

Union Calendar No. 558

110TH CONGRESS
2D SESSION

H. R. 6947

[Report No. 110-862]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2008

Mr. PRICE of North Carolina, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Homeland Security for the fiscal year end-
6 ing September 30, 2009, and for other purposes, namely:

1 TITLE I—DEPARTMENTAL MANAGEMENT AND
2 OPERATIONS

3 OFFICE OF THE SECRETARY AND EXECUTIVE
4 MANAGEMENT

5 For necessary expenses of the Office of the Secretary
6 of Homeland Security, as authorized by section 102 of the
7 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
8 tive management of the Department of Homeland Secu-
9 rity, as authorized by law, \$117,413,000: *Provided*, That
10 not to exceed \$60,000 shall be for official reception and
11 representation expenses.

12 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

13 For necessary expenses of the Office of the Under
14 Secretary for Management, as authorized by sections 701
15 through 705 of the Homeland Security Act of 2002 (6
16 U.S.C. 341 through 345), \$189,695,000, of which not to
17 exceed \$3,000 shall be for official reception and represen-
18 tation expenses: *Provided*, That of the total amount,
19 \$6,000,000 shall remain available until expended solely for
20 the alteration and improvement of facilities, tenant im-
21 provements, and relocation costs to consolidate Depart-
22 ment headquarters operations at the Nebraska Avenue
23 Complex.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-
3 nancial Officer, as authorized by section 103 of the Home-
4 land Security Act of 2002 (6 U.S.C. 113), \$55,235,000,
5 of which \$12,000,000 shall remain available until ex-
6 pended for financial systems improvements.

7 OFFICE OF THE CHIEF INFORMATION OFFICER

8 For necessary expenses of the Office of the Chief In-
9 formation Officer, as authorized by section 103 of the
10 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
11 partment-wide technology investments, \$247,369,000; of
12 which \$86,928,000 shall be available for salaries and ex-
13 penses; and of which \$160,441,000, to remain available
14 until expended, shall be available for development and ac-
15 quisition of information technology equipment, software,
16 services, and related activities for the Department of
17 Homeland Security: *Provided*, That none of the funds ap-
18 propriated shall be used to support or supplement the ap-
19 propriations provided for the United States Visitor and
20 Immigrant Status Indicator Technology project or the
21 Automated Commercial Environment: *Provided further*,
22 That the Chief Information Officer shall submit to the
23 Committees on Appropriations of the Senate and the
24 House of Representatives, not later than 60 days after the
25 date of the enactment of this Act, an expenditure plan

1 for all information technology acquisition projects that are
2 funded under this heading or are funded by multiple com-
3 ponents of the Department of Homeland Security through
4 reimbursable agreements: *Provided further*, That such ex-
5 penditure plan shall include each specific project funded,
6 key milestones, all funding sources for each project, details
7 of annual and lifecycle costs, and projected cost savings
8 or cost avoidance to be achieved by the project: *Provided*
9 *further*, That none of the funds provided in this or any
10 previous Act for data center development shall be used in
11 any manner other than the most managerially effective
12 and economically sound, as determined by the Chief Infor-
13 mation Officer.

14 ANALYSIS AND OPERATIONS

15 For necessary expenses for information analysis and
16 operations coordination activities, as authorized by title II
17 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
18 seq.), \$324,423,000, of which not to exceed \$5,000 shall
19 be for official reception and representation expenses, and
20 of which \$217,523,000 shall remain available until Sep-
21 tember 30, 2010: *Provided*, That none of the funds pro-
22 vided under this heading shall be available to commence
23 operations of the National Applications Office law enforce-
24 ment domain or the National Immigration Information
25 Sharing Operation until the Secretary certifies in fiscal

1 year 2009 that these programs comply with all existing
2 laws, including all applicable privacy and civil liberties
3 standards, and that certification is reviewed by the Gov-
4 ernment Accountability Office: *Provided further*, That
5 none of the funds provided under this heading shall be
6 available to commence operations of the National Applica-
7 tions Office civil applications domain or homeland security
8 domain until the Secretary certifies that these programs
9 comply with all existing laws, including all applicable pri-
10 vacy and civil liberties standards, and that certification is
11 reviewed by the Government Accountability Office.

12 OFFICE OF THE FEDERAL COORDINATOR FOR GULF
13 COAST REBUILDING

14 For necessary expenses of the Office of the Federal
15 Coordinator for Gulf Coast Rebuilding, \$341,000.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978 (5 U.S.C. App.), \$101,013,000, of
20 which not to exceed \$150,000 may be used for certain con-
21 fidential operational expenses, including the payment of
22 informants, to be expended at the direction of the Inspec-
23 tor General.

1 rental space in connection with preclearance operations;
2 and of which not to exceed \$1,000,000 shall be for awards
3 of compensation to informants, to be accounted for solely
4 under the certificate of the Secretary of Homeland Security:
5 *Provided*, That for fiscal year 2009, the overtime limitation
6 prescribed in section 5(c)(1) of the Act of February
7 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding
8 any other provision of law, none of the funds
9 appropriated by this Act may be available to compensate
10 any employee of U.S. Customs and Border Protection for
11 overtime, from whatever source, in an amount that exceeds
12 such limitation, except in individual cases determined
13 by the Secretary of Homeland Security, or the designee
14 of the Secretary, to be necessary for national security
15 purposes, to prevent excessive costs, or in cases of
16 immigration emergencies: *Provided further*, That no funding
17 available under this heading may be obligated for the
18 operation of the Analytical Framework for Intelligence Officers
19 until the Commissioner of U.S. Customs and Border
20 Protection certifies that this Framework complies with all
21 applicable laws, including section 552a of title 5, United
22 States Code, and other laws protecting privacy, and such
23 certification is reviewed by the Inspector General of the
24 Department of Homeland Security.

1 practicable, and other forms of tactical infrastructure and
2 technology, that includes the following—

3 (1) a detailed accounting of the program’s im-
4 plementation to date for all investments, including
5 technology and tactical infrastructure, for funding
6 already expended relative to system capabilities or
7 services, system performance levels, mission benefits
8 and outcomes, milestones, cost targets, program
9 management capabilities, identification of the max-
10 imum investment, including lifecycle costs, related to
11 the Secure Border Initiative program or any suc-
12 cessor program, and description of the methodology
13 used to obtain these cost figures;

14 (2) a description of how specific projects will
15 further the objectives of the Secure Border Initia-
16 tive, as defined in the Department of Homeland Se-
17 curity Secure Border Plan, and how the expenditure
18 plan allocates funding to the highest priority border
19 security needs;

20 (3) an explicit plan of action defining how all
21 funds are to be obligated to meet future program
22 commitments, with the planned expenditure of funds
23 linked to the milestone-based delivery of specific ca-
24 pabilities, services, performance levels, mission bene-

1 fits and outcomes, and program management capa-
2 bilities;

3 (4) an identification of staffing, including full-
4 time equivalents, contractors, and detailees, by pro-
5 gram office;

6 (5) a description of how the plan addresses se-
7 curity needs at the Northern border and ports of
8 entry, including infrastructure, technology, design
9 and operations requirements, specific locations where
10 funding would be used, and priorities for Northern
11 border activities;

12 (6) a report on budget, obligations and expendi-
13 tures, the activities completed, and the progress
14 made by the program in terms of obtaining oper-
15 ational control of the entire border of the United
16 States;

17 (7) a listing of all open Government Account-
18 ability Office and the Office of Inspector General
19 recommendations related to the program and the
20 status of Department of Homeland Security actions
21 to address the recommendations, including mile-
22 stones to fully address such recommendations;

23 (8) a certification by the Chief Procurement Of-
24 ficer of the Department that the program: (a) has
25 been reviewed and approved in accordance with the

1 investment management process of the Department,
2 and that the process fulfills all capital planning and
3 investment control requirements and reviews estab-
4 lished by the Office of Management and Budget, in-
5 cluding as provided in Circular A-11, part 7; (b)
6 that the plans for the program comply with the Fed-
7 eral acquisition rules, requirements, guidelines, and
8 practices, and a description of the actions being
9 taken to address areas of non-compliance, the risks
10 associated with such actions, together with any plans
11 for addressing these risks, and the status of the im-
12 plementation of such actions; (c) that procedures to
13 prevent conflicts of interest between the prime inte-
14 grator and major subcontractors are established and
15 that the Secure Border Initiative Program Office
16 has adequate staff and resources to effectively man-
17 age the Secure Border Initiative program, all con-
18 tracts, including the exercise of technical oversight;
19 and (d) the certifications required under this para-
20 graph should be accompanied by all documents or
21 memoranda, as well as documentation and a descrip-
22 tion of the investment review processes used to ob-
23 tain such certifications;

24 (9) a certification by the Chief Information Of-
25 ficer of the Department that: (a) the system archi-

1 tecture of the program is sufficiently aligned with
2 the information systems enterprise architecture of
3 the Department to minimize future rework, includ-
4 ing a description of all aspects of the architectures
5 that were or were not assessed in making the align-
6 ment determination, the date of the alignment deter-
7 mination, and any known areas of misalignment to-
8 gether with the associated risks and corrective ac-
9 tions to address any such areas; (b) the program has
10 a risk management process that regularly and
11 proactively identifies, evaluates, mitigates, and mon-
12 itors risks throughout the system life cycle and com-
13 municates high-risk conditions to U.S. Customs and
14 Border Protection and Department investment deci-
15 sion-makers, as well as a listing of all the program's
16 high risks and the status of efforts to address such
17 risks; (c) an independent verification and validation
18 agent is currently under contract for the projects
19 funded under this heading; (d) and the certification
20 required under this paragraph should be accom-
21 panied by all documents or memoranda, as well as
22 documentation and a description of the investment
23 review processes used to obtain such certification;

24 (10) a certification by the Chief Human Capital
25 Officer of the Department that the human capital

1 needs of the Secure Border Initiative program are
2 being addressed so as to ensure adequate staff and
3 resources to effectively manage the Secure Border
4 Initiative, together with a description of SBI staffing
5 priorities;

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

14 (12) is reviewed by the Government Account-
15 ability Office:

16 *Provided further*, That the Secretary shall report to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives on program progress, and obli-
19 gations and expenditures for all outstanding task orders
20 as well as specific objectives to be achieved through the
21 award of current and remaining task orders planned for
22 the balance of available appropriations at least 15 days
23 before the award of any task order requiring an obligation
24 of funds in an amount greater than \$25,000,000 and be-
25 fore the award of a task order that would cause cumulative

1 obligations of funds to exceed 50 percent of the total
2 amount appropriated: *Provided further*, That none of the
3 funds provided under this heading may be obligated unless
4 the Department has complied with section 102(b)(1)(C)(i)
5 of the Illegal Immigration Reform and Immigrant Respon-
6 sibility Act of 1996 (8 U.S.C. 1103 note), and the Sec-
7 retary of Homeland Security certifies such to the Commit-
8 tees on Appropriations of the Senate and the House of
9 Representatives: *Provided further*, That none of the funds
10 under this heading may be obligated for any project or
11 activity for which the Secretary has exercised waiver au-
12 thority pursuant to section 102(c) of the Illegal Immigra-
13 tion Reform and Immigrant Responsibility Act of 1996
14 (8 U.S.C. 1103 note) until 15 days have elapsed from the
15 date of the publication of the decision in the Federal Reg-
16 ister.

17 AIR AND MARINE INTERDICTION, OPERATIONS,
18 MAINTENANCE, AND PROCUREMENT

19 For necessary expenses for the operations, mainte-
20 nance, and procurement of marine vessels, aircraft, un-
21 manned aircraft systems, and other related equipment of
22 the air and marine program, including operational train-
23 ing and mission-related travel, and rental payments for
24 facilities occupied by the air or marine interdiction and
25 demand reduction programs, the operations of which in-

1 clude the following: the interdiction of narcotics and other
2 goods; the provision of support to Federal, State, and local
3 agencies in the enforcement or administration of laws en-
4 forced by the Department of Homeland Security; and at
5 the discretion of the Secretary of Homeland Security, the
6 provision of assistance to Federal, State, and local agen-
7 cies in other law enforcement and emergency humani-
8 tarian efforts, \$510,000,000, to remain available until ex-
9 pended: *Provided*, That no aircraft or other related equip-
10 ment, with the exception of aircraft that are one-of-a-kind
11 and have been identified as excess to U.S. Customs and
12 Border Protection requirements and aircraft that have
13 been damaged beyond repair, shall be transferred to any
14 other Federal agency, department, or office outside of the
15 Department of Homeland Security during fiscal year 2009
16 without the prior approval of the Committees on Appro-
17 priations of the Senate and the House of Representatives.

18 CONSTRUCTION

19 For necessary expenses to plan, construct, renovate,
20 equip, and maintain buildings and facilities necessary for
21 the administration and enforcement of the laws relating
22 to customs and immigration, \$363,501,000, to remain
23 available until expended.

1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
2 SALARIES AND EXPENSES

3 For necessary expenses for enforcement of immigra-
4 tion and customs laws, detention and removals, and inves-
5 tigation; and purchase and lease of up to 3,790 (2,350
6 for replacement only) police-type vehicles; \$4,746,171,000,
7 of which not to exceed \$7,500,000 shall be available until
8 expended for conducting special operations under section
9 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
10 2081); of which not to exceed \$15,000 shall be for official
11 reception and representation expenses; of which not to ex-
12 ceed \$1,000,000 shall be for awards of compensation to
13 informants, to be accounted for solely under the certificate
14 of the Secretary of Homeland Security; of which not less
15 than \$305,000 shall be for promotion of public awareness
16 of the child pornography tipline and anti-child exploitation
17 activities as requested by the President; and of which not
18 to exceed \$11,216,000 shall be available to fund or reim-
19 burse other Federal agencies for the costs associated with
20 the care, maintenance, and repatriation of smuggled aliens
21 unlawfully present in the United States: *Provided*, That
22 of the total amount available, not less than \$800,000,000
23 shall be available to identify aliens convicted of a crime
24 and to remove them from the United States once they are
25 judged deportable: *Provided further*, That the Secretary of

1 Homeland Security or a designee of the Secretary shall
2 report to the Committees on Appropriations of the Senate
3 and the House of Representatives, at least quarterly, on
4 progress implementing the preceding proviso, and the
5 funds obligated during that quarter to make that progress:
6 *Provided further*, That the Secretary of Homeland Secu-
7 rity shall prioritize the identification and removal of aliens
8 convicted of a crime by the severity of that crime: *Provided*
9 *further*, That none of the funds made available under this
10 heading shall be available to compensate any employee for
11 overtime in an annual amount in excess of \$35,000, except
12 that the Secretary of Homeland Security, or the designee
13 of the Secretary, may waive that amount as necessary for
14 national security purposes and in cases of immigration
15 emergencies: *Provided further*, That of the total amount
16 provided, \$15,770,000 shall be for activities in fiscal year
17 2009 to enforce laws against forced child labor, of which
18 not to exceed \$6,000,000 shall remain available until ex-
19 pended: *Provided further*, That none of the funds provided
20 under this heading may be used to: (1) continue a delega-
21 tion of law enforcement authority authorized under section
22 287(g) of the Immigration and Nationality Act (8 U.S.C.
23 1357(g)) if the Department of Homeland Security Inspec-
24 tor General determines that the terms of the agreement
25 governing the delegation of authority have been violated;

1 or (2) enter into any agreement delegating law enforce-
2 ment authority to any State or political subdivision of a
3 State as authorized under such section 287(g), other than
4 at a jail, prison, or correctional institution, unless the As-
5 sistant Secretary of U.S. Immigration and Customs En-
6 forcement reviews all requests from such State, including
7 any political subdivision within the State, for such dele-
8 gated authority to ensure that the Assistant Secretary
9 gives priority to entering into agreements that will maxi-
10 mize the identification of aliens who are unlawfully present
11 in the United States and have been convicted of dangerous
12 crimes: *Provided further*, That none of the funds provided
13 under this heading may be used to continue any contract
14 for the provision of detention services if the contracted fa-
15 cility receives two overall consecutive performance evalua-
16 tions of less than “adequate” or the equivalent median
17 score in any subsequent performance evaluation system:
18 *Provided further*, That the Secretary of Homeland Secu-
19 rity shall submit to the Committees on Appropriations of
20 the Senate and the House of Representatives, not later
21 than January 5, 2009, a plan for nationwide implementa-
22 tion of the Alternatives to Detention program that identi-
23 fies: (1) the funds required for nationwide program imple-
24 mentation; (2) the timeframe for achieving nationwide
25 program implementation; and (3) an estimate of the num-

1 ber of individuals who could be enrolled in a nationwide
2 program: *Provided further*, That nothing under this head-
3 ing shall prevent U.S. Immigration and Customs Enforce-
4 ment from exercising those authorities provided under im-
5 migration laws (as defined in section 101(a)(17) of the
6 Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))
7 during priority operations pertaining to aliens convicted
8 of a crime.

9 FEDERAL PROTECTIVE SERVICE

10 The revenues and collections of security fees credited
11 to this account shall be available until expended for nec-
12 essary expenses related to the protection of federally-
13 owned and leased buildings and for the operations of the
14 Federal Protective Service: *Provided*, That the Secretary
15 of Homeland Security and the Director of the Office of
16 Management and Budget shall adjust security fees as nec-
17 essary to ensure fee collections are sufficient to ensure the
18 Federal Protective Service maintains not fewer than 1,200
19 full-time equivalent staff and 900 full-time equivalent Po-
20 lice Officers, Inspectors, Area Commanders, and Special
21 Agents who, while working, are directly engaged on a daily
22 basis protecting and enforcing laws at Federal buildings
23 (referred to as “in-service field staff”).

1 AUTOMATION MODERNIZATION

2 For expenses of immigration and customs enforce-
3 ment automated systems, \$57,000,000, to remain avail-
4 able until expended.

5 CONSTRUCTION

6 For necessary expenses to plan, construct, renovate,
7 equip, and maintain buildings and facilities necessary for
8 the administration and enforcement of the laws relating
9 to customs and immigration, \$10,000,000, to remain
10 available until expended: *Provided*, That none of the funds
11 made available under this heading may be used to solicit
12 or consider any request to privatize facilities currently
13 owned by the United States Government and used to de-
14 tain aliens unlawfully present in the United States until
15 the Committees on Appropriations of the Senate and the
16 House of Representatives receive a plan for carrying out
17 that privatization.

18 TRANSPORTATION SECURITY ADMINISTRATION

19 AVIATION SECURITY

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Transportation Secu-
22 rity Administration related to providing civil aviation secu-
23 rity services pursuant to the Aviation and Transportation
24 Security Act (Public Law 107-71; 115 Stat. 597; 49
25 U.S.C. 40101 note), \$4,743,018,000, to remain available

1 until September 30, 2010, of which not to exceed \$10,000
2 shall be for official reception and representation expenses:
3 *Provided*, That of the total amount made available under
4 this heading, not to exceed \$3,940,710,000 shall be for
5 screening operations, of which \$294,000,000 shall be
6 available only for procurement and installation of checked
7 baggage explosive detection systems; and not to exceed
8 \$792,308,000 shall be for aviation security direction and
9 enforcement: *Provided further*, That security service fees
10 authorized under section 44940 of title 49, United States
11 Code, shall be credited to this appropriation as offsetting
12 collections and shall be available only for aviation security:
13 *Provided further*, That any funds collected and made avail-
14 able from aviation security fees pursuant to section
15 44940(i) of title 49, United States Code, may, notwith-
16 standing paragraph (4) of such section 44940(i), be ex-
17 pended for the purpose of improving screening at airport
18 screening checkpoints, which may include the purchase
19 and utilization of emerging technology equipment; the re-
20 furbishment and replacement of current equipment; the
21 installation of surveillance systems to monitor checkpoint
22 activities; the modification of checkpoint infrastructure to
23 support checkpoint reconfigurations; and the creation of
24 additional checkpoints to screen aviation passengers and
25 airport personnel: *Provided further*, That of the amounts

1 provided under this heading, \$10,000,000 may be trans-
2 ferred to the “Surface Transportation Security”, “Trans-
3 portation Threat Assessment and Credentialing”, and
4 “Transportation Security Support” appropriations in this
5 Act for the purpose of implementing regulations and ac-
6 tivities authorized in the Implementing Recommendations
7 of the 9/11 Commission Act of 2007 (Public Law 110–
8 53): *Provided further*, That the sum appropriated under
9 this heading from the general fund shall be reduced on
10 a dollar-for-dollar basis as such offsetting collections are
11 received during fiscal year 2009, so as to result in a final
12 fiscal year appropriation from the general fund estimated
13 at not more than \$2,423,018,000: *Provided further*, That
14 any security service fees collected in excess of the amount
15 made available under this heading shall become available
16 during fiscal year 2010.

17 SURFACE TRANSPORTATION SECURITY

18 For necessary expenses of the Transportation Secu-
19 rity Administration related to providing surface transpor-
20 tation security activities, \$49,606,000, to remain available
21 until September 30, 2010.

22 TRANSPORTATION THREAT ASSESSMENT AND
23 CREDENTIALING

24 For necessary expenses for the development and im-
25 plementation of screening programs of the Office of

1 Transportation Threat Assessment and Credentialing,
2 \$108,807,000, to remain available until September 30,
3 2010: *Provided*, That if the Assistant Secretary of Home-
4 land Security (Transportation Security Administration)
5 determines that the Secure Flight program does not need
6 to check airline passenger names against the full terrorist
7 watch list, the Assistant Secretary shall certify to the
8 Committees on Appropriations of the Senate and the
9 House of Representatives that no significant security risks
10 are raised by screening airline passenger names only
11 against a subset of the full terrorist watch list.

12 TRANSPORTATION SECURITY SUPPORT

13 For necessary expenses of the Transportation Secu-
14 rity Administration related to providing transportation se-
15 curity support and intelligence pursuant to the Aviation
16 and Transportation Security Act (Public Law 107-71;
17 115 Stat. 597; 49 U.S.C. 40101 note), \$950,235,000, to
18 remain available until September 30, 2010: *Provided*,
19 That of the funds appropriated under this heading,
20 \$10,000,000 may not be obligated until the Secretary of
21 Homeland Security submits to the Committees on Appro-
22 priations of the Senate and the House of Representatives
23 detailed expenditure plans for checkpoint support and ex-
24 plosive detection systems refurbishment, procurement, and
25 installations on an airport-by-airport basis for fiscal year

1 2009: *Provided further*, That these plans shall be sub-
2 mitted no later than 60 days after the date of enactment
3 of this Act.

4 FEDERAL AIR MARSHALS

5 For necessary expenses of the Federal Air Marshals,
6 \$821,861,000.

7 COAST GUARD

8 OPERATING EXPENSES

9 For necessary expenses for the operation and mainte-
10 nance of the Coast Guard not otherwise provided for; pur-
11 chase or lease of not to exceed 25 passenger motor vehi-
12 cles, which shall be for replacement only; minor shore con-
13 struction projects not exceeding \$1,000,000 in total cost
14 at any location; purchase of small boats with service lives
15 of five years or less; payments pursuant to section 156
16 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat.
17 1920); and recreation and welfare; \$6,201,830,000, of
18 which \$340,000,000 shall be for defense-related activities;
19 of which \$24,500,000 shall be derived from the Oil Spill
20 Liability Trust Fund to carry out the purposes of section
21 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
22 2712(a)(5)); and of which not to exceed \$20,000 shall be
23 for official reception and representation expenses: *Pro-*
24 *vided*, That none of the funds made available by this or
25 any other Act shall be available for administrative ex-

1 penses in connection with shipping commissioners in the
2 United States: *Provided further*, That none of the funds
3 made available by this Act shall be for expenses incurred
4 for recreational vessels under section 12114 of title 46,
5 United States Code, except to the extent fees are collected
6 from yacht owners and credited to this appropriation: *Pro-*
7 *vided further*, That no funds may be obligated for oper-
8 ation of the Maritime Awareness Global Network until the
9 Commandant of the Coast Guard certifies that Network
10 complies with all applicable laws, including section 552a
11 of title 5, United States Code, and other laws protecting
12 privacy, and such certification is reviewed by the Inspector
13 General of the Department of Homeland Security: *Pro-*
14 *vided further*, That the Commandant shall submit a finan-
15 cial management improvement plan that has been re-
16 viewed by the Inspector General of the Department of
17 Homeland Security containing yearly, measurable mile-
18 stones, to the Committees on Appropriations of the Senate
19 and the House of Representatives by December 1, 2008:
20 *Provided further*, That Coast Guard shall comply with the
21 requirements of section 527 of Public Law 108-136 with
22 respect to the Coast Guard Academy.

23 ENVIRONMENTAL COMPLIANCE AND RESTORATION

24 For necessary expenses to carry out the environ-
25 mental compliance and restoration functions of the Coast

1 Guard under chapter 19 of title 14, United States Code,
2 \$13,000,000, to remain available until expended.

3 RESERVE TRAINING

4 For necessary expenses of the Coast Guard Reserve,
5 as authorized by law; operations and maintenance of the
6 reserve program; personnel and training costs; and equip-
7 ment and services; \$130,501,000.

8 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

9 (INCLUDING RESCISSION)

10 For necessary expenses of acquisition, construction,
11 renovation, and improvement of aids to navigation, shore
12 facilities, vessels, and aircraft, including equipment related
13 thereto; and maintenance, rehabilitation, lease and oper-
14 ation of facilities and equipment, as authorized by law;
15 \$1,359,068,000, of which \$20,000,000 shall be derived
16 from the Oil Spill Liability Trust Fund to carry out the
17 purposes of section 1012(a)(5) of the Oil Pollution Act
18 of 1990 (33 U.S.C. 2712(a)(5)); of which \$69,000,000
19 shall be available until September 30, 2013, to acquire,
20 repair, renovate, or improve vessels, small boats, and re-
21 lated equipment; of which \$95,174,000 shall be available
22 until September 30, 2011, for other equipment; of which
23 \$68,000,000 shall be available until September 30, 2011,
24 for shore facilities and aids to navigation facilities; of
25 which \$95,572,000 shall be available for personnel com-

1 pensionation and benefits and related costs; of which
2 \$97,578,000 shall be available until expended for a new
3 Coast Guard headquarters; and of which \$933,744,000
4 shall be available until September 30, 2013, for the Inte-
5 grated Deepwater Systems program: *Provided*, That of the
6 funds made available for the Integrated Deepwater Sys-
7 tems program, \$228,300,000 is for aircraft and
8 \$487,003,000 is for surface ships: *Provided further*, That
9 \$500,000,000 of the funds provided for the Integrated
10 Deepwater Systems program may not be obligated until
11 the Committees on Appropriations of the Senate and the
12 House of Representatives receive directly from the Coast
13 Guard and approve a plan for expenditure that—

14 (1) defines activities, milestones, yearly costs,
15 and lifecycle costs for each new procurement of a
16 major asset, including an independent cost estimate
17 for each;

18 (2) identifies lifecycle staffing and training
19 needs of Coast Guard project managers and procure-
20 ment and contract staff;

21 (3) identifies competition to be conducted in,
22 and summarizes the approved acquisition strategy
23 for, each procurement;

24 (4) includes a certification by the Chief Human
25 Capital Officer of the Department of Homeland Se-

1 curity that current human capital capabilities are
2 sufficient to execute the plan;

3 (5) includes an explanation of each procurement
4 that involves an indefinite delivery/indefinite quan-
5 tity contract and explains the need for such con-
6 tract;

7 (6) identifies individual project balances by fis-
8 cal year, including planned carryover into fiscal year
9 2009 by project;

10 (7) identifies operational gaps by asset and ex-
11 plains how funds provided in this Act address the
12 shortfalls between current operational capabilities
13 and requirements;

14 (8) includes a listing of all open Government
15 Accountability Office and Office of Inspector Gen-
16 eral recommendations related to the program and
17 the status of Coast Guard actions to address the
18 recommendations, including milestones for fully ad-
19 dressing them;

20 (9) includes a certification by the Chief Pro-
21 curement Officer of such Department that the pro-
22 gram has been reviewed and approved in accordance
23 with the investment management process of the De-
24 partment, and that the process fulfills all capital
25 planning and investment control requirements and

1 reviews established by the Office of Management and
2 Budget, including Circular A-11, part 7;

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

5 (11) identifies the use of independent validation
6 and verification; and

7 (12) is reviewed by the Government Account-
8 ability Office:

9 *Provided further*, That no funding may be obligated for
10 low rate initial production or initial production of any In-
11 tegrated Deepwater Systems program asset until Coast
12 Guard revises its Major Systems Acquisition Manual pro-
13 cedures to require a formal design review prior to the au-
14 thorization of low rate initial production or initial produc-
15 tion; *Provided further*, That the Secretary of Homeland
16 Security shall submit to the Committees on Appropria-
17 tions of the Senate and the House of Representatives, in
18 conjunction with the President's fiscal year 2010 budget,
19 a review of the Revised Deepwater Implementation Plan
20 that identifies any changes to the plan for the fiscal year;
21 an annual performance comparison of Integrated Deep-
22 water Systems program assets to pre-Deepwater legacy as-
23 sets; a status report of legacy assets; a detailed expla-
24 nation of how the costs of legacy assets are being ac-
25 counted for within the Integrated Deepwater Systems pro-

1 gram; and the earned value management system gold card
2 data for each Integrated Deepwater Systems program
3 asset: *Provided further*, That the Secretary shall submit
4 to the Committees on Appropriations of the Senate and
5 the House of Representatives a comprehensive review of
6 the Revised Deepwater Implementation Plan every five
7 years, beginning in fiscal year 2011, that includes a com-
8 plete projection of the acquisition costs and schedule for
9 the duration of the plan through fiscal year 2027: *Pro-*
10 *vided further*, That the Secretary shall annually submit to
11 the Committees on Appropriations of the Senate and the
12 House of Representatives, at the time that the President's
13 budget is submitted under section 1105(a) of title 31,
14 United States Code, a future-years capital investment plan
15 for the Coast Guard that identifies for each capital budget
16 line item—

17 (1) the proposed appropriation included in that
18 budget;

19 (2) the total estimated cost of completion;

20 (3) projected funding levels for each fiscal year
21 for the next five fiscal years or until project comple-
22 tion, whichever is earlier;

23 (4) an estimated completion date at the pro-
24 jected funding levels; and

1 man-Hobbs Act (33 U.S.C. 516), \$12,000,000, to remain
2 available until expended.

3 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

4 For necessary expenses for applied scientific re-
5 search, development, test, and evaluation; and for mainte-
6 nance, rehabilitation, lease, and operation of facilities and
7 equipment; as authorized by law; \$16,000,000, to remain
8 available until expended, of which \$500,000 shall be de-
9 rived from the Oil Spill Liability Trust Fund to carry out
10 the purposes of section 1012(a)(5) of the Oil Pollution Act
11 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
12 be credited to and used for the purposes of this appropria-
13 tion funds received from State and local governments,
14 other public authorities, private sources, and foreign coun-
15 tries for expenses incurred for research, development, test-
16 ing, and evaluation.

17 RETIRED PAY

18 For retired pay, including the payment of obligations
19 otherwise chargeable to lapsed appropriations for this pur-
20 pose, payments under the Retired Serviceman's Family
21 Protection and Survivor Benefits Plans, payment for ca-
22 reer status bonuses, concurrent receipts and combat-re-
23 lated special compensation under the National Defense
24 Authorization Act, and payments for medical care of re-
25 tired personnel and their dependents under chapter 55 of

1 title 10, United States Code, \$1,236,745,000, to remain
2 available until expended.

3 UNITED STATES SECRET SERVICE

4 SALARIES AND EXPENSES

5 For necessary expenses of the United States Secret
6 Service, including purchase of not to exceed 675 vehicles
7 for police-type use, of which 645 shall be for replacement
8 only, and hire of passenger motor vehicles; purchase of
9 motorcycles made in the United States; hire of aircraft;
10 services of expert witnesses at such rates as may be deter-
11 mined by the Director of the Secret Service; rental of
12 buildings in the District of Columbia, and fencing, light-
13 ing, guard booths, and other facilities on private or other
14 property not in Government ownership or control, as may
15 be necessary to perform protective functions; payment of
16 per diem or subsistence allowances to employees where a
17 protective assignment during the actual day or days of the
18 visit of a protectee requires an employee to work 16 hours
19 per day or to remain overnight at a post of duty; conduct
20 of and participation in firearms matches; presentation of
21 awards; travel of United States Secret Service employees
22 on protective missions without regard to the limitations
23 on such expenditures in this or any other Act if approval
24 is obtained in advance from the Committees on Appropria-
25 tions of the Senate and the House of Representatives; re-

1 search and development; grants to conduct behavioral re-
2 search in support of protective research and operations;
3 and payment in advance for commercial accommodations
4 as may be necessary to perform protective functions;
5 \$1,366,620,000; of which not to exceed \$25,000 shall be
6 for official reception and representation expenses; of which
7 not to exceed \$100,000 shall be to provide technical assist-
8 ance and equipment to foreign law enforcement organiza-
9 tions in counterfeit investigations; of which \$2,366,000
10 shall be for forensic and related support of investigations
11 of missing and exploited children; and of which
12 \$6,000,000 shall be available until expended for a grant
13 for activities related to the investigations of missing and
14 exploited children: *Provided*, That up to \$18,000,000 shall
15 be available until September 30, 2010, for protective trav-
16 el: *Provided further*, That up to \$1,000,000 shall be avail-
17 able until expended for National Special Security Events:
18 *Provided further*, That the United States Secret Service
19 is authorized to obligate funds in anticipation of reim-
20 bursements from Executive agencies, as defined in section
21 105 of title 5, United States Code, receiving training spon-
22 sored by the James J. Rowley Training Center, except
23 that total obligations at the end of the fiscal year shall
24 not exceed total budgetary resources available under this
25 heading at the end of the fiscal year: *Provided further*,

1 That none of the funds made available under this heading
2 shall be available to compensate any employee for overtime
3 in an annual amount in excess of \$35,000, except that
4 the Secretary of Homeland Security, or the designee of
5 the Secretary, may waive that amount as necessary for
6 national security purposes: *Provided further*, That none of
7 the funds available under this heading shall be available
8 for the protection of the head of a Federal agency other
9 than the Secretary of Homeland Security unless the Direc-
10 tor of the United States Secret Service enters into an
11 agreement to perform such protection on a fully reimburs-
12 able basis.

13 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
14 RELATED EXPENSES

15 For necessary expenses for acquisition, construction,
16 repair, alteration, and improvement of facilities,
17 \$4,225,000, to remain available until expended.

18 TITLE III—PROTECTION, PREPAREDNESS,
19 RESPONSE, AND RECOVERY

20 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
21 MANAGEMENT AND ADMINISTRATION

22 For salaries and expenses of the Office of the Under
23 Secretary for the National Protection and Programs Di-
24 rectorate, support for operations, information technology,
25 and the Office of Risk Management and Analysis,

1 \$50,100,000: *Provided*, That not to exceed \$5,000 shall
2 be for official reception and representation expenses.

3 INFRASTRUCTURE PROTECTION AND INFORMATION

4 SECURITY

5 For necessary expenses for infrastructure protection
6 and information security programs and activities, as au-
7 thorized by title II of the Homeland Security Act of 2002
8 (6 U.S.C. 121 et seq.), \$846,756,000, of which
9 \$760,707,000 shall remain available until September 30,
10 2010: *Provided*, That none of the funds made available
11 under this heading for development of the information
12 technology system known as the “REAL ID hub” shall
13 be available to create any new system of records from the
14 data accessible by such information technology system, or
15 to create any means of access by Federal agencies to such
16 information technology system: *Provided further*, That of
17 the amount made available under this heading,
18 \$121,212,000 may not be obligated for the National Cyber
19 Security Initiative program, \$24,000,000 may not be obli-
20 gated for the Next Generation Networks program, and
21 \$14,100,000 may not be obligated for the National Com-
22 mand and Coordination Capability program until the
23 Committees on Appropriations of the Senate and House
24 of Representatives receive and approve a plan for expendi-
25 ture for that program that describes the strategic context

1 of the program; the specific goals and milestones set for
2 the program; and the funds allocated to achieving each
3 of those goals.

4 UNITED STATES VISITOR AND IMMIGRANT STATUS
5 INDICATOR TECHNOLOGY

6 For necessary expenses for the development of the
7 United States Visitor and Immigrant Status Indicator
8 Technology project, as authorized by section 110 of the
9 Illegal Immigration Reform and Immigrant Responsibility
10 Act of 1996 (8 U.S.C. 1365a), \$390,300,000, to remain
11 available until expended: *Provided*, That of the total
12 amount made available under this heading, \$90,000,000
13 may not be obligated for the United States Visitor and
14 Immigrant Status Indicator Technology project until the
15 Committees on Appropriations of the Senate and the
16 House of Representatives receive and approve a plan for
17 expenditure prepared by the Secretary of Homeland Secu-
18 rity that includes—

19 (1) a detailed accounting of the program's
20 progress to date relative to system capabilities or
21 services, system performance levels, mission benefits
22 and outcomes, milestones, cost targets, and program
23 management capabilities;

24 (2) an explicit plan of action defining how all
25 funds are to be obligated to meet future program

1 commitments, with the planned expenditure of funds
2 linked to the milestone-based delivery of specific ca-
3 pabilities, services, performance levels, mission bene-
4 fits and outcomes, and program management capa-
5 bilities;

6 (3) a listing of all open Government Account-
7 ability Office and Office of Inspector General rec-
8 ommendations related to the program and the status
9 of Department of Homeland Security actions to ad-
10 dress the recommendations, including milestones for
11 fully addressing such recommendations;

12 (4)(a) a certification by the Chief Procurement
13 Officer of the Department that (1) the program has
14 been reviewed and approved in accordance with the
15 investment management process of the Department;
16 (2) the process fulfills all capital planning and in-
17 vestment control requirements and reviews estab-
18 lished by the Office of Management and Budget, in-
19 cluding as provided in Circular A-11, part 7; and
20 (3) the plans for the program comply with the Fed-
21 eral acquisition rules, requirements, guidelines, and
22 practices; and (b) a description by the Chief Pro-
23 curement Officer of the actions being taken to ad-
24 dress areas of non-compliance, the risks associated
25 with such areas as well as any plans for addressing

1 such risks, and the status of the implementation of
2 such actions;

3 (5)(a) a certification by the Chief Information
4 Officer of the Department that (1) an independent
5 verification and validation agent is currently under
6 contract for the project; (2) the system architecture
7 of the program is sufficiently aligned with the infor-
8 mation systems enterprise architecture of the De-
9 partment to minimize future rework, including a de-
10 scription of all aspects of the architecture that were
11 or were not assessed in making the alignment deter-
12 mination, the date of the alignment determination,
13 and any known areas of misalignment along with the
14 associated risks and corrective actions to address
15 any such areas; and (3) the program has a risk
16 management process that regularly identifies, evalu-
17 ates, mitigates, and monitors risks throughout the
18 system life cycle, and communicates high-risk condi-
19 tions to agency and Department investment decision
20 makers; and (b) a listing by the Chief Information
21 Officer of all the program's high risks and the status
22 of efforts to address them;

23 (6) a certification by the Chief Human Capital
24 Officer of the Department that the human capital
25 needs of the program are being strategically and

1 proactively managed, and that current human cap-
2 ital capabilities are sufficient to execute the plans
3 discussed in the report;

4 (7) a complete schedule for the full implementa-
5 tion of a biometric exit program or a certification
6 that such program is not possible within five years;

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

11 (9) is reviewed by the Government Account-
12 ability Office:

13 *Provided further*, That no funding under this heading shall
14 be obligated for implementation of a final air exit solution
15 pursuant to the notice of proposed rulemaking (DHS-
16 2008-0039) published on April 24, 2008, until the Com-
17 mittees on Appropriations of the Senate and the House
18 of Representatives receive and approve a report on pilot
19 tests of the air exit solution, which shall be reviewed by
20 the Government Accountability Office, and which shall
21 test at least two scenarios: (a) where the airlines collect
22 and transmit biometric exit data as proposed in the notice
23 of proposed rulemaking and (b) where U.S. Customs and
24 Border Protection collects such information at the depart-
25 ure gates.

1 OFFICE OF HEALTH AFFAIRS

2 For necessary expenses of the Office of Health Af-
3 fairs, \$134,404,000, of which \$29,223,000 is for salaries
4 and expenses; and of which \$105,181,000 is to remain
5 available until September 30, 2010, for biosurveillance,
6 BioWatch, medical readiness planning, chemical response,
7 and other activities: *Provided*, That not to exceed \$3,000
8 shall be for official reception and representation expenses.

9 FEDERAL EMERGENCY MANAGEMENT AGENCY

10 MANAGEMENT AND ADMINISTRATION

11 For necessary expenses for management and admin-
12 istration of the Federal Emergency Management Agency,
13 \$821,151,000, including activities authorized by the Na-
14 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
15 seq.), the Flood Disaster Protection Act of 1973 (42
16 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Re-
17 lief and Emergency Assistance Act (42 U.S.C. 5121 et
18 seq.), the Earthquake Hazards Reduction Act of 1977 (42
19 U.S.C. 7701 et seq.), the Defense Production Act of 1950
20 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of
21 the National Security Act of 1947 (50 U.S.C. 404, 405),
22 Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the
23 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.),
24 and the Post-Katrina Emergency Management Reform
25 Act of 2006 (Public Law 109-295; 120 Stat. 1394): *Pro-*

1 *vided*, That not to exceed \$3,000 shall be for official recep-
2 tion and representation expenses: *Provided further*, That
3 the President's budget submitted under section 1105(a)
4 of title 31, United States Code, shall be detailed by office
5 for the Federal Emergency Management Agency: *Provided*
6 *further*, That of the total amount made available under
7 this heading, \$32,500,000 shall be for the Urban Search
8 and Rescue Response System, of which not to exceed
9 \$1,600,000 may be made available for administrative
10 costs: *Provided further*, That of the total amount made
11 available under this heading, \$6,342,000 shall be for the
12 Office of National Capital Region Coordination: *Provided*
13 *further*, That of the total amount made available under
14 this heading, \$5,000,000 shall be for the development of
15 tools and systems to measure the achievement and effec-
16 tiveness of first responder grant programs: *Provided fur-*
17 *ther*, That of the funds made available in the previous pro-
18 viso, \$2,500,000 shall not be available for obligation until
19 the Committees on Appropriations of the Senate and the
20 House of Representatives receive from the Secretary of
21 Homeland Security a detailed plan for expenditure that
22 has been reviewed by the Government Accountability Of-
23 fice.

1 STATE AND LOCAL PROGRAMS
2 (INCLUDING TRANSFER OF FUNDS)

3 For grants, contracts, cooperative agreements, and
4 other activities, \$3,056,000,000 shall be allocated as fol-
5 lows:

6 (1) \$950,000,000 shall be for the State Home-
7 land Security Grant Program under section 2004 of
8 the Homeland Security Act of 2002 (6 U.S.C. 605):
9 *Provided*, That of the amount provided by this para-
10 graph, \$60,000,000 shall be for Operation
11 Stonegarden: *Provided further*, That notwithstanding
12 subsection (c)(4) of such section 2004, for fiscal
13 year 2009, the Commonwealth of Puerto Rico shall
14 make available to local and tribal governments
15 amounts provided to the Commonwealth of Puerto
16 Rico under this paragraph in accordance with sub-
17 section (c)(1) of such section 2004.

18 (2) \$850,000,000 shall be for the Urban Area
19 Security Initiative under section 2003 of the Home-
20 land Security Act of 2002 (6 U.S.C. 604), of which,
21 notwithstanding subsection (c)(1) of such section,
22 \$15,000,000 shall be for grants to organizations (as
23 described under section 501(c)(3) of the Internal
24 Revenue Code of 1986 and exempt from tax section

1 501(a) of such code) determined by the Secretary to
2 be at high-risk of a terrorist attack.

3 (3) \$50,000,000 shall be for the Metropolitan
4 Medical Response System in accordance with section
5 635 of the Post-Katrina Emergency Management
6 Reform Act of 2006 (6 U.S.C. 723).

7 (4) \$15,000,000 shall be for the Citizens Corps
8 Program.

9 (5) \$400,000,000 shall be for public transpor-
10 tation security assistance and railroad security as-
11 sistance under sections 1406 and 1513 of the Imple-
12 menting Recommendations of the 9/11 Commission
13 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135
14 and 1163): *Provided*, That such public transpor-
15 tation security assistance shall be provided directly
16 to public transportation agencies: *Provided further*,
17 That no cost share shall be required from public
18 transportation agencies or Amtrak for such assist-
19 ance.

20 (6) \$400,000,000 shall be for port security
21 grants in accordance with 46 U.S.C. 70107.

22 (7) \$12,000,000 shall be for over-the-road bus
23 security assistance under section 1532 of the Imple-
24 menting Recommendations of the 9/11 Commission
25 Act of 2007 (Public Law 110–53; 6 U.S.C. 1182).

1 (8) \$8,000,000 shall be for trucking industry
2 security grants.

3 (9) \$50,000,000 shall be for the interoperable
4 emergency communications grant program under
5 section 1809 of the Homeland Security Act of 2002
6 (6 U.S.C. 579).

7 (10) \$35,000,000 shall remain available until
8 expended, for grants for Emergency Operations Cen-
9 ters under section 614 of the Robert T. Stafford
10 Disaster Relief and Emergency Assistance Act (42
11 U.S.C. 5196c), as detailed in the Committee report
12 accompanying this Act.

13 (11) \$50,000,000 shall be for grants under sec-
14 tion 204 of the REAL ID Act of 2005 (Public Law
15 109–13; 49 U.S.C. 30301 note).

16 (12) \$236,000,000 shall be for training, exer-
17 cises, technical assistance, and other programs:

18 *Provided*, That not to exceed 2 percent of the amounts
19 provided under this heading may be transferred to the
20 Federal Emergency Management Agency “Management
21 and Administration” account for program administration:

22 *Provided further*, That for grants under paragraphs (1)
23 through (4), the applications for grants shall be made
24 available to eligible applicants not later than 25 days after
25 the date of enactment of this Act, that eligible applicants

1 shall submit applications not later than 90 days after the
2 grant announcement, and that the Administrator of the
3 Federal Emergency Management Agency shall act within
4 90 days after receipt of an application: *Provided further*,
5 That for grants under paragraphs (5) through (9), the
6 applications for grants shall be made available to eligible
7 applicants not later than 30 days after the date of enact-
8 ment of this Act, that eligible applicants shall submit ap-
9 plications within 45 days after the grant announcement,
10 and that the Federal Emergency Management Agency
11 shall act not later than 60 days after receipt of an applica-
12 tion: *Provided further*, That grantees shall provide reports
13 on their use of funds, as determined necessary by the Sec-
14 retary of Homeland Security: *Provided further*, That (a)
15 the Center for Domestic Preparedness may provide train-
16 ing to emergency response providers from the Federal
17 Government, foreign governments, or private entities, if
18 the Center for Domestic Preparedness is reimbursed for
19 the cost of such training, and any reimbursement under
20 this subsection shall be credited to the account from which
21 the expenditure being reimbursed was made and shall be
22 available, without fiscal year limitation, for the purposes
23 for which amounts in the account may be expended, (b)
24 the head of the Center for Domestic Preparedness shall
25 ensure that any training provided under (a) does not inter-

1 fere with the primary mission of the Center to train State
2 and local emergency response providers: *Provided further,*
3 That the Government Accountability Office shall report to
4 the Committees on Appropriations of the Senate and the
5 House of Representatives regarding the data, assump-
6 tions, and methodology that the Department of Homeland
7 Security uses to assess risk and allocate grants under the
8 Urban Area Security Initiative and the State Homeland
9 Security Grant Program not later than 45 days after the
10 date of enactment of this Act: *Provided further,* That the
11 report shall include an assessment of the reliability and
12 validity of the data used, the basis for the assumptions
13 used, how the methodology is applied to determine the risk
14 scores for individual locations, an analysis of the useful-
15 ness of placing States and cities into tier groups, and the
16 allocation of grants to eligible locations: *Provided further,*
17 That the Department shall provide the Government Ac-
18 countability Office with the actual data that the Depart-
19 ment used for its risk assessment and grant allocation for
20 at least two locations at the discretion of the Government
21 Accountability Office for the 2008 grant allocation proc-
22 ess: *Provided further,* That the Department shall provide
23 the Government Accountability Office access to all data
24 needed for its analysis and report, including specifics on
25 all changes for the fiscal year 2009 process, including all

1 changes in data, assumptions, and weights used in meth-
2 odology, within seven days after the date of enactment of
3 this Act: *Provided further*, That any subsequent changes
4 made regarding the risk methodology after the initial in-
5 formation is provided to the Government Accountability
6 Office shall be provided within seven days after the change
7 is made.

8 FIREFIGHTER ASSISTANCE GRANTS

9 For necessary expenses for programs authorized by
10 the Federal Fire Prevention and Control Act of 1974 (15
11 U.S.C. 2201 et seq.), \$800,000,000, of which
12 \$570,000,000 shall be available to carry out section 33
13 of that Act (15 U.S.C. 2229) and \$230,000,000 shall be
14 available to carry out section 34 of that Act (15 U.S.C.
15 2229a), to remain available until September 30, 2010:
16 *Provided*, That not to exceed 3 percent of the amount
17 available under this heading shall be available for program
18 administration.

19 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

20 For necessary expenses for emergency management
21 performance grants, as authorized by the National Flood
22 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
23 ert T. Stafford Disaster Relief and Emergency Assistance
24 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
25 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-

1 organization Plan No. 3 of 1978 (5 U.S.C. App.),
2 \$315,000,000: *Provided*, That total administrative costs
3 shall not exceed 3 percent of the total amount appro-
4 priated under this heading.

5 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

6 The aggregate charges assessed during fiscal year
7 2009, as authorized in title III of the Departments of Vet-
8 erans Affairs and Housing and Urban Development, and
9 Independent Agencies Appropriations Act, 1999 (42
10 U.S.C. 5196e), shall not be less than 100 percent of the
11 amounts anticipated by the Department of Homeland Se-
12 curity to be necessary for its radiological emergency pre-
13 paredness program for the next fiscal year: *Provided*, That
14 the methodology for assessment and collection of fees shall
15 be fair and equitable and shall reflect costs of providing
16 such services, including administrative costs of collecting
17 such fees: *Provided further*, That fees received under this
18 heading shall be deposited in this account as offsetting col-
19 lections and will become available for authorized purposes
20 on October 1, 2009, and remain available until expended.

21 UNITED STATES FIRE ADMINISTRATION

22 For necessary expenses of the United States Fire Ad-
23 ministration and for other purposes, as authorized by the
24 Federal Fire Prevention and Control Act of 1974 (15

1 U.S.C. 2201 et seq.) and the Homeland Security Act of
2 2002 (6 U.S.C. 101 et seq.), \$44,979,000.

3 DISASTER RELIEF

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses in carrying out the Robert
6 T. Stafford Disaster Relief and Emergency Assistance Act
7 (42 U.S.C. 5121 et seq.), \$1,900,000,000, to remain avail-
8 able until expended: *Provided*, That of the total amount
9 provided, \$15,000,000 shall be transferred to the Depart-
10 ment of Homeland Security Office of Inspector General
11 for audits and investigations related to disasters, subject
12 to section 503 of this Act: *Provided further*, That up to
13 \$90,600,000 may be transferred to “Management and Ad-
14 ministration”, Federal Emergency Management Agency
15 for management and administration functions: *Provided*
16 *further*, That the amount provided in the previous proviso
17 shall not be available for transfer to “Management and
18 Administration” until the Federal Emergency Manage-
19 ment Agency submits an implementation plan to the Com-
20 mittees on Appropriations of the Senate and the House
21 of Representatives: *Provided further*, That the Federal
22 Emergency Management Agency shall submit the monthly
23 “Disaster Relief” report, as specified in Public Law 110-
24 161, to the Committees on Appropriations of the Senate
25 and the House of Representatives, and include the

1 amounts provided to each Federal Agency for mission as-
2 signments: *Provided further*, That for any request for re-
3 imbursement from a Federal agency to the Department
4 of Homeland Security to cover expenditures under the
5 Robert T. Stafford Disaster Relief and Emergency Assist-
6 ance Act (42 U.S.C. 5121 et seq.), or any mission assign-
7 ment orders issued by the Department for such purposes,
8 the Secretary of Homeland Security shall take appropriate
9 steps to ensure that each agency is periodically reminded
10 of Department policies on—

11 (1) the detailed information required in sup-
12 porting documentation for reimbursements; and

13 (2) the necessity for timeliness of agency bil-
14 lings.

15 *Provided further*, That 30 days after the date on which
16 the President declares that a major disaster exists, the Ad-
17 ministrator of the Federal Emergency Management Agen-
18 cy shall submit to Congress, and shall publish on the
19 website of the Federal Emergency Management Agency,
20 a report that summarizes damage assessment information
21 used to make a declaration that a major disaster exists,
22 except that the Administrator may redact from such a re-
23 port any data that the Administrator determines would
24 compromise national security.

1 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

2 For activities under section 319 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5162), \$295,000: *Provided*, That gross obliga-
5 tions for the principal amount of direct loans shall not
6 exceed \$25,000,000: *Provided further*, That the cost of
7 modifying such loans shall be as defined in section 502
8 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

9 FLOOD MAP MODERNIZATION FUND

10 For necessary expenses under section 1360 of the
11 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
12 \$220,000,000, and such additional sums as may be pro-
13 vided by State and local governments or other political
14 subdivisions for cost-shared mapping activities under sec-
15 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
16 main available until expended: *Provided*, That total admin-
17 istrative costs shall not exceed 3 percent of the total
18 amount appropriated under this heading.

19 NATIONAL FLOOD INSURANCE FUND

20 For activities under the National Flood Insurance
21 Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Dis-
22 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
23 \$156,599,000, which shall be derived from offsetting col-
24 lections assessed and collected under section 1308(b)(3)
25 of the National Flood Insurance Act of 1968 (42 U.S.C.

1 4015(b)(3)), and which shall be available as follows: (1)
2 not to exceed \$49,418,000 for salaries and expenses asso-
3 ciated with flood mitigation and flood insurance oper-
4 ations; and (2) no less than \$107,181,000 for flood plain
5 management and flood mapping, to remain available until
6 September 30, 2010: *Provided*, That any additional fees
7 collected pursuant to section 1308 of the National Flood
8 Insurance Act of 1968 (42 U.S.C. 4015) shall be credited
9 as an offsetting collection to this account, to be available
10 for flood plain management and flood mapping: *Provided*
11 *further*, That in fiscal year 2009, no funds shall be avail-
12 able from the National Flood Insurance Fund under sec-
13 tion 1310 of that Act (42 U.S.C. 4017) in excess of: (1)
14 \$85,000,000 for operating expenses; (2) \$869,905,000 for
15 commissions and taxes of agents; (3) such sums as are
16 necessary for interest on Treasury borrowings; and (4)
17 \$125,700,000 which shall remain available until expended
18 for flood mitigation activities, of which \$80,000,000 is for
19 severe repetitive loss properties under section 1361A of
20 that Act (42 U.S.C. 4102a), of which \$10,000,000 is for
21 repetitive insurance claims properties under section 1323
22 of that Act (42 U.S.C. 4030), and of which \$35,700,000
23 is for flood mitigation assistance under section 1366 of
24 that Act (42 U.S.C. 4104e) notwithstanding subpara-
25 graphs (B) and (C) of subsection (b)(3) and subsection

1 (f) of section 1366 (42 U.S.C. 4104c) and subsection
2 (a)(7) of section 1310 of that Act (42 U.S.C. 4017): *Pro-*
3 *vided further*, That amounts collected under section 102
4 of the Flood Disaster Protection Act of 1973 (42 U.S.C.
5 4012a) and section 1366(i) of the National Flood Insur-
6 ance Act of 1968 (42 U.S.C. 4104c(i)) shall be deposited
7 in the National Flood Insurance Fund to supplement
8 other amounts specified as available for section 1366 of
9 the National Flood Insurance Act of 1968 (42 U.S.C.
10 4104c), notwithstanding subsection (f)(8) of such section
11 102, subsection (i) of such section 1366, and paragraphs
12 (2) and (3) of section 1367(b) of the National Flood In-
13 surance Act of 1968 (42 U.S.C. 4104d(b)): *Provided fur-*
14 *ther*, That total administrative costs shall not exceed 4
15 percent of the total appropriation.

16 NATIONAL PREDISASTER MITIGATION FUND

17 For the predisaster mitigation grant program under
18 section 203 of the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5133), notwith-
20 standing subsection (m) of such section, \$75,000,000, to
21 remain available until expended and as detailed in the
22 Committee report accompanying this Act: *Provided*, That
23 the total administrative costs associated with such grants
24 shall not exceed 3 percent of the total amount made avail-
25 able under this heading.

1 EMERGENCY FOOD AND SHELTER

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

8 CERRO GRANDE FIRE CLAIMS

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

11 TITLE IV—RESEARCH AND DEVELOPMENT,
12 TRAINING, AND SERVICES

13 UNITED STATES CITIZENSHIP AND IMMIGRATION

14 SERVICES

15 For necessary expenses for citizenship and immigra-
16 tion services, \$101,740,000; *Provided*, That notwith-
17 standing any other provision of law, funds available to
18 United States Citizenship and Immigration Services may
19 be used to acquire, operate, equip, and dispose of up to
20 five vehicles, of which two are for replacement only, for
21 areas where the Administrator of General Services does
22 not provide vehicles for lease: *Provided further*, That the
23 Director of United States Citizenship and Immigration
24 Services may authorize employees who are assigned to

1 those areas to use such vehicles between the employees'
2 residences and places of employment.

3 FEDERAL LAW ENFORCEMENT TRAINING CENTER

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Law Enforce-
6 ment Training Center, including materials and support
7 costs of Federal law enforcement basic training; the pur-
8 chase of not to exceed 117 vehicles for police-type use and
9 hire of passenger motor vehicles; expenses for student ath-
10 letic and related activities; the conduct of and participa-
11 tion in firearms matches and presentation of awards; pub-
12 lic awareness and enhancement of community support of
13 law enforcement training; room and board for student in-
14 terns; a flat monthly reimbursement to employees author-
15 ized to use personal mobile phones for official duties; and
16 services as authorized by section 3109 of title 5, United
17 States Code; \$242,530,000, of which up to \$48,611,000
18 shall remain available until September 30, 2010 for mate-
19 rials and support costs of Federal law enforcement basic
20 training; of which \$300,000 shall remain available until
21 expended for Federal law enforcement agencies partici-
22 pating in training accreditation, to be distributed as deter-
23 mined by the Federal Law Enforcement Training Center
24 for the needs of participating agencies; and of which not
25 to exceed \$12,000 shall be for official reception and rep-

1 representation expenses: *Provided*, That the Center is author-
2 ized to obligate funds in anticipation of reimbursements
3 from agencies receiving training sponsored by the Center,
4 except that total obligations at the end of the fiscal year
5 shall not exceed total budgetary resources available at the
6 end of the fiscal year: *Provided further*, That section
7 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note),
8 as amended by Public Law 110–161 (121 Stat. 2068), is
9 further amended by striking “December 31, 2010” and
10 inserting “December 31, 2011”; *Provided further*, That
11 the Federal Law Enforcement Training Accreditation
12 Board, including representatives from the Federal law en-
13 forcement community and non-Federal accreditation ex-
14 perts involved in law enforcement training, shall lead the
15 Federal law enforcement training accreditation process to
16 continue the implementation of measuring and assessing
17 the quality and effectiveness of Federal law enforcement
18 training programs, facilities, and instructors: *Provided*
19 *further*, That the Director of the Federal Law Enforce-
20 ment Training Center shall schedule basic or advanced law
21 enforcement training, or both, at all four training facilities
22 under the control of the Federal Law Enforcement Train-
23 ing Center to ensure that such training facilities are oper-
24 ated at the highest capacity throughout the fiscal year.

1 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

3 For acquisition of necessary additional real property
4 and facilities, construction, and ongoing maintenance, fa-
5 cility improvements, and related expenses of the Federal
6 Law Enforcement Training Center, \$43,456,000, to re-
7 main available until expended: *Provided*, That the Center
8 is authorized to accept reimbursement to this appropria-
9 tion from government agencies requesting the construction
10 of special use facilities.

11 SCIENCE AND TECHNOLOGY
12 MANAGEMENT AND ADMINISTRATION

13 For salaries and expenses of the Office of the Under
14 Secretary for Science and Technology and for manage-
15 ment and administration of programs and activities, as
16 authorized by title III of the Homeland Security Act of
17 2002 (6 U.S.C. 181 et seq.), \$132,100,000: *Provided*,
18 That not to exceed \$15,000 shall be for official reception
19 and representation expenses.

20 RESEARCH, DEVELOPMENT, ACQUISITION, AND
21 OPERATIONS

22 For necessary expenses for science and technology re-
23 search, including advanced research projects; development;
24 test and evaluation; acquisition; and operations; as author-
25 ized by title III of the Homeland Security Act of 2002

1 (6 U.S.C. 181 et seq.); \$754,897,000, to remain available
2 until expended: *Provided*, That none of the funds made
3 available under this heading shall be obligated for a follow-
4 on program to the Analysis, Dissemination, Visualization,
5 Insight, and Semantic Enhancement program: *Provided*
6 *further*, That none of the funds available under this head-
7 ing shall be available for the design and construction of
8 a National Bio and Agro-defense Facility located on the
9 United States mainland until the Secretary of Homeland
10 Security completes a risk analysis of whether foot-and-
11 mouth disease work can be done safely on the United
12 States mainland and this risk assessment is reviewed by
13 the Government Accountability Office.

14 DOMESTIC NUCLEAR DETECTION OFFICE

15 MANAGEMENT AND ADMINISTRATION

16 For salaries and expenses of the Domestic Nuclear
17 Detection Office as authorized by title XIX of the Home-
18 land Security Act of 2002 (6 U.S.C. 591 et seq.) for man-
19 agement and administration of programs and activities,
20 \$35,475,000: *Provided*, That not to exceed \$3,000 shall
21 be for official reception and representation expenses.

22 RESEARCH, DEVELOPMENT, AND OPERATIONS

23 For necessary expenses for radiological and nuclear
24 research, development, testing, evaluation, and operations,
25 \$333,200,000, to remain available until expended.

1 SYSTEMS ACQUISITION

2 For expenses for the Domestic Nuclear Detection Of-
3 fice acquisition and deployment of radiological detection
4 systems in accordance with the global nuclear detection
5 architecture, \$175,700,000, to remain available until Sep-
6 tember 30, 2011: *Provided*, That none of the funds appro-
7 priated under this heading shall be obligated for full-scale
8 procurement of Advanced Spectroscopic Portal Monitors
9 until the Secretary of Homeland Security submits to the
10 Committees on Appropriations of the Senate and the
11 House of Representatives a report certifying that a signifi-
12 cant increase in operational effectiveness will be achieved:
13 *Provided further*, That the Secretary shall submit separate
14 and distinct certifications prior to the procurement of Ad-
15 vanced Spectroscopic Portal Monitors for primary and sec-
16 ondary deployment that address the unique requirements
17 for operational effectiveness of each type of deployment:
18 *Provided further*, That none of the funds appropriated
19 under this heading shall be used for high-risk concurrent
20 development and production of mutually dependent soft-
21 ware and hardware.

22 TITLE V—GENERAL PROVISIONS

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

1 SEC. 502. Subject to the requirements of section 503
2 of this Act, the unexpended balances of prior appropria-
3 tions provided for activities in this Act may be transferred
4 to appropriation accounts for such activities established
5 pursuant to this Act, may be merged with funds in the
6 applicable established accounts, and thereafter may be ac-
7 counted for as one fund for the same time period as origi-
8 nally enacted.

9 SEC. 503. (a) None of the funds provided by this Act,
10 provided by previous appropriations Acts to the agencies
11 in or transferred to the Department of Homeland Security
12 that remain available for obligation or expenditure in fiscal
13 year 2009, or provided from any accounts in the Treasury
14 of the United States derived by the collection of fees avail-
15 able to the agencies funded by this Act, shall be available
16 for obligation or expenditure through a reprogramming of
17 funds that: (1) creates a new program, project, or activity;
18 (2) eliminates a program, project, office, or activity; (3)
19 increases funds for any program, project, or activity for
20 which funds have been denied or restricted by the Con-
21 gress; (4) proposes to use funds directed for a specific ac-
22 tivity by either of the Committees on Appropriations of
23 the Senate or the House of Representatives for a different
24 purpose; or (5) contracts out any function or activity for
25 which funding levels were requested for Federal full-time

1 equivalents in the object classification tables contained in
2 the fiscal year 2009 Budget Appendix for the Department
3 of Homeland Security, unless the Committees on Appro-
4 priations of the Senate and the House of Representatives
5 are notified 15 days in advance of such reprogramming
6 of funds.

7 (b) None of the funds provided by this Act, provided
8 by previous appropriations Acts to the agencies in or
9 transferred to the Department of Homeland Security that
10 remain available for obligation or expenditure in fiscal
11 year 2009, or provided from any accounts in the Treasury
12 of the United States derived by the collection of fees or
13 proceeds available to the agencies funded by this Act, shall
14 be available for obligation or expenditure for programs,
15 projects, or activities through a reprogramming of funds
16 in excess of \$5,000,000 or 10 percent, whichever is less,
17 that: (1) augments existing programs, projects, or activi-
18 ties; (2) reduces by 10 percent funding for any existing
19 program, project, or activity, or numbers of personnel by
20 10 percent as approved by the Congress; or (3) results
21 from any general savings from a reduction in personnel
22 that would result in a change in existing programs,
23 projects, or activities as approved by the Congress, unless
24 the Committees on Appropriations of the Senate and the

1 House of Representatives are notified 15 days in advance
2 of such reprogramming of funds.

3 (c) Not to exceed 5 percent of any appropriation
4 made available for the current fiscal year for the Depart-
5 ment of Homeland Security by this Act or provided by
6 previous appropriations Acts may be transferred between
7 such appropriations, but no such appropriation, except as
8 otherwise specifically provided, shall be increased by more
9 than 10 percent by such transfers: *Provided*, That any
10 transfer under this section shall be treated as a re-
11 programming of funds under subsection (b) and shall not
12 be available for obligation unless the Committees on Ap-
13 propriations of the Senate and the House of Representa-
14 tives are notified 15 days in advance of such transfer.

15 (d) Notwithstanding subsections (a), (b), and (c) of
16 this section, no funds shall be reprogrammed within or
17 transferred between appropriations after June 30, except
18 in extraordinary circumstances that imminently threaten
19 the safety of human life or the protection of property.

20 SEC. 504. None of the funds appropriated or other-
21 wise made available to the Department of Homeland Secu-
22 rity may be used to make payments to the “Department
23 of Homeland Security Working Capital Fund”, except for
24 the activities and amounts allowed in the President’s fiscal
25 year 2009 budget, but not including sedan service, shuttle

1 service, transit subsidy, mail operations, parking, and
2 competitive sourcing: *Provided*, That any additional activi-
3 ties and amounts shall be approved by the Committees on
4 Appropriations of the Senate and the House of Represent-
5 atives 30 days in advance of obligation.

6 SEC. 505. Except as otherwise specifically provided
7 by law, not to exceed 50 percent of unobligated balances
8 remaining available at the end of fiscal year 2009 from
9 appropriations for salaries and expenses for fiscal year
10 2009 in this Act shall remain available through September
11 30, 2010, in the account and for the purposes for which
12 the appropriations were provided: *Provided*, That prior to
13 the obligation of such funds, a request shall be submitted
14 to and approved by the Committees on Appropriations of
15 the Senate and the House of Representatives in accord-
16 ance with section 503 of this Act.

17 SEC. 506. Funds made available by this Act for intel-
18 ligence activities are deemed to be specifically authorized
19 by the Congress for purposes of section 504 of the Na-
20 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
21 year 2009 until the enactment of an Act authorizing intel-
22 ligence activities for fiscal year 2009.

23 SEC. 507. None of the funds made available by this
24 Act may be used to make a grant allocation, discretionary
25 grant award, discretionary contract award, or to issue a

1 letter of intent totaling in excess of \$1,000,000, or to an-
2 nounce publicly the intention to make such an award, in-
3 cluding a contract covered by the Federal Acquisition Reg-
4 ulation, unless the Secretary of Homeland Security noti-
5 fies the Committees on Appropriations of the Senate and
6 the House of Representatives at least three full business
7 days in advance: *Provided*, That no notification shall in-
8 volve funds that are not available for obligation: *Provided*
9 *further*, That the notification shall include the amount of
10 the award, the fiscal year in which the funds for the award
11 were appropriated, and the account from which the funds
12 are being drawn: *Provided further*, That the Federal
13 Emergency Management Agency shall brief the Commit-
14 tees on Appropriations of the Senate and the House of
15 Representatives five full business days in advance of an-
16 nouncing publicly the intention of making an award under
17 State Homeland Security Grant Program; and under the
18 Urban Area Security Initiative.

19 SEC. 508. Notwithstanding any other provision of
20 law, no agency shall purchase, construct, or lease any ad-
21 ditional facilities, except within or contiguous to existing
22 locations, to be used for the purpose of conducting Federal
23 law enforcement training without the advance approval of
24 the Committees on Appropriations of the Senate and the
25 House of Representatives, except that the Federal Law

1 Enforcement Training Center may obtain the temporary
2 use of additional facilities by lease, contract, or other
3 agreement for training that cannot be accommodated in
4 existing Center facilities.

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

13 SEC. 510. Sections 512, 519, 520, 522, 523, 528,
14 529, 530, 531, and 556 of the Department of Homeland
15 Security Appropriations Act, 2008 (division E of Public
16 Law 110-161; 121 Stat. 2072, 2073, 2074, 2082) shall
17 apply with respect to funds made available in this Act in
18 the same manner as such sections applied to funds made
19 available in that Act.

20 SEC. 511. (a) None of the funds provided by this or
21 previous appropriations Acts may be obligated for deploy-
22 ment or implementation, on other than a test basis, of the
23 Secure Flight program or any other follow-on or successor
24 passenger prescreening program, until the Secretary of
25 Homeland Security certifies, and the Government Ac-

1 countability Office reports, to the Committees on Appro-
2 priations of the Senate and the House of Representatives,
3 that all ten of the conditions contained in paragraphs (1)
4 through (10) of section 522(a) of Public Law 108–334
5 (118 Stat. 1319) have been successfully met.

6 (b) The report required by subsection (a) shall be
7 submitted within 90 days after the Secretary provides the
8 requisite certification, and periodically thereafter, if nec-
9 essary, until the Government Accountability Office con-
10 firms that all ten conditions have been successfully met.

11 (c) Within 90 days after the date of enactment of
12 this Act, the Secretary of Homeland Security shall submit
13 to the Committees on Appropriations of the Senate and
14 the House of Representatives a detailed plan that de-
15 scribes: (1) the dates for achieving key milestones, includ-
16 ing the date or timeframes that the Secretary will certify
17 the program under subsection (a); and (2) the method-
18 ology to be followed to support the Secretary’s certifi-
19 cation, as required under subsection (a).

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

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

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

10 SEC. 512. None of the funds appropriated by this Act
11 may be used to process or approve a competition under
12 Office of Management and Budget Circular A-76 for serv-
13 ices provided as of June 1, 2004, by employees (including
14 employees serving on a temporary or term basis) of United
15 States Citizenship and Immigration Services of the De-
16 partment of Homeland Security who are known as of that
17 date as Immigration Information Officers, Contact Rep-
18 resentatives, or Investigative Assistants.

19 SEC. 513. (a) The Secretary of Homeland Security
20 shall research, develop, and procure new technologies to
21 inspect and screen air cargo carried on passenger aircraft
22 by the earliest date possible.

23 (b) Existing checked baggage explosive detection
24 equipment and screeners shall be utilized to screen air
25 cargo carried on passenger aircraft to the greatest extent

1 practicable at each airport until technologies developed
2 under subsection (a) are available.

3 (c) The Assistant Secretary of Homeland Security
4 (Transportation Security Administration) shall work with
5 air carriers and airports to ensure that the screening of
6 cargo carried on passenger aircraft, as defined in section
7 44901(g)(5) of title 49, United States Code, increases in-
8 crementally each quarter.

9 (d) Not later than 45 days after the end of each quar-
10 ter, the Assistant Secretary shall submit to the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives a report on air cargo inspection statistics
13 by airport and air carrier detailing the incremental
14 progress being made to meet the requirements of section
15 44901(g)(2) of title 49, United States Code.

16 SEC. 514. Except as provided in section 44945 of title
17 49, United States Code, funds appropriated or transferred
18 to Transportation Security Administration “Aviation Se-
19 curity”, “Administration”, and “Transportation Security
20 Support” for fiscal years 2004, 2005, 2006, 2007, and
21 2008 that are recovered or deobligated shall be available
22 only for the procurement or installation of explosives de-
23 tection systems, for air cargo, baggage, and checkpoint
24 screening systems, subject to notification: *Provided*, That
25 quarterly reports shall be submitted to the Committees on

1 Appropriations of the Senate and the House of Represent-
2 atives on any funds that are recovered or deobligated.

3 SEC. 515. The Department of Homeland Security
4 Working Capital Fund, established pursuant to section
5 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
6 continue operations during fiscal year 2009.

7 SEC. 516. Within 45 days after the close of each
8 month, the Chief Financial Officer of the Department of
9 Homeland Security shall submit to the Committees on Ap-
10 propriations of the Senate and the House of Representa-
11 tives a monthly budget and staffing report that includes
12 total obligations, on-board versus funded full-time equiva-
13 lent staffing levels, and the number of contract employees
14 by office.

15 SEC. 517. Section 532(a) of Public Law 109–295
16 (120 Stat. 1384) is amended by striking “2008” and in-
17 serting “2009”.

18 SEC. 518. In fiscal year 2009, none of the funds
19 made available in this or any other Act may be used to
20 enforce section 4025(1) of Public Law 108–458 unless the
21 Assistant Secretary of Homeland Security (Transporta-
22 tion Security Administration) reverses the determination
23 of July 19, 2007, that butane lighters are not a significant
24 threat to civil aviation security.

1 SEC. 519. None of the funds provided in this Act may
2 be used to reduce operations within the Civil Engineering
3 Program of the Coast Guard nationwide, including the
4 civil engineering units, facilities, design and construction
5 centers, maintenance and logistics command centers, and
6 the Coast Guard Academy, except as specifically author-
7 ized by a statute enacted after the date of the enactment
8 of this Act.

9 SEC. 520. (a) Except as provided in subsection (b),
10 none of the funds appropriated in this Act to the Office
11 of the Secretary and Executive Management, the Office
12 of the Under Secretary for Management, or the Office of
13 the Chief Financial Officer, may be obligated for a grant
14 or contract awarded by a means other than full and open
15 competition.

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

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

23 (2) under the Small Business Act (15 U.S.C.
24 631 et seq.);

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

5 (4) by another Federal agency using funds pro-
6 vided through an interagency agreement.

7 (c)(1) Subject to paragraph (2), the Secretary of
8 Homeland Security may waive the application of this sec-
9 tion to the award of a contract in the period of a national
10 emergency determined by the Secretary; and

11 (2) Not later than five days after the date on which
12 the Secretary of Homeland Security issues a waiver under
13 this subsection, the Secretary shall submit notification of
14 that waiver to the Committees on Appropriations of the
15 Senate and the House of Representatives, including a de-
16 scription of the applicable contract and an explanation of
17 why the waiver authority was used.

18 (d) In addition to the requirements established by
19 this section, the Inspector General of the Department of
20 Homeland Security shall review departmental contracts
21 awarded through other than full and open competition to
22 assess departmental compliance with applicable laws and
23 regulations: *Provided*, That the Inspector General shall re-
24 view selected contracts awarded in the previous fiscal year
25 through other than full and open competition: *Provided*

1 *further*, That in determining which contracts to review, the
2 Inspector General shall consider the cost and complexity
3 of the goods and services to be provided under a contract,
4 the criticality of a contract to fulfilling Department mis-
5 sions, past performance problems on similar contracts or
6 by a selected vendor, complaints received about the award
7 process or contractor performance, and such other factors
8 as the Inspector General considers relevant: *Provided fur-*
9 *ther*, That the Inspector General shall report the results
10 of the reviews to the Committees on Appropriations of the
11 Senate and the House of Representatives.

12 SEC. 521. None of the funds provided by this or pre-
13 vious appropriations Acts shall be used to fund any posi-
14 tion designated as a Principal Federal Official for any
15 Robert T. Stafford Disaster Relief and Emergency Assist-
16 ance Act (42 U.S.C. 5121 et seq.) declared disasters or
17 emergencies or to designate such positions if any Federal
18 Coordinating Officer is also designated at the same time.

19 SEC. 522. None of the funds made available in this
20 Act may be used by United States Citizenship and Immi-
21 gration Services to grant an immigration benefit unless
22 the results of background checks required by law to be
23 completed prior to the granting of the benefit have been
24 received by United States Citizenship and Immigration

1 Services, and the results do not preclude the granting of
2 the benefit.

3 SEC. 523. None of the funds made available in this
4 Act may be used to destroy or put out to pasture any horse
5 or other equine belonging to the Federal Government that
6 has become unfit for service, unless the trainer or handler
7 is first given the option to take possession of the equine
8 through an adoption program that has safeguards against
9 slaughter and inhumane treatment.

10 SEC. 524. None of the funds made available to the
11 Office of the Secretary and Executive Management under
12 this Act may be expended for any new hires by the Depart-
13 ment of Homeland Security that are not verified through
14 the basic pilot program established under section 401 of
15 the Illegal Immigration Reform and Immigrant Responsi-
16 bility Act of 1996 (8 U.S.C. 1324a note).

17 SEC. 525. None of the funds made available in this
18 Act may be used by the Secretary of Homeland Security
19 or any delegate of the Secretary to issue any rule or regu-
20 lation which implements the Notice of Proposed Rule-
21 making related to Petitions for Aliens To Perform Tem-
22 porary Nonagricultural Services or Labor (H-2B) set out
23 beginning on 70 Fed. Reg. 3984 (January 27, 2005).

24 SEC. 526. Section 831 of the Homeland Security Act
25 of 2002 (6 U.S.C. 391) is amended—

1 (1) in subsection (a), by striking “Until Sep-
2 tember 30, 2008,” and inserting “Until September
3 30, 2009 and subject to subsection (d),”;

4 (2) by redesignating subsection (d) as sub-
5 section (e); and

6 (3) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) **ADDITIONAL REQUIREMENTS.**—

9 “(1) **IN GENERAL.**—The authority of the Sec-
10 retary under this section shall terminate September
11 30, 2008, unless before that date the Secretary—

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

14 “(B) provides additional training to each
15 employee that is authorized to exercise that au-
16 thority.

17 “(2) **REPORT.**—The Secretary shall provide an
18 annual report to the Committees on Appropriations
19 of the Senate and the House of Representatives and
20 the Committee on Homeland Security of the House
21 of Representatives detailing the projects for which
22 the authority granted by subsection (a) was used,
23 the rationale for its use, the funds spent using that
24 authority, the outcome of each project for which that

1 authority was used, and the results of any audits of
2 such projects.”.

3 SEC. 527. Notwithstanding any other provision of
4 law, if the Secretary of Homeland Security determines
5 that the National Bio and Agro-defense Facility should
6 be located at a site other than Plum Island, the Secretary
7 is authorized to liquidate the Plum Island asset by direct-
8 ing the Administrator of General Services to sell through
9 public sale all real and related personal property and
10 transportation assets that support Plum Island oper-
11 ations, subject to such terms and conditions as necessary
12 to protect Government interests and meet program re-
13 quirements: *Provided*, That the gross proceeds of such sale
14 shall be deposited into a separate account that shall be
15 available, along with any other available appropriations,
16 for use by the Secretary in the acquisition of the site for
17 and the construction of the National Bio and Agro-defense
18 Facility: *Provided further*, That the Secretary may use
19 such gross proceeds of sale to reimburse any fund of the
20 Secretary used to pay for the costs associated with the
21 sale, including due diligence requirements, necessary envi-
22 ronmental remediation, and reimbursement of expenses in-
23 curred by the General Services Administration which shall
24 not exceed 1 percent of the sale price: *Provided further*,
25 That the net proceeds remaining after such use shall be

1 available to the Secretary for design and construction of
2 a new Department of Homeland Security headquarters fa-
3 cility, excluding daily operations and maintenance costs:
4 *Provided further*, That the proceeds derived from the sale
5 shall be available to the Secretary without further appro-
6 priation until expended and subject to approval pursuant
7 to section 503 of this Act.

8 SEC. 528. Any official that is required by this Act
9 to perform any act may not delegate any authority to per-
10 form that act unless specifically authorized by this Act to
11 delegate that authority.

12 SEC. 529. Within 90 days after the date of enactment
13 of this Act, the Secretary of Homeland Security shall sub-
14 mit to the Committees on Appropriations of the Senate
15 and the House of Representatives a listing of programs,
16 projects, and activities by account, including all specific
17 dollar amounts specified in the bill and report from which
18 all reprogrammings will be based.

19 SEC. 530. (a) None of the funds provided by this or
20 any other Act may be obligated for the development, test-
21 ing, deployment, or operation of any portion of a human
22 resources management system authorized by 5 U.S.C.
23 9701(a), or by regulations prescribed pursuant to such
24 section, for an employee as defined in 5 U.S.C.
25 7103(a)(2).

1 (b) The Secretary of Homeland Security shall col-
2 laborate with employee representatives in the manner pre-
3 scribed in 5 U.S.C. 9701(e), in the planning, testing, and
4 development of any portion of a human resources manage-
5 ment system that is developed, tested, or deployed for per-
6 sons excluded from the definition of employee as that term
7 is defined in 5 U.S.C. 7103(a)(2).

8 SEC. 531. The Secretary of Homeland Security, in
9 consultation with the Secretary of the Treasury, shall no-
10 tify the Committees on Appropriations of the Senate and
11 the House of Representatives of any proposed transfers
12 from the Department of the Treasury Forfeiture Fund to
13 any agency within the Department of Homeland Security:
14 *Provided*, That none of the funds identified for such a
15 transfer may be obligated until the Committees on Appro-
16 priations of the Senate and the House of Representatives
17 approve the proposed transfers.

18 SEC. 532. In the current fiscal year and any fiscal
19 year thereafter, none of the funds made available to the
20 Department of Homeland Security in this or any other
21 Act may be used for a grant or contract for any project
22 that does not comply with the requirements of subchapter
23 IV of chapter 31 of title 40, United States Code. The
24 President may suspend the application of the preceding
25 sentence during a national emergency.

1 SEC. 533. Section 520 of Public Law 108–90 (6
2 U.S.C. 469) is amended—

3 (1) by inserting “(a) FEES.—” before “For fis-
4 cal year 2004 and thereafter”; and

5 (2) by adding at the end the following:

6 “(b) RECURRENT TRAINING OF ALIENS IN OPER-
7 ATION OF AIRCRAFT.—

8 “(1) PROCESS FOR REVIEWING THREAT AS-
9 SESSMENTS.—Notwithstanding section 44939(e) of
10 title 49, United States Code, the Secretary shall es-
11 tablish a process to ensure that an alien (as defined
12 in section 101(a)(3) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1101(a)(3)) applying for recur-
14 rent training in the operation of any aircraft is prop-
15 erly identified and has not, since the time of any
16 prior threat assessment conducted pursuant to sec-
17 tion 44939(a) of such title, become a risk to aviation
18 or national security.

19 “(2) INTERRUPTION OF TRAINING.—If the Sec-
20 retary determines, in carrying out the process estab-
21 lished under paragraph (1), that an alien is a
22 present risk to aviation or national security, the Sec-
23 retary shall immediately notify the person providing
24 the training of the determination and that person
25 shall not provide the training or if such training has

1 commenced that person shall immediately terminate
2 the training.

3 “(3) FEES.—The Secretary may charge reason-
4 able fees under subsection (a) for providing
5 credentialing and background investigations for
6 aliens in connection with the process for recurrent
7 training established under paragraph (1). Such fees
8 shall be promulgated by notice in the Federal Reg-
9 ister.”.

10 SEC. 534. (a) Not later than six months from the
11 date of enactment of this Act, the Secretary of Homeland
12 Security shall consult with the Secretaries of Defense and
13 Transportation and develop a concept of operations for
14 unmanned aerial systems in United States national air-
15 space system for the purposes of border and maritime se-
16 curity operations.

17 (b) The Secretary of Homeland Security shall report
18 to the Committees on Appropriations of the Senate and
19 House of Representatives not later than 30 days after en-
20 actment of this Act on any foreseeable challenges to com-
21 plying with subsection (a).

22 SEC. 535. None of the funds made available in this
23 Act for United States Customs and Border Protection
24 may be used to prevent an individual not in the business
25 of importing a prescription drug (within the meaning of

1 section 801(g) of the Federal Food, Drug, and Cosmetic
2 Act) from importing a prescription drug from Canada that
3 complies with the Federal Food, Drug, and Cosmetic Act:
4 *Provided*, That this section shall apply only to individuals
5 transporting on their person a personal-use quantity of the
6 prescription drug, not to exceed a 90-day supply: *Provided*
7 *further*, That the prescription drug may not be—

8 (1) a controlled substance, as defined in section
9 102 of the Controlled Substances Act (21 U.S.C.
10 802); or

11 (2) a biological product, as defined in section
12 351 of the Public Health Service Act (42 U.S.C.
13 262).

14 SEC. 536. Except as provided in section 514 of this
15 Act, the Secretary of Homeland Security may utilize cost
16 savings from any recovered or deobligated funds for fiscal
17 years 2004 through 2008 and funds appropriated for fis-
18 cal year 2009 that may not be necessary due to staffing
19 shortfalls in the Department of Homeland Security, for
20 fuel costs that exceed the amount requested in the fiscal
21 year 2009 budget request: *Provided*, That quarterly re-
22 ports shall be submitted to the Committees on Appropria-
23 tions of the Senate and the House of Representatives on
24 any funds that are utilized for fuel expenses: *Provided fur-*
25 *ther*, That these reports shall clearly delineate the funding

1 source and explain why the funds are available for obliga-
2 tion.

3 SEC. 537. If the Assistant Secretary of Homeland Se-
4 curity (Transportation Security Administration) deter-
5 mines that an airport does not need to participate in the
6 basic pilot program, the Assistant Secretary shall certify
7 to the Committees of Appropriations of the Senate and
8 the House of Representatives that no security risks will
9 result by such non-participation.

10 TITLE VI—ADDITIONAL DISASTER ASSISTANCE
11 FOR FISCAL YEAR 2008 FOR MIDWESTERN
12 UNITED STATES AND OTHER PURPOSES
13 DEPARTMENT OF HOMELAND SECURITY
14 FEDERAL EMERGENCY MANAGEMENT AGENCY

15 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

16 For an additional amount for “Disaster Assistance
17 Direct Loan Program Account” for the cost of direct loans
18 as authorized under section 417 of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42 U.S.C.
20 5184), \$93,950,000, to become available upon the enact-
21 ment of this Act and to remain available until expended,
22 and to be used to assist local governments affected by re-
23 cent floods and tornadoes in the Midwestern United States
24 and for other purposes in providing essential services, of
25 which \$500,000 is for administrative expenses to carry out

1 the direct loan program: *Provided*, That such funds may
2 be made to subsidize gross obligations for the principal
3 amount of direct loans not to exceed \$100,000,000: *Pro-*
4 *vided further*, That such costs, including the cost of modi-
5 fying such loans, shall be as defined in section 502 of the
6 Congressional Budget Act of 1974: *Provided further*, That
7 the amounts provided under this heading are designated
8 as an emergency requirement and necessary to meet emer-
9 gency needs pursuant to section 204(a) of S. Con. Res.
10 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
11 70 (110th Congress), the concurrent resolutions on the
12 budget for fiscal years 2008 and 2009.

13 This Act may be cited as the “Department of Home-
14 land Security Appropriations Act, 2009”.

Union Calendar No. 558

110TH CONGRESS
2^D SESSION

H. R. 6947

[Report No. 110-862]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2009, and for other purposes.

SEPTEMBER 18, 2008

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed