$653,000 above the amount provided in fiscal year 2009. The Committee is supportive of ONCRC's credentialing activities in the capitol region to ensure that first responders and emergency managers have appropriate access to disaster areas. FEMA is directed to capitalize on ONCRC's credentialing program as it works with other parts of the country to implement similar concepts.

## MT. WEATHER

The Committee recommends \$36,300,000 for the Mt. Weather facility, \$13,600,000 below the amount requested and \$23,600,000 below the amount provided in fiscal year 2009. The denial of funding at the requested level is due to FEMA's reluctance to develop and submit to the Committee a comprehensive ten-year capital improvement plan for Mt. Weather, a failure that is contrary to prior Congressional direction and unsuitable in terms of the Committee's standards for the proper justification of funding and for the planning of costly, multi-year capital improvement projects. Until such time as an adequate ten-year capital improvement plan is developed and submitted to the Committee, additional funding will not be provided. Given the strategic importance of this facility and considering that \$125,102,000 has been provided for its capital improvements since fiscal year 2007, the Committee believes there is no excuse for insufficient planning and such poor compliance with Congressional oversight.

## EMERGENCY MANAGEMENT INSTITUTE

The Committee recommends \$9,000,000 for the Emergency Management Institute (EMI), \$1,840,000 above the amount requested. EMI provides training to Federal, State, local, Tribal, public and private sector officials to strengthen emergency management core competencies. The additional funding is for emergency management course development and to increase the capacity of EMI to train additional State and local officials.

## INTERNATIONAL AFFAIRS OFFICE

The Committee understands FEMA is working with certain countries to develop international disaster agreements. To support this effort the Committee provides an additional \$300,000 for FEMA to establish an exchange program with partner countries. Funding shall be used to support FEMA staff to travel to countries after disasters to offer and receive best practices and solutions. This program is not meant to establish diplomatic presence or to arrange international aid.

## TANK REMEDIATION

The Committee provides the requested \$10,000,000 increase for FEMA to manage its inventory of fuel tanks in compliance with the law, some of which may be leaking and require remediation. The Committee understands this effort may require additional resources in future years. FEMA shall report regularly to the Com-

mittee as the Agency updates its estimates on remediating all leaking tanks. To the extent feasible, FEMA is directed to work with the U.S. Environmental Protection Agency, which has vast experience with the issue of storage tank remediation.

#### DATA CENTER MIGRATION

Consistent with funding recommendations contained throughout this report, the Committee denies FEMA's request of \$7,900,000 for data center migration activities due to the IG's recent findings, described in the Chief Information Officer section of this report, regarding possible unmitigated risks at the destination data center sites. Beyond the problems identified by the IG, the Committee is concerned that FEMA does not have a plan for migrating data and has not accounted for the full cost of this project. FEMA shall submit a data migration plan to the Committee prior to any approval of data migration. The plan shall detail the types of data that FEMA will move, safeguards needed to protect that data, and costs associated with moving the data.

#### CONGRESSIONAL JUSTIFICATION

The Committee continues bill language requiring FEMA to submit its fiscal year 2011 budget request by office. The Committee is pleased that this year's budget submission provided fiscal year 2010 budget request levels for many programs of interest, including: \$8,997,000 for the National Earthquake Hazards Reduction Program; \$2,156,000 for the National Hurricane Program; \$10,281,000 for the National Dam Safety Program; \$16,800,000 for the Integrated Public Alert and Warning System; and \$16,218,000 for the Mobile Emergency Response System. For the fiscal year 2011 budget submission, FEMA is directed to continue to provide the same level of budget information for programs and activities identified in the fiscal year 2010 budget request.

#### URBAN SEARCH AND RESCUE RESPONSE SYSTEM

The Committee recommends \$32,500,000 for Urban Search and Rescue (US&R) response system, \$4,500,000 above the amount requested and the same as the amount provided in fiscal year 2009. 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 \$1,022,474 in fiscal year 2009, leaving local agencies responsible for meeting shortfalls. In fiscal year 2009, FEMA was directed to report to the Committees on the feasibility of adding an additional team along with geographical preference and any associated costs. This report has not been received. The Committee directs FEMA to submit this report immediately.

#### TRANSPARENCY

The Committee is concerned that FEMA utilizes grant guidance and policies instead of the regulations process to alter the policies of major programs. That results in little to no public input, even though most changes affect State and local partners. As an exam-

ple, the Committee notes that no regulations have ever been issued to guide the Predisaster Mitigation Grant Program, and the Agency's annual grant guidance changes eligibility guidelines every year. Also, FEMA recently published a National Disaster Housing Plan for hurricane season and indicated that it could be changed every year without public input. The Committee directs FEMA to put all policies, including grant guidance that contains policy changes, online for five days prior to implementation. FEMA shall give the public a forum in which to comment. FEMA shall also present all new policies or policy changes to the National Advisory Council prior to approval.

#### SPECIAL POPULATIONS

In fiscal year 2009, the Committee directed FEMA to report on its efforts to coordinate with Limited English Proficiency populations to address their needs following a disaster. The report has not been provided to the Committee. The Committee is especially concerned that translation of materials is insufficient to ensure that all disaster victims receive necessary information prior to, during, and after disasters. The Committee directs FEMA to consider utilizing the National Virtual Translation Center (NVTC) to enhance its translation services. FEMA is to report to the Committee within six months after enactment of this Act on its translation services and possible uses of NVTC.

#### EMERGENCY ALERT SYSTEMS

The Committee remains committed to ensuring that emergency alert and notification systems are present in areas at high risk of natural and manmade disasters. The Committee supports the administration's request of \$16,800,000 for the Integrated Public Alert and Warning System. FEMA is directed to work with States and urban areas to ensure that alert systems are in place in high risk areas such as New York.

#### ENHANCING INCIDENT MANAGEMENT

The National Incident Management System (NIMS) provides a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity. NIMS is the backbone of effective emergency management, and the Committee directs FEMA to ensure that all communities are educated and trained on the system. The Committee provides an additional \$9,000,000 to support and enhance ongoing incident management efforts that shall include: mutual aid, simulated and virtual emergency operations support, information systems development, technology integration, training on best-practices and standardization guidelines, as well as test and evaluation of first responder tools.

Furthermore, the Committee urges FEMA to examine existing NIMS resources as part of their ongoing efforts with S&T to improve and standardize multi-jurisdictional emergency operations centers.

TERRORISM AWARENESS TRAINING

The Committee recognizes ongoing security officer terrorism awareness training programs, which have been used by over 10,000 security officers from all 50 states. Providing professional security officers with critical security, fire prevention, crowd management, and emergency response training is essential in deterring potential criminal and terrorist activity.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$3,105,700,000
Budget estimate, fiscal year 2010 <sup>2</sup> .....	3,867,000,000
Recommended in the bill .....	2,829,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 276,700,000
Budget estimate, fiscal year 2010 .....	- 1,038,000,000

<sup>1</sup>Excludes \$300,000,000 in appropriations in the American Recovery and Reinvestment Act (P.L. 111-5).  
<sup>2</sup>The Administration proposed moving Emergency Management Performance Grants and Firefighter Assistance Grants under State and Local Programs. In fiscal year 2009, these grant programs had separate appropriations totaling \$1,090,000,000 within FEMA, not within this program.

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 \$2,829,000,000 for State and Local Programs, \$1,038,000,000 below the amount requested and \$276,700,000 below the amount provided in fiscal year 2009. As part of the budget request, the Administration proposed including the Firefighter Assistance Grants and Emergency Management Performance Grants under this program. The Committee has denied this proposal and provides funding for both of these grant programs as separate appropriations, consistent with prior years. 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 .....	\$950,000,000	\$950,000,000
Operation Stonegarden .....	[60,000,000]	[60,000,000]
Urban Area Security Initiative .....	887,000,000	887,000,000
Regional Catastrophic Preparedness Grants .....	35,000,000	0
Metropolitan Medical Response System .....	40,000,000	40,000,000
Citizen Corps program .....	15,000,000	15,000,000
Public Transportation Security Assistance and Railroad Security Assistance .....	250,000,000	250,000,000
Port Security Grants .....	250,000,000	250,000,000
Over-the-Road Bus Security Assistance .....	0	12,000,000
Buffer Zone Protection Program grants .....	50,000,000	50,000,000
Real ID grants .....	50,000,000	50,000,000
Interoperable Emergency Communications Grant Program .....	50,000,000	50,000,000
Emergency Operations Centers .....	0	40,000,000
Firefighter Assistance Grants <sup>1</sup> .....	590,000,000	0
Fire Grants .....	[170,000,000]	0
Staffing for Adequate Fire and Emergency Response (SAFER) grants .....	[420,000,000]	0
Emergency Management Performance Grants <sup>1</sup> .....	315,000,000	0
National Programs:		
National Domestic Preparedness Consortium .....	51,500,000	92,000,000

	Budget estimate	Recommended
Center for Domestic Preparedness .....	62,500,000	40,000,000
National Exercise Program .....	42,000,000	40,000,000
Technical Assistance .....	13,000,000	13,000,000
Continuing Training Program .....	23,000,000	31,000,000
Evaluations and Assessments .....	18,000,000	16,000,000
Rural Domestic Preparedness Consortium .....	0	3,000,000
Subtotal, National Programs .....	210,000,000	235,000,000
Management and Administration .....	175,000,000	0
Total State and Local Programs .....	3,867,000,000	2,829,000,000

<sup>1</sup> Funded in a separate account.

The Committee includes bill language allowing the transfer of up to three percent of State and Local program dollars to FEMA's Management and Administration account for costs associated with administering grants and training programs, instead of the request for a direct appropriation of \$175,000,000. FEMA is required to submit an expenditure plan within 60 days after the date of enactment of this Act on the use of the administrative funds. The Committee continues bill language mandating timeframes for the application process of certain grants to ensure that funds do not languish at DHS.

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 and Local Programs 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.

#### STATE HOMELAND SECURITY GRANT PROGRAM

The Committee recommends \$950,000,000 for the State Homeland Security Grant Program (SHSGP), the same as the amount requested and provided in fiscal year 2009. 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 previous grant guidance conflicted with the 9/11 Act by limiting the amount of funds that can be used to pay the salaries and expenses for intelligence analysts. The restriction is not in line with the 9/11 Act, which did not set a limit on paying salaries and expenses for new and existing intelligence analysts. The Committee understands the FEMA has taken steps

to correct this in current guidelines and expects FEMA to continue to comply with the 9/11 Act.

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 borders of the United States to enhance the coordination between local and Federal law enforcement agencies. 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 the U.S. Customs and Border Protection 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 \$887,000,000 for Urban Area Security Initiative Grants, the amount as requested and \$49,500,000 above the amount provided in fiscal year 2009. 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, the same amount as requested.

#### METROPOLITAN MEDICAL RESPONSE SYSTEM

The Committee recommends \$40,000,000 for the Metropolitan Medical Response System, the same as the amount requested and \$1,000,000 below the amount provided in fiscal year 2009. 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. The Committee does not agree to change the structure of this program to only focus on medical surge capacity. Instead, DHS should work with the Department of Health and Human Services' Assistant Secretary for Preparedness and Response to develop medical surge guidelines for communities.

#### CITIZEN CORPS PROGRAM

The Committee recommends \$15,000,000 for the Citizen Corps program, the same as the amount requested and provided in fiscal year 2009. 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 \$250,000,000 for Public Transportation Security Assistance and Railroad Security Assistance, the

same amount as requested and \$150,000,000 below the amount provided in fiscal year 2009. These funds are in addition to the \$150,000,000 provided in the recently passed American Recovery and Reinvestment Act (ARRA) of 2009, which have yet to be awarded. The Committee notes that ARRA grant guidance was only published by DHS on May 29, 2009. Awards will not be made until late fiscal year 2009 and early fiscal year 2010. The Committee continues the requirement that grants be made directly to transit agencies. The Committee is also aware that States serve an integral role in coordinating regional interests in regard to transit security and therefore directs FEMA to allow transit agencies to permit States to act as sub-grantees to better facilitate regional planning and programs.

Since 2002, and including the recently enacted economic recovery package, Congress has appropriated a total of \$1.67 billion for mass transit and passenger rail grants. These funds are used for security enhancements, including infrastructure protection, deterrence, facility hardening, and employee training. There are numerous statutory requirements placed on TSA and FEMA as to how quickly this funding must be awarded and provided to transit and passenger rail agencies; however, once the award has been made, the funding commonly remains unspent for up to two years. Based on latest estimates from FEMA, about 90 percent of funds appropriated in fiscal year 2006 for rail and transit have not been drawn down. Partly to address this concern, the 9/11 Act and last year's appropriations bill required grant awards to be made directly to transit and passenger rail agencies instead of being administered through the States. The Committee notes that after two recent hearings, FEMA and TSA understand that they must work diligently to comprehend this issue and provide solutions. The Committee expects FEMA and TSA to report on their progress, by August 2009, in working with the transit agencies to get funds drawn down from fiscal years 2006, 2007 and 2008.

#### PORT SECURITY GRANTS

The Committee recommends \$250,000,000 for Port Security grants, the same amount as requested and \$150,000,000 below the amount provided in fiscal year 2009. These funds are in addition to the \$150,000,000 provided in the recently passed American Recovery and Reinvestment Act of 2009, which have yet to be awarded. The Committee notes that ARRA grant guidance was only published by DHS on May 29, 2009. Awards will not be made until late fiscal year 2009 and early fiscal year 2010. The Committee includes bill language waiving the cost-share requirement for these grants.

#### OVER-THE-ROAD BUS SECURITY ASSISTANCE

The Committee recommends \$12,000,000 for Over-the-Road Bus Security grants, \$12,000,000 above the amount requested and the same as the amount provided in fiscal year 2009.

#### BUFFER ZONE PROTECTION GRANTS

The Committee includes \$50,000,000 for the Buffer Zone Protection (BZP) grants, the same as the amount requested and provided in fiscal year 2009. The Committee is concerned that these grants

have done little to eliminate vulnerabilities among critical infrastructure and have instead provided funding to localities for basic security costs. While that is important, the Committee funds other grant programs, such as SHSGP and UASI, for communities to use for security costs. The Committee directs FEMA and The National Protection and Programs Directorate to provide an expenditure plan to the Committee prior to award of any BZP grants. The expenditure plan shall include a new approach to awarding these grants with a focus on eliminating vulnerabilities at high risk assets.

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, the same as the amount requested and provided in fiscal year 2009. DHS estimates the total cost to States of implementing REAL ID to be \$3,965,000,000 over eleven years. An additional \$25,000,000 is available in the United States Citizenship and Immigration Services appropriations to support REAL ID hub activities.

INTEROPERABLE EMERGENCY COMMUNICATIONS GRANTS

The Committee recommends \$50,000,000 for interoperable emergency communications grants, the same as the amount requested and provided in fiscal year 2009. FEMA is directed to work with the Office of Emergency Communications to develop program guidance for these grants.

The Committee agrees with FEMA’s priority on leadership and governance, common planning and operation protocols, and skills and capabilities. However, 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, FEMA 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 \$40,000,000 for Emergency Operations Centers (EOCs), \$40,000,000 above the amount requested and \$5,000,000 above the amount provided in fiscal year 2009. 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 provides funding for the Emergency Operations Center projects in the following amounts:

Emergency Operations Centers	Amount
Winston County Commission, AL .....	\$20,000
Lincoln Parish Sheriff Department, LA .....	300,000
City of Las Vegas, NV .....	600,000
Mobile County Commission, AL .....	800,000
City of Moreno Valley, CA .....	400,000
Benton County Emergency Management Commission, IA .....	500,000
City of Green Cove Springs, FL .....	400,000
Lake County, FL .....	800,000



Emergency Operations Centers	Amount
Dorchester County, SC .....	400,000
Sarasota County, FL .....	300,000
City of Greenville, NC .....	600,000
New Orleans Emergency Medical Services, LA .....	750,000
Lycoming County, PA .....	250,000
Mercer County Emergency Management Agency, KY .....	300,000
Jackson County Sheriff's Office, MO .....	500,000
Williamsburg County, SC .....	1,000,000
City of Brookings, OR .....	350,000
Johnson County, TX .....	750,000
City of Minneapolis, MN .....	750,000
Howell County Emergency Preparedness, MO .....	250,000
City of Brawley, CA .....	500,000
City of Hopewell, VA .....	250,000
Morris County, New Jersey Office of Emergency Management, NJ .....	1,000,000
City of Tavares, FL .....	500,000
Tohono O'odham Nation .....	500,000
Minooka Fire Protection District, IL .....	250,000
Township of Old Bridge, NJ .....	500,000
City of Cupertino, CA .....	300,000
Calvert County Department of Public Safety, MD .....	338,000
City of Detroit, MI .....	1,000,000
Scotland County, NC .....	650,000
The City of Maitland, FL .....	158,000
County of Union, NJ .....	500,000
Providence Emergency Management Agency & Office of Homeland Security, RI .....	500,000
City of Hartford, CT .....	800,000
City of Torrington, CT .....	400,000
City of Ames, IA .....	600,000
Fulton County (Atlanta) Emergency Management Agency, GA .....	200,000
City of Brigantine, NJ .....	300,000
Village of Elmsford, NY .....	165,000
Town of Harrison, NY .....	275,000
City of Elk Grove, CA .....	750,000
City of Palm Coast, FL .....	350,000
Somerset County, ME .....	500,000
Macomb County Emergency Management and Communications, MI .....	250,000
City of La Habra, CA .....	254,500
City of Scottsdale, AZ .....	500,000
Westmoreland County Department of Public Safety, PA .....	900,000
Brazoria County Emergency Management, TX .....	100,000
Township of Irvington, NJ .....	750,000
San Francisco Department of Emergency Management, CA .....	800,000
North Carolina Office of Emergency Management, NC .....	1,000,000
Butte-Silver Bow, MT .....	800,000
Middle Rio Grande Development Council, TX .....	1,000,000
Town of Shorter, AL .....	500,000
Kentucky Emergency Management, KY .....	500,000
Monroe County, FL .....	200,000
City of Newark, NJ .....	1,000,000
Passaic County Prosecutor, NJ .....	250,000
City of Commerce, CA .....	1,000,000
State of Maryland, MD .....	1,500,000
City of Alamosa Fire Department, CO .....	425,000
City of Whittier, CA .....	500,000
Washington Parish Government, LA .....	350,000
City of Monterey Park, CA .....	375,000
Towamencin Township, PA .....	75,000
Upper Darby Township Police Department, PA .....	500,000
North Hudson Regional Fire and Rescue, NJ .....	500,000
City of Boerne, TX .....	250,000
Lea County, NM .....	600,000
City of Port Gibson, MS .....	750,000
City of Wichita, KS .....	500,000
City of Lauderdale Lakes, FL .....	750,000
City of Sunrise, FL .....	750,000
Columbia County, OR .....	500,000

The remaining funds, not directed by the Committee, shall be used for program administration.

#### NATIONAL PROGRAMS

The Committee recommends \$235,000,000 for National Programs, \$25,000,000 above the amount requested and \$29,200,000 below the amount provided in fiscal year 2009.

#### NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

Included within the amount provided for National Programs, the Committee recommends \$132,000,000 for the National Domestic Preparedness Consortium, \$18,000,000 above the amount requested and \$32,500,000 below the amount provided in fiscal year 2009. Of the total amount, \$23,000,000 is for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; \$23,000,000 is for the National Center for Biomedical Research and Training, Louisiana State University; \$23,000,000 is for the National Emergency Response and Rescue Training Center, Texas A&M University; \$23,000,000 is for the National Exercise, Test, and Training Center, Nevada Test Site; and \$40,000,000 is for the Center for Domestic Preparedness (CDP). Because the 9/11 Act recognizes CDP as a consortium member, the Committee has reduced funding for this center to make it more in line with funding levels elsewhere under this program.

#### NATIONAL EXERCISE PROGRAM

Included within the amount provided for National Programs, the Committee recommends \$40,000,000 for the National Exercise Program, \$2,000,000 below the amount requested and the same as the amount provided in fiscal year 2009. This program provides the opportunity for key leaders at the Federal, State, local, territory and Tribal levels, along with representatives of nongovernmental organizations and the private sector, to gauge the effectiveness of plans, policies and procedures for responding to natural disasters and terrorist attacks. In fiscal year 2009, the Committee required FEMA to provide a report on incident management lapses during the Top Officials 4 exercise. The Committee is still awaiting that report and directs FEMA to provide the report immediately.

#### TECHNICAL ASSISTANCE

Included within the amount provided for National Programs, the Committee recommends \$13,000,000 for technical assistance, the same as the amount requested and \$2,000,000 above the amount provided in fiscal year 2009. The Committee recognizes that State and local officials require technical assistance to ensure that equipment is used properly and to support effective planning.

#### CONTINUING TRAINING GRANTS

Included within the amount provided for National Programs, the Committee recommends \$31,000,000 for continuing training grants, \$8,000,000 above the amount requested and equal to the amount provided in fiscal year 2009. The Committee recommends full funding for the graduate-level homeland security education programs currently supported by the Department. The Department is di-

rected 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.

#### EVALUATIONS AND ASSESSMENTS

Included within the amount provided for National Programs, the Committee recommends \$16,000,000 for evaluations and assessments, \$2,000,000 below the amount requested and the same as the amount provided in fiscal year 2009. FEMA shall brief the Committee every six months on results from completed evaluations.

#### RURAL DOMESTIC PREPAREDNESS CONSORTIUM

Included within the amount provided for National Programs, the Committee recommends \$3,000,000 for the Rural Domestic Preparedness Consortium. Funds will be used to provide and deliver training to rural first responders consistent with the National Preparedness Goal.

#### TRUCKING INDUSTRY SECURITY GRANTS

The Committee is aware that of the \$8,000,000 appropriated for trucking industry security grants in fiscal year 2009, only \$2,200,000 was awarded due to the lack of worthy applications. Therefore, the Committee includes a provision rescinding the balance of programmatic funds, \$5,572,000, from fiscal year 2009. The Committee notes that funds appropriated in fiscal year 2008 are supporting a three year education and training program. The Committee will revisit the needs of that program at the conclusion of that project period.

#### MEASURING THE IMPACT OF GRANTS

In fiscal year 2009, the Committee provided \$5,000,000 to accelerate efforts at FEMA to develop tools to measure the achievement and effectiveness of certain grant programs. The Committee is aware that the department is developing a system called Cost-to-Capabilities (C2C) aimed at measuring the impact of grants on State and local capabilities. GAO has told the Committee that C2C, as currently designed, would not directly measure preparedness. That revelation gives the Committee grave concerns and directs FEMA to brief the Committee on how it plans to achieve the fiscal year 2009 mandate to develop tools that measure the achievement and effectiveness of certain grant programs within one month after the date of enactment of this Act. GAO shall continue to monitor the development of any DHS system to measure the effectiveness of grant programs and report regularly to the Committee with updates.

#### EMERGENCY MEDICAL SERVICES

The Committee supports the Department's efforts to complete capability assessments for emergency medical service (EMS) providers. However, the Committee remains concerned that current funding levels for the EMS community for training and equipment for disaster preparedness may be insufficient to meet capability requirements. Of particular concern is that EMS providers do not

have essential personal protection equipment, such as powered air purifying respirators. 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 EMS providers. This report is due no later than six months after the enactment 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. FEMA shall also make States aware that EMS personal protection equipment is an allowable expense under the State and UASI grant programs. If a State provides no funding to EMS providers, the State should justify its lack of funding by demonstrating that related capabilities have been met or by identifying other pressing priorities.

DISASTER COMMUNICATIONS

The Committee is aware of the capability gap that exists for resilient communications at the State and local level. This gap has exacerbated the impact of many recent disasters, especially in communities with limited vehicle access and during the first 72 hours following the onset of a disaster event. While the Committee is aware of the efforts of FEMA, DHS's Office of Emergency Communications (OEC), and SAFECOM to address communications gaps at the national level, more can be done to leverage the next generation of communications technologies currently available at the State and local level. Therefore, the Committee directs FEMA, OEC, and SAFECOM to report to the Committee no later than 90 days after enactment of this Act on their collective efforts to provide technical assistance to States and localities on effective disaster and resilient communications systems. The report should also identify efforts to encourage States and localities to incorporate resilient communications into their emergency response planning and training. This report shall include a description of completed and planned tests and evaluations of resilient communications systems currently available for purchase or lease by States and localities. Furthermore, the report shall include data on the percentage of Public Safety Interoperable Communications grant funding allocated by States and localities for resilient communications.

FIREFIGHTER ASSISTANCE GRANTS

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$ 775,000,000
Budget estimate, fiscal year 2010 <sup>2</sup> .....	-- --
Recommended in the bill .....	800,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+25,000,000
Budget estimate, fiscal year 2010 .....	+800,000,000

<sup>1</sup>Excludes \$210,000,000 in appropriations in the American Recovery and Reinvestment Act (P.L. 111-5).

<sup>2</sup>The budget request includes \$590,000,000 for Firefighter Assistance Grants within State and Local Programs.

MISSION

Firefighter Assistance Grants are provided to local fire departments for the purpose of protecting the health and safety of the public and protecting fire fighting 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, \$25,000,000 above the amount provided in fiscal year 2009. The budget did not include a separate appropriation for Firefighter Assistance Grants but instead proposed \$590,000,000 for this activity within State and Local Programs.

The budget proposed a significant reallocation of funding for the two Firefighter Assistance Grant programs, the Assistance for Firefighters Grants (AFG) and the Staffing for Adequate Firefighter Response (SAFER) programs. The budget requests a cut of almost 70 percent for AFG, from \$565,000,000 in fiscal year 2009 to \$170,000,000. This level is woefully inadequate given the vast needs of fire departments across the nation for equipment. For the fiscal year 2008 alone, FEMA received 21,022 applications for AFG funds, with requests totaling \$3,137,121,053. Therefore, the Committee recommends \$380,000,000 for AFG grants, an increase of \$210,000,000 above the request. The Committee provides the budget request, of \$420,000,000, a \$210,000,000 increase above fiscal year 2009, for the SAFER program. The Committee recognizes that communities are in need of assistance during this recession with maintaining critical public safety staff, including firefighters. The additional funding is part of a targeted and temporary effort to stem the tide of layoffs and ensure our communities are protected by an adequate number of firefighters. The Committee urges FEMA to consider the prospect and occurrence of firefighter layoffs at a local fire department when evaluating SAFER grant applications. In addition to the funding, the pending supplemental appropriations bill contains language allowing the waiver of certain restrictions and broadens the use of SAFER to allow the grants to be used for the hiring, rehiring, and retaining of firefighters for fiscal years 2009 or 2010. Also, the cost-share requirements for SAFER were waived for fiscal years 2009 and 2010 in ARRA.

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, including those related to wellness. According to the National Institute for Occupational Safety and Health, sudden cardiac death represents the most common cause of fire fighter fatalities. Funds are available until September 30, 2011, and no more than five percent may be used for administrative expenses. FEMA is required to submit an expenditure plan within 60 days after the date of enactment of this Act on the use of the administrative funds.

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.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

Appropriation, fiscal year 2009 .....	\$ 315,000,000
Budget estimate, fiscal year 2010 <sup>1</sup> .....	-- --
Recommended in the bill .....	330,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+15,000,000
Budget estimate, fiscal year 2010 .....	+330,000,000

<sup>1</sup>The budget request includes \$315,000,000 for Emergency Management Performance Grants within State and Local Programs.

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 \$330,000,000 for EMPG, \$15,000,000 above the amount provided in fiscal year 2009. The budget did not include a separate appropriation for EMPG but instead proposed \$315,000,000 for this activity within State and Local Programs. The Committee does not agree to transfer EMPG to State and Local Programs, continuing instead to fund the EMPG program as a separate appropriation. EMPG is the one true source of funding for emergency managers that is focused on preparing for all hazards. EMPG is the only grant program within FEMA that requires a 50/50 match at the State and local level, which is evidence of the commitment by State and local governments to make emergency management a top priority, especially while most are experiencing financial crisis. Many of the EMPG funds help pay for the personnel to run key programs and funds for this program must remain flexible to ensure they support the full gamut of responsibilities required of 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. Up to three percent may be used for program administration.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Appropriation, fiscal year 2009 .....	\$ -505,000
Budget estimate, fiscal year 2010 .....	-265,000
Recommended in the bill .....	-265,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+240,000
Budget estimate, fiscal year 2010 .....	-- --

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 preparedness. REPP provides funding only for emergency prepared-

ness 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, which are collected as authorized by Public Law 105-276. The request estimates that fee collections will exceed expenditures by \$265,000 in fiscal year 2010.

UNITED STATES FIRE ADMINISTRATION

Appropriation, fiscal year 2009 .....	\$44,979,000
Budget estimate, fiscal year 2010 .....	45,588,000
Recommended in the bill .....	45,588,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+609,000
Budget estimate, fiscal year 2010 .....	---

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 \$45,588,000 for USFA, the same as the amount requested and \$609,000 above the amount provided in fiscal year 2009. The Committee includes \$1,419,000 to continue implementation of the National Fire Incident Reporting System, as requested, and \$9,304,000 for the National Fire Academy, as requested. The Committee expects the overdue facilities plan to be submitted immediately.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$1,400,000,000
Budget estimate, fiscal year 2010 .....	2,000,000,000
Recommended in the bill .....	2,000,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+600,000,000
Budget estimate, fiscal year 2010 .....	---

<sup>1</sup>Excludes the \$7,960,000,000 appropriated in Public Law 110-329.

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 assist-

ance of disaster field office staff and automated data processing support.

#### RECOMMENDATION

The Committee recommends \$2,000,000,000 for Disaster Relief, the same as the amount requested and \$600,000,000 above the amount provided in fiscal year 2009, excluding emergency funding. The Committee includes a provision to allow the transfer of up to \$90,080,000 to the FEMA Management and Administration account. FEMA shall provide the Committee with an expenditure plan detailing the uses of these funds prior to transfer. The Committee also includes a provision to allow the transfer of \$16,000,000 to IG for disaster related audits and investigations.

The Disaster Relief fund (DRF) was appropriated \$13,157,000,000 in fiscal year 2008 and \$1,400,000,000 has been provided, to date, in fiscal year 2009. Close to 80 percent of these funds were emergency appropriations to respond to floods, tornadoes, hurricanes, and ice storms. Congress often provided these funds in the absence of a formal request from the Administration but based on analysis by FEMA at the request of the Committee. The Committee expects the current Administration to properly monitor the fund and provide timely budget requests that are adequate to continue to support disaster response and recovery costs.

FEMA spends approximately \$300,000,000 annually on disaster readiness and support costs from the DRF. FEMA shall submit an expenditure plan to the Committees detailing the use of funds for disaster readiness and support costs within 60 days after the date of enactment of this Act. FEMA shall provide a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending.

FEMA is directed to notify the Committees prior to transferring funds to the United States Agency for International Development for international disaster assistance. Further, FEMA is to notify the Committees prior to closing or moving logistics distribution centers.

The Committee directs FEMA to continue to submit the monthly report detailing allocations, obligations, and undistributed amounts related to all disasters, including Hurricanes Katrina, Rita, and Wilma. The report shall maintain the same level of data as currently presented to the Committee.

Beginning July 1, 2009, FEMA shall report monthly to the Committee on the number of individuals and households in need of and denied Federal disaster assistance as a result of severe storms, tornadoes, flooding and mudslides in the Commonwealth of Kentucky in May 2009 (FEMA-1841-DR). The report shall detail the reason and circumstance for each denial.

The Committee is concerned about the costs associated with the establishment of multiple Joint Field Offices (JFOs) after disasters. The Committee directs FEMA to report back to the Committee, no later than 90 days after the date of enactment of this Act, on whether cost efficiencies can be achieved by collocating JFO offices for disasters, especially for disasters that affect multiple States in the same region.



## ECONOMIC HARDSHIP AND DISASTER RECOVERY

The Committee is concerned that States and localities that are already suffering from economic crisis are unable to adequately recover when hit by a natural disaster. With many States facing dramatic widespread budget cuts due to the economic downturn, reductions in public services may diminish a state's preparedness and response capabilities. Many governors are eyeing federal funding to offset and supplement these shortfalls. That is especially true after disasters. States that receive Robert T. Stafford Disaster Relief and Emergency Assistance Act Disaster Declarations often receive a 75 percent Federal cost-share for Public Assistance projects. The Committee notes that FEMA can recommend adjustments in Federal-state cost-sharing agreements to assist State and local governments and certain nonprofit entities that incur extraordinary expenses in the wake of disasters. In many cases that assistance can be adjusted to a 100 percent Federal cost-share. However, it is unclear to the Committee and many communities how often, if at all, FEMA takes into consideration a state's economic hardship. FEMA shall report to the Committee on how economic factors contribute to cost-share decisions and on how the agency plans to deal with cost-share adjustments during the recession. The report is due within three months after the date of enactment of this Act.

## REMAINING CHALLENGES IN POST-DISASTER HOUSING

The Committee continues to be concerned with the post-disaster housing situation in the Gulf Coast as a result of hurricanes Katrina and Rita. Based on the latest estimates from FEMA, nearly 30,000 households are still receiving disaster housing assistance, of which nearly 3,000 are in trailers and about 27,000 are in rental units as part of the joint Department of Housing and Urban Development (HUD)/FEMA program called the Disaster Housing Assistance Program (DHAP). In fiscal year 2009 the Committee required the Office of the Federal Coordinator for Gulf Coast Rebuilding to host a panel of experts to develop a framework for developing and sustaining affordable rental housing in affected Gulf Coast communities. The panel was tasked to provide recommendations for how HUD, the private sector, and the States could achieve a sufficient stock of affordable rental housing to meet the needs of all those displaced after the hurricanes who still lack permanent housing options. The Office's report focused on issues specific to the Gulf Coast, but several of its recommendations should be studied and incorporated by Federal, State and local governments to deal with future disasters, including improved case management services for families in interim housing and the need for new sources of funding for long-term, post-disaster housing.

The Committee remains committed to addressing the many challenges that face our citizens in the Gulf Coast and to ensuring this type of failure to provide a long-term, post-disaster housing solution never occurs again. FEMA was never equipped to sustain much more than a short-term housing effort after disasters, focused on travel trailers and mobile homes. HUD must use its expertise following disasters that clearly overwhelm the capacity of FEMA and local governments to provide adequate housing.

The Committee notes that the last administration developed the National Disaster Housing Strategy, as mandated by the Post-Katrina Emergency Management Reform Act of 2006. The Strategy states that FEMA and HUD will partner to provide Federal interim housing assistance, each bringing its expertise and experience to bear. It goes on to state that when Federal permanent housing assistance is needed, HUD will have the lead responsibility under this Strategy and will coordinate with its partners to provide housing and community development resources; legislative authority, staffing, and other resources may be required for HUD's new responsibilities.

While the Committee supports the concept of the Strategy, it simply does not go far enough to prepare a response for the next major disaster that displaces large numbers of people over a long period of time. The Committee notes that there are no formal agreements between the agencies and there are no executive orders specifying HUD's role after disasters. The Committee firmly believes that HUD must bring its experience to bear after catastrophic disasters that overwhelm the traditional FEMA mission of providing short-term provisional housing. Therefore, the Committee directs FEMA to formalize an agreement with HUD, outlining the roles and responsibilities of both agencies following a disaster and clearly delineating when and how HUD should take the lead role in the Federal housing response. FEMA is also directed to report to the Committee on the resources and legislative authority needed for HUD to take a formal role in disaster housing. The Committee expects that FEMA would continue to support disaster costs under an agreement between HUD and FEMA, as it does for DHAP in the Gulf Coast.

The Committee is pleased to note that FEMA and HUD have recognized that there must be some interplay between the agencies after disaster. The two agencies work in tandem to operate DHAP in Louisiana, Mississippi, and Texas following Hurricanes Katrina, Rita, and Ike. The Committee expects FEMA to use DHAP as a model as it develops its agreements with HUD.

The Committee remains concerned about FEMA trailers that have high levels of formaldehyde emissions, possibly leading to adverse health effects. The Committee understands FEMA is pursuing alternative housing solutions and demonstration projects and directs FEMA to work with multiple technologies and building solutions during this phase.

#### CHILDREN AND DISASTERS

The Committee is aware that Central Elementary School, located on the banks of the Illinois River, in Ottawa, Illinois was flooded in September 2008 during a record flood. Water levels rose two feet above the floor elevation of the building, causing damage throughout the building and flooding the crawlspace below the building. The flooding also revealed severe environmental hazards, including the presence of hazardous chemicals on the surface of the grounds and asbestos. The school has since been condemned by the Illinois State Board of Education until such time as the asbestos issues are addressed. A presidential declaration was issued to allow Federal assistance for this community and to address damages such as those at Central Elementary School. Children who attend this

school are now attending classes in an abandoned Wal-Mart, attempting to learn in this ill-suited venue. While the Committee understands the pace of public assistance and hazard mitigation is often slow to ensure integrity in the process, the pace of FEMA approval for relocation or repair of this facility is unacceptably slow, given that these children have been in an unfit learning environment for most of the school year.

FEMA should prioritize its disaster work to ensure that decisions on critical facilities are made in a time frame that is least harmful to those who are affected, especially when children and other vulnerable populations are involved. The Committee directs FEMA to expedite its discussions with Ottawa and to come to resolution on this project so that children will not return to an abandoned Wal-Mart for school next year. As they deliberate, FEMA and the affected community should address the continued flooding of this school and area. FEMA and the community should consider taking the mitigation action of moving the school from the floodplain.

The Committee will continue to monitor this situation. FEMA shall act with due haste and report to the Committee when the final project is approved.

EVALUATING FEMA’S READINESS

The Committee has heard anecdotal evidence from disasters in 2008 and 2009 that the Agency is much improved from the FEMA that responded to Hurricane Katrina. However, unlike government programs that are easily assessed against specific performance goals, FEMA does not lend itself to simple evaluation. The agency is best judged during disaster response and, unfortunately, it is not an option to wait until the next catastrophic disaster to determine FEMA’s capabilities. Therefore, the Committee directs GAO to conduct red team exercises during the hurricane season and report to the Committee on its findings. GAO shall evaluate how well the agency provides disaster assistance to survivors and, if possible, to States and localities.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

SUBSIDY

Appropriation, fiscal year 2009 .....	\$295,000
Budget estimate, fiscal year 2010 .....	295,000
Recommended in the bill .....	295,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	---
Budget estimate, fiscal year 2010 .....	---

LIMITATION ON DIRECT LOANS

Appropriation, fiscal year 2009 .....	\$25,000,000
Budget estimate, fiscal year 2010 .....	25,000,000
Recommended in the bill .....	25,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	---
Budget estimate, fiscal year 2010 .....	---

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.

FLOOD MAP MODERNIZATION FUND

Appropriation, fiscal year 2009 .....	\$220,000,000
Budget estimate, fiscal year 2010 .....	220,000,000
Recommended in the bill .....	220,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	---
Budget estimate, fiscal year 2010 .....	---

MISSION

The mission of the Flood Map Modernization Program 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, the same as the amount requested and provided in fiscal year 2009. In fiscal year 2010, FEMA will continue to focus these funds on reviewing, updating, and maintaining maps to accurately reflect flood hazards. The goal shall be to review and, where necessary, to update and maintain data, methodologies, models and maps that have been modernized, and to issue map updates no later than five years past the modernized dates of the maps. To support this goal, FEMA is directed to provide no less than 20 percent of the funds provided under this heading for map updates and maintenance conducted by Cooperating Technical Partners that provide at least a 25 percent cash match and have a strong record of working effectively with FEMA on floodplain mapping activities. With the fiscal year 2011 budget request, FEMA shall submit to the Committee a status report on the progress made towards the five year Risk Mapping, Assessment, and Planning strategy.

As noted in a recent National Academies of Science report, high resolution elevation data is the cornerstone of quality floodplain maps. FEMA is directed to develop a National Digital Elevation Acquisition and Utilization plan for the purposes of supporting floodplain map updates. FEMA shall collaborate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the National Aeronautics Space Administration, and States

that have experience in acquiring and incorporating high resolution elevation data in the floodplain map updates. FEMA shall submit this plan to the Committee within six months after the date of enactment of this Act.

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.

NATIONAL FLOOD INSURANCE FUND

Appropriation, fiscal year 2009 .....	\$156,599,000
Budget estimate, fiscal year 2010 .....	159,469,000
Recommended in the bill .....	159,469,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+2,870,000
Budget estimate, fiscal year 2010 .....	---

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 that supports 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 \$52,149,000 for salaries and expenses to administer the NFIF, the same as the budget request and \$2,731,000 above the amount provided in fiscal year 2009. The Committee includes bill language providing up to \$70,000,000 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 \$40,000,000 for Flood Mitigation Assistance under section 1366 of the National Flood Insurance Act. No less than \$107,320,000 is available for flood plain management and flood mapping. Flood mitigation funds are available until September 30, 2011, and funding is offset by premium collections.

FEMA requests fee authority in the amount of \$159,469,000 for fiscal year 2010, an increase of \$2,870,000 above the fiscal year 2009 level. The Committee is concerned that FEMA's fee estimates are too optimistic, given that the Agency has acknowledged that flood insurance policies may not increase as expected. A decline in fees would threaten valuable flood plain management and mitigation activities. Given the uncertainty in the fee collection, the Committee includes language allowing FEMA to restructure its budget for salaries and expenses and flood plain management if fee collection does not rise as projected in the budget.

The Community Assistance Program (CAP) is a product-oriented financial assistance program directly related to the flood loss reduction objectives of the National Flood Insurance Program (NFIP). States that are participating in the NFIP are eligible for this Federally funded assistance. The CAP is intended to help States identify, prevent, and resolve floodplain management issues in participating communities before a flood event. The Committee encour-

ages FEMA to give ample consideration to population growth when determining grant awards to States. The Committee believes this will ensure that States most at risk of flooding because of rapid growth receive adequate funds to mitigate flood losses through increased floodplain management.

NATIONAL PREDISASTER MITIGATION FUND

Appropriation, fiscal year 2009 .....	\$90,000,000
Budget estimate, fiscal year 2010 .....	150,000,000
Recommended in the bill .....	100,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+10,000,000
Budget estimate, fiscal year 2010 .....	- 50,000,000

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 \$100,000,000 for the National Predisaster Mitigation Fund (PDM), \$50,000,000 below the amount requested, and \$10,000,000 above the amount provided in fiscal year 2009. The Committee notes that FEMA has \$143,000,000 in unobligated balances in its regular program and therefore reduces the request.

As part of the budget, FEMA requested to drastically change the distribution methodology used for awarding PDM grants. However, the Agency was unable to adequately articulate to the Committee the ramifications or benefits of their new approach and signaled that the proposal was still being developed. Due to this lack of forethought, as well as pending legislation that is vastly different from FEMA’s new approach, the Committee will not approve the proposed change. Instead, the Committee directs FEMA to continue this program as it operated last fiscal year. The Committee includes bill language extending the authorization of the PDM Grant Program for one year to continue the current program. Up to three percent may be used for program administration.

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

Predisaster mitigation projects	Amount
City of Hartselle, AL .....	\$245,000
City of Colton, CA .....	200,000
Alabama Emergency Management Agency, AL .....	200,000
Arkansas Department of Emergency Management, AR .....	750,000
Brigham City Corporation, UT .....	250,000
Town of Shelter Island, NY .....	200,000
City of Camanche, IA .....	187,500
City of Prattville, AL .....	500,000
City of Venice, FL .....	200,000
Orange County Fire Authority, CA .....	252,000
City of Kannapolis, NC .....	425,000
Shelby County, Memphis, TN .....	325,000
Town of Occoquan, VA .....	25,000

Predisaster mitigation projects	Amount
City of Hidalgo, TX .....	500,000
Harris County Flood Control District, TX .....	1,000,000
City of Brooksville, KY .....	18,500
City of Maryville, MO .....	175,000
City of Reno, NV .....	500,000
Town of Union and City of Binghamton, NY .....	462,000
Westport Fire Department, CT .....	265,000
City of Trenton, NJ .....	300,000
Lucas County Engineer, OH .....	500,000
City of Coconut Creek, FL .....	500,000
Lake County Stormwater Management Agency, OH .....	725,000
City of Emeryville, CA .....	600,000
Village of La Grange Park, IL .....	150,000
Village of Pelham, NY .....	562,500
San Miguel County, NM .....	400,000
DeKalb County, IL .....	350,000
Town of Winthrop, MA .....	500,000
City of Santa Clarita, CA .....	500,000
City of Miami, FL .....	600,000
City of Flagler Beach, FL .....	750,000
Town of Hambleton and Town of Davis, WV .....	450,000
City of Robstown, TX .....	500,000
CHRISTUS St. Elizabeth Hospital, Beaumont, TX .....	250,000
North Carolina Office of Emergency Management, NC .....	165,000
King County, WA .....	750,000
Kentucky Emergency Management, KY .....	500,000
Drew County, AR .....	366,564
City of Los Angeles, CA .....	1,000,000
State of Maryland, MD .....	1,000,000
City of Burbank, CA .....	225,000
Henry County, GA .....	275,000
City of Los Angeles, CA .....	500,000
McDowell Hospital, NC .....	220,000
City of New Braunfels, TX .....	500,000
Arkansas State University-Beebe, AR .....	452,000
Lorain County, OH .....	200,000
City of Davis, CA .....	275,000
Mississippi Homeland Security Office, MS .....	500,000
City of Rockville, MD .....	650,000
City of Hokah, MN .....	590,000
City of Miami Beach, FL .....	750,000
Jackson Health System, FL .....	500,000
Russell County Fiscal Court, KY .....	200,000
Ohio University, OH .....	200,000
Louisville-Metro Government, KY .....	500,000

### EMERGENCY FOOD AND SHELTER

Appropriation, fiscal year 2009 <sup>1</sup> .....	\$200,000,000
Budget estimate, fiscal year 2010 .....	100,000,000
Recommended in the bill .....	200,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	-- --
Budget estimate, fiscal year 2010 .....	+100,000,000

<sup>1</sup> Excludes \$100,000,000 in appropriations in the American Recovery and Reinvestment Act (P.L. 111-5).

### 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 the same as the amount provided in fiscal year 2009. Since the recession began in December 2007, the U.S. has lost a net total of 5.7 million jobs. As of April 2009, the nationwide unemployment rate is 8.9 percent—a quarter-century high. Behind these statistics are people who are in need of the very services provided through EFSP. This funding helps local community organizations provide food, shelter, and support services to the nation’s hungry, homeless, and people in economic crisis. EFSP uses measures of unemployment and poverty to allocate the funds it receives from FEMA to city and county jurisdictions around the country. Up to 3.5 percent may be used on administrative costs.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Appropriation, fiscal year 2009 .....	\$101,740,000
Budget estimate, fiscal year 2010 .....	364,000,000
Recommended in the bill .....	248,000,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+146,260,000
Budget estimate, fiscal year 2010 .....	-116,000,000

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 \$248,000,000 in discretionary appropriations for USCIS, \$116,000,000 below the requested level and \$146,260,000 above the amount provided in 2009. As requested, the Committee provides \$25,000,000 to complete REAL ID hub development within the USCIS appropriation, but withholds the funds from obligation until USCIS, in conjunction with the State or States responsible for developing the system, submits an expenditure plan showing how these funds will be utilized. As discussed below, the Committee provides \$100,000,000 of the requested \$206,000,000 to pay for processing refugee applications and asylum claims. Consistent with recommendations contained throughout this report, the Committee provides no funding for data center migration activities because of the IG’s recent findings described in the Chief Information Officer section of the report regarding possible unmitigated risks at the destination data center sites.



## USER FEE FUNDED PROGRAMS

The budget estimates that USCIS will make \$2,503,232,000 in fee-funded expenditures in fiscal year 2010, which assumes the Congress funds the entire discretionary request for processing asylum, refugee, and military naturalization. Revenues from fees paid by persons applying for immigration benefits constitute the majority of USCIS's resources, and support adjudication of applications for immigration benefits and fraud prevention activities.

The Committee is concerned about several aspects of this fee-funded expenditure estimate. Most significantly, USCIS revenues have fallen 6.2 percent below projections for the first six months of fiscal year 2009, and economic and sociological indicators suggest that fee revenue will continue to be below projections well into fiscal year 2010. Based on the Committee's analysis, without operational changes, fiscal year 2010 processing costs may exceed fee collections by at least \$100,000,000. While the Committee does not directly control USCIS fee authorities, it believes that the agency should construct its budget based on anticipated revenue, not anticipated cost. Unlike agencies for which Congress determines appropriate resource levels by legislating specific appropriations, USCIS is supposed to balance its operations with the revenues it collects from its customers. As a result, the Committee cannot in good conscience provide USCIS the authority to expend more on its fee-funded operations than would be supported by projected revenue.

The Committee is also troubled that USCIS has not provided the public with a detailed analysis of whether or how it plans to adjust application fees to finance its 2010 expenditure estimates. The March 2009 Congressional Budget Office (CBO) baseline estimate projects 2010 fee collections at \$2,511,000,000, which is roughly equivalent to the 2010 budget estimate, even though the CBO projection assumes the current schedule of immigration application charges and does not account for a change in financing the cost to process refugee applications, asylum claims, or military naturalizations. Alternatively, the USCIS budget assumes that no fee collections will be expended to process refugee applications, asylum claims, and military naturalizations, and that other processing costs will increase due to inflationary cost growth, pay raises, and staff annualizations. These conflicting estimating methodologies, combined with a lack of detailed regulatory analysis on the part of USCIS, make it exceptionally difficult for the Committee and the public to understand the revenue outlook for USCIS.

In recognition of these concerns and the general correlation between CBO's March 2009 estimate of USCIS's collections and the fiscal year 2010 budget estimate, the Committee provides for the requested level of fee-funded expenditures with modest adjustments to reflect only partial approval of the requested appropriation for processing asylum, refugee, and military naturalization applications. Pursuant to Section 503 of the bill, USCIS will be required to submit a reprogramming request if it believes that its expenses will be substantially different from what the Committee has provided. In addition, within 60 days of enactment of this bill, the Committee directs USCIS to provide an operating plan for fiscal year 2010 that reflects how CIS activities will be financed for the

year under its current schedule of fees, any additional revenue the agency expects to collect if it implements a new schedule of fees, any prior-year balances the agency plans to spend in 2010 to fund operations, and how discretionary appropriations will be used. The following table illustrates for historical purposes CIS's estimates of prior year fee expenditures in the new budget structure the Committee has included in table at the back of this report:

	2004	2005	2006	2007	2008	2009
District Operations .....	606,388	649,203	755,726	745,570	1,015,722	1,041,687
Service Center Operations .....	346,025	367,941	409,057	418,213	536,397	519,334
International Operations .....	135,977	140,256	143,043	140,638	174,227	168,728
Records Operations .....	86,890	86,599	88,174	88,080	113,324	109,920
Business Transformation .....				53,000	139,000	139,000
National Customer Service Centers .....	50,997	46,000	47,000	48,000	55,600	53,747
Information Services .....	101,996	92,001	94,000	95,999	112,199	114,052
Administration .....	235,727	233,000	237,000	214,500	373,899	373,899
SAVE .....					18,504	18,818

Within the total fees collected, the Committee directs USCIS to provide no less than \$29,000,000 to convert immigration records to digital format, as requested in the budget. No more than \$10,000 of the fees collected shall be used for official reception and representation expenses.

#### REFUGEE APPLICATIONS, ASYLUM CLAIMS, AND MILITARY NATURALIZATIONS

USCIS does not currently charge application fees to individuals who apply for refugee status or make asylum claims, and likewise processes without charge naturalization applications from active-duty military members. Instead of collecting fees from these individuals, the agency imposes a surcharge on all other immigration applications to pay for these special programs. In its 2007 fee rule, USCIS estimated this surcharge at \$40 per application.

The 2010 budget proposes that the cost of processing refugee applications, asylum claims, and military naturalizations be paid by direct appropriations rather than the surcharge on other immigration applications. As a national policy, it may be appropriate for the costs of these programs to be paid from general tax revenues since they support fundamental values of the United States such as freedom from persecution, compassion for the disadvantaged, and gratitude for those who serve our country in the military. However, because the Administration has published no Federal Register notice detailing how discontinuing the surcharge will affect the schedule of fees for other application types, it is impossible for the Committee to evaluate the practicality of the proposal or to comprehend the full impact of a new and large appropriation on agency operations that historically have been funded by fees.

In addition, GAO reported in January 2009 that the methodology used by USCIS to develop its 2007 fee rule included several significant flaws that led to an overstatement of agency processing costs. GAO encouraged USCIS to conduct timely fee reviews to ensure that the agency is making regular efforts to identify and reduce processing costs (GAO reports 09-70 and 09-180). The Committee itself has urged USCIS to make every attempt to lower its costs and application fees so that legal immigration is available to all

who seek it. Moreover, the current economic downturn has likely decreased the number of people who can afford to become U.S. citizens. The Committee strongly encourages USCIS to conduct regular reviews of fee rules, as recommended by GAO, and to incorporate equitable processes for fee waivers and other consideration for those who may not possess the financial wherewithal to afford application charges.

Since it will take the Administration at least several months to effectuate a new schedule of immigration application fees, the Committee provides USCIS \$100,000,000 in discretionary appropriations to process refugee applications and asylum claims, which is half the requested amount. The Committee provides none of the requested \$5,100,000 for military naturalizations, and instead expects USCIS to be reimbursed by the Department of Defense for the foregone revenue associated with military naturalization fee waivers. In order to make sure the public and Congress have an accounting of how this direct appropriation will reduce the amounts USCIS charges immigration applicants, and of how the agency will further adjust fees to address issues raised by GAO, the Committee restricts obligation of the \$100,000,000 until the Administration publishes a final rule in the Federal Register implementing a new schedule of fees for immigration applications.

#### BASIC PILOT/E-VERIFY

While the Committee provides \$112,000,000, as requested, for the Basic Pilot/E-Verify system, it is concerned that USCIS does not have an updated analytical audit for the system. The most recent audit, which is nearly two years old, shows an unacceptably high rate of individuals falsely identified as ineligible to work. Of particular concern is the report's conclusion that nearly 1 in 10 naturalized citizens is reported by Basic Pilot/E-Verify as non-work authorized. While USCIS claims these results have improved as the system's functionality has evolved, new evidence of increased accuracy has been largely anecdotal. The Committee strongly urges USCIS to update and publish regular Basic Pilot/E-Verify accuracy and performance audits, so that Congress and Administration policy makers can remain informed of the system's strengths and weaknesses.

The Committee strongly supports efforts by USCIS to establish a compliance group to monitor use of the Basic Pilot/E-Verify system and to ensure that companies enrolled in the program are not using it to take inappropriate or illegal employment actions. Within the additional funds provided for Basic Pilot/E-Verify in the Bill, USCIS will hire 40 Monitoring and Compliance staff to ensure the system is not used for prohibited purposes.

In the budget, the Administration proposed a 3-year extension of the Basic Pilot/E-Verify program. The Committee has included an extension in the general provisions section of the bill.

#### IMMIGRATION INTEGRATION PROGRAMS

An important responsibility for USCIS is the promotion of legal paths to U.S. citizenship and outreach to immigrant communities. Encouraging individuals to seek naturalized citizenship not only helps non-native-born residents better assimilate into their communities, but also affirms our country's policy of welcoming those who

chose to become Americans. The Committee notes the unprecedented demand from approximately 700 non-profit and immigrant-serving organizations that filed notices of intent to apply for the \$1,200,000 appropriated for immigration integration grants in fiscal year 2009. As a result, the Committee provides \$11,000,000 for this program in 2010, \$1,000,000 more than requested. These additional funds shall be used by the USCIS Office of Citizenship to hire up to 10 additional staff to support the review, award, and oversight of the grants and other activities related to immigration integration.

VISA FRAUD

The budget included a request to expand the use of H and L Visa Fraud collections to include fraud investigations in other programs, pursuant to the priorities identified by the Fraud Detection and National Security Division of USCIS. The Committee has included this revision in the general provisions section of the Bill.

CHANGES TO FEES CHARGED TO TEMPORARY PROTECTED STATUS APPLICANTS

The budget included a request to raise the statutorily-capped \$50 application fee for those seeking Temporary Protected Status (TPS), and to clarify that USCIS is permitted to charge TPS applicants for related application services such as fingerprint collection. In the general provisions section of the Bill, the Committee has clarified that USCIS is allowed to charge fees for services related to TPS applications. The Committee has not acted to raise the \$50 application charge since Congress has determined in the past that this humanitarian program should be available for a modest fee.

NATURALIZATION CEREMONIES

The Committee directs USCIS to identify, in the 2011 budget submission, all funds allocated to naturalization and oath of allegiance ceremonies. 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.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Appropriation, fiscal year 2009 .....	\$246,530,000
Budget estimate, fiscal year 2010 .....	245,356,000
Recommended in the bill .....	239,356,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 7,174,000
Budget estimate, fiscal year 2010 .....	- 6,000,000

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 inter-agency law enforcement training organization for over 80 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, D.C. area.

RECOMMENDATION

The Committee recommends \$239,356,000 for FLETC, \$6,000,000 below the amount requested and \$7,174,000 below the amount provided in fiscal year 2009. Within the funds provided is \$1,309,000 for the Federal Law Enforcement Training Accreditation Board and \$4,100,000 for the Train21 program, a business training and transformation initiative to examine the best training and business practices across the Agency. Since 2001, CBP has doubled its number of Border Patrol agents and has begun to slow additional hiring of Border Patrol agents in 2010. Accordingly, the President's budget decreased funding for basic training requirements by \$12,512,000. The Committee provides no funding for Data Center Migration activities due to the recent IG report findings regarding possible unmitigated risks at the destination data center sites, as described in the Chief Information Officer section of this report. This action is consistent with funding recommendations contained throughout this report.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriation, fiscal year 2009 .....	\$86,456,000
Budget estimate, fiscal year 2010 .....	43,456,000
Recommended in the bill .....	43,456,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	- 43,000,000
Budget estimate, fiscal year 2010 .....	- - -

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 Acquisition, Construction, Improvements, and Related Expenses, the same as the amount requested and \$43,000,000 below the amount provided in fiscal year 2009. The decrease is due to a deletion of one-time costs.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2009 .....	\$132,100,000
Budget estimate, fiscal year 2010 .....	142,200,000
Recommended in the bill .....	142,200,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+10,100,000
Budget estimate, fiscal year 2010 .....	---

MISSION

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

RECOMMENDATION

The Committee recommends \$142,200,000 for Science and Technology Management and Administration, the same amount as requested and \$10,100,000 above the amount provided in fiscal year 2009. Within this total, the Committee provides \$10,000 for reception and representation costs.

The Committee is pleased with the progress that S&T has made in filling vacant positions within the agency and hopes that S&T can reach a steady-state of employment in fiscal year 2010.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

Appropriation, fiscal year 2009 .....	\$800,487,000
Budget estimate, fiscal year 2010 .....	826,191,000
Recommended in the bill .....	825,356,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+24,869,000
Budget estimate, fiscal year 2010 .....	- 835,000

MISSION

The mission of Science and Technology 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 \$825,356,000 for Research, Development, Acquisition, and Operations (RDA&O), \$835,000 below the amount requested and \$24,869,000 above the amount provided in fiscal year 2009. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Border and Maritime Security .....	\$40,181,000	\$40,181,000
Chemical and Biological .....	206,800,000	221,900,000

	Budget estimate	Recommended
Command, Control and Interoperability .....	80,264,000	80,764,000
Explosives .....	120,809,000	120,809,000
Human Factors .....	15,087,000	16,887,000
Infrastructure and Geophysical .....	44,742,000	52,093,000
Innovation .....	44,000,000	44,000,000
Laboratory Facilities .....	154,500,000	123,188,000
Test and Evaluations/Standards .....	28,674,000	29,000,000
Transition .....	45,134,000	46,134,000
University Programs .....	46,000,000	50,400,000
	826,191,000	825,356,000

#### BORDER AND MARITIME SECURITY

The Committee recommends \$40,181,000 for border and maritime security, the same as the amount requested and \$7,131,000 above the amount provided in fiscal year 2009. Included in this amount is \$4,000,000 for a pilot to develop a replicable port security system that would improve maritime domain awareness. The Committee denies the Administration's request for additional funding for basic research in border and maritime security. The Committee continues to believe that funding for basic research on new maritime technologies is better conducted within the Coast Guard's Research, Development, Test, and Evaluation account. The Committee recognizes that it is in S&T's mission to provide science and technology management to all components of DHS, and encourages S&T to maintain a working relationship with the Coast Guard despite this denial of funds.

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 disappointed that it has taken so long to produce a viable container security device. The Committee maintains its interest in both the container security device, and the advanced container security device as possible solutions, and is eager to see progress from S&T on both of those efforts, as well as the mobile asset tag tracking system and the hybrid-composite container project. S&T is directed to continue its quarterly updates on its efforts to explore a viable CSD solution.

#### CHEMICAL AND BIOLOGICAL

The Committee recommends \$221,900,000 for chemical and biological, \$15,100,000 above the amount requested, and \$21,492,000 above the amount provided in fiscal year 2009. The Committee approves the additional funding requested to enable DHS to provide the basic research needed to help secure food and agricultural sectors from potential security threats in support of Homeland Security Presidential Directive 9.

#### BIOWATCH

As previously discussed under the Office of Health Affairs, the Committee is frustrated with the slow development and testing of the next generation BioWatch program. It appears that since this program was transferred from S&T to OHA two years ago, development and testing efforts have fallen significantly behind where S&T planned to be at this time, largely because OHA decided to instead focus on an alternative technology that has since been de-

activated. As a result, \$15,100,000 is included within S&T's Chemical and Biological program to resume developmental testing of the BioWatch Generation 3 systems. In addition, S&T shall assume control of all activities related to Generation 3, and shall enter into a Memorandum of Understanding with OHA so that any monies provided to OHA in fiscal year 2009 shall be utilized by S&T for the originally intended purpose of Generation 3 testing.

The Committee recognizes a troubling lack of coordination across the federal government with regards to development of the BioWatch program. Therefore, S&T is directed to coordinate with the Department of Health and Human Services, specifically the Centers for Disease Control and Prevention (CDC), in developing assays for use in any BioWatch system. Additionally, CDC shall approve any assays developed for a final Generation 3 system.

#### COMMAND, CONTROL, AND INTEROPERABILITY

The Committee recommends \$80,764,000 for command, control, and interoperability, \$500,000 above the amount requested and \$5,874,000 above the amount provided in fiscal year 2009. Included in this amount is \$500,000 for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies. Within the funds provided, the Committee includes \$19,498,000 to invest in next generation technologies to improve cyber security and \$2,000,000, as requested, for S&T to continue its web-distributed environment for critical infrastructure decision making exercises.

#### FIRST RESPONDER COMMUNICATIONS EQUIPMENT STANDARDS

Federal funding for first responder communications equipment shall comply with common system standards for public safety communications (voice and data), as appropriate, to ensure interoperability. Where programs exist, standards-based equipment must be assessed for compliance to existing standards. This includes, but is not limited to, the Project 25 Compliance Assessment Program for P25 products and the National Incident Management System Supporting Technology Evaluation Program for Emergency Data Exchange Language products. The Office for Interoperability and Compatibility, in conjunction with the Director of the National Institute of Standards and Technology, shall continue assessing the compliance of first responder communications equipment, and shall establish additional compliance assessment programs for emerging technology as necessary.

#### EXPLOSIVES

The Committee recommends \$120,809,000 for explosives, the same as the amount requested and \$24,660,000 above the amount provided in fiscal year 2009. Within the amount provided, \$5,000,000 is to improve detection capabilities of improvised explosive devices (IEDs) specifically in non-aviation, mass transit settings. The Committee eagerly awaits the development of new technologies that can preemptively detect, effectively mitigate, and defeat IEDs.

Over the past two years, the explosives program has received strong support from this Committee, as reflected in a 56 percent



growth in funding (+\$43,155,000). In light of this large investment, S&T is encouraged to accelerate its efforts to achieve results in the nearer term, specifically within the next one or two years, and is directed to brief the Committee no later than January 15, 2010 on the status of new technologies and research within the explosives program.

#### HUMAN FACTORS

The Committee recommends \$16,887,000 for human factors, \$1,800,000 above the request and \$4,427,000 above the amount provided in fiscal year 2009. Within this total, \$4,000,000 is for the biometrics program in the Personal Identification Thrust Area of S&T, \$1,200,000 above the request; and \$1,000,000 is for the credentialing program, \$600,000 above the request. Advanced capabilities in the field of biometrics would have positive effects across all DHS components, and the Committee provides a corresponding investment in order to develop new techniques as well as improve flexibility of biometric apparatus and the overall capability of biometric detectors, screening capabilities, and credentialing.

#### INFRASTRUCTURE AND GEOPHYSICAL

The Committee recommends \$52,093,000 for infrastructure and geophysical, \$7,351,000 above the amount requested and \$23,723,000 below the amount provided in fiscal year 2009. Included within these funds is \$10,000,000 for the National Institute for Hometown Security to support existing work in research, development and application of technology for community-based critical infrastructure protection. The Committee includes \$5,979,000, as requested, 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.

#### NEW TECHNOLOGIES

New technologies may significantly help the Department as it seeks to secure our homeland. The Committee encourages S&T to assess technologies and evaluate research opportunities in areas such as energy and sensor informatics; rural community resiliency to disaster; large scale high wind infrastructure resistance testing; 3D simulation environment technologies to help first responders with coordination and planning; large-scale graph analytic technologies; energetic materials and the structure and behavior of explosives; and threat analysis techniques to better understand and predict potential terrorist behavior.

#### MULTI-FUNCTION PHASED ARRAY RADARS

The Committee notes that S&T has been engaged with a working group on the development of a Multi-Function Phased Array Radar that includes the Department of Defense, the National Oceanic and Atmospheric Administration, and the Federal Aviation Administration. The Committee encourages S&T to continue its involvement with this working group and to contribute to the development of

this technology if it is determined to provide clear advantages to DHS components.

#### LABORATORY FACILITIES

The Committee recommends \$123,188,000 for laboratory facilities, \$31,312,000 below the amount requested, and \$38,752,000 below the amount provided in fiscal year 2009. Included in the amount provided for laboratory facilities is \$12,000,000 for ongoing construction at Area 300 of the Pacific Northwest National Laboratory (PNNL). This will fully fund the last year of DHS's obligations to PNNL pursuant to the multi-agency memorandum of understanding.

The Committee recommends no funding for construction of the National Bio and Agro defense Facility (NBAF), instead of the \$36,312,000 requested. In January 2009, DHS published an Environmental Impact Statement which detailed the site selection process, including a risk assessment for the proposed NBAF site. A recent GAO review has found the design and execution of that study to be seriously flawed, specifically as it relates to the risk of researching Foot-and-Mouth Disease (FMD) on the U.S. mainland. Therefore, the Committee cannot currently support construction of the NBAF as proposed.

The bill contains language that continues to prohibit obligation of funds for NBAF design and construction until a third party risk analysis is completed to determine whether FMD research can be done safely on the U.S. mainland. The Committee provides \$5,000,000 for DHS to contract with a third party to conduct and complete another risk assessment before any funding can be obligated. The Committee expects that such third party should have the appropriate expertise to conduct an in-depth analysis of whether FMD work can be done safely on the mainland, should have access to validated plume modeling capabilities, and should have experience with or could contract for experts who have worked with FMD.

#### BIOLOGICAL SURETY

With the increased use of and need to manage biological select agents and toxins at DHS laboratories, the Committee recognizes the need for a reliable and consistent method for maintaining biological surety. The Committee recommends that DHS develop a Department-wide bio-surety policy and program to be implemented across all DHS laboratories. S&T is directed to brief the Committee, no later than January 15, 2010, on the development and implementation of such a plan.

#### TEST AND EVALUATIONS/STANDARDS

The Committee recommends \$29,000,000 for Test and Evaluations/Standards, \$326,000 above the budget request and the amount provided in fiscal year 2009. Included within this funding is \$5,000,000 to continue work supporting the first responder community through objective assessments and validations of emergency responder equipment. This initiative provides valuable information to decision-makers in the selection, procurement, use and maintenance of equipment available to the first responder commu-

nity including urban search and rescue, law enforcement, fire services, and hazardous material response. The Committee believes this to be a cost- and time-saving asset to federal, State and local emergency responders.

#### TRANSITION

The Committee recommends \$46,134,000 for transition, \$1,000,000 above the budget request and \$17,304,000 above the amount provided in fiscal year 2009. Included in the funds provided is \$2,000,000, the same as requested, for DHS to continue its work with the Naval Postgraduate School regarding field experiments for first responder technologies. 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 \$1,000,000 to continue a pilot program to identify, research, develop 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 \$50,400,000 for university programs, \$4,400,000 above the amount requested and \$130,000 above the amount provided in fiscal year 2009. Within this funding level, a total of \$39,380,000 has been provided for the Centers of Excellence, \$4,400,000 above the budget request.

The Committee is concerned that the office of university programs continues to request inadequate funding to support the research missions of its Centers of Excellence. The Committee notes that in each of the last three years, the budget either proposed reductions in funding for previously established Centers in order 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 \$3,870,000 for minority serving institutions, as requested. S&T should continue to explore ways to prepare minority youths for careers in homeland security by promoting skills and educational curriculum in this field.

#### UNOBLIGATED BALANCES

The Committee is pleased that S&T has been making progress in reducing high unexpended obligations throughout its RDA&O account. The increased level of detail that S&T uses to track both its obligations and expenditures is encouraging, and should continue as a means of both efficiency and oversight to better track S&T funds. Furthermore, the Committee is pleased with the efforts that S&T has made to recover and realign funds that have lain dormant due to expired programs, or lack of expenditure. S&T is directed to continue briefing the Committee on the results of its quarterly validation and verification reviews, report the amount

available to de-obligate, and identify how S&T plans to use these funds.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2009 .....	\$37,500,000
Budget estimate, fiscal year 2010 .....	39,599,000
Recommended in the bill .....	39,599,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+2,099,000
Budget estimate, fiscal year 2010 .....	---

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 \$39,599,000 for Management and Administration, the amount requested and \$2,099,000 above the amount provided in fiscal year 2009. The Committee funds the full request for 130 FTE positions. Although DNDO currently has 16 vacancies, it has identified candidates for those positions who are either awaiting clearance or in the hiring process at this time. The Committee encourages the Department to expedite the background investigations and related clearance process to fill these positions as soon as possible.

RESEARCH, DEVELOPMENT, AND OPERATIONS

Appropriation, fiscal year 2009 .....	\$323,200,000
Budget estimate, fiscal year 2010 .....	326,537,000
Recommended in the bill .....	326,537,000
Bill compared with:	
Appropriation, fiscal year 2009 .....	+3,337,000
Budget estimate, fiscal year 2010 .....	---

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 (GNDA) 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 \$326,537,000 for Research, Development, and Operations, the amount requested, and \$3,337,000 above the amount provided in fiscal year 2009. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Systems Engineering and Architecture .....	\$25,448,000	\$25,448,000
Systems Development .....	100,000,000	100,000,000
Transformational Research and Development .....	110,537,000	110,537,000
Assessments .....	32,416,000	32,416,000
Operational Support .....	38,436,000	38,436,000
National Technical Nuclear Forensics Center .....	19,700,000	19,700,000
Total .....	326,537,000	326,537,000

#### DEFINING AND RESPONDING TO FUTURE THREATS

While DNDO has been heavily engaged in acquiring and deploying radiation detection technology to scan cargo for radioactive and nuclear materials at ports of entry, it has moved to fulfill more broadly its preventive radiation/nuclear detection (PRND) mission. DNDO plans for and designs architecture for nuclear detection, and supports pilot studies and assessments of new technologies to reduce vulnerabilities from aircraft, both commercial and general aviation; small vessels and other potential risk in the maritime environment; land border threats, including rail and in areas beyond ports of entry; and to threats in urban areas and critical locations in the nation's interior. DNDO is also guiding and implementing strategies for the GNDA, both at home and internationally. In addition to cross-cutting research and development work, DNDO has adopted an approach to align systems development work to four principal mission areas: the maritime domain, aviation, land borders, and the interior. The Committee directs DNDO to continue quarterly briefings to the Committees on Appropriations on its progress designing architecture to underpin technology research and applications; the status of such technologies, with their strengths and weaknesses; and timetables to develop and deploy such technologies.

#### SYSTEMS DEVELOPMENT

The Committee includes \$100,000,000, as requested, for Systems Development. Within this, the Committee provides \$43,000,000 for mission-directed efforts, including \$18,000,000 for maritime projects such as maritime standoff detection, on-dock rail detection, and architecture for other challenging maritime environments, including inland waterways, the Great Lakes, and non-container modes of commercial shipping. The Committee believes it is important to continue the advancement of next generation technology that will address the vulnerability gaps that exist in rail cargo and transshipment without interruptions to productivity at the port. The Committee understands work towards solutions for on-dock rail detection will proceed in 2010 to further testing of straddle portal prototypes and mobile radiation detection systems. The Committee also urges DNDO to consider additional testing of spreader bar configurations for monitors, including by demonstrating this technology in a port environment, as it understands that there have been significant improvements in the capability of such systems since prototypes were tested in 2008. The Committee encourages this work to proceed apace, and notes that the experience gained in managing testing at the Tacoma test site and various national laboratory sites should facilitate the ability of DNDO to ini-

tiate and carry out tests of promising systems and technologies in the cargo environment.

CARGO ADVANCED AUTOMATED RADIOGRAPHY SYSTEM AND THE JOINT INTEGRATED NON INTRUSIVE INSPECTION

Among several major systems development efforts, the Cargo Advanced Automated Radiography System and the Joint Integrated Non Intrusive Inspection program are scheduled to move into test and evaluation of prototypes, including cost/benefit analyses, and broad area announcements to manufacturers for the production of prototype systems, with the potential award of contracts for such work in fiscal year 2010. The Committee encourages DNDO to meet these test and evaluation objectives, and includes \$29,000,000, as requested, for this effort. The Committee expects to receive information about the status of this endeavor as part of quarterly project update briefings.

RED TEAM EXERCISES AND ASSESSMENTS

Within the assessments budget, \$10,000,000 is provided as requested for red teaming and net assessments. The Committee expects this will support red teaming through covert and overt exercises, including key initiatives such as the West Coast Maritime pilot. The Committee directs DNDO to continue providing quarterly reports on exercises and assessments, including vulnerabilities identified and recommendations for addressing such vulnerabilities.

NATIONAL TECHNICAL NUCLEAR FORENSICS

The Committee includes \$19,700,000 as requested for the National Technical Nuclear Forensics Center. Collection, analysis, evaluation and interpretation of pre- and post-detonation evidence are critical to enable accurate attribution for such an incident and to enhance deterrence against an event. DHS and DNDO play a critical role in this mission by integrating the federal government effort across domestic and international activities, as well as through law enforcement, regulatory, defense, and intelligence communities. The Committee supports technical improvements in the ability to identify and track materials, and encourages joint demonstrations to test forensic capabilities. In addition, the Committee supports the initiative to expand the development program by increasing the number of graduate and post-doctoral fellowships and enhancing recruitment from academia.

In addition, the Committee includes \$3,000,000 as requested under System Development to expand and demonstrate new tools for Nuclear Forensics pattern analysis and predictive modeling, including the Knowledge Management and Assessment System. The Committee directs DNDO to report, along with its fiscal year 2011 budget submission, on its progress in employing this system.

The Committee understands that DNDO, along with the Defense and Energy Departments, is sponsoring a study through the National Academies on sustaining and improving the nation's nuclear forensics capabilities that is expected to be completed in 2009. The results of this study should be shared with the Committee.

## HUMAN PORTABLE RADIATION DETECTION SYSTEMS (HPRDS)

The Human Portable Radiation Detection Systems (HPRDS) systems development effort is funded, as requested, at \$12,000,000. The Committee strongly supports the effort to develop handheld and backpack systems, including tripwire and wide area search programs. The Committee understands this funding will support operational testing for handheld systems, including production of a new technology for advanced operations. The Committee directs DNDO to report on this effort as part of quarterly update briefings provided to the Committees on Appropriations.

## TRANSFORMATIONAL RESEARCH AND DEVELOPMENT

The Committee is extremely interested in research to find alternatives to existing detection materials and systems, including scintillators and semiconductors that might result in smaller, more reliable, and more accurate radiation and nuclear detection devices. In addition, the Committee strongly supports DNDO efforts to accelerate development of alternatives to neutron detectors that are based on Helium-3, and directs DNDO to report on its progress in this area with its 2011 budget submission.

## SYSTEM ACQUISITION

## RADIATION PORTAL MONITOR PROGRAM

The Committee agrees with the Department's decision to request no new funding for the advanced spectroscopic portal (ASP) systems in fiscal year 2010. DNDO has informed the Committee to expect Secretarial certification of the ASP systems—originally promised for 2008—to be completed by first quarter of fiscal year 2010, and that prior year funding balances will be sufficient for 2010 acquisition and deployment. The Committee continues bill language prohibiting full scale procurement of ASP systems until the Secretary has certified and reported to the Committees that a significant increase in operational effectiveness merits such a decision. Separate and distinct certification must be made for primary and secondary deployments. Should certification not occur or be further delayed, the Committee expects the Department to submit a reprogramming proposal, to include additional procurement of polyvinyl toluene (PVT) monitors, if requirements remain.

The Committee underscores that it wants the Department to make the best possible decision about future portal monitor solutions, with no rush to judgment, and so urges the Department to ensure certification decisions are based on adequate test information, to include appropriate use of modeling, and robust cost-benefit analysis. To the extent existing low rate initial production ASP systems (improved as necessary and feasible) can be deployed in operational environments to generate data to inform this decision, the Committee encourages DNDO to work with CBP to undertake such deployments.

Should this funding be used for ASP procurement in fiscal year 2010, the Committee will regard it as base funding for purposes of comparison against any additional funding considered in fiscal year 2011.

## SECURING THE CITIES

The request includes no funding for further development or acquisition costs associated with the Securing the Cities (STC) pilot program. The Committee agrees with this decision, as the activity undertaken by DNDO—structured as a three-year pilot test of an approach to urban detection systems—has run its course for that purpose. The Committee does not disagree with advocates for continued funding of the program who point to the distinct improvements STC has brought to cooperative efforts to detect and defend against nuclear and radiological threats in the greater New York City area, one of the most critical and potentially vulnerable urban complexes in the world.

However, the scope of the work within DNDO was for a test, and the testing stage is completed. By the end of fiscal year 2009, DNDO will have deployed over 4,000 personal radiation detectors, 50 radioisotope identifiers with associated communications and computer support, 100 backpack detectors, and 30 mobile detection systems, along with associated training. The issue at this point is whether this should continue as an operational program. DNDO has indicated, properly, that it plans to take the results of the pilot program and incorporate them into development of the next version of architecture and systems that could be applied to these efforts, to include examining the possibility of pilot efforts in other urban centers. It has also made the argument, and the Committee agrees, that DNDO's mission is not to manage ongoing, operational regional PRND programs.

The Committee believes that a decision to continue STC is the responsibility of the greater New York City community, to include whether and how to apply homeland security grants to the costs of continuing operations. In November 2008 the Department issued guidance to State, local, and tribal governments on the potential application of Homeland Security Grant Program funding for planning, equipment, training and exercise support. In addition, the Committee understands that DNDO will continue to provide technical guidance and other informational support on a 24/7 basis. The Committee supports this potential use of grant funding, as ongoing acquisition and operations costs for STC should properly be borne by the regional governments using the system. DNDO, which has been assigned the mission to design and test technologies, should be permitted to build on its STC experience in developing yet more advanced and effective PRND architecture and systems, including ones that New York may benefit from in the future.

## TITLE V—GENERAL PROVISIONS—THIS ACT

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

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

Section 503. The Committee continues and modifies a provision providing reprogramming authority for funds within an account and not to exceed 5 percent transfer authority between appropria-



tions 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, 2010.

The Department shall submit reprogramming requests on a timely basis and provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees on Appropriations should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

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

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

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 (WCF), except for activities and amounts allowed in the President's fiscal year 2010. Funds provided to the WCF are available until expended. The Department can only charge components for direct usage of the WCF and these funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or reimbursed must reflect the full cost of each service. The WCF shall be subject to the requirements of section 503 of this Act.

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

Section 506. The Committee continues a provision providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

Section 507. The Committee continues and modifies a provision requiring notification of the Committees on Appropriations three days before grant allocations, grant awards, contract awards, letters of intent, or other transactional agreements totaling \$1,000,000 or more are announced by the Department. The Department is required to brief the Committees on Appropriations five full day business days prior to announcing the intention to make a grant under State and Local Programs. 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.

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

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

Section 512. The Committee continues a provision regarding competitive sourcing.

Section 513. The Committee continues and modifies a provision directing TSA to research, develop, and procure new technologies to inspect and screen air cargo. In the interim, TSA shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo on passenger aircraft when practicable. TSA shall work with air carriers and airports to ensure the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter. TSA shall take all possible measures to ensure air carriers are submitting data consistent with current security directives, including enforcement actions for non-compliance. TSA is required to report air cargo inspection statistics detailing how incremental progress is being made to the Committees within 45 days of the end of each quarter of the fiscal year. Finally, TSA shall submit a report on how they plan to meet the 100 percent mandate contained in the 9/11 Act.

Section 514. The Committee continues a provision that directs that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004, 2005, 2006, and 2007, which are recovered or deobligated, shall be available only for procurement 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 requiring any funds appropriated to the Coast Guard's 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

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 a provision relating to undercover investigative operations authority of the Secret Service for fiscal year 2010.

Section 518. The Committee continues and modifies a provision classifying the functions of the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the of the Federal Activities Inventory Reform Act.

Section 519. The bill continues a provision pertaining to the human resource management system.

Section 520. The Committee continues a provision regarding the enforcement of section 4025(1) of Public Law 108–458.

Section 521. The Committee continues a provision prohibiting the Secretary of Homeland Security from reducing operations within the Coast Guard's civil engineering program except as specifically authorized in statute after enactment of this Act.

Section 522. The Committee continues a provision prohibiting the obligation of funds to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, and the Office of the Chief Financial Officer for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply, and this provision does not require new competitions of existing contracts during their current terms. The bill also requires the IG to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 523. The Committee continues a provision that prohibits funding for any position designated as a Principal Federal Official (PFO) during a Stafford Act declared disaster or emergency.

This prohibition shall apply to any PFO, successors to that position, and any similar position created by the Department. The Committee is concerned that the Department has not defined a clear role for a PFO and that the position conflicts with the Federal Coordinating Official's (FCO) role during Presidentially-declared disasters and emergencies. States and emergency management organizations have also expressed concern that use of both an FCO and PFO leads to confusion in the field following disasters and undermines FEMA's emergency management role. The Committee understands there may be instances in which FEMA should not be the lead agency in charge of response, such as pandemic outbreak or an Olympic event, and therefore limits the prohibition to Presidentially-declared disasters or emergencies that require Stafford Act assistance. The Department must work with all homeland security partners to achieve common understanding regarding incident management.

Section 524. The Committee continues a provision prohibiting funding to grant an immigration benefit to any individual unless

the results of background checks required in statute to be completed prior to the grant of the benefit have been received by DHS.

Section 525. The Committee continues a provision prohibiting use of funds to destroy or put out to pasture any horse or other equine belonging to the Federal government unless adoption has been offered first to its trainer or handler.

Section 526. The Committee continues a provision that precludes the Secretary from using funds in this Act to carry out unilateral reorganization of the Department.

Section 527. The Committee continues a provision prohibiting funds to be used to conduct or implement the results of a competition under Office of Management and Budget Circular A-76 with respect to the Coast Guard National Vessel Documentation Center.

Section 528. The Committee continues a provision that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 529. The Committee continues a provision prohibiting the obligation of funds for the Office of Secretary and Executive Management for any new hires at DHS if they are not verified through the basic pilot program (E-Verify).

Section 530. The Committee continues a provision related to prescription drugs.

Section 531. 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 532. The Committee continues and modifies a provision relating to other transactional authority of the DHS through fiscal year 2010. Language continues to require the Secretary to issue policy guidance detailing the appropriate use of other transactional authority and provide training to each employee that has authority to handle procurements under this authority. The Secretary shall report on projects for which this authority was used.

Section 533. The Committee continues a provision prohibiting funds for planning, testing, piloting or developing a national identification card.

Section 534. The Committee continues a provision that requires a report summarizing damage assessment information used to determine whether to declare a major disaster.

Section 535. The Committee continues and modifies a provision relating to the liquidation of Plum Island assets and how the proceeds from this sale may be applied to construction costs of the new National Bio and Agro-defense Facility.

Section 536. The Committee continues a provision directing that any official required by this Act to report or certify to the Committees on Appropriation may not delegate any authority unless expressly authorized to do so in this Act.

Section 537. The Committee continues a provision requiring the Secretary of Homeland Security, in conjunction with the Secretary of the Treasury, to notify the Committees 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 538. The Committee continues a 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.

Section 539. The Committee rescinds \$2,203,000 from the unobligated balances of prior year appropriations made available for "Analysis and Operations".

Section 540. The Committee includes a new provision on fiscal year 2008 predisaster mitigation grants.

Section 541. The Committee continues and modifies a provision extending the authority of the Predisaster Mitigation Fund until September 30, 2010.

Section 542. The Committee rescinds \$5,963,000 from unobligated balances of prior year appropriations made available to Infrastructure Protection and Information Security.

Section 543. The Committee includes a new provision permitting unobligated amounts of appropriations made available to the Coast Guard in fiscal years 2008 and 2009 for Sector Buffalo to be used to make improvements to the land for public access to Buffalo Lighthouse.

Section 544. The Committee includes a new provision that permits the Secretary to extend certain travel benefits and reimbursements for those overseas personnel consistent with the Foreign Service Act of 1980.

Section 545. The Committee continues a provision that extends E-Verify until September 30, 2011, ensures the protection of Social Security benefits and requires two GAO studies.

Section 546. The Committee includes a new provision on the use of H and L visa fraud prevention and detection fees.

Section 547. The Committee includes a new provision clarifying the Temporary Protected Status fee.

Section 548. The Committee includes a new provision that extends the date of the chemical security program.

Section 549. The Committee includes a new provision that permits the Department to collect fees from non-Federal participants in a conference, seminar, exhibition, symposium, or similar meeting and those fees will be credited to the costs of the conference, seminar, exhibition, symposium, or meeting. Any excess fees will be deposited into the treasury as miscellaneous receipts.

Section 550. The Committee rescinds \$5,572,000 from unobligated balances of fiscal year 2009 appropriations made available to Federal Emergency Management Agency "Trucking Industry Security Grants".

Section 551. The Committee continues a provision that prohibits full scale procurement of ASPs until the Secretary certifies and reports that they are operationally more effective. Separate certifications are required for primary and secondary screening.

Section 552. The Committee includes a new provision that requires an individualized threat assessment of each and every individual detained at Naval Station Guantanamo Bay, Cuba, as of April 30, 2009; inclusion of the names of such detainees on the No Fly List; and a limitation on funds from being used to grant an immigration benefit to such detainees, except for the purposes of prosecution.

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 .....	16,000,000	Disaster Relief Fund .....	16,000,000
FEMA, Management and Administration ....	90,080,000	Disaster Relief Fund .....	90,080,000

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:

<i>Account/Activity</i>	<i>Rescissions</i>
Analysis and Operations .....	\$2,203,000
Infrastructure Protection and Information Security .....	\$5,963,000
State and Local Programs/Trucking Industry Security Grants .....	\$5,572,000

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1)(B) of rule XIII of the Rules 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 <sup>1</sup>	NA	NA	NA	\$2,000
Customs and Border Protection, Salaries and Expenses	2003	\$2,739,695 <sup>2</sup>	\$3,195,094 <sup>3</sup>	\$7,576,897
Customs and Border Protection, Salaries and Expenses	2002 <sup>4</sup>	Such sums	\$750,710	\$7,576,897
Customs and Border Protection, Salaries and Expenses	2004 <sup>5</sup>	\$1,399,592		\$7,576,897
Customs and Border Protection, Salaries and Expenses	2004 <sup>6</sup>	\$1,683,667		\$7,576,897
Customs and Border Protection, Automation Modernization	2004 <sup>7</sup>	\$308,000	NA	\$462,445
Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement	2004 <sup>8</sup>	\$175,099,725	NA	\$513,826
Customs and Border Protection, Facilities Management	NA	NA	NA	\$682,133
Immigration and Customs Enforcement, Salaries and Expenses	2003 <sup>9</sup> / 2004 <sup>11</sup>	NA <sup>9</sup> / \$1,399,592,4 <sup>10</sup>	\$3,032,094 <sup>11</sup> / NA <sup>12</sup>	\$3,311,493
Immigration and Customs Enforcement, Automation Modernization	2003 <sup>9</sup>	NA	\$380,000 <sup>13</sup>	\$110,000
Immigration and Customs Enforcement, Construction	2003 <sup>9</sup>	NA	\$258,637 <sup>9</sup>	\$6,818

<sup>1</sup> Created by Executive Order 13390 on November 1, 2005.  
<sup>2</sup> Immigration and Naturalization Service - inspection, investigations, Border Patrol, detention and deportation only.  
<sup>3</sup> 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.  
<sup>4</sup> Agriculture Plant and Health Inspection Service only.  
<sup>5</sup> P.L. 107-210, section 311(a)(2) for Noncommercial Activities only.  
<sup>6</sup> P.L. 107-210, section 311(b)(1) for Commercial Activities only.  
<sup>7</sup> P.L. 107-210, section 311(b)(2) for Automated Commercial Environment only.  
<sup>8</sup> P.L. 107-210, section 311(b)(2) for Air and Marine Interdiction  
<sup>9</sup> 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))  
<sup>10</sup> Customs Service, including the investigations function (19 U.S.C. 2075(b)(1)).  
<sup>11</sup> 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, P.L. 108-11  
<sup>12</sup> No 2004 appropriation for the U.S. Customs Service  
<sup>13</sup> For Entry-Exit system.

Transportation Security Administration, Transportation Threat Assessment and Credentialing <sup>14</sup>	2005	Such sums	\$69,919	\$171,999
Transportation Security Administration, Transportation Security Support	NA	NA	NA	\$992,980
Coast Guard, Operating Expense	2006	\$5,633,900	\$5,492,331	\$6,822,026
Coast Guard, Environmental Compliance and Restoration	2006	\$12,000	\$12,000	\$13,198
Coast Guard, Reserve Training	2006	\$119,000	\$119,000	\$133,632
Coast Guard, Acquisition, Construction, and Improvements	2006	\$1,903,821	\$1,141,800	\$1,347,480
Coast Guard, Alteration of Bridges	2006	\$38,400	\$15,000	\$10,000
Coast Guard, Research, Development, Test, and Evaluation	2006	\$24,000	\$17,750	\$19,745
Coast Guard, Retired Pay	2006	\$1,014,080	\$1,014,080	\$1,361,245
U.S. Secret Service, Salaries and Expenses <sup>15</sup>	NA	NA	NA	\$1,457,409
U.S. Secret Service, Acquisition, Construction, Improvements, and Related Expenses	NA	NA	NA	\$3,975
Office of Health Affairs <sup>16</sup>	NA	NA	NA	\$128,400
FEMA, Management and Administration: Urban Search and Rescue Response System	2008	\$45,000	\$32,500	\$32,500
FEMA, State and Local Programs: Citizen Corps Program	NA	NA	NA	\$15,000
FEMA, State and Local Programs: Metropolitan Medical Response System	2008	\$63,000	\$41,000	\$40,000
FEMA, State and Local Programs: REAL ID	2009	NA	\$50,000	\$50,000
FEMA, State and Local Programs: Buffer Zone Protection Program grants	NA	NA	NA	\$50,000
FEMA, Assistance for Firefighters grants	2009	\$1,000,000	\$565,000	\$380,000
FEMA, Flood Map Modernization Fund	NA	NA	NA	\$220,000
FEMA, National Predisaster Mitigation Fund	2009	NA	\$90,000	\$100,000
FEMA, Emergency Food and Shelter	1994	\$187,560	\$130,000	\$200,000
United States Citizen and Immigration Services	2002	\$631,745	\$707,392	\$248,000
Federal Law Enforcement Training Center, Salaries and Expenses	1991 <sup>17</sup>	NA	NA	\$239,356

<sup>14</sup> 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.

<sup>15</sup> The Secret Service is established in 18 U.S.C. 3056 and 18 U.S.C. 3056A. 18 U.S.C. 1029 and 1030 specifically authorize the Service to investigate offenses under those sections.

<sup>16</sup> The Chief Medical Officer, is authorized in P.L. 109-295 and the National Biosurveillance Integration Center is authorized in P.L. 110-053, Section 1101

<sup>17</sup> P.L. 106-690, Section 6164



Federal Law Enforcement Training Center, Acquisition, Construction, Improvements and Related Expenses	NA	NA	NA	\$43,456
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NA indicates not authorized.

COMPARISON WITH BUDGET RESOLUTION

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

[In millions of dollars]

	302(b) Allocation		This Bill	
	Budget Authority	Outlays	Budget Authority	Outlays
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the First Concurrent Department of Homeland Security appropriations Act, 2010:				
General purpose discretionary .....	42,384	46,062	42,625	<sup>1</sup> 46,256
Mandatory .....	1,265	1,262	1,265	1,262

<sup>1</sup> 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:

Projection of outlays associated with the recommendation:	
2010 .....	<sup>2</sup> 26,330
2011 .....	8,453
2012 .....	5,259
2013 .....	1,982
2014 and future years .....	1,421

<sup>2</sup> Excludes outlays from prior year budget authority.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

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

Budget Authority .....	4,813
Outlays .....	<sup>2</sup> 482

<sup>2</sup> Excludes outlays form prior year budget authority.

REVENUES AND COMPLIANCE WITH PAY-AS-YOU-GO RULE

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 of 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.

DIRECTED SPENDING BY CONGRESS AND BY THE EXECUTIVE BRANCH

This bill contains \$2.7 billion in grant funding awarded solely at the discretion of the Administration, and \$112.6 million in funding requested by the President for specific projects. The Committee has taken unprecedented action to increase transparency and reduce funding for member earmarks. In this bill since 2006, the total funding earmarked solely at the request of members has been reduced by 50 percent as seen in the table below. When combined with earmarked funding from the Senate, it is expected that the total member requested earmark funding will be nearly 5 percent below last year, and will equal just over one half of one percent of the cost of the bill. It should also be noted that under the policies adopted by the Committee the use of member earmarks awarded to for-profit entities as a functional equivalent of no bid contracts is ended. In cases where the Committee funds an earmark designated for a for-profit entity, the Committee includes legislative language requiring the Executive Branch to nonetheless issue a request for proposal that gives other entities an opportunity to apply and requires the agency to evaluate all bids received and make a decision based on merit. This gives the original designee an opportunity to be brought to the attention of the agency, but with the possibility that an alternative entity may be selected.

[Dollars in Millions]

FY 2006	FY 2008	FY 2009	FY 2010 Committee
\$469	\$242	\$231	\$110

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

The following table is submitted in compliance with clause 9 of rule XXI, and lists the congressional earmarks (as defined in paragraph (e) 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 paragraphs (f) or (g) of clause 9 of rule XXI.

**DEPARTMENT OF HOMELAND SECURITY**  
**[Presidentially Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House
CG	Operating Expenses	Project Seahawk, SC	\$1,088,000	The President	
CG	Acquisition, Construction, and Improvements	Shore and Operational Support projects, various locations	\$6,000,000	The President	
FEMA	State and Local Programs	National Domestic Preparedness Consortium, various locations	\$92,000,000	The President	Edwards (TX); Carter, Alexander
FEMA	State and Local Programs	Center for Domestic Preparedness, AL	\$40,000,000	The President	Rogers (AL)
S&T	Research, Development, Acquisition, and Operations	Naval Postgraduate School, CA	\$2,000,000	The President	Farr
S&T	Research, Development, Acquisition, and Operations	Physical Science Facility, Pacific Northwest National Laboratory, WA	\$12,000,000	The President	Dicks; Hastings (WA)

**DEPARTMENT OF HOMELAND SECURITY**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)	
				Administration	House
DHS	Office of the Under Secretary for Management	Center of Excellence in Logistics and Technology (LOGTECH), Institute for Defense and Business, The University of North Carolina, Chapel Hill, NC	\$1,000,000	Price (NC)	
CBP	Salaries and Expenses	Portable Solar Charging Rechargeable Battery System, Global Solar, AZ	\$800,000	Pastor (AZ)	
CBP	Facilities Management	Hangar and Offices for U.S. Customs and Border Patrol, City of El Paso, TX	\$3,500,000	Reyes	

TSA	Aviation Security	Transportation Security Research and Training Center, National Safe Skies Alliance, TN	\$1,250,000	Duncan
NPPD	Infrastructure Protection and Information Security	Philadelphia Buffer Zone Protection Video Surveillance Expansion Project, City of Philadelphia, PA	\$1,000,000	Fattah
NPPD	Infrastructure Protection and Information Security	Multi-State Information Sharing and Analysis Center (MS-ISAC), NY, Office of State Cyber Security & Critical Infrastructure Coordination	\$3,000,000	Lowey; Clarke
NPPD	Infrastructure Protection and Information Security	The Upstate NY Cyber Initiative, Clarkson University, NY	\$100,000	McHugh
NPPD	Infrastructure Protection and Information Security	Cyber Security Test Bed & Evaluation Center, RTI International, NC	\$3,500,000	Price (NC)
NPPD	Infrastructure Protection and Information Security	State and Local Cyber Security Training, University of Texas, San Antonio, TX	\$3,500,000	Rodriguez
NPPD	Infrastructure Protection and Information Security	SEARCH, Sacramento, CA	\$1,000,000	Rothman (NI)
NPPD	Infrastructure Protection and Information Security	Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory, Idaho National Laboratory, ID	\$3,000,000	Simpson
NPPD	Infrastructure Protection and Information Security	Virginia Operational Integration Cyber Center of Excellence (VOICCE), City of Hampton, VA	\$500,000	Nye; Wittman
DHS	Office of Health Affairs	North Carolina Collaboratory for Bio-Preparedness (NC B-Prepared), School of Information & Library Science, The University of North Carolina at Chapel Hill, NC	\$5,000,000	Price (NC); Etheridge; Miller (NC)
FEMA	State and Local Programs	Rural Domestic Preparedness Consortium, Eastern Kentucky University, KY	\$3,000,000	Rogers (KY)
FEMA	State and Local Programs	Emergency Operations Center, Winston County Commission, AL	\$20,000	Aderholt
FEMA	State and Local Programs	Emergency Operations Center, Lincoln Parish Sheriff Department, LA	\$300,000	Alexander

**DEPARTMENT OF HOMELAND SECURITY—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, City of Las Vegas, NV	\$600,000	Berkley, Titus
FEMA	State and Local Programs	Emergency Operations Center, Mobile County Commission, AL	\$800,000	Bonner
FEMA	State and Local Programs	Emergency Operations Center, City of Moreno Valley, CA	\$400,000	Bono Mack
FEMA	State and Local Programs	Emergency Operations Center, Benton County Emergency Management Commission, IA	\$500,000	Boswell
FEMA	State and Local Programs	Emergency Operations Center, City of Green Cove Springs, FL	\$400,000	Brown, Corrine
FEMA	State and Local Programs	Emergency Operations Center, Lake County, FL	\$800,000	Brown, Corrine; Stearns
FEMA	State and Local Programs	Emergency Operations Center, Dorchester County, SC	\$400,000	Brown (SC)
FEMA	State and Local Programs	Emergency Operations Center, Sarasota County, FL	\$300,000	Buchanan
FEMA	State and Local Programs	Emergency Operations Center, City of Greenville, NC	\$600,000	Butterfield
FEMA	State and Local Programs	Emergency Operations Center, New Orleans Emergency Medical Services, LA	\$750,000	Cao; Scalise
FEMA	State and Local Programs	Emergency Operations Center, Locoming County, PA	\$250,000	Carney
FEMA	State and Local Programs	Emergency Operations Center, Mercer County Emergency Management Agency, KY	\$300,000	Chandler
FEMA	State and Local Programs	Emergency Operations Center, Jackson County Sheriff's Office, MO	\$500,000	Cleaver
FEMA	State and Local Programs	Emergency Operations Center, Williamsburg County, SC	\$1,000,000	Clyburn
FEMA	State and Local Programs	Emergency Operations Center, City of Brookings, OR	\$350,000	DeFazio

FEMA	State and Local Programs	Emergency Operations Center, Johnson County, TX	\$750,000	Edwards (TX)
FEMA	State and Local Programs	Emergency Operations Center, City of Minneapolis, MN	\$750,000	Ellison
FEMA	State and Local Programs	Emergency Operations Center, Howell County Emergency Preparedness, MO	\$250,000	Emerson
FEMA	State and Local Programs	Emergency Operations Center, City of Brawley, CA	\$500,000	Filner
FEMA	State and Local Programs	Emergency Operations Center, City of Hopewell, VA	\$250,000	Forbes
FEMA	State and Local Programs	Emergency Operations Center, Morris County, New Jersey Office of Emergency Management, NJ	\$1,000,000	Frelinghuysen
FEMA	State and Local Programs	Emergency Operations Center, City of Tavares, FL	\$500,000	Grayson
FEMA	State and Local Programs	Emergency Operations Center, Tohono O'odham Nation	\$500,000	Grijalva
FEMA	State and Local Programs	Emergency Operations Center, Mimoka Fire Protection District, IL	\$250,000	Halvorson
FEMA	State and Local Programs	Emergency Operations Center, Township of Old Bridge, NJ	\$500,000	Holt
FEMA	State and Local Programs	Emergency Operations Center, City of Cupertino, CA	\$300,000	Honda
FEMA	State and Local Programs	Emergency Operations Center, Calvert County Department of Public Safety, MD	\$338,000	Hoyer
FEMA	State and Local Programs	Emergency Operations Center, City of Detroit, MI	\$1,000,000	Kilpatrick (MI); Conyers
FEMA	State and Local Programs	Emergency Operations Center, Scotland County, NC	\$650,000	Kissell
FEMA	State and Local Programs	Emergency Operations Center, The City of Maitland, FL	\$158,000	Kosmas
FEMA	State and Local Programs	Emergency Operations Center, County of Union, NJ	\$500,000	Lance
FEMA	State and Local Programs	Emergency Operations Center, Providence Emergency Management Agency & Office of Homeland Security, RI	\$500,000	Langevin

**DEPARTMENT OF HOMELAND SECURITY—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, City of Hartford, CT	\$800,000	Larson (CT)
FEMA	State and Local Programs	Emergency Operations Center, City of Torrington, CT	\$400,000	Larson (CT); Murphy (CT)
FEMA	State and Local Programs	Emergency Operations Center, City of Ames, IA	\$600,000	Latham
FEMA	State and Local Programs	Emergency Operations Center, Fulton County (Atlanta) Emergency Management Agency, GA	\$200,000	Lewis (GA), Scott (GA)
FEMA	State and Local Programs	Emergency Operations Center, City of Brigantine, NJ	\$300,000	LoBlondo
FEMA	State and Local Programs	Emergency Operations Center, Village of Elmsford, NY	\$165,000	Lowe
FEMA	State and Local Programs	Emergency Operations Center, Town of Harrison, NY	\$275,000	Lowe
FEMA	State and Local Programs	Emergency Operations Center, City of Elk Grove, CA	\$750,000	Lungren, Dan
FEMA	State and Local Programs	Emergency Operations Center, City of Palm Coast, FL	\$350,000	Mica
FEMA	State and Local Programs	Emergency Operations Center, Somerset County, ME	\$500,000	Michaud
FEMA	State and Local Programs	Emergency Operations Center, Macomb County Emergency Management and Communications, MI	\$250,000	Miller (MI)
FEMA	State and Local Programs	Emergency Operations Center, City of La Habra, CA	\$254,500	Miller, Gary
FEMA	State and Local Programs	Emergency Operations Center, City of Scottsdale, AZ	\$500,000	Mitchell
FEMA	State and Local Programs	Emergency Operations Center, Westmoreland County Department of Public Safety, PA	\$900,000	Murtha
FEMA	State and Local Programs	Emergency Operations Center, Brazoria County Emergency Management, TX	\$100,000	Paul



FEMA	State and Local Programs	Emergency Operations Center, Township of Irvington, NJ	\$750,000	Payne
FEMA	State and Local Programs	Emergency Operations Center, San Francisco Department of Emergency Management, CA	\$800,000	Pelosi
FEMA	State and Local Programs	Emergency Operations Center, North Carolina Office of Emergency Management, NC	\$1,000,000	Price (NC)
FEMA	State and Local Programs	Emergency Operations Center, Butte-Silver Bow, MT	\$800,000	Rehberg
FEMA	State and Local Programs	Emergency Operations Center, Middle Rio Grande Development Council, TX	\$1,000,000	Rodriguez
FEMA	State and Local Programs	Emergency Operations Center, Town of Shorter, AL	\$500,000	Rogers (AL)
FEMA	State and Local Programs	Emergency Operations Center, Kentucky Emergency Management, KY	\$500,000	Rogers (KY)
FEMA	State and Local Programs	Emergency Operations Center, Monroe County, FL	\$200,000	Ros-Lehtinen
FEMA	State and Local Programs	Emergency Operations Center, City of Newark, NJ	\$1,000,000	Rothman (NJ)
FEMA	State and Local Programs	Emergency Operations Center, Passaic County Prosecutor, NJ	\$250,000	Rothman (NJ)
FEMA	State and Local Programs	Emergency Operations Center, City of Commerce, CA	\$1,000,000	Royal-Allard
FEMA	State and Local Programs	Emergency Operations Center, State of Maryland, MD	\$1,500,000	Ruppersberger
FEMA	State and Local Programs	Emergency Operations Center, City of Alamosa Fire Department, CO	\$425,000	Salazar
FEMA	State and Local Programs	Emergency Operations Center, City of Whittier, CA	\$500,000	Sánchez, Linda
FEMA	State and Local Programs	Emergency Operations Center, Washington Parish Government, LA	\$350,000	Scalise
FEMA	State and Local Programs	Emergency Operations Center, City of Monterey Park, CA	\$375,000	Schiff
FEMA	State and Local Programs	Emergency Operations Center, Towamencin Township, PA	\$75,000	Schwartz

**DEPARTMENT OF HOMELAND SECURITY—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, Upper Darby Township Police Department, PA	\$500,000	Sestak
FEMA	State and Local Programs	Emergency Operations Center, North Hudson Regional Fire and Rescue, NJ	\$500,000	Sires
FEMA	State and Local Programs	Emergency Operations Center, City of Boerne, TX	\$250,000	Smith (TX)
FEMA	State and Local Programs	Emergency Operations Center, Lea County, NM	\$600,000	Teague
FEMA	State and Local Programs	Emergency Operations Center, City of Port Gibson, MS	\$750,000	Thompson (MS)
FEMA	State and Local Programs	Emergency Operations Center, City of Wichita, KS	\$500,000	Tiahrt
FEMA	State and Local Programs	Emergency Operations Center, City of Lauderdale Lakes, FL	\$750,000	Wasserman Schultz, Hastings (FL)
FEMA	State and Local Programs	Emergency Operations Center, City of Sunrise, FL	\$750,000	Wasserman Schultz, Wexler, Hastings (FL)
FEMA	State and Local Programs	Emergency Operations Center, Columbia County, OR	\$500,000	Wu
FEMA	Predisaster Mitigation	City of Hartselle, AL	\$245,000	Aderholt
FEMA	Predisaster Mitigation	City of Colton, CA	\$200,000	Baca
FEMA	Predisaster Mitigation	Alabama Emergency Management Agency, AL	\$200,000	Bachus
FEMA	Predisaster Mitigation	Arkansas Department of Emergency Management, AR	\$750,000	Berry
FEMA	Predisaster Mitigation	Town of Shelter Island, NY	\$200,000	Bishop (NY)
FEMA	Predisaster Mitigation	Brigham City Corporation, UT	\$250,000	Bishop (UT)
FEMA	Predisaster Mitigation	City of Camanche, IA	\$187,500	Braley (IA)

FEMA	Predisaster Mitigation	City of Prattville, AL	\$500,000	Bright
FEMA	Predisaster Mitigation	City of Venice, FL	\$200,000	Buchanan
FEMA	Predisaster Mitigation	Orange County Fire Authority, CA	\$252,000	Calvert
FEMA	Predisaster Mitigation	City of Kannapolis, NC	\$425,000	Coble
FEMA	Predisaster Mitigation	Shelby County, Memphis, TN	\$325,000	Cohen
FEMA	Predisaster Mitigation	Town of Occoquan, VA	\$25,000	Connolly (VA)
FEMA	Predisaster Mitigation	City of Hidalgo, TX	\$500,000	Cuellar
FEMA	Predisaster Mitigation	Harris County Flood Control District, TX	\$1,000,000	Cuberson
FEMA	Predisaster Mitigation	City of Brooksville, KY	\$18,500	Davis (KY)
FEMA	Predisaster Mitigation	City of Maryville, MO	\$175,000	Graves
FEMA	Predisaster Mitigation	City of Reno, NV	\$500,000	Heller
FEMA	Predisaster Mitigation	Westport Fire Department, CT	\$265,000	Himes
FEMA	Predisaster Mitigation	Town of Union and City of Binghamton, NY	\$462,000	Hinchey
FEMA	Predisaster Mitigation	City of Trenton, NJ	\$300,000	Holt; Smith (NJ)
FEMA	Predisaster Mitigation	Lucas County Engineer, OH	\$500,000	Kaptur
FEMA	Predisaster Mitigation	City of Coconut Creek, FL	\$500,000	Klein (FL); Wexler
FEMA	Predisaster Mitigation	Lake County Stormwater Management Agency, OH	\$725,000	La Tourette
FEMA	Predisaster Mitigation	City of Emeryville, CA	\$600,000	Lee (CA)
FEMA	Predisaster Mitigation	Village of La Grange Park, IL	\$150,000	Lipinski
FEMA	Predisaster Mitigation	Village of Pelham, NY	\$562,500	Lowey

**DEPARTMENT OF HOMELAND SECURITY—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)
FEMA	Predisaster Mitigation	San Miguel County, NM	\$400,000	Luján
FEMA	Predisaster Mitigation	DeKalb County, IL	\$350,000	Manzullo
FEMA	Predisaster Mitigation	Town of Winthrop, MA	\$500,000	Markey (MA)
FEMA	Predisaster Mitigation	City of Santa Clarita, CA	\$500,000	McKeon
FEMA	Predisaster Mitigation	City of Miami, FL	\$600,000	Meek (FL); Ros-Lehtinen
FEMA	Predisaster Mitigation	City of Flagler Beach, FL	\$750,000	Mica
FEMA	Predisaster Mitigation	Town of Hambleton and Town of Davis	\$450,000	Mollohan
FEMA	Predisaster Mitigation	City of Robstown, TX	\$500,000	Ortiz
FEMA	Predisaster Mitigation	CHRISTUS St. Elizabeth Hospital, Beaumont, TX	\$250,000	Poe (TX)
FEMA	Predisaster Mitigation	North Carolina Office of Emergency Management, NC	\$165,000	Price (NC)
FEMA	Predisaster Mitigation	King County, WA	\$750,000	Reichert
FEMA	Predisaster Mitigation	Kentucky Emergency Management, KY	\$500,000	Rogers (KY)
FEMA	Predisaster Mitigation	Drew County, AR	\$366,564	Ross
FEMA	Predisaster Mitigation	City of Los Angeles, CA	\$1,000,000	Royal-Allard
FEMA	Predisaster Mitigation	State of Maryland, MD	\$1,000,000	Ruppersberger
FEMA	Predisaster Mitigation	City of Burbank, CA	\$225,000	Schiff
FEMA	Predisaster Mitigation	Henry County, GA	\$275,000	Scott (GA)

FEMA	Predisaster Mitigation	City of Los Angeles, CA	\$500,000	Sherman
FEMA	Predisaster Mitigation	McDowell Hospital, NC	\$220,000	Shuler
FEMA	Predisaster Mitigation	City of New Braunfels, TX	\$500,000	Smith (TX)
FEMA	Predisaster Mitigation	Arkansas State University-Beebe, AR	\$452,000	Snyder
FEMA	Predisaster Mitigation	Lorain County, OH	\$200,000	Sutton
FEMA	Predisaster Mitigation	City of Davis, CA	\$275,000	Thompson (CA)
FEMA	Predisaster Mitigation	Mississippi Homeland Security Office, MS	\$500,000	Thompson (MS)
FEMA	Predisaster Mitigation	City of Rockville, MD	\$650,000	Van Hollen
FEMA	Predisaster Mitigation	City of Hokah, MN	\$590,000	Walz
FEMA	Predisaster Mitigation	City of Miami Beach, FL	\$750,000	Wasserman Schultz
FEMA	Predisaster Mitigation	Jackson Health System, FL	\$500,000	Wasserman Schultz; Meek (FL); Diaz-Balart, Mario; Ros-Lehtinen
FEMA	Predisaster Mitigation	Russell County Fiscal Court, KY	\$200,000	Whitfield
FEMA	Predisaster Mitigation	Ohio University, OH	\$200,000	Wilson (OH)
FEMA	Predisaster Mitigation	Louisville-Metro Government, KY	\$500,000	Yarmuth
S&T	Research, Development, Acquisition, and Operations	Homeland Security Research, Development, and Manufacturing Pilot, Long Island Forum for Technology, NY	\$1,000,000	Israel; King (NY)
S&T	Research, Development, Acquisition, and Operations	Remote Sensing for Situational Awareness and Decision Support, Rochester Institute of Technology, NY	\$500,000	Maffei; Lee (NY)
S&T	Research, Development, Acquisition, and Operations	National Institute for Hometown Security, KY	\$10,000,000	Rogers (KY)

**DEPARTMENT OF HOMELAND SECURITY—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)
S&T	Research, Development, Acquisition, and Operations	Maritime Domain Awareness and Maritime Security Technology Pilot, SRI International, FL	\$4,000,000	Young (FL)
General Provisions		Town of Branchville, SC		Clyburn
General Provisions		Monterey County Water Resource Agency, CA		Farr
General Provisions		Sector Buffalo, NY, Coast Guard		Higgins
General Provisions		Office of Environmental Health and Safety, Umass, MA		Olver
General Provisions		Town of Lanesborough, MA		Olver
General Provisions		Franklin Regional Council of Governments, MA		Olver

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 italics, existing law in which no change is proposed is shown in roman):

**SECTION 1202 OF THE ACT OF AUGUST 2, 2002**

(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.

SEC. 1202. (a) The Federal Law Enforcement Training Center may, for a period ending not later than [December 31, 2011] *December 31, 2012*, appoint and maintain a cadre of up to 350 Federal annuitants: (1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

\* \* \* \* \*

**SECTION 532 OF THE ACT OF OCTOBER 4, 2006**

(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.

Sec. 532. (a) UNITED STATES SECRET SERVICE USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.—During fiscal year [2009] *2010*, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the “Secret Service”) that is necessary for the detection and prosecution of crimes against the United States—

(1) \* \* \*

\* \* \* \* \*

**HOMELAND SECURITY ACT OF 2002**

\* \* \* \* \*

**TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS**

\* \* \* \* \*

**Subtitle D—Acquisitions**

**SEC. 831. RESEARCH AND DEVELOPMENT PROJECTS.**

(a) **AUTHORITY.**—[Until September 30, 2009] *Until September 30, 2010*, 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, 2009,] *September 30, 2010*, unless before that date the Secretary—

(A) \* \* \*

\* \* \* \* \*

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**ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT**

\* \* \* \* \*

**TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE**

\* \* \* \* \*

**SEC. 203. PREDISASTER HAZARD MITIGATION.**

(a) \* \* \*

\* \* \* \* \*

(m) **TERMINATION OF AUTHORITY.**—The authority provided by this section terminates [September 30, 2009] *September 30, 2010*.

\* \* \* \* \*

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**SECTION 143 OF THE CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009**

SEC. 143. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting [September 30, 2009] *September 30,*



2011 for “the 11-year period beginning on the first day the pilot program is in effect”.

\* \* \* \* \*

**CONSOLIDATED APPROPRIATIONS ACT, 2005**

\* \* \* \* \*

DIVISION J—OTHER MATTERS

\* \* \* \* \*

**TITLE IV—VISA REFORM**

\* \* \* \* \*

**Subtitle B—H-1B Visa Reform**

\* \* \* \* \*

**SEC. 426. FRAUD PREVENTION AND DETECTION FEE.**

(a) \* \* \*

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

“(v) H-1B AND L FRAUD PREVENTION AND DETECTION ACCOUNT.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘H-1B and L Fraud Prevention and Detection Account’. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(12).

“(2) USE OF FEES TO COMBAT FRAUD.—

    【“(A) SECRETARY OF STATE.—One-third of the amounts deposited into the H-1B and L Fraud Prevention and Detection Account shall remain available to the Secretary of State until expended for programs and activities at United States embassies and consulates abroad—

        【“(i) to increase the number diplomatic security personnel assigned exclusively to the function of preventing and detecting fraud by applicants for visas described in subparagraph (H)(i) or (L) of section 101(a)(15);

        【“(ii) otherwise to prevent and detect such fraud pursuant to the terms of a memorandum of understanding or other cooperative agreement between the Secretary of State and the Secretary of Homeland Security; and

        【“(iii) upon request by the Secretary of Homeland Security, to assist such Secretary in carrying out the fraud prevention and detection programs and activities described in subparagraph (B).

【“(B) SECRETARY OF HOMELAND SECURITY.—One-third of the amounts deposited into the H-1B and L Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H)(i) or (L) of section 101(a)(15).”

【“(C) SECRETARY OF LABOR.—One-third of the amounts deposited into the H-1B and L Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for enforcement programs and activities described in section 212(n).”

“(A) SECRETARY OF STATE.—*One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of State until expended for programs and activities—*

“(i) *to increase the number of consular and diplomatic security personnel assigned primarily to the function of preventing and detecting fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15);*

“(ii) *otherwise to prevent and detect visa fraud, including fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15), as well as the purchase, lease, construction, and staffing of facilities for the processing of these classes of visa, in consultation with the Secretary of Homeland Security as appropriate; and*

“(iii) *upon request by the Secretary of Homeland Security, to assist such Secretary in carrying out the fraud prevention and detection programs and activities described in subparagraph (B).*

“(B) SECRETARY OF HOMELAND SECURITY.—*One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect immigration benefit fraud, including fraud with respect to petitions filed under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H) or (L) of section 101(a)(15).*

“(C) SECRETARY OF LABOR.—*One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for wage and hour enforcement programs and activities otherwise authorized to be conducted by the Secretary of Labor that focus on industries likely to employ nonimmigrants, including enforcement programs and activities described in section 212(n) and enforcement programs and activities related to section 214(c)(14)(A)(i).*

\* \* \* \* \*

**DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS ACT, 2007**

\* \* \* \* \*

**TITLE V—GENERAL PROVISIONS**

\* \* \* \* \*

Sec. 550. (a) \* \* \*

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

\* \* \* \* \*

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**SECTION 44903 OF TITLE 49, UNITED STATES CODE**

**§ 44903. Air transportation security**

(a) \* \* \*

\* \* \* \* \*

(j) **SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—**

(1) \* \* \*

(2) **COMPUTER-ASSISTED PASSENGER PRESCREENING SYSTEM.—**

(A) \* \* \*

\* \* \* \* \*

(C) **ADVANCED AIRLINE PASSENGER PRESCREENING.—**

(i) \* \* \*

\* \* \* \* \*

(v) *INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term “detainee” means an individual in the custody or under the physical control of the United States as a result of armed conflict.*

\* \* \* \* \*

**COMPLIANCE WITH RULE XIII, CLAUSE 3(f)(1)(A)**

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the Committee has inserted at the appropriate place in the report a description of the effects of provisions proposed in the accompanying bill which may be considered, under certain circumstances, to change the application of existing law, either directly or indirectly.

The bill provides, in some instances, funding of agencies and activities where legislation has not yet been finalized. In addition, the

bill carries language, in some instances, permitting activities not authorized by law. Additionally, the Committee includes a number of general provisions.

## TITLE I—DEPARTMENT MANAGEMENT AND OPERATIONS

### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The Committee includes language providing funds for reception and representation expenses.

### OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The Committee includes language providing funds for reception and representation expenses; for logistics training; for costs necessary to consolidate headquarters operations, including tenant improvements and relocation costs; and for the human resources information technology program.

### 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.

### ANALYSIS AND OPERATIONS

The Committee includes language providing funds for information analysis and operations coordination activities, including funding for official representation expenses.

### OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The Committee includes language providing funds for the Office of the Federal Coordinator for Gulf Coast Rebuilding.

### 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

### CUSTOMS AND BORDER PROTECTION

#### SALARIES AND EXPENSES

The Committee includes language making funds available for border security, immigration, customs, and agricultural inspections and regulatory activities; purchase or lease of vehicles; contracting with individuals for personal services; Harbor Maintenance Fee collections; official reception and representation expenses; Customs

User Fee collections; and payment of rental space in connection with pre-clearance operations; compensation of informants.

#### 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 border security fencing, infrastructure, and technology and includes language requiring the submission of an expenditure plan prior to the obligation of funds. In addition, language is included requiring Committee notification on the award of task orders requiring an obligation of greater than \$25,000,000 or a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated. Finally, the Committee prohibits obligating any funds unless the Department complies with consultation requirements in the law.

#### 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 U.S. Customs and Border Protection unless certain conditions are met.

#### FACILITIES MANAGEMENT

The Committee includes language making funds available until expended for the planning, construction, renovating, equipping, and maintaining of buildings and facilities and permits payment for rental space in conjunction with preclearance operations.

#### IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

The Committee includes language making funds available for enforcement of immigration and customs laws, detention and removals, and investigations; purchase of replacement vehicles; special operations; official reception and representation expenses; compensation to informants; and reimbursement of other Federal agencies for certain costs. The Committee includes language regarding overtime compensation and forced child labor laws. The Committee also includes language that requires the Secretary to identify illegal aliens held in custody who are eligible for removal and initiate their removal when such individuals are released from custody. The Committee prohibits the delegation of law enforcement authority for the 287(g) program if terms of the agreement have been violated. The Committee prohibits funds to continue any contract for

detention services if two recent evaluations are less than adequate. Finally, the Committee prohibits funds to be obligated to co-locate field offices until receipt of a nation-wide Alternatives to Detention plan.

#### FEDERAL PROTECTIVE SERVICE

The Committee includes language making funds available until expended for the operations of the Federal Protective Service. The Committee prohibits funds provided in this Act, previous appropriations Act or any revenue or collections of security fees credited to the Federal Protective Service to be used to reduce the number of in-service police officers unless certain conditions are met. The Committee prohibits the restructuring of the Federal Protective Service.

#### 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 any request to privatize facilities and to detain aliens unlawfully in the United States until receipt of a plan for carrying out such privatization.

#### TRANSPORTATION SECURITY ADMINISTRATION

##### AVIATION SECURITY

The Committee includes language making funds available until expended for civil aviation security; and establishing conditions under which security fees are collected and credited. The Committee also includes language providing funds for reception and representation expenses. Finally, the bill includes language clarifying a variety of people are not exempt from screening.

##### 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, small boats, repairs and service life-replacements, minor shore construction projects, 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 also includes language on reception and representation expenses, and on reporting sexual assaults.

##### ENVIRONMENTAL COMPLIANCE AND RESTORATION

The Committee includes language providing funds for environmental compliance and restoration of the Coast Guard.

##### RESERVE TRAINING

The Committee includes language providing funds for the Coast Guard reserve, including maintenance and operation of the reserve program, personnel and training costs, equipment and services.

##### ACQUISITIONS, CONSTRUCTION AND IMPROVEMENTS

The Committee includes language providing for funds for the Coast Guard acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft as well as for maintenance, rehabilitation, lease and operations of facilities and equipment. The Committee includes a provision requiring a capital investment plan for future appropriations years with certain conditions. The Committee includes language requiring that the Commandant of the Coast Guard submit revisions to the acquisition schedule of the Deepwater program with the fiscal year 2011 budget request, as well as other Deepwater related reporting requirements.

##### ALTERATION OF BRIDGES

The Committee provides funds for bridge alteration projects.

##### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The Committee includes language providing funds for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease and operation of facilities and equipment. The Committee includes language allowing funds to remain available until expended; authorizing funds to be derived from the Oil Spill Liability Trust Fund; and authorizing funds received from State and local governments, other public authorities, private sources, and foreign countries to be credited to this account and used for certain purposes.

## RETIRED PAY

The Committee includes language providing funds for retired pay and medical care for the Coast Guard's retired personnel and their dependents and makes these funds available until expended.

## UNITED STATES SECRET SERVICE

## SALARIES AND EXPENSES

The Committee includes language that provides funds for the purchase and replacement of vehicles; the hire of aircraft; purchase of motorcycles; services of expert witnesses as may be necessary; rental of certain buildings; improvements to buildings as may be necessary for protective missions; per diem and subsistence allowances; firearms matches; presentation of awards; protective travel; research and development; grants for behavioral research; official reception and representation expenses; technical assistance and equipment to foreign law enforcement organizations; advance payment for commercial accommodations; and uniforms. The Committee provides for two year availability of funds for protective travel. The Committee authorizes the obligation of funds in anticipation of reimbursements for training, under certain conditions. The Committee also restricts the obligation of funds to compensate employees for overtime in an annual amount in excess of \$35,000 except under certain conditions. Finally the Committee prohibits funds to be available for the protection of the head of a Federal agency other than the Secretary of Homeland Security unless the Secret Service has entered into a reimbursable agreement.

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 ADMINISTRATION

The Committee includes language providing funds for the Office of the Under Secretary for National Protection and Programs and the National Planning Office as well as to support business operations, information technology and risk management. The Committee also includes language providing funds for official reception and representation expenses.

## INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The Committee includes language making funds available until September 30, 2010. The Committee limits the amount of funds available for obligation for cyber security activities until an expenditure plan is provided.



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.

OFFICE OF HEALTH AFFAIRS

The Committee includes language making funds available for biosurveillance, BioWatch, medical readiness planning, and chemical detection. 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, a provision limiting administrative costs for Urban Search and Rescue response system, and funding for the Office of National Capital Region Coordination.

STATE AND LOCAL PROGRAMS

The Committee includes language that provides funds for grants, contracts, cooperative agreements, other activities, including grants to State and local governments for terrorism prevention. The Committee also includes a provision identifying the amount of funds available for homeland security grants, including State Homeland Security Grants and Operation Stonegarden; urban area security initiative grants, nonprofit security grants; rail and transit security grants; port security grants; intercity bus security grants; buffer zone protection grants; Metropolitan Medical Response System; Citizen Corp; interoperable communication grants, REAL ID; emergency operations centers; 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 and the availability of funds.

FIREFIGHTER ASSISTANCE GRANTS

The Committee includes language providing that not to exceed five percent of the total is available for program administration and requires an expenditure plan for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The Committee includes language providing that not to exceed three percent of the total appropriation is available for administrative costs.

## RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The Committee includes a provision regarding charges assessed for the radiological emergency preparedness program, including conditions and methodology for the assessment and collection of fees.

## UNITED STATES FIRE ADMINISTRATION

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 and requires a variety of reporting requirements. The Committee includes language permitting the transfer of these funds to FEMA management and administration and by the IG.

## DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The Committee includes a provision limiting gross obligations for direct loans; includes a provision regarding the cost of modifying loans; and provides for administrative expenses of the direct loan program.

## 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 floodplain management and flood mapping available until September 30, 2011; and language authorizing the transfer of funds to the National Flood Mitigation Fund. The Committee includes provisions limiting operating expenses; for interest on Treasury borrowings; for agents' commissions and taxes; for fees collected and available for floodplain management; and for flood mitigation activities associated with sections 1361A and 1323 of the National Flood Insurance Act of 1968. The Committee includes language permitting additional fees collected be credited as an offsetting collection and available for floodplain management. 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 authorizing grant awards to be 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, E-Verify, REAL ID hub development, and for replacement 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. 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; authorizing the hiring of retired Federal employees until 2011; and on the scheduling of basic or advanced law enforcement training.

## ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

The Committee includes language making funds available until expended for real property and facilities and authorizes reimbursement from government agencies requesting construction of special use facilities.

## SCIENCE AND TECHNOLOGY

## MANAGEMENT AND ADMINISTRATION

The Committee includes language providing funds for reception and representation expenses.

## RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

The Committee includes language making funds available until expended and prohibits funds for construction of the National Bio and Agro-defense Facility until a risk assessment of foot-and-mouth disease work being studied on the mainland is prepared.

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.

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, 2010.

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 2010. Funds provided to the WCF are available until expended. The Department can only charge components for direct usage of the WCF and these funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or reimbursed must reflect the full cost of each service. The WCF shall be subject to the requirements of section 503 of this Act.

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

Section 506. The Committee continues a provision providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

Section 507. The Committee continues and modifies a provision requiring notification of the Committees on Appropriations three days before grant allocations, grant awards, contract awards, letters of intent, or other transactional agreements totaling \$1,000,000 or more are announced by the Department. The Depart-

ment is required to brief the Committees on Appropriations five full business days prior to announcing the intention to make a grant under State and Local Programs. 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.

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

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

Section 512. The Committee continues a provision regarding competitive sourcing.

Section 513. The Committee continues and modifies a provision directing TSA to research, develop, and procure new technologies to inspect and screen air cargo. The Committee also requires the quarterly submission of air cargo inspection statistics and a report on how TSA will meet the 100 percent mandate contained in the 9/11 Act.

Section 514. The Committee continues a provision that directs that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004, 2005, 2006, and 2007, which are recovered or deobligated, shall be available only for procurement 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 requiring any funds appropriated to the Coast Guard's 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

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 a provision relating to undercover investigative operations authority of the Secret Service for fiscal year 2010.

Section 518. The Committee continues and modifies a provision classifying the functions of the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the Federal Activities Inventory Reform Act.

Section 519. The bill continues a provision pertaining to the human resource management system.

Section 520. The Committee continues a provision regarding the enforcement of section 4025(1) of Public Law 108-458.

Section 521. The Committee continues a provision prohibiting the Secretary of Homeland Security from reducing operations within the Coast Guard's civil engineering program except as specifically authorized in statute after enactment of this Act.

Section 522. The Committee continues a provision prohibiting the obligation of funds to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, and the Office of the Chief Financial Officer for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply. The bill also requires the IG to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 523. The Committee continues a provision that prohibits funding for any position designated as a Principal Federal Official (PFO) during a Stafford Act declared disaster or emergency.

Section 524. The Committee continues a provision prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in statute to be completed prior to the grant of the benefit have been received by DHS.

Section 525. The Committee continues a provision prohibiting use of funds to destroy or put out to pasture any horse or other equine belonging to the Federal government unless adoption has been offered first.

Section 526. The Committee continues a provision that precludes DHS from using funds in this Act to carry out reorganization authority.

Section 527. The Committee continues a provision prohibiting funds to be used to conduct or implement the results of a competition under Office of Management and Budget Circular A-76 with respect to the Coast Guard National Vessel Documentation Center.

Section 528. The Committee continues a provision that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 529. The Committee continues a provision prohibiting the obligation of funds for the Office of Secretary and Executive Management for any new hires at DHS if they are not verified through the basic pilot program (E-Verify).

Section 530. The Committee continues a provision related to prescription drugs.

Section 531. 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 532. The Committee continues and modifies a provision relating to other transactional authority of the DHS through fiscal

year 2010. Language continues to require the Secretary to issue policy guidance detailing the appropriate use of other transactional authority and provide training to each employee that has authority to handle procurements under this authority. The Secretary shall report on projects for which this authority was used.

Section 533. The Committee continues a provision prohibiting funds for planning, testing, piloting or developing a national identification card.

Section 534. The Committee continues a provision that requires a report summarizing damage assessment information used to determine whether to declare a major disaster.

Section 535. The Committee continues and modifies a provision relating to the liquidation of Plum Island assets and how the proceeds from this sale may be applied to construction costs of the new National Bio and Agro-defense Facility.

Section 536. The Committee continues a provision directing that any official required by this Act to report or certify to the Committees on Appropriation may not delegate any authority unless expressly authorized to do so in this Act.

Section 537. The Committee continues a provision requiring the Secretary of Homeland Security, in conjunction with the Secretary of the Treasury, to notify the Committees 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 538. The Committee continues a 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.

Section 539. The Committee rescinds \$2,203,000 from the unobligated balances of prior year appropriations made available for "Analysis and Operations".

Section 540. The Committee includes a new provision on fiscal year 2008 predisaster mitigation grants.

Section 541. The Committee continues and modifies a provision extending the authority of the Predisaster Mitigation Fund until September 30, 2010.

Section 542. The Committee rescinds \$5,963,000 from unobligated balances of prior year appropriations made available to Infrastructure Protection and Information Security.

Section 543. The Committee includes a new provision permitting unobligated amounts of appropriations made available to the Coast Guard in fiscal years 2008 and 2009 for Sector Buffalo to be used to make improvements to the land for public access to Buffalo Lighthouse.

Section 544. The Committee includes a new provision that permits the Secretary to extend certain travel benefits and reimbursements for those overseas personnel consistent with the Foreign Service Act of 1980.

Section 545. The Committee continues a provision that extends E-Verify until September 30, 2011, ensures the protection of Social Security benefits and requires two GAO studies.

Section 546. The Committee includes a new provision on the use of H and L visa fraud prevention and detection fees.

Section 547. The Committee includes a new provision clarifying the Temporary Protected Status fee.

Section 548. The Committee includes a new provision that extends the date of the chemical security program.

Section 549. The Committee includes a new provision that permits the Department to collect fees from non-Federal participants in a conference, seminar, exhibition, symposium, or similar meeting and those fees will be credited to the costs of the conference, seminar, exhibition, symposium, or meeting. Any excess fees will be deposited into the treasury as miscellaneous receipts.

Section 550. The Committee rescinds \$5,572,000 from unobligated balances of fiscal year 2009 appropriations made available to Federal Emergency Management Agency "Trucking Industry Security Grants".

Section 551. The Committee continues a provision on operational effectiveness and certification requirements for ASP monitors.

Section 552. The Committee includes a new provision that requires an individualized threat assessment of each and every individual detained at Naval Station Guantanamo Bay, Cuba, as of April 30, 2009; inclusion of the names of such detainees on the No Fly List; and a limitation on funds from being used to grant an immigration benefit to such detainees, except for the purposes of prosecution.

#### 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.



## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 1

Date: June 12, 2009

Measure: Homeland Security Appropriations Bill, 2010

Motion by: Mr. Rogers

Description of Motion: An amendment to direct the Secretary of Homeland Security to conduct individual threat assessments for detainees held at Guantanamo Bay prior to transfer to the United States; require the inclusion of detainees on the No Fly List, unless the President certifies the individual poses no threat; and prohibits the use of the bill's funds to provide any immigration benefit to any detainees. The Rogers' amendment was perfected by an amendment offered by Mr. Lewis. This amendment stated that nothing in the no-fly and immigration sections of the Rogers amendment should be interpreted to prohibit a Guantanamo detainee from being brought to the United States for prosecution.

Results: Adopted 34 yeas to 24 nays.

*Members Voting Yea*

Mr. Aderholt  
 Mr. Alexander  
 Mr. Bishop  
 Mr. Bonner  
 Mr. Boyd  
 Mr. Calvert  
 Mr. Carter  
 Mr. Chandler  
 Mr. Cole  
 Mr. Crenshaw  
 Mr. Culberson  
 Mr. Davis  
 Mr. Edwards  
 Mrs. Emerson  
 Mr. Frelinghuysen  
 Ms. Granger  
 Mr. Kingston  
 Mr. Kirk  
 Mr. Latham  
 Mr. LaTourette  
 Mr. Lewis  
 Mr. Obey  
 Mr. Price  
 Mr. Rehberg  
 Mr. Rodriguez  
 Mr. Rogers  
 Ms. Roybal-Allard  
 Mr. Ryan  
 Mr. Salazar  
 Mr. Schiff  
 Mr. Simpson  
 Mr. Wamp  
 Mr. Wolf  
 Mr. Young

*Members Voting Nay*

Mr. Berry  
 Ms. DeLauro  
 Mr. Dicks  
 Mr. Farr  
 Mr. Fattah  
 Mr. Hinchey  
 Mr. Honda  
 Mr. Israel  
 Mr. Jackson  
 Ms. Kaptur  
 Ms. Kilpatrick  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Mr. Mollohan  
 Mr. Moran  
 Mr. Murtha  
 Mr. Olver  
 Mr. Pastor  
 Mr. Rothman  
 Mr. Serrano  
 Mr. Tiahrt  
 Mr. Visclosky  
 Ms. Wasserman Schultz

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO. 2

Date: June 12, 2009

Measure: Homeland Security Appropriations Bill, 2010

Motion by: Mr. Calvert

Description of Motion: — An amendment to make the E-Verify program permanent.

Results: Rejected, 21 yeas to 36 nays.

*Members Voting Yea*

Mr. Aderholt  
 Mr. Alexander  
 Mr. Calvert  
 Mr. Carter  
 Mr. Cole  
 Mr. Crenshaw  
 Mr. Culberson  
 Mrs. Emerson  
 Mr. Frelinghuysen  
 Ms. Granger  
 Mr. Kingston  
 Mr. Kirk  
 Mr. Latham  
 Mr. LaTourette  
 Mr. Lewis  
 Mr. Rehberg  
 Mr. Rogers  
 Mr. Simpson  
 Mr. Tiahrt  
 Mr. Wamp  
 Mr. Wolf

*Members Voting Nay*

Mr. Berry  
 Mr. Bishop  
 Mr. Boyd  
 Mr. Chandler  
 Mr. Davis  
 Ms. DeLauro  
 Mr. Dicks  
 Mr. Edwards  
 Mr. Farr  
 Mr. Fattah  
 Mr. Hinchey  
 Mr. Honda  
 Mr. Israel  
 Mr. Jackson  
 Ms. Kaptur  
 Ms. Kilpatrick  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Mr. Mollohan  
 Mr. Moran  
 Mr. Murtha  
 Mr. Obey  
 Mr. Olver  
 Mr. Pastor  
 Mr. Price  
 Mr. Rodriguez  
 Mr. Rothman  
 Ms. Roybal-Allard  
 Mr. Ryan  
 Mr. Salazar  
 Mr. Schiff  
 Mr. Serrano  
 Mr. Visclosky  
 Ms. Wasserman Schultz  
 Mr. Young

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 3

Date: June 12, 2009

Measure: Homeland Security Appropriations Bill, 2010

Motion by: Kingston

Description of Motion: An amendment to prohibit the use of the bill's funds for contracts with entities eligible for, but do not participate in, the E-Verify program.

Results: Rejected, 23 yeas to 35 nays.

*Members Voting Yea*

Mr. Aderholt  
 Mr. Alexander  
 Mr. Bonner  
 Mr. Calvert  
 Mr. Carter  
 Mr. Cole  
 Mr. Crenshaw  
 Mr. Culberson  
 Mrs. Emerson  
 Mr. Frelinghuysen  
 Ms. Granger  
 Mr. Kingston  
 Mr. Kirk  
 Mr. Latham  
 Mr. LaTourette  
 Mr. Lewis  
 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. Davis  
 Ms. DeLauro  
 Mr. Dicks  
 Mr. Edwards  
 Mr. Farr  
 Mr. Fattah  
 Mr. Hinchey  
 Mr. Honda  
 Mr. Israel  
 Mr. Jackson  
 Ms. Kaptur  
 Ms. Kilpatrick  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Mr. Mollohan  
 Mr. Moran  
 Mr. Murtha  
 Mr. Obey  
 Mr. Olver  
 Mr. Pastor  
 Mr. Price  
 Mr. Rodriguez  
 Mr. Rothman  
 Ms. Roybal-Allard  
 Mr. Ryan  
 Mr. Salazar  
 Mr. Schiff  
 Mr. Serrano  
 Mr. Visclosky  
 Ms. Wasserman Schultz

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 4

Date: June 12, 2009

Measure: Homeland Security Appropriations Bill, 2010

Motion by: Tiahrt

Description of Motion: An amendment to rescind all unobligated discretionary funds provided by the economic stimulus law (PL 111-5) to pay for Homeland Security Appropriations in fiscal year 2010.

Results: Rejected, 23 yeas to 35 nays.

*Members Voting Yea*

Mr. Aderholt  
Mr. Alexander  
Mr. Bonner  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Culberson  
Mrs. Emerson  
Mr. Frelinghuysen  
Ms. Granger  
Mr. Kingston  
Mr. Kirk  
Mr. Latham  
Mr. LaTourette  
Mr. Lewis  
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. Davis  
Ms. DeLauro  
Mr. Dicks  
Mr. Edwards  
Mr. Farr  
Mr. Fattah  
Mr. Hinchey  
Mr. Honda  
Mr. Israel  
Mr. Jackson  
Ms. Kaptur  
Ms. Kilpatrick  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Mr. Mollohan  
Mr. Moran  
Mr. Murtha  
Mr. Obey  
Mr. Olver  
Mr. Pastor  
Mr. Price  
Mr. Rodriguez  
Mr. Rothman  
Ms. Roybal-Allard  
Mr. Ryan  
Mr. Salazar  
Mr. Schiff  
Mr. Serrano  
Mr. Visclosky  
Ms. Wasserman Schultz

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS</b>					
<b>Office of the Secretary and Executive Management:</b>					
Immediate Office of the Secretary.....	3,140	5,061	3,783	+643	-1,278
Immediate Office of the Deputy Secretary.....	1,400	1,810	1,440	+40	-370
Chief of Staff.....	2,693	2,595	2,926	+233	+331
Office of Counter narcotics Enforcement.....	3,718	3,912	3,712	-6	-200
Executive Secretary.....	7,448	8,344	7,578	+130	-766
Office of Policy.....	43,263	61,564	51,564	+8,301	-10,000
Office of Public Affairs.....	5,991	6,539	6,039	+48	-500
Office of Legislative Affairs.....	4,997	7,097	6,797	+1,800	-300
Office of Intergovernmental Programs.....	---	2,800	2,800	---	---
Office of General Counsel.....	20,114	24,028	24,028	---	---
Office of Civil Rights and Civil Liberties.....	17,417	22,104	22,104	---	---
Citizenship and Immigration Services Ombudsman.....	6,471	6,935	6,685	+214	-250
Privacy Officer.....	6,804	7,971	7,971	---	---
<b>Total, Office of the Secretary and Executive Management.....</b>	<b>123,456</b>	<b>160,760</b>	<b>147,427</b>	<b>+23,971</b>	<b>-13,333</b>
<b>Office of the Under Secretary for Management:</b>					
Under Secretary for Management.....	2,654	2,864	2,864	---	---
Emergency appropriations (P. L. 111-5).....	200,000	---	---	-200,000	---
<b>Subtotal, Under Secretary for Management.....</b>	<b>202,654</b>	<b>2,864</b>	<b>2,864</b>	<b>-199,790</b>	<b>---</b>
<b>Office of Security.....</b>	<b>60,882</b>	<b>95,193</b>	<b>95,193</b>	<b>+34,311</b>	<b>---</b>
<b>Office of the Chief Procurement Officer.....</b>	<b>39,003</b>	<b>71,038</b>	<b>66,538</b>	<b>+27,535</b>	<b>-4,500</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Office of the Chief Human Capital Officer:</b>					
Salaries and expenses.....	28,827	34,404	33,604	+4,777	-800
Human resources.....	10,000	10,000	10,000	---	---
<b>Subtotal, Office of the Chief Human Capital Officer.....</b>	<b>38,827</b>	<b>44,404</b>	<b>43,604</b>	<b>+4,777</b>	<b>-800</b>
<b>Office of the Chief Administrative Officer:</b>					
Salaries and expenses.....	44,427	43,491	44,491	+64	+1,000
Nebraska Avenue Complex (NAC).....	6,000	6,000	6,000	---	---
DHS headquarters lease consolidation.....	---	75,000	10,000	+10,000	-65,000
<b>Subtotal, Office of the Chief Administrative Officer.....</b>	<b>50,427</b>	<b>124,491</b>	<b>60,491</b>	<b>+10,064</b>	<b>-64,000</b>
<b>Total, Office of the Under Secretary for Management.....</b>	<b>391,793</b>	<b>337,990</b>	<b>268,690</b>	<b>-123,103</b>	<b>-69,300</b>
<b>Office of the Chief Financial Officer:</b>					
<b>Office of the Chief Information Officer:</b>					
Salaries and expenses.....	86,928	86,912	86,912	-16	---
Information technology services.....	44,945	51,417	51,417	+6,472	---
Security activities.....	92,623	152,403	113,603	+20,980	-38,800
Homeland Secure Data Network (HSDN).....	47,673	47,661	47,661	-12	---
<b>Subtotal, Office of the Chief Information Officer.....</b>	<b>272,169</b>	<b>338,393</b>	<b>299,593</b>	<b>+27,424</b>	<b>-38,800</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Analysis and Operations.....	327,373	357,345	345,556	+18,183	-11,789
Total, Departmental Operations.....	1,170,026	1,260,018	1,124,796	-45,230	-135,222
Office of the Federal Coordinator for Gulf Coast Rebuilding.....	1,900	2,000	2,000	+100	---
Office of Inspector General					
Office of Inspector General.....	98,513	127,874	111,874	+13,361	-16,000
Emergency appropriations (P. L. 111-5).....	5,000	---	---	-5,000	---
Transfer from Disaster Relief.....	(16,000)	---	(16,000)	---	(+16,000)
Subtotal, Office of Inspector General (including transfers).....	119,513	127,874	127,874	+8,361	---
Appropriations.....	(98,513)	(127,874)	(111,874)	(+13,361)	(-16,000)
Emergency appropriations.....	(5,000)	---	---	(-5,000)	---
by transfer.....	(16,000)	---	(16,000)	---	(+16,000)
Total, title I, Departmental Management and Operations (including transfers).....	1,291,439	1,389,892	1,254,670	-36,769	-135,222
Appropriations.....	(1,070,439)	(1,389,892)	(1,238,670)	(+168,231)	(-151,222)
Emergency appropriations.....	(205,000)	---	---	(-205,000)	---
by transfer.....	(16,000)	---	(16,000)	---	(+16,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS</b>					
<b>U.S. Customs and Border Protection</b>					
<b>Salaries and expenses:</b>					
Headquarters, Management, and Administration:					
Management and administration, border security	646,608	522,825	503,500	-143,108	-19,325
inspections and trade facilitation.....					
Management and administration, border security	622,550	497,675	478,350	-144,200	-19,325
and control between ports of entry.....					
Subtotal, Headquarters, Mgt & Admin.....	1,269,158	1,020,500	981,850	-287,308	-38,650
<b>Border security inspections and trade facilitation:</b>					
Inspections, trade, and travel facilitation					
at ports of entry.....	2,093,988	2,255,210	2,250,310	+156,322	-4,900
Harbor maintenance fee collection (trust fund)	3,154	3,226	3,226	+72	---
International cargo screening.....	149,450	165,421	162,000	+12,550	-3,421
Other international programs.....	10,984	11,181	11,181	+197	---
Customs-Trade Partnership Against Terrorism (C-TPAT).....	64,496	62,612	62,612	-1,884	---
Trusted Traveler programs.....	11,274	11,274	11,274	---	---
Inspection and detection technology					
investments.....	145,944	143,563	143,563	-2,381	---
Emergency appropriations (P. L. 111-5)....	160,000	---	---	-160,000	---



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal.....	305,944	143,563	143,563	-162,381	---
Automated targeting systems.....	32,550	32,560	32,560	+10	---
National Targeting Center.....	24,481	26,355	26,355	+1,874	---
Training.....	24,778	24,778	24,778	---	---
Subtotal, Border security inspections and trade facilitation.....	2,721,099	2,736,180	2,727,859	+6,760	-8,321
Border security and control between ports of entry:					
Border security and control.....	3,426,455	3,505,008	3,505,808	+79,353	+800
Training.....	74,815	51,751	51,751	-23,064	---
Subtotal, Border security and control between ports of entry.....	3,501,270	3,556,759	3,557,559	+56,289	+800
Air and Marine Operations.....	271,679	309,629	309,629	+37,950	---
Subtotal, Salaries and expenses.....	7,763,206	7,623,068	7,576,897	-186,309	-46,171
Appropriations.....	(7,600,052)	(7,619,842)	(7,573,671)	(-26,381)	(-46,171)
Emergency appropriations.....	(160,000)	---	---	(-160,000)	---
Harbor maintenance trust fund.....	(3,154)	(3,226)	(3,226)	(+72)	---
Automation modernization:					
Automated commercial environment/International Trade Data System (ITDS).....	316,851	267,960	267,960	-48,891	---
Current operations protection and processing support (COPPS).....	194,483	194,485	194,485	+2	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Automation modernization.....	511,334	462,445	462,445	-48,889	---
Border security fencing, infrastructure, and technology (BSFIT):					
Development and deployment.....	505,000	494,000	440,000	-65,000	-54,000
Operation and maintenance.....	150,000	200,000	200,000	+50,000	---
Program management.....	120,000	85,452	92,000	-28,000	+6,548
Emergency appropriations (P. L. 111-5).....	100,000	---	---	-100,000	---
Subtotal, BSFIT.....	875,000	779,452	732,000	-143,000	-47,452
Appropriations.....	(775,000)	(779,452)	(732,000)	(-43,000)	(-47,452)
Emergency appropriations.....	(100,000)	---	---	(-100,000)	---
Air and Marine Interdiction, Operations, Maintenance, and Procurement:					
Operations and maintenance.....	380,022	374,217	374,217	-5,805	---
Procurement.....	147,978	131,609	139,609	-8,369	+8,000
Subtotal, Air and marine interdiction, operations, maintenance, and procurement.....	528,000	505,826	513,826	-14,174	+8,000
Facilities management:					
Facility construction and sustainment.....	403,201	239,357	242,857	-160,344	+3,500
Rent.....	---	402,263	402,263	+402,263	---
Program oversight and management.....	---	37,013	37,013	+37,013	---
Emergency appropriations (P. L. 111-5).....	420,000	---	---	-420,000	---
Subtotal, Facilities management.....	823,201	678,633	682,133	-141,068	+3,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
=====					
Total, Direct appropriations for Customs and and Border Protection.....	10,500,741	10,049,424	9,967,301	-533,440	-82,123
=====					
Fee accounts:					
Immigration inspection user fee.....	(570,059)	(584,000)	(584,000)	(+13,941)	---
Immigration enforcement fines.....	(3,331)	(5,000)	(5,000)	(+1,669)	---
Land border inspection fee.....	(26,880)	(30,000)	(30,000)	(+3,120)	---
COBRA passenger inspection fee.....	(410,666)	(393,000)	(393,000)	(-17,666)	---
APHIS inspection fee.....	(333,433)	(320,000)	(320,000)	(-13,433)	---
Puerto Rico collections.....	(96,719)	(92,000)	(92,000)	(-4,719)	---
Small airport user fees.....	(7,057)	(8,000)	(8,000)	(+943)	---
Subtotal, fee accounts.....	(1,448,145)	(1,432,000)	(1,432,000)	(-16,145)	---
=====					
Total, U.S. Customs and Border Protection.....	(11,948,886)	(11,481,424)	(11,399,301)	(-549,585)	(-82,123)
Appropriations.....	(9,820,741)	(10,049,424)	(9,967,301)	(+146,560)	(-82,123)
Emergency appropriations.....	(680,000)	---	---	(-680,000)	---
(Fee accounts).....	(1,448,145)	(1,432,000)	(1,432,000)	(-16,145)	---
=====					
U.S. Immigration and Customs Enforcement					
Salaries and expenses:					
Headquarters Management and Administration (non-detention and removal operations):					
Personnel compensation and benefits, service and other costs.....	203,076	321,850	276,973	+73,897	-44,877

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill Enacted	Bill vs. Request
Headquarters managed IT investment.....	169,348	243,264	209,414	+40,066
Subtotal, Headquarters management and administration.....	372,424	565,114	486,387	+113,963
Legal proceedings.....	215,035	221,666	221,666	+6,631
Investigations:				
Domestic.....	1,519,208	1,615,551	1,643,360	+124,152
International investigations:				
International operations.....	105,741	112,872	112,872	+6,131
Visa security program.....	26,800	30,186	30,186	+3,386
Subtotal, International investigations..	133,541	143,058	143,058	+9,517
Subtotal, Investigations.....	1,652,749	1,758,609	1,786,418	+133,669
Intelligence.....	55,789	67,842	67,842	+12,053
Detention and removal operations:				
Custody Operations.....	1,721,268	1,771,168	1,771,168	+49,900
Fugitive operations.....	226,477	229,682	229,682	+3,205
Criminal Alien program.....	189,069	192,539	192,539	+3,470
Alternatives to detention.....	63,000	63,913	73,913	+10,913
Transportation and removal program.....	281,399	281,878	281,878	+479
Subtotal, Detention and removal operations..	2,481,213	2,539,180	2,549,180	+67,967
				+10,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Comprehensive identification and removal of criminal aliens:					
criminal aliens.....	150,000	195,589	200,000	+50,000	+4,411
Subtotal, Salaries and expenses.....	4,927,210	5,348,000	5,311,493	+384,283	-36,507
Federal protective service:					
Basic security.....	213,673	---	213,673	---	+213,673
Building specific security (including capital equipment replacement/acquisition).....	426,327	---	426,327	---	+426,327
Reimbursable security fees (contract guard services).....	---	---	475,000	+475,000	+475,000
Subtotal, Federal Protective Service.....	640,000	---	1,115,000	+475,000	+1,115,000
Offsetting fee collections.....	-640,000	---	-1,115,000	-475,000	-1,115,000
Automation modernization.....	57,000	110,000	110,000	+53,000	---
Emergency appropriations (P. L. 111-5).....	20,000	---	---	-20,000	---
Subtotal, Automation modernization.....	77,000	110,000	110,000	+33,000	---
Construction.....	5,000	---	6,818	+1,818	+6,818
Total, Direct appropriations for U.S. Immigration Customs Enforcement.....	5,009,210	5,458,000	5,428,311	+419,101	-29,689
Fee accounts:					
Immigration inspection user fee.....	(119,000)	(123,000)	(123,000)	(+4,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Breached bond/detention fund.....	(60,000)	(75,000)	(75,000)	(+15,000)	---
Student exchange and visitor fee.....	(120,000)	(120,000)	(120,000)	---	---
Subtotal, fee accounts.....	(299,000)	(318,000)	(318,000)	(+19,000)	---
-----					
Subtotal, U.S. Immigration and Customs Enforcement (gross).....	(5,948,210)	(5,776,000)	(6,861,311)	(+913,101)	(+1,085,311)
Offsetting fee collections.....	(-840,000)	---	(-1,115,000)	(-475,000)	(-1,115,000)
=====					
Total, U.S. Immigration and Customs Enforcement. Appropriations.....	(5,308,210)	(5,776,000)	(5,746,311)	(+438,101)	(-29,689)
Emergency appropriations.....	(4,989,210)	(5,458,000)	(5,428,311)	(+439,101)	(-29,689)
Fee accounts.....	(20,000)	---	---	(-20,000)	---
Subtotal, U.S. Immigration and Customs Enforcement. Fee accounts.....	(299,000)	(318,000)	(318,000)	(+19,000)	---
=====					
Transportation Security Administration					
Aviation security:					
Screening operations:					
Screener workforce:					
Privatized screening.....	151,272	149,643	149,643	-1,629	---
Screener personnel, compensation, and benefits.....	2,716,014	2,788,575	2,788,575	+72,561	---
Subtotal, Screener workforce.....	2,867,286	2,938,218	2,938,218	+70,932	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Screener training and other.....	197,318	203,463	204,713	+7,395	+1,250
Checkpoint support.....	250,000	128,739	128,739	-121,261	---
Emergency appropriations (P. L. 111-5)	1,000,000	---	---	-1,000,000	---
EDS/ETD Systems:					
EDS procurement and installation.....	294,000	856,591	800,000	+506,000	-56,591
Screening technology maintenance and utilities.....	305,625	326,625	316,625	+11,000	-10,000
Operation integration.....	21,481	21,481	21,481	---	---
Subtotal, EDS/ETD Systems.....	621,106	1,204,697	1,138,106	+517,000	-66,591
Subtotal, Screening operations.....	4,935,710	4,475,117	4,409,776	-525,934	-65,341
Aviation security direction and enforcement:					
Aviation regulation and other enforcement.....	245,268	254,064	254,064	+8,796	---
Airport management and support.....	401,666	448,424	453,924	+52,258	+5,500
FFDO and flight crew training.....	25,025	25,127	25,127	+102	---
Air cargo.....	122,849	108,118	122,849	---	+14,731
Airport perimeter security.....	4,000	---	---	-4,000	---
Subtotal, Aviation security direction and enforcement.....	798,808	835,733	855,964	+57,156	+20,231
Implementing requirements of P.L. 110-53.....	20,000	---	---	-20,000	---
Discretionary fee proposal:					
General aviation at DCA.....	(75)	(100)	(100)	(+25)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Indirect air cargo.....	(200)	(2,600)	(2,600)	(+2,400)	---
Certified cargo screening program.....	---	(5,200)	---	---	(-5,200)
Large aircraft security program.....	---	(1,600)	---	---	(-1,600)
Secure identification display area checks.....	---	(10,000)	---	---	(-10,000)
Other security threat assessments.....	---	(100)	---	---	(-100)
Total, Discretionary fee proposal.....	(275)	(19,600)	(2,700)	(+2,425)	(-16,900)
Aviation security capital fund (mandatory).....	(250,000)	(250,000)	(250,000)	---	---
Total, Aviation security (gross) (including transfers).....	5,754,518	5,310,850	5,265,740	-488,778	-45,110
Offsetting fee collections (non-mandatory).....	-2,320,000	-2,100,000	-2,100,000	+220,000	---
Fee-funded programs (nonadd).....	(-275)	(-19,600)	(-2,700)	(-2,425)	(+16,900)
Total, Aviation security (net).....	3,434,518	3,210,850	3,165,740	-268,778	-45,110
Appropriations.....	(2,434,518)	(3,210,850)	(3,165,740)	(+731,222)	(-45,110)
Emergency appropriations.....	(1,000,000)	---	---	(-1,000,000)	---
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)	---	---
Surface transportation security:					
Staffing and operations.....	24,885	42,293	42,293	+17,408	---
Rail security inspectors and canines.....	24,721	86,123	61,123	+36,402	-25,000
Subtotal, Surface transportation security.....	49,606	128,416	103,416	+53,810	-25,000
Transportation Threat Assessment and Credentialing:					
Secure Flight.....	82,211	84,363	84,363	+2,152	---



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Crew and other vetting programs.....	33,807	107,636	87,636	+53,829 (-10,000)	-20,000
Registered Traveler Program fees.....	(10,000)	---	---	---	---
TWIC fees.....	(9,000)	(9,000)	(9,000)	---	---
Hazardous materials fees.....	(18,000)	(15,000)	(15,000)	(-3,000)	---
Alien Flight School fees (by transfer from DOJ)...	(3,000)	(4,000)	(4,000)	(+1,000)	---
Certified cargo screening program.....	---	---	(5,200)	(+5,200)	(+5,200)
Large aircraft security program.....	---	---	(1,600)	(+1,600)	(+1,600)
Secure identification display area checks.....	---	---	(10,000)	(+10,000)	(+10,000)
Other security threat assessments.....	---	---	(100)	(+100)	(+100)
Subtotal, Transportation Threat Assessment and Credentialing (Gross).....	(156,018)	(219,999)	(216,899)	(+60,881)	(-3,100)
Fee funded programs.....	(40,000)	(28,000)	(44,900)	(+4,900)	(+16,900)
Subtotal, Transportation Threat Assessment and Credentialing (net).....	116,018	191,999	171,999	+55,981	-20,000
Transportation security support:					
Headquarters administration.....	234,870	248,929	248,929	+14,059	---
Information technology.....	472,799	501,110	489,510	+16,711	-11,600
Human capital services.....	218,105	226,338	226,338	+8,233	---
Intelligence.....	21,961	28,203	28,203	+6,242	---
Sensitive security information (SSI) fees.....	---	(20)	(20)	(+20)	---
Subtotal, Transportation security support.....	947,735	1,004,580	992,980	+45,245	-11,600
Federal Air Marshals: Management and administration.....	725,081	762,569	762,569	+37,488	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill Enacted	Bill vs. Request	Bill vs. Enacted	Bill vs. Request
Travel and training.....	94,400	97,542	97,542	+3,142		---
Subtotal, Federal Air Marshals.....	819,481	860,111	860,111	+40,630		---
Total, Transportation Security Administration (gross) (including transfers).....	7,977,358	7,773,956	7,689,146	-288,212		-84,810
Offsetting fee collections.....	(-2,320,000)	(-2,100,000)	(-2,100,000)	(+220,000)		---
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)	---		---
Fee accounts.....	(40,000)	(28,000)	(44,900)	(+4,900)		(+16,900)
Total, Transportation Security Administration (net).....	5,367,358	5,395,956	5,294,246	-73,112		-101,710
Appropriations.....	(4,367,358)	(5,395,956)	(5,294,246)	(+926,888)		(-101,710)
Emergency appropriations.....	(1,000,000)	---	---	(-1,000,000)		---
Coast Guard						
Operating expenses:						
Military pay and allowances.....	3,061,663	3,244,861	3,270,978	+209,315		+26,117
Civilian pay and benefits.....	645,350	699,594	700,490	+55,140		+896
Training and recruiting.....	195,919	205,970	206,776	+10,857		+806
Operating funds and unit level maintenance.....	1,177,406	1,149,513	1,159,562	-17,844		+10,049
Centrally managed accounts.....	262,294	353,071	331,058	+68,764		-22,013
Intermediate and depot level maintenance.....	823,793	903,179	911,659	+87,866		+8,480
Port and vessel security.....	23,500	---	---	-23,500		---
Aviation mission hour gap.....	5,000	---	---	-5,000		---
Defense function.....	(340,000)	(340,000)	(340,000)	---		---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Overseas contingency operations (appropriation).....	---	---	241,503	+241,503	+241,503
Overseas contingency operations (by transfer).....	---	(241,503)	---	---	(-241,503)
Subtotal, Operating expenses.....	6,194,925	6,797,691	6,822,026	+627,101	+24,335
Appropriations.....	(5,854,925)	(6,216,188)	(6,240,523)	(+385,598)	(+24,335)
Overseas contingency operations.....	---	---	(241,503)	(+241,503)	(+241,503)
Contingent emergency (by transfer).....	---	(241,503)	---	---	(-241,503)
Defense function.....	(340,000)	(340,000)	(340,000)	---	---
Environmental compliance and restoration.....	13,000	13,198	13,198	+198	---
Reserve training.....	130,501	133,632	133,632	+3,131	---
Acquisition, construction, and improvements:					
Vessels:					
Response boat medium.....	108,000	103,000	103,000	-5,000	---
Inland river tender recapitalization.....	5,000	---	---	-5,000	---
Subtotal, Vessels.....	113,000	103,000	103,000	-10,000	---
Other equipment:					
Automatic identification system.....	8,600	---	---	-8,600	---
Defense messaging system (DMS).....	4,074	---	---	-4,074	---
National distress and response system modernization (Rescue 21).....	73,000	117,000	117,000	+44,000	---
HF Recapitalization.....	2,500	2,500	2,500	---	---
Command 21.....	1,000	---	---	-1,000	---
Subtotal, Other equipment.....	89,174	119,500	119,500	+30,326	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Personnel compensation and benefits:</b>					
Core acquisition costs.....	500	500	500	---	---
Direct personnel cost.....	92,330	99,500	99,500	+7,170	---
<b>Subtotal, Personnel compensation &amp; benefits.</b>	<b>92,830</b>	<b>100,000</b>	<b>100,000</b>	<b>+7,170</b>	<b>---</b>
<b>Integrated deepwater systems:</b>					
<b>Aircraft:</b>					
Aircraft, other.....	3,000	---	---	-3,000	---
Maritime Patrol Aircraft.....	86,600	175,000	138,500	+51,900	-36,500
HH-60 conversions.....	52,700	45,900	45,900	-6,800	---
HC-130H conversions.....	24,500	45,300	45,300	+20,800	---
HH-65 conversion project.....	64,500	38,000	38,000	-26,500	---
C-130J fleet introduction.....	13,250	1,300	1,300	-11,950	---
<b>Subtotal, Aircraft.....</b>	<b>244,550</b>	<b>305,500</b>	<b>269,000</b>	<b>+24,450</b>	<b>-36,500</b>
<b>Surface ships:</b>					
National Security Cutter.....	353,700	281,480	281,480	-72,220	---
Offshore Patrol Cutter.....	3,003	9,800	9,800	+6,797	---
Fast Response Cutter.....	115,300	243,000	243,000	+127,700	---
IDS small boats.....	2,400	3,000	3,000	+600	---
Patrol Boat sustainment.....	30,800	23,000	23,000	-7,800	---
Medium endurance cutter sustainment.....	35,500	31,100	31,100	-4,400	---
Polar Icebreaker Refurbishment.....	30,300	---	---	-30,300	---
<b>Subtotal, Surface ships.....</b>	<b>571,003</b>	<b>591,380</b>	<b>591,380</b>	<b>+20,377</b>	<b>---</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
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(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Technology obsolescence prevention.....	1,500	1,900	1,900	+400	---
C4ISR.....	88,100	35,000	35,000	-53,100	---
Logistics.....	37,700	37,700	37,700	---	---
Systems engineering and management.....	33,141	35,000	35,000	+1,859	---
Government program management.....	58,000	45,000	45,000	-13,000	---
Subtotal, Integrated deepwater systems.....	1,033,994	1,051,480	1,014,980	-19,014	-36,500
Shore facilities and aids to navigation.....	68,000	10,000	10,000	-58,000	---
Emergency appropriations (P. L. 111-5).....	98,000	---	---	-98,000	---
Subtotal.....	166,000	10,000	10,000	-156,000	---
Coast Guard/DHS headquarters.....	97,578	---	---	-97,578	---
Subtotal, Acquisition, construction, and improvements.....	1,592,576	1,383,980	1,347,480	-245,096	-36,500
Appropriations.....	(1,494,576)	(1,383,980)	(1,347,480)	(-147,096)	(-36,500)
Emergency appropriations.....	(98,000)	---	---	(-98,000)	---
Alteration of bridges.....	16,000	---	10,000	-6,000	+10,000
Emergency appropriations (P. L. 111-5).....	142,000	---	---	-142,000	---
Subtotal.....	158,000	---	10,000	-148,000	+10,000
Research, development, test, and evaluation.....	18,000	19,745	19,745	+1,745	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
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(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Health care fund contribution (permanent indefinite discretionary).....	257,305	261,000	261,000	+3,695	---
Subtotal, Coast Guard discretionary.....	8,364,307	8,367,743	8,607,081	+242,774	+239,338
Retired pay (mandatory).....	1,236,745	1,361,245	1,361,245	+124,500	---
Total, Coast Guard (including transfers).....	9,601,052	9,970,491	9,968,326	+367,274	-2,165
Appropriations.....	(9,361,052)	(9,728,988)	(9,726,823)	(+365,771)	(-2,165)
Emergency appropriations.....	(240,000)	---	---	(-240,000)	---
Overseas contingency operations.....	---	---	(241,503)	(+241,503)	(+241,503)
Contingent emergency (by transfer).....	---	(241,503)	---	---	(-241,503)
=====					
United States Secret Service					
Salaries and expenses:					
Protection:					
Protection of persons and facilities.....	705,918	759,561	755,521	+49,603	-4,040
Protective intelligence activities.....	59,761	67,824	67,824	+8,063	---
National special security events.....	1,000	1,000	1,000	---	---
Presidential candidate nominee protection.....	41,082	---	---	-41,082	---
White House mail screening.....	33,701	25,315	22,415	-11,286	-2,900
Subtotal, Protection.....	841,462	853,700	846,760	+5,298	-6,940

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
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(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Field operations:</b>					
Domestic field operations.....	241,772	260,892	260,892	+19,120	---
International field office administration, operations and training.....	30,000	30,705	30,705	+705	---
Electronic crimes special agent program and electronic crimes task forces.....	51,836	56,541	56,541	+4,705	---
Support for missing and exploited children....	8,366	8,366	8,366	---	---
Subtotal, Investigations.....	331,974	356,504	356,504	+24,530	---
<b>Administration:</b>					
Headquarters, management and administration...	182,104	221,045	199,785	+17,681	-21,260
<b>Training:</b>					
Rowley training center.....	53,189	54,360	54,360	+1,171	---
Emergency appropriations (P. L. 111-8).....	100,000	---	---	-100,000	---
Subtotal, Salaries and expenses.....	1,508,729	1,485,609	1,457,409	-51,320	-28,200
Appropriations.....	(1,408,729)	(1,485,609)	(1,457,409)	(+48,680)	(-28,200)
Emergency appropriations.....	(100,000)	---	---	(-100,000)	---
<b>Acquisition, construction, improvements, and related expenses (Rowley).....</b>					
	4,225	3,975	3,975	-250	---
<b>Total, United States Secret Service.....</b>					
Appropriations.....	1,512,954	1,489,584	1,461,384	-51,570	-28,200
Emergency appropriations.....	(1,412,954)	(1,489,584)	(1,461,384)	(+48,430)	(-28,200)
	(100,000)	---	---	(-100,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
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(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, title II, Security, Enforcement, and Investigations (including transfers).....	31,991,315	32,363,455	32,119,568	+128,253	-243,887
Appropriations.....	(29,951,315)	(32,121,952)	(31,878,065)	(+1,926,750)	(-243,887)
Emergency appropriations.....	(2,040,000)	---	---	(-2,040,000)	---
Overseas contingency operations.....	---	---	(241,503)	(+241,503)	(+241,503)
Contingent emergency (by transfer).....	---	(241,503)	---	---	(-241,503)
(Fee Accounts).....	(1,787,145)	(1,778,000)	(1,794,900)	(+7,755)	(+16,900)

TITLE III - PROTECTION, PREPAREDNESS, RESPONSE,  
AND RECOVERY

National Protection and Programs Directorate

Management and administration:					
Administrative activities.....	41,850	34,682	34,682	-7,168	---
Risk management and analysis.....	9,500	9,895	9,895	+395	---
Total, Management and administration.....	51,350	44,577	44,577	-6,773	---
Infrastructure Protection and Information Security:					
Infrastructure protection:					
Identification and analysis.....	80,603	86,610	86,610	+6,007	---
Coordination and information sharing.....	62,367	50,562	62,912	+545	+12,330
Mitigation programs.....	170,830	196,111	196,961	+26,131	+850
Subtotal, Infrastructure protection.....	313,800	333,303	346,483	+32,683	+13,180



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	FY 2009 Enacted	FY 2010 Request	Bill Enacted	Bill vs. Enacted	Bill vs. Request
National Cyber Security Division:					
US Computer Emergency Response Team (US-CERT):	254,924	333,629	310,629	+55,705	-23,000
Strategic initiatives:	49,138	57,679	64,179	+15,041	+6,500
Outreach and programs:	9,438	9,346	7,096	-2,342	-2,250
Subtotal, National Cyber Security Division:	313,500	400,654	381,904	+68,404	-18,750
Office of Emergency Communications:					
National Security/Emergency Preparedness	38,300	44,060	45,060	+6,760	+1,000
Telecommunications:					
Priority telecommunications services:	58,740	56,773	56,773	-1,967	---
Next generation networks:	50,250	50,250	25,000	-25,250	-25,250
Programs to study and enhance					
telecommunications:	15,100	19,274	16,774	+1,674	-2,500
Critical infrastructure protection programs:	11,260	13,852	11,352	+92	-2,500
National command and coordination capability:	5,963	---	---	-5,963	---
Subtotal, National Security/Emergency					
Preparedness Telecommunications:	141,313	140,149	109,899	-31,414	-30,250
Subtotal, Infrastructure Protection and					
Information Security:	806,913	918,166	883,346	+76,433	-34,820
Federal Protective Service:					
Basic security:	---	213,673	---	---	-213,673
Building-specific security:	---	426,327	---	---	-426,327
Reimbursable Security Fees (contract guard	---	475,000	---	---	-475,000
services):					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
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(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Federal Protective Service.....	---	1,115,000	---	---	-1,115,000
Offsetting collections.....	---	-1,115,000	---	---	+1,115,000
U.S. Visitor and Immigrant Status Indicator Technology	300,000	356,194	351,800	+51,800	-4,394
Total, National Protection and Programs Directorate.....	1,158,263	1,318,937	1,279,723	+121,460	-39,214
Appropriations.....	(1,158,263)	(2,433,937)	(1,279,723)	(+121,460)	(-1,154,214)
Offsetting collections.....	---	(-1,115,000)	---	---	(+1,115,000)
Office of Health Affairs					
BioWatch.....	111,606	94,513	79,413	-32,193	-15,100
National biosurveillance integration system.....	8,000	8,000	13,000	+5,000	+5,000
Rapidly deployable chemical detection system.....	2,600	2,600	2,600	---	---
Planning and coordination.....	5,775	2,476	2,976	-2,799	+500
Salaries and expenses.....	29,210	30,411	30,411	+1,201	---
Total, Office of Health Affairs.....	157,191	138,000	128,400	-28,791	-9,600
Federal Emergency Management Agency					
Management and administration:					
Operating activities.....	798,595	817,205	805,005	+6,410	-12,200
(Defense function).....	(94,059)	(107,481)	(93,881)	(-178)	(-13,600)
Urban search and rescue response system.....	32,500	28,000	32,500	---	+4,500
Office of National Capitol Region Coordination.....	6,342	6,995	6,995	+653	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Transfer from Disaster relief.....	(105,600)	(50,000)	(90,080)	(-15,520)	(+40,080)
Subtotal, Management and administration (including transfers).....	943,037	902,200	934,580	-8,457	+32,380
Appropriations.....	(837,437)	(852,200)	(844,500)	(+7,063)	(-7,700)
(Non-defense appropriations).....	(743,378)	(744,719)	(750,619)	(+7,241)	(+5,900)
(Defense appropriations).....	(94,059)	(107,481)	(93,881)	(-178)	(-13,600)
by transfer.....	(105,600)	(50,000)	(90,080)	(-15,520)	(+40,080)
State and local programs:					
State Homeland Security Grant Program.....	890,000	890,000	890,000	---	---
Operation Stonegarden.....	60,000	60,000	60,000	---	---
Subtotal, State Homeland Security Grant Program.....	950,000	950,000	950,000	---	---
Urban area security initiative.....	837,500	887,000	887,000	+49,500	---
Regional catastrophic preparedness grants.....	35,000	35,000	---	-35,000	-35,000
Metropolitan Medical Response System.....	41,000	40,000	40,000	-1,000	---
Citizen Corps program.....	15,000	15,000	15,000	---	---
Public transportation security assistance and railroad security assistance.....	400,000	250,000	250,000	-150,000	---
Emergency appropriations (P. L. 111-5).....	150,000	---	---	-150,000	---
Subtotal.....	550,000	250,000	250,000	-300,000	---
Port security grants.....	400,000	250,000	250,000	-150,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency appropriations (P. L. 111-5)	150,000	---	---	-150,000	---
Subtotal	550,000	250,000	250,000	-300,000	---
Over-the-road bus security assistance	12,000	---	12,000	---	+12,000
Trucking industry security grants	8,000	---	---	-8,000	---
Buffer Zone Protection Program grants	50,000	50,000	50,000	---	---
REAL ID Grants	---	50,000	50,000	+50,000	---
Commercial equipment direct assistance program	8,000	---	---	-8,000	---
Interoperable emergency communications grant program	50,000	50,000	50,000	---	---
Emergency Operations Centers	35,000	---	40,000	+5,000	+40,000
Firefighter assistance grants:					
Fire grants	---	170,000	---	---	-170,000
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants	---	420,000	---	---	-420,000
Subtotal, Firefighter assistance grants	---	590,000	---	---	-590,000
Emergency management performance grants	---	315,000	---	---	-315,000
National Programs:					
National Domestic Preparedness Consortium	102,000	51,500	92,000	-10,000	+40,500
Center for Domestic Preparedness	57,000	62,500	40,000	-17,000	-22,500
Noble Training Center	5,500	---	---	-5,500	---
Subtotal, NDPC	164,500	114,000	132,000	-32,500	+18,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Counterterrorism and Cyber Crime Center.....	1,700	---	---	-1,700	---
National exercise program.....	40,000	42,000	40,000	+2,000	-2,000
Technical assistance.....	11,000	13,000	13,000	---	---
Continuing training grants.....	31,000	23,000	31,000	---	+8,000
Evaluations and assessments.....	16,000	18,000	16,000	---	-2,000
Rural Domestic Preparedness Consortium.....	---	---	3,000	+3,000	+3,000
Subtotal, National Programs.....	264,200	210,000	235,000	-29,200	+25,000
Management and administration.....	---	175,000	---	---	-175,000
Subtotal, State and Local Programs.....	3,405,700	3,867,000	2,829,000	-576,700	-1,038,000
Appropriations.....	(3,105,700)	(3,867,000)	(2,829,000)	(-276,700)	(-1,038,000)
Emergency appropriations.....	(300,000)	---	---	(-300,000)	---
Firefighter assistance grants:					
Fire grants.....	565,000	---	380,000	-185,000	+380,000
Fire station construction					
Emergency appropriations (P. L. 111-5).....	210,000	---	---	-210,000	---
Staffing for Adequate Fire and Emergency Response					
(SAFER) Act grants.....	210,000	---	420,000	+210,000	+420,000
Subtotal, Firefighter assistance grants.....	985,000	---	800,000	-185,000	+800,000
Appropriations.....	(775,000)	---	(800,000)	(+25,000)	(+800,000)
Emergency appropriations.....	(210,000)	---	---	(-210,000)	---
Emergency management performance grants.....	315,000	---	330,000	+15,000	+330,000
Subtotal, Grants and training.....	4,705,700	3,867,000	3,959,000	-746,700	+92,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Appropriations.....	(4,195,700)	(3,867,000)	(3,959,000)	(-236,700)	(+92,000)
Emergency appropriations.....	(510,000)	---	---	(-510,000)	---
Radiological Emergency Preparedness Program.....	-505	-265	-265	+240	---
United States Fire Administration.....	44,979	45,588	45,588	+609	---
Disaster relief.....	1,400,000	2,000,000	2,000,000	+600,000	---
(transfer to Management and Administration).....	(-105,600)	(-50,000)	(-90,080)	(+15,520)	(-40,080)
(transfer to Inspector General).....	(-16,000)	---	(-16,000)	---	(-16,000)
Subtotal, Disaster Relief.....	1,278,400	1,950,000	1,893,920	+615,520	-56,080
Disaster assistance direct loan program account: (Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---
Direct loan subsidy.....	295	295	295	---	---
Flood map modernization fund.....	220,000	220,000	220,000	---	---
National flood insurance fund: Salaries and expenses.....	49,418	52,149	52,149	+2,731	---
Flood plain management and mitigation.....	107,181	107,320	107,320	+139	---
Offsetting fee collections.....	-156,599	-159,469	-159,469	-2,870	---
National predisaster mitigation fund.....	90,000	150,000	100,000	+10,000	-50,000
Emergency food and shelter.....	200,000	100,000	200,000	---	+100,000
Emergency appropriations (P. L. 111-5).....	100,000	---	---	-100,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Emergency food and shelter.....	300,000	100,000	200,000	-100,000	+100,000
Cerro Grande Fire Payments (rescission).....	-9,000	---	---	+9,000	---
Total, Federal Emergency Management Agency (including transfers).....	7,572,906	7,234,818	7,353,118	-219,788	+118,300
Appropriations.....	(6,987,906)	(7,234,818)	(7,369,118)	(+381,212)	(+134,300)
Emergency appropriations.....	(610,000)	---	---	(-610,000)	---
Rescissions.....	(-9,000)	---	---	(+9,000)	---
by transfer.....	(105,600)	(50,000)	(90,080)	(-15,520)	(+40,080)
transfer out.....	(-121,600)	(-50,000)	(-106,080)	(+15,520)	(-56,080)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---
Total, title III, Protection, Preparedness, Response and Recovery Directorate.....	8,888,360	8,691,755	8,761,241	-127,119	+69,486
Appropriations.....	(8,303,360)	(8,691,755)	(8,777,241)	(+473,881)	(+85,486)
Emergency appropriations.....	(610,000)	---	---	(-610,000)	---
Rescissions.....	(-9,000)	---	---	(+9,000)	---
By transfer.....	(105,600)	(50,000)	(90,080)	(-15,520)	(+40,080)
Transfer out.....	(-121,600)	(-50,000)	(-106,080)	(+15,520)	(-56,080)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES					
United States Citizenship and Immigration Services					
Appropriations:					
Basic pilot program.....	100,000	112,000	112,000	+12,000	---
Benefit parole programs.....	540	---	---	-540	---
Immigration integration programs.....	1,200	10,000	11,000	+9,800	+1,000
REAL ID Act implementation.....	---	25,000	25,000	+25,000	---
Asylum and refugee services.....	---	206,000	100,000	+100,000	-106,000
Data center consolidation.....	---	11,000	---	---	-11,000
Subtotal.....	101,740	364,000	248,000	+146,260	-116,000
-----					
Adjudication services (fee account):					
Pay and benefits.....	(780,076)	---	---	(-780,076)	---
District operations.....	(535,156)	(1,132,317)	(1,036,219)	(+501,063)	(-96,098)
Service center operations.....	(345,890)	(549,623)	(513,895)	(+168,005)	(-35,728)
Asylum, refugee and international operations.....	(92,602)	---	---	(-92,602)	---
International operations.....	---	(64,587)	(123,196)	(+123,196)	(+58,609)
Records operations.....	(85,946)	(107,113)	(106,266)	(+20,320)	(-847)
Business transformation.....	(139,000)	(173,264)	(173,264)	(+34,264)	---
Digitization program (display only, nonadd)...	(28,000)	(29,000)	(29,000)	(+1,000)	---
Subtotal, Adjudication services.....	(1,978,670)	(2,026,904)	(1,952,840)	(-25,830)	(-74,064)
-----					
Information and customer services (fee account):					
Pay and benefits.....	(92,587)	---	---	(-92,587)	---



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill B111	Bill vs. Enacted	Bill vs. Request
Information and customer service.....	---	(89,050)	---	---	(-89,050)
National Customer Service Centers.....	(53,747)	---	(51,755)	(-1,992)	(+51,755)
Information services.....	(21,465)	---	(102,434)	(+80,969)	(+102,434)
Subtotal, Information and customer services.....	(167,799)	(89,050)	(154,189)	(-13,610)	(+65,139)
Administration (fee account):					
Administration.....	---	(365,932)	(374,856)	(+374,856)	(+8,924)
Pay and benefits.....	(88,746)	---	---	(-88,746)	---
Operating expenses.....	(285,153)	---	---	(-285,153)	---
Subtotal, Administration.....	(373,899)	(365,932)	(374,856)	(+957)	(+8,924)
Systematic Alien Verification for Entitlements (SAVE) (fee accounts).....	(18,818)	(21,346)	(21,347)	(+2,529)	(+1)
Total, United States Citizenship and Immigration Services.....	(2,640,926)	(2,867,232)	(2,751,232)	(+110,306)	(-116,000)
Appropriations.....	(101,740)	(364,000)	(248,000)	(+146,260)	(-116,000)
Total Fees.....	(2,539,186)	(2,503,232)	(2,503,232)	(-35,954)	---
(Immigration Examination Fees).....	(2,495,186)	(2,451,884)	(2,451,884)	(-43,302)	---
(Fraud prevention and detection fees)....	(31,000)	(38,348)	(38,348)	(+7,348)	---
(H1B Non-Immigrant Petitioner fees).....	(13,000)	(13,000)	(13,000)	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Federal Law Enforcement Training Center</b>					
<b>Salaries and expenses:</b>					
Law enforcement training.....	245,240	244,047	238,047	-7,193	-6,000
Accreditation.....	1,290	1,309	1,309	+19	---
Subtotal, Salaries and expenses.....	246,530	245,356	239,356	-7,174	-6,000
<b>Acquisitions, construction, improvements, and related expenses:</b>					
Direct appropriation.....	86,456	43,456	43,456	-43,000	---
<b>Total, Federal Law Enforcement Training Center..</b>	<b>332,986</b>	<b>288,812</b>	<b>282,812</b>	<b>-50,174</b>	<b>-6,000</b>
<b>Science and Technology</b>					
Management and administration.....	132,100	142,200	142,200	+10,100	---
<b>Research, development, acquisition, and operations:</b>					
Border and maritime security.....	33,050	40,181	40,181	+7,131	---
Chemical and biological.....	200,408	206,800	221,900	+21,492	+15,100
Command, control, and interoperability.....	74,890	80,284	80,764	+5,874	+500
Explosives.....	96,149	120,809	120,809	+24,660	---
Human factors.....	12,460	15,087	16,887	+4,427	+1,800
Infrastructure and geophysical.....	75,816	44,742	52,093	-23,723	+7,351
Innovation.....	33,000	44,000	44,000	+11,000	---
Laboratory facilities.....	161,940	154,500	123,188	-38,752	-31,312
Test and evaluations/standards.....	28,674	28,674	29,000	+326	+326
Transition.....	28,830	45,134	46,134	+17,304	+1,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
University programs.....	50,270	46,000	50,400	+130	+4,400
Homeland Security Institute.....	5,000	---	---	-5,000	---
Subtotal, Research, development, acquisition, and operations.....	800,487	826,191	825,356	+24,869	-835
Total, Science and Technology.....	932,587	968,391	967,556	+34,969	-835
Domestic Nuclear Detection Office					
Management and administration.....	37,500	39,599	39,599	+2,099	---
Research, development, and operations:					
Systems engineering and architecture.....	25,147	25,448	25,448	+301	---
Systems development.....	108,100	100,000	100,000	-8,100	---
Transformational research and development.....	103,300	110,537	110,537	+7,237	---
Assessments.....	32,000	32,416	32,416	+416	---
Operations support.....	37,753	38,436	38,436	+683	---
National Technical Nuclear Forensics Center.....	16,900	19,700	19,700	+2,800	---
Research, development, and operations.....	323,200	326,537	326,537	+3,337	---
Systems acquisition:					
RPM/ASP program.....	120,491	---	---	-120,491	---
Securing the Cities.....	20,000	---	---	-20,000	---
HPRDS program.....	13,000	---	---	-13,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Systems acquisition.....	153,491	---	---	-153,491	---
Total, Domestic Nuclear Detection Office.....	514,191	366,136	366,136	-148,055	---
Total, title IV, Research and Development, Training, and Services.....	1,881,504	1,987,389	1,864,504	-17,000	-122,835
(Fee Accounts).....	(2,539,186)	(2,503,232)	(2,503,232)	(-35,954)	---

TITLE V - GENERAL PROVISIONS

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Enacted provisions:					
Sec. 547: REAL ID Grants.....	50,000	---	---	-50,000	---
Sec. 547: REAL ID Information Sharing and Verification System.....	50,000	---	---	-50,000	---
Sec. 549: Rescission, TSA undistributed carryover.	-31,000	---	---	+31,000	---
Sec. 550: Rescission of unobligated balances, A&O.	-21,373	---	---	+21,373	---
Sec. 551: Rescission of unobligated balances, Coast Guard Ac&I.....	-20,000	---	---	+20,000	---
Sec. 539: Rescission of unobligated balances, A&O.....	---	---	-2,203	-2,203	-2,203
Sec. 542: Rescission of unobligated balances, IPIS.....	---	---	-5,963	-5,963	-5,963
Sec. 550: Rescission of unobligated balances, Trucking Industry Security Grants.....	---	---	-5,572	-5,572	-5,572
Total, title V, General Provisions.....	27,627	---	-13,738	-41,365	-13,738
Appropriations.....	(100,000)	---	---	(-100,000)	---
Rescissions.....	(-72,373)	---	(-13,738)	(+58,635)	(-13,738)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grand total.....	44,080,245	44,190,938	43,986,245	-94,000	-204,693
Appropriations.....	(41,306,618)	(44,190,938)	(43,758,480)	(+2,451,862)	(-432,458)
(Discretionary).....	(40,069,873)	(42,829,693)	(42,397,235)	(+2,327,362)	(-432,458)
(Mandatory).....	(1,236,745)	(1,361,245)	(1,361,245)	(+124,500)	---
Emergency appropriations.....	(2,855,000)	---	---	(-2,855,000)	---
Overseas contingent operations.....	---	---	(241,503)	(+241,503)	(+241,503)
Rescissions.....	(-81,373)	---	(-13,738)	(+67,635)	(-13,738)
Fee funded programs.....	(4,326,331)	(4,281,232)	(4,298,132)	(-28,199)	(+16,900)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
(Transfer out).....	(-121,600)	(-50,000)	(-106,080)	(+15,520)	(-56,080)
(By transfer - contingent emergency).....	---	(241,503)	---	---	(-241,503)
(By transfer).....	(121,600)	(50,000)	(106,080)	(-15,520)	(+56,080)
(Overseas contingency operations).....	---	---	(241,503)	(+241,503)	(+241,503)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>DEPARTMENT OF HOMELAND SECURITY SUMMARY</b>					
<b>TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS</b>					
Departmental operations.....	1,170,026	1,260,018	1,124,796	-45,230	-135,222
Office of the Federal Coordinator for Gulf Coast Rebuilding.....	1,900	2,000	2,000	+100	---
Office of Inspector General.....	119,513	127,874	127,874	+8,361	---
Total, title I (including transfers).....	1,291,439	1,389,892	1,254,670	-36,769	-135,222
<b>TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS</b>					
U.S. Customs and Border Protection.....	11,948,886	11,481,424	11,399,301	-549,585	-82,123
U.S. Immigration and Customs Enforcement.....	5,308,210	5,776,000	5,746,311	+438,101	-29,689
Transportation Security Administration.....	7,977,358	7,773,956	7,689,146	-288,212	-84,810
Coast Guard.....	9,601,052	9,970,491	9,968,326	+367,274	-2,165
(Mandatory appropriations).....	(1,236,745)	(1,361,245)	(1,361,245)	(+124,500)	---
(Discretionary appropriations).....	(8,364,307)	(8,609,246)	(8,607,081)	(+242,774)	(-2,165)
United States Secret Service.....	1,512,954	1,489,584	1,461,384	-51,570	-28,200
Total, title II.....	36,348,460	36,491,455	36,264,468	-83,992	-226,987
(Fee accounts).....	-1,787,145	-2,019,503	-1,794,900	-7,755	+224,603
(Capital funds).....	-250,000	-250,000	-250,000	---	---
(Offsetting collections).....	-2,320,000	-2,100,000	-2,100,000	+220,000	---
Net total.....	31,991,315	32,121,952	32,119,568	+128,253	-2,384
(Discretionary appropriations).....	(30,754,570)	(30,760,707)	(30,758,323)	(+3,753)	(-2,384)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE III - PROTECTION, PREPAREDNESS, RESPONSE AND RECOVERY</b>					
National Protection and Programs Directorate.....	1,158,263	1,318,937	1,279,723	+121,460	-39,214
Office of Health Affairs.....	157,191	138,000	128,400	-28,791	-9,600
Federal Emergency Management Agency.....	7,572,906	7,234,818	7,353,118	-219,788	+118,300
Total, title III (including transfers).....	8,888,360	8,691,755	8,761,241	-127,119	+69,486
<b>TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES</b>					
United States Citizenship and Immigration Services.....	2,640,926	2,867,232	2,751,232	+110,306	-116,000
Fee accounts.....	2,539,186	2,503,232	2,503,232	-35,954	---
Net total.....	101,740	364,000	248,000	+146,260	-116,000
Federal Law Enforcement Training Center.....	332,986	288,812	282,812	-50,174	-6,000
Science and Technology.....	932,587	968,391	967,556	+34,969	-835
Domestic Nuclear Detection Office.....	514,191	366,136	366,136	-148,055	---
Total, title IV.....	4,420,690	4,490,571	4,367,736	-52,954	-122,835
(excluding fee accounts).....	(1,881,504)	(1,987,339)	(1,864,504)	(-17,000)	(-122,835)
<b>TITLE V - GENERAL PROVISIONS</b>					
General provisions.....	27,627	---	-13,738	-41,365	-13,738

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2009  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2010  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, title V.....	27,627	---	-13,738	-41,365	-13,738
=====					
TOTAL, DEPARTMENT OF HOMELAND SECURITY.....	43,400,245	44,190,938	43,986,245	+586,000	-204,693
Mandatory.....	(1,236,745)	(1,361,245)	(1,361,245)	(+124,500)	---
Discretionary.....	(42,163,500)	(42,829,693)	(42,625,000)	(+461,500)	(-204,693)



## ADDITIONAL VIEWS OF JERRY LEWIS AND HAROLD ROGERS

On June 12, 2009, the full committee unanimously approved the fiscal year 2010 Homeland Security Appropriations bill. This bill continues the Subcommittee's bipartisan tradition, and we sincerely appreciate the majority's willingness to listen to our concerns and accommodate them as much as possible. We are especially appreciative of the majority's commitment to move this bill through the regular appropriations process, including floor consideration under an open rule. However, we note with disappointment the apparent decision to stifle debate through the requirement to have all potential amendments pre-printed in the Congressional Record prior to the bill being considered on the floor of the House of Representatives. Such arbitrary and unnecessary rules inhibit a fair and open airing of views on this important bill and are contrary to the best traditions of the Committee on Appropriations.

### BUDGET PRINCIPLES

We remain concerned about the overall funding level of the President's fiscal year 2010 budget request for the Department of Homeland Security (DHS) and note a 302(b) allocation for this bill that is nearly half a billion dollars lower than the request. We note the majority's insistence to compare a 302(b) allocation that includes \$241.5 million in overseas contingency operations funding for the Coast Guard to a discretionary request that does not include such funding. This flawed comparison gives the misleading impression that the majority's fiscal year 2010 allocation for this homeland security bill is a smaller reduction below the President's request. On the contrary and as previously noted, a direct and accurate comparison shows a larger, near half billion dollar reduction below the budget request.

The President's request for and the majority's subsequent endorsement of marginal funding for security relative to enormous and poorly justified increases on domestic spending, constitutes a prioritization of government functions and a fiscal outlook that we do not share. At a time of such economic turmoil, we maintain that a much more fiscally disciplined fiscal year 2010 budget is a far more prudent and responsible course of action. We are supportive of budget priorities that invoke fiscal discipline, reduce overall spending, provide greater support for defense and security-related activities, and limit other government functions to sufficient, inflationary gains.

### CONCERNS WITH THE BILL

As for the substance of the fiscal year 2010 Homeland Security Appropriations bill, we are supportive of this thoughtful and reasonable piece of legislation. The bill provides funding for critical se-

curity functions ranging from overseas contingency operations and interdiction efforts, to fortification of our borders and immigration enforcement to improvement of our Nation's preparedness. However, we do have a few specific concerns for homeland security in fiscal year 2010 we wish to note, including: relatively large funding increases for administrative and policy functions compared to marginal gains for operations; a lack of clear planning and consideration of the security implications of the closure of the detention facility at Naval Station Guantanamo Bay, Cuba; an overstatement of the prioritization of immigration enforcement resources upon criminal aliens; and an incomplete commitment to the vital E-Verify system. All of these concerns were addressed during the Committee's consideration of the bill through either an amendment or the statements of several Republican Members.

#### BUREAUCRACY VS. OPERATIONS

We note the President's misguided priorities contained in his fiscal year 2010 budget proposal that requested a more than 30 percent increase for administrative and policy functions at the Department of Homeland Security (DHS), but a more than 11 percent decrease in CBP's procurement of operational assets and, for the first time we can recall, a decrease in active duty Coast Guard personnel. These flawed priorities are contradicted by the Administration's strategy on Southwest Border enforcement and combating the Mexican drug cartels, released on June 5, 2009 (approximately one month after the fiscal year 2010 budget was submitted to Congress). This strategy professes the need to enhance our intelligence and drug interdiction capabilities; and yet, the President's budget proposal only marginally increases DHS's intelligence office and Border Patrol and actually proposes resource reductions to the very agencies responsible for drug interdiction along our borders and in the source and transit zones, as noted. Given the current threat environment and the pervasive aggression of the Mexican drug cartels, we maintain that now is perhaps the absolute worst time to shortchange operations and to espouse such blatant hypocrisy in the support of such critical security functions. While the majority has endeavored to significantly improve an extremely imbalanced and poorly prioritized request from the President through this spending bill, we continue to believe much more can be done to support our front line Coast Guardsmen, Border Patrol agents, CBP Officers, and ICE and Secret Service investigators.

The fiscal year 2010 Homeland Security Appropriations bill endeavors to make some notable efforts to correct the President's imbalanced request by curtailing increases in bureaucratic functions and somewhat enhancing operations. Therefore, we applaud the majority's increases to ICE's Southwest Border enforcement operations, CBP's Air and Marine Operations Center, and to the Coast Guard's airborne use of force and law enforcement detachment operations. However, we note that the bill still supports a 15.8 percent increase for DHS's administrative offices and that increase is on top of \$205 million provided for such functions in the American Recovery and Reinvestment Act (ARRA). We maintain that under the prevailing economic conditions, and with known, yet unfunded operational priorities, it is certainly more than reasonable to ask

the headquarters and policy functions of DHS to make due with a funding increase for fiscal year 2010 that is much closer to inflation than a disproportional 15.8 percent increase.

CBP and the Coast Guard both have known personnel and acquisition needs unfunded by both the budget request and by this bill. Whether it is additional aerial surveillance assets or more operational personnel, these resources are absolutely vital to the safety and security of our Nation. Insufficient funding for priorities such as the operational test and evaluation of unmanned aerial systems for cutter applications, additional land-based unmanned aerial systems for maritime and coastal applications, and additional manned surveillance and transport assets along our border, increase the risk of contraband smuggling and illicit penetration of our territorial waters and borders. We maintain that more can and should be done and we will continue to voice our support for the further enhancement of operations.

SECURITY IMPLICATIONS OF CLOSING THE DETENTION FACILITY AT  
NAVAL STATION GUANTANAMO BAY, CUBA

As the President moves forward with his pledge to close the detention facility at Naval Station Guantanamo Bay, Cuba, the Congress has voiced a near unanimous concern over the lack of planning for this effort. Given the complexities surrounding this facility and the diplomatic, legal, and security implications of its closure, we strongly believe it is only prudent for the Administration to present its plan to Congress and the American people before undertaking piecemeal efforts to satisfy a campaign promise. Furthermore, we are troubled by the Administration's actions to release and transfer detainees without regard for the concerns currently being expressed by Congress through the pending fiscal year 2009 supplemental appropriations bill and the recently filed fiscal year 2010 Commerce, Justice, Science, and Related Agencies Appropriations bill. Such blatant disregard for Congress by the Administration is unacceptable. Therefore, we are sincerely appreciative of the bipartisan and thoughtful manner in which the Committee approached the debate and adoption of our amendment pertaining to disposition of detainees at Naval Station, Guantanamo Bay, Cuba. This amendment requires the Secretary of Homeland Security to conduct a thorough threat assessment of each and every individual detained at Naval Station Guantanamo Bay, Cuba, as of April 30, 2009, as part of the plan for disposition of the detention facility. The amendment also requires the names of all detainees be placed on the No Fly list and prevents direct appropriations from being used to grant an immigration benefit. We perfected this amendment to allay the majority's concerns and clarify that the limitation on direct appropriations from being used to grant an immigration benefit would not inhibit transfers for the purposes of prosecution.

PRIORITIZING CRIMINAL ALIENS AT THE EXPENSE OF HOMELAND  
SECURITY

Over the past few years, the majority has undertaken an effort to concentrate ICE's resources upon the identification and removal of illegal aliens who are convicted of a crime and judged deportable. We fully support this laudable effort, but maintain that an empha-

sis upon criminal aliens must not come at the expense of other, critical immigration enforcement functions such as fugitive operations, worksite enforcement, terrorist travel, and transnational criminal investigations. We vigorously oppose efforts to “prioritize” immigration enforcement resources as a means to reform the immigration system. We also remind those who wish to prioritize immigration enforcement resources that none of the 9/11 hijackers could have been classified as “criminal aliens” and that all of those terrorists exploited our legal immigration system. We believe immigration enforcement plays a critical role within our homeland security and should not be inhibited or confined to one subset of illegal aliens. Therefore, we respectfully disagree with the majority’s position that, “. . . Congress has emphasized that ICE must have no higher immigration enforcement priority . . .” in reference to criminal aliens and as stated on page 49 of the report accompanying the bill.

#### SUPPORTING E-VERIFY AND LAWFUL EMPLOYMENT

The electronic employment eligibility verification system known as E-Verify is the best and only tool available for employers to determine whether potential employees are lawful applicants. We believe that such a system is absolutely essential to the American economy as unemployment remains unacceptably high. We appreciate the bill’s inclusion of \$112 million, as requested, for E-Verify, but are disappointed by the bill’s truncation of the requested three-year extension of E-Verify’s underlying authorization to only two years. We are further dismayed that this reduction is based upon a projected timeline for the “completion of comprehensive immigration reform”. We do not see this as a realistic timeline or a justifiable excuse for reducing the President’s request for a three-year extension. therefore, we were fully supportive of a thoughtful amendment offered during the Committee’s consideration of the bill to include a permanent reauthorization of this vital system. Unfortunately, this amendment was defeated on a party-line vote. In addition, we are supportive of efforts to mandate the Federal Government to require its contractors to participate in E-Verify and fail to understand why the current Administration has postponed implementation of such a requirement three times in the last five months. Another thoughtful amendment was offered during the Committee’s consideration of the bill that would have required all DHS contractors to participate in E-Verify. Unfortunately, this amendment was also defeated on a party-line vote. Given the sensitivity of the security-related work of DHS, it is only prudent that its contractors be required to verify the eligibility of their employees.

#### OTHER FUNDING ISSUES

We note the bill continues to fund State and local first responder grants at a total of nearly \$4 billion, or almost ten percent of the bill’s discretionary funding. While we are absolutely committed to assisting our State and local homeland security partners and improving our National preparedness, we remain concerned at the slow expenditure of these grants. Including the funds provided in the bill, more than \$30 billion have been provided via first re-

sponder grants since 9/11 and more than a third of that total is unspent. Unfortunately, there is no way to measure the effectiveness of these funds in terms of how they have either improved our preparedness or reduced our known vulnerabilities. While we appreciate the nascent efforts of FEMA to assess the impacts of grant monies, we believe more can and should be done in that regard. The American people deserve a reasonable, measurable security return on an investment of this magnitude.

We note that the Administration requested no funding for procuring and deploying additional radiation detection equipment and that the bill supports this request. We understand that the decision to provide no funding for the procurement of the still unproven Advanced Spectroscopic Portal monitors was made on the basis of compelling budgetary reasons as opposed to a policy determination. We believe that it is crucial to note, however, that the decision to provide absolutely no funding for additional detection equipment that is presently in use (using the current generation of proven technology) can potentially result in a security liability at a time of persistent threat. We maintain that more can and perhaps should be done in this regard.

While we have been very direct in voicing our concerns, 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 DHS on track to produce results, as well as continuing the Committee's tradition of strict accountability. We look forward to working with the majority as this bill continues to move through the fiscal year 2010 appropriations cycle.

JERRY LEWIS.  
HAROLD ROGERS.

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