



SENATE REPUBLICAN

POLICY COMMITTEE

Legislative Notice

No. 72

September 24, 2008

H.R. 2638 – Omnibus Appropriations Act, FY 2009

On September 24, the House agreed to the Senate amendment with a House amendment, by a vote of 370-58-1.

Noteworthy

- On September 25, the Senate is anticipated to begin consideration of H.R. 2638, which includes a continuing resolution to provide appropriations for FY 2009 for all programs not yet funded under regular appropriations acts, as well as funding for three FY 2009 appropriations bills: the Department of Defense Appropriations bill, the Homeland Security Appropriations bill, and the Military Construction and Veterans Affairs Appropriations bill.
- The bill also contains \$22.9 billion in additional FY 2008 emergency appropriations for disaster relief for hurricanes, floods, and other natural disasters.
- Division C of the bill contains \$487.7 billion in appropriations for the Department of Defense Appropriations Bill.
- Division D of the bill contains \$42.2 billion in discretionary FY09 funding for the Homeland Security Appropriations bill.
- Division E of the bill contains \$72.9 billion in discretionary FY09 funding for the Military Construction and Veterans Affairs Appropriations bill.
- The bill does not include a continuation of the moratoria against drilling in the Outer Continental Shelf and against funding final regulations for the production of oil shale.
- The bill provides an additional \$10.8 billion in non-disaster emergency spending to augment certain programs above the FY08 level and to provide for two new programs. This funding includes \$7.5 billion to fund the Advanced Technology Vehicles Manufacturing Loan Program, \$250 million for the Weatherization Assistance program, \$5.1 billion for LIHEAP, and \$198 million for a new Filipino Veterans compensation program.
- There was no White House Statement of Administration Policy (SAP) at press time.

Summary

The omnibus appropriations bill combines a continuing appropriations resolution (CR) with three additional appropriations bills—the Department of Defense Appropriations bill, the Homeland Security Appropriations bill, and the Military Construction and Veterans Affairs Appropriations bill. The bill also includes \$22.9 billion in emergency spending.

The bill contains Divisions A-E, with Division A representing the continuing resolution, Division B emergency spending organized along appropriations subcommittees, and Divisions C-E the three additional appropriations bills.

The bill contains \$22.9 billion in emergency supplemental appropriations for relief and recovery from hurricanes, floods, and other natural disasters, including:

- Agriculture - \$518 million
- Commerce, Justice, Science - \$522 million (\$400 million for Economic Development Assistance)
- Energy and Water - \$2.78 billion (\$1.54 billion for Army Corps construction)
- Financial Services - \$981 million (primarily for Small Business Administration loans)
- Homeland Security - \$8.4 billion (\$8 billion for FEMA Disaster Relief Fund)
- Interior - \$1 billion
- Labor-HHS-Education - \$630 million
- Military Construction - \$25 million
- State/ Foreign Ops - \$512 million
- Transportation/ HUD - \$7.5 billion (\$6.5 billion for Community Development Block Grants)

The continuing resolution includes extensions of certain mandatory programs and revenue provisions, such as programs in the Farm Bill, until March 6, 2009, and aviation taxes and expenditure authority through March 6, 2009.

The continuing resolution does not extend the current moratoria on drilling on the Outer Continental Shelf and funding for oil shale final regulations.

Procedure

The Senate-passed FY 2008 Homeland Security Appropriations bill is serving as the vehicle for the continuing resolution. The House began consideration of the omnibus appropriations bill by taking up the Homeland Security appropriations bill as a shell, then striking and replacing the content with an amendment. These changes are expected to be sent to the Senate as a message between the houses.

The Senate can disagree with the House amendment and effectively go to conference, or it can concur with the House amendment, or concur with the House amendment with a further

Senate amendment. If the Senate concurs without amendment, the measure will proceed to the President for his signature. If the Senate concurs with an amendment, the measure proceeds back to the House, and no further amendments are in order in the Senate. Each of these motions is fully debatable, requiring cloture to end debate. If the motion to concur with an amendment is offered, the text of that amendment is open to floor amendments in one degree.

Bill Provisions

Division A: Continuing Appropriations Resolution, 2009

Division A provides that all projects and activities that are not funded in other appropriations acts shall be funded at the FY08 levels until either a new appropriations act is enacted, or March 6, 2009, whichever occurs first. FY08 levels of funding shall be based on amounts appropriated as detailed in the Defense Appropriations Act, 2008 (PL 110-116) and Divisions A-K of the Consolidated Appropriations Act, 2008 (PL 110-161). Exceptions to this are contained in Sections 102 through 174.

The FY08 levels shall not include any emergency supplemental spending, such as funding included for the Global War on Terror, for the purposes of calculating continued funding levels, except as detailed in Section 102:

- \$150 million for FDA Salaries and Expenses;
- \$144 million for Federal Bureau of Investigation Salaries and Expenses;
- \$110 million for Department of Labor for costs to administer the Unemployment Insurance programs;
- \$272 million for Department of State operating expenses;
- \$207 million for Department of State worldwide security programs; and
- \$77 million for Department of State embassy security construction and maintenance.

Sections 114 through 174 provide for anomalies, or funding exceptions. Each section provides funding increases and/or decreases to specific accounts.

Emergency Appropriations in Division A (Continuing Resolution):

The continuing resolution includes \$10.8 billion in non-disaster emergency appropriations to augment certain programs above the FY08 level and to provide for two new programs:

Section 129: Provides \$7.5 billion to fund the Advanced Technology Vehicles Manufacturing Loan Program Account for the cost of direct loans in the amount of up to \$25 billion in principal.

Section 130: Provides \$250 million in emergency funding for the Weatherization Assistance program. This amount, when combined with the current FY08 rate of funding, doubles funding for this program.

Section 155: Provides \$5.1 billion for the Low-Income Home Energy Assistance Program (LIHEAP), of which \$2.53 billion is designated as an emergency.

Section 160: Provides \$198 million in emergency funding for a new Filipino Veterans compensation program.

Terms and Conditions and Anomalies

Agriculture Subcommittee

Section 111: Allows appropriated entitlement programs to provide the current law level through the period of the CR.

Section 114: Provides \$6.658 billion for Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

Section 115: Provides \$997 million for Rural Housing Service, Rental Assistance Program, which is \$519 million over the FY08 enacted level.

Section 116: Provides a technical correction to the Farm Bill to ensure funding for the School Breakfast program.

Section 117: Provides the amount necessary to maintain the same principal amount of loan guarantees as in FY08 for Rural Housing Service, Rural Housing Insurance Fund Program Account.

Section 118: Allows the Department of Agriculture to augment their salaries and expenses at the rate it determines is necessary to implement eight new programs created in the recently enacted Farm Bill, notwithstanding the prohibition on new starts or requirement to spend within the FY08 current rate.

Section 119: Provides \$163.2 million for the Commodity Supplemental Food Program to spend \$20 million above the FY08 level.

Commerce, Justice, Science Subcommittee

Section 120: Provides \$2.9 billion for the Bureau of the Census, which is \$1.9 billion more than the FY08 level.

Section 121: Provides \$180 million for Digital Television (DTV) Transition administrative expenses, offset by reductions in other DTV programs.

Section 122: Provides \$5.397 billion for the Federal Prison System.

Section 123: Provides \$1.246 billion for the Office of the Detention Trustee, which is \$20 million above the FY08 level.

Section 124: Allows for the creation of a new account and budget structure for the National Aeronautics and Space Administration, as set out in the CJS Appropriations bill for FY 2009, reported by the Committee on Appropriations of the Senate.

Section 125: Provides language to ensure continued access to the International Space Station.

Section 126: Provides \$3.39 million for the Department of Justice, Office of Legal Activities for the Federal Observer program, of which \$1.09 million shall be transferred from the Salaries and Expenses account.

Energy and Water Subcommittee

Section 127: Extends the Appalachian Regional Commission through March 6, 2009, rather than October 1, 2007.

Section 128: Prohibits the use of the Inland Waterways Trust Fund as a source of funding for inland waterway major rehabilitation projects.

Section 129: Provides \$7.5 billion to fund the Advanced Technology Vehicles Manufacturing Loan Program Account for the cost of direct loans in the amount of up to \$25 billion in principal.

Financial Services Subcommittee

Section 130: Provides \$250 million in emergency funding for the Weatherization Assistance program. This amount, when combined with the current FY08 rate of funding, doubles funding for this program.

Section 131: Provides \$68 million for the IRS for administrative costs related to the stimulus refund program.

Section 132: Provides \$5.7 million for the Executive Office of the President for e-mail restoration activities.

Section 133: Provides \$8 million for the Executive Office of the President for Presidential Transition Services.

Section 134: Permits the District of Columbia to expend local funds in accordance with the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to Congress on June 8, 2008.

Section 135: Provides \$15 million for federal payments to the District of Columbia for inaugural security.

Section 136: Provides \$20 million for the Federal Communications Commission for DTV transition education, which is \$20 million more than in FY08.

Section 137: Provides \$8.5 million for the General Services Administration to carry out presidential transition operations.

Section 138: Provides \$2.7 million for the General Services Administration for Allowances and Office Staff for Former Presidents.

Section 139: Language raising the borrowing authority cap from \$1.5 billion to \$41 billion for the National Credit Union Administration to allow for liquidity loans for credit unions.

Section 140: Provides \$14 million for the Postal Rate Commission from the Postal Service Fund.

Section 141: Provides \$233 million for the Postal Service Inspector General from the Postal Service Fund.

Section 142: Creates language to mandate a 3.9 percent government-wide civilian pay raise.

Homeland Security Subcommittee

Section 143: Extends the length of the pilot program for the E-Verify visa program through March 6, 2009.

Section 144: Extends the authorization for the EB-5 visa program through March 6, 2009.

Section 145: Extends the authorization for the flood insurance program through March 6, 2009.

Section 146: Extends the authorization for the Defense Production Act through March 6, 2009.

Interior Subcommittee

Section 147: Extends the authorization for a joint operations demonstration program through March 6, 2009.

Section 148: Extends the “Good Neighbor” demonstration through March 6, 2009.

Section 149: Extends the “Facility Realignment” demonstration through March 6, 2009.

Section 150: Extends the Grazing Permits provision through March 6, 2009.

Section 151: Provides \$2 million for the National Park Service for security related to the Presidential Inaugural Ceremonies.

Section 152: Lifts the moratorium on oil and natural gas leasing and removes the prohibition on funding to finalize a rule on oil shale leasing through March 6, 2009.

Section 153: Provides language relating to Everglades restoration activities.

Labor-HHS Subcommittee

Section 154: Extends parts of the Trade Act of 1974, Trade Adjustment Assistance, through March 6, 2009.

Section 155: Provides \$5.1 billion for the Low-Income Home Energy Assistance Program (LIHEAP), of which \$2.53 billion is designated as an emergency.

Section 156: Provides \$24 million for Americorps operating expenses.

Section 157: Allows funding provided for General Department Management for the Department of Health and Human Services to be available for the national Commission on Children and Disasters.

Section 158: Provides \$2.5 billion to maintain Pell Grant awards at the maximum FY08 level of \$4,241.

Legislative Branch Subcommittee

Section 159: Provides \$169,300 for death benefits for the family of Representative Tubbs-Jones.

Military Construction/Veterans Affairs Subcommittee

Section 160: Provides \$198 million in emergency funding for a new Filipino Veterans compensation program.

State/Foreign Operations Subcommittee

Section 161: Extends through March 6, 2009 the authorities provided under Section 1603 of PL 109-234, which expands certain benefits available to members of the Foreign Service to employees of other government agencies serving in Iraq or Afghanistan.

Section 162: Extends the authority of the Overseas Private Investment Corporation to engage in investment insurance, investment guaranties, and direct investment, through March 6, 2009.

Section 163: Provides \$5 million of amounts already appropriated to assist Liberia in buying back (and thereby reducing) its commercial debt under the Debt Reduction Facility of the International Development Association.

Section 164: Excludes funds appropriated for Migration and Refugee Assistance by this resolution from the \$23 million cap for administrative expenses in the \$1.0 billion appropriated for migration and refugee assistance under the 2007 Omnibus appropriation (PL 110-161, H.R. 2764).

Section 165: Clarifies that a portion of funds provided in PL 110-161 for Israeli military financing shall be deemed to be \$670.7 million, and requires a report.

Transportation, Housing and Urban Development Subcommittee

Section 166: Provides \$8.757 billion for the Federal Aviation Administration (FAA), of which \$1.099 billion is for safety activities.

Section 167: Provides the amounts necessary for the salaries and benefits of employees of the Merchant Marine Academy to be made available from funds otherwise appropriated for the Merchant Marine Academy.

Section 168: Allows the Secretary of Housing and Urban Development to obligate funds at a rate necessary to renew all terminating Section 8 project-based rental assistance contracts.

Section 169: Extends the Hope VI housing program through March 6, 2009.

Section 170: Extends the Home Equity Conversion and Mortgages program through March 6, 2009.

Section 171: Raises the cap on Federal Housing Administration single family housing loan commitments to an annualized rate of \$241 billion, an increase of \$56 billion above the FY08 level.

Section 172: Provides for up to \$15 million in transfers to the Federal Housing Administration Working Capital Fund from salaries and expenses.

Section 173: Provides that within National Transportation Safety Board salaries and expenses, amounts necessary to make lease payments due in fiscal year 2009 shall be available but only for an obligation incurred in 2001, under a capital lease.

Section 174: Extends the Interagency Council on Homelessness through March 6, 2009.

Division B: Disaster Relief and Recovery Supplemental Appropriations, 2008

Division B provides \$22.9 billion in emergency disaster relief funding for relief and recovery from hurricanes, floods and other natural disasters.

Account/Program	Amount (in millions)
Agriculture	
ARS Buildings and Facilities	\$5
Office of Inspector General	\$5
Animal and Plant Health Inspection Service	\$5
NRSC Emergency Watershed Program	\$100
FSA Emergency Conservation Program	\$115
Rural Development Assistance Fund	\$188
<i>Single and Multi-Family housing activities</i>	\$59
<i>Community facilities activities</i>	\$40
<i>Utilities activities</i>	\$26
<i>Business activities</i>	\$25
<i>Rural Housing grants and loans for Katrina, Rita, and Wilma</i>	\$38
P.L. 480 - Bill Emerson Trust	\$100
Subtotal Ag	\$518
Commerce, Justice, Science	
Economic Development Assistance Program	\$400
NOAA Fisheries Disasters	\$75
NOAA Hurricane forecasting improvements	\$17
NASA Exploration Capabilities – hurricane damage	\$30
Subtotal CJS	\$522
Energy and Water	
Corps Construction	\$1,539
<i>Projects in Southeast Louisiana</i>	\$1,500
Mississippi River and Tributaries	\$82
Corps Operations and Maintenance	\$740
Flood Control and Coastal Emergencies	\$416
Subtotal E&W	\$2,777
Financial Services	
SBA Disaster Loans Credit Subsidy	\$498
SBA Disaster Loans Admin Expenses	\$288
SBA Small Business Development Ctrs	\$10
SBA IG	\$3
GSA- Cedar Rapids Courthouse	\$182
Subtotal FS	\$981

Homeland Security	
FEMA Disaster Relief Fund	\$7,960
Coast Guard Acquisition, Construction, & Improvements	\$300
Grant to American Red Cross	\$100
MS Interoperable Communications System	\$20
Rescission of DRF funds	(\$20)
Subtotal Homeland	\$8,360
Interior	
BLM Wildfire Management	\$135
Fish and Wildlife Service, Construction	\$75
Forest Service, Wildland Fire Management	\$775
Forest Service Capital Improvement and Maintenance	\$30
Subtotal Interior	\$1,015
Labor-HHS-ED	
Administration for Children and Families - Social Services Block Grant	\$600
Department of Education Aid for Displaced Students	\$15
Department of Education - Higher Education disaster relief	\$15
Subtotal, LHHS	\$630
Military Construction-Veterans Affairs	
Military Construction, Army National Guard	\$25
Subtotal, Milcon/VA	\$25
State-Foreign Ops	
Special IG for Afghanistan	\$9
International Boundary and Water Commission	\$38
Economic Support Fund- Georgia and Haiti	\$465
Subtotal, State-Foreign Ops	\$512
Transportation-HUD	
Federal Highway Administration - Emergency Relief	\$850
Federal Railroad Administration, Railroad Rehab and Repair	\$20
HUD, Tenant-Based Section 8 rental assistance	\$85
HUD, Project-Based Section 8 rental assistance	\$50
CDBG	\$6,500
Public Housing Capital Fund	\$15
Subtotal, THUD	\$7,520
TOTAL	\$22,859

General Provisions of Note

Section 10101: Creates a rural development disaster assistance fund.

Section 10502: Appropriates \$100 million to the American Red Cross for reimbursement of disaster relief.

Section 10503: Prevents the statutory appeals process in certain Midwest counties until preliminary flood insurance rate maps are completed and released for public review.

Section 11002: Authorizes the Secretary of HUD to transfer from one project to another any project-based assistance contract entered into pursuant to section 8 of the United States Housing Act with some restrictions.

Division C: Department of Defense Appropriations, 2009

Division C provides \$487.7 billion in discretionary FY09 funding for the Department of Defense Appropriations bill.

This division increases soldiers' pay raise for FY 2009 from the requested 3.4 percent to 3.9 percent.

The omnibus has been stripped of most of the potentially controversial war policy provisions proposed at various times which might have triggered vetoes.

The omnibus contains special provisions for certain major weapons systems:

- Provides \$14.1 billion for shipbuilding, equal to the Administration's request. However, it funds eight ships, one more than the Administration request's, specifically for a third DDG-1000 destroyer.
- Provides \$2.9 billion to buy 20 F-22 Raptor fighters in FY 2009, equal to the request, as well as \$523 million for advanced production of another 20 Raptors, to preserve the production line.
- The F-35 Joint Strike Fighter program receives its requested \$6.3 billion. But within that total, only 14 of 16 aircraft would be purchased next year and \$430 million would be designated to compel the Air Force to continue pursuing a second competitive engine design for the plane.
- The Army's Future Combat System programs receive \$3.6 billion.

Title I – Military Personnel

Military Personnel (in millions)	FY08 Appropriation	President's Request	FY09 Omnibus
Army	\$31,535	\$36,524	\$36,383
Navy	23,319	24,081	24,038
Marine Corps	10,280	11,810	11,793
Air Force	24,195	25,271	25,104
Army Reserve	3,685	3,922	3,904
Navy Reserve	1,790	1,870	1,856
Marine Corps Reserve	583	595	585
Air Force Reserve	1,364	1,437	1,424
Army National Guard	5,925	6,595	6,616
Air National Guard	2,617	2,792	2,742
Total	\$105,491	\$114,896	\$114,445

Title II – Operation and Maintenance

Operations and Maintenance (in millions)	FY08 Appropriation	President's Request	FY09 Omnibus
Army	27,362	31,243	31,207
Navy	33,088	34,922	34,411
Marine Corps	4,792	5,597	5,519
Air Force	32,176	35,903	34,866
Defense-Wide	22,694	26,092	25,940
Army Reserve	2,510	2,642	2,629
Navy Reserve	1,148	1,311	1,308
Marine Corps Reserve	209	213	213
Air Force Reserve	2,815	3,143	3,018
Army National Guard	5,765	5,876	5,858
Air National Guard	5,468	5,880	5,901
Total	132,558	152,821	150,870

U.S. Court of Appeals for the Armed Forces: Provides \$13.254 million for salaries and expenses for the U.S. Court of Appeals for the Armed Forces, which fully funds the Administration's request and is \$1.254 million above the FY08 enacted level.

Environmental Restoration:

Environmental Restoration (in millions)	FY08 Appropriation	President's Request	FY09 Omnibus
Army	440	448	458
Navy	301	291	291

Air Force	458	496	496
Defense-Wide	13	13	13
Formerly Used Defense Sites	280	258	291
Total	1,492	1,506	1,549

Overseas Humanitarian, Disaster, and Civic Aid: Provides \$88.2 million for Overseas Humanitarian, Disaster, and Civic Aid, which is \$5 million more than the Administration's request and \$15.1 million more than the FY08 enacted level.

Title III – Procurement

Army: Provides \$22.77 billion for Army Procurement.

Army Procurement (in millions)	FY08 Appropriation	President's Request	FY09 Omnibus
Aircraft Procurement	4,186	5,009	4,901
Missile Procurement	1,912	2,212	2,185
Weapons and Tracked Combat Vehicles	3,022	3,687	3,169
Ammunition	2,223	2,276	2,287
Other Procurement	11,428	11,368	10,684
Total	22,771	24,552	23,226

Navy and Marine Corps: Provides \$37.88 billion for Navy and Marine Procurement.

Navy and Marine Procurement (in millions)	FY08 Appropriation	President's Request	FY09 Omnibus
Aircraft Procurement, Navy	12,464	14,717	14,141
Weapons Procurement, Navy	3,114	3,576	3,293
Ammunition Procurement, Navy and Marine Corps	1,064	1,123	1,085
Shipbuilding and Conversion, Navy	13,598	12,733	13,054
Other Procurement, Navy	5,318	5,483	5,251
Procurement, Marine Corps	2,327	1,513	1,377
Total	37,885	39,144	38,202

Air Force: Provides \$33.2 billion for the Air Force Procurement.

Air Force Procurement (in millions)	FY08 Appropriation	President's Request	FY09 Omnibus
Aircraft Procurement	12,022	12,677	13,113
Missile Procurement	4,985	5,537	5,442
Ammunition Procurement	754	895	860
Other Procurement	15,441	16,128	16,053
Total	33,202	35,236	35,467

Defense-Wide Procurement: Provides \$3.31 billion for Defense-wide procurement, which is \$150 million above the Administration's request of \$3.16 billion, and \$40 million above the FY08 enacted level of \$3.27 billion.

National Guard and Reserve Equipment: Provides \$750 million for National Guard Equipment, of which \$480 million is to remain available only for Army National Guard. This is \$230 million less than the FY08 level of \$980 million.

Defense Production Act Purchases: Provides \$100.6 million for Defense Production Act purchases, which is \$64.2 million higher than the Administration's request of \$36.4 million, and \$5.8 million greater than the FY08 enacted level of \$94.8 million.

Title IV – Research, Development, Test and Evaluation (RDT&E)

Research, Development, Test, and Evaluation (RDT&E) (in billions)	FY08 Appropriation	President's Request	FY09 Omnibus
Army	12.13	10.54	12.06
Navy	17.92	19.34	19.76
Air Force	26.26	28.07	27.08
Defense-Wide	20.79	21.50	21.42
Operational Test and Evaluation, Defense	0.18	0.19	0.19
Total	77.28	79.45	80.51

Title V – Revolving and Management Funds

Provides \$1.49 billion for the various Defense working capital funds and \$1.67 billion for the National Defense Sealift Fund.

Title VI – Other Department of Defense Programs

Provides \$25.83 billion for Defense Health Program; \$1.51 billion for Army Chemical Agents and Munitions Destruction; \$1.10 billion for Drug Interdiction and Counter-Drug Activities; \$120.0 million for the Joint Improved Explosive Device Defeat Fund; and \$271.8 million for the Office of the Inspector General.

Title VII – Related Agencies

Provides \$279.2 million for the Central Intelligence Agency Retirement and Disability System Fund, and \$710.0 million for the Intelligence Community Management Account.

Title VIII – General Provisions

Title VIII includes proposals that have been incorporated into previous appropriations bills, provisions requested by DoD, and new provisions. Title VIII also includes \$1.3 billion in rescissions.

- Section 8044 prohibits the use of funds for assistance to North Korea unless specifically appropriated for that purpose.
- Section 8059 provides that no funds may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government.
- Section 8067 provides that \$177.2 million in Research, Development, Test, and Evaluation, Defense-Wide funds shall be made available for Israel Cooperative Programs, of which:
 - \$30.0 million shall be available for an upper-tier component to the Israeli Missile Defense Architecture; and
 - \$74.3 million is for the Arrow Missile Defense Program.
- Section 8106 prohibits the U.S. government from establishing any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq. This section also prohibits the U.S. from exercising control over any oil resource of Iraq.

Division D: Department of Homeland Security Appropriations Act, 2009

Division D provides \$42.2 billion in discretionary spending for the Department of Homeland Security Appropriations Act.

Title I – Departmental Management and Operations

Title I provides \$1.08 billion for Departmental Management and Operations, which is \$100.38 million below the Administration’s request and \$103.63 million above the FY08 enacted level. Significant spending accounts and language requests include:

Office of the Secretary: Provides \$123.456 million for the Office of the Secretary and Executive Management, which is \$3.7 million below the Administration’s request but \$26.1 million above the FY08 enacted level. The Committee expressed concerns with the Department’s responsiveness to the Government Accountability Office (GAO). Of the \$123.456 million, the bill withholds \$15.0 million from the Secretary until certain reporting conditions are met. An additional \$10.0 million is withheld until the Secretary assures relevant committees that guidance has been developed to incorporate stakeholder input for the administration of certain grants.

Analysis and Operations: Provides \$327.373 million for Analysis and Operations, which is \$6.1 million below the President’s request but \$30.07 million above the FY08 enacted level.

Title II – Security, Enforcement, and Investigations: Border and Transportation Security

Title II provides \$29.95 billion for the Department’s Security, Enforcement, and Investigations, which is \$1.16 billion above the Administration’s request and \$1.75 billion above the FY08 enacted level. Significant spending accounts include:

U.S. Customs and Border Protection (CBP): Provides \$11.26 billion for Customs and Border Protection, including \$1.44 billion in fees, which is \$333.55 million above the Administration’s request and \$461.38 million above the FY08 enacted level. \$775 million is for the customs and border protection fencing, infrastructure, and technology. \$75.7 million is for the **Customs-Trade Partnership Against Terrorism (C-TPAT) and Free and Secure Trade (FAST) programs** \$149.45 million for the **Container Security Initiative (CSI)**; and \$24.4 million for the **National Targeting Center**.

Immigration and Customs Enforcement (ICE): Provides \$4.98 billion for ICE, which is \$241.3 million above the Administration’s request and \$254.49 million above the FY08 enacted level. Included within these funds is not less than \$1.0 billion for the identification of deportable aliens convicted of a crime.

Federal Protective Service (FPS): Provides \$640.0 million for the FPS, which is \$24 million above the Administration's request and \$27.0 million above the FY08 enacted level.^[1] The FPS is responsible for the security and protection of Federal property under the control of the General Services Administration.

Transportation Security Administration (TSA): Provides \$6.97 billion for the TSA (including \$2.32 billion in passenger and aviation carrier fees), which is \$124.19 million below the Administration's request and \$163.84 million above the FY08 enacted level.

- **Air Cargo Security:** Provides \$122.8 million for air cargo security, which is \$122.8 million above the Administration's request and \$49.8 million above the FY08 enacted level.
- **Rail Security:** Provides \$24.7 million for security measures for the nation's railways, which is \$13.11 above the Administration's request and \$2.6 million above than the FY08 enacted level.
- **Explosives Detection Systems (EDS):** Provides \$294.0 million for EDS procurement and installation, which is \$140.0 million above the President's request.
- **Secure Flight:** Provides \$82.21 million for secure flight, which is equal to the Administration's request and \$32.1 million above the FY08 level.

U.S. Coast Guard: Provides \$9.36 billion for the United States Coast Guard, which is \$289.66 million above the Administration's request and \$729.36 million above the FY08 enacted level. Of this, \$8.12 billion is discretionary spending and \$1.23 billion is mandatory spending for retired pay. The **Integrated Deepwater System** is funded at \$1.034 billion, which is \$43.5 million above the Administration's request, and \$250.7 million above the FY08 level.

U.S. Secret Service: Provides \$1.41 billion for the United States Secret Service, which is \$1.3 million below the Administration's request but \$27.46 million above the FY08 enacted level. This funding provides for the protection of the President, the Vice President, and other dignitaries and designated individuals; enforcement of laws relating to obligations and securities of the United States and financial crimes; protection of the White House; and training.

Title III – Preparedness and Recovery

Title III provides \$8.3 billion for Preparedness and Recovery, which is \$1.26 billion above the Administration's request and \$2.72 billion below the FY08 enacted level. Significant spending accounts and language requests include:

National Protection and Programs Directorate (NPPD): Provides \$1.16 billion for NPPD, which is \$127.8 million below the Administration's request and \$18.81 million below the FY08

^[1] The total provides for full funding by offsetting collections paid by General Services Administration tenants and credited directly to this appropriation.

enacted level. Included within these funds is \$300.0 million for **U.S. Visitor and Immigrant Status Indicator Technology**, which is \$90.3 million below the President's request and \$175,000 below the FY08 level.

Firefighter Assistance Grants: Provides \$775.0 million for firefighter assistance grants, which is \$475.0 million above the Administration's request and \$25.0 million above the FY08 enacted level. Included within these funds is \$210.0 million for the SAFER Act, which is \$20.0 million more than the FY08 enacted level—the Administration did not request funds for this account. These grants provide assistance to local firefighting departments for the purpose of protecting the health and safety of the public and fire fighting personnel (including volunteers and emergency medical service personnel) against fires and fire-related hazards.

FEMA: Provides \$6.96 billion for FEMA, which is \$1.41 billion above the Administration's request and \$2.74 billion below the FY08 enacted level. The mission of FEMA is to lead the nation to prepare for, mitigate the effects of, respond to, and recover from major domestic disasters, both natural and man-made, including incidents of terrorism.

- **State and Local Programs:** Provides \$3.1 billion for State and Local Programs, which is \$1.23 billion above the Administration's request and \$72.1 million below the FY08 level.
- **Disaster Relief Fund:** Provides \$1.284 billion for the Disaster Relief Fund, which is \$621 million below the Administration's request and \$2.95 billion below the FY08 enacted level (excluding emergency supplemental appropriations). Through the DRF, the Department provides a significant portion of the total Federal response to victims in Presidentially-declared major disasters and emergencies.

Title IV – Research and Development, Training, Assessments, and Services

Title IV provides \$1.88 billion for the Department's Research and Development, Training, and Services, which is \$24.2 million above the Administration's request and \$196.7 million above the FY08 enacted level. Significant spending accounts include:

United States Citizenship and Immigration Services (CIS): Provides \$2.64 billion for US CIS, including \$2.54 billion in user fees, which is \$48.8 million below the Administration's request and \$21.0 million above the FY08 enacted level. CIS is responsible for the administration of laws and providing services to people seeking to visit, reside, work, and naturalize in the United States.

Federal Law Enforcement Training Center (FLETC): Provides \$332.98 million for the FLETC, which is \$58.8 million above the President's request and \$44.32 million above the FY08 enacted level. The FLETC provides funds for basic and advanced training to federal law enforcement personnel from more than 76 agencies.

Science and Technology: Provides \$932.58 million for Science and Technology, which is \$63.75 million above the Administration's request and \$102.25 million above the FY08 enacted

level. Included in this amount is \$200.4 million for chemical and biological research and \$96.1 million for explosives research.

Domestic Nuclear Detection Office (DNDO): Provides \$514.19 million for the DNDO, which is \$49.6 million below the Administration's request but \$29.44 million above the FY08 enacted level. The mission of DNDO is to improve the nation's capability to detect and report attempts to import, possess, store, develop, or transport nuclear and radiological material for use against the nation.

Title V – General Provisions

Title V is composed of General Provisions concerning reprogramming, authorization for activities funded in the bill, the Federal Law Enforcement Training Center, the Buy America Act, competitive sourcing, and other issues. Of note:

- Section 512 would limit the implementation of the Secure Flight program until certain conditions are met.
- Section 515 includes a provision directing the Secretary to research, develop, and procure new air cargo inspection technologies.
- Section 528 includes a provision prohibiting funds to be used to destroy or put out to pasture any horse unless the trainer or handler is given the option to take possession.
- Section 535 prohibits CBP funds from being used to prevent an individual not in the business of importing a prescription drug from importing such a drug from Canada.
- Section 538 prevents funds made available to plan, test, pilot, or develop a national identification card.

Division E: Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009

Division E provides \$72.9 billion in discretionary FY09 funding for the Military Construction and Veterans Affairs Appropriations Act.

Title I – Military Construction

Active Components: Provides \$10.7 billion (including rescissions and emergency appropriations) for Active Component military construction, which is \$332.0 million above the Administration's request and \$855.8 million below the FY08 enacted level.

- Provides \$4.64 billion for **Army** construction, which is \$25.4 million above the Administration's request, but \$394.7 million below the FY08 enacted level.

- Provides \$3.33 billion for **Navy and Marine Corps** construction, which is \$236.9 million above the Administration's request and \$789.6 billion above the FY08 enacted level.
- Provides \$1.09 billion for **Air Force** construction, which is \$162 million above the Administration's request and \$451.9 million above the FY08 enacted level.
- Provides \$1.69 billion for **Defense-wide** construction, which is \$92.3 million below the Administration's request, and \$798.7 million below the FY08 enacted level.

Reserve Components: Provides \$1.35 billion for Reserve Component military construction, which is \$422.7 million above the Administration's request and \$292.4 million above the FY08 enacted level.

- Provides \$734.9 million for **Army National Guard** construction, which is \$195.6 million above the Administration's request and \$198.2 million above the FY08 enacted level.
- Provides \$242.9 million for **Air National Guard** construction, which is \$208.5 million above the Administration's request and \$44.6 million below the FY08 enacted level.
- Provides \$282.6 million for **Army Reserve** construction, which is \$920.0 million above the Administration's request, and \$134.4 million above the FY08 enacted level.
- Provides \$57.0 million for **Naval Reserve** construction, which is unchanged from Administration's request and \$7.3 million below the FY08 enacted level.
- Provides \$36.9 million for **Air Force Reserve** construction, which is \$17.7 million above the Administration's request and \$11.6 million above the FY08 enacted level.

North Atlantic Treaty Organization: Provides \$230.8 million for the North Atlantic Treaty Organization (NATO) Security Investment Program, which is \$10 million less than the Administration's request, but \$29.4 million above the FY08 enacted level.

Family Housing: Provides \$3.157 billion for family housing construction, operations and maintenance, and the Department's family housing improvement fund, which is \$45.7 million below the Administration's request but \$279.2 million above the FY08 enacted level.

- Provides \$646.5 million for **Army** family housing construction, which is \$32 million below the Administration's request, but \$226.7 million above the FY08 enacted level.
- Provides nearly \$716.1 million for **Army** family housing operation and maintenance, which is the same as the Administration's request and \$15 million below the FY08 enacted level.
- Provides \$380.1 million for **Navy** family housing construction, which is \$2.6 million below the Administration's request but \$75.2 million above the FY08 level.
- Provides \$376.0 million for **Navy** family housing operation and maintenance, which is equal to the Administration's request and \$4.6 million above the FY08 enacted level.
- Provides \$395.8 million for **Air Force** family housing construction, which is unchanged from the Administration's request and \$83.1 million above the FY08 enacted level.

- Provides \$594.4 million for **Air Force** family housing operation and maintenance, which is \$5.0 million below the Administration's request and \$93.8 million below the FY08 enacted level.
- Provides -6.0 million for **Defense-wide** family housing construction, which is -\$6.0 million below the Administration's request, and -\$6 million below the FY08 enacted level.
- Provides \$49.2 million for **Defense-wide** family housing operation and maintenance, which is equal to the Administration's request, and \$0.383 million above the FY08 enacted level.
- Provides \$0.850 million for the Family Housing Improvement Fund, which is equal to the Administration's request and \$0.350 million above the FY08 enacted level.

Chemical Demilitarization Construction Program: Provides \$144.2 million for chemical demilitarization construction, which is \$10.0 million above the Administration's request and \$40.1 million above the FY08 enacted level.

Base Realignment and Closure Account (BRAC): For 1990 Part IV BRAC, provides \$458.3 million, which is \$65.0 million above the Administration's request and \$162.6 million above the FY08 enacted level. For 2005 BRAC, provides \$8.7 billion, which is \$299.7 million below the Administration's request, but \$1.5 billion above the FY08 enacted level.

Title II – Department of Veterans Affairs

Compensation and Pensions: Provides \$43.1 billion for compensation and pensions, which is equal to the Administration's request and \$1.8 billion above the FY08 enacted level.

Readjustment Benefits: Provides \$3.8 billion for Readjustment Benefits, which is \$746 million above the Administration's request and \$532.6 million above the FY08 enacted level.

Veterans Insurance and Indemnities: Provides \$42.3 million for Veterans Insurance and Indemnities, which fully funds the Administration's request and is \$1.0 million above the FY08 enacted level.

Veterans Housing Benefit Program Fund Program Account: Provides \$157.2 million for the Veterans Housing Benefit Program Fund Program Account, which is equal to the Administration's request and \$2.6 million above the FY08 enacted level.

Medical Services: Provides \$30.9 billion for Medical Services, which is \$3.1 billion below the Administration's request and \$1.8 billion above the FY08 enacted level.

Medical Administration: Provides \$4.45 billion for Medical Administration, which is \$4.45 billion above Administration's request and \$933.0 million above the FY08 enacted level.

Medical Facilities: Provides nearly \$5.0 billion for Medical Facilities, which is \$368.0 million above the Administration’s request and \$929.0 million above the FY08 enacted level, including emergency funding.

Medical and Prosthetic Research: Provides \$510.0 million for Medical and Prosthetic Research, which is \$68.0 million above the Administration’s request and \$30.0 million above the FY08 enacted level.

National Cemetery Administration: Provides \$230.0 million for the National Cemetery Administration, which is \$49.0 million above the Administration’s request and \$35.0 million above the FY08 enacted level.

General Operating Expenses: Provides \$1.8 billion for General Operating Expenses, which is \$102.0 million above the Administration’s request and \$96.8 million above the FY08 enacted level.

Information Technology: Provides \$2.4 billion for Information Technology, which is \$47.3 million above the Administration’s request and \$502 million above the FY08 enacted level.

Title III – Related Agencies

American Battle Monuments Commission: Provides \$76.5 million for the American Battle Monuments Commission, which is \$12 million above the Administration’s request and \$20.9 million above the FY08 enacted level.

U.S. Court of Appeals for Veterans Claims: Provides \$30.9 million for the U.S. Court of Appeals for Veterans Claims, which is \$7.0 million above the Administration’s request and \$8.2 million above the FY08 enacted level.

Armed Forces Retirement Home: Provides \$63.0 million for the Armed Forces Retirement Home, which is the same as the Administration’s request and \$6.4 million above the FY08 enacted level.

Cost

All costs are based on preliminary CBO scoring at the time of publication (amounts include both emergency and nonemergency appropriations).

Subcommittee:	<u>FY08</u>	<u>FY09</u> (amount in millions)
Agriculture	\$518	\$20,385
Commerce, Justice, Science	\$522	\$53,591
Defense	\$0	\$487,737

Energy and Water	\$2,777	\$39,134
Financial Services	\$981	\$20,554
Homeland Security	\$8,360	\$42,164
Interior, Environment	\$1,015	\$26,571
Labor, HHS	\$630	\$153,028
Legislative Branch	\$0	\$3,969
Military Construction, VA	\$25	\$73,061
State, Foreign Ops	\$511	\$33,326
Transportation, HUD	\$7,520	\$50,922
All Titles-Total	\$22,859	\$1,004,442

Administration Position

No Statement of Administration Policy (SAP) was available at press time.

Possible Amendments

No amendments were known at press time.