

Calendar No. 830110TH CONGRESS
2^D SESSION**S. 3181****[Report No. 110-396]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2008

Mr. BYRD, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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 fiscal year ending September 30, 2009, for the Depart-
6 ment of Homeland Security and for other purposes, name-
7 ly:

1 TITLE I
2 DEPARTMENT OF HOMELAND SECURITY
3 DEPARTMENTAL MANAGEMENT AND
4 OPERATIONS
5 OFFICE OF THE SECRETARY AND EXECUTIVE
6 MANAGEMENT

7 For necessary expenses of the Office of the Secretary
8 of Homeland Security, as authorized by section 102 of the
9 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
10 tive management of the Department of Homeland Secu-
11 rity, as authorized by law, \$123,299,000: *Provided*, That
12 not to exceed \$60,000 shall be for official reception and
13 representation expenses, of which \$20,000 shall be made
14 available to the Office of Policy solely to host Visa Waiver
15 Program negotiations in Washington, DC: *Provided fur-*
16 *ther*, That \$15,000,000 shall not be available for obliga-
17 tion until the Secretary certifies and reports to the Com-
18 mittees on Appropriations of the Senate and the House
19 of Representatives that the Department has implemented
20 revised Departmental guidance with respect to relations
21 with the Government Accountability Office: *Provided fur-*
22 *ther*, That \$10,000,000 shall not be available for obliga-
23 tion until the Secretary of Homeland Security, in coordi-
24 nation with the Administrator of the Federal Emergency
25 Management Agency, certifies and reports to the Commit-

tees on Appropriations that processes to incorporate stakeholder input for grant guidance development and award distribution have been: (1) developed to ensure transparency and increased information gathering about security needs for all-hazards; (2) formalized and made clear to stakeholders; and (3) formalized to ensure future use for each fiscal year.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$310,803,000, of which not to exceed \$3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount, \$6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex: *Provided further*, That of the total amount provided, \$120,000,000 shall remain available until expended solely for planning, design, and construction costs to consolidate the Headquarters, operations coordination, and policy and program management functions in a secure setting.

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), \$56,235,000,
5 of which \$12,000,000 shall remain available until ex-
6 pended for financial systems consolidation efforts.

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, \$274,669,000; of
12 which \$86,928,000 shall be available for salaries and ex-
13 penses; and of which \$187,741,000, 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, of which not less than \$23,830,000
18 shall be available for data center development and an addi-
19 tional \$22,300,000 shall be available to support costs of
20 transition to the National Center for Critical Information
21 Processing and Storage: *Provided*, That \$200,000,000 of
22 the total amount appropriated under this heading shall
23 not be available for obligation until the Committee on Ap-
24 propriations of the Senate receives the report on data cen-
25 ter transition: *Provided further*, That the Chief Informa-

1 tion Officer shall submit to the Committees on Appropria-
2 tions of the Senate and the House of Representatives, not
3 more than 60 days after the date of enactment of this
4 Act, an expenditure plan for all information technology ac-
5 quisition projects that: (1) are funded under this heading;
6 or (2) are funded by multiple components of the Depart-
7 ment of Homeland Security through reimbursable agree-
8 ments: *Provided further*, That such expenditure plan shall
9 include each specific project funded, key milestones, all
10 funding sources for each project, details of annual and
11 lifecycle costs, and projected cost savings or cost avoidance
12 to be achieved by the project.

13 ANALYSIS AND OPERATIONS

14 (INCLUDING RESCISSION OF FUNDS)

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.), \$320,200,000, of which not to exceed \$5,000 shall
19 be for official reception and representation expenses; and
20 of which \$220,021,000 shall remain available until Sep-
21 tember 30, 2010: *Provided*, That of the amounts made
22 available under this heading in Public Law 110–161,
23 \$2,500,000 are rescinded.

1 OFFICE OF THE FEDERAL COORDINATOR FOR GULF
2 COAST REBUILDING

3 For necessary expenses of the Office of the Federal
4 Coordinator for Gulf Coast Rebuilding, \$2,700,000.

5 OFFICE OF INSPECTOR GENERAL
6 OPERATING EXPENSES

7 For necessary expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978 (5 U.S.C. App.), \$96,013,000, of
10 which not to exceed \$150,000 may be used for certain con-
11 fidential operational expenses, including the payment of
12 informants, to be expended at the direction of the Inspec-
13 tor General.

14 TITLE II
15 SECURITY, ENFORCEMENT, AND
16 INVESTIGATIONS
17 U.S. CUSTOMS AND BORDER PROTECTION
18 SALARIES AND EXPENSES
19 (INCLUDING RESCISSION OF FUNDS)

20 For necessary expenses for enforcement of laws relat-
21 ing to border security, immigration, customs, agricultural
22 inspections and regulatory activities related to plant and
23 animal imports, and transportation of unaccompanied
24 minor aliens; purchase and lease of up to 6,300 (3,300
25 for replacement only) police-type vehicles; and contracting
26 with individuals for personal services abroad;

1 \$7,536,314,000, of which \$3,154,000 shall be derived
2 from the Harbor Maintenance Trust Fund for administra-
3 tive expenses related to the collection of the Harbor Main-
4 tenance Fee pursuant to section 9505(c)(3) of the Internal
5 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
6 withstanding section 1511(e)(1) of the Homeland Security
7 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
8 \$45,000 shall be for official reception and representation
9 expenses; of which not less than \$271,679,000 shall be
10 for Air and Marine Operations; of which \$4,500,000, shall
11 be for the 2010 Olympics Coordination Center, of which
12 not to exceed \$2,000,000 shall be available until Sep-
13 tember 30, 2010; of which such sums as become available
14 in the Customs User Fee Account, except sums subject
15 to section 13031(f)(3) of the Consolidated Omnibus Budg-
16 et Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall
17 be derived from that account; of which not to exceed
18 \$150,000 shall be available for payment for rental space
19 in connection with preclearance operations; and of which
20 not to exceed \$1,000,000 shall be for awards of compensa-
21 tion to informants, to be accounted for solely under the
22 certificate of the Secretary of Homeland Security: *Pro-*
23 *vided*, That for fiscal year 2009, the overtime limitation
24 prescribed in section 5(c)(1) of the Act of February 13,
25 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-

1 prior commitments made to the Committees relative
2 to system capabilities or services, system perform-
3 ance levels, mission benefits and outcomes, mile-
4 stones, cost targets, and program management capa-
5 bilities;

6 (2) an explicit plan of action defining how all
7 funds are to be obligated to meet future program
8 commitments, with the planned expenditure of funds
9 linked to the milestone-based delivery of specific ca-
10 pabilities, services, performance levels, mission bene-
11 fits and outcomes, and program management capa-
12 bilities;

13 (3) a listing of all open Government Account-
14 ability Office and Office of Inspector General rec-
15 ommendations related to the program, with the sta-
16 tus of the Department's efforts to address the rec-
17 ommendations, including milestones for fully ad-
18 dressing them;

19 (4) a certification by the Chief Procurement Of-
20 ficer of the Department that the program has been
21 reviewed and approved in accordance with the in-
22 vestment management process of the Department,
23 and that the process fulfills all capital planning and
24 investment control requirements and reviews estab-
25 lished by the Office of Management and Budget, in-

1 including Circular A–11, part 7, as well as supporting
2 analyses generated by and used in the Department’s
3 process;

4 (5) a certification by the Chief Information Of-
5 ficer of the Department that an independent valida-
6 tion and verification agent has and will continue to
7 actively review the program;

8 (6) a certification by the Chief Information Of-
9 ficer of the Department that the system architecture
10 of the program is sufficiently aligned with the infor-
11 mation systems enterprise architecture of the De-
12 partment to minimize future rework, including a de-
13 scription of all aspects of the architectures that were
14 and were not assessed in making the alignment de-
15 termination, the date of the alignment determina-
16 tion, any known areas of misalignment along with
17 the associated risks and corrective actions to address
18 any such areas;

19 (7) a certification by the Chief Information Of-
20 ficer of the Department that the program has a risk
21 management process that regularly and proactively
22 identifies, evaluates, mitigates, and monitors risks
23 throughout the system life cycle, and communicates
24 high-risk conditions to U.S. Customs and Border
25 Protection and Department of Homeland Security

1 investment decision makers, as well as a listing of
2 the program's high risks and the status of efforts to
3 address them;

4 (8) a certification by the Chief Procurement Of-
5 ficer of the Department that the plans for the pro-
6 gram comply with the Federal acquisition rules, re-
7 quirements, guidelines, and practices, and a descrip-
8 tion of the actions being taken to address areas of
9 non-compliance, the risks associated with them along
10 with any plans for addressing these risks and the
11 status of their implementation; and

12 (9) a certification by the Chief Human Capital
13 Officer of the Department that the human capital
14 needs of the program are being strategically and
15 proactively managed, and that current human cap-
16 ital capabilities are sufficient to execute the plans
17 discussed in the report.

18 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
19 TECHNOLOGY

20 For expenses for customs and border protection fenc-
21 ing, infrastructure, and technology, \$775,000,000, to re-
22 main available until expended: *Provided*, That the Sec-
23 retary of Homeland Security shall submit to the Commit-
24 tees on Appropriations of the Senate and the House of
25 Representatives a plan for expenditure within 90 days
26 after the date of enactment of this Act, for a program

1 to establish and maintain a security barrier along the bor-
2 ders of the United States of fencing and vehicle barriers,
3 where practicable, and other forms of tactical infrastruc-
4 ture and technology, that includes:

5 (1) a detailed accounting of the program's
6 progress to date 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) required
11 by the Secure Border Initiative network or any suc-
12 cessor contract, and description of the methodology
13 used to obtain these cost figures;

14 (2) a description of how activities will further
15 the objectives of the Secure Border Initiative, as de-
16 fined in the Secure Border Initiative multi-year stra-
17 tegic plan, and how the plan allocates funding to the
18 highest priority border security needs;

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

1 (4) a description of how the plan addresses se-
2 curity needs at the Northern Border and the ports
3 of entry, including infrastructure, technology, design
4 and operations requirements;

5 (5) a report on costs incurred, the activities
6 completed, and the progress made by U.S. Customs
7 and Border Protection in terms of obtaining oper-
8 ational control of the entire border of the United
9 States;

10 (6) a listing of all open Government Account-
11 ability Office and Office of Inspector General rec-
12 ommendations related to the program and the status
13 of Department of Homeland Security actions to ad-
14 dress the recommendations, including milestones to
15 fully address them;

16 (7) a certification by the Chief Procurement Of-
17 ficer of the Department that the program has been
18 reviewed and approved in accordance with the in-
19 vestment management process of the Department,
20 and that the process fulfills all capital planning and
21 investment control requirements and reviews estab-
22 lished by the Office of Management and Budget, in-
23 cluding Circular A-11, part 7;

24 (8) a certification by the Chief Procurement Of-
25 ficer of the Department that the plans for the pro-

1 gram comply with the Federal acquisition rules, re-
2 quirements, guidelines, and practices, and a descrip-
3 tion of the actions being taken to address areas of
4 non-compliance, the risks associated with them along
5 with any plans for addressing these risks, and the
6 status of their implementation;

7 (9) a certification by the Chief Procurement Of-
8 ficer of the Department of Homeland Security that
9 procedures to prevent conflicts of interest between
10 the prime integrator and major subcontractors are
11 established, a certification by the Chief Information
12 Officer of the Department of Homeland Security
13 that an independent verification and validation agent
14 is currently under contract for the projects funded
15 under this heading;

16 (10) a certification by the Chief Information
17 Officer of the Department that the system architec-
18 ture of the program is sufficiently aligned with the
19 information systems enterprise architecture of the
20 Department to minimize future rework, including a
21 description of all aspects of the architecture that
22 were and were not assessed in making the alignment
23 determination, the date of the alignment determina-
24 tion, and any known areas of misalignment along

1 with the associated risks and corrective actions to
2 address any such areas;

3 (11) a certification by the Chief Information
4 Officer of the Department that the program has a
5 risk management process that regularly and
6 proactively identifies, evaluates, mitigates, and mon-
7 itors risks throughout the system life cycle and com-
8 municates high-risk conditions to U.S. Customs and
9 Border Protection and Department of Homeland Se-
10 curity investment decision makers, as well as a list-
11 ing of all the program's high risks and the status of
12 efforts to address them;

13 (12) a certification by the Chief Human Capital
14 Officer of the Department that the human capital
15 needs of the program are being strategically and
16 proactively managed, that current human capital ca-
17 pabilities are sufficient to execute the plans dis-
18 cussed in the report; and

19 (13) is reviewed by the Government Account-
20 ability Office.

21 AIR AND MARINE INTERDICTION, OPERATIONS,
22 MAINTENANCE, AND PROCUREMENT

23 For necessary expenses for the operations, mainte-
24 nance, and procurement of marine vessels, aircraft, un-
25 manned aircraft systems, and other related equipment of
26 the air and marine program, including operational train-

1 ing and mission-related travel, and rental payments for
2 facilities occupied by the air or marine interdiction and
3 demand reduction programs, the operations of which in-
4 clude the following: the interdiction of narcotics and other
5 goods; the provision of support to Federal, State, and local
6 agencies in the enforcement or administration of laws en-
7 forced by the Department of Homeland Security; and at
8 the discretion of the Secretary of Homeland Security, the
9 provision of assistance to Federal, State, and local agen-
10 cies in other law enforcement and emergency humani-
11 tarian efforts, \$528,000,000, to remain available until ex-
12 pended: *Provided*, That no aircraft or other related equip-
13 ment, with the exception of aircraft that are one of a kind
14 and have been identified as excess to U.S. Customs and
15 Border Protection requirements and aircraft that have
16 been damaged beyond repair, shall be transferred to any
17 other Federal agency, department, or office outside of the
18 Department of Homeland Security during fiscal year 2009
19 without the prior approval of the Committees on Appro-
20 priations of the Senate and the House of Representatives.

21 CONSTRUCTION

22 For necessary expenses to plan, construct, renovate,
23 equip, and maintain buildings and facilities necessary for
24 the administration and enforcement of the laws relating
25 to customs and immigration, \$403,201,000, to remain
26 available until expended; of which \$39,700,000 shall be

1 for the Advanced Training Center: *Provided*, That for fis-
2 cal year 2010 and thereafter, the annual budget submis-
3 sion of U.S. Customs and Border Protection for “Con-
4 struction” shall, in consultation with the General Services
5 Administration, include a detailed 5-year plan for Federal
6 land border port of entry projects with a yearly update
7 of total projected future funding needs.

8 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

9 SALARIES AND EXPENSES

10 For necessary expenses for enforcement of immigra-
11 tion and customs laws, detention and removals, and inves-
12 tigation; and purchase and lease of up to 3,790 (2,350
13 for replacement only) police-type vehicles; \$4,932,210,000,
14 of which not to exceed \$7,500,000 shall be available until
15 expended for conducting special operations under section
16 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
17 2081); of which not to exceed \$15,000 shall be for official
18 reception and representation expenses; of which not to ex-
19 ceed \$1,000,000 shall be for awards of compensation to
20 informants, to be accounted for solely under the certificate
21 of the Secretary of Homeland Security; of which not less
22 than \$305,000 shall be for promotion of public awareness
23 of the child pornography tipline and anti-child exploitation
24 activities; of which not less than \$5,400,000 shall be used
25 to facilitate agreements consistent with section 287(g) of

1 the Immigration and Nationality Act (8 U.S.C. 1357(g));
2 and of which not to exceed \$11,216,000 shall be available
3 to fund or reimburse other Federal agencies for the costs
4 associated with the care, maintenance, and repatriation of
5 smuggled illegal aliens: *Provided*, That none of the funds
6 made available under this heading shall be available to
7 compensate any employee for overtime in an annual
8 amount in excess of \$35,000, except that the Secretary
9 of Homeland Security, or the designee of the Secretary,
10 may waive that amount as necessary for national security
11 purposes and in cases of immigration emergencies: *Pro-*
12 *vided further*, That of the total amount provided,
13 \$15,770,000 shall be for activities to enforce laws against
14 forced child labor in fiscal year 2009, of which not to ex-
15 ceed \$6,000,000 shall remain available until expended:
16 *Provided further*, That of the total amount provided, not
17 less than \$2,478,004,000 is for detention and removal op-
18 erations, including transportation of unaccompanied
19 minor aliens: *Provided further*, That of the total amount
20 provided, \$160,000,000 shall remain available until Sep-
21 tember 30, 2010, to improve and modernize efforts to
22 identify aliens convicted of a crime, sentenced to imprison-
23 ment, and who may be deportable, and remove them from
24 the United States once they are judged deportable: *Pro-*
25 *vided further*, That of the total amount provided,

1 \$6,800,000 shall remain available until September 30,
2 2010, for the Visa Security Program.

3 FEDERAL PROTECTIVE SERVICE

4 The revenues and collections of security fees credited
5 to this account shall be available until expended for nec-
6 essary expenses related to the protection of federally-
7 owned and leased buildings and for the operations of the
8 Federal Protective Service: *Provided*, That the Secretary
9 of Homeland Security and the Director of the Office of
10 Management and Budget shall certify in writing to the
11 Committees on Appropriations of the Senate and the
12 House of Representatives no later than December 31,
13 2008, that the operations of the Federal Protective Service
14 will be fully funded in fiscal year 2009 through revenues
15 and collection of security fees, and shall adjust the fees
16 to ensure fee collections are sufficient to ensure that the
17 Federal Protective Service maintains not fewer than 1,200
18 full-time equivalent staff and 900 full-time equivalent Po-
19 lice Officers, Inspectors, Area Commanders, and Special
20 Agents who, while working, are directly engaged on a daily
21 basis protecting and enforcing laws at Federal buildings
22 (referred to as “in-service field staff”).

23 AUTOMATION MODERNIZATION

24 For expenses of immigration and customs enforce-
25 ment automated systems, \$57,000,000, to remain avail-
26 able until expended: *Provided*, That of the funds made

1 available under this heading, \$5,000,000 shall not be obli-
2 gated until the Committees on Appropriations of the Sen-
3 ate and the House of Representatives receive a plan for
4 expenditure prepared by the Secretary of Homeland Secu-
5 rity.

6 TRANSPORTATION SECURITY ADMINISTRATION

7 AVIATION SECURITY

8 (INCLUDING RESCISSION OF FUNDS)

9 For necessary expenses of the Transportation Secu-
10 rity Administration related to providing civil aviation secu-
11 rity services pursuant to the Aviation and Transportation
12 Security Act (Public Law 107-71; 115 Stat. 597; 49
13 U.S.C. 40101 note), \$4,671,518,000, to remain available
14 until September 30, 2010, of which not to exceed \$10,000
15 shall be for official reception and representation expenses:
16 *Provided*, That of the total amount made available under
17 this heading, not to exceed \$3,861,710,000 shall be for
18 screening operations, of which \$621,106,000 shall be
19 available for explosives detection systems; and not to ex-
20 ceed \$809,808,000 shall be for aviation security direction
21 and enforcement: *Provided further*, That of the amount
22 made available in the preceding proviso for explosives de-
23 tection systems, \$294,000,000 shall be available for the
24 purchase and installation of these systems, of which not
25 less than \$84,500,000 shall be available for the purchase
26 and installation of certified explosives detection systems

1 at medium- and small-sized airports: *Provided further,*
2 That security service fees authorized under section 44940
3 of title 49, United States Code, shall be credited to this
4 appropriation as offsetting collections and shall be avail-
5 able only for aviation security: *Provided further,* That any
6 funds collected and made available from aviation security
7 fees pursuant to section 44940(i) of title 49, United States
8 Code, may, notwithstanding paragraph (4) of such section
9 44940(i), be expended for the purpose of improving
10 screening at airport screening checkpoints, which may in-
11 clude the purchase and utilization of emerging technology
12 equipment; the refurbishment and replacement of current
13 equipment; the installation of surveillance systems to mon-
14 itor checkpoint activities; the modification of checkpoint
15 infrastructure to support checkpoint reconfigurations; and
16 the creation of additional checkpoints to screen aviation
17 passengers and airport personnel: *Provided further,* That
18 the sum appropriated under this heading from the general
19 fund shall be reduced on a dollar-for-dollar basis as such
20 offsetting collections are received during fiscal year 2009,
21 so as to result in a final fiscal year appropriation from
22 the general fund estimated at not more than
23 \$2,351,518,000: *Provided further,* That any security serv-
24 ice fees collected in excess of the amount made available
25 under this heading shall become available during fiscal

1 year 2010: *Provided further*, That Members of the United
2 States House of Representatives and United States Sen-
3 ate, including the leadership; and the heads of Federal
4 agencies and commissions, including the Secretary, Under
5 Secretaries, and Assistant Secretaries of the Department
6 of Homeland Security; the United States Attorney General
7 and Assistant Attorneys General and the United States
8 attorneys; and senior members of the Executive Office of
9 the President, including the Director of the Office of Man-
10 agement and Budget; shall not be exempt from Federal
11 passenger and baggage screening: *Provided further*, That
12 of amounts made available under this heading in Public
13 Law 110–161 for employee screening pilots, \$7,300,000
14 are rescinded.

15 SURFACE TRANSPORTATION SECURITY

16 For necessary expenses of the Transportation Secu-
17 rity Administration related to providing surface transpor-
18 tation security activities, \$63,506,000, to remain available
19 until September 30, 2010.

20 TRANSPORTATION THREAT ASSESSMENT AND

21 CREDENTIALING

22 For necessary expenses for the development and im-
23 plementation of screening programs of the Office of
24 Transportation Threat Assessment and Credentialing,
25 \$119,618,000, to remain available until September 30,
26 2010: *Provided*, That if the Assistant Secretary of Home-

1 land Security (Transportation Security Administration)
2 determines that the Secure Flight program does not need
3 to check airline passenger names against the full terrorist
4 watch list, then the Assistant Secretary shall certify to the
5 Committees on Appropriations of the Senate and the
6 House of Representatives that no significant security risks
7 are raised by screening airline passenger names only
8 against a subset of the full terrorist watch list.

9 TRANSPORTATION SECURITY SUPPORT

10 For necessary expenses of the Transportation Secu-
11 rity Administration related to providing transportation se-
12 curity support and intelligence pursuant to the Aviation
13 and Transportation Security Act (Public Law 107-71;
14 115 Stat. 597; 49 U.S.C. 40101 note), \$950,235,000, to
15 remain available until September 30, 2010: *Provided*,
16 That of the funds appropriated under this heading,
17 \$30,000,000 may not be obligated for headquarters ad-
18 ministration until the Secretary of Homeland Security
19 submits to the Committees on Appropriations of the Sen-
20 ate and the House of Representatives detailed expenditure
21 plans for checkpoint support and explosives detection sys-
22 tems refurbishment, procurement, and installations on an
23 airport-by-airport basis for fiscal year 2009: *Provided fur-*
24 *ther*, That these plans shall include: specific technologies
25 planned for purchase; project timelines; a schedule for ob-
26 ligation; and a table detailing actual unobligated balances

1 versus anticipated unobligated balances at the close of the
2 fiscal year: *Provided further*, That these plans shall be sub-
3 mitted no later than 60 days after the date of enactment
4 of this Act and updated quarterly.

5 FEDERAL AIR MARSHALS

6 For necessary expenses of the Federal Air Marshals,
7 \$799,100,000.

8 COAST GUARD

9 OPERATING EXPENSES

10 For necessary expenses for the operation and mainte-
11 nance of the Coast Guard, not otherwise provided for; pur-
12 chase or lease of not to exceed 25 passenger motor vehi-
13 cles, which shall be for replacement only; for purchase or
14 lease of small boats for contingent and emergent require-
15 ments (at a unit cost of no more than \$750,000) and for
16 repairs and service-life replacements, not to exceed a total
17 of \$26,000,000; minor shore construction projects not ex-
18 ceeding \$1,000,000 in total cost at any location; payments
19 pursuant to section 156 of Public Law 97–377 (42 U.S.C.
20 402 note; 96 Stat. 1920); and recreation and welfare;
21 \$6,280,497,000, of which \$340,000,000 shall be for de-
22 fense-related activities; of which \$24,500,000 shall be de-
23 rived from the Oil Spill Liability Trust Fund to carry out
24 the purposes of section 1012(a)(5) of the Oil Pollution Act
25 of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed
26 \$20,000 shall be for official reception and representation

1 expenses; and of which \$3,600,000 shall be available for
2 the cost of repairing, rehabilitating, altering, modifying,
3 and making improvements, including customized tenant
4 improvements, to any replacement or expanded Operations
5 Systems Center facility: *Provided*, That none of the funds
6 made available by this Act shall be for expenses incurred
7 for recreational vessels under section 12114 of title 46,
8 United States Code, except to the extent fees are collected
9 from yacht owners and credited to this appropriation: *Pro-*
10 *vided further*, That notwithstanding any other provision of
11 law, \$4,000,000 of the amounts made available under this
12 heading may be available to maintain the USCGC POLAR
13 STAR in caretaker status: *Provided further*, That of the
14 total amount appropriated under this heading, \$7,600,000
15 may be available to operate the USCGC ACUSHNET
16 through fiscal year 2009.

17 ENVIRONMENTAL COMPLIANCE AND RESTORATION

18 For necessary expenses to carry out the environ-
19 mental compliance and restoration functions of the Coast
20 Guard under chapter 19 of title 14, United States Code,
21 \$12,315,000, to remain available until expended.

22 RESERVE TRAINING

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

1 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of acquisition, construction,
3 renovation, and improvement of aids to navigation, shore
4 facilities, vessels, and aircraft, including equipment related
5 thereto; and maintenance, rehabilitation, lease and oper-
6 ation of facilities and equipment, as authorized by law;
7 \$1,266,818,000, of which \$20,000,000 shall be derived
8 from the Oil Spill Liability Trust Fund to carry out the
9 purposes of section 1012(a)(5) of the Oil Pollution Act
10 of 1990 (33 U.S.C. 2712(a)(5)); of which \$113,000,000
11 shall be available until September 30, 2013, to acquire,
12 repair, renovate, or improve vessels, small boats, and re-
13 lated equipment; of which \$89,174,000 shall be available
14 until September 30, 2011, for other equipment; of which
15 \$50,000,000 shall be available until September 30, 2011,
16 for shore facilities and aids to navigation facilities; of
17 which \$500,000 shall be available for personnel related
18 costs; and of which \$1,014,144,000 shall be available until
19 September 30, 2013, for the Integrated Deepwater Sys-
20 tems program: *Provided*, That of the funds made available
21 for the Integrated Deepwater Systems program,
22 \$255,000,000 is for aircraft and \$540,703,000 is for sur-
23 face ships: *Provided further*, That the Commandant shall
24 submit a plan for expenditure to the Committees on Ap-
25 propriations of the Senate and House of Representatives

1 within 60 days after the date of enactment of this Act
2 for funds made available for the Integrated Deepwater
3 Program, that—

4 (1) defines activities, milestones, yearly costs,
5 and lifecycle costs for each procurement of a major
6 asset, including an independent cost estimate for
7 each;

8 (2) identifies lifecycle staffing and training
9 needs of Coast Guard project managers and of pro-
10 curement and contract staff;

11 (3) identifies competition to be conducted in
12 each procurement;

13 (4) describes procurement plans that do not
14 rely on a single industry entity or contract;

15 (5) includes a certification by the Chief Human
16 Capital Officer of the Department that current
17 human capital capabilities are sufficient to execute
18 the plans discussed in the report;

19 (6) contains very limited indefinite delivery/in-
20 definite quantity contracts and explains the need for
21 any indefinite delivery/indefinite quantity contracts;

22 (7) identifies individual project balances by fis-
23 cal year, including planned carryover into fiscal year
24 2010 by project;

1 (8) identifies operational gaps by asset and ex-
2 plains how funds provided in this Act address the
3 shortfalls between current operational capabilities
4 and requirements;

5 (9) includes a listing of all open Government
6 Accountability Office and Office of Inspector Gen-
7 eral recommendations related to the program and
8 the status of Coast Guard actions to address the
9 recommendations, including milestones for fully ad-
10 dressing them;

11 (10) includes a certification by the Chief Pro-
12 curement Officer of the Department that the pro-
13 gram has been reviewed and approved in accordance
14 with the investment management process of the De-
15 partment, and that the process fulfills all capital
16 planning and investment control requirements and
17 reviews established by the Office of Management and
18 Budget, including Circular A-11, part 7;

19 (11) identifies use of the Defense Contract Au-
20 diting Agency;

21 (12) includes a certification by the head of con-
22 tracting activity for the Coast Guard and the Chief
23 Procurement Officer of the Department that the
24 plans for the program comply with the Federal ac-
25 quisition rules, requirements, guidelines, and prac-

1 tices, and a description of the actions being taken to
2 address areas of non-compliance, the risks associated
3 with them along with plans for addressing these
4 risks, and the status of their implementation;

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

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

9 *Provided further*, That the Secretary of Homeland Secu-
10 rity shall submit to the Committees on Appropriations of
11 the Senate and the House of Representatives, in conjunc-
12 tion with the President's fiscal year 2010 budget, a review
13 of the Revised Deepwater Implementation Plan that iden-
14 tifies any changes to the plan for the fiscal year; an annual
15 performance comparison of Deepwater assets to pre-Deep-
16 water legacy assets; a status report of legacy assets; a de-
17 tailed explanation of how the costs of legacy assets are
18 being accounted for within the Deepwater program; and
19 the earned value management system gold card data for
20 each Deepwater asset: *Provided further*, That the Sec-
21 retary shall submit to the Committees on Appropriations
22 of the Senate and the House of Representatives a com-
23 prehensive review of the Revised Deepwater Implementa-
24 tion Plan every 5 years, beginning in fiscal year 2011, that
25 includes a complete projection of the acquisition costs and

1 schedule for the duration of the plan through fiscal year
2 2027: *Provided further*, That the Secretary shall annually
3 submit to the Committees on Appropriations of the Senate
4 and the House of Representatives, at the time that the
5 President's budget is submitted under section 1105(a) of
6 title 31, United States Code, a future-years capital invest-
7 ment plan for the Coast Guard that identifies for each
8 capital budget line item—

9 (1) the proposed appropriation included in that
10 budget;

11 (2) the total estimated cost of completion;

12 (3) projected funding levels for each fiscal year
13 for the next 5 fiscal years or until project comple-
14 tion, whichever is earlier;

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

17 (5) changes, if any, in the total estimated cost
18 of completion or estimated completion date from
19 previous future-years capital investment plans sub-
20 mitted to the Committees on Appropriations of the
21 Senate and the House of Representatives:

22 *Provided further*, That the Secretary shall ensure that
23 amounts specified in the future-years capital investment
24 plan are consistent to the maximum extent practicable
25 with proposed appropriations necessary to support the

1 programs, projects, and activities of the Coast Guard in
2 the President's budget as submitted under section 1105(a)
3 of title 31, United States Code, for that fiscal year: *Pro-*
4 *vided further*, That any inconsistencies between the capital
5 investment plan and proposed appropriations shall be
6 identified and justified.

7 ALTERATION OF BRIDGES

8 For necessary expenses for alteration or removal of
9 obstructive bridges, as authorized by section 6 of the Tru-
10 man-Hobbs Act (33 U.S.C. 516), \$16,000,000, to remain
11 available until expended: *Provided*, That of the amounts
12 made available under this heading, \$2,125,000 shall be
13 for the Burlington Northern Railroad Bridge in Bur-
14 lington, Iowa; \$2,125,000 shall be for the Canadian Pa-
15 cific Railway Bridge in LaCrosse, Wisconsin; \$2,125,000
16 shall be for the Chelsea Street Bridge in Chelsea, Massa-
17 chusetts; \$2,125,000 shall be for the Elgin, Joliet, and
18 Eastern Railway Company Bridge in Morris, Illinois;
19 \$3,750,000 shall be for the Fourteen Mile Bridge in Mo-
20 bile, Alabama; and \$3,750,000 shall be for the Galveston
21 Causeway Bridge in Galveston, Texas.

22 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

23 For necessary expenses for applied scientific re-
24 search, development, test, and evaluation; and for mainte-
25 nance, rehabilitation, lease, and operation of facilities and
26 equipment; as authorized by law; \$16,000,000, to remain

1 available until expended, of which \$500,000 shall be de-
2 rived from the Oil Spill Liability Trust Fund to carry out
3 the purposes of section 1012(a)(5) of the Oil Pollution Act
4 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
5 be credited to and used for the purposes of this appropria-
6 tion funds received from State and local governments,
7 other public authorities, private sources, and foreign coun-
8 tries for expenses incurred for research, development, test-
9 ing, and evaluation.

10 RETIRED PAY

11 For retired pay, including the payment of obligations
12 otherwise chargeable to lapsed appropriations for this pur-
13 pose, payments under the Retired Serviceman's Family
14 Protection and Survivor Benefits Plans, payment for ca-
15 reer status bonuses, concurrent receipts and combat-re-
16 lated special compensation under the National Defense
17 Authorization Act, and payments for medical care of re-
18 tired personnel and their dependents under chapter 55 of
19 title 10, United States Code, \$1,236,745,000, to remain
20 available until expended.

21 UNITED STATES SECRET SERVICE

22 SALARIES AND EXPENSES

23 For necessary expenses of the United States Secret
24 Service, including purchase of not to exceed 675 vehicles
25 for police-type use, of which 645 shall be for replacement
26 only, and hire of passenger motor vehicles; purchase of

1 motorcycles made in the United States; hire of aircraft;
2 services of expert witnesses at such rates as may be deter-
3 mined by the Director of the Secret Service; rental of
4 buildings in the District of Columbia, and fencing, light-
5 ing, guard booths, and other facilities on private or other
6 property not in Government ownership or control, as may
7 be necessary to perform protective functions; payment of
8 per diem or subsistence allowances to employees where a
9 protective assignment during the actual day or days of the
10 visit of a protectee requires an employee to work 16 hours
11 per day or to remain overnight at a post of duty; conduct
12 of and participation in firearms matches; presentation of
13 awards; travel of United States Secret Service employees
14 on protective missions without regard to the limitations
15 on such expenditures in this or any other Act if approval
16 is obtained in advance from the Committees on Appropria-
17 tions of the Senate and the House of Representatives; re-
18 search and development; grants to conduct behavioral re-
19 search in support of protective research and operations;
20 and payment in advance for commercial accommodations
21 as may be necessary to perform protective functions;
22 \$1,414,279,000; of which not to exceed \$25,000 shall be
23 for official reception and representation expenses; of which
24 not to exceed \$100,000 shall be to provide technical assist-
25 ance and equipment to foreign law enforcement organiza-

1 tions in counterfeit investigations; of which \$2,366,000
2 shall be for forensic and related support of investigations
3 of missing and exploited children; and of which
4 \$6,000,000 shall be for a grant for activities related to
5 the investigations of missing and exploited children and
6 shall remain available until expended: *Provided*, That up
7 to \$18,000,000 provided for protective travel shall remain
8 available until September 30, 2010: *Provided further*, That
9 up to \$1,000,000 for National Special Security Events
10 shall remain available until expended: *Provided further*,
11 That the United States Secret Service is authorized to ob-
12 ligate funds in anticipation of reimbursements from Fed-
13 eral agencies and entities, as defined in section 105 of title
14 5, United States Code, receiving training sponsored by the
15 James J. Rowley Training Center, except that total obliga-
16 tions at the end of the fiscal year shall not exceed total
17 budgetary resources available under this heading at the
18 end of the fiscal year: *Provided further*, That none of the
19 funds made available under this heading shall be available
20 to compensate any employee for overtime in an annual
21 amount in excess of \$35,000, except that the Secretary
22 of Homeland Security, or the designee of the Secretary,
23 may waive that amount as necessary for national security
24 purposes: *Provided further*, That the limitation in the pre-
25 ceding proviso shall not take effect until the Director of

1 the Office of Management and Budget submits to the
2 Committees on Appropriations of the Senate and the
3 House of Representatives a report certifying that such a
4 limitation on compensation will not have a significant ef-
5 fect on operations of the United States Secret Service.

6 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
7 RELATED EXPENSES

8 For necessary expenses for acquisition, construction,
9 repair, alteration, and improvement of facilities,
10 \$3,725,000, to remain available until expended.

11 TITLE III
12 PROTECTION, PREPAREDNESS, RESPONSE, AND
13 RECOVERY

14 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
15 MANAGEMENT AND ADMINISTRATION

16 For salaries and expenses of the Office of the Under
17 Secretary for the National Protection and Programs Di-
18 rectorate, support for operations, information technology,
19 and the Office of Risk Management and Analysis,
20 \$52,600,000: *Provided*, That not to exceed \$5,000 shall
21 be for official reception and representation expenses.

22 INFRASTRUCTURE PROTECTION AND INFORMATION
23 SECURITY

24 For necessary expenses for infrastructure protection
25 and information security programs and activities, as au-
26 thorized by title II of the Homeland Security Act of 2002

1 (6 U.S.C. 121 et seq.), \$808,004,000, of which
2 \$720,151,000 shall remain available until September 30,
3 2010: *Provided*, That of the total amount provided,
4 \$20,000,000 is for necessary expenses of the National In-
5 frastructure Simulation and Analysis Center.

6 UNITED STATES VISITOR AND IMMIGRANT STATUS

7 INDICATOR TECHNOLOGY

8 For necessary expenses for the development of the
9 United States Visitor and Immigrant Status Indicator
10 Technology project, as authorized by section 110 of the
11 Illegal Immigration Reform and Immigrant Responsibility
12 Act of 1996 (8 U.S.C. 1365a), \$180,300,000, to remain
13 available until expended.

14 OFFICE OF HEALTH AFFAIRS

15 For the necessary expenses of the Office of Health
16 Affairs, \$171,339,000; of which \$39,210,000 is for sala-
17 ries and expenses; and of which \$111,606,000 is for bio-
18 surveillance, BioWatch, medical readiness planning, chem-
19 ical response related activities for the Department of
20 Homeland Security and shall remain available until Sep-
21 tember 30, 2010: *Provided*, That not to exceed \$3,000
22 shall be for official reception and representation expenses.

23 FEDERAL EMERGENCY MANAGEMENT AGENCY

24 MANAGEMENT AND ADMINISTRATION

25 For necessary expenses for management and admin-
26 istration of the Federal Emergency Management Agency,

1 \$892,507,000, including activities authorized by the Na-
2 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
3 seq.), the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-
5 quake Hazards Reduction Act of 1977 (42 U.S.C. 7701
6 et seq.), the Defense Production Act of 1950 (50 U.S.C.
7 App. 2061 et seq.), sections 107 and 303 of the National
8 Security Act of 1947 (50 U.S.C. 404, 405), Reorganiza-
9 tion Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland
10 Security Act of 2002 (6 U.S.C. 101 et seq.), the Post-
11 Katrina Emergency Management Reform Act of 2006
12 (Public Law 109–295; 120 Stat. 1394), and the Imple-
13 menting Recommendations of the 9/11 Commission Act of
14 2007: *Provided*, That not to exceed \$3,000 shall be for
15 official reception and representation expenses: *Provided*
16 *further*, That the President’s budget submitted under sec-
17 tion 1105(a) of title 31, United States Code, shall be de-
18 tailed by office for the Federal Emergency Management
19 Agency: *Provided further*, That \$10,000,000 shall not be
20 available for obligation until the Secretary of Homeland
21 Security, in coordination with the Administrator of the
22 Federal Emergency Management Agency, certifies and re-
23 ports to the Committees on Appropriations that processes
24 to incorporate stakeholder input for grant guidance devel-
25 opment and award distribution have been: (1) developed

1 to ensure transparency and increased information gath-
 2 ering about security needs for all-hazards; (2) formalized
 3 and made clear to stakeholders; and (3) formalized to en-
 4 sure future use for each fiscal year: *Provided further*, That
 5 of the total amount made available under this heading,
 6 up to \$3,200,000 shall be available for the Reserve Work-
 7 force Credentialing and Recruitment Plan: *Provided fur-*
 8 *ther*, That of the total amount made available under this
 9 heading, \$32,500,000 shall be for the Urban Search and
 10 Rescue Response System, of which not to exceed
 11 \$1,600,000 may be made available for administrative
 12 costs; and \$6,342,000 shall be for the Office of National
 13 Capital Region Coordination: *Provided further*, That for
 14 purposes of planning, coordination, execution, and deci-
 15 sion-making related to mass evacuation during a disaster,
 16 the Governors of the State of West Virginia and the Com-
 17 monwealth of Pennsylvania, or their designees, shall be in-
 18 corporated into efforts to integrate the activities of Fed-
 19 eral, State, and local governments in the National Capital
 20 Region, as defined in section 882 of Public Law 107-296,
 21 the Homeland Security Act of 2002.

22 STATE AND LOCAL PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For grants, contracts, cooperative agreements, and
 25 other activities, \$3,029,400,000 shall be allocated as fol-
 26 lows:

1 (1) \$890,000,000 shall be for the State Home-
2 land Security Grant Program under section 2004 of
3 the Homeland Security Act of 2002 (6 U.S.C. 605);
4 of which \$50,000,000, to be allocated at the discre-
5 tion of the Secretary of Homeland Security, shall be
6 for grants under section 204 of the REAL ID Act
7 of 2005 (Public Law 109–13; 49 U.S.C. 30301
8 note).

9 (2) \$825,000,000 shall be for the Urban Area
10 Security Initiative under section 2003 of the Home-
11 land Security Act of 2002 (6 U.S.C. 604), of which,
12 notwithstanding subsection (c)(1) of such section,
13 \$20,000,000 shall be for grants to organizations (as
14 described under section 501(c)(3) of the Internal
15 Revenue Code of 1986 and exempt from tax section
16 501(a) of such code) determined by the Secretary to
17 be at high-risk of a terrorist attack.

18 (3) \$35,000,000 shall be for Regional Cata-
19 strophic Preparedness Grants.

20 (4) \$33,000,000 shall be for the Metropolitan
21 Medical Response System under section 635 of the
22 Post-Katrina Emergency Management Reform Act
23 of 2006 (6 U.S.C. 723).

24 (5) \$15,000,000 shall be for the Citizens Corps
25 Program.

1 (6) \$400,000,000 shall be for Public Transpor-
2 tation Security Assistance and Railroad Security As-
3 sistance under sections 1406 and 1513 of the Imple-
4 menting Recommendations of the 9/11 Commission
5 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135
6 and 1163), of which not less than \$25,000,000 shall
7 be for Amtrak security pursuant to section 1514 of
8 the Implementing Recommendations of the 9/11
9 Commission Act of 2007 (Public Law 110–53): *Pro-*
10 *vided*, That there shall be no cost share requirement
11 for funds made available under this paragraph and
12 made available for these same purposes in Public
13 Law 110–161.

14 (7) \$400,000,000 shall be for Port Security
15 Grants in accordance with 46 U.S.C. 70107.

16 (8) \$12,000,000 shall be for Over-the-Road Bus
17 Security Assistance under section 1532 of the Imple-
18 menting Recommendations of the 9/11 Commission
19 Act of 2007 (Public Law 110–53; 6 U.S.C. 1182).

20 (9) \$8,000,000 shall be for Trucking Industry
21 Security Grants.

22 (10) \$50,000,000 shall be for Buffer Zone Pro-
23 tection Program Grants.

24 (11) \$10,000,000 shall be for the Commercial
25 Equipment Direct Assistance Program.

1 (12) \$50,000,000 shall be for the Interoperable
2 Emergency Communications Grant Program under
3 section 1809 of the Homeland Security Act of 2002
4 (6 U.S.C. 579).

5 (13) \$10,000,000 shall be for grants for con-
6 struction of Emergency Operations Centers under
7 section 614 of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 5196c).

9 (14) \$291,400,000 shall be for training, exer-
10 cises, technical assistance, and other programs, of
11 which—

12 (A) \$160,500,000 is for purposes of train-
13 ing in accordance with section 1204 of the Im-
14 plementing Recommendations of the 9/11 Com-
15 mission Act of 2007 (6 U.S.C. 1102), of which
16 \$62,500,000 shall be for the Center for Domes-
17 tic Preparedness; \$22,000,000 shall be for the
18 National Energetic Materials Research and
19 Testing Center, New Mexico Institute of Mining
20 and Technology; \$22,000,000 shall be for the
21 National Center for Biomedical Research and
22 Training, Louisiana State University;
23 \$22,000,000 shall be for the National Emer-
24 gency Response and Rescue Training Center,
25 Texas A&M University; \$22,000,000 shall be

1 for the National Exercise, Test, and Training
2 Center, Nevada Test Site; \$5,000,000 shall be
3 for the Transportation Technology Center, In-
4 corporated, in Pueblo, Colorado; and
5 \$5,000,000 shall be for the National Disaster
6 Preparedness Training Center, University of
7 Hawaii, Honolulu, Hawaii; and

8 (B) \$2,200,000 shall be for the Pacific Re-
9 gion Homeland Security Center, Honolulu, Ha-
10 waii; and \$1,700,000 for the Center for
11 Counterterrorism and Cyber Crime, Norwich
12 University, Northfield, Vermont:

13 *Provided*, That not to exceed 3 percent of the amounts
14 provided under this heading may be transferred to the
15 Federal Emergency Management Agency “Management
16 and Administration” account for program administration:

17 *Provided further*, That for grants under paragraphs (1)
18 through (5), the applications for grants shall be made
19 available to eligible applicants not later than 25 days after
20 the date of enactment of this Act, that eligible applicants
21 shall submit applications not later than 90 days after the
22 grant announcement, and that the Administrator of the
23 Federal Emergency Management Agency shall act within
24 90 days after receipt of an application: *Provided further*,
25 That for grants under paragraphs (6) through (10), the

1 applications for grants shall be made available to eligible
2 applicants not later than 30 days after the date of enact-
3 ment of this Act, that eligible applicants shall submit ap-
4 plications within 45 days after the grant announcement,
5 and that the Federal Emergency Management Agency
6 shall act not later than 60 days after receipt of an applica-
7 tion: *Provided further*, That for grants under paragraphs
8 (1) and (2), the installation of communications towers is
9 not considered construction of a building or other physical
10 facility: *Provided further*, That grantees shall provide addi-
11 tional reports on their use of funds, as determined nec-
12 essary by the Secretary of Homeland Security: *Provided*
13 *further*, That (a) the Center for Domestic Preparedness
14 may provide training to emergency response providers
15 from the Federal Government, foreign governments, or
16 private entities, if the Center for Domestic Preparedness
17 is reimbursed for the cost of such training, and any reim-
18 bursement under this subsection shall be credited to the
19 account from which the expenditure being reimbursed was
20 made and shall be available, without fiscal year limitation,
21 for the purposes for which amounts in the account may
22 be expended, (b) the head of the Center for Domestic Pre-
23 paredness shall ensure that any training provided under
24 (a) does not interfere with the primary mission of the Cen-
25 ter to train State and local emergency response providers:

1 *Provided further*, That the Government Accountability Of-
2 fice shall report to the Committees on Appropriations of
3 the Senate and the House of Representatives regarding
4 the data, assumptions, and methodology that the Depart-
5 ment uses to assess risk and allocate Urban Area Security
6 Initiative and State Homeland Security Grants not later
7 than 45 days after the date of enactment of this Act: *Pro-*
8 *vided further*, That the report shall include the reliability
9 and validity of the data used, the basis for the assump-
10 tions used, how the methodology is applied to determine
11 the risk scores for individual locations, an analysis of the
12 usefulness of placing States and cities into tier groups,
13 and the allocation of grants to eligible locations: *Provided*
14 *further*, That the Department provide the Government Ac-
15 countability Office with the actual data that the Depart-
16 ment used for its risk assessment and grant allocation:
17 *Provided further*, That the Department provide the Gov-
18 ernment Accountability Office with access to all data need-
19 ed for its analysis and report, including specifics on all
20 changes for the fiscal year 2008 process, including, but
21 not limited to, all changes in data, assumptions, and
22 weights used in methodology within 7 days after the date
23 of enactment of this Act: *Provided further*, That any sub-
24 sequent changes made regarding the risk methodology
25 after the initial information is provided to the Government

1 Accountability Office shall be provided within 7 days after
2 the change is made.

3 FIREFIGHTER ASSISTANCE GRANTS

4 For necessary expenses for programs authorized by
5 the Federal Fire Prevention and Control Act of 1974 (15
6 U.S.C. 2201 et seq.), \$750,000,000, of which
7 \$560,000,000 shall be available to carry out section 33
8 of that Act (15 U.S.C. 2229) and \$190,000,000 shall be
9 available to carry out section 34 of that Act (15 U.S.C.
10 2229a), to remain available until September 30, 2010:
11 *Provided*, That not to exceed 5 percent of the amount
12 available under this heading shall be available for program
13 administration.

14 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

15 For necessary expenses for emergency management
16 performance grants, as authorized by the National Flood
17 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
18 ert T. Stafford Disaster Relief and Emergency Assistance
19 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
20 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
21 organization Plan No. 3 of 1978 (5 U.S.C. App.),
22 \$300,000,000: *Provided*, That total administrative costs
23 shall not exceed 3 percent of the total amount appro-
24 priated under this heading.

1 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

2 The aggregate charges assessed during fiscal year
3 2009, as authorized in title III of the Departments of Vet-
4 erans Affairs and Housing and Urban Development, and
5 Independent Agencies Appropriations Act, 1999 (42
6 U.S.C. 5196e), shall not be less than 100 percent of the
7 amounts anticipated by the Department of Homeland Se-
8 curity necessary for its radiological emergency prepared-
9 ness program for the next fiscal year: *Provided*, That the
10 methodology for assessment and collection of fees shall be
11 fair and equitable and shall reflect costs of providing such
12 services, including administrative costs of collecting such
13 fees: *Provided further*, That fees received under this head-
14 ing shall be deposited in this account as offsetting collec-
15 tions and will become available for authorized purposes on
16 October 1, 2009, and remain available until expended.

17 UNITED STATES FIRE ADMINISTRATION

18 For necessary expenses of the United States Fire Ad-
19 ministration and for other purposes, as authorized by the
20 Federal Fire Prevention and Control Act of 1974 (15
21 U.S.C. 2201 et seq.) and the Homeland Security Act of
22 2002 (6 U.S.C. 101 et seq.), \$43,300,000.

23 DISASTER RELIEF

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses in carrying out the Robert
26 T. Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. 5121 et seq.), \$1,900,000,000, to remain avail-
2 able until expended: *Provided*, That up to \$250,000,000
3 is available for disaster readiness and support costs: *Pro-*
4 *vided further*, That the Federal Emergency Management
5 Agency shall submit an expenditure plan to the Commit-
6 tees on Appropriations detailing the use of the funds for
7 disaster readiness and support within 15 days after enact-
8 ment of this Act: *Provided further*, That the Federal
9 Emergency Management Agency shall provide a monthly
10 report detailing obligations against the expenditure plan
11 and a justification for any changes in spending: *Provided*
12 *further*, That up to \$43,485,000 and 298 positions may
13 be transferred to Federal Emergency Management Agency
14 “Management and Administration”: *Provided further*,
15 That of the total amount provided, \$16,000,000 shall be
16 transferred to the Department of Homeland Security In-
17 spector General for audits and investigations related to
18 disasters, subject to section 503 of this Act.

19 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

20 For activities under section 319 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
23 *Provided*, That gross obligations for the principal amount
24 of direct loans shall not exceed \$25,000,000: *Provided fur-*
25 *ther*, That the cost of modifying such loans shall be as

1 defined in section 502 of the Congressional Budget Act
2 of 1974 (2 U.S.C. 661a).

3 FLOOD MAP MODERNIZATION FUND

4 For necessary expenses under section 1360 of the
5 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
6 \$185,000,000, and such additional sums as may be pro-
7 vided by State and local governments or other political
8 subdivisions for cost-shared mapping activities under sec-
9 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
10 main available until expended: *Provided*, That total admin-
11 istrative costs shall not exceed 3 percent of the total
12 amount appropriated under this heading.

13 NATIONAL FLOOD INSURANCE FUND

14 For activities under the National Flood Insurance
15 Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Dis-
16 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
17 \$156,599,000, which shall be derived from offsetting col-
18 lections assessed and collected under section 1308(d) of
19 the National Flood Insurance Act of 1968 (42 U.S.C.
20 4015(d)), which is available as follows: (1) not to exceed
21 \$49,418,000 for salaries and expenses associated with
22 flood mitigation and flood insurance operations; and (2)
23 no less than \$107,181,000 for flood hazard mitigation,
24 plain management, and flood mapping, which shall remain
25 available until September 30, 2010: *Provided*, That any
26 additional fees collected pursuant to section 1308(d) of the

1 National Flood Insurance Act of 1968 (42 U.S.C.
2 4015(d)) shall be credited as an offsetting collection to
3 this account, to be available for flood hazard mitigation
4 expenses, plain management, and flood mapping: *Provided*
5 *further*, That in fiscal year 2009, no funds shall be avail-
6 able from the National Flood Insurance Fund in excess
7 of: (1) \$85,000,000 for operating expenses; (2)
8 \$869,905,000 for commissions and taxes of agents; (3)
9 such sums as are necessary for interest on Treasury bor-
10 rowings; and (4) \$125,700,000, which shall remain avail-
11 able until expended for flood mitigation actions, of which
12 \$80,000,000 is for severe repetitive loss properties under
13 section 1361A of the National Flood Insurance Act of
14 1968 (42 U.S.C. 4102a), of which \$10,000,000 is for re-
15 petitive insurance claims properties under section 1323 of
16 the National Flood Insurance Act of 1968 (42 U.S.C.
17 4030), and of which \$35,700,000 is for flood insured
18 properties under section 1366 of the National Flood In-
19 surance Act of 1968 (42 U.S.C. 4104c) notwithstanding
20 subparagraphs (B) and (C) of subsection (b)(3) and sub-
21 section (f) of section 1366 of the National Flood Insur-
22 ance Act of 1968 (42 U.S.C. 4104c) and notwithstanding
23 subsection (a)(7) of section 1310 of the National Flood
24 Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*,
25 That amounts collected under section 102 of the Flood

1 Disaster Protection Act of 1973 and section 1366(i) of
2 the National Flood Insurance Act of 1968 shall be depos-
3 ited in the National Flood Insurance Fund to supplement
4 other amounts specified as available for section 1366 of
5 the National Flood Insurance Act of 1968, notwith-
6 standing 42 U.S.C. 4012a(f)(8), 4104e(i), and
7 4104d(b)(2)-(3): *Provided further*, That total administra-
8 tive costs shall not exceed 4 percent of the total appropria-
9 tion.

10 NATIONAL PREDISASTER MITIGATION FUND

11 For a predisaster mitigation grant program under the
12 Robert T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5133), \$100,000,000, to remain
14 available until expended: *Provided*, That grants made for
15 predisaster mitigation shall be awarded subject to the cri-
16 teria in section 203(g) of such Act (42 U.S.C. 5133(g)),
17 and include management costs: *Provided further*, That the
18 total administrative costs associated with such grants shall
19 not exceed 3 percent of the total amount made available
20 under this heading.

21 EMERGENCY FOOD AND SHELTER

22 To carry out an emergency food and shelter program
23 pursuant to title III of the McKinney-Vento Homeless As-
24 sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to
25 remain available until expended: *Provided*, That total ad-

1 ministrative costs shall not exceed 3.5 percent of the total
2 amount made available under this heading.

3 CERRO GRANDE FIRE CLAIMS

4 (INCLUDING RESCISSION OF FUNDS)

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

7 TITLE IV

8 RESEARCH AND DEVELOPMENT, TRAINING,
9 AND SERVICES

10 UNITED STATES CITIZENSHIP AND IMMIGRATION
11 SERVICES

12 For necessary expenses for citizenship and immigra-
13 tion services, \$150,540,000; of which \$100,000,000 is for
14 the E-Verify program to assist United States employers
15 with maintaining a legal workforce; and of which
16 \$50,000,000 is to support implementation of the REAL
17 ID Act to develop an information sharing and verification
18 capability with States: *Provided*, That notwithstanding
19 any other provision of law, funds available to United
20 States Citizenship and Immigration Services may be used
21 to acquire, operate, equip, dispose of and replace up to
22 five vehicles for areas where the Administrator of General
23 Services does not provide vehicles for lease: *Provided fur-*
24 *ther*, That the Director of United States Citizenship and
25 Immigration Services may authorize employees who are

1 assigned to those areas to use such vehicles between the
2 employees' 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; purchase
8 of not to exceed 117 vehicles for police-type use and hire
9 of passenger motor vehicles; expenses for student athletic
10 and related activities; the conduct of and participation in
11 firearms matches and presentation of awards; public
12 awareness and enhancement of community support of law
13 enforcement training; room and board for student interns;
14 a flat monthly reimbursement to employees authorized to
15 use personal mobile phones for official duties; and services
16 as authorized by section 3109 of title 5, United States
17 Code; \$237,692,000, of which up to \$53,320,000 for ma-
18 terials and support costs of Federal law enforcement basic
19 training shall remain available until September 30, 2010;
20 of which \$300,000 shall remain available until expended
21 for Federal law enforcement agencies participating in
22 training accreditation, to be distributed as determined by
23 the Federal Law Enforcement Training Center for the
24 needs of participating agencies; and of which not to exceed
25 \$12,000 shall be for official reception and representation

1 expenses: *Provided*, That the Center is authorized to obli-
2 gate funds in anticipation of reimbursements from agen-
3 cies receiving training sponsored by the Center, except
4 that total obligations at the end of the fiscal year shall
5 not exceed total budgetary resources available at the end
6 of the fiscal year: *Provided further*, That section 1202(a)
7 of Public Law 107–206 (42 U.S.C. 3771 note) as amend-
8 ed by Public Law 109–295 (120 Stat. 1374) is further
9 amended by striking “December 31, 2010” and inserting
10 “December 31, 2011”: *Provided further*, That none of the
11 funds provided under this heading may be used to close
12 or transfer the functions associated with the Washington,
13 DC office of the Federal Law Enforcement Training Cen-
14 ter.

15 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

16 RELATED EXPENSES

17 For acquisition of necessary additional real property
18 and facilities, construction, and ongoing maintenance, fa-
19 cility improvements, and related expenses of the Federal
20 Law Enforcement Training Center, \$86,456,000, to re-
21 main available until expended: *Provided*, That the Center
22 is authorized to accept reimbursement to this appropria-
23 tion from government agencies requesting the construction
24 of special use facilities: *Provided further*, That \$3,000,000
25 is for construction of training and related facilities at
26 Artesia, New Mexico.

1 DOMESTIC NUCLEAR DETECTION OFFICE
2 MANAGEMENT AND ADMINISTRATION

3 For salaries and expenses of the Domestic Nuclear
4 Detection Office as authorized by title XIX of the Home-
5 land Security Act of 2002, as amended, for management
6 and administration of programs and activities,
7 \$38,900,000: *Provided*, That not to exceed \$3,000 shall
8 be for official reception and representation expenses.

9 RESEARCH, DEVELOPMENT, AND OPERATIONS

10 For necessary expenses for radiological and nuclear
11 research, development, testing, evaluation, and operations,
12 \$334,200,000, to remain available until expended.

13 SYSTEMS ACQUISITION

14 For expenses for the Domestic Nuclear Detection Of-
15 fice acquisition and deployment of radiological detection
16 systems in accordance with the global nuclear detection
17 architecture, \$168,000,000, to remain available until Sep-
18 tember 30, 2011: *Provided*, That none of the funds appro-
19 priated under this heading shall be obligated for full-scale
20 procurement of Advanced Spectroscopic Portal monitors
21 until the Secretary of Homeland Security submits to the
22 Committees on Appropriations of the Senate and the
23 House of Representatives a report certifying that a signifi-
24 cant increase in operational effectiveness will be achieved:
25 *Provided further*, That the Secretary shall submit separate
26 and distinct certifications prior to the procurement of Ad-

1 vanced Spectroscopic Portal monitors for primary and sec-
2 ondary deployment that address the unique requirements
3 for operational effectiveness of each type of deployment:
4 *Provided further*, That the Secretary of Homeland Secu-
5 rity shall consult with the National Academy of Sciences
6 before making such certification: *Provided further*, That
7 none of the funds appropriated under this heading shall
8 be used for high-risk concurrent development and produc-
9 tion of mutually dependent software and hardware.

10 TITLE V

11 GENERAL PROVISIONS

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

15 SEC. 502. Subject to the requirements of section 503
16 of this Act, the unexpended balances of prior appropria-
17 tions provided for activities in this Act may be transferred
18 to appropriation accounts for such activities established
19 pursuant to this Act: *Provided*, That balances so trans-
20 ferred may be merged with funds in the applicable estab-
21 lished accounts and thereafter may be accounted for as
22 one fund for the same time period as originally enacted.

23 SEC. 503. (a) None of the funds provided by this Act,
24 provided by previous appropriations Acts to the agencies
25 in or transferred to the Department of Homeland Security

1 that remain available for obligation or expenditure in fiscal
2 year 2009, or provided from any accounts in the Treasury
3 of the United States derived by the collection of fees avail-
4 able to the agencies funded by this Act, shall be available
5 for obligation or expenditure through a reprogramming of
6 funds that: (1) creates a new program, project, or activity;
7 (2) eliminates a program, project, office, or activity; (3)
8 increases funds for any program, project, or activity for
9 which funds have been denied or restricted by the Con-
10 gress; (4) proposes to use funds directed for a specific ac-
11 tivity by either of the Committees on Appropriations of
12 the Senate or the House of Representatives for a different
13 purpose; or (5) contracts out any function or activity for
14 which funding levels were requested for Federal full-time
15 equivalents in the object classification tables contained in
16 the fiscal year 2009 Budget Appendix for the Department
17 of Homeland Security, as modified by the statement of
18 managers accompanying this Act, unless the Committees
19 on Appropriations of the Senate and the House of Rep-
20 resentatives are notified 15 days in advance of such re-
21 programming of funds.

22 (b) None of the funds provided by this Act, provided
23 by previous appropriations Acts to the agencies in or
24 transferred to the Department of Homeland Security that
25 remain available for obligation or expenditure in fiscal

1 year 2009, or provided from any accounts in the Treasury
2 of the United States derived by the collection of fees avail-
3 able to the agencies funded by this Act, shall be available
4 for obligation or expenditure for programs, projects, or ac-
5 tivities through a reprogramming of funds in excess of
6 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
7 ments existing programs, projects, or activities; (2) re-
8 duces by 10 percent funding for any existing program,
9 project, or activity, or numbers of personnel by 10 percent
10 as approved by the Congress; or (3) results from any gen-
11 eral savings from a reduction in personnel that would re-
12 sult in a change in existing programs, projects, or activi-
13 ties as approved by the Congress; unless the Committees
14 on Appropriations of the Senate and the House of Rep-
15 resentatives are notified 15 days in advance of such re-
16 programming of funds.

17 (c) Not to exceed 5 percent of any appropriation
18 made available for the current fiscal year for the Depart-
19 ment of Homeland Security by this Act or provided by
20 previous appropriations Acts may be transferred between
21 such appropriations, but no such appropriations, except
22 as otherwise specifically provided, shall be increased by
23 more than 10 percent by such transfers: *Provided*, That
24 any transfer under this section shall be treated as a re-
25 programming of funds under subsection (b) and shall not

1 be available for obligation unless the Committees on Ap-
2 propriations of the Senate and the House of Representa-
3 tives are notified 15 days in advance of such transfer.

4 (d) Notwithstanding subsections (a), (b), and (c) of
5 this section, no notification required by subsections (a),
6 (b), and (c) shall be submitted after June 30, except in
7 extraordinary circumstances which imminently threaten
8 the safety of human life or the protection of property.

9 SEC. 504. The Department of Homeland Security
10 Working Capital Fund, established pursuant to section
11 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
12 continue operations as a permanent working capital fund
13 for fiscal year 2009: *Provided*, That none of the funds ap-
14 propriated or otherwise made available to the Department
15 of Homeland Security may be used to make payments to
16 the Working Capital Fund, except for the activities and
17 amounts allowed in the President’s fiscal year 2009 budg-
18 et: *Provided further*, That funds provided to the Working
19 Capital Fund shall be available for obligation until ex-
20 pended to carry out the purposes of the Working Capital
21 Fund: *Provided further*, That all departmental components
22 shall be charged only for direct usage of each Working
23 Capital Fund service: *Provided further*, That funds pro-
24 vided to the Working Capital Fund shall be used only for
25 purposes consistent with the contributing component: *Pro-*

1 *vided further*, That such fund shall be paid in advance or
2 reimbursed at rates which will return the full cost of each
3 service: *Provided further*, That the Working Capital Fund
4 shall be subject to the requirements of section 503 of this
5 Act.

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 the Committees on Appropriations of the Senate and
15 the House of Representatives for approval in accordance
16 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. The Federal Law Enforcement Training
24 Accreditation Board shall lead the Federal law enforce-
25 ment training accreditation process, to include representa-

1 tives from the Federal law enforcement community and
2 non-Federal accreditation experts involved in law enforce-
3 ment training, to continue the implementation of meas-
4 uring and assessing the quality and effectiveness of Fed-
5 eral law enforcement training programs, facilities, and in-
6 structors.

7 SEC. 508. None of the funds in this Act may be used
8 to make a grant allocation, discretionary grant award, dis-
9 cretionary contract award, or to issue a letter of intent
10 totaling in excess of \$1,000,000, or to announce publicly
11 the intention to make such an award, including a contract
12 covered by the Federal Acquisition Regulation, unless the
13 Secretary of Homeland Security notifies the Committees
14 on Appropriations of the Senate and the House of Rep-
15 resentatives at least three full business days in advance:
16 *Provided*, That no notification shall involve funds that are
17 not available for obligation: *Provided further*, That the no-
18 tification shall include the amount of the award, the fiscal
19 year in which the funds for the award were appropriated,
20 and the account from which the funds are being drawn:
21 *Provided further*, That the Federal Emergency Manage-
22 ment Agency shall brief the Committees on Appropriations
23 of the Senate and the House of Representatives five full
24 business days in advance of announcing publicly the inten-
25 tion of making an award of State Homeland Security

1 grants; Urban Area Security Initiative grants; or Regional
2 Catastrophic Preparedness Grants.

3 SEC. 509. Notwithstanding any other provision of
4 law, no agency shall purchase, construct, or lease any ad-
5 ditional facilities, except within or contiguous to existing
6 locations, to be used for the purpose of conducting Federal
7 law enforcement training without the advance approval of
8 the Committees on Appropriations of the Senate and the
9 House of Representatives, except that the Federal Law
10 Enforcement Training Center is authorized to obtain the
11 temporary use of additional facilities by lease, contract,
12 or other agreement for training which cannot be accommo-
13 dated in existing Center facilities.

14 SEC. 510. The Director of the Federal Law Enforce-
15 ment Training Center shall schedule basic and/or ad-
16 vanced law enforcement training at all four training facili-
17 ties under the control of the Federal Law Enforcement
18 Training Center to ensure that these training centers are
19 operated at the highest capacity throughout the fiscal
20 year.

21 SEC. 511. None of the funds appropriated or other-
22 wise made available by this Act may be used for expenses
23 for any construction, repair, alteration, or acquisition
24 project for which a prospectus, if required under chapter
25 33 of title 40, United States Code, has not been approved,

1 except that necessary funds may be expended for each
2 project for required expenses for the development of a pro-
3 posed prospectus.

4 SEC. 512. None of the funds in this Act may be used
5 in contravention of the applicable provisions of the Buy
6 American Act (41 U.S.C. 10a et seq.).

7 SEC. 513. (a) None of the funds provided by this or
8 previous appropriations Acts may be obligated for deploy-
9 ment or implementation, on other than a test basis, of the
10 Secure Flight program or any other follow-on or successor
11 passenger prescreening program, until the Secretary of
12 Homeland Security certifies, and the Government Ac-
13 countability Office reports, to the Committees on Appro-
14 priations of the Senate and the House of Representatives,
15 that all ten of the conditions contained in paragraphs (1)
16 through (10) of section 522(a) of Public Law 108–334
17 (118 Stat. 1319) have been successfully met.

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

23 (c) Within 90 days after the date of enactment of
24 this Act, the Secretary of Homeland Security shall submit
25 to the Committees on Appropriations of the Senate and

1 the House of Representatives a detailed plan that de-
2 scribes: (1) the dates for achieving key milestones, includ-
3 ing the date or timeframes that the Secretary will certify
4 the program under subsection (a); and (2) the method-
5 ology to be followed to support the Secretary's certifi-
6 cation, as required under subsection (a).

7 (d) During the testing phase permitted by subsection
8 (a), no information gathered from passengers, foreign or
9 domestic air carriers, or reservation systems may be used
10 to screen aviation passengers, or delay or deny boarding
11 to such passengers, except in instances where passenger
12 names are matched to a Government watch list.

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

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

22 SEC. 514. None of the funds made available in this
23 Act may be used to amend the oath of allegiance required
24 by section 337 of the Immigration and Nationality Act
25 (8 U.S.C. 1448).

1 SEC. 515. None of the funds appropriated by this Act
2 may be used to process or approve a competition under
3 Office of Management and Budget Circular A-76 for serv-
4 ices provided as of June 1, 2004, by employees (including
5 employees serving on a temporary or term basis) of United
6 States Citizenship and Immigration Services of the De-
7 partment of Homeland Security who are known as of that
8 date as Immigration Information Officers, Contact Rep-
9 resentatives, or Investigative Assistants.

10 SEC. 516. None of the funds appropriated to the
11 United States Secret Service by this Act or by previous
12 appropriations Acts may be made available for the protec-
13 tion of the head of a Federal agency other than the Sec-
14 retary of Homeland Security: *Provided*, That the Director
15 of the United States Secret Service may enter into an
16 agreement to perform such service on a fully reimbursable
17 basis.

18 SEC. 517. (a) The Secretary of Homeland Security
19 shall research, develop, and procure new technologies to
20 inspect and screen air cargo carried on passenger aircraft
21 at the earliest date possible.

22 (b) Existing checked baggage explosive detection
23 equipment and screeners shall be utilized to screen air
24 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 (Transportation Security
4 Administration) shall work with air carriers and airports
5 to ensure that the screening of cargo carried on passenger
6 aircraft, as defined in section 44901(g)(5) of title 49,
7 United States Code, increases incrementally each quarter.

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

16 SEC. 518. None of the funds made available in this
17 Act may be used by any person other than the Privacy
18 Officer appointed under section 222 of the Homeland Se-
19 curity Act of 2002 (6 U.S.C. 142) to alter, direct that
20 changes be made to, delay, or prohibit the transmission
21 to Congress of any report prepared under paragraph (6)
22 of such section.

23 SEC. 519. No funding made available to the Depart-
24 ment of Homeland Security in this Act shall be available
25 to pay the salary of any employee serving as a contracting

1 officer’s technical representative, or anyone acting in a
2 similar capacity, who has not received contracting officer’s
3 technical representative training.

4 SEC. 520. Except as provided in section 44945 of title
5 49, United States Code, funds appropriated or transferred
6 to Transportation Security Administration “Aviation Se-
7 curity”, “Administration” and “Transportation Security
8 Support” for fiscal years 2004, 2005, 2006, and 2007
9 that are recovered or deobligated shall be available only
10 for the procurement or installation of explosives detection
11 systems, for air cargo, baggage, and checkpoint screening
12 systems, subject to notification: *Provided*, That quarterly
13 reports shall be submitted to the Committees on Appro-
14 priations of the Senate and the House of Representatives
15 on any funds that are recovered or deobligated.

16 SEC. 521. Section 525(d) of the Department of
17 Homeland Security Appropriations Act, 2007 (Public Law
18 109–295; 120 Stat. 1382) shall apply to fiscal year 2009.

19 SEC. 522. Any funds appropriated to United States
20 Coast Guard, “Acquisition, Construction, and Improve-
21 ments” for fiscal years 2002, 2003, 2004, 2005, and 2006
22 for the 110–123 foot patrol boat conversion that are recov-
23 ered, collected, or otherwise received as the result of nego-
24 tiation, mediation, or litigation, shall be available until ex-

1 pending for the Replacement Patrol Boat (FRC-B) pro-
2 gram.

3 SEC. 523. None of the funds provided in this Act
4 shall be available to commence operations of the National
5 Applications Office or the National Immigration Informa-
6 tion Sharing Operation until the Secretary certifies that
7 these programs comply with all existing laws, including all
8 applicable privacy and civil liberties standards, and that
9 certification is reviewed by the Government Accountability
10 Office.

11 SEC. 524. Within 45 days after the close of each
12 month, the Chief Financial Officer of the Department of
13 Homeland Security shall submit to the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives a monthly budget and staffing report that includes
16 total obligations, on-board versus funded full-time equiva-
17 lent staffing levels, and the number of contract employees
18 by office.

19 SEC. 525. Section 532(a) of Public Law 109–295 is
20 amended by striking “2008” and inserting “2009”.

21 SEC. 526. None of the funds made available by this
22 Act shall be used in contravention of the Federal buildings
23 performance and reporting requirements of Executive
24 Order No. 13123, part 3 of title V of the National Energy
25 Conservation Policy Act (42 U.S.C. 8251 et seq.), or sub-

1 title A of title I of the Energy Policy Act of 2005 (includ-
2 ing the amendments made thereby).

3 SEC. 527. The functions of the Federal Law Enforce-
4 ment Training Center instructor staff shall be classified
5 as inherently governmental for the purpose of the Federal
6 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
7 note).

8 SEC. 528. None of the funds made available in this
9 Act may be used in contravention of section 303 of the
10 Energy Policy Act of 1992 (42 U.S.C. 13212).

11 SEC. 529. None of the funds made available by this
12 Act may be used to take an action that would violate Exec-
13 utive Order No. 13149 (65 Fed. Reg. 24607; relating to
14 greening the Government through Federal fleet and trans-
15 portation efficiency).

16 SEC. 530. Subsections (a), (b), and (d)(1) of section
17 6402 of the U.S. Troop Readiness, Veterans' Care,
18 Katrina Recovery, and Iraq Accountability Appropriations
19 Act, 2007 (Public Law 110–28) shall apply to fiscal year
20 2009.

21 SEC. 531. (a) None of the funds provided by this or
22 any other Act may be obligated for the development, test-
23 ing, deployment, or operation of any portion of a human
24 resources management system authorized by 5 U.S.C.
25 9701(a), or by regulations prescribed pursuant to such

1 section, for an employee as defined in 5 U.S.C.
2 7103(a)(2).

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

10 SEC. 532. In fiscal year 2009, none of the funds
11 made available in this or any other Act may be used to
12 enforce section 4025(1) of Public Law 108–458 unless the
13 Assistant Secretary (Transportation Security Administra-
14 tion) reverses the determination of July 19, 2007, that
15 butane lighters are not a significant threat to civil aviation
16 security.

17 SEC. 533. Funds made available in this Act may be
18 used to alter operations within the Civil Engineering Pro-
19 gram of the Coast Guard nationwide, including civil engi-
20 neering units, facilities design and construction centers,
21 maintenance and logistics commands, and the Coast
22 Guard Academy, except that none of the funds provided
23 in this Act may be used to reduce operations within any
24 Civil Engineering Unit unless specifically authorized by a

1 statute enacted after the date of the enactment of this
2 Act.

3 SEC. 534. (a) Except as provided in subsection (b),
4 none of the funds appropriated in this or any other Act
5 to the Office of the Secretary and Executive Management,
6 the Office of the Under Secretary for Management and
7 the Office of the Chief Financial Officer, may be obligated
8 for a grant or contract funded under such headings by
9 a means other than full and open competition.

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

12 (1) by a means that is required by a Federal
13 statute, including obligation for a purchase made
14 under a mandated preferential program, such as the
15 AbilityOne Program, that is authorized under the
16 Javits-Wagner-O'Day Act (41 U.S.C. 46–48c);

17 (2) under the Small Business Act (15 U.S.C.
18 631 et seq.);

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

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

1 (c)(1) Subject to paragraph (2), the Secretary of
2 Homeland Security may waive the application of this sec-
3 tion to the award of a contract in the interest of national
4 security or if failure to do so would pose a substantial risk
5 to human health or welfare.

6 (2) Not later than 5 days after the date on which
7 the Secretary of Homeland Security exercises a waiver
8 under this subsection, the Secretary shall submit notifica-
9 tion of that waiver to the Committees on Appropriations
10 of the Senate and the House of Representatives, including
11 a description of the applicable contract and an explanation
12 of why the waiver authority was used. The Secretary may
13 not delegate the authority to grant such a waiver.

14 (d) In addition to the requirements established by
15 this section, the Inspector General for the Department of
16 Homeland Security shall review departmental contracts
17 awarded through other than full and open competition to
18 assess departmental compliance with applicable laws and
19 regulations: *Provided*, That the Inspector General shall re-
20 view selected contracts awarded during the previous fiscal
21 year through other than full and open competition: *Pro-*
22 *vided further*, That in determining which contracts to re-
23 view, the Inspector General shall consider the cost and
24 complexity of the goods and services to be provided under
25 the contract, the criticality of the contract to fulfilling De-

1 partment missions, past performance problems on similar
2 contracts or by the selected vendor, complaints received
3 about the award process or contractor performance, and
4 such other factors as the Inspector General deems rel-
5 evant: *Provided further*, That the Inspector General shall
6 report the results of the reviews to the Committees on Ap-
7 propriations of the Senate and the House of Representa-
8 tives.

9 SEC. 535. None of the funds made available in this
10 Act may be used to destroy or put out to pasture any horse
11 or other equine belonging to the Federal Government that
12 has become unfit for service, unless the trainer or handler
13 is first given the option to take possession of the equine
14 through an adoption program that has safeguards against
15 slaughter and inhumane treatment.

16 SEC. 536. None of the funds provided in this Act
17 shall be available to carry out section 872 of Public Law
18 107–296.

19 SEC. 537. None of the funds provided in this Act
20 under the heading “Office of the Chief Information Offi-
21 cer” shall be used for data center development other than
22 for the National Center for Critical Information Proc-
23 essing and Storage until the Chief Information Officer cer-
24 tifies that the National Center for Critical Information
25 Processing and Storage is fully utilized as the Depart-

1 ment's primary data storage center at the highest capacity
2 throughout the fiscal year.

3 SEC. 538. None of the funds in this Act shall be used
4 to reduce the United States Coast Guard's Operations
5 Systems Center mission or its government-employed or
6 contract staff levels.

7 SEC. 539. None of the funds appropriated by this Act
8 may be used to conduct, or to implement the results of,
9 a competition under Office of Management and Budget
10 Circular A-76 for activities performed with respect to the
11 Coast Guard National Vessel Documentation Center.

12 SEC. 540. The Secretary of Homeland Security shall
13 require that all contracts of the Department of Homeland
14 Security that provide award fees link such fees to success-
15 ful acquisition outcomes (which outcomes shall be speci-
16 fied in terms of cost, schedule, and performance).

17 SEC. 541. None of the funds made available to the
18 Office of the Secretary and Executive Management under
19 this Act may be expended for any new hires by the Depart-
20 ment of Homeland Security that are not verified through
21 the basic pilot program required under section 401 of the
22 Illegal Immigration Reform and Immigrant Responsibility
23 Act of 1996 (8 U.S.C. 1324a note).

24 SEC. 542. None of the funds made available in this
25 Act for U.S. Customs and Border Protection may be used

1 to prevent an individual not in the business of importing
2 a prescription drug (within the meaning of section 801(g)
3 of the Federal Food, Drug, and Cosmetic Act) from im-
4 porting a prescription drug from Canada that complies
5 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
6 That this section shall apply only to individuals trans-
7 porting on their person a personal-use quantity of the pre-
8 scription drug, not to exceed a 90-day supply: *Provided*
9 *further*, That the prescription drug may not be—

10 (1) a controlled substance, as defined in section
11 102 of the Controlled Substances Act (21 U.S.C.
12 802); or

13 (2) a biological product, as defined in section
14 351 of the Public Health Service Act (42 U.S.C.
15 262).

16 SEC. 543. None of the funds made available in this
17 Act may be used by the Secretary of Homeland Security
18 or any delegate of the Secretary to issue any rule or regu-
19 lation which implements the Notice of Proposed Rule-
20 making related to Petitions for Aliens To Perform Tem-
21 porary Nonagricultural Services or Labor (H-2B) set out
22 beginning on 70 Fed. Reg. 3984 (January 27, 2005).

23 SEC. 544. None of the funds made available in this
24 Act may be used for planning, testing, piloting, or devel-
25 oping a national identification card.

1 SEC. 545. (a) Notwithstanding any other provision
2 of this Act, except as provided in subsection (b), and 30
3 days after the date that the President determines whether
4 to declare a major disaster because of an event and any
5 appeal is completed, the Administrator shall submit to the
6 Committee on Homeland Security and Governmental Af-
7 fairs of the Senate, the Committee on Homeland Security
8 of the House of Representatives, the Committee on Trans-
9 portation and Infrastructure of the House of Representa-
10 tives, the Committees on Appropriations of the Senate and
11 the House of Representatives, and publish on the website
12 of the Federal Emergency Management Agency, a report
13 regarding that decision, which shall summarize damage
14 assessment information used to determine whether to de-
15 clare a major disaster.

16 (b) The Administrator may redact from a report
17 under subsection (a) any data that the Administrator de-
18 termines would compromise national security.

19 (c) In this section—

20 (1) the term “Administrator” means the Ad-
21 ministrator of the Federal Emergency Management
22 Agency; and

23 (2) the term “major disaster” has the meaning
24 given that term in section 102 of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5122).

3 SEC. 546. Section 831(a) of the Homeland Security
4 Act of 2002 (6 U.S.C. 391(a)) is amended by striking
5 “Until September 30, 2008” and inserting in lieu thereof,
6 “Until September 30, 2009”.

7 SEC. 547. Notwithstanding any other provision of
8 law, should the Secretary of Homeland Security determine
9 that the National Bio and Agro-defense Facility be located
10 at a site other than Plum Island, New York, the Secretary
11 shall liquidate the Plum Island asset by directing the Ad-
12 ministrator of General Services to sell through public sale
13 all real and related personal property and transportation
14 assets which support Plum Island operations, subject to
15 such terms and conditions as necessary to protect govern-
16 ment interests and meet program requirements: *Provided,*
17 That the proceeds of such sale shall be deposited as offset-
18 ting collections into the Department of Homeland Security
19 Science and Technology “Research, Development, Acquisi-
20 tion, and Operations” account and, subject to appropria-
21 tion, shall be available until expended, for site acquisition,
22 construction, and costs related to the construction of the
23 National Bio and Agro-defense Facility, including the
24 costs associated with the sale, including due diligence re-
25 quirements, necessary environmental remediation at Plum

1 Island, and reimbursement of expenses incurred by the
2 General Services Administration which shall not exceed 1
3 percent of the sale price.

4 SEC. 548. In fiscal year 2009, under the direction
5 of the Secretary of Homeland Security, the United States
6 Secret Service shall, during the period of 6 months imme-
7 diately after an individual ceases to serve as Vice Presi-
8 dent, protect such individual if the Secretary determines
9 that such individual is in significant danger, and the
10 spouse of such individual if the Secretary determines that
11 the spouse is in significant danger: *Provided*, That the Se-
12 cret Service, under the direction of the Secretary, may for
13 the remainder of fiscal year 2009 provide protection to
14 such individual or spouse temporarily at any time when
15 the Secretary determines that information or conditions
16 warrant such protection: *Provided further*, That the Secret
17 Service shall have the same authorities and functions in
18 providing protection under this section as under laws re-
19 lating to protection of the Vice President or the spouse
20 of the Vice President, including laws that provide for ob-
21 taining assistance from executive agencies and use of pas-
22 senger carriers to transport: *Provided further*, That the of-
23 fenses and penalties prescribed by law with respect to ob-
24 struction, resistance, or interference with the performance
25 of protective functions, including with respect to restric-

1 tions on buildings or grounds, in relation to a Vice Presi-
2 dent or spouse of a Vice President shall apply with respect
3 to performance of protective functions under this section:
4 *Provided further*, That the authority granted by this sec-
5 tion is in addition to any authority that may otherwise
6 be available by law.

7 SEC. 549. Notwithstanding any other provision of
8 law, and not later than 30 days after the date of submis-
9 sion of a request for a single payment, the President shall
10 provide a single payment for any eligible costs under sec-
11 tion 406 of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5172) for any police
13 station, fire station, or criminal justice facility that was
14 damaged by Hurricane Katrina of 2005 or Hurricane Rita
15 of 2005: *Provided*, That the President shall not reduce the
16 amount of assistance provided under section 406(c)(1) of
17 the Robert T. Stafford Disaster Relief and Emergency As-
18 sistance Act (42 U.S.C. 5172(c)(1)) for such facilities:
19 *Provided further*, That nothing in the previous proviso may
20 be construed to alter the appeal or review process relating
21 to assistance provided under section 406 of the Stafford
22 Act (42 U.S.C. 5172): *Provided further*, That the Presi-
23 dent shall not reduce the amount of assistance provided
24 to a local government under section 406(d) of the Stafford
25 Act (42 U.S.C. 5172(d)) more than once for each such

1 type of facility for which that local government is receiving
2 assistance under section 406 of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act relating to
4 Hurricane Katrina of 2005 or Hurricane Rita of 2005.
5 This Act may be cited as the “Department of Home-
6 land Security Appropriations Act, 2009”.

Calendar No. 830

110TH CONGRESS
2^D SESSION

S. 3181

[Report No. 110-396]

A BILL

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

JUNE 23, 2008

Read twice and placed on the calendar