

Union Calendar No. 78

111TH CONGRESS
1ST SESSION

H. R. 2892

[Report No. 111-157]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2009

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

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Homeland Security for the fiscal year end-
6 ing September 30, 2010, and for other purposes, namely:

1 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

3 For necessary expenses for acquisition, construction,
4 repair, alteration, and improvement of facilities,
5 \$3,975,000, to remain available until expended.

6 TITLE III—PROTECTION, PREPAREDNESS,
7 RESPONSE, AND RECOVERY

8 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
9 MANAGEMENT AND ADMINISTRATION

10 For salaries and expenses of the Office of the Under
11 Secretary for the National Protection and Programs Di-
12 rectorate, support for operations, information technology,
13 and the Office of Risk Management and Analysis,
14 \$44,577,000: *Provided*, That not to exceed \$5,000 shall
15 be for official reception and representation expenses.

16 INFRASTRUCTURE PROTECTION AND INFORMATION
17 SECURITY

18 For necessary expenses for infrastructure protection
19 and information security programs and activities, as au-
20 thorized by title II of the Homeland Security Act of 2002
21 (6 U.S.C. 121 et seq.), \$883,346,000, of which
22 \$744,085,000 shall remain available until September 30,
23 2011: *Provided*, That of the amount made available under
24 this heading, \$155,000,000 may not be obligated for the
25 National Cyber Security Initiative program and

1 \$25,000,000 may not be obligated for the Next Generation
2 Networks program until the Committees on Appropria-
3 tions of the Senate and the House of Representatives re-
4 ceive and approve a plan for expenditure for that program
5 that describes the strategic context of the program; the
6 specific goals and milestones set for the program; and the
7 funds allocated to achieving each of those goals: *Provided*
8 *further*, That of the total amount provided, \$1,000,000 is
9 for Philadelphia infrastructure monitoring; \$3,500,000 is
10 for State and local cyber security training; \$3,000,000 is
11 for the Power and Cyber Systems Protection, Analysis,
12 and Testing Program at the Idaho National Laboratory;
13 \$3,500,000 is for the Cyber Security Test Bed and Eval-
14 uation Center; \$3,000,000 is for the Multi-State Informa-
15 tion Sharing and Analysis Center; \$500,000 is for the Vir-
16 ginia Operational Integration Cyber Center of Excellence;
17 \$100,000 is for the Upstate New York Cyber Initiative;
18 and \$1,000,000 is for interoperable communications, tech-
19 nical assistance and outreach programs.

20 UNITED STATES VISITOR AND IMMIGRANT STATUS

21 INDICATOR TECHNOLOGY

22 For necessary expenses for the development of the
23 United States Visitor and Immigrant Status Indicator
24 Technology project, as authorized by section 110 of the
25 Illegal Immigration Reform and Immigrant Responsibility

1 Act of 1996 (8 U.S.C. 1365a), \$351,800,000, to remain
2 available until expended: *Provided*, That of the total
3 amount made available under this heading, \$75,000,000
4 may not be obligated for the United States Visitor and
5 Immigrant Status Indicator Technology program until the
6 Committees on Appropriations of the Senate and the
7 House of Representatives receive a plan for expenditure
8 prepared by the Secretary of Homeland Security that in-
9 cludes—

10 (1) a detailed accounting of the program’s
11 progress to date relative to system capabilities or
12 services, system performance levels, mission benefits
13 and outcomes, milestones, cost targets, and program
14 management capabilities;

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

22 (3) a listing of all open Government Account-
23 ability Office and Office of Inspector General rec-
24 ommendations related to the program and the status
25 of Department of Homeland Security actions to ad-

1 dress the recommendations, including milestones for
2 fully addressing such recommendations;

3 (4)(A) a certification by the Chief Procurement
4 Officer of the Department that—

5 (i) the program has been reviewed and ap-
6 proved in accordance with the investment man-
7 agement process of the Department;

8 (ii) the process fulfills all capital planning
9 and investment control requirements and re-
10 views established by the Office of Management
11 and Budget, including as provided in Circular
12 A-11, part 7; and

13 (iii) the plans for the program comply with
14 Federal acquisition rules, requirements, guide-
15 lines, and practices; and

16 (B) a description by the Chief Procurement Of-
17 ficer of the actions being taken to address areas of
18 non-compliance, the risks associated with such areas
19 as well as any plans for addressing such risks, and
20 the status of the implementation of such actions;

21 (5)(A) a certification by the Chief Information
22 Officer of the Department that—

23 (i) an independent verification and valida-
24 tion agent is currently under contract for the
25 program;

1 (ii) the system architecture of the program
2 is sufficiently aligned with the information sys-
3 tems enterprise architecture of the Department
4 to minimize future rework, including a descrip-
5 tion of all aspects of the architecture that were
6 or were not assessed in making the alignment
7 determination, the date of the alignment deter-
8 mination, and any known areas of misalignment
9 along with the associated risks and corrective
10 actions to address any such areas; and

11 (iii) the program has a risk management
12 process that regularly identifies, evaluates, miti-
13 gates, and monitors risks throughout the sys-
14 tem life cycle, and communicates high-risk con-
15 ditions to agency and Department investment
16 decision makers; and

17 (B) a listing by the Chief Information Officer
18 of all the program's high risks and the status of ef-
19 forts to address them;

20 (6) a certification by the Chief Human Capital
21 Officer of the Department that the human capital
22 needs of the program are being strategically and
23 proactively managed, and that current human cap-
24 ital capabilities are sufficient to execute the plans
25 discussed in the report; and

1 (7) a detailed accounting of operation and
2 maintenance, contractor services, and program costs
3 associated with the management of identity services.

4 OFFICE OF HEALTH AFFAIRS

5 For necessary expenses of the Office of Health Af-
6 fairs, \$128,400,000, of which \$30,411,000 is for salaries
7 and expenses: *Provided*, That \$97,989,000 shall remain
8 available until September 30, 2011, for biosurveillance,
9 BioWatch, medical readiness planning, chemical response,
10 and other activities, including \$5,000,000 for the North
11 Carolina Collaboratory for Bio-Preparedness, University
12 of North Carolina, Chapel Hill: *Provided further*, That not
13 to exceed \$3,000 shall be for official reception and rep-
14 resentation expenses.

15 FEDERAL EMERGENCY MANAGEMENT AGENCY

16 MANAGEMENT AND ADMINISTRATION

17 For necessary expenses for management and admin-
18 istration of the Federal Emergency Management Agency,
19 \$844,500,000, including activities authorized by the Na-
20 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
21 seq.), the Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
23 Grande Fire Assistance Act of 2000 (Div. C Title I, 114
24 Stat. 583), the Earthquake Hazards Reduction Act of
25 1977 (42 U.S.C. 7701 et seq.), the Defense Production

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AN ACT

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Homeland Security for the fiscal year ending
September 30, 2010, and for other purposes.

1 fiscal year: *Provided further*, That none of the funds made
 2 available under this heading shall be available to com-
 3 pensate any employee for overtime in an annual amount
 4 in excess of \$35,000, except that the Secretary of Home-
 5 land Security, or the designee of the Secretary, may waive
 6 that amount as necessary for national security purposes:
 7 *Provided further*, That none of the funds made available
 8 to the United States Secret Service by this Act or by pre-
 9 vious appropriations Acts may be made available for the
 10 protection of the head of a Federal agency other than the
 11 Secretary of Homeland Security: *Provided further*, That
 12 the Director of the United States Secret Service may enter
 13 into an agreement to perform such service on a fully reim-
 14 bursable basis.

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 16 RELATED EXPENSES

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 18 repair, alteration, and improvement of facilities,
 19 \$3,975,000, to remain available until expended.

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24 For salaries and expenses of the Office of the Under
 25 Secretary for the National Protection and Programs Di-

1 and Testing Program at the Idaho National Laboratory;
2 \$3,500,000 is for the Cyber Security Test Bed and Eval-
3 uation Center; \$3,000,000 is for the Multi-State Informa-
4 tion Sharing and Analysis Center; \$500,000 is for the Vir-
5 ginia Operational Integration Cyber Center of Excellence;
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20 Committees on Appropriations of the Senate and the
21 House of Representatives receive a plan for expenditure
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23 cludes—

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11 (3) a listing of all open Government Account-
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1 and Budget, including as provided in Circular
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22 determination, the date of the alignment deter-
23 mination, and any known areas of misalignment
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1 (iii) the program has a risk management
2 process that regularly identifies, evaluates, miti-
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