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111TH CONGRESS
1ST SESSION

H. R. 2892

IN THE SENATE OF THE UNITED STATES

JULY 6, 2009

Received; read twice and placed on the calendar

AN ACT

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 TITLE I—DEPARTMENTAL MANAGEMENT AND
2 OPERATIONS

3 OFFICE OF THE SECRETARY AND EXECUTIVE
4 MANAGEMENT

5 For necessary expenses of the Office of the Secretary
6 of Homeland Security, as authorized by section 102 of the
7 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
8 tive management of the Department of Homeland Secu-
9 rity, as authorized by law, \$147,427,000 (reduced by
10 \$17,000,000) (reduced by \$6,000,000) (reduced by
11 \$5,000,000) (reduced by \$1,700,000): *Provided*, That not
12 to exceed \$60,000 shall be for official reception and rep-
13 resentation 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.

16 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

17 For necessary expenses of the Office of the Under
18 Secretary for Management, as authorized by sections 701
19 through 705 of the Homeland Security Act of 2002 (6
20 U.S.C. 341 through 345), \$268,690,000 (reduced by
21 \$5,900,000) (reduced by \$14,000,000) (reduced by
22 \$45,000,000) (reduced by \$50,000,000), of which not less
23 than \$1,000,000 shall be for logistics training; and of
24 which not to exceed \$3,000 shall be for official reception
25 and representation expenses: *Provided*, That of the total

1 amount made available under this heading, \$6,000,000
2 shall remain available until expended solely for the alter-
3 ation and improvement of facilities, tenant improvements,
4 and relocation costs to consolidate Department head-
5 quarters operations at the Nebraska Avenue Complex; and
6 \$17,131,000 shall remain available until expended for the
7 Human Resources Information Technology program.

8 OFFICE OF THE CHIEF FINANCIAL OFFICER

9 For necessary expenses of the Office of the Chief Fi-
10 nancial Officer, as authorized by section 103 of the Home-
11 land Security Act of 2002 (6 U.S.C. 113), \$63,530,000
12 (reduced by \$3,000,000), of which \$11,000,000 shall re-
13 main available until expended for financial systems con-
14 solidation efforts.

15 OFFICE OF THE CHIEF INFORMATION OFFICER

16 For necessary expenses of the Office of the Chief In-
17 formation Officer, as authorized by section 103 of the
18 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
19 partment-wide technology investments, \$299,593,000 (re-
20 duced by \$18,000,000); of which \$86,912,000 shall be
21 available for salaries and expenses; and of which
22 \$212,681,000 (reduced by \$18,000,000), to remain avail-
23 able until expended, shall be available for development and
24 acquisition of information technology equipment, software,
25 services, and related activities for the Department of

1 Homeland Security: *Provided*, That none of the funds ap-
2 propriated shall be used to support or supplement the ap-
3 propriations provided for the United States Visitor and
4 Immigrant Status Indicator Technology project or the
5 Automated Commercial Environment: *Provided further*,
6 That the Chief Information Officer shall submit to the
7 Committees on Appropriations of the Senate and the
8 House of Representatives, not more than 60 days after
9 the date of enactment of this Act, an expenditure plan
10 for all information technology acquisition projects that:
11 (1) are funded under this heading; or (2) are funded by
12 multiple components of the Department of Homeland Se-
13 curity through reimbursable agreements: *Provided further*,
14 That such expenditure plan shall include each specific
15 project funded, key milestones, all funding sources for
16 each project, details of annual and lifecycle costs, and pro-
17 jected cost savings or cost avoidance to be achieved by the
18 project.

19 ANALYSIS AND OPERATIONS

20 For necessary expenses for intelligence analysis and
21 operations coordination activities, as authorized by title II
22 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
23 seq.), \$345,556,000, of which not to exceed \$5,000 shall
24 be for official reception and representation expenses; and

1 of which \$199,677,000 shall remain available until Sep-
2 tember 30, 2011.

3 OFFICE OF THE FEDERAL COORDINATOR FOR GULF
4 COAST REBUILDING

5 For necessary expenses of the Office of the Federal
6 Coordinator for Gulf Coast Rebuilding, \$2,000,000.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978 (5 U.S.C. App.), \$111,874,000, of
11 which not to exceed \$150,000 may be used for certain con-
12 fidential operational expenses, including the payment of
13 informants, to be expended at the direction of the Inspec-
14 tor General.

15 TITLE II—SECURITY, ENFORCEMENT, AND
16 INVESTIGATIONS

17 U.S. CUSTOMS AND BORDER PROTECTION

18 SALARIES AND EXPENSES

19 For necessary expenses for enforcement of laws relat-
20 ing to border security, immigration, customs, agricultural
21 inspections and regulatory activities related to plant and
22 animal imports, and transportation of unaccompanied
23 minor aliens; purchase and lease of up to 4,500 (4,000
24 for replacement only) police-type vehicles; and contracting
25 with individuals for personal services abroad;

1 \$7,576,897,000 (increased by \$4,900,000) (increased by
2 \$34,000,000) (reduced by \$1,000,000) (increased by
3 \$1,000,000), of which \$3,226,000 shall be derived from
4 the Harbor Maintenance Trust Fund for administrative
5 expenses related to the collection of the Harbor Maintenance
6 Fee pursuant to section 9505(c)(3) of the Internal
7 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding
8 section 1511(e)(1) of the Homeland Security
9 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
10 \$45,000 shall be for official reception and representation
11 expenses; of which not less than \$309,629,000 shall be
12 for Air and Marine Operations; of which such sums as
13 become available in the Customs User Fee Account, except
14 sums subject to section 13031(f)(3) of the Consolidated
15 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
16 58c(f)(3)), shall be derived from that account; of which
17 not to exceed \$1,000,000 shall be for awards of compensation
18 to informants, to be accounted for solely under the
19 certificate of the Secretary of Homeland Security; and of
20 which not more than \$800,000 shall be for procurement
21 of portable solar charging rechargeable battery systems,
22 to be awarded under full and open competition: *Provided*,
23 That for fiscal year 2010, the overtime limitation prescribed
24 in section 5(c)(1) of the Act of February 13, 1911
25 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwith-

1 until expended: *Provided*, That of the total amount made
2 available under this heading, \$150,000,000 shall not be
3 obligated until the Committees on Appropriations of the
4 Senate and the House of Representatives receive and ap-
5 prove a plan for expenditure, prepared by the Secretary
6 of Homeland Security, reviewed by the Government Ac-
7 countability Office, and submitted not later than 90 days
8 after the date of the enactment of this Act, for a program
9 to establish and maintain a security barrier along the bor-
10 ders of the United States, of fencing and vehicle barriers
11 where practicable, and of other forms of tactical infra-
12 structure and technology, that includes—

13 (1) a detailed accounting of the program’s im-
14 plementation to date for all investments, including
15 technology and tactical infrastructure, for funding
16 already expended relative to system capabilities or
17 services, system performance levels, mission benefits
18 and outcomes, milestones, cost targets, program
19 management capabilities, identification of the max-
20 imum investment, including life-cycle costs, related
21 to the Secure Border Initiative program or any suc-
22 cessor program, and description of the methodology
23 used to obtain these cost figures;

24 (2) a description of how specific projects will
25 further the objectives of the Secure Border Initia-

1 tive, as defined in the Department of Homeland Se-
2 curity Secure Border Plan, and how the expenditure
3 plan allocates funding to the highest priority border
4 security needs;

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

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

15 (5) a description of how the plan addresses se-
16 curity needs at the Northern border and ports of
17 entry, including infrastructure, technology, design
18 and operations requirements, specific locations where
19 funding would be used, and priorities for Northern
20 border activities;

21 (6) a report on budget, obligations and expendi-
22 tures, the activities completed, and the progress
23 made by the program in terms of obtaining oper-
24 ational control of the entire border of the United
25 States;

1 (7) a listing of all open Government Account-
2 ability Office and Office of Inspector General rec-
3 ommendations related to the program and the status
4 of Department of Homeland Security actions to ad-
5 dress the recommendations, including milestones to
6 fully address such recommendations;

7 (8) a certification by the Chief Procurement Of-
8 ficer of the Department including all supporting doc-
9 uments or memoranda, and documentation and a de-
10 scription of the investment review processes used to
11 obtain such certifications, that—

12 (A) the program has been reviewed and ap-
13 proved in accordance with the investment man-
14 agement process of the Department, and that
15 the process fulfills all capital planning and in-
16 vestment control requirements and reviews es-
17 tablished by the Office of Management and
18 Budget, including as provided in Circular A–11,
19 part 7;

20 (B) the plans for the program comply with
21 the Federal acquisition rules, requirements,
22 guidelines, and practices, and a description of
23 the actions being taken to address areas of non-
24 compliance, the risks associated with such ac-
25 tions, together with any plans for addressing

1 these risks, and the status of the implementa-
2 tion of such actions; and

3 (C) procedures to prevent conflicts of in-
4 terest between the prime integrator and major
5 subcontractors are established and that the Se-
6 cure Border Initiative Program Office has ade-
7 quate staff and resources to effectively manage
8 the Secure Border Initiative program and all
9 contracts under such program, including the ex-
10 ercise of technical oversight;

11 (9) a certification by the Chief Information Of-
12 ficer of the Department including all supporting doc-
13 uments or memoranda, and documentation and a de-
14 scription of the investment review processes used to
15 obtain such certifications that—

16 (A) the system architecture of the program
17 has been determined to be sufficiently aligned
18 with the information systems enterprise archi-
19 tecture of the Department to minimize future
20 rework, including a description of all aspects of
21 the architectures that were or were not assessed
22 in making the alignment determination, the
23 date of the alignment determination, and any
24 known areas of misalignment together with the

1 associated risks and corrective actions to ad-
2 dress any such areas;

3 (B) the program has a risk management
4 process that regularly and proactively identifies,
5 evaluates, mitigates, and monitors risks
6 throughout the system life cycle and commu-
7 nicates high-risk conditions to U.S. Customs
8 and Border Protection and Department of
9 Homeland Security investment decision-makers,
10 as well as a listing of all the program's high
11 risks and the status of efforts to address such
12 risks; and

13 (C) an independent verification and valida-
14 tion agent is currently under contract for the
15 projects funded under this heading;

16 (10) a certification by the Chief Human Capital
17 Officer of the Department that the human capital
18 needs of the Secure Border Initiative program are
19 being addressed so as to ensure adequate staff and
20 resources to effectively manage the Secure Border
21 Initiative; and

22 (11) an analysis by the Secretary for each seg-
23 ment, defined as not more than 15 miles, of fencing
24 or tactical infrastructure, of the selected approach
25 compared to other, alternative means of achieving

1 operational control, including cost, level of oper-
2 ational control, possible unintended effects on com-
3 munities, and other factors critical to the decision-
4 making process:

5 *Provided further*, That the Secretary shall report to the
6 Committees on Appropriations of the Senate and the
7 House of Representatives on program progress, and obli-
8 gations and expenditures for all outstanding task orders
9 as well as specific objectives to be achieved through the
10 award of current and remaining task orders planned for
11 the balance of available appropriations at least 15 days
12 before the award of any task order requiring an obligation
13 of funds in an amount greater than \$25,000,000 and be-
14 fore the award of a task order that would cause cumulative
15 obligations of funds to exceed 50 percent of the total
16 amount appropriated: *Provided further*, That none of the
17 funds made available under this heading may be obligated
18 unless the Department has complied with section
19 102(b)(1)(C)(i) of the Illegal Immigration Reform and
20 Immigrant Responsibility Act of 1996 (8 U.S.C. 1103
21 note), and the Secretary certifies such to the Committees
22 on Appropriations of the Senate and the House of Rep-
23 resentatives: *Provided further*, That none of the funds
24 made available under this heading may be obligated for
25 any project or activity for which the Secretary has exer-

1 cised waiver authority pursuant to section 102(e) of the
2 Illegal Immigration Reform and Immigrant Responsibility
3 Act of 1996 (8 U.S.C. 1103 note) until 15 days have
4 elapsed from the date of the publication of the decision
5 in the Federal Register.

6 AIR AND MARINE INTERDICTION, OPERATIONS,
7 MAINTENANCE, AND PROCUREMENT

8 For necessary expenses for the operations, mainte-
9 nance, and procurement of marine vessels, aircraft, un-
10 manned aircraft systems, and other related equipment of
11 the air and marine program, including operational train-
12 ing and mission-related travel, and rental payments for
13 facilities occupied by the air or marine interdiction and
14 demand reduction programs, the operations of which in-
15 clude the following: the interdiction of narcotics and other
16 goods; the provision of support to Federal, State, and local
17 agencies in the enforcement or administration of laws en-
18 forced by the Department of Homeland Security; and at
19 the discretion of the Secretary of Homeland Security, the
20 provision of assistance to Federal, State, and local agen-
21 cies in other law enforcement and emergency humani-
22 tarian efforts, \$513,826,000, to remain available until ex-
23 pended: *Provided*, That no aircraft or other related equip-
24 ment, with the exception of aircraft that are one of a kind
25 and have been identified as excess to U.S. Customs and

1 Border Protection requirements and aircraft that have
2 been damaged beyond repair, shall be transferred to any
3 other Federal agency, department, or office outside of the
4 Department of Homeland Security during fiscal year 2010
5 without the prior approval of the Committees on Appro-
6 priations of the Senate and the House of Representatives.

7 FACILITIES MANAGEMENT

8 For necessary expenses to plan, construct, renovate,
9 equip, and maintain buildings and facilities necessary for
10 the administration and enforcement of the laws relating
11 to customs and immigration, \$682,133,000, of which not
12 to exceed \$150,000 shall be available for payment for rent-
13 al space in connection with preclearance operations; and
14 of which \$279,870,000 shall remain available until ex-
15 pended; of which not more than \$3,500,000 shall be for
16 acquisition, design, and construction of U.S. Customs and
17 Border Protection Air and Marine facilities at El Paso
18 International Airport, Texas.

19 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

20 SALARIES AND EXPENSES

21 For necessary expenses for enforcement of immigra-
22 tion and customs laws, detention and removals, and inves-
23 tigation; and purchase and lease of up to 3,790 (2,350
24 for replacement only) police-type vehicles; \$5,311,493,000
25 (increased by \$1,700,000), of which not to exceed

1 \$7,500,000 shall be available until expended for con-
2 ducting special operations under section 3131 of the Cus-
3 toms Enforcement Act of 1986 (19 U.S.C. 2081); of which
4 not to exceed \$15,000 shall be for official reception and
5 representation expenses; of which not to exceed
6 \$1,000,000 shall be for awards of compensation to inform-
7 ants, to be accounted for solely under the certificate of
8 the Secretary of Homeland Security; of which not less
9 than \$305,000 shall be for promotion of public awareness
10 of the child pornography tipline and anti-child exploitation
11 activities; of which not less than \$5,400,000 shall be used
12 to facilitate agreements consistent with section 287(g) of
13 the Immigration and Nationality Act (8 U.S.C. 1357(g));
14 and of which not to exceed \$11,216,000 shall be available
15 to fund or reimburse other Federal agencies for the costs
16 associated with the care, maintenance, and repatriation of
17 smuggled aliens unlawfully present in the United States:
18 *Provided*, That none of the funds made available under
19 this heading shall be available to compensate any employee
20 for overtime in an annual amount in excess of \$35,000,
21 except that the Secretary, or the designee of the Secretary,
22 may waive that amount as necessary for national security
23 purposes and in cases of immigration emergencies: *Pro-*
24 *vided further*, That of the total amount provided,
25 \$15,770,000 shall be for activities in fiscal year 2010 to

1 enforce laws against forced child labor, of which not to
2 exceed \$6,000,000 shall remain available until expended:
3 *Provided further*, That of the total amount available, not
4 less than \$1,500,000,000 shall be available to identify
5 aliens convicted of a crime who may be deportable, and
6 to remove them from the United States once they are
7 judged deportable, of which \$200,000,000 shall remain
8 available until September 30, 2011: *Provided further*, That
9 the Secretary, or the designee of the Secretary, shall re-
10 port to the Committees on Appropriations of the Senate
11 and the House of Representatives, not later than 30 days
12 after the end of each fiscal quarter, on progress imple-
13 menting the preceding proviso and the funds obligated
14 during that quarter to make that progress: *Provided fur-*
15 *ther*, That the Secretary shall prioritize the identification
16 and removal of aliens convicted of a crime by the severity
17 of that crime: *Provided further*, That of the total amount
18 provided, not less than \$2,549,180,000 shall be for deten-
19 tion and removal operations, including transportation of
20 unaccompanied minor aliens: *Provided further*, That of the
21 total amount provided, \$6,800,000 (increased by
22 \$1,700,000) shall remain available until September 30,
23 2011, for the Visa Security Program: *Provided further*,
24 That none of the funds provided under this heading may
25 be used to continue a delegation of law enforcement au-

1 thority authorized under section 287(g) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1357(g)) if the Depart-
3 ment of Homeland Security Inspector General determines
4 that the terms of the agreement governing the delegation
5 of authority have been violated: *Provided further*, That
6 none of the funds provided under this heading may be
7 used to continue any contract for the provision of deten-
8 tion services if the two most recent overall performance
9 evaluations received by the contracted facility are less than
10 “adequate” or the equivalent median score in any subse-
11 quent performance evaluation system: *Provided further*,
12 That nothing under this heading shall prevent U.S.
13 Immigration and Customs Enforcement from exercising
14 those authorities provided under immigration laws (as de-
15 fined in section 101(a)(17) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1101(a)(17))) during priority oper-
17 ations pertaining to aliens convicted of a crime: *Provided*
18 *further*, That none of the funds provided under this head-
19 ing may be obligated to co-locate field offices of U.S. Im-
20 migration and Customs Enforcement until the Secretary
21 of Homeland Security submits to the Committees on Ap-
22 propriations of the Senate and the House of Representa-
23 tives a plan for the nationwide implementation of the Al-
24 ternatives to Detention Program that identifies: (1) the
25 funds required for nationwide program implementation;

1 (2) the timeframe for achieving nationwide program im-
2 plementation; and (3) an estimate of the number of indi-
3 viduals who could be enrolled in a nationwide program.

4 FEDERAL PROTECTIVE SERVICE

5 The revenues and collections of security fees credited
6 to this account shall be available until expended for nec-
7 essary expenses related to the protection of Federally-
8 owned and leased buildings and for the operations of the
9 Federal Protective Service: *Provided*, That the Secretary
10 of Homeland Security and the Director of the Office of
11 Management and Budget shall certify in writing to the
12 Committees on Appropriations of the Senate and the
13 House of Representatives no later than December 31,
14 2009, that the operations of the Federal Protective Service
15 will be fully funded in fiscal year 2010 through revenues
16 and collection of security fees, and shall adjust the fees
17 to ensure fee collections are sufficient to ensure that the
18 Federal Protective Service maintains not fewer than 1,200
19 full-time equivalent staff and 900 full-time equivalent Po-
20 lice Officers, Inspectors, Area Commanders, and Special
21 Agents who, while working, are directly is engaged on a
22 daily basis protecting and enforcing laws at Federal build-
23 ings (referred to as “in-service field staff”): *Provided fur-*
24 *ther*, That none of the funds made available in this Act
25 may be used to modify or restructure the bureaucratic or-

1 ganization of the Federal Protective Service as part of
2 U.S. Immigration and Customs Enforcement.

3 AUTOMATION MODERNIZATION

4 For expenses of immigration and customs enforce-
5 ment automated systems, \$105,000,000, to remain avail-
6 able until expended.

7 CONSTRUCTION

8 For necessary expenses to plan, construct, renovate,
9 equip, and maintain buildings and facilities necessary for
10 the administration and enforcement of the laws relating
11 to customs and immigration, \$11,818,000, to remain
12 available until expended: *Provided*, That none of the funds
13 made available in this Act may be used to solicit or con-
14 sider any request to privatize facilities currently owned by
15 the United States Government and used to detain aliens
16 unlawfully present in the United States until the Commit-
17 tees on Appropriations of the Senate and the House of
18 Representatives receive a plan for carrying out that privat-
19 ization.

20 TRANSPORTATION SECURITY ADMINISTRATION

21 AVIATION SECURITY

22 For necessary expenses of the Transportation Secu-
23 rity Administration related to providing civil aviation secu-
24 rity services pursuant to the Aviation and Transportation
25 Security Act (Public Law 107–71; 115 Stat. 597; 49

1 U.S.C. 40101 note), \$5,265,740,000, to remain available
2 until September 30, 2011, of which not to exceed \$10,000
3 shall be for official reception and representation expenses:
4 *Provided*, That of the total amount made available under
5 this heading, not to exceed \$4,409,776,000 shall be for
6 screening operations, of which \$1,138,106,000 shall be
7 available for explosives detection systems; and not to ex-
8 ceed \$855,964,000 shall be for aviation security direction
9 and enforcement: *Provided further*, That of the amount
10 made available in the preceding proviso for explosives de-
11 tection systems, \$800,000,000 shall be available for the
12 purchase and installation of these systems: *Provided fur-*
13 *ther*, That of the total amount provided, \$1,250,000 shall
14 be made available for Safe Skies Alliance to develop and
15 enhance research and training capabilities for Transpor-
16 tation Security Officer improvised explosive recognition
17 training: *Provided further*, That security service fees au-
18 thorized under section 44940 of title 49, United States
19 Code, shall be credited to this appropriation as offsetting
20 collections and shall be available only for aviation security:
21 *Provided further*, That any funds collected and made avail-
22 able from aviation security fees pursuant to section
23 44940(i) of title 49, United States Code, may, notwith-
24 standing paragraph (4) of such section 44940(i), be ex-
25 pended for the purpose of improving screening at airport

1 screening checkpoints, which may include the purchase
2 and utilization of emerging technology equipment; the re-
3 furbishment and replacement of current equipment; the
4 installation of surveillance systems to monitor checkpoint
5 activities; the modification of checkpoint infrastructure to
6 support checkpoint reconfigurations; and the creation of
7 additional checkpoints to screen aviation passengers and
8 airport personnel: *Provided further*, That the sum appro-
9 priated under this heading from the general fund shall be
10 reduced on a dollar-for-dollar basis as such offsetting col-
11 lections are received during fiscal year 2010, so as to re-
12 sult in a final fiscal year appropriation from the general
13 fund estimated at not more than \$3,165,740,000: *Pro-*
14 *vided further*, That any security service fees collected in
15 excess of the amount made available under this heading
16 shall become available during fiscal year 2011: *Provided*
17 *further*, That Members of the House of Representatives
18 and Senate, including the leadership; the heads of Federal
19 agencies and commissions, including the Secretary, Under
20 Secretaries, and Assistant Secretaries of Homeland Secu-
21 rity; the Attorney General and Assistant Attorneys Gen-
22 eral and the United States attorneys; and senior members
23 of the Executive Office of the President, including the Di-
24 rector of the Office of Management and Budget; shall not
25 be exempt from Federal passenger and baggage screening.

1 SURFACE TRANSPORTATION SECURITY

2 For necessary expenses of the Transportation Secu-
3 rity Administration related to providing surface transpor-
4 tation security activities, \$103,416,000, to remain avail-
5 able until September 30, 2011.

6 TRANSPORTATION THREAT ASSESSMENT AND

7 CREDENTIALING

8 For necessary expenses for the development and im-
9 plementation of screening programs of the Office of
10 Transportation Threat Assessment and Credentialing,
11 \$171,999,000, to remain available until September 30,
12 2011: *Provided*, That if the Assistant Secretary of Home-
13 land Security (Transportation Security Administration)
14 determines that the Secure Flight program does not need
15 to check airline passenger names against the full terrorist
16 watch list, the Assistant Secretary shall certify to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives that no significant security risks
19 are raised by screening airline passenger names only
20 against a subset of the full terrorist watch list.

21 TRANSPORTATION SECURITY SUPPORT

22 For necessary expenses of the Transportation Secu-
23 rity Administration related to providing transportation se-
24 curity support and intelligence pursuant to the Aviation
25 and Transportation Security Act (Public Law 107-71;

1 115 Stat. 597; 49 U.S.C. 40101 note), \$992,980,000, to
2 remain available until September 30, 2011: *Provided*,
3 That not to exceed \$5,000,000 may be obligated for head-
4 quarters administration until the Secretary of Homeland
5 Security submits to the Committees on Appropriations of
6 the Senate and the House of Representatives detailed ex-
7 penditure plans for checkpoint support and explosives de-
8 tection systems refurbishment, procurement, and installa-
9 tions on an airport-by-airport basis for fiscal year 2010:
10 *Provided further*, That these plans shall be submitted no
11 later than 60 days after the date of enactment of this Act.

12 FEDERAL AIR MARSHALS

13 For necessary expenses of the Federal Air Marshals,
14 \$860,111,000.

15 COAST GUARD

16 OPERATING EXPENSES

17 For necessary expenses for the operation and mainte-
18 nance of the Coast Guard, not otherwise provided for; pur-
19 chase or lease of not to exceed 25 passenger motor vehi-
20 cles, which shall be for replacement only; purchase or lease
21 of small boats for contingent and emergent requirements
22 (at a unit cost of no more than \$700,000) and for repairs
23 and service-life replacements for small boats for such re-
24 quirements, not to exceed a total of \$26,000,000; minor
25 shore construction projects not exceeding \$1,000,000 in

1 total cost at any location; payments pursuant to section
2 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat.
3 1920); and recreation and welfare; \$6,822,026,000, of
4 which \$340,000,000 shall be for defense-related activities;
5 of which \$241,503,000 is designated as being for overseas
6 deployments and other activities pursuant to section
7 423(a)(1) of S. Con. Res. 13 (111th Congress), the concur-
8 rent resolution on the budget for fiscal year 2010; of which
9 \$24,500,000 shall be derived from the Oil Spill Liability
10 Trust Fund to carry out the purposes of section
11 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
12 2712(a)(5)); of which not to exceed \$20,000 shall be for
13 official reception and representation expenses: *Provided*,
14 That none of the funds made available by this or any other
15 Act shall be available for administrative expenses in con-
16 nection with shipping commissioners in the United States:
17 *Provided further*, That none of the funds made available
18 by this Act shall be for expenses incurred for recreational
19 vessels under section 12114 of title 46, United States
20 Code, except to the extent fees are collected from yacht
21 owners and credited to this appropriation: *Provided fur-*
22 *ther*, That the Coast Guard shall comply with the require-
23 ments of section 527 of Public Law 108–136 with respect
24 to the Coast Guard Academy.

1 ENVIRONMENTAL COMPLIANCE AND RESTORATION

2 For necessary expenses to carry out the environ-
3 mental compliance and restoration functions of the Coast
4 Guard under chapter 19 of title 14, United States Code,
5 \$13,198,000, to remain available until expended.

6 RESERVE TRAINING

7 For necessary expenses of the Coast Guard Reserve,
8 as authorized by law; operations and maintenance of the
9 reserve program; personnel and training costs; and equip-
10 ment and services; \$133,632,000.

11 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

12 For necessary expenses of acquisition, construction,
13 renovation, and improvement of aids to navigation, shore
14 facilities, vessels, and aircraft, including equipment related
15 thereto; and maintenance, rehabilitation, lease and oper-
16 ation of facilities and equipment, as authorized by law;
17 \$1,347,480,000, of which \$20,000,000 shall be derived
18 from the Oil Spill Liability Trust Fund to carry out the
19 purposes of section 1012(a)(5) of the Oil Pollution Act
20 of 1990 (33 U.S.C. 2712(a)(5)); of which \$103,000,000
21 shall be available until September 30, 2014, to acquire,
22 repair, renovate, or improve vessels, small boats, and re-
23 lated equipment; of which \$119,500,000 shall be available
24 until September 30, 2012, for other equipment; of which
25 \$10,000,000 shall be available until September 30, 2012,

1 for shore facilities and aids to navigation facilities; of
2 which \$100,000,000 shall be available for personnel com-
3 pensation and benefits and related costs; and of which
4 \$1,014,980,000 shall be available until September 30,
5 2014, for the Integrated Deepwater Systems program:
6 *Provided*, That of the funds made available for the Inte-
7 grated Deepwater Systems program, \$269,000,000 is for
8 aircraft and \$591,380,000 is for surface ships: *Provided*
9 *further*, That the Secretary of Homeland Security shall
10 submit to the Committees on Appropriations of the Senate
11 and the House of Representatives, in conjunction with the
12 President's fiscal year 2011 budget, a review of the Re-
13 vised Deepwater Implementation Plan that identifies any
14 changes to the plan for the fiscal year; an annual perform-
15 ance comparison of Integrated Deepwater Systems pro-
16 gram assets to pre-Deepwater legacy assets; a status re-
17 port of such legacy assets; a detailed explanation of how
18 the costs of such legacy assets are being accounted for
19 within the Integrated Deepwater Systems program; and
20 the earned value management system gold card data for
21 each Integrated Deepwater Systems program asset: *Pro-*
22 *vided further*, That the Secretary shall submit to the Com-
23 mittees on Appropriations of the Senate and the House
24 of Representatives a comprehensive review of the Revised
25 Deepwater Implementation Plan every 5 years, beginning

1 in fiscal year 2011, that includes a complete projection
2 of the acquisition costs and schedule for the duration of
3 the plan through fiscal year 2027: *Provided further*, That
4 the Secretary shall annually submit to the Committees on
5 Appropriations of the Senate and the House of Represent-
6 atives, at the time that the President's budget is submitted
7 under section 1105(a) of title 31, United States Code, a
8 future-years capital investment plan for the Coast Guard
9 that identifies for each capital budget line item—

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

12 (2) the total estimated cost of completion;

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

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

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

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

1 with proposed appropriations necessary to support the
2 programs, projects, and activities of the Coast Guard in
3 the President's budget as submitted under section 1105(a)
4 of title 31, United States Code, for that fiscal year: *Pro-*
5 *vided further*, That any inconsistencies between the capital
6 investment plan and proposed appropriations shall be
7 identified and justified: *Provided further*, That subsections
8 (a) and (b) of section 6402 of the U.S. Troop Readiness,
9 Veterans' Care, Katrina Recovery, and Iraq Accountability
10 Appropriations Act, 2007 (Public Law 110–28) shall
11 apply to fiscal year 2010.

12 ALTERATION OF BRIDGES

13 For necessary expenses for alteration or removal of
14 obstructive bridges, as authorized by section 6 of the Tru-
15 man-Hobbs Act (33 U.S.C. 516), \$10,000,000, to remain
16 available until expended.

17 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

18 For necessary expenses for applied scientific re-
19 search, development, test, and evaluation; and for mainte-
20 nance, rehabilitation, lease, and operation of facilities and
21 equipment; as authorized by law; \$19,745,000, to remain
22 available until expended, of which \$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)): *Provided*, That there may

1 Columbia, and fencing, lighting, guard booths, and other
2 facilities on private or other property not in Government
3 ownership or control, as may be necessary to perform pro-
4 tective functions; payment of per diem or subsistence al-
5 lowances to employees where a protective assignment dur-
6 ing the actual day or days of the visit of a protectee re-
7 quires an employee to work 16 hours per day or to remain
8 overnight at a post of duty; conduct of and participation
9 in firearms matches; presentation of awards; travel of
10 United States Secret Service employees on protective mis-
11 sions without regard to the limitations on such expendi-
12 tures in this or any other Act if approval is obtained in
13 advance from the Committees on Appropriations of the
14 Senate and the House of Representatives; research and
15 development; grants to conduct behavioral research in sup-
16 port of protective research and operations; and payment
17 in advance for commercial accommodations as may be nec-
18 essary to perform protective functions; \$1,457,409,000, of
19 which not to exceed \$25,000 shall be for official reception
20 and representation expenses; of which not to exceed
21 \$100,000 shall be to provide technical assistance and
22 equipment to foreign law enforcement organizations in
23 counterfeit investigations; of which \$2,366,000 shall be for
24 forensic and related support of investigations of missing
25 and exploited children; and of which \$6,000,000 shall be

1 for a grant for activities related to the investigations of
2 missing and exploited children and shall remain available
3 until expended: *Provided*, That up to \$18,000,000 pro-
4 vided for protective travel shall remain available until Sep-
5 tember 30, 2011: *Provided further*, That up to \$1,000,000
6 for National Special Security Events shall remain avail-
7 able until expended: *Provided further*, That the United
8 States Secret Service is authorized to obligate funds in
9 anticipation of reimbursements from Federal agencies and
10 entities, as defined in section 105 of title 5, United States
11 Code, receiving training sponsored by the James J.
12 Rowley Training Center, except that total obligations at
13 the end of the fiscal year shall not exceed total budgetary
14 resources available under this heading at the end of the
15 fiscal year: *Provided further*, That none of the funds made
16 available under this heading shall be available to com-
17 pensate any employee for overtime in an annual amount
18 in excess of \$35,000, except that the Secretary of Home-
19 land Security, or the designee of the Secretary, may waive
20 that amount as necessary for national security purposes:
21 *Provided further*, That none of the funds made available
22 to the United States Secret Service by this Act or by pre-
23 vious appropriations Acts may be made available for the
24 protection of the head of a Federal agency other than the
25 Secretary of Homeland Security: *Provided further*, That

1 the Director of the United States Secret Service may enter
2 into an agreement to perform such service on a fully reim-
3 bursable basis.

4 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
5 RELATED EXPENSES

6 For necessary expenses for acquisition, construction,
7 repair, alteration, and improvement of facilities,
8 \$3,975,000, to remain available until expended.

9 TITLE III—PROTECTION, PREPAREDNESS,
10 RESPONSE, AND RECOVERY

11 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
12 MANAGEMENT AND ADMINISTRATION

13 For salaries and expenses of the Office of the Under
14 Secretary for the National Protection and Programs Di-
15 rectorate, support for operations, information technology,
16 and the Office of Risk Management and Analysis,
17 \$44,577,000: *Provided*, That not to exceed \$5,000 shall
18 be for official reception and representation expenses.

19 INFRASTRUCTURE PROTECTION AND INFORMATION
20 SECURITY

21 For necessary expenses for infrastructure protection
22 and information security programs and activities, as au-
23 thorized by title II of the Homeland Security Act of 2002
24 (6 U.S.C. 121 et seq.), \$883,346,000, of which
25 \$744,085,000 shall remain available until September 30,

1 2011: *Provided*, That of the amount made available under
2 this heading, \$155,000,000 may not be obligated for the
3 National Cyber Security Initiative program and
4 \$25,000,000 may not be obligated for the Next Generation
5 Networks program until the Committees on Appropria-
6 tions of the Senate and the House of Representatives re-
7 ceive and approve a plan for expenditure for that program
8 that describes the strategic context of the program; the
9 specific goals and milestones set for the program; and the
10 funds allocated to achieving each of those goals: *Provided*
11 *further*, That of the total amount provided, \$1,000,000 is
12 for Philadelphia infrastructure monitoring; \$3,500,000 is
13 for State and local cyber security training; \$3,000,000 is
14 for the Power and Cyber Systems Protection, Analysis,
15 and Testing Program at the Idaho National Laboratory;
16 \$3,500,000 is for the Cyber Security Test Bed and Eval-
17 uation Center; \$3,000,000 is for the Multi-State Informa-
18 tion Sharing and Analysis Center; \$500,000 is for the Vir-
19 ginia Operational Integration Cyber Center of Excellence;
20 \$100,000 is for the Upstate New York Cyber Initiative;
21 and \$1,000,000 is for interoperable communications, tech-
22 nical assistance and outreach programs.

1 UNITED STATES VISITOR AND IMMIGRANT STATUS
2 INDICATOR TECHNOLOGY

3 For necessary expenses for the development of the
4 United States Visitor and Immigrant Status Indicator
5 Technology project, as authorized by section 110 of the
6 Illegal Immigration Reform and Immigrant Responsibility
7 Act of 1996 (8 U.S.C. 1365a), \$351,800,000, to remain
8 available until expended: *Provided*, That of the total
9 amount made available under this heading, \$75,000,000
10 may not be obligated for the United States Visitor and
11 Immigrant Status Indicator Technology program until the
12 Committees on Appropriations of the Senate and the
13 House of Representatives receive a plan for expenditure
14 prepared by the Secretary of Homeland Security that in-
15 cludes—

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

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

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

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

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

11 (i) the program has been reviewed and ap-
12 proved in accordance with the investment man-
13 agement process of the Department;

14 (ii) the process fulfills all capital planning
15 and investment control requirements and re-
16 views established by the Office of Management
17 and Budget, including as provided in Circular
18 A-11, part 7; and

19 (iii) the plans for the program comply with
20 Federal acquisition rules, requirements, guide-
21 lines, and practices; and

22 (B) a description by the Chief Procurement Of-
23 ficer of the actions being taken to address areas of
24 non-compliance, the risks associated with such areas

1 as well as any plans for addressing such risks, and
2 the status of the implementation of such actions;

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

5 (i) an independent verification and valida-
6 tion agent is currently under contract for the
7 program;

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

18 (iii) the program has a risk management
19 process that regularly identifies, evaluates, miti-
20 gates, and monitors risks throughout the sys-
21 tem life cycle, and communicates high-risk con-
22 ditions to agency and Department investment
23 decision makers; and

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

4 (6) a certification by the Chief Human Capital
5 Officer of the Department that the human capital
6 needs of the program are being strategically and
7 proactively managed, and that current human cap-
8 ital capabilities are sufficient to execute the plans
9 discussed in the report; and

10 (7) a detailed accounting of operation and
11 maintenance, contractor services, and program costs
12 associated with the management of identity services.

13 OFFICE OF HEALTH AFFAIRS

14 For necessary expenses of the Office of Health Af-
15 fairs, \$128,400,000, of which \$30,411,000 is for salaries
16 and expenses: *Provided*, That \$97,989,000 shall remain
17 available until September 30, 2011, for biosurveillance,
18 BioWatch, medical readiness planning, chemical response,
19 and other activities, including \$5,000,000 for the North
20 Carolina Collaboratory for Bio-Preparedness, University
21 of North Carolina, Chapel Hill: *Provided further*, That not
22 to exceed \$3,000 shall be for official reception and rep-
23 resentation expenses.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 MANAGEMENT AND ADMINISTRATION

3 For necessary expenses for management and admin-
4 istration of the Federal Emergency Management Agency,
5 \$844,500,000, including activities authorized by the Na-
6 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
7 seq.), the Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
9 Grande Fire Assistance Act of 2000 (division C of title
10 I, 114 Stat. 583), the Earthquake Hazards Reduction Act
11 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
12 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
13 and 303 of the National Security Act of 1947 (50 U.S.C.
14 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
15 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
16 et seq.), and the Post-Katrina Emergency Management
17 Reform Act of 2006 (Public Law 109–295; 120 Stat.
18 1394): *Provided*, That not to exceed \$3,000 shall be for
19 official reception and representation expenses: *Provided*
20 *further*, That the President’s budget submitted under sec-
21 tion 1105(a) of title 31, United States Code, shall be de-
22 tailed by office for the Federal Emergency Management
23 Agency: *Provided further*, That of the total amount made
24 available under this heading, \$32,500,000 shall be for the
25 Urban Search and Rescue Response System, of which not

1 to exceed \$1,600,000 may be made available for adminis-
2 trative costs; and \$6,995,000 shall be for the Office of
3 National Capital Region Coordination.

4 STATE AND LOCAL PROGRAMS

5 (INCLUDING TRANSFER OF FUNDS)

6 For grants, contracts, cooperative agreements, and
7 other activities, \$2,829,000,000 (increased by
8 \$7,000,000) shall be allocated as follows:

9 (1) \$950,000,000 shall be for the State Home-
10 land Security Grant Program under section 2004 of
11 the Homeland Security Act of 2002 (6 U.S.C. 605):
12 *Provided*, That of the amount provided by this para-
13 graph, \$60,000,000 shall be for Operation
14 Stonegarden: *Provided further*, That notwithstanding
15 subsection (c)(4) of such section 2004, for fiscal
16 year 2010, the Commonwealth of Puerto Rico shall
17 make available to local and tribal governments
18 amounts provided to the Commonwealth of Puerto
19 Rico under this paragraph in accordance with sub-
20 section (c)(1) of such section 2004.

21 (2) \$887,000,000 (increased by \$3,000,000)
22 shall be for the Urban Area Security Initiative under
23 section 2003 of the Homeland Security Act of 2002
24 (6 U.S.C. 604), of which, notwithstanding subsection
25 (c)(1) of such section, \$15,000,000 (increased by

1 \$3,000,000) shall be for grants to organizations (as
2 described under section 501(c)(3) of the Internal
3 Revenue Code of 1986 and exempt from taxation
4 under section 501(a) of such code) determined by
5 the Secretary of Homeland Security to be at high
6 risk of a terrorist attack.

7 (3) \$40,000,000 (increased by \$4,000,000)
8 shall be for the Metropolitan Medical Response Sys-
9 tem under section 635 of the Post-Katrina Emer-
10 gency Management Reform Act of 2006 (6 U.S.C.
11 723).

12 (4) \$15,000,000 shall be for the Citizen Corps
13 Program.

14 (5) \$250,000,000 shall be for Public Transpor-
15 tation Security Assistance and Railroad Security As-
16 sistance under sections 1406 and 1513 of the Imple-
17 menting Recommendations of the 9/11 Commission
18 Act of 2007 (6 U.S.C. 1135 and 1163): *Provided*,
19 That such public transportation security assistance
20 shall be provided directly to public transportation
21 agencies.

22 (6) \$250,000,000 shall be for Port Security
23 Grants in accordance with 46 U.S.C. 70107, not-
24 withstanding 46 U.S.C 70107(c).

1 (7) \$12,000,000 shall be for Over-the-Road Bus
2 Security Assistance under section 1532 of the Imple-
3 menting Recommendations of the 9/11 Commission
4 Act of 2007 (6 U.S.C. 1182).

5 (8) \$50,000,000 shall be for Buffer Zone Pro-
6 tection Program Grants.

7 (9) \$50,000,000 shall be for grants in accord-
8 ance with section 204 of the REAL ID Act of 2005
9 (49 U.S.C. 30301 note).

10 (10) \$50,000,000 shall be for the Interoperable
11 Emergency Communications Grant Program under
12 section 1809 of the Homeland Security Act of 2002
13 (6 U.S.C. 579).

14 (11) \$40,000,000 shall remain available until
15 expended for grants for Emergency Operations Cen-
16 ters under section 614 of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act (42
18 U.S.C. 5196c), as detailed in the statement accom-
19 panying this Act.

20 (12) \$235,000,000 shall be for training, exer-
21 cises, technical assistance, and other programs, of
22 which—

23 (A) \$132,000,000 shall be for the National
24 Domestic Preparedness Consortium in accord-
25 ance with section 1204 of the Implementing

1 Recommendations of the 9/11 Commission Act
2 of 2007 (6 U.S.C. 1102), of which \$23,000,000
3 shall be for the National Energetic Materials
4 Research and Testing Center, New Mexico In-
5 stitute of Mining and Technology; \$23,000,000
6 shall be for the National Center for Biomedical
7 Research and Training, Louisiana State Uni-
8 versity; \$23,000,000 shall be for the National
9 Emergency Response and Rescue Training Cen-
10 ter, Texas A&M University; \$23,000,000 shall
11 be for the National Exercise, Test, and Train-
12 ing Center, Nevada Test Site; and \$40,000,000
13 shall be for the Center for Domestic Prepared-
14 ness, Alabama; and

15 (B) \$3,000,000 shall be for the Rural Do-
16 mestic Preparedness Consortium, Eastern Ken-
17 tucky University:

18 *Provided*, That not to exceed 3 percent of the amounts
19 provided under this heading may be transferred to the
20 Federal Emergency Management Agency “Management
21 and Administration” account for program administration,
22 and an expenditure plan for program administration shall
23 be provided to the Committees on Appropriations of the
24 Senate and the House of Representatives within 60 days
25 after the date of enactment of this Act: *Provided further*,

1 That for grants under paragraphs (1) through (4), the
2 applications for grants shall be made available to eligible
3 applicants not later than 25 days after the date of enact-
4 ment of this Act, eligible applicants shall submit applica-
5 tions not later than 90 days after the grant announce-
6 ment, and the Administrator of the Federal Emergency
7 Management Agency shall act within 90 days after receipt
8 of an application: *Provided further*, That for grants under
9 paragraphs (5) through (7) and (10), the applications for
10 grants shall be made available to eligible applicants not
11 later than 30 days after the date of enactment of this Act,
12 eligible applicants shall submit applications within 45 days
13 after the grant announcement, and the Federal Emer-
14 gency Management Agency shall act not later than 60
15 days after receipt of an application: *Provided further*, That
16 for grants under paragraphs (1) and (2), the installation
17 of communications towers is not considered construction
18 of a building or other physical facility: *Provided further*,
19 That grantees shall provide reports on their use of funds,
20 as determined necessary by the Secretary: *Provided fur-*
21 *ther*, That: (a) the Center for Domestic Preparedness may
22 provide training to emergency response providers from the
23 Federal Government, foreign governments, or private enti-
24 ties, if the Center for Domestic Preparedness is reim-
25 bursed for the cost of such training, and any reimburse-

1 ment under this subsection shall be credited to the account
2 from which the expenditure being reimbursed was made
3 and shall be available, without fiscal year limitation, for
4 the purposes for which amounts in the account may be
5 expended; and (b) the head of the Center for Domestic
6 Preparedness shall ensure that any training provided
7 under (a) does not interfere with the primary mission of
8 the Center to train State and local emergency response
9 providers.

10 FIREFIGHTER ASSISTANCE GRANTS

11 For necessary expenses for programs authorized by
12 the Federal Fire Prevention and Control Act of 1974 (15
13 U.S.C. 2201 et seq.), \$800,000,000 (increased by
14 \$10,000,000), of which \$380,000,000 (increased by
15 \$10,000,000) shall be available to carry out section 33 of
16 that Act (15 U.S.C. 2229) and \$420,000,000 shall be
17 available to carry out section 34 of that Act (15 U.S.C.
18 2229a), to remain available until September 30, 2011:
19 *Provided*, That not to exceed 5 percent of the amount
20 available under this heading shall be available for program
21 administration, and an expenditure plan for program ad-
22 ministration shall be provided to the Committees on Ap-
23 propriations of the Senate and the House of Representa-
24 tives within 60 days of the date of enactment of this Act.

1 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

2 For necessary expenses for emergency management
3 performance grants, as authorized by the National Flood
4 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
5 ert T. Stafford Disaster Relief and Emergency Assistance
6 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
7 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
8 organization Plan No. 3 of 1978 (5 U.S.C. App.),
9 \$330,000,000: *Provided*, That total administrative costs
10 shall not exceed 3 percent of the total amount appro-
11 priated under this heading.

12 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

13 The aggregate charges assessed during fiscal year
14 2010, as authorized in title III of the Departments of Vet-
15 erans Affairs and Housing and Urban Development, and
16 Independent Agencies Appropriations Act, 1999 (42
17 U.S.C. 5196e), shall not be less than 100 percent of the
18 amounts anticipated by the Department of Homeland Se-
19 curity necessary for its radiological emergency prepared-
20 ness program for the next fiscal year: *Provided*, That the
21 methodology for assessment and collection of fees shall be
22 fair and equitable and shall reflect costs of providing such
23 services, including administrative costs of collecting such
24 fees: *Provided further*, That fees received under this head-
25 ing shall be deposited in this account as offsetting collec-

1 tions and will become available for authorized purposes on
2 October 1, 2010, and remain available until expended.

3 UNITED STATES FIRE ADMINISTRATION

4 For necessary expenses of the United States Fire Ad-
5 ministration and for other purposes, as authorized by the
6 Federal Fire Prevention and Control Act of 1974 (15
7 U.S.C. 2201 et seq.) and the Homeland Security Act of
8 2002 (6 U.S.C. 101 et seq.), \$45,588,000.

9 DISASTER RELIEF

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses in carrying out the Robert
12 T. Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5121 et seq.), \$2,000,000,000, to remain avail-
14 able until expended: *Provided*, That the Federal Emer-
15 gency Management Agency shall submit an expenditure
16 plan to the Committees on Appropriations of the Senate
17 and the House of Representatives detailing the use of the
18 funds for disaster readiness and support within 60 days
19 after the date of enactment of this Act: *Provided further*,
20 That the Federal Emergency Management Agency shall
21 submit to such Committees a quarterly report detailing
22 obligations against the expenditure plan and a justifica-
23 tion for any changes in spending: *Provided further*, That
24 of the total amount provided, \$16,000,000 shall be trans-
25 ferred to the Department of Homeland Security Office of

1 Inspector General for audits and investigations related to
2 disasters, subject to section 503 of this Act: *Provided fur-*
3 *ther*, That up to \$90,080,000 may be transferred to the
4 Federal Emergency Management Agency “Management
5 and Administration” account for management and admin-
6 istration functions: *Provided further*, That the amount
7 provided in the previous proviso shall not be available for
8 transfer to the “Management and Administration” ac-
9 ount until the Federal Emergency Management Agency
10 submits an expenditure plan to the Committees on Appro-
11 priations of the Senate and the House of Representatives:
12 *Provided further*, That the Administrator of the Federal
13 Emergency Management Agency shall report monthly be-
14 ginning July 1, 2009, to the Committee on Appropriations
15 of the House of Representatives regarding the number of
16 individuals and households in need of Federal disaster as-
17 sistance as a result of such severe storms, tornados, flood-
18 ing, and mudslides (under FEMA–1841–DR) but denied
19 assistance due to failure to meet flood insurance require-
20 ments. Such report shall include the reasons and cir-
21 cumstances for each denial per individual and household:
22 *Provided further*, That for any request for reimbursement
23 from a Federal agency to the Department of Homeland
24 Security to cover expenditures under the Robert T. Staf-
25 ford Disaster Relief and Emergency Assistance Act (42

1 U.S.C. 5121 et seq.), or any mission assignment orders
2 issued by the Department for such purposes, the Secretary
3 of Homeland Security shall take appropriate steps to en-
4 sure that each agency is periodically reminded of Depart-
5 ment policies on—

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

8 (2) the necessity for timeliness of agency bil-
9 lings.

10 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

11 For activities under section 319 of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
14 *Provided*, That gross obligations for the principal amount
15 of direct loans shall not exceed \$25,000,000: *Provided fur-*
16 *ther*, That the cost of modifying such loans shall be as
17 defined in section 502 of the Congressional Budget Act
18 of 1974 (2 U.S.C. 661a).

19 FLOOD MAP MODERNIZATION FUND

20 For necessary expenses under section 1360 of the
21 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
22 \$220,000,000, and such additional sums as may be pro-
23 vided by State and local governments or other political
24 subdivisions for cost-shared mapping activities under sec-
25 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-

1 main available until expended: *Provided*, That total admin-
2 istrative costs shall not exceed 3 percent of the total
3 amount appropriated under this heading.

4 NATIONAL FLOOD INSURANCE FUND

5 For activities under the National Flood Insurance
6 Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Dis-
7 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
8 \$159,469,000, which shall remain available until Sep-
9 tember 30, 2011, and shall be derived from offsetting col-
10 lections assessed and collected under section 1308(b)(3)
11 of the National Flood Insurance Act of 1968 (42 U.S.C.
12 4015(b)(3)), which shall be available as follows: (1) not
13 to exceed \$52,149,000 for salaries and expenses associ-
14 ated with flood mitigation and flood insurance operations;
15 and (2) no less than \$107,320,000 for flood plain manage-
16 ment and flood mapping: *Provided*, That any additional
17 fees collected pursuant to section 1308(b)(3) of the Na-
18 tional Flood Insurance Act of 1968 (42 U.S.C.
19 4015(b)(3)) shall be credited as an offsetting collection to
20 this account, to be available for flood plain management
21 and flood mapping: *Provided further*, That if the Adminis-
22 trator of the Federal Emergency Management Agency de-
23 termines that such amount for salaries and expenses is
24 insufficient, the Administrator of the Federal Emergency
25 Management Agency may use amounts made available

1 under this heading for flood plain management and flood
2 mapping to pay for such salaries and expenses, but only
3 if the Administrator submits to the Committees on Appro-
4 priations of the Senate and the House of Representatives
5 notice of the Administrator's intention to use such funds
6 for such purpose 30 days in advance of any such use: *Pro-*
7 *vided further*, That in fiscal year 2010, no funds shall be
8 available from the National Flood Insurance Fund under
9 section 1310 of that Act (42 U.S.C. 4017) in excess of:
10 (1) \$85,000,000 for operating expenses; (2) \$969,370,000
11 for commissions and taxes of agents; (3) such sums as
12 are necessary for interest on Treasury borrowings; and (4)
13 \$120,000,000, which shall remain available until expended
14 for flood mitigation actions, of which \$70,000,000 shall
15 be for severe repetitive loss properties under section
16 1361A of the National Flood Insurance Act of 1968 (42
17 U.S.C. 4102a), of which \$10,000,000 shall be for repet-
18 itive insurance claims properties under section 1323 of the
19 National Flood Insurance Act of 1968 (42 U.S.C. 4030),
20 and of which \$40,000,000 is for flood mitigation assist-
21 ance under section 1366 of the National Flood Insurance
22 Act of 1968 (42 U.S.C. 4104c) notwithstanding subpara-
23 graphs (B) and (C) of subsection (b)(3) and subsection
24 (f) of section 1366 of the National Flood Insurance Act
25 of 1968 (42 U.S.C. 4104c) and notwithstanding sub-

1 section (a)(7) of section 1310 of the National Flood Insur-
2 ance Act of 1968 (42 U.S.C. 4017): *Provided further*, That
3 amounts collected under section 102 of the Flood Disaster
4 Protection Act of 1973 and section 1366(i) of the National
5 Flood Insurance Act of 1968 (42 U.S.C 1366(i)) shall be
6 deposited in the National Flood Insurance Fund to supple-
7 ment other amounts specified as available for section 1366
8 of the National Flood Insurance Act of 1968, notwith-
9 standing 42 U.S.C. 4012a(f)(8), 4104e(i), and
10 4104d(b)(2)-(3): *Provided further*, That total administra-
11 tive costs shall not exceed 4 percent of the total appropria-
12 tion.

13 NATIONAL PREDISASTER MITIGATION FUND

14 For the predisaster mitigation grant program under
15 section 203 of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5133),
17 \$100,000,000, to remain available until expended and as
18 detailed in the statement accompanying this Act: *Pro-*
19 *vided*, That the total administrative costs associated with
20 such grants shall not exceed 3 percent of the total amount
21 made available under this heading.

22 EMERGENCY FOOD AND SHELTER

23 To carry out the emergency food and shelter program
24 pursuant to title III of the McKinney-Vento Homeless As-
25 sistance Act (42 U.S.C. 11331 et seq.), \$200,000,000, to

1 remain available until expended: *Provided*, That total ad-
2 ministrative costs shall not exceed 3.5 percent of the total
3 amount made available under this heading.

4 TITLE IV—RESEARCH AND DEVELOPMENT,
5 TRAINING, AND SERVICES

6 UNITED STATES CITIZENSHIP AND IMMIGRATION

7 SERVICES

8 For necessary expenses for citizenship and immigra-
9 tion services, \$248,000,000 (increased by \$50,000,000),
10 of which \$100,000,000 shall be for processing applications
11 for asylum or refugee status; and of which \$112,000,000
12 (increased by \$50,000,000) is for the basic pilot program,
13 as authorized by section 402 of the Illegal Immigration
14 Reform and Immigrant Responsibility Act of 1996 (8
15 U.S.C. 1324a note), to assist United States employers
16 with maintaining a legal workforce: *Provided*, That not-
17 withstanding any other provision of law, funds available
18 to United States Citizenship and Immigration Services
19 may be used to acquire, operate, equip, and dispose of up
20 to five vehicles, for replacement only, for areas where the
21 Administrator of General Services does not provide vehi-
22 cles for lease: *Provided further*, That the Director of
23 United States Citizenship and Immigration Services may
24 authorize employees who are assigned to those areas to
25 use such vehicles to travel between the employees' resi-

1 dences and places of employment: *Provided further*, That
2 none of the funds made available under this heading may
3 be obligated for processing applications for asylum or ref-
4 ugee status unless the Secretary of Homeland Security
5 has published a final rule updating part 103 of title 8,
6 Code of Federal Regulations, to discontinue the asylum/
7 refugee surcharge: *Provided further*, That none of the
8 funds made available under this heading for may be obli-
9 gated for development of the “REAL ID hub” until the
10 Committees on Appropriations of the Senate and the
11 House of Representatives receive and approve a plan for
12 expenditure for that program that describes the strategic
13 context of the program, the specific goals and milestones
14 set for the program, and the funds allocated for achieving
15 each of these goals and milestones.

16 FEDERAL LAW ENFORCEMENT TRAINING CENTER

17 SALARIES AND EXPENSES

18 For necessary expenses of the Federal Law Enforce-
19 ment Training Center, including materials and support
20 costs of Federal law enforcement basic training; the pur-
21 chase of not to exceed 117 vehicles for police-type use and
22 hire of passenger motor vehicles; expenses for student ath-
23 letic and related activities; the conduct of and participa-
24 tion in firearms matches and presentation of awards; pub-
25 lic awareness and enhancement of community support of

1 law enforcement training; room and board for student in-
2 terns; a flat monthly reimbursement to employees author-
3 ized to use personal mobile phones for official duties; and
4 services as authorized by section 3109 of title 5, United
5 States Code; \$239,356,000, of which up to \$47,751,000
6 shall remain available until September 30, 2011, for mate-
7 rials and support costs of Federal law enforcement basic
8 training; of which \$300,000 shall remain available until
9 expended for Federal law enforcement agencies partici-
10 pating in training accreditation, to be distributed as deter-
11 mined by the Federal Law Enforcement Training Center
12 for the needs of participating agencies; and of which not
13 to exceed \$12,000 shall be for official reception and rep-
14 resentation expenses: *Provided*, That the Center is author-
15 ized to obligate funds in anticipation of reimbursements
16 from agencies receiving training sponsored by the Center,
17 except that total obligations at the end of the fiscal year
18 shall not exceed total budgetary resources available at the
19 end of the fiscal year: *Provided further*, That section
20 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note),
21 as amended by Public Law 110–329 (122 Stat. 3677), is
22 further amended by striking “December 31, 2011” and
23 inserting “December 31, 2012”: *Provided further*, That
24 the Federal Law Enforcement Training Accreditation
25 Board, including representatives from the Federal law en-

1 enforcement community and non-Federal accreditation ex-
2 perts involved in law enforcement training, shall lead the
3 Federal law enforcement training accreditation process to
4 continue the implementation of measuring and assessing
5 the quality and effectiveness of Federal law enforcement
6 training programs, facilities, and instructors: *Provided*
7 *further*, That the Director of the Federal Law Enforce-
8 ment Training Center shall schedule basic or advanced law
9 enforcement training, or both, at all four training facilities
10 under the control of the Federal Law Enforcement Train-
11 ing Center to ensure that such training facilities are oper-
12 ated at the highest capacity throughout the fiscal year.

13 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
14 RELATED EXPENSES

15 For acquisition of necessary additional real property
16 and facilities, construction, and ongoing maintenance, fa-
17 cility improvements, and related expenses of the Federal
18 Law Enforcement Training Center, \$43,456,000, to re-
19 main available until expended: *Provided*, That the Center
20 is authorized to accept reimbursement to this appropria-
21 tion from Government agencies requesting the construc-
22 tion of special use facilities.

1 SCIENCE AND TECHNOLOGY

2 MANAGEMENT AND ADMINISTRATION

3 For salaries and expenses of the Office of the Under
4 Secretary for Science and Technology and for manage-
5 ment and administration of programs and activities, as
6 authorized by title III of the Homeland Security Act of
7 2002 (6 U.S.C. 181 et seq.), \$142,200,000: *Provided*,
8 That not to exceed \$10,000 shall be for official reception
9 and representation expenses.

10 RESEARCH, DEVELOPMENT, ACQUISITION, AND

11 OPERATIONS

12 For necessary expenses for science and technology re-
13 search, including advanced research projects; development;
14 test and evaluation; acquisition; and operations; as author-
15 ized by title III of the Homeland Security Act of 2002
16 (6 U.S.C. 181 et seq.); \$825,356,000, to remain available
17 until expended: *Provided*, That of the amount provided,
18 \$12,000,000 shall be for construction expenses of the Pa-
19 cific Northwest National Laboratory: *Provided further*,
20 That not less than \$10,000,000 shall be available for the
21 National Institute for Hometown Security, Kentucky: *Pro-*
22 *vided further*, That not less than \$2,000,000 shall be avail-
23 able for the Naval Postgraduate School: *Provided further*,
24 That not less than \$1,000,000 shall be available to con-
25 tinue a homeland security research, development, and

1 manufacturing pilot project: *Provided further*, That
2 \$500,000 shall be available for a demonstration project
3 to develop situational awareness and decision support ca-
4 pabilities through remote sensing technologies: *Provided*
5 *further*, That \$4,000,000 shall be available for a pilot pro-
6 gram to develop a replicable port security system that
7 would improve maritime domain awareness: *Provided fur-*
8 *ther*, That none of the funds available under this heading,
9 in this Act, or in any previously enacted law shall be obli-
10 gated for construction of a National Bio- and Agro-de-
11 fense Facility located on the United States mainland until
12 the Secretary of Homeland Security receives a risk assess-
13 ment prepared by a person who is not an officer or em-
14 ployee of the Department of Homeland Security of wheth-
15 er foot-and-mouth disease work can be done safely on the
16 United States mainland.

17 DOMESTIC NUCLEAR DETECTION OFFICE

18 MANAGEMENT AND ADMINISTRATION

19 For salaries and expenses of the Domestic Nuclear
20 Detection Office as authorized by title XIX of the Home-
21 land Security Act of 2002 (6 U.S.C. 591 et seq.) as
22 amended, for management and administration of pro-
23 grams and activities, \$39,599,000: *Provided*, That not to
24 exceed \$3,000 shall be for official reception and represen-
25 tation expenses.

1 RESEARCH, DEVELOPMENT, AND OPERATIONS

2 For necessary expenses for radiological and nuclear
3 research, development, testing, evaluation, and operations,
4 \$326,537,000 (increased by \$50,000,000), to remain
5 available until expended.

6 TITLE V—GENERAL PROVISIONS

7 (INCLUDING RESCISSIONS OF FUNDS)

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

11 SEC. 502. Subject to the requirements of section 503
12 of this Act, the unexpended balances of prior appropria-
13 tions provided for activities in this Act may be transferred
14 to appropriation accounts for such activities established
15 pursuant to this Act, may be merged with funds in the
16 applicable established accounts, and thereafter may be ac-
17 counted for as one fund for the same time period as origi-
18 nally enacted.

19 SEC. 503. (a) None of the funds provided by this Act,
20 provided by previous appropriations Acts to the agencies
21 in or transferred to the Department of Homeland Security
22 that remain available for obligation or expenditure in fiscal
23 year 2010, or provided from any accounts in the Treasury
24 of the United States derived by the collection of fees avail-
25 able to the agencies funded by this Act, shall be available

1 for obligation or expenditure through a reprogramming of
2 funds that: (1) creates a new program, project, office, or
3 activity; (2) eliminates a program, project, office, or activ-
4 ity; (3) increases funds for any program, project, or activ-
5 ity for which funds have been denied or restricted by the
6 Congress; (4) proposes to use funds directed for a specific
7 activity by either of the Committees on Appropriations of
8 the Senate or the House of Representatives for a different
9 purpose; or (5) contracts out any function or activity for
10 which funding levels were requested for Federal full-time
11 equivalents in the object classification tables contained in
12 the fiscal year 2010 Budget Appendix for the Department
13 of Homeland Security, as modified by the explanatory
14 statement accompanying this Act, unless the Committees
15 on Appropriations of the Senate and the House of Rep-
16 resentatives are notified 15 days in advance of such re-
17 programming of funds.

18 (b) None of the funds provided by this Act, provided
19 by previous appropriations Acts to the agencies in or
20 transferred to the Department of Homeland Security that
21 remain available for obligation or expenditure in fiscal
22 year 2010, or provided from any accounts in the Treasury
23 of the United States derived by the collection of fees or
24 proceeds available to the agencies funded by this Act, shall
25 be available for obligation or expenditure for programs,

1 projects, or activities through a reprogramming of funds
2 in excess of \$5,000,000 or 10 percent, whichever is less,
3 that: (1) augments existing programs, projects, or activi-
4 ties; (2) reduces by 10 percent funding for any existing
5 program, project, or activity, or numbers of personnel by
6 10 percent as approved by the Congress; or (3) results
7 from any general savings from a reduction in personnel
8 that would result in a change in existing programs,
9 projects, or activities as approved by the Congress, unless
10 the Committees on Appropriations of the Senate and the
11 House of Representatives are notified 15 days in advance
12 of such reprogramming of funds.

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

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

6 (e) Within 90 days after the date of the enactment
7 of this Act, the Secretary of Homeland Security shall sub-
8 mit to the Committees on Appropriations of the Senate
9 and the House of Representatives a report listing all dollar
10 amounts specified in this Act and accompanying explana-
11 tory statement that are identified in the detailed funding
12 table at the end of the explanatory statement accom-
13 panying this Act or any other amounts specified in this
14 Act or accompanying explanatory statement: *Provided*,
15 That such dollar amounts specified in this Act and accom-
16 panying explanatory statement shall be subject to the con-
17 ditions and requirements of subsections (a), (b), and (c)
18 of this section.

19 SEC. 504. The Department of Homeland Security
20 Working Capital Fund, established pursuant to section
21 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
22 continue operations as a permanent working capital fund
23 for fiscal year 2010: *Provided*, That none of the funds ap-
24 propriated or otherwise made available to the Department
25 of Homeland Security may be used to make payments to

1 the Working Capital Fund, except for the activities and
2 amounts allowed in the President's fiscal year 2010 budg-
3 et: *Provided further*, That funds provided to the Working
4 Capital Fund shall be available for obligation until ex-
5 pended to carry out the purposes of the Working Capital
6 Fund: *Provided further*, That all departmental components
7 shall be charged only for direct usage of each Working
8 Capital Fund service: *Provided further*, That funds pro-
9 vided to the Working Capital Fund shall be used only for
10 purposes consistent with the contributing component: *Pro-*
11 *vided further*, That such fund shall be paid in advance or
12 reimbursed at rates which will return the full cost of each
13 service: *Provided further*, That the Working Capital Fund
14 shall be subject to the requirements of section 503 of this
15 Act.

16 SEC. 505. Except as otherwise specifically provided
17 by law, not to exceed 50 percent of unobligated balances
18 remaining available at the end of fiscal year 2010 from
19 appropriations for salaries and expenses for fiscal year
20 2010 in this Act shall remain available through September
21 30, 2011, in the account and for the purposes for which
22 the appropriations were provided: *Provided*, That prior to
23 the obligation of such funds, a request shall be submitted
24 to the Committees on Appropriations of the Senate and

1 the House of Representatives for approval in accordance
2 with section 503 of this Act.

3 SEC. 506. Funds made available by this Act for intel-
4 ligence activities are deemed to be specifically authorized
5 by the Congress for purposes of section 504 of the Na-
6 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
7 year 2010 until the enactment of an Act authorizing intel-
8 ligence activities for fiscal year 2010.

9 SEC. 507. None of the funds made available by this
10 Act may be used to make a grant allocation, grant award,
11 contract award, other transactional agreement, or to issue
12 a letter of intent totaling in excess of \$1,000,000, or to
13 announce publicly the intention to make such an award,
14 including a contract covered by the Federal Acquisition
15 Regulation, unless the Secretary of Homeland Security no-
16 tifies the Committees on Appropriations of the Senate and
17 the House of Representatives at least 3 full business days
18 in advance of making such an award or issuing such a
19 letter: *Provided*, That if the Secretary of Homeland Secu-
20 rity determines that compliance with this section would
21 pose a substantial risk to human life, health, or safety,
22 an award may be made without notification and the Com-
23 mittees on Appropriations of the Senate and the House
24 of Representatives shall be notified not later than 5 full
25 business days after such an award is made or letter issued:

1 *Provided further*, That no notification shall involve funds
2 that are not available for obligation: *Provided further*,
3 That the notification shall include the amount of the
4 award, the fiscal year for which the funds for the award
5 were appropriated, and the account from which the funds
6 are being drawn: *Provided further*, That the Federal
7 Emergency Management Agency shall brief the Commit-
8 tees on Appropriations of the Senate and the House of
9 Representatives 5 full business days in advance of an-
10 nouncing publicly the intention of making an award under
11 the State and Local Programs.

12 SEC. 508. Notwithstanding any other provision of
13 law, no agency shall purchase, construct, or lease any ad-
14 ditional facilities, except within or contiguous to existing
15 locations, to be used for the purpose of conducting Federal
16 law enforcement training without the advance approval of
17 the Committees on Appropriations of the Senate and the
18 House of Representatives, except that the Federal Law
19 Enforcement Training Center is authorized to obtain the
20 temporary use of additional facilities by lease, contract,
21 or other agreement for training which cannot be accommo-
22 dated in existing Center facilities.

23 SEC. 509. None of the funds appropriated or other-
24 wise made available by this Act may be used for expenses
25 for any construction, repair, alteration, or acquisition

1 project for which a prospectus otherwise required under
2 chapter 33 of title 40, United States Code, has not been
3 approved, except that necessary funds may be expended
4 for each project for required expenses for the development
5 of a proposed prospectus.

6 SEC. 510. Sections 519, 520, 522, 528, 530, and 531
7 of the Department of Homeland Security Appropriations
8 Act, 2008 (division E of Public Law 110–161; 121 Stat.
9 2072, 2073, 2074, 2082) shall apply with respect to funds
10 made available in this Act in the same manner as such
11 sections applied to funds made available in that Act.

12 SEC. 511. None of the funds made available in this
13 Act may be used in contravention of the applicable provi-
14 sions of the Buy American Act (41 U.S.C. 10a et seq.).

15 SEC. 512. None of the funds appropriated by this Act
16 may be used to process or approve a competition under
17 Office of Management and Budget Circular A–76 for serv-
18 ices provided as of June 1, 2004, by employees (including
19 employees serving on a temporary or term basis) of United
20 States Citizenship and Immigration Services of the De-
21 partment of Homeland Security who are known as of that
22 date as immigration information officers, contact rep-
23 resentatives, or investigative assistants.

24 SEC. 513. (a) The Secretary of Homeland Security
25 shall research, develop, and procure new technologies to

1 inspect and screen air cargo carried on passenger aircraft
2 by the earliest date possible.

3 (b) Checked baggage explosive detection equipment
4 and screeners that exist as of the date of the enactment
5 of this Act shall be used to screen air cargo carried on
6 passenger aircraft to the greatest extent practicable at
7 each airport until technologies developed under subsection
8 (a) are available for such purpose.

9 (c) The Assistant Secretary of Homeland Security
10 (Transportation Security Administration) shall work with
11 air carriers and airports to ensure that the screening of
12 cargo carried on passenger aircraft, as defined in section
13 44901(g)(5) of title 49, United States Code, increases in-
14 crementally each quarter.

15 (d) Not later than 45 days after the end of each quar-
16 ter, the Assistant Secretary shall submit to the Commit-
17 tees on Appropriations of the Senate and the House of
18 Representatives a report on air cargo inspection statistics
19 by airport and air carrier detailing the incremental
20 progress being made to meet the requirements of section
21 44901(g)(2) of title 49, United States Code.

22 (e) Not later than 180 days after the date of the en-
23 actment of this Act, the Assistant Secretary of Homeland
24 Security (Transportation Security Administration) shall
25 submit to the Committees on Appropriations of the Senate

1 and the House of Representatives, a report on how the
2 Transportation Security Administration plans to meet the
3 requirement for screening all air cargo on passenger air-
4 craft by the deadline under section 44901(g) of title 49,
5 United States Code. The report shall identify the elements
6 of the system to screen 100 percent of cargo transported
7 between domestic airports at a level of security commensu-
8 rate with the level of security for the screening of pas-
9 senger checked baggage.

10 SEC. 514. Except as provided in section 44945 of title
11 49, United States Code, funds appropriated or transferred
12 to the Transportation Security Administration “Aviation
13 Security”, “Administration” and “Transportation Secu-
14 rity Support” accounts for fiscal years 2004, 2005, 2006,
15 and 2007 that are recovered or deobligated shall be avail-
16 able only for the procurement or installation of explosives
17 detection systems for air cargo, baggage, and checkpoint
18 screening systems, subject to notification: *Provided*, That
19 quarterly reports shall be submitted to the Committees on
20 Appropriations of the Senate and the House of Represent-
21 atives on any funds that are recovered or deobligated.

22 SEC. 515. Any funds appropriated to the Coast
23 Guard “Acquisition, Construction, and Improvements” ac-
24 count for fiscal years 2002, 2003, 2004, 2005, and 2006
25 for the 110–123 foot patrol boat conversion that are recov-

1 ered, collected, or otherwise received as the result of nego-
2 tiation, mediation, or litigation, shall be available until ex-
3 pended for the Fast Response Cutter program.

4 SEC. 516. Within 45 days after the end of each
5 month, the Chief Financial Officer of the Department of
6 Homeland Security shall submit to the Committees on Ap-
7 propriations of the Senate and the House of Representa-
8 tives a monthly budget and staffing report for that month
9 that includes total obligations, on-board versus funded
10 full-time equivalent staffing levels, and the number of con-
11 tract employees for each office of the Department.

12 SEC. 517. Section 532(a) of Public Law 109–295
13 (120 Stat. 1384) is amended by striking “2009” and in-
14 serting “2010”.

15 SEC. 518. The functions of the Federal Law Enforce-
16 ment Training Center instructor staff shall be classified
17 as inherently governmental for the purpose of the Federal
18 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
19 note).

20 SEC. 519. (a) None of the funds provided by this or
21 any other Act may be obligated for the development, test-
22 ing, deployment, or operation of any portion of a human
23 resources management system authorized by Section
24 9701(a) of title 5, United States Code, or by regulations

1 prescribed pursuant to such section, for an employee, as
2 that term is defined in section 7103(a)(2) of such title.

3 (b) The Secretary of Homeland Security shall col-
4 laborate with employee representatives in the manner pre-
5 scribed in section 9701(e) of title 5, United States Code,
6 in the planning, testing, and development of any portion
7 of a human resources management system that is devel-
8 oped, tested, or deployed for persons excluded from the
9 definition of employee as that term is defined in section
10 7103(a)(2) of such title.

11 SEC. 520. For fiscal year 2010, none of the funds
12 made available in this or any other Act may be used to
13 enforce section 4025(1) of Public Law 108–458 unless the
14 Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination
15 of July 19, 2007, that butane lighters are not a significant
16 threat to civil aviation security.

18 SEC. 521. Funds made available in this Act may be
19 used to alter operations within the Civil Engineering Pro-
20 gram of the Coast Guard nationwide, including civil engi-
21 neering units, facilities design and construction centers,
22 maintenance and logistics commands, and the Coast
23 Guard Academy, except that none of the funds provided
24 in this Act may be used to reduce operations within any
25 Civil Engineering Unit unless specifically authorized by a

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

3 SEC. 522. (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, or the
7 Office of the Chief Financial Officer, may be obligated for
8 a grant or contract funded under such headings by any
9 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, including
15 the AbilityOne Program, that is authorized under
16 the Javits-Wagner-O'Day Act (41 U.S.C. 46 et
17 seq.);

18 (2) pursuant to the Small Business Act (15
19 U.S.C. 631 et seq.);

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

24 (4) by another Federal agency using funds pro-
25 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 for 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 issues a waiver under
8 this subsection, the Secretary shall submit notification of
9 that waiver to the Committees on Appropriations of the
10 Senate and the House of Representatives, including a de-
11 scription of the applicable contract and an explanation of
12 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 subsections (a), (b), and (c) of this section, the Inspector
16 General of the Department of Homeland Security shall re-
17 view departmental contracts awarded through means other
18 than a full and open competition to assess departmental
19 compliance with applicable laws and regulations: *Provided*,
20 That the Inspector General shall review selected contracts
21 awarded in the previous fiscal year through other than full
22 and open competition: *Provided further*, That in selecting
23 which contracts to review, the Inspector General shall con-
24 sider the cost and complexity of the goods and services
25 to be provided under the contract, the criticality of the

1 contract to fulfilling Department missions, past perform-
2 ance problems on similar contracts or by the selected ven-
3 dor, complaints received about the award process or con-
4 tractor performance, and such other factors as the Inspec-
5 tor General deems relevant: *Provided further*, That the In-
6 spector General shall report the results of the reviews to
7 the Committees on Appropriations of the Senate and the
8 House of Representatives.

9 SEC. 523. None of the funds provided by this or pre-
10 vious appropriations Acts shall be used to fund any posi-
11 tion designated as a Principal Federal Official for any
12 Robert T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5121 et seq.) declared disasters or
14 emergencies.

15 SEC. 524. None of the funds made available in this
16 Act may be used by United States Citizenship and Immi-
17 gration Services to grant an immigration benefit unless
18 the results of background checks required by law to be
19 completed prior to the granting of the benefit have been
20 received by United States Citizenship and Immigration
21 Services, and the results do not preclude the granting of
22 the benefit.

23 SEC. 525. None of the funds made available in this
24 Act may be used to destroy or put out to pasture any horse
25 or other equine belonging to the Federal Government that

1 has become unfit for service, unless the trainer or handler
2 is first given the option to take possession of the equine
3 through an adoption program that has safeguards against
4 slaughter and inhumane treatment.

5 SEC. 526. None of the funds provided in this Act
6 shall be available to carry out section 872 of the Homeland
7 Security Act of 2002 (6 U.S.C. 452).

8 SEC. 527. None of the funds appropriated by this Act
9 may be used to conduct, or to implement the results of,
10 a competition under Office of Management and Budget
11 Circular A-76 for activities performed with respect to the
12 Coast Guard National Vessel Documentation Center.

13 SEC. 528. The Secretary of Homeland Security shall
14 require that all contracts of the Department of Homeland
15 Security that provide award fees link such fees to success-
16 ful acquisition outcomes (which outcomes shall be speci-
17 fied in terms of cost, schedule, and performance).

18 SEC. 529. None of the funds made available to the
19 Office of the Secretary and Executive Management under
20 this Act may be expended for any new hires by the Depart-
21 ment of Homeland Security that are not verified through
22 the basic pilot program under section 401 of the Illegal
23 Immigration Reform and Immigrant Responsibility Act of
24 1996 (8 U.S.C. 1324a note).

1 SEC. 530. None of the funds made available in this
2 Act for U.S. Customs and Border Protection may be used
3 to prevent an individual not in the business of importing
4 a prescription drug (within the meaning of section 801(g)
5 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
6 381(g)) from importing a prescription drug from Canada
7 that complies with the Federal Food, Drug, and Cosmetic
8 Act (21 U.S.C. 301 et seq.): *Provided*, That this section
9 shall apply only to individuals transporting on their person
10 a personal-use quantity of the prescription drug, not to
11 exceed a 90-day supply: *Provided further*, That the pre-
12 scription drug may not be—

13 (1) a controlled substance, as defined in section
14 102 of the Controlled Substances Act (21 U.S.C.
15 802); or

16 (2) a biological product, as defined in section
17 351 of the Public Health Service Act (42 U.S.C.
18 262).

19 SEC. 531. None of the funds made available in this
20 Act may be used by the Secretary of Homeland Security
21 or any delegate of the Secretary to issue any rule or regu-
22 lation which implements the Notice of Proposed Rule-
23 making related to Petitions for Aliens To Perform Tem-
24 porary Nonagricultural Services or Labor (H-2B) set out
25 beginning on 70 Fed. Reg. 3984 (January 27, 2005).

1 SEC. 532. Section 831 of the Homeland Security Act
2 of 2002 (6 U.S.C. 391) is amended—

3 (1) in subsection (a), by striking “Until Sep-
4 tember 30, 2009” and inserting “Until September
5 30, 2010,”; and

6 (2) in subsection (d)(1), by striking “September
7 30, 2009,” and inserting “September 30, 2010,”.

8 SEC. 533. None of the funds made available in this
9 Act may be used for planning, testing, piloting, or devel-
10 oping a national identification card.

11 SEC. 534. (a) Notwithstanding any other provision
12 of this Act, except as provided in subsection (b), and 30
13 days after the date that the President determines whether
14 to declare a major disaster because of an event and any
15 appeal is completed, the Administrator shall submit to the
16 Committee on Homeland Security and Governmental Af-
17 fairs of the Senate, the Committee on Homeland Security
18 of the House of Representatives, the Committee on Trans-
19 portation and Infrastructure of the House of Representa-
20 tives, the Committees on Appropriations of the Senate and
21 the House of Representatives, and publish on the website
22 of the Federal Emergency Management Agency, a report
23 regarding that decision, which shall summarize damage
24 assessment information used to determine whether to de-
25 clare a major disaster.

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

4 (c) In this section—

5 (1) the term “Administrator” means the Ad-
6 ministrator of the Federal Emergency Management
7 Agency; and

8 (2) the term “major disaster” has the meaning
9 given that term in section 102 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5122).

12 SEC. 535. Notwithstanding any other provision of
13 law, in the fiscal year 2010 or a subsequent fiscal year,
14 if the Secretary of Homeland Security determine that the
15 National Bio- and Agro-defense Facility should be located
16 at a site other than Plum Island, New York, the Secretary
17 shall liquidate the Plum Island asset by directing the Ad-
18 ministrator of General Services to sell, through public sale,
19 all real and related personal property and transportation
20 assets that support Plum Island operations, subject to
21 such terms and conditions as the Secretary determines are
22 necessary to protect government interests and meet pro-
23 gram requirements: *Provided*, That the proceeds of such
24 sale shall be deposited as offsetting collections into the De-
25 partment of Homeland Security Science and Technology

1 “Research, Development, Acquisition, and Operations” ac-
2 count and, subject to appropriation, shall be available until
3 expended, for site acquisition, construction, and costs re-
4 lated to the construction of the National Bio- and Agro-
5 defense Facility, including the costs associated with the
6 sale, including due diligence requirements, necessary envi-
7 ronmental remediation at Plum Island, and reimburse-
8 ment of expenses incurred by the General Services Admin-
9 istration: *Provided further*, That after the completion of
10 construction and environmental remediation, the unex-
11 pended balances of funds appropriated for costs referred
12 to in the preceding proviso shall be available for transfer
13 to the appropriate account for design and construction of
14 a consolidated Department of Homeland Security Head-
15 quarters project, excluding daily operations and mainte-
16 nance costs, notwithstanding section 503 of this Act, and
17 the Committees on Appropriations of the Senate and the
18 House of Representatives shall be notified 15 days prior
19 to such transfer.

20 SEC. 536. Any official who is required by this Act
21 to report or certify to the Committees on Appropriations
22 of the Senate and the House of Representatives may not
23 delegate such authority to perform that act unless specifi-
24 cally authorized herein.

1 SEC. 537. The Secretary of Homeland Security, in
2 consultation with the Secretary of the Treasury, shall no-
3 tify the Committees on Appropriations of the Senate and
4 the House of Representatives of any proposed transfers
5 of funds available under subsection (g)(4)(B) of title 31,
6 Unites States Code (as added by Public Law 102–393)
7 from the Department of the Treasury Forfeiture Fund to
8 any agency within the Department of Homeland Security:
9 *Provided*, That none of the funds identified for such a
10 transfer may be obligated until the Committees on Appro-
11 priations of the Senate and the House of Representatives
12 approve the proposed transfers.

13 SEC. 538. If the Assistant Secretary of Homeland Se-
14 curity (Transportation Security Administration) deter-
15 mines that an airport does not need to participate in the
16 basic pilot program under section 402 of the Illegal Immi-
17 gration Reform and Immigrant Responsibility Act of 1996
18 (8 U.S.C. 1324a note), the Assistant Secretary shall cer-
19 tify to the Committees on Appropriations of the Senate
20 and the House of Representatives that no security risks
21 will result from such non-participation.

22 SEC. 539. From the unobligated balances of prior
23 year appropriations made available for “Analysis and Op-
24 erations”, \$2,203,000 is rescinded.

1 SEC. 540. The explanatory statement referenced in
 2 section 4 of Public Law 110–161 for “National
 3 Predisaster Mitigation Fund” under Federal Emergency
 4 Management Agency is deemed to be amended—

5 (1) by striking “Dalton Fire District” and all
 6 that follows through “750,000” and inserting the
 7 following:

“Franklin Regional Council of Governments, MA	250,000
Town of Lanesborough, MA	175,000
University of Massachusetts, MA	175,000”;

8 (2) by striking “Santee and”;

9 (3) by striking “3,000,000” and inserting
 10 “1,500,000”;

11 (4) by inserting after the item relating to Adju-
 12 tant General’s Office of Emergency Preparedness
 13 the following:

“Town of Branchville, SC	1,500,000”;
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14 and

15 (5) by striking “Public Works Department of
 16 the City of Santa Cruz, CA” and inserting “Mon-
 17 terey County Water Resources Agency, CA”.

18 SEC. 541. Section 203(m) of the Robert T. Stafford
 19 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 20 5133(m)) is amended by striking “September 30, 2009”
 21 and inserting “September 30, 2010”.

1 SEC. 542. From the unobligated balances of prior
2 year appropriations made available for the “Infrastructure
3 Protection and Information Security” account,
4 \$5,963,000 is rescinded.

5 SEC. 543. From unobligated amounts that are avail-
6 able to the Coast Guard for fiscal year 2008 or 2009 for
7 acquisition, construction, and improvements for shoreside
8 facilities and aids to navigation at Coast Guard Sector
9 Buffalo, the Secretary of Homeland Security shall use
10 such sums as may be necessary to make improvements to
11 the land along the northern portion of Sector Buffalo to
12 enhance public access to the Buffalo Lighthouse and the
13 waterfront.

14 SEC. 544. For fiscal year 2010 and hereinafter, the
15 Secretary may provide to personnel appointed or assigned
16 to serve abroad, allowances and benefits similar to those
17 provided under chapter 9 of title I of the Foreign Service
18 Act of 1990 (22 U.S.C. 4081 et seq.).

19 SEC. 545. (a) EXTENSION OF PROGRAMS.—Section
20 143 of Division A of the Consolidated Security, Disaster
21 Assistance, and Continuing Appropriations Act, 2009
22 (Public Law 110–329; 122 Stat. 3580 et seq.), as amend-
23 ed by section 101 of division J of the Omnibus Appropria-
24 tions Act, 2009 (Public Law 111–8), is amended by strik-

1 ing “September 30, 2009” and inserting “September 30,
2 2011”.

3 (b) PROTECTION OF SOCIAL SECURITY ADMINISTRA-
4 TION PROGRAMS.—

5 (1) FUNDING UNDER AGREEMENT.—Effective
6 for fiscal years beginning on or after October 1,
7 2009, the Commissioner of Social Security and the
8 Secretary of Homeland Security shall enter into and
9 maintain an agreement which shall—

10 (A) provide funds to the Commissioner for
11 the full costs of the responsibilities of the Com-
12 missioner under section 404 of the Illegal Im-
13 migration Reform and Immigrant Responsibility
14 Act of 1996 (8 U.S.C. 1324a note), including—

15 (i) acquiring, installing, and maintain-
16 ing technological equipment and systems
17 necessary for the fulfillment of the respon-
18 sibilities of the Commissioner under such
19 section 404, but only that portion of such
20 costs that are attributable exclusively to
21 such responsibilities; and

22 (ii) responding to individuals who con-
23 test a tentative nonconfirmation provided
24 by the basic pilot confirmation system es-
25 tablished under such section;

1 (B) subject to the availability of appropria-
2 tions for such purpose, provide such funds
3 quarterly in advance of the applicable quarter
4 based on estimating methodology agreed to by
5 the Commissioner and the Secretary (except in
6 such instances where the delayed enactment of
7 an annual appropriation may preclude such
8 quarterly payments); and

9 (C) require an annual accounting and rec-
10 onciliation of the actual costs incurred and the
11 funds provided under the agreement, which
12 shall be jointly reviewed by the Office of the In-
13 spector General of the Social Security Adminis-
14 tration and the Office of Inspector General of
15 the Department of Homeland Security.

16 (2) CONTINUATION OF EMPLOYMENT
17 VERIFICATION IN ABSENCE OF TIMELY AGREE-
18 MENT.—In any case in which the agreement re-
19 quired under paragraph (1) for any fiscal year be-
20 ginning on or after October 1, 2009, has not been
21 reached as of October 1 of such fiscal year, the most
22 recent agreement between the Commissioner and the
23 Secretary of Homeland Security providing for fund-
24 ing to cover the costs of the responsibilities of the
25 Commissioner under section 404 of the Illegal Immi-

1 gration Reform and Immigrant Responsibility Act of
2 1996 (8 U.S.C. 1324a note) shall be deemed in ef-
3 fect on an interim basis for such fiscal year until
4 such time as an agreement required under para-
5 graph (1) is subsequently reached, except that the
6 terms of such interim agreement shall be modified
7 by the Director of the Office of Management and
8 Budget to adjust for inflation and any increase or
9 decrease in the volume of requests under the basic
10 pilot confirmation system. In any case in which an
11 interim agreement applies for any fiscal year under
12 this paragraph, the Commissioner and the Secretary
13 shall, not later than October 1 of such fiscal year,
14 notify the Committee on Ways and Means of the
15 House of Representatives, the Committees on the
16 Judiciary of the Senate and the House of Represent-
17 atives, the Committees on Appropriations of the
18 Senate and the House of Representatives, and the
19 Committee on Finance of the Senate of the failure
20 to reach the agreement required under paragraph
21 (1) for such fiscal year. Until such time as the
22 agreement required under paragraph (1) has been
23 reached for such fiscal year, the Commissioner and
24 the Secretary shall, not later than the end of each
25 90-day period after October 1 of such fiscal year,

1 notify such Committees of the status of negotiations
2 between the Commissioner and the Secretary in
3 order to reach such an agreement.

4 (c) GAO STUDY OF BASIC PILOT CONFIRMATION
5 SYSTEM.—

6 (1) IN GENERAL.—As soon as practicable after
7 the date of the enactment of this Act, the Comp-
8 troller General shall conduct a study regarding erro-
9 neous tentative nonconfirmations under the basic
10 pilot confirmation system established under section
11 404(a) of the Illegal Immigration Reform and Immig-
12 rant Responsibility Act of 1996 (8 U.S.C. 1324a
13 note).

14 (2) MATTERS TO BE STUDIED.—In the study
15 required under paragraph (1), the Comptroller Gen-
16 eral shall determine and analyze—

17 (A) the causes of erroneous tentative non-
18 confirmations under the basic pilot confirmation
19 system;

20 (B) the processes by which such erroneous
21 tentative nonconfirmations are remedied; and

22 (C) the effect of such erroneous tentative
23 nonconfirmations on individuals, employers, and
24 Federal agencies.

1 (3) REPORT.—Not later than 2 years after the
2 date of the enactment of this Act, the Comptroller
3 General shall submit the results of the study re-
4 quired under paragraph (1) to the Committee on
5 Ways and Means of the House of Representatives,
6 the Committees on the Judiciary of the Senate and
7 the House of Representatives, the Committee on Fi-
8 nance of the Senate, and the Committees on Appro-
9 priations of the Senate and the House of Represent-
10 atives.

11 (d) GAO STUDY OF EFFECTS OF BASIC PILOT PRO-
12 GRAM ON SMALL ENTITIES.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of the enactment of this Act, the Comp-
15 troller General shall submit to the Committees on
16 the Judiciary of the Senate and the House of Rep-
17 representatives and the Committees on Appropriations
18 of the Senate and the House of Representatives a
19 report containing the Comptroller General’s analysis
20 of the effects of the basic pilot program described in
21 section 404(a) of the Illegal Immigration Reform
22 and Immigrant Responsibility Act of 1996 (8 U.S.C.
23 1324a note) on small entities (as defined in section
24 601 of title 5, United States Code). The report shall
25 detail—

1 (A) the costs of compliance with such pro-
2 gram on small entities;

3 (B) a description and an estimate of the
4 number of small entities enrolled and partici-
5 pating in such program or an explanation of
6 why no such estimate is available;

7 (C) the projected reporting, recordkeeping,
8 and other compliance requirements of such pro-
9 gram on small entities;

10 (D) factors that impact small entities' en-
11 rollment and participation in such program, in-
12 cluding access to appropriate technology, geog-
13 raphy, entity size, and class of entity; and

14 (E) the steps, if any, the Secretary of
15 Homeland Security has taken to minimize the
16 economic impact of participating in such pro-
17 gram on small entities.

18 (2) DIRECT AND INDIRECT EFFECTS.—The re-
19 port shall cover, and treat separately, direct effects
20 (such as wages, time, and fees spent on compliance)
21 and indirect effects (such as the effect on cash flow,
22 sales, and competitiveness).

23 (3) SPECIFIC CONTENTS.—The report shall pro-
24 vide specific and separate details with respect to—

1 (A) small businesses (as defined in section
2 601 of title 5, United States Code) with fewer
3 than 50 employees; and

4 (B) small entities operating in States that
5 have mandated use of the basic pilot program.

6 SEC. 546. (a) IN GENERAL.—Strike subparagraphs
7 (A) through (C) that appear within section 426(b) of divi-
8 sion J of the Consolidated Appropriations Act, 2005 (Pub-
9 lic Law 108–447) and insert the following:

10 “(A) SECRETARAY OF STATE.—One-third
11 of the amounts deposited into the Fraud Pre-
12 vention and Detection Account shall remain
13 available to the Secretary of State until ex-
14 pended for programs and activities—

15 “(i) to increase the number of con-
16 sular and diplomatic security personnel as-
17 signed primarily to the function of pre-
18 venting and detecting fraud by applicants
19 for visas described in subparagraph (H)(i),
20 (H)(ii), or (L) of section 101(a)(15);

21 “(ii) otherwise to prevent and detect
22 visa fraud, including fraud by applicants
23 for visas described in subparagraph (H)(i),
24 (H)(ii), or (L) of section 101(a)(15), as
25 well as the purchase, lease, construction,

1 and staffing of facilities for the processing
2 of these classes of visa, in consultation
3 with the Secretary of Homeland Security
4 as appropriate; and

5 “(iii) upon request by the Secretary of
6 Homeland Security, to assist such Sec-
7 retary in carrying out the fraud prevention
8 and detection programs and activities de-
9 scribed in subparagraph (B).

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

21 “(C) SECRETARY OF LABOR.—One-third of
22 the amounts deposited into the Fraud Preven-
23 tion and Detection Account shall remain avail-
24 able to the Secretary of Labor until expended
25 for wage and hour enforcement programs and

1 activities otherwise authorized to be conducted
2 by the Secretary of Labor that focus on indus-
3 tries likely to employ nonimmigrants, including
4 enforcement programs and activities described
5 in section 212(n) and enforcement programs
6 and activities related to section
7 214(c)(14)(A)(i).”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall take effect on the date of the enact-
10 ment of this Act.

11 CLARIFICATION OF FEE AUTHORITY

12 SEC. 547. (a) IN GENERAL.—In addition to collection
13 of registration fees described in section 244(c)(1)(B) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1254a(c)(1)(B)), fees for fingerprinting services, biometric
16 services, and other necessary services may be collected
17 when administering the program described in section 244
18 of such Act.

19 (b) CONSTRUCTION.—Subsection (a) shall be con-
20 strued to apply for fiscal year 1998 and each fiscal year
21 thereafter.

22 SEC. 548. Section 550(b) of the Department of
23 Homeland Security Appropriations Act, 2007 (Public Law
24 109–295; 6 U.S.C. 121 note) is amended by striking
25 “three years after the date of enactment of this Act” and
26 inserting “October 4, 2010”.

1 SEC. 549. For Fiscal Year 2010 and thereafter, the
2 Secretary of Homeland Security may collect fees from any
3 non-Federal participant in a conference, seminar, exhi-
4 bition, symposium, or similar meeting conducted by the
5 Department of Homeland Security in advance of the con-
6 ference, either directly or by entering into a contract, and
7 those fees shall be credited to the appropriation or account
8 from which the costs of the conference, seminar, exhi-
9 bition, symposium, or similar meeting are paid and shall
10 be available to pay the costs of the Department of Home-
11 land Security with respect to the conference or to reim-
12 burse the Department for costs incurred with respect to
13 the conference. In the event the total amount of fees col-
14 lected with respect to a conference exceeds the actual costs
15 of the Department of Homeland Security with respect to
16 the conference, the amount of such excess shall be depos-
17 ited into the Treasury as miscellaneous receipts.

18 SEC. 550. From unobligated balances for fiscal year
19 2009 made available for the Federal Emergency Manage-
20 ment Agency “Trucking Industry Security Grants” ac-
21 count, \$5,572,000 is rescinded.

22 SEC. 551. None of the funds made available in this
23 Act may be obligated for full-scale procurement of Ad-
24 vanced Spectroscopic Portal monitors until the Secretary
25 of Homeland Security submits to the Committees on Ap-

1 appropriations of the Senate and the House of Representa-
2 tives a report certifying that a significant increase in oper-
3 ational effectiveness will be achieved: *Provided*, That the
4 Secretary shall submit separate and distinct certifications
5 prior to the procurement of Advanced Spectroscopic Portal
6 monitors for primary and secondary deployment that ad-
7 dress the unique requirements for operational effectiveness
8 of each type of deployment: *Provided further*, That the
9 Secretary shall consult with the National Academy of
10 Sciences before making such certifications: *Provided fur-*
11 *ther*, That none of the funds provided in this Act may be
12 obligated for high-risk concurrent development and pro-
13 duction of mutually dependent software and hardware.

14 SEC. 552. (a) As part of a plan regarding the pro-
15 posed disposition of any individual who is detained, as of
16 April 30, 2009, at Naval Station, Guantanamo Bay, Cuba,
17 the Secretary of Homeland Security shall conduct a threat
18 assessment for each such individual who is proposed to
19 be transferred to the continental United States, Alaska,
20 Hawaii, the District of Columbia, or the United States
21 Territories that—

22 (1) determines the risk that the individual
23 might instigate an act of terrorism within the conti-
24 nental United States, Alaska, Hawaii, the District of

1 Columbia, or the United States Territories if the in-
2 dividual were so transferred; and

3 (2) determines the risk that the individual
4 might advocate, coerce, or incite violent extremism,
5 ideologically motivated criminal activity, or acts of
6 terrorism, among inmate populations at incarcer-
7 ation facilities within the continental United States,
8 Alaska, Hawaii, the District of Columbia, or the
9 United States Territories if the individual were
10 transferred to such a facility.

11 (b) Section 44903(j)(2)(C) of title 49, United States
12 Code, is amended by adding at the end the following new
13 clause:

14 “(v) INCLUSION OF DETAINEES ON NO
15 FLY LIST.—The Assistant Secretary, in co-
16 ordination with the Terrorist Screening
17 Center, shall include on the No Fly List
18 any individual who was a detainee held at
19 the Naval Station, Guantanamo Bay,
20 Cuba, unless the President certifies in
21 writing to Congress that the detainee poses
22 no threat to the United States, its citizens,
23 or its allies. For purposes of this clause,
24 the term ‘detainee’ means an individual in
25 the custody or under the physical control

1 of the United States as a result of armed
2 conflict.”.

3 (c) None of the funds made available in this Act may
4 be used to provide any immigration benefit (including a
5 visa, admission into the United States, parole into the
6 United States, or classification as a refugee or applicant
7 for asylum) to any individual who is detained, as of April
8 20, 2009, at Naval Station, Guantanamo Bay, Cuba.

9 (d) Nothing in subsections (b) and (c) shall be con-
10 strued to prohibit a detainee held at Guantanamo Bay
11 from being brought to the United States for prosecution.

12 SEC. 553. None of the funds made available under
13 this Act may be used to close or transfer the operations
14 of the Florida Long Term Recovery Office of the Federal
15 Emergency Management Administration located in Or-
16 lando, Florida.

17 SEC. 554. None of the funds made available in this
18 Act may be used for first-class travel by the employees
19 of agencies funded by this Act in contravention of sections
20 301–10.122 through 301.10–124 of title 41, Code of Fed-
21 eral Regulations.

22 SEC. 555. No funds appropriated by this Act may be
23 used to impose any negative personnel action against any
24 Department of Homeland Security employee who engages
25 with the public in the course of the employee’s duties, for

1 the use of surgical masks, N95 respirators, gloves, or hand
2 sanitizer.

3 SEC. 556. None of the funds made available in this
4 Act may be used to employ workers described in section
5 274A(h)(3) of the Immigration and Nationality Act (8
6 U.S.C. 1324a(h)(3)).

7 This Act may be cited as the “Department of Home-
8 land Security Appropriations Act, 2010”.

Passed the House of Representatives June 24, 2009.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 95

11TH CONGRESS
1ST Session
H. R. 2892

AN ACT

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

JULY 6, 2009

Received; read twice and placed on the calendar