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111TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 111–298

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

OCTOBER 13, 2009.—Ordered to be printed

Mr. PRICE of North Carolina, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 2892]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $147,818,000: Provided, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall

be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: Provided further, That $15,000,000 shall not be available for obligation for the Office of Policy until the Secretary submits an expenditure plan for the Office of Policy for fiscal year 2010: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $254,190,000, of which not less than $1,000,000 shall be for logistics training; and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, $5,500,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $60,530,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts: Provided, That of the total amount made available under this heading, $5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report OIG–09–72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $338,393,000; of which $86,912,000 shall be available for salaries and expenses; and of which $251,481,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That of the total amount appropriated, not less than $82,788,000 shall be available for data center development, of which not less than $38,540,145 shall be available for power capabilities upgrades at Data Center One (National Center for Critical Information Proc-

essing and Storage): Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $335,030,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $190,862,000 shall remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation or any follow-on entity until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on operations of the National Immigration Information Sharing Operation or any follow-on entity pursuant to section 503 of this Act.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

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

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $113,874,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and

regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,064,713,000, of which $3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not more than $800,000 shall be for procurement of portable solar charging rechargeable battery systems: Provided, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That of the total amount provided, $1,700,000 shall remain available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $422,445,000, to remain available until expended, of which not less than $227,960,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $50,000,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $800,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, $75,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and

approve a plan for expenditure, prepared by the Secretary of Homeland Security, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of tactical infrastructure and technology, that includes—

(1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life-cycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

(6) a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address such recommendations;

(8) a certification by the Chief Procurement Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that—

(A) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7;

(B) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices,

and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; and

(C) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program and all contracts under such program, including the exercise of technical oversight;

(9) a certification by the Chief Information Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications that—

(A) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas;

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

(C) an independent verification and validation agent is currently under contract for the projects funded under this heading;

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

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, including cost, level of operational control, possible unintended effects on communities, and other factors critical to the decisionmaking process:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress of the program, and obligations and expenditures for all outstanding task orders, as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations, at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than $25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: Provided further,

That none of the funds made available under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That none of the funds made available under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $519,826,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $319,570,000, to remain available until expended; of which $39,700,000 shall be for constructing and equipping the Advanced Training Center; and of which not more than $3,500,000 shall be for acquisition, design, and construction of U.S. Customs and Border Protection Air and Marine facilities at El Paso International Airport, Texas: Provided, That for fiscal year 2011 and thereafter, the annual budget submission of U.S. Customs and Border Protection for "Construction and Facilities Management" shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry.

U.S. Immigration and Customs Enforcement

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,342,134,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than $1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $200,000,000 shall remain available until September 30, 2011: Provided further, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make that progress: Provided further, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010: Provided further, That of the total amount provided, not less than $2,545,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, $7,300,000 shall remain available until September 30, 2011, for the Visa Security Program: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have

been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: Provided further, That none of the funds provided under this heading may be obligated to collocate field offices of U.S. Immigration and Customs Enforcement until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the nationwide implementation of the Alternatives to Detention Program that identifies: (1) the funds required for nationwide program implementation; (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program.

AUTOMATION MODERNIZATION

(INCLUDING TRANSFER OF FUNDS)

For expenses of immigration and customs enforcement automated systems, $90,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $10,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security: Provided further, That of the total amount provided under this heading, up to $10,000,000 may be transferred to U.S. Immigration and Customs Enforcement "Salaries and Expenses" account for data center migration.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $4,818,000, to remain available until expended: Provided, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–

71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,214,040,000, to remain available until September 30, 2011, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $4,358,076,000 shall be for screening operations, of which $1,116,406,000 shall be available for explosives detection systems; and not to exceed $855,964,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, $778,300,000 shall be available for the purchase and installation of these systems, of which not less than 28 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That of the total amount provided, $1,250,000 shall be made available for Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improvised explosive recognition training: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,114,040,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $110,516,000, to remain available until September 30, 2011.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $171,999,000, to remain available until September 30, 2011.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $1,001,780,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

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

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $26,000,000; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,805,391,000, of which $581,503,000 shall be for defense-related activities, of which $241,503,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses; and of which $3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108–136 with respect to the Coast Guard

Academy: Provided further, That of the funds provided under this heading, $50,000,000 shall be withheld from obligation for Headquarters Directorates until: (1) the fiscal year 2010 second quarter acquisition report required by Public Law 108–7 and the fiscal year 2008 joint explanatory statement accompanying Public Law 110–161; (2) the Revised Deepwater Implementation Plan; and (3) the future-years capital investment plan for fiscal years 2011–2015 are received by the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,198,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $133,632,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,537,080,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $121,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $129,500,000 shall be available until September 30, 2012, for other equipment; of which $27,100,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities, including not less than $300,000 for the Coast Guard Academy Pier and not less than $16,800,000 for Coast Guard Station Cleveland Harbor; of which $105,200,000 shall be available for personnel compensation and benefits and related costs; and of which $1,154,280,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: Provided, That of the funds made available for the Integrated Deepwater Systems program, $269,000,000 is for aircraft and $730,680,000 is for surface ships: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance com-

parison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of such legacy assets; a detailed explanation of how the costs of such legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the fiscal year 2011 budget request, a comprehensive review of the Revised Deepwater Implementation Plan, and every 5 years thereafter, that includes a complete projection of the acquisition costs and schedule for the duration of the plan: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

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

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2010.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $4,000,000, to remain available until expended: Provided, That of the amounts made available under this heading, $4,000,000 shall be for the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $24,745,000, to remain available until expended, of which

$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,361,245,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,478,669,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to $18,000,000 for protective travel shall remain available until September 30, 2011: Provided further, That up to $1,000,000 for National Special Security Events shall remain available until expended: Provided further, That the United States

Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, $33,960,000, to remain available until expended, is for information technology modernization: Provided further, That none of the funds made available in the preceding proviso shall be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for such modernization are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

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

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $44,577,000: Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $899,416,000, of which $760,155,000 shall remain available until September 30, 2011: Provided, That of the amount made available under this heading, $161,815,000 may not be obligated for the National Cyber Security Division program and $12,500,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for each of these programs that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated to achieving each of those goals and milestones: Provided further, That of the total amount provided, no less than: $20,000,000 is for the National Infrastructure Simulation and Analysis Center; $1,000,000 is for Philadelphia infrastructure monitoring; $3,500,000 is for State and local cyber security training; $3,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory; $3,500,000 is for the Cyber Security Test Bed and Evaluation Center; $3,000,000 is for the Multi-State Information Sharing and Analysis Center; $500,000 is for the Virginia Operational Integration Cyber Center of Excellence; $100,000 is for the Upstate New York Cyber Initiative; and $1,000,000 is for interoperable communications, technical assistance, and outreach programs.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as "in-service field staff").

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $373,762,000, to remain available until expended: Provided, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indi-

cator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act that meets the statutory conditions specified under this heading in Public Law 110–329: Provided further, That not less than $28,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $139,250,000, of which $30,411,000 is for salaries and expenses: Provided, That $108,839,000 shall remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, including $5,000,000 for the North Carolina Collaboratory for Bio-Preparedness, University of North Carolina, Chapel Hill: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $797,650,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, not to exceed $36,300,000 shall remain available until September 30, 2011, for capital improvements at the Mount Weather Emergency Operations Center: Provided further, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,995,000 shall be for the Office of National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State,

and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,015,200,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden: Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2010, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $19,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) $41,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) $13,000,000 shall be for the Citizen Corps Program.

(6) $300,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163), of which not less than $20,000,000 shall be for Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(7) $300,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

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

(9) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(10) $50,000,000 shall be for the Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

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

(12) $60,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) to remain available until expended, of which no less than the amount specified for each Emergency Operations Center shall be provided as follows: $500,000, Benton County Emergency Management Commission, Iowa; $100,000, Brazoria County Emergency Management, Texas; $800,000, Butte-Silver Bow, Montana; $338,000, Calvert County Department of Public Safety, Maryland; $425,000, City of Alamosa Fire Department, Colorado; $600,000, City of Ames, Iowa; $250,000, City of Boerne, Texas; $500,000, City of Brawley, California; $300,000, City of Brigantine, New Jersey; $350,000, City of Brookings, Oregon; $1,000,000, City of Chicago, Illinois; $1,000,000, City of Commerce, California; $300,000, City of Cupertino, California; $1,000,000, City of Detroit, Michigan; $750,000, City of Elk Grove, California; $400,000, City of Green Cove Springs, Florida; $600,000, City of Greenville, North Carolina; $300,000, City of Hackensack, New Jersey; $800,000, City of Hartford, Connecticut; $250,000, City of Hopewell, Virginia; $254,500, City of La Habra, California; $600,000, City of Las Vegas, Nevada; $750,000, City of Lauderdale Lakes, Florida; $750,000, City of Minneapolis, Minnesota; $375,000, City of Monterey Park, California; $400,000, City of Moreno Valley, California; $1,000,000, City of Mount Vernon, New York; $1,000,000, City of Newark, New Jersey; $900,000, City of North Little Rock, Arkansas; $350,000, City of Palm Coast, Florida; $750,000, City of Port Gibson, Mississippi; $500,000, City of Scottsdale, Arizona; $750,000, City of Sunrise, Florida; $500,000, City of Tavares, Florida; $400,000, City of Torrington, Connecticut; $900,000, City of Whitefish, Montana; $500,000, City of Whittier, California; $500,000, City of Wichita, Kansas; $500,000, Columbia County, Oregon; $500,000, County of Union, New Jersey; $400,000, Dorchester County, South Carolina; $200,000, Fulton County (Atlanta) Emergency Management Agency, Georgia; $250,000, Howell County Emergency Preparedness, Missouri; $500,000, Jackson County Sheriff's Office, Missouri; $750,000, Johnson County, Texas; $500,000, Kentucky Emergency Management, Kentucky; $800,000, Lake County, Florida; $600,000, Lea County, New Mexico; $1,000,000, Lincoln County, Washington; $250,000, Lycoming County, Pennsylvania; $250,000, Macomb County Emergency Management and Communications, Michigan; $300,000, Mercer County Emergency Management Agency, Kentucky; $1,000,000, Middle Rio Grande Development Council, Texas; $250,000, Minooka Fire Protection District, Illinois; $800,000, Mobile County Commission, Alabama; $200,000, Monroe County, Florida; $1,000,000, Morris County, New Jersey Office of Emergency Management, New Jersey; $750,000, New Orleans Emergency Medical Services, Louisiana; $1,000,000, North Carolina Office of Emergency Management, North Carolina; $500,000, North Hudson Regional Fire and Rescue, New Jersey; $980,000, North Louisiana Re-

gional, Lincoln Parish, Louisiana; $1,500,000, Ohio Emergency Management Agency, Columbus, Ohio; $250,000, Passaic County Prosecutor's Office, New Jersey; $980,000, City of Providence, Rhode Island; $800,000, San Francisco Department of Emergency Management, California; $300,000, Sarasota County, Florida; $650,000, Scotland County, North Carolina; $500,000, Somerset County, Maine; $1,500,000, State of Maryland, Maryland; $158,000, City of Maitland, Florida; $500,000, Tohono O'odham Nation; $75,000, Towamencin Township, Pennsylvania; $275,000, Town of Harrison, New York; $500,000, Town of Shorter, Alabama; $750,000, Township of Irvington, New Jersey; $500,000, Township of Old Bridge, New Jersey; $247,000, Township of South Orange Village, South Orange, New Jersey; $500,000, Upper Darby Township Police Department, Pennsylvania; $165,000, Village of Elmsford, New York; $350,000, Washington Parish Government, Louisiana; $900,000, Westmoreland County Department of Public Safety, Pennsylvania; $1,000,000, Williamsburg County, South Carolina; and $20,000, Winston County Commission, Alabama.

(13) $267,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $164,500,000 shall be for the National Domestic Preparedness Consortium in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness; $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; $5,000,000 shall be for the Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; $5,000,000 shall be for surface transportation emergency preparedness and response training to be awarded under full and open competition;

(B) $1,700,000 shall be for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont; and

(C) $3,000,000 shall be for the Rural Domestic Preparedness Consortium, Eastern Kentucky University:

Provided, That 4 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency "Management and Administration" account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the

grant: Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (6) through (11), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: Provided further, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: Provided further, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, and (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $810,000,000, of which $390,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2011: Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $340,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading, and an expenditure plan for program administration shall be provided to the Com-

mittees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

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

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,600,000,000, to remain available until expended: Provided, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: Provided further, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: Provided further, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided further, That $105,600,000 shall be transferred to Federal Emergency Management Agency "Management and Administration" for management and administration functions: Provided further, That the amount provided in the previous proviso shall not be available for transfer to "Management and Administration" until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Federal Emergency Management Agency shall submit the monthly "Disaster Relief" report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: Provided further, That for any request for re-

imbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $146,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed $38,680,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $107,320,000 for flood plain management and flood mapping, which shall remain available until September 30, 2011: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $85,000,000 for operating expenses; (2) $969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $120,000,000, which shall remain available until expended for flood mitigation actions, of which $70,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 is for repetitive insurance claims prop-

erties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): Provided further, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)–(3): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $100,000,000, to remain available until expended and to be obligated as detailed in the joint explanatory statement accompanying this Act: Provided, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $200,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $224,000,000, of which $50,000,000 is for processing applications for asylum or refugee status; of which $5,000,000 is for the processing of military naturalization applications; and of which $137,000,000 is for the basic pilot program (E-Verify Program), as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That of the amounts made available for the basic pilot program (E-Verify Program), $30,000,000 shall remain available until September 30, 2011: Provided further, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United

States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: Provided further, That none of the funds made available under this heading may be obligated for processing applications for asylum or refugee status unless the Secretary of Homeland Security has published a final rule updating part 103 of title 8, Code of Federal Regulations, to discontinue the asylum/refugee surcharge: Provided further, That none of the funds made available under this heading may be obligated for development of the "REAL ID hub" until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure for that program that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated for achieving each of these goals and milestones: Provided further, That none of the funds made available in this Act for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $239,356,000, of which up to $47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–329 (122 Stat. 3677), is further amended by striking "December 31, 2011" and inserting "December 31, 2012": Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: Provided

further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $43,456,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $143,200,000: Provided, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $863,271,000, of which $713,083,000, to remain available until September 30, 2012; and of which $150,188,000, to remain available until September 30, 2014, solely for Laboratory Facilities: Provided, That not less than $20,865,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: Provided further, That not less than $3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decisionmaking Exercises: Provided further, That not less than $12,000,000 shall be for construction expenses of the Pacific Northwest National Laboratory: Provided further, That not less than $2,000,000 shall be for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative: Provided further, That not less than $10,000,000 shall be available for the National Institute for Hometown Security, Kentucky: Provided further, That not less than $2,000,000 shall be available for the Naval Postgraduate School: Provided further, That not less than $1,000,000 shall be available to continue a homeland security research, development, and manufacturing pilot project: Provided further, That not less than $500,000 shall be available for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies: Provided further, That not less than $4,000,000 shall be available for a pilot program to develop a

replicable port security system that would improve maritime domain awareness: Provided further, That $32,000,000 shall be for the National Bio- and Agro-defense Facility, of which up to $2,000,000 may be obligated for the National Academy of Sciences to complete the Letter Report required in section 560(b) of this Act.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) as amended, for management and administration of programs and activities, $38,500,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $324,537,000, to remain available until September 30, 2012.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $20,000,000, to remain available until September 30, 2012: Provided, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: Provided further, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for

such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances

that imminently threaten the safety of human life or the protection of property.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, Other Transaction Agreement, a task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: Provided further, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the

funds are being drawn: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under "State and Local Programs".

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

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

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

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

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 514. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement of section 44901(g)(2)(B) of title 49 is met.

(b) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

(c) Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committees on

Appropriations of the Senate and the House of Representatives, a report on how the Transportation Security Administration plans to meet the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code. The report shall identify the elements of the system to screen 100 percent of cargo transported between domestic airports at a level of security commensurate with the level of security for the screening of passenger checked baggage.

SEC. 515. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" for fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard "Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 518. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by section 9701(a) of title 5, United States Code, or by regulations prescribed pursuant to such section, for an employee, as that term is defined in section 7103(a)(2) of such title.

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in section 9701(e) of title 5, United States Code, in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in section 7103(a)(2) of such title.

SEC. 519. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking "2009" and inserting "2010".

SEC. 520. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 521. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may

be obligated for a grant or contract funded under such headings by any means other than full and open competition.

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

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

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

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

(4) by another Federal agency using funds provided through an interagency agreement.

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

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 5, 2010.

SEC. 522. Except as provided in paragraphs (1) and (2) of this section, none of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official, or any successor position, for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies—

(1) The Secretary of Homeland Security may waive the application of this section provided that any field position appointed pursuant to this waiver shall not hold the title of Prin-

cipal Federal Official, shall functionally report through the Federal Coordinating Officer appointed under section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143), and shall be subject to the provisions of subsection (c) of section 319 of title 6, United States Code. The Secretary may not delegate the authority to grant such a waiver.

(2) Not later than 10 business days after the date on which the Secretary of Homeland Security issues a waiver under this section, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate explaining the circumstances necessitating the waiver, describing the specific role of any officials appointed pursuant to the waiver, and outlining measures taken to ensure compliance with subsection (c) of section 319 and subsections (c)(3) and (c)(4)(A) of section 313 of title 6, United States Code.

SEC. 523. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 526. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 527. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 528. None of the funds provided in this Act under the heading "Office of the Chief Information Officer" shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One is fully uti-

lized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 529. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 531. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking "Until September 30, 2009" and inserting "Until September 30, 2010,"; and

(2) in subsection (d)(1), by striking "September 30, 2009," and inserting "September 30, 2010,".

SEC. 532. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 533. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program (E-Verify Program) under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 534. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

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

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

SEC. 535. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 536. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the

Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 537. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 538. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program (E-Verify Program) under section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 539. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

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

SEC. 540. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio- and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall have the Administrator of General Services sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: Provided, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology "Research, Development, Acquisition, and Operations" account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price or $5,000,000, whichever is greater: Provided further, That after the completion of construction and environmental reme-

diation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 541. The explanatory statement referenced in section 4 of Public Law 110–161 for "National Predisaster Mitigation Fund" under Federal Emergency Management Agency is deemed to be amended—

(1) by striking "Dalton Fire District" and all that follows through "750,000" and inserting the following:

"Franklin Regional Council of Governments, MA	*250,000*
Town of Lanesborough, MA	*175,000*
University of Massachusetts, MA	*175,000";*

(2) by striking "Santee and";

(3) by striking "3,000,000" and inserting "1,500,000";

(4) by inserting after the item relating to Adjutant General's Office of Emergency Preparedness the following:

Town of Branchville, SC	*1,500,000";*

and

(5) by striking "Public Works Department of the City of Santa Cruz, CA" and inserting "Monterey County Water Resources Agency, CA".

SEC. 542. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 543. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 544. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aircraft systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 545. From unobligated amounts that are available to the Coast Guard for fiscal year 2008 or 2009 for "Acquisition, Construction, and Improvements" for shoreside facilities and aids to navigation at Coast Guard Sector Buffalo, the Secretary of Homeland Security shall use such sums as may be necessary to make improvements to the land along the northern portion of Sector Buffalo to enhance public access to the Buffalo Lighthouse and the waterfront.

SEC. 546. For fiscal year 2010 and thereafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allow-

ances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.).

SEC. 547. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "at the end of the 11-year period beginning on the first day the pilot program is in effect." and inserting "on September 30, 2012.".

SEC. 548. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "for 15 years" and inserting "until September 30, 2012".

SEC. 549. (a) In addition to collection of registration fees described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(B)), fees for fingerprinting services, biometric services, and other necessary services may be collected when administering the program described in section 244 of such Act.

(b) Subsection (a) shall be construed to apply for fiscal year 1998 and each fiscal year thereafter.

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

SEC. 551. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking "basic pilot program" each place that term appears and inserting "E-Verify Program".

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking "Basic Pilot" and inserting "E-Verify".

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking "under a pilot program" and inserting "under this subtitle".

SEC. 552. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia,

into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States or any of the United States territories, parole into the United States or any of the United States territories (other than parole for the purposes of prosecution and related detention), or classification as a refugee or applicant for asylum) to any individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba.

(g) In this section, the term "freely associated States" means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(h) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

SEC. 553. Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

> *"(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.".*

SEC. 554. For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: Provided, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year, and shall report annually thereafter.

SEC. 555. For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j) a rural area shall also include any

area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 556. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 557. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 558. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 559. (a) Subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be available to operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if:

(1) the Commandant of the Coast Guard certifies that the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Secretary of Homeland Security certifies that the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or to meet any other Federal navigation requirement.

(c) If the certifications described in subsection (b) are made, the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications pursuant to subsection (b), the Commandant shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the certifications described in subsection (b) are made, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard: Provided, That the proceeds, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard "Environmental Compliance and Restoration" account and, subject to appropriation, shall be available until expended for environmental

compliance and restoration purposes associated with the Loran-C system, for the costs of securing and maintaining equipment that may be used as a backup to the Global Positioning System or to meet any other Federal navigation requirement, for the demolition of improvements on such real property, and for the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration: Provided further, That after the completion of such activities, the unexpended balances shall be available for any other environmental compliance and restoration activities of the Coast Guard.

SEC. 560. (a) None of the funds made available by this Act may be obligated for construction of the National Bio- and Agro-defense Facility on the United States mainland until 30 days after the later of:

(1) the date on which the Secretary of Homeland Security submits to the Committee on Appropriations of the Senate and the House of Representatives a site-specific bio-safety and biosecurity mitigation risk assessment, which includes an integrated set of analyses using plume modeling and epidemiologic impact modeling, to determine the requirements necessary to ensure safe operation of the National Bio- and Agro-defense Facility at the approved Manhattan, Kansas, site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 11, and the results of the National Academy of Sciences' review of the risk assessment as described in paragraph (b): Provided, That the integrated set of analyses is to determine the extent of the dispersion of the foot-and-mouth virus following a potential laboratory spill, the potential spread of foot-and-mouth disease in the surrounding susceptible animal population, and its economic impact: Provided further, That the integrated set of analyses should also take into account specific local, State, and national risk mitigation strategies; or

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committees on Appropriations of the Senate and the House of Representatives a report that:

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110–246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

(b) With regard to the integrated set of analyses included in the mitigation risk assessment required under paragraph (a)(1), the Secretary of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the mitigation risk assessment required by subsection (a)(1) of this section and to submit a Letter Report: Provided, That such contract shall be entered into within 90 days from the date of enactment of this Act, and the National Academy of Sciences shall complete its assessment and sub-

mit its Letter Report within four months after the date the Department of Homeland Security concludes the risk assessment.

SEC. 561. (a) SHORT TITLE.—This section may be cited as the "American Communities' Right to Public Information Act".

(b) IN GENERAL.—Section 70103(d) of title 46, United States Code, is amended to read as follows:

"(d) NONDISCLOSURE OF INFORMATION.—

"(1) IN GENERAL.—Information developed under this section or sections 70102, 70104, and 70108 is not required to be disclosed to the public, including—

"(A) facility security plans, vessel security plans, and port vulnerability assessments; and

"(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this section or sections 70102, 70104, and 70108.

"(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.".

(c) CONFORMING AMENDMENTS.—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

"(4) LIMITATIONS.—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.".

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

"(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.".

SEC. 562. Section 4 of the Act entitled "An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes" (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; or" and

(3) by adding at the end the following:

"(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.".

SEC. 563. (a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or in the case of a governmental entity located in such State, paid)" after "received, or reserved"; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "nondepository institution operating in such State" and inserting "governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State";

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding "and" at the end;

(II) in item (bb), by striking ", to facilitate" and all that follows through "2009"; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

"(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;"; and

(D) by inserting after clause (i) the following:

"(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and".

(b) RULE OF CONSTRUCTION.—Section 44(f)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking "No provision" and inserting the following:

"(A) IN GENERAL.—No provision"; and

(3) by adding at the end the following:

"(B) APPLICABILITY.—This subsection shall be construed to apply to any loan or discount made, or note, bill of exchange, financing transaction, or other evidence of debt, originated by an insured depository institution, a governmental entity located in such State, or a person that is not a depository institution described in subparagraph (A) doing business in such State.".

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SEC. 564. (a) SHORT TITLE.—This section may be cited as the "OPEN FOIA Act of 2009".

(b) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

"(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

"(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.".

SEC. 565. (a) SHORT TITLE.—This section may be cited as the "Protected National Security Documents Act of 2009".

(b) Notwithstanding any other provision of the law to the contrary, no protected document, as defined in subsection (c), shall be subject to disclosure under section 552 of title 5, United States Code or any proceeding under that section.

(c) DEFINITIONS.—In this section:

(1) PROTECTED DOCUMENT.—The term "protected document" means any record—

(A) for which the Secretary of Defense has issued a certification, as described in subsection (d), stating that disclosure of that record would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States; and

(B) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States.

(2) PHOTOGRAPH.—The term "photograph" encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(d) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (c)(1), the Secretary of Defense shall issue a certification if the Secretary of Defense determines that disclosure of that

photograph would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification and a renewal of a certification issued pursuant to subsection (d)(3) shall expire 3 years after the date on which the certification or renewal, is issued by the Secretary of Defense.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(A) a renewal of a certification at any time; and

(B) more than 1 renewal of a certification.

(4) NOTICE TO CONGRESS.—The Secretary of Defense shall provide Congress a timely notice of the Secretary's issuance of a certification and of a renewal of a certification.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the voluntary disclosure of a protected document.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any protected document.

SEC. 566. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 567. (a) IN GENERAL.—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled "Risk Management Guide for Information Technology Systems"; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled "Recommended Security Controls for Federal Information Systems and Organizations,";

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the "Assistant Secretary").

(b) CERTIFICATION.—The Assistant Secretary shall require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1–3) with a description of the procedures used to comply with such standards.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by paragraph (a)(1–3).

SEC. 568. (a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM AND OTHER IMMIGRATION PROGRAMS.—

(1) EXTENSION.—Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking "September 30, 2009," each place such term appears and inserting "September 30, 2012,".

(2) STUDY AND PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by United States Citizenship and Immigration Services to improve the integrity of the program.

(3) PROGRESS REPORT.—Not later than 240 days after the submission of the report under paragraph (2), the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in implementing the plan described in clause (a)(2)(B) of this section.

(b) CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "September 30, 2009" and inserting "September 30, 2012".

(c) RELIEF FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "for at least 2 years at the time of the citizen's death".

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date

that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(I) the alien's United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(III) the alien has not remarried.

(d) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

"(1) IN GENERAL.—An alien described in paragraph (2) who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States shall have such petition described in paragraph (2), or an application for adjustment of status to that of a person admitted for lawful permanent residence based upon the family relationship described in paragraph (2), and any related applications, adjudicated notwithstanding the death of the qualifying relative, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

"(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

"(A) the beneficiary of a pending or approved petition for classification as an immediate relative (as described in section 201(b)(2)(A)(i));

"(B) the beneficiary of a pending or approved petition for classification under section 203 (a) or (d);

"(C) a derivative beneficiary of a pending or approved petition for classification under section 203(b) (as described in section 203(d));

"(D) the beneficiary of a pending or approved refugee/asylee relative petition under section 207 or 208;

"(E) an alien admitted in 'T' nonimmigrant status as described in section 101(a)(15)(T)(ii) or in 'U' nonimmigrant status as described in section 101(a)(15)(U)(ii); or

"(F) an asylee (as described in section 208(b)(3)).".

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment.

(e) CONFORMING AMENDMENT TO AFFIDAVIT OF SUPPORT REQUIREMENT.—Section 213A(f)(5) of the Immigration and Nationality

Act (8 U.S.C. 1183a(5)) is amended by striking clauses (i) and (ii) and inserting:

> *"(i) the individual petitioning under section 204 of this Act for the classification of such alien died after the approval of such petition, and the Secretary of Homeland Security has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate; or*
>
> *"(ii) the alien's petition is being adjudicated pursuant to section 204(l) (surviving relative consideration).".*

SEC. 569. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 571. (a) Funds made available by this Act solely for data center migration may be transferred by the Secretary between appropriations for the same purpose, notwithstanding section 503 of this Act.

(b) No transfer described in (a) shall occur until 15 days after the Committees on Appropriations of the Senate and the House and Representatives are notified of such transfer.

SEC. 572. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–157) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 573. From unobligated balances for fiscal year 2009 made available for Federal Emergency Management Agency "Trucking Industry Security Grants", $5,572,000 are rescinded.

SEC. 574. From the unobligated balances of prior year appropriations made available for "Analysis and Operations", $2,358,000 are rescinded.

SEC. 575. From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate "Infrastructure Protection and Information Security", $8,000,000 are rescinded.

SEC. 576. From the unobligated balances of prior year appropriations made available for Science and Technology "Research, Development, Acquisition, and Operations", $6,944,148 are rescinded.

SEC. 577. From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office "Research, Development, and Operations", $8,000,000 are rescinded.

SEC. 578. From the unobligated balances of prior year appropriations made available for Transportation Security Administration "Research and Development", $4,000,000 are rescinded.

SEC. 579. From the unobligated balances of prior year appropriations made available for Coast Guard "Acquisition, Construction, and Improvements", $800,000 are rescinded: Provided, That these rescissions shall be taken from completed projects.

SEC. 580. Of the amounts available under the heading "Counterterrorism Fund", $5,600,000 are rescinded.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2010".

And the Senate agree to the same.

DAVID R. OBEY,
DAVID E. PRICE,
JOSÉ E. SERRANO,
CIRO D. RODRIGUEZ,
C.A. DUTCH RUPPERSBERGER,
ALAN B. MOLLOHAN,
NITA M. LOWEY,
LUCILLE ROYBAL-ALLARD,
SAM FARR,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY
(with a reservation on the EB–5 agreement),
BARBARA A. MIKULSKI,
PATTY MURRAY,
MARY L. LANDRIEU,
FRANK R. LAUTENBERG,
JON TESTER,
ARLEN SPECTER,
GEORGE V. VOINOVICH,
THAD COCHRAN,
JUDD GREGG,
RICHARD C. SHELBY,
SAM BROWNBACK,
LISA MURKOWSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security (DHS) for the fiscal year ending September 30, 2010, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

The language and allocations contained in House Report 111–157 and Senate Report 111–31 should be complied with unless specifically addressed to the contrary in the conference report and joint explanatory statement. While repeating some report language for emphasis, this joint explanatory statement does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint explanatory statement, the Committees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly.

When this joint explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Appropriations Subcommittee on Homeland Security and the Senate Appropriations Subcommittee on the Department of Homeland Security.

Any reference to the Secretary shall be interpreted to mean the Secretary of Homeland Security; any reference to a Departmental component shall be interpreted to mean directorates, components, agencies, offices, or other organizations in the Department of Homeland Security; any reference to "full-time equivalents" shall be referred to as FTE; and any reference to "program, project, and activity" shall be referred to as PPA.

Finally, this joint explanatory statement refers to certain laws and organizations as follows: Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, is referenced as the 9/11 Act; Security And Accountability For Every Port Act of 2006, Public Law 109–347, is referenced as the SAFE Port Act; the American Recovery and Reinvestment Act of 2009, Public Law 111–5, is referenced as ARRA; the Department of Homeland Security is referenced as DHS; the Government Accountability Office is referenced as GAO; and the Office of Inspector General of the Department of Homeland Security is referenced as the IG.

Classified Programs

Recommended adjustments to classified programs are addressed in a classified annex accompanying this joint explanatory statement. The DHS Office of the Chief Financial Officer is directed to ensure the material contained in this annex is appropriately disseminated to the relevant Departmental components.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

Departmental Operations

The conference agreement provides a total of $1,135,961,000 for Departmental Operations, 17 percent above the fiscal year 2009 enacted level (excluding ARRA funding) to address well documented shortfalls and challenges facing the Department's management components. Significant increases above last year's enacted level are provided to strengthen policy development and coordination, enhance procurement oversight, modernize financial and information technology systems, and accelerate the process of bringing qualified new staff on board. It is imperative that these resources be used effectively to manage the Department's many missions. It is also critical that the Department end its overreliance on contractors and develop the government staff and expertise necessary to perform these services.

Office of the Secretary and Executive Management

The conference agreement provides $147,818,000 for the Office of the Secretary and Executive Management instead of $117,727,000 as proposed by the House and $149,268,000 as proposed by the Senate.

Reductions are made to the budget request due to delays in filling full-time permanent positions and high unexpended balances from previously appropriated funds within certain offices. Funding shall be allocated as follows:

Immediate Office of the Secretary	$5,061,000
Immediate Office of the Deputy Secretary	1,810,000
Chief of Staff	2,595,000
Office of Counternarcotics Enforcement	3,612,000
Executive Secretary	7,800,000
Office of Policy	51,564,000
Office of Public Affairs	5,991,000
Office of Legislative Affairs	6,797,000
Office of Intergovernmental Affairs	2,800,000
Office of General Counsel	24,028,000
Office for Civil Rights and Civil Liberties	21,104,000
Citizenship and Immigration Services Ombudsman	6,685,000
Privacy Officer	7,971,000
Total	$147,818,000

Travel Costs Consolidation

The conference agreement approves the shift of $1,278,000 from other accounts to the Immediate Office of the Secretary and $370,000 from other accounts to the Immediate Office of the Deputy Secretary to pay all costs associated with the DHS's use of government aircraft in support of the Secretary's and Deputy Sec-

retary's travel, as proposed by the Senate. Previously, components paid a portion of the total government aircraft cost for personnel traveling in support of the Secretary or Deputy Secretary. This resulted in multiple interagency agreements and an unnecessary administrative burden. The intent of this consolidation is to provide a more efficient means of disbursing payment for these costs. The conference report includes language to ensure that components are no longer charged for these costs.

Immediate Office of the Deputy Secretary

The conference agreement provides $1,810,000 for the Immediate Office of the Deputy Secretary as proposed by the Senate instead of $1,440,000 as proposed by the House. The conferees expect the Deputy Secretary and Department to follow the direction outlined in the Senate report regarding coordination of efforts to secure chemical facilities and ensure prompt and effective after-accident safety investigations, including the reporting and briefing requirements.

Office of Counternarcotics Enforcement

The conference agreement provides $3,612,000 for the Office of Counternarcotics Enforcement instead of $3,712,000 as proposed by the House and $3,718,000 as proposed by the Senate. The Office of Counternarcotics Enforcement is directed to submit a performance report on its activities to the Committees as outlined in the Senate report. The Secretary is directed to report by January 15, 2010, on whether it would be appropriate to shift the functions of this office into the Office of Policy or other Departmental office under this title.

Office of Policy

The conference agreement provides $51,564,000 for the Office of Policy as proposed by both the House and Senate. The Office of Policy is directed to provide an expenditure plan no later than 60 days after the date of enactment of this Act, as outlined in the Senate report. The conference report includes a statutory provision withholding $15,000,000 until the expenditure plan is submitted. A total of $5,000,000 is included for the integrated requirements process and the Intermodal Security Coordination Office. The conferees require a detailed explanation of how and for what purpose these funds are being allocated as part of the fiscal year 2010 expenditure plan. The conferees urge the Department to ensure this funding does not create parallel structures or needlessly duplicate existing efforts. Contractor support for both initiatives shall not exceed 25 percent.

Quadrennial Homeland Security Review

As mandated by section 2401 of the 9/11 Act, the Department is developing a Quadrennial Homeland Security Review (QHSR), including a budget plan required to carry out the findings of the review. The DHS budget should be derived from a strategic policy review that fully considers threat, risk, and mission requirements.

Such a policy review should not be driven by outyear financial projections contained in the budget. Therefore, any budget projections included in the QHSR should be based on actual needs to sufficiently carry out the long-term strategy and priorities for homeland security.

Office of Intergovernmental Affairs

The conference agreement provides $2,800,000 for the Office of Intergovernmental Affairs as proposed by the House instead of $2,600,000 as proposed by the Senate. The name of this office has been modified as proposed by the Senate. This office has been moved from the Federal Emergency Management Agency as requested, and is assuming a new role. The Secretary is required to present a detailed organizational plan for the office as outlined in the House report.

Office of General Counsel

The conference agreement provides $24,028,000 for the Office of General Counsel as proposed by the House and Senate. The conferees direct the Office of General Counsel to hire an additional attorney with expertise in appropriations law within the amount made available for this office, as proposed by the Senate.

Office for Civil Rights and Civil Liberties

The conference agreement provides $21,104,000 for the Office for Civil Rights and Civil Liberties instead of $22,104,000 as proposed by the House and Senate. A small reduction below the House and Senate levels is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 percent of those balances available in fiscal year 2010. The conferees direct the office to submit an expenditure plan no later than 60 days after the date of enactment of this Act, as outlined in the Senate report.

Supporting Strategic Goals for Border Security

Since DHS was established, the Committees have consistently supported robust enforcement efforts along both the Southwest and Northern borders with substantial appropriations, consistently above annual budget requests, for each Departmental component responsible for carrying out aspects of DHS's border security and counter-smuggling missions. Targeted enhancements for fiscal year 2010 are identified under relevant sections of this statement. The conferees direct the Secretary to clearly identify requested resources that support and align with the specific goals and objectives of the National Southwest Border Counternarcotics Strategy, released on June 5, 2009, and the U.S. Customs and Border Protection's Northern Border Strategy, released on August 27, 2009, in the fiscal year 2011 congressional budget justifications for U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, Coast Guard, Intelligence and Analysis, and any other relevant Departmental components.

User Fees

The conferees direct the Secretary to report on actual fiscal year 2009 user fee collections and updated projections for fiscal year 2010 fee collections across all relevant DHS components. In addition, the Secretary shall provide a contingency plan for making up any shortfall between expected collections and budgeted amounts, by DHS component, no later than 60 days after the date of enactment of this Act, and quarterly thereafter.

Budget Justifications

The conferees direct that the congressional budget justifications for the Office of the Secretary and Executive Management for fiscal year 2011 include the same level of detail as the table contained at the end of this statement, and follow the parameters outlined in the House report, as well as the broader direction outlined under the Office of the Chief Financial Officer. Structural alterations to the fiscal year 2011 budget request, including changes to the PPA account structure for fiscal year 2010 included in the table at the end of this statement should only be made with advance consultation with the Committees.

Working Capital Fund

The Department shall follow the direction outlined in the House report regarding the Working Capital Fund (WCF) in managing WCF funds and requesting resources for fiscal year 2011.

Reception and Representation Expenses

The conferees direct the Department to submit a report to the Committees no later than 30 days after the end of each quarter of the fiscal year detailing the obligation of all DHS reception and representation expenses by all components.

Greenhouse Gas Inventory

The conferees require the Secretary to follow the House direction regarding reporting on the Department's greenhouse gas emissions and mitigation efforts.

Quarterly Detailee Report

The conferees require the Department to continue the quarterly detailee report as outlined in the Senate report.

Federally Funded Research and Development Centers

The conferees direct the Secretary to report semiannually on the current projects tasked to Federally Funded Research and Development Centers, as outlined in the Senate report.

Lost and Stolen Passports

The Secretary is directed to submit a semiannual report on loss and theft of passports as outlined in the Senate report.

Border Tunnels

The Secretary is directed to submit semiannual reports on border tunnel issues as outlined in the Senate report. The conferees further direct the Department to designate a coordinator for border tunnel issues as outlined in the Senate report.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conference agreement provides $254,190,000 for the Office of the Under Secretary for Management instead of $153,790,000 as proposed by the House and $307,690,000 as proposed by the Senate. Funding shall be allocated as follows:

Immediate Office of the Under Secretary for Management	$2,864,000
Office of Security	90,193,000
Office of the Chief Procurement Officer	68,538,000
Office of the Chief Human Capital Officer	42,604,000
Salaries and Expenses (from above subtotal)	[32,604,000]
Human Resources (from above subtotal)	[10,000,000]
Office of the Chief Administrative Officer	49,991,000
Salaries and Expenses (from above subtotal)	[44,491,000]
Nebraska Avenue Complex (NAC) (from above subtotal)	[5,500,000]
Total	$254,190,000

Office of Security

The conference agreement provides $90,193,000 for the Office of Security instead of $95,193,000 as proposed by the House and $92,693,000 as proposed by the Senate. This amount includes $20,000,000 for the Homeland Security Presidential Directive–12 Card Issuance Program. The Office of Security is directed to provide a report to the Committees on this program's progress and future needs as outlined in the House report.

Office of the Chief Procurement Officer

The conference agreement provides $68,538,000 for the Office of the Chief Procurement Officer (OCPO) instead of $66,538,000 as proposed by the House and $70,038,000 as proposed by the Senate. OCPO shall submit the report to the Committees on Departmental efforts to decrease the attrition rate of DHS acquisition personnel as outlined in the House report. Furthermore, the conferees direct OCPO to provide a breakdown on where interns and graduates of the acquisition internship are serving, as outlined in the House report, to the Committees no later than 60 days after the date of enactment of this Act and on an annual basis accompanying the budget request.

The conference agreement provides $7,500,000 to create a new contracting component for classified programs. These resources are intended to fund 18 positions, the number identified by the Department as required to establish an initial operating capacity for this office.

The conference agreement provides $8,000,000 to increase capacity in the acquisition program management division. The conferees recommend that the reduction from the Administration's request come from contractor support, as outlined in the House report.

The Secretary is directed to provide a status report on major acquisitions in excess of $300,000,000 by February 15, 2010, as outlined in the Senate report, and quarterly thereafter.

Office of the Chief Human Capital Officer

The conference agreement provides $42,604,000 for the Office of the Chief Human Capital Officer (OCHCO) instead of $43,604,000 as proposed by both the House and Senate. Of this amount, $32,604,000 is for salaries and expenses and $10,000,000 is for human resources. The reduction below the House and Senate levels is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 percent of those balances available in fiscal year 2010.

The OCHCO is directed to continue providing monthly reports to the Committees summarizing vacancy data at the Department, which should include: the number of new hires for each headquarters office in the previous month; the ratio of applications received to positions closed; reports from the Office of Security on progress made to reduce the security clearance backlog to include whether the 15-day standard for suitability reviews is being met; and an end-of-the-month hiring "snapshot" for each headquarters office. These snapshots should include: the number of new hires pending security or suitability clearance; the number of open vacancies; and the number of selection referral lists pending with management. The conferees note that these reports have not been provided with promptness or regularity and caution that without this information it becomes difficult to justify budget increases for this office.

The conferees direct the OCHCO to provide the report on its fiscal year 2009 performance against DHS metrics outlined in the Senate report no later than 60 days after the date of enactment of this Act.

Office of the Chief Administrative Officer

The conference agreement provides $49,991,000 for the Office of the Chief Administrative Officer, instead of $60,491,000 as proposed by the House and $98,491,000 as proposed by the Senate. Within the funding level for salaries and expenses is $1,000,000 for logistics and procurement personnel from across the Department to receive training and education through LOGTECH and related programs, that have benefitted Coast Guard personnel, as proposed by the House. The Senate provided no additional funding for this activity.

Headquarters Lease Consolidation Initiative

The conference agreement provides no funding for the consolidation of headquarters leases due to an inadequate justification and budget constraints. Currently DHS headquarters are located in over 40 fragmented locations in 105 lease arrangements. The conferees direct the Department to provide a more detailed plan and justification for its lease consolidation initiative, including projected

cost savings, in conjunction with the fiscal year 2011 budget request.

St. Elizabeths

The conferees direct the Department to continue periodic briefings on the St. Elizabeths headquarters consolidation project, including the Department's efforts to work with the local community and the National Capital Planning Commission to ensure issues such as parking and traffic management are properly addressed.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides $60,530,000 for the Office of the Chief Financial Officer (CFO) as proposed by the House instead of $63,530,000 as proposed by the Senate. The conferees concur with the recommendation on FTE annualization and program increases outlined in the Senate report. An additional reduction below the request is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 percent of those balances available in fiscal year 2010. The conference report includes a statutory provision withholding $5,000,000 until the CFO submits a financial management improvement plan that addresses the recommendations outlined in IG report OIG–09–72. The CFO is to brief the Committees on the outcomes of its independent program analyses as specified in the Senate report.

Transformation and Systems Consolidation

The conference agreement provides $17,800,000 for the Transformation and Systems Consolidation (TASC) project, as proposed by the House instead of $19,200,000 as proposed by the Senate. The reduction of $2,000,000 from the budget request is due to high unobligated balances that have resulted from program delays. The conferees direct the Department to report to the Committees within 60 days after the date of enactment of this Act, and every six months thereafter, on its efforts to consolidate their financial management systems, as outlined in the House report. These reports shall also include a detailed plan for the Department's migration to TASC, as outlined in the Senate report.

Annual Appropriations Justifications

The CFO is directed to submit all of its fiscal year 2011 budget justifications (classified and unclassified) concurrently with the submission of the President's budget request and at the level of detail specified in the House and Senate reports. The conferees further direct the CFO to ensure that, in the fiscal year 2011 budget justification, the enacted FTE numbers included in the documents for fiscal year 2010 accurately reflect the FTE levels funded in this Act. Finally, the CFO shall not permit any DHS component to alter the PPAs in the fiscal year 2011 budget submission into any account structure other than that contained in the detailed funding table included at the end of this statement without advance consultation with the Committees.

Impact of Changing Immigration Law for Guam and the Commonwealth of the Northern Mariana Islands

The conferees direct the Secretary to report to the Committees no later than January 15, 2010, on the changes in resources required for administering immigration and travel laws for Guam and the Commonwealth of the Northern Mariana Islands as outlined in the House report.

Expenditure Plans

The conferees continue to require expenditure plans for specific DHS programs. These plans are intended to provide Congress with information that allows it to effectively oversee particular programs and hold the Department accountable for program results. Required expenditure plans shall include, at a minimum: a description of how the plan satisfies any relevant legislative conditions for the expenditure plan; planned program capabilities and benefits; cost and schedule commitments; measures of progress against commitments made in previous plans; how the program is being managed to provide reasonable assurance that the promised program capabilities, benefits, and cost and schedule commitments will be achieved; historical funding for the program, if applicable; and an obligation and outlay schedule.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $338,393,000 for the Office of the Chief Information Officer (CIO) as proposed by the Senate instead of $281,593,000 as proposed by the House. Funding shall be allocated as follows:

Salaries and Expenses	$86,912,000
Information Technology Services	51,417,000
Security Activities	152,403,000
Homeland Secure Data Network	47,661,000
Total	$338,393,000

Data Center Development

The conference agreement provides not less than $82,788,000 within Security Activities for data center development as proposed by the Senate instead of $20,000,000 as proposed by the House. This includes $58,800,000 for data center development and operations and maintenance as requested in the budget, of which not less than $38,540,145 is for power capabilities upgrades at Data Center One in the amounts and for the purposes specifically listed in the Senate report. The CIO shall provide a briefing to the Committees no later than February 15, 2010, and quarterly thereafter, on the progress of data center development and migration.

Data Center Migration

In addition to the requested increase provided to this office for data center development and operations and maintenance, the conference agreement provides $91,200,000 specifically to various Departmental components for data center migration, for a total of $150,000,000. The conferees are aware that component data center

migration schedules may shift during the course of the fiscal year based on changing circumstances and priorities. As a result, the conference report includes a general provision allowing the Secretary to transfer funds made available for data center migration, if necessary, among components based on revised schedules and priorities with 15 days prior notice to the Committees. The CIO is also directed to include information on revised schedules in the quarterly briefings.

Departmental Priorities for Information Technology

The conferees recognize the difficulties faced by the CIO in integrating the information technology (IT) priorities and requirements across the Department. The Committees are often faced with weighing requests for resources for disparate IT requirements with limited visibility into the priorities within the DHS component IT requests or how those component requests are prioritized within the Department's overall IT plans. In order for the Committees to properly evaluate IT requests, it is essential that the CIO provide a clear accounting of IT activities and priority resource needs by Departmental component and for each fiscal year. The conferees direct the CIO to brief the Committees within 45 days after the date of enactment of this Act on the prioritized list of the Department's most pressing IT needs across all components, including but not limited to OneNet, United States Citizenship and Immigration Services business transformation, data center migration, the Transportation Security Administration's vetting and credentialing modernization, the Homeland Security Information Network, and TECS modernization. Quarterly briefings should be provided thereafter.

Federal Information Security Management Act

The conferees direct the CIO to brief the Committees, along with the appropriate DHS component CIOs, on the plan to improve Federal Information Security Management Act scores as outlined in the Senate report.

ANALYSIS AND OPERATIONS

The conference agreement provides $335,030,000 for Analysis and Operations instead of $345,556,000 as proposed by the House and $347,845,000 as proposed by the Senate.

Reports to Congress

As detailed in both the House and Senate reports, the Department has been exceptionally late submitting reports required by the Committees to oversee the expenditure of Intelligence and Analysis funds and to evaluate the progress made in establishing the State and Local Fusion Center (SLFC) program. These delays not only create an unacceptable lack of visibility into DHS's intelligence programs, but also disregard Congress' explicit direction to provide timely information. Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a fiscal year 2010 expenditure plan for the Office of Intelligence and Analysis as outlined in the Senate report, including balances carried forward

from prior years. In addition, the Secretary shall continue to submit quarterly reports on the SLFC Program not later than 30 days after the end of each quarter of the fiscal year, as discussed in the Senate and House reports.

National Applications Office and National Immigration Information Sharing Operation

The conference agreement provides no funding for the National Applications Office since this program was recently terminated by the Department. The conferees understand that activities currently carried out by the Department of the Interior Civil Applications Committee will be unaffected by this action.

The Department continues to develop the National Immigration and Information Sharing Operation (NIISO) program, but has substantially altered its scope to be more limited than past proposals. In addition, the Department is currently working with partner agencies to ensure that NIISO operates consistent with all existing laws and regulations. As a result, the conference agreement provides less than requested in the budget for the NIISO program since it seems unlikely operations will commence at the start of the fiscal year. In addition, the conference agreement includes a statutory provision that prohibits funding in this or any other Act from being obligated to commence NIISO operations until the Secretary certifies that NIISO complies with all existing laws, including applicable privacy and civil liberties standards, the GAO has reviewed such certification, and a notification pursuant to section 503 of this Act is submitted to the Committees.

Classified Programs

Recommended adjustments to classified programs are addressed in a separate classified annex.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The conference agreement provides $2,000,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding (OFCGCR) as proposed by both the House and the Senate. The office is directed to provide an expenditure plan for fiscal year 2010 no later than 60 days after the date of enactment of this Act, as specified in the Senate report. The conferees encourage OFCGCR to consolidate federal data on Gulf Coast recovery funding and measure impacts on key recovery indicators including repopulation, economic and job growth, reestablishment of local and State tax revenues, restoration of housing stock, and availability of critical services including health care, education, criminal justice, and fire protection. OFCGCR shall work with all appropriate stakeholders to identify and pursue a path forward to bring New Orleans Charity Hospital back on-line.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $113,874,000 for the Office of Inspector General (IG) instead of $111,874,000 as proposed by

the House and $115,874,000 as proposed by the Senate. Included within this amount are additional resources necessary to conduct U.S. Customs and Border Protection revenue oversight.

In addition to this direct appropriation, $16,000,000 shall be transferred from the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund (DRF) to the IG to continue and expand audits and investigations related to disasters. The IG is required to notify the Committees no later than 15 days prior to all transfers from the DRF.

FEMA Hiring Practices

As part of the request for FEMA's Management and Administration account, $35,000,000 is to resolve employee pay shortfalls resulting from inadequate hiring and budgeting guidelines and controls at FEMA. The conferees direct the IG to investigate the hiring practices of FEMA as it pertains to this issue and to report to the Committees within 90 days after the date of enactment of this Act. As part of the investigation, the IG shall evaluate whether or not the budget request of $35,000,000 is sufficient to rectify FEMA's structural pay deficiencies.

Audit Reports

The conferees direct the IG to withhold the release of any final audit or investigation reports requested by the Committees from public distribution for a period of 15 days.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. Customs and Border Protection

SALARIES AND EXPENSES

The conference agreement provides $8,064,713,000 for U.S. Customs and Border Protection (CBP) Salaries and Expenses instead of $7,615,797,000 as proposed by the House and $8,075,649,000 as proposed by the Senate. Of this amount, $1,418,263,000 is for Headquarters, Management, and Administration, including $402,263,000 for rent in a separate PPA line; $950,000 within the amounts appropriated for nine additional positions for oversight of Office of Information and Technology programs; and an additional $500,000 for four new positions for conduct and integrity oversight as specified in the Senate report.

A total of $2,749,784,000 is included for Border Security Inspections and Trade Facilitation, instead of $2,732,759,000 as proposed by the House and $2,770,048,000 as proposed by the Senate. Included in this amount is an additional $7,025,000 for 50 additional CBP Officers and 10 support positions to enhance Southwest border outbound operations and an additional $10,000,000 for procurement of non-intrusive inspection (NII) equipment, to be awarded under full and open competition.

Also included is $3,587,037,000 for Border Security and Control Between Ports of Entry, instead of $3,591,559,000 as proposed by the House and $3,576,759,000 as proposed by the Senate. With-

in this amount is an additional $19,478,000 for 100 additional Border Patrol agents and 23 associated support personnel; an additional $10,000,000 for NII equipment to be awarded under full and open competition; and not more than $800,000 for procurement of portable solar charging rechargeable battery systems, to be awarded under full and open competition.

In addition, $309,629,000 is included for Air and Marine Operations, as proposed by both the House and Senate.

Finally, the conference report makes $1,700,000 available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

The following table specifies funding by budget program, project, and activity:

Headquarters, Management, and Administration:	
Management and Administration, Border Security Inspections and Trade Facilitation	$520,575,000
Management and Administration, Border Security and Control Between Ports of Entry	495,425,000
Rent	402,263,000
Subtotal, Headquarters Management and Administration	1,418,263,000
Border Security Inspections and Trade Facilitation:	
Inspections, Trade, and Travel Facilitation at Ports of Entry	2,262,235,000
Harbor Maintenance Fee Collection (Trust Fund)	3,226,000
International Cargo Screening	162,000,000
Other International Programs	11,181,000
Customs-Trade Partnership Against Terrorism	62,612,000
Trusted Traveler Programs	11,274,000
Inspection and Detection Technology Investments	153,563,000
Automated Targeting Systems	32,560,000
National Targeting Center	26,355,000
Training	24,778,000
Subtotal, Border Security Inspections and Trade Facilitation	2,749,784,000
Border Security and Control between Ports of Entry:	
Border Security and Control	3,535,286,000
Training	51,751,000
Subtotal, Border Security and Control between POEs	3,587,037,000
Air and Marine Operations	309,629,000
Total	$8,064,713,000

Financial Plan

The conferees are disappointed with poor financial decisions made by CBP in fiscal year 2009, such as insufficiently linking hiring initiatives to available resources, and the failure to factor the impact of decreased international travel, and subsequent reductions in inspection fee revenue, into spending plans based on those fees. Because more visibility in financial planning is required for oversight, the conferees wish to see the presentation of CBP Salaries and Expenses at a level of detail, and with more clarity, than is currently displayed in the appropriation table by PPAs. However, the conferees also acknowledge the practical issues involved in revising the current PPA structure, which serves as a basis for financial control and establishes reprogramming baselines, and that any PPA change would necessarily have ripple effects in budget execution. To help develop a more useful display of CBP activities, and facilitate oversight by the Committees, the conferees di-

rect CBP to provide within 90 days after the date of enactment of this Act, a financial plan reflecting a detailed breakout of funding by office for each of the major PPAs in the Salaries and Expenses appropriation: Headquarters, Management, and Administration; Border Security, Inspections and Trade Facilitation; Border Security and Control Between the Ports of Entry; and Air and Marine Operations. This financial plan shall be updated in the congressional budget justification submitted by the Department in support of the fiscal year 2011 budget. This requirement is in lieu of the Senate report requirement for a new PPA structure and detailed expenditure plan. The fiscal year 2011 budget request should be submitted using the current PPA structure.

Data Center Migration

The conference agreement provides $33,650,000 for data center migration as proposed by the Senate instead of no funding as proposed by the House. CBP should consider reprogramming funds from within the Office of Information and Technology should additional funding for data center migration become necessary.

Intellectual Property Rights Enforcement

The conferees believe a greater focus needs to be brought to intellectual property rights (IPR) enforcement. CBP is directed to submit by December 15, 2009, a 5-year enforcement strategy to reduce IPR violations. The strategy shall include: a timeline for developing improved targeting models specifically for IPR, a timeline for implementing expanded training for all enforcement personnel, recommendations for strengthening penalties, a plan for creating a supply chain management program for IPR, and a timeline for expanding post audit reviews for IPR.

In addition, CBP, in consultation with the United States Patent and Trademark Office (PTO) and the United States Copyright Office (CO), is directed to submit a feasibility study to the Committees not later than April 16, 2010, for developing and implementing an opt-in or voluntary automated link between the Intellectual Property Rights e-Recordation online system and systems maintained by PTO and CO to allow rights holders to elect to record their rights with CBP. The study shall address project costs, infrastructure requirements, data collection requirements, and a timeline for implementing such an automated link.

Western Hemisphere Travel Initiative

The conference agreement provides $144,936,000 for the Western Hemisphere Travel Initiative (WHTI), as proposed by the House and Senate and requested in the budget. The conferees direct the DHS Office of Policy, with CBP, to provide semiannual briefings to the Committees on WHTI implementation, beginning not later than 30 days after the date of enactment of this Act. These briefings should begin detailing the transition of WHTI systems and infrastructure to regular inspection and trade and travel facilitation operations, and identify program elements and funding that will be non-recurred as WHTI is fully integrated into CBP base operations.

Northern Border Strategic Efforts

The conferees direct CBP to submit a report to the Committees not later than January 15, 2010, on staffing, funding, and implementation of Northern Border enforcement initiatives, as detailed in the House report.

Electronic System for Travel Authorization

The Electronic System for Travel Authorization (ESTA) provides automated electronic vetting of travelers from 35 visa waiver program (VWP) countries, including eight added in fiscal year 2008. CBP has received over 11,470,000 ESTA applications in fiscal year 2009, with an approximate rejection rate of 0.2 percent. While ESTA helps CBP screen incoming VWP travelers, the fact that airlines neither collect nor check ESTA information means there is no systematic way to prevent passengers who are not ESTA compliant from boarding U.S.-bound flights.

To assess ESTA performance, and the steps required to ensure all VWP travelers comply with ESTA, the conferees direct DHS to submit an ESTA strategic plan to the Committees not later than 90 days after the date of enactment of this Act. The strategic plan should include all elements specified in the House and Senate reports. To address ESTA's communications strategy, the plan should recommend how to ensure all travelers from VWP countries are aware of ESTA requirements. It should also review the relationship between ESTA and other offices with immigration/travel regulatory missions, and recommend improvements in coordination and efficiency, to include possibly merging ESTA within other components such as the VWP office or United States Visitor and Immigrant Status Indicator Technology.

International Cargo Screening

The conference agreement provides $162,000,000 for International Cargo Screening as proposed by the House, instead of $165,421,000 as proposed by the Senate. The conferees strongly support current efforts to reduce the vulnerability of international supply chains being used to smuggle illicit weapons, or being disrupted by such weapons. However, the conferees also recognize practical difficulties in trying to meet the statutorily mandated target of 100 percent scanning of U.S.-bound cargo in foreign ports. The conferees therefore direct CBP to report, not later than February 1, 2010, on its strategy to achieve meaningful and effective cargo and supply chain security, as described in the House report.

Textile Transshipment Enforcement

The conference agreement provides $4,750,000 for textile transshipment enforcement. The conferees direct CBP to submit a report with its fiscal year 2011 budget request on the execution of its five-year strategic plan for textile transshipment enforcement, as specified in the House report.

Project SeaHawk

The conferees encourage CBP to continue to work with the Department of Justice and local law enforcement on the Project SeaHawk law enforcement task force to the maximum extent possible.

Antidumping and Countervailing Duty Enforcement

The conferees have ensured that, within the amounts provided for in this account, there will be sufficient funds to administer the on-going requirements of section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c), referenced in subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; Stat. 154).

The conferees direct CBP to continue to work with the Departments of Commerce and Treasury, and the Office of the United States Trade Representative (and all other relevant agencies) to increase collections, and to provide a public report on an annual basis, within 30 days of each year's distributions under the law. The report should summarize CBP's efforts to collect past due amounts and increase current collections, particularly with respect to cases involving unfairly traded U.S. imports from China. The report shall provide the amount of uncollected duties for each antidumping and countervailing duty order, and indicate the amount of open, unpaid bills for each such order. In that report, the Secretary, in consultation with the other relevant agencies, including the Secretaries of Commerce and Treasury, should also advise as to whether CBP can adjust its bonding requirements to further protect revenue without violating U.S. law or international obligations, and without imposing unreasonable costs upon importers.

The conferees further direct the Secretary to work with the Secretary of Commerce to identify opportunities for the Department of Commerce to improve the timeliness, accuracy, and clarity of liquidation instructions sent to CBP. Increased attention and interagency coordination in these areas could help ensure that steps in the collection of duties are completed in a more expeditious manner.

Non-Intrusive Inspection Technology

The conference agreement provides a total of $163,563,000 within "Salaries and Expenses" for the purchase of NII technology instead of $183,563,000 as proposed by the Senate and $143,563,000 as proposed by the House, of which $10,000,000 is included in the Border Security and Control Between Ports of Entry PPA. The conferees direct CBP to award all NII funds through full and open competition.

Northern Border Security

The conferees expect DHS and CBP to devote the attention and funding needed to secure the Northern border. The conferees direct the Secretary to address the issues discussed in the House and Senate reports regarding the Northern border, update the August 2009 Northern Border Strategy, and meet the stated goal of deploying 2,212 Border Patrol agents along the Northern border in fiscal

year 2010. A briefing on the steps being taken to achieve these specific goals shall be provided to the Committees not later than December 15, 2009.

Rent

The conference agreement includes $402,263,000 for Rent in the Headquarters, Management, and Administration PPA, as proposed by the Senate, instead of in the proposed Facilities Management account, as proposed by the House. The conferees view keeping rental payments within the Salaries and Expenses appropriation as consistent with fully capturing and displaying the budgets of activities funded in that appropriation, in that rental costs are necessarily included in resource allocation decisions for program operations. At the same time, the conferees see value in being able to compare all facility related costs, whether rent, lease, or investment. The conferees therefore direct CBP to submit, with its justification materials accompanying the 2011 budget request, a consolidated presentation of all CBP facilities costs.

Additional Reports

The conferees direct the Secretary of Homeland Security to submit the reports called for in sections 563 and 568 of H.R. 2892 as amended by the Senate regarding, respectively, Operation Streamline and the improvement of cross-border inspection processes.

AUTOMATION MODERNIZATION

The conference agreement provides $422,445,000 for Automation Modernization instead of $462,445,000 as proposed by the House and Senate. Funds are available until expended. The total amount provided includes funding for the Automated Commercial Environment (ACE), the International Trade Data System (ITDS), legacy systems, and Critical Operations Protection and Processing Support (COPPS), the latter including modernization of the TECS system. Not less than $227,960,000 of the total appropriation is provided for ACE, of which $16,000,000 is for ITDS. Of the total provided for ACE, $50,000,000 is unavailable for obligation until 30 days after an expenditure plan, as specified in the House report, is submitted to the Committees. In addition, CBP is directed to continue submitting quarterly reports to the Committees on progress in implementing ACE.

Automated Commercial Environment

The conferees remain staunchly committed to completing the development and deployment of ACE. Significant capabilities have already been delivered to the trade community and to the employees of CBP. However, CBP continues to struggle and fail at program management, requirements development, contractor oversight, and delivering capabilities on time. It should be noted that what originally was a 5-year development plan has become a 20-year odyssey. CBP is again restructuring its approach to managing the development of ACE, including requiring future capability releases to undergo business case reviews. The reductions in funding

below the amount requested in the budget are prudent and should allow CBP to place Entry Summary Reconciliation and Cargo Release into a full business case review rather than proceeding with their development in fiscal year 2010 under the original plan.

TECS Modernization Expenditure Plan

The conference agreement provides $50,000,000, as requested in the budget, for TECS modernization, within the COPPS PPA funding levels. The conferees understand this joint effort between CBP and U.S. Immigration and Customs Enforcement (ICE) will be completed within the next five years, and direct CBP and ICE to provide semiannual joint briefings to the Committees beginning not later than December 1, 2009.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The conference agreement provides $800,000,000 for the integrated Border Security Fencing, Infrastructure, and Technology account as proposed by the Senate instead of $732,000,000 as proposed by the House. Funds are available until expended. The funding includes $92,000,000 for Program Management, of which $40,000,000 is for environmental and regulatory requirements and $52,000,000 is for personnel operations and support; $508,000,000 for Development and Deployment, of which $40,000,000 is for Northern border security technology investment, and of which $20,548,000 above the budget request is included to expedite P25 tactical communications modernization and to further technology design planning for Secure Border Initiative Network (SBInet) projects in Arizona; and $200,000,000 for Operations and Maintenance.

The conference agreement also makes $75,000,000 unavailable for obligation until the Committees receive and approve an expenditure plan that complies with conditions set forth in the conference report, and has been reviewed by the GAO. The conference report continues current law making no funding available until the Secretary certifies that CBP has complied with legal requirements for consultation with communities, federal agencies, and other stakeholders affected by planned deployment of fencing and tactical infrastructure, and, for projects for which the Secretary has exercised statutory authority to waive various environmental and other regulations and laws, until 15 days after public notice of such waiver.

Expenditure Plan

The conferees include statutory requirements for information to be included in the expenditure plan to be reviewed by the GAO. The conferees expect the plan will be submitted in a timely manner to the Committees and comply fully with the conditions set forth in this and related Acts.

The conferees direct that the plan provide specific details on how additional funding shall be used to expedite P25 tactical communications modernization.

The conferees are concerned about the delays in deployment for SBInet "Blocks" 1 and 2, while also recognizing the need to proceed carefully and to ensure steps are taken to address all mission

and operational test requirements. Therefore, the conferees also direct that the expenditure plan specify how additional funding included under this heading will be used to further key development and demonstrations in support of the launch of "Block 2". In addition to the expenditure plan requirements, the conferees direct CBP to brief the Committees as soon as preliminary results from "Block 1" operational field tests are available and prior to proceeding further with "Block 2" development.

Evaluation and Acceptance Criteria

The conferees continue to support expeditious deployment of effective technology to enhance CBP's execution of its border security mission, and recognize the renewed rigor with which CBP is evaluating the operational utility of such technology. In fiscal year 2010, the Office of Border Patrol (OBP) is expected to evaluate the SBInet "Block 1" increment through operational field testing along the Southwest Border. While OBP's operational requirements for border security technology are well documented, the criteria OBP will use to determine acceptance of the SBInet prime mission product remain unclear. The conferees direct CBP to delineate the evaluation and acceptance criteria for SBInet in the required BSFIT expenditure plan. CBP, along with the Science and Technology Directorate, are also directed to jointly brief the Committees prior to CBP commencing "Block 1" operational field testing on this criteria and how the criteria will be used to make an acceptance determination of SBInet.

Northern Border Technology

The conferees are concerned that not all options are receiving due consideration when allocating funding to deploy technology to Border Patrol sectors along the Northern Border. While proven commercial off-the-shelf (COTS) technology, such as cameras, can significantly leverage existing manpower, many Border Patrol stations lack such basic technology. At the same time, most Northern border technology investment is being put into one sector's integration center. The conferees direct that the expenditure plan, in describing Northern Border technology investments, explicitly address tradeoffs between intensive investments (by operation or location) versus providing COTS technology and support to more areas of the Northern Border. In addition, CBP is directed to continue, as part of the quarterly Secure Border Initiative (SBI) reports, a report on technology investment on the Northern border, as specified in the House report.

Reporting Requirements to the Committees

CBP is directed to include, within the fiscal year 2010 expenditure plan and as specified in the House report, its proposed environmental planning and mitigation plan. In lieu of providing in that plan a report on current and prior year environmental efforts, as proposed by the House, CBP shall brief the Committees no later than 90 days after the date of enactment of this Act. In the same briefing, CBP shall provide an assessment of the potential of "buff-

er areas" to facilitate mission and environmental goals, in lieu of a report in the expenditure plan, as proposed by the House.

In addition, DHS shall include in the quarterly SBI report details on BSFIT obligations and expenditures as specified in the House report, rather than submitting such information on a monthly basis.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conference agreement provides $519,826,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement instead of $513,826,000 as proposed by the House and $515,826,000 as proposed by the Senate. This includes $374,217,000 for Operations and Maintenance and $145,609,000 for Procurement. Within these amounts, an additional $6,000,000 is provided for software and system upgrades for the Air and Marine Operations Center, and an additional $8,000,000 is provided for marine vessels.

Marine Vessels

The conference agreement provides $14,500,000 for procurement of marine vessels, instead of $16,500,000 as proposed by the Senate and $6,500,000 as proposed by the House, an increase of $8,000,000 above the budget request. The conferees direct these funds to be awarded competitively and direct CBP to submit an updated strategic acquisition plan to the Committees as discussed in the House report.

Air and Marine Recapitalization

Congress, in fiscal year 2006, mandated CBP to submit a strategic plan for recapitalization of its aviation assets, subsequently expanded to include all its air and marine programs. In executing this plan, CBP has awarded contracts for the purchase and upgrade of aircraft and marine vessels, as well as implementation of the P–3 aircraft service life extension program. However, the conferees note that CBP has made little progress in retiring its aging assets or reducing the number of types of aircraft it flies. These trends could lead to higher maintenance costs and possibly the loss of assets needed to support the agency's border security missions. The conferees therefore direct the Commissioner to submit an updated strategic plan for air and marine recapitalization to the Committees with its fiscal year 2011 budget request, specifying the quantities and types of aging aircraft and marine vessels operated by CBP, their operating locations, and progress toward replacement or upgrade of such assets. The report shall include an estimate of the costs to maintain aging assets until they are retired, plans for mitigating the impact of increased maintenance on mission availability, and details on contracts awarded to purchase new, replacement aircraft and vessels, or upgrade existing assets. CBP is also directed to brief the Committees no later than December 15, 2009, on current air and marine asset maintenance costs and mission availability, and the remaining service life of aging assets.

CONSTRUCTION AND FACILITIES MANAGEMENT

The conference agreement provides $319,570,000 for Construction and Facilities Management instead of $682,133,000 for Facilities Management as proposed by the House, and $316,070,000 as proposed by the Senate. This includes $282,557,000 for Facility Construction and Sustainment and $37,013,000 for Program Oversight and Management. Within Facility Construction and Sustainment is an additional $39,700,000 for constructing and equipping the Advanced Training Center and an additional $3,500,000 for acquisition, design, and construction of CBP Air and Marine facilities at El Paso International Airport. No funding is provided for rent, which is funded in the Salaries and Expenses appropriation.

Port of Entry Construction

The conference agreement includes language requiring CBP, in consultation with GSA, to include a 5-year construction plan for land border ports of entry. The conferees direct DHS to continue to work with GSA to prioritize and address land border port of entry infrastructure needs, and to comply with requirements of the Public Buildings Act to seek necessary funding, as called for in the Senate and House reports.

Future Construction Needs

The conferees are disappointed that the fiscal year 2010 budget request includes no funds for ongoing or new construction projects. While significant funds have been provided to CBP as its workforce has seen exceptional growth, the expansion and replacement of aging and inadequate CBP facilities is not complete. The conferees expect future budget requests to include an adequate level of funding to continue modernization of CBP facilities to meet current security needs and the habitability needs of the CBP workforce.

Rural and Remote Housing

The conferees expect DHS to work to ensure adequate housing for its personnel in rural and remote areas, particularly with the significant increase of CBP personnel deployed to the Northern and Southwest Borders, and direct the Department to submit to the Committees no later than December 15, 2009, a Quarters Management Plan as described in the House report.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conference agreement provides $5,342,134,000 for U.S. Immigration and Customs Enforcement (ICE) Salaries and Expenses instead of $5,313,193,000 as proposed by the House and $5,360,100,000 as proposed by the Senate. Within the total amount, not less than $1,500,000,000 is for efforts to identify individuals illegally present in the United States who have criminal records, whether incarcerated or at-large, and to remove these aliens once they have been judged deportable in immigration court.

The conferees direct ICE to report within 30 days after the date of enactment of this Act to the Committees on how it will allocate program funds to fulfill this requirement.

The conference report includes a statutory requirement regarding IG reviews of ICE's 287(g) agreements for compliance with the terms of Memoranda of Understanding signed between the agency and local law enforcement organizations, and also prohibits the expenditure of funds on contracts with detention centers that repeatedly fail to comply with ICE detention standards.

The following table specifies funding levels by budget activity:

Headquarters Management and Administration	$512,337,000
Legal Proceedings	221,666,000
Domestic Investigations	1,649,551,000
International Investigations:	
International Operations	112,872,000
Visa Security Program	30,686,000
Subtotal, International Investigations	143,558,000
Intelligence	69,842,000
Detention and Removal Operations:	
Custody Operations	1,771,168,000
Fugitive Operations	229,682,000
Criminal Alien Program	192,539,000
Alternatives to Detention	69,913,000
Transportation and Removal Program	281,878,000
Subtotal, Detention and Removal Operations	2,545,180,000
Identification and Removal of Criminal Aliens	200,000,000
Total, ICE Salaries and Expenses	$5,342,134,000

Management and Administration

Within Management and Administration, the conference agreement includes $47,123,000 for ICE field office collocation as proposed by the House and instead of $57,000,000 as proposed by the Senate. A statutory restriction in the conference report withholds from obligation all non-personnel and non-planning costs for field office collocation until ICE submits a plan for nationwide expansion of the Alternatives to Detention program. In addition, the conference agreement includes $23,850,000 for ICE data center consolidation, as proposed by the Senate instead of no funding as proposed by the House. The conference report also includes authority to transfer up to $10,000,000 from the ICE Automation Modernization account to Salaries and Expenses for data center migration, if ICE determines this to be a higher priority.

Prioritizing the Removal of Deportable Criminal Aliens

The conference report includes $200,000,000 exclusively for ICE efforts to identify and remove deportable criminal aliens as proposed by the House, instead of $195,589,000 as proposed by the Senate. ICE has branded these efforts "Secure Communities," and the conferees continue to have strong interest in the implementation and expansion of this program. As a result, the conference agreement includes a statutory requirement for ICE to report to the Committees, within 45 days of the close of each quarter of the fiscal year, on progress to make sure all aliens who have been con-

victed of crimes and ordered removed from the United States are indeed deported to their country of origin.

The conferees include statutory language directing ICE to allocate not less than $1,500,000,000 of its total Salaries and Expenses budget to the identification and removal of criminal aliens, indicating the high level of attention the conferees expect ICE immigration enforcement managers will place on finding and deporting those who have already proved their ability to harm U.S. citizens and legal residents. The conferees recognize the complex mix of competing priorities confronting ICE when enforcing immigration laws, and have provided record appropriations since 2007 to support all ICE immigration enforcement activities. Despite this robust level of funding, ICE has been unable to fully develop a capacity to identify all individuals who have been convicted of criminal offenses, ordered removed from the country, and are in law enforcement custody. The conferees expect ICE will continue to make significant progress establishing the Secure Communities program at booking locations, jails and prisons throughout the country in fiscal year 2010. Within 30 days of the enactment of this Act, the conferees direct ICE to submit to the Committees an explicit plan for how the agency will allocate these program resources to the identification and removal of deportable criminal aliens.

The conferees note that ICE has had initial success deploying the Secure Communities program to more than 40 locations nationwide. Data indicate that Secure Communities helped ICE issue more than 6,000 immigration detainers at these locations between October 2008 and April 2009, many of which were for individuals convicted of serious offenses such as rape, armed robbery, and violent drug-related crimes. As in past years, the conferees include a statutory requirement for ICE to prioritize the removal of aliens convicted of crimes by the severity of that crime to ensure the most dangerous criminal aliens are not simply released back into the U.S. after the completion of their criminal sentences.

Southwest Border Enforcement Initiative

The conferees note the vigor with which ICE has rapidly devoted resources toward the enhancement of law enforcement efforts along the Southwest border in response to the increase in cross-border crime in fiscal year 2009. These efforts include the establishment of 10 Border Enforcement Security Task Forces (BESTs) along the Southwest border to better utilize the collective capabilities of Federal, State, local, and international law enforcement partners. Furthermore, ICE has signed new agreements with the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to strengthen and better coordinate Federal law enforcement efforts to thwart the smuggling of drugs, bulk cash, weapons, illegal aliens, and other contraband by transnational criminal organizations. While very supportive of these efforts, the conferees believe ICE must examine the broader resource implications and sustainability of this new operational posture in the context of achieving the objectives of the National Southwest Border Counternarcotics Strategy (the Strategy), released on June 5, 2009. ICE is directed to brief the Committees no

later than December 15, 2009, on its efforts to effectively align resources to the Strategy's goals for border enforcement.

To support ICE efforts along the Southwest border in combating crime related to transnational smuggling and illicit trade, the conference agreement provides a total of $100,000,000, $30,000,000 more than requested. Of these amounts, an additional $10,000,000 is for BEST team expansion, which includes $2,000,000 for intelligence activities; an additional $10,000,000 is for counter-proliferation investigations, including anti-gun smuggling activities; and an additional $10,000,000 is for investigations of transnational gangs.

The conferees are aware of ongoing efforts to coordinate the investigative activities of DHS and the Department of Justice (DOJ) along the Southwest border. The conferees commend the Administration for this plan to expand and share network ballistics imaging technology with Mexican law enforcement agencies as part of the Strategy. As discussed in the Senate report, the sharing of ballistics information can potentially generate significant leads for investigations into gun violence and weapons smuggling. The conferees encourage DHS to continue to work closely with the DOJ to ensure appropriate protocols are in place to share ballistic information between the two agencies and with Mexican law enforcement partners to further collective investigative efforts.

Detention Bed Spaces

The conference report includes a provision directing that a level of 33,400 detention beds shall be maintained throughout fiscal year 2010.

Detention Standards Oversight and Compliance

As discussed in both the House and Senate reports, the conferees support ICE's proposal to expand the Office of Professional Responsibility and Detention Facilities Inspection Group, and provide an increase of $2,100,000 over the budget request for these programs in fiscal year 2010 to address workplace fraud as proposed by the Senate.

Alternatives to Detention

The conference agreement provides $69,913,000 for Alternatives to Detention programs instead of $73,913,000 as proposed by the House and $63,913,000 as proposed by the Senate. Included in the conference report is a statutory restriction on expenditure of ICE appropriations on field office collocation until ICE submits to the Committees a plan for nationwide deployment of the Alternatives to Detention program.

Detention and Removal Reporting

ICE is directed to continue to submit quarterly reports on detention and removal statistics, as discussed in the Senate report.

ICE Investigations

The conference agreement provides $1,649,551,000 for ICE domestic investigations instead of $1,643,360,000 as proposed by the House and $1,666,551,000 as proposed by the Senate. The conference agreement also provides $143,558,000 for ICE international investigations instead of $144,758,000 as proposed by the House and $143,058,000 as proposed by the Senate. Within the funding provided for international investigations, the conference agreement includes $30,686,000 for ICE Visa Security Units instead of $31,886,000 as proposed by the House and $30,186,000 as proposed by the Senate.

ICE Worksite Enforcement

The conference agreement provides $134,778,000 for ICE worksite enforcement investigations, an increase of $6,000,000 above the amount requested in the budget, as discussed in the Senate report.

State and Local Programs

The conference agreement includes a total of $117,394,000 for State and Local Programs as proposed by both the House and Senate. Within this total, $68,047,000 is for the 287(g) program; $14,357,000 is provided for the Forensics Document Laboratory, which supports all ICE investigatory programs and offers specialized assistance to State and local law enforcement agencies; and $34,990,000 is for the Law Enforcement Support Center.

Deportation of Parents of U.S.-Born Children

As discussed in the House and Senate reports, ICE does not currently track in any meaningful or comprehensive way, information about the removal of alien parents of U.S.-born children. In order to better understand the scale and intricacies of this issue, the conferees direct ICE to submit, within 60 days after the date of enactment of this Act, an evaluation of the process and data management system changes necessary to track the information discussed in both the House and Senate reports, including a timeline for implementing the required changes in fiscal year 2010. ICE is directed to begin collecting data on the deportation of parents of U.S.-born children no later than July 1, 2010, and to provide the data at least semi-annually to the Committees and the Office of Immigration Statistics.

Textile Transshipment Enforcement

As discussed in the House report, the conference agreement includes $4,750,000 for textile transshipment enforcement, as authorized by section 352 of the Trade Act of 2002. Concurrent with its fiscal year 2011 budget submission, ICE should report on this activity as discussed in the House report.

AUTOMATION MODERNIZATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $90,000,000 for Automation Modernization instead of $105,000,000 as proposed by the House and $85,000,000 as proposed by the Senate. Included in this amount is the full budget request for the TECS and Atlas modernization programs, and for ICE efforts to convert health records to digital format. The conferees direct ICE to provide, within 30 days from the date of enactment of this Act, a briefing that identifies the funding levels to be allocated to other programs funded in this account. In addition, the conference report includes a statutory restriction withholding $10,000,000 of the Automation Modernization appropriation from obligation until ICE submits a detailed fiscal year 2010 expenditure plan for this account. Should ICE determine that data center migration is a higher priority than its various automation modernization programs, it may transfer up to $10,000,000 from this account to "Salaries and Expenses" for this purpose.

CONSTRUCTION

The conference agreement provides an additional $4,818,000 for ICE construction, which funds basic and emergency maintenance at ICE-owned detention facilities instead of $11,818,000 as proposed by the House and no funding as proposed by the Senate.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conference agreement provides $5,214,040,000 for Aviation Security instead of $5,265,740,000 as proposed by the House and $5,233,328,000 as proposed by the Senate. In addition to the amounts appropriated, a mandatory appropriation totaling $250,000,000 is available through the Aviation Security Capital Fund. Statutory language reflects the collection of $2,100,000,000 from aviation user fees, as authorized. The following table specifies funding by budget activity:

Screening Operations:	
Screener Workforce:	
Privatized screening	$149,643,000
Screener personnel, compensation, and benefits	2,758,575,000
Subtotal, screener workforce	2,908,218,000
Screening training and other	204,713,000
Checkpoint support	128,739,000
EDS/ETD Systems:	
EDS procurement and installation	778,300,000
Screening technology maintenance and utilities	316,625,000
Operation integration	21,481,000
Subtotal, EDS/ETD systems	1,116,406,000
Subtotal, screening operations	4,358,076,000
Aviation Security Direction and Enforcement:	
Aviation regulation and other enforcement	254,064,000
Airport management and support	453,924,000
Federal flight deck officer and flight crew training	25,127,000

Air cargo	122,849,000
Subtotal, aviation security direction and enforcement	855,964,000
Total, Aviation Security	$5,214,040,000

Privatized Screening

The conference agreement provides $149,643,000 for Privatized Screening as proposed by the House and Senate. The Transportation Security Administration (TSA) is directed to approve the applications of airports that are seeking to participate in the screening partnership program that meet all of TSA's criteria, including the determination that contract screening can be provided at that location in a cost-effective manner.

Screener Personnel, Compensation, and Benefits

The conference agreement provides $2,758,575,000 for Screener Personnel, Compensation, and Benefits as proposed by the Senate instead of $2,788,575,000 as proposed by the House. Within this funding, the conferees have approved $211,861,214 for behavior detection officers, an increase of 126 new behavior detection officer FTEs to enhance ongoing activities at the nation's larger airports. As discussed in the Senate report, no later than 60 days after the date of enactment of this Act, TSA shall report on the scientific basis for using behavior pattern recognition for observing airline passengers for signs of hostile intent, the effectiveness of this program in meeting its goals and objectives, and the justification for expanding the program. GAO shall review this report and provide its findings to the Committees no later than 120 days after the report is submitted to the Committees.

The conferees agree with the Senate recommendation to reduce funding below the request in this account due to repeated large carryover balances. With the large influx of funding provided by ARRA and this Act, TSA is able to greatly expedite the deployment of next generation technologies at the checkpoint and to install significantly more in-line explosives detection systems, thereby permitting a reduction in personnel. TSA shall report to the Committees, in tandem with the fiscal year 2011 budget, on the savings achieved and anticipated by fiscal year from the installation of the new systems. The report shall specifically address FTE savings.

TSA shall provide a briefing within 30 days after submission of the fiscal year 2011 Congressional Budget Justification presenting a revised fiscal year 2011 budget structure for the Committees consideration that includes an appropriation for personnel and related operational expenses with a one-year availability.

Screener Training and Other

The conference agreement provides $204,713,000 for Screener Training and Other as proposed by the House instead of $203,463,000 as proposed by the Senate. Within the funds provided is $1,250,000 for the Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improved explosive detection recognition training.

Checkpoint Support

The conference agreement provides $128,739,000 for Checkpoint Support as proposed by the House and Senate. TSA shall move to a fully competitive procurement process for checkpoint support equipment no later than September 30, 2010, and update the Committees periodically on the progress it is making to meet this requirement. As discussed under "Transportation Security Support", TSA shall provide an expenditure plan on checkpoint support expenditures on an airport-by-airport basis.

Within 60 days after the date of enactment of this Act, TSA shall report to the Committees on the details and strategy for a comprehensive program to ensure passenger privacy related to the whole body imaging (WBI) program. At a minimum, this strategy should include: off-site monitoring; adequate privacy safeguards by software or other means; procedures to prohibit storing, transferring, or copying any images produced by the machines; and a concept of operations plan for those passengers that choose a physical search rather than WBI screening.

Explosives Detection Systems

A total of $1,028,300,000 is available for Explosives Detection Systems (EDS) procurement and installation. Within this total, the conference agreement provides $778,300,000 in discretionary funding instead of $800,000,000 as proposed by the House and $802,169,000 proposed by the Senate. An additional $250,000,000 in mandatory funding is available from the Aviation Security Capital Fund. Not less than 28 percent of the funds provided shall be available for the purchase and installation of certified EDS at medium- and small-sized airports as proposed by the Senate instead of 25 percent as proposed by the House. Any award to deploy EDS shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

TSA shall move to a fully competitive EDS procurement process no later than September 30, 2010, and update the Committees periodically on the progress it is making to meet this requirement.

The 9/11 Act requires that TSA prioritize funding for in-line baggage system deployment using a risk-based model, to include consideration of those airports incurring eligible costs for EDS that were not recipients of funding agreements under 49 U.S.C. 44923. The TSA expenditure plan, discussed under "Transportation Security Support", shall identify those airports that have petitioned TSA for support and include these airports as part of the risk-based prioritization analysis of airport projects for determining funding eligibility pursuant to section 1604(b)(2) of the 9/11 Act.

As discussed in the House report, TSA is encouraged to consider using funds for dedicated pre-engineered structures related to optimal screening solutions for EDS installations.

The conferees continue to be interested in the feasibility of consolidating checkpoint and checked baggage systems at medium- and small-sized airports and direct TSA to expeditiously submit the report required by February 16, 2009, on this topic.

Screening Technology Maintenance and Utilities

The conference agreement provides $316,625,000 for Screening Technology Maintenance and Utilities as proposed by the House instead of $326,625,000 as proposed by the Senate. The conferees remain interested in controlling the growing maintenance costs of the agency's screening technologies and understand that TSA is working with vendors to develop equipment with greater throughput and lower maintenance costs. The conferees support this effort and encourage TSA to look for ways to control costs in this area in the future.

Airport Management and Support

The conference agreement provides $453,924,000 for airport management and support as proposed by the House instead of $448,424,000 as proposed by the Senate. Within this funding is $5,500,000 for the flight data initiative to support aircraft installation and flight testing by September 30, 2011.

Air Cargo

The conference agreement provides $122,849,000 for Air Cargo as proposed by the House instead of $115,018,000 as proposed by the Senate. Within the funds provided: $4,730,000 is for testing, evaluation, and qualification of existing technologies for use in air cargo to assist the fresh fruit industry and others in complying with new cargo screening requirements; $2,200,000 is for inspectors and canine teams to convert 35 legacy teams to proprietary teams; $3,450,000 is for 50 new inspectors to address the additional inspection workload related to the 100-percent screening mandate and other regulatory responsibilities; and $4,350,000 is for deployment of skid-level and palletized screening technologies, including vapor detection and metal detection technologies, to meet the 100-percent screening mandate.

TSA is encouraged to continue its efforts to assist the fresh fruit industry in complying with new cargo scanning requirements and to expedite the development and approval of efficient and effective cargo screening technologies.

TSA is directed to regularly brief the Committees on the results of its air cargo pilot before a nationwide rollout and identify any impediments it may have in meeting the 100-percent air cargo screening requirement by August 2010.

No later than 60 days after the date of enactment of this Act, TSA shall submit an expenditure plan to the Committees on the allocation of air cargo funds, including carryover balances.

SURFACE TRANSPORTATION SECURITY

The conference agreement provides $110,516,000 for Surface Transportation Security instead of $103,416,000 as proposed by the House and $142,616,000 as proposed by the Senate. Within this total, $42,293,000 is for surface transportation staffing and operations and $68,223,000 is for surface transportation security inspectors and canines.

Within the funds provided for surface transportation security inspectors and canines, the conferees provide $7,100,000 for 100 new surface transportation inspectors, allowing TSA to fulfill 9/11 Act requirements. Due to TSA delays in hiring, the conferees provide $25,000,000, half the increased funding requested, for new rail inspectors to create 15 new Visible Intermodal Protection and Response (VIPR) teams. These funds cannot be obligated until TSA provides an expenditure plan detailing how and where these new VIPR teams will be deployed.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The conference agreement provides a direct appropriation of $171,999,000 for Transportation Threat Assessment and Credentialing as proposed by the House and the Senate. In addition, the conferees have moved all fee funded screening activities into this account. TSA anticipates it will collect $47,620,000 in fees. Funding is provided as follows:

Direct Appropriations:	
Secure flight	$84,363,000
Crew and other vetting programs	87,636,000
Subtotal, direct appropriations	171,999,000
Fee Collections:	
Transportation worker identification credential	9,000,000
Hazardous materials	15,000,000
Alien flight school (transfer from DOJ)	4,000,000
Certified cargo screening program	5,200,000
Large aircraft security program	1,600,000
Secure identification display area checks	10,000,000
Other security threat assessments	100,000
General aviation at DCA	100,000
Indirect air cargo	2,600,000
Sensitive security information	20,000
Subtotal, fee collections	$47,620,000

Secure Flight

The conference agreement provides $84,363,000 for Secure Flight as proposed by the House and Senate. The conferees do not include a general provision as proposed by the Senate prohibiting funds to be used to test algorithms assigning risk to passengers whose names are not on a government watch list or to use databases that are under control of a non-Federal entity because these activities are not permitted by the final Secure Flight rule. Any change beyond the scope of this rule would require a new rulemaking.

TSA shall report within 90 days after the date of enactment of this Act on the progress it has made in addressing GAO's Secure Flight recommendations related to the name matching system, appropriate life cycle costs, schedule estimates, and its assessment on the impact of modifications to the Computer Assistance Passenger Pre-Screening System rules on air carriers. In addition, the conferees direct GAO to continue its review of the Secure Flight program until all conditions are generally achieved, and periodically update the Committees on its findings.

As directed in the Senate report, TSA shall brief the Committees on any security concerns related to passengers providing

fraudulent documents when making an airline reservation and discuss how this will be addressed.

No funds appropriated for crew and other vetting programs may be used to supplement the amount provided for the Secure Flight program, subject to section 503 of this Act.

TRANSPORTATION SECURITY SUPPORT

The conference agreement provides $1,001,780,000 for Transportation Security Support instead of $992,980,000 as proposed by the House and $999,580,000 as proposed by the Senate. Funding is provided as follows:

Headquarters administration	$248,929,000
Information technology	498,310,000
Human capital services	226,338,000
Intelligence	28,203,000
Total, Transportation Security Support	$1,001,780,000

Information Technology

The conference agreement includes $498,310,000 for Information Technology instead of $489,510,000 as proposed by the House and $496,110,000 as proposed by the Senate. Within this total is $8,800,000 for data center migration.

Expenditure Plans

The conference report includes language requiring TSA to submit detailed expenditure plans to the Committees for air cargo security, and for checkpoint support and EDS procurement, refurbishment, and installations is on an airport-by-airport basis for fiscal year 2010. These plans are due no later than 60 days after the date of enactment of this Act. The conference report withholds $20,000,000 of the total amount provided for Headquarters Administration from obligation until the detailed expenditure plans are received. TSA shall provide quarterly updates on EDS and checkpoint expenditures, on an airport-by-airport basis. These updates shall include information on the specific technologies to be purchased, project timelines, a schedule for obligation, and a table detailing actual versus anticipated unobligated balances at the close of the fiscal year, with an explanation of any deviation from the original plan. TSA may reassess and reallocate funds in the expenditure plan if new requirements occur throughout the fiscal year, after providing notification to the Committees on the change within the quarterly report.

Risk Assessments

As discussed in the Senate report, TSA is directed to submit expeditiously a report as directed in Senate report 110–396, related to risk analysis and resource allocations across all transportation modes. The report can be submitted in a classified or unclassified format.

FEDERAL AIR MARSHALS

The conference agreement provides $860,111,000 for the Federal Air Marshals (FAMs), as proposed by the House and Senate. Within the total appropriation provided, $762,569,000 is for management and administration and $97,542,000 is for travel and training. TSA shall continue to provide quarterly reports on the FAMs mission coverage, staffing levels, and hiring rates as directed in previous appropriations Acts.

As discussed in the House report, the conferees direct the Department to reassess the long-term staffing levels for FAMs. The assessment should include a determination of the appropriate mix of staff required on a day-to-day basis; an identification of the types and numbers of flights FAMs should regularly be assigned to; whether legislative changes may be necessary to better tailor how FAMs deploy on a daily basis; and a detailed discussion on the methodology used to justify this optimal staffing mix. This assessment is due no later than February 1, 2010.

COAST GUARD

OPERATING EXPENSES

The conference agreement provides $6,805,391,000 instead of $6,822,026,000 as proposed by the House and $6,838,291,000 as proposed by the Senate. Within this amount, $581,503,000 is available for defense-related activities, including $241,503,000 for overseas contingency operations. Funding for operating expenses shall be allocated as follows:

Military pay and allowances:	
Military pay and allowances	$2,718,493,000
Military health care	371,399,000
Permanent change of station	164,620,000
Subtotal, Military pay and allowances	3,254,512,000
Civilian pay and benefits	699,794,000
Training and recruiting:	
Training and education	103,417,000
Recruitment	102,761,000
Subtotal, Training and recruiting	206,178,000
Operating funds and unit level maintenance:	
Atlantic Command	177,474,000
Pacific Command	195,943,000
1st District	60,074,000
5th District	21,941,000
7th District	78,338,000
8th District	49,276,000
9th District	31,672,000
11th District	17,641,000
13th District	23,060,000
14th District	19,289,000
17th District	29,829,000
Headquarters directorates	288,630,000
Headquarters managed units	158,901,000
Other activities	882,000
Subtotal, Operating funds and unit level maintenance	1,152,950,000
Centrally managed accounts	334,275,000
Intermediate and depot level maintenance:	
Aeronautical	365,291,000
Electronic	155,101,000

Civil/ocean engineering and shore facilities	183,929,000
Vessel	211,858,000
Subtotal, intermediate and depot level maintenance	916,179,000
Overseas Contingency Operations	241,503,000
Total, Operating Expenses	$6,805,391,000

Overseas Contingency Operations

The conference agreement provides $241,503,000 for Coast Guard operations in support of overseas contingency operations requirements as proposed by the House and Senate. Funding for these activities was requested in the Department of Defense budget for the Navy. Consistent with actions taken in P.L. 111–32, the conferees have instead appropriated these funds directly to the Coast Guard. The conferees believe providing these funds within the appropriate agency budgets in annual appropriations, rather than by transfer in supplementals, improves visibility and opportunities for effective oversight. The Coast Guard may allocate these funds across its traditional PPAs in the Operating Expenses account, without regard to section 503 of this Act. The Coast Guard is directed to provide a plan no later than 60 days after the date of enactment of this Act on the distribution of these funds by PPA, and shall provide a quarterly report within 45 days of the end of each quarter on the actual and planned distribution of these funds.

Financial Management

The conferees direct the Coast Guard to provide a report on the progress of the Financial Strategy for Transformation and Audit Readiness initiative no later than six months after the date of enactment of this Act, as outlined in the House report. Furthermore, the conferees direct the Coast Guard to periodically update the Committees on progress made toward attaining a clean audit, as proposed by the Senate.

Reporting Requirements Withholding

The conferees note that despite legislative mandates the Coast Guard has failed to produce an expenditure plan for the Integrated Deepwater Systems program, a Capital Investment Plan, or Quarterly Acquisition Reports in time to be of use during the fiscal year 2010 appropriations process. In an effort to encourage timely submissions to the Committees of materials necessary for robust and informed oversight, the conference report withholds $50,000,000 from obligation from the Coast Guard's Headquarters Directorates PPA until the Revised Deepwater Implementation Plan, a comprehensive five-year Capital Investment Plan for fiscal years 2011–2015, and the Quarterly Acquisition Report for the second quarter of fiscal year 2010 have been submitted to the Committees.

Biometrics at Sea

The conferees direct the Coast Guard to brief the Committees on its plans for the future growth of the Biometrics at Sea program no later than 60 days after the date of enactment of this Act, as outlined in the House report.

Counternarcotics Enforcement

The conferees provide $4,000,000 above the budget request to enhance Coast Guard counternarcotics enforcement efforts, instead of $5,735,000 as proposed by the House. No additional funding for this activity was proposed by the Senate. The Coast Guard is directed to report to the Committees no later than 15 days after the date of enactment of this Act on how these funds will be applied to specific counternarcotics programs. The application of these additional funds may include expansion of Airborne Use of Force and Law Enforcement Detachment capabilities and should be based upon the Coast Guard's most pressing resource needs related to counternarcotics enforcement in the source and transit zones.

Critical Depot Level Maintenance

The conference agreement provides $10,000,000 above the budget request to address the Coast Guard's significant backlog for critical depot level maintenance for aging surface, air, and shore assets, instead of $20,000,000 as proposed by the Senate and $5,000,000 as proposed by the House for cutter maintenance. These additional funds will address crew safety, habitability, hazardous materials remediation, emergency and scheduled maintenance, and spare parts availability requirements, as described in the Senate report.

Long Range Aids to Navigation—C (LORAN–C)

The conference agreement includes $12,000,000 above the request for LORAN–C, instead of $36,000,000 as proposed by the House and $18,000,000 as proposed by the Senate. The conference agreement includes and modifies a general provision (Sec. 559), as proposed by the Senate continuing LORAN–C operations through January 4, 2010. LORAN–C operations shall continue beyond that date unless the Commandant of the Coast Guard certifies that the termination of the LORAN–C signal will not adversely impact the safety of maritime navigation and the Secretary certifies that the LORAN–C system infrastructure is not needed as a backup to the Global Positioning System (GPS) or to meet any other Federal navigation requirement. If the Commandant and Secretary make such certifications, the Coast Guard shall commence a phased decommissioning of the LORAN–C infrastructure, and provide a detailed termination plan for the system to the Committees within 30 days of certification.

If the required certifications are met, section 559 also permits the Secretary to sell LORAN–C property to offset the costs of environmental compliance and restoration, including costs of securing and maintaining equipment that may be used as a backup to GPS.

Operations Systems Center

The conference agreement includes $3,600,000 above the budget request, as proposed by the Senate, for customized tenant improvements in conjunction with the Operations Systems Center (OSC) expansion project. The House provided no additional funding for this activity. The OSC continues to experience steady growth in

both the number of systems being developed and the number of staff required to support those systems. Currently, 500 government and contractor personnel work at the OSC. The existing main facility space has been at capacity for four years and it will not accommodate the expected growth to over 900 staff. The Coast Guard is currently housing several employees in temporary trailers. The Coast Guard is directed to work with GSA to produce a prospectus no later than 60 days after the date of enactment of this Act for this expansion and to complete a competitively awarded lease.

Data Center Migration

The conference agreement provides no funds for Coast Guard data center migration as proposed by the House instead of $20,400,000 as proposed by the Senate.

Polar Icebreaking Operations and Maintenance Funding

The conferees expect polar icebreaking operations and maintenance budget authority and associated FTE to be included in the Coast Guard's budget request for fiscal year 2011. The National Science Foundation and Coast Guard shall update the existing Memorandum of Agreement to reflect the change in budget authority as proposed by the Senate. Furthermore, the conferees direct the Coast Guard to follow the direction regarding the high latitude study as outlined in the House report.

Invasive Species Protection

The conferees are concerned about the threat that harmful invasive species, such as the Asian carp, pose to the Great Lakes ecosystem. The conferees are aware that the Chicago Sanitary and Ship Canal second dispersal barrier recently went to higher operating parameters. The Coast Guard is encouraged to continue working in conjunction with the U.S. Army Corps of Engineers on any safety testing of the electrical parameters deemed necessary.

Watchstanders

The conference agreement provides $500,000 above the budget request to meet increased operational demands and to enhance situational awareness and information sharing in Coast Guard command centers, instead of an additional $1,000,000 as proposed by the Senate. The House proposed no additional funding for this activity.

Coast Guard Yard

The conferees recognize the Coast Guard Yard at Curtis Bay, Maryland, is a critical component of Coast Guard's core logistics capability that directly supports fleet readiness. The conferees further recognize the Yard has been a vital part of the Coast Guard's readiness and infrastructure for more than 100 years and believe that sufficient industrial work should be assigned to the Yard to maintain this capability.

Security of Liquefied Natural Gas Operations

The conferees direct the Secretary, in conjunction with the Commandant, to submit a report assessing whether the Coast Guard has sufficient resources to protect Liquefied Natural Gas (LNG) tankers and facilities, and recommendations for strengthening the Coast Guard's security role not later than six months after the date of enactment of this Act, as outlined in the Senate report. Furthermore, the conferees direct the Coast Guard to report to the Committees on the impact of a proposed LNG facility in Fall River, Massachusetts on boat traffic, as outlined in the Senate report, no later than six months after the date of enactment of this Act.

National Vessel Documentation Center

The conferees understand that user fee collections, which help offset the costs of Coast Guard activities at the National Vessel Documentation Center (NVDC), have decreased due to the economic downturn. The Coast Guard shall avoid any reduction in the NVDC's government-employed or contract staff levels ordinarily funded through proprietary receipts made available in this or any other Act by reassigning such staff to non-fee related Coast Guard activities.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement provides $13,198,000 for Environmental Compliance and Restoration as proposed by the House and Senate. The conferees direct the Coast Guard to provide the prioritized list outlining the Environmental Compliance and Restoration backlog and five-year restoration plan within six months after the date of enactment of this Act, as outlined in the House report.

RESERVE TRAINING

The conference agreement provides $133,632,000 for Reserve Training as proposed by the House and Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement provides $1,537,080,000 for Acquisition, Construction, and Improvements instead of $1,347,480,000 as proposed by the House and $1,597,580,000 as proposed by the Senate. Funding is provided as follows:

Vessels:	
Response boat—medium	$121,000,000
Subtotal, Vessels	121,000,000
Other Equipment:	
National distress and response system modernization (Rescue 21)	117,000,000
HF recapitalization	2,500,000
Interagency Operations Centers (Command 21)	10,000,000
Subtotal, Other Equipment	129,500,000
Personnel and Related Support:	
Core acquisition costs	500,000

Direct personnel costs	104,700,000
Subtotal, Personnel and Related Support	105,200,000
Integrated Deepwater Systems:	
Aircraft:	
Maritime patrol aircraft	138,500,000
HH–60 conversion projects	45,900,000
HC–130H conversion/sustainment projects	45,300,000
HH–65 conversion project	38,000,000
C–130J fleet introduction	1,300,000
Subtotal, Aircraft	269,000,000
Surface Ships:	
National Security Cutter	389,480,000
Offshore Patrol Cutter	9,800,000
Fast Response Cutter	243,000,000
IDS small boats	3,000,000
Patrol Boat sustainment	23,000,000
Medium Endurance Cutter sustainment	31,100,000
Polar Icebreaker sustainment	27,300,000
High Endurance Cutter sustainment	4,000,000
Subtotal, Surface Ships	730,680,000
Technology Obsolescence Prevention	1,900,000
C4ISR	35,000,000
Logistics	37,700,000
Systems engineering and integration	35,000,000
Government program management	45,000,000
Subtotal, Integrated Deepwater Systems	$1,154,280,000
Shore Facilities and Aids to Navigation	27,100,000
Total, Acquisition, Construction, and Improvements	$1,537,080,000

Quarterly Acquisition Reports

The Commandant is directed to continue to submit quarterly acquisition and mission emphasis reports consistent with deadlines articulated under section 360 of division I of Public Law 108–7 and the fiscal year 2008 joint explanatory statement. The conferees note that the Coast Guard has adopted the practice of comparing cost, schedule, and performance estimates against the most recently approved baseline. This approach provides an incomplete assessment of an acquisition's progress against the original baseline. Therefore, the report shall compare current estimates against the original baseline and the most recent baseline, if available. This method is consistent with Department of Defense acquisition reporting policy and is recommended by GAO. When reporting on "key project documents," it should be noted if approved documentation differs from that required by the Major Systems Acquisition Manual or the Department's Acquisition Review guidance. The reports should also indicate if a test and evaluation master plan has been approved for an asset. Finally, the acquisition reports shall include a stoplight chart that tracks key performance parameters of each asset through developmental and operational testing. The conferees note that Coast Guard consistently fails to meet the quarterly submission deadlines for these reports and find such poor compliance to be unacceptable.

Comprehensive Review of the Revised Deepwater Implementation Plan

The conferees note with emphasis the legislative requirement for the Secretary to submit a comprehensive review of the Revised Deepwater Implementation Plan (RDIP). The longstanding requirements for this review are specific: a complete projection of the acquisition costs and schedule for the duration of the RDIP. The conferees expect this review to update the original RDIP estimated total cost of $24.2 billion and projected completion by fiscal year 2027. Furthermore, the review should clearly and comprehensively display the types and quantities of operational assets covered by the RDIP and the costs and schedule, by fiscal year and by asset, for the replacement or phase-out of legacy assets through refurbishment or acquisition. Since the recapitalization of the Coast Guard's cutters, aircraft, and C4ISR systems is a complex, multi-year, and integrated program, the conferees believe it is imperative to evaluate the complete acquisition program baseline, by asset, through the duration of the RDIP. Given that this RDIP review has been mandated in every annual appropriations Act for DHS since the first RDIP was established in November 2006, the conferees cannot foresee any justification for undue delay from DHS and the Coast Guard in submitting a review that fully complies with the specified requirements, including complete baseline costs. As noted previously in this statement, $50,000,000 is withheld from obligation from Coast Guard Headquarters Directorates until this RDIP review is submitted to the Committees, along with the Capital Investment Plan for fiscal years 2011–2015 and the Quarterly Acquisition Report for the second quarter of fiscal year 2010.

Response Boat—Medium

The conference agreement provides $121,000,000 for the Response Boat—Medium (RB–M) acquisition, instead of $103,000,000 as proposed by the House and $123,000,000 as proposed by the Senate. These funds support the purchase of 39 RB–Ms, nine more than requested.

Maritime Patrol Aircraft

The conference agreement provides $138,500,000 for the Maritime Patrol Aircraft acquisition as proposed by the House instead of $175,000,000 as proposed by the Senate. Funds are available for maritime patrol aircraft, mission pallets, simulator, and associated project costs. The Coast Guard is to brief the Committees no later than 30 days after the date of enactment of this Act on the planned distribution of these funds.

National Security Cutter

The conference agreement provides $389,480,000 for the National Security Cutter (NSC) acquisition as proposed by the Senate instead of $281,480,000 as proposed by the House. These funds are to complete production of NSC #4 and for long lead-time materials for NSC #5. The conferees direct the Coast Guard to finalize the

integrated logistics plan for the NSC and to brief the Committees on it within 60 days of the date of enactment of this Act.

Offshore Patrol Cutter

The conferees direct the Coast Guard to brief the Committees by March 15, 2010, on the progress of its ongoing preliminary acquisition work on the Offshore Patrol Cutter, including the results of the requirements and alternatives analyses.

Fast Response Cutter

The conferees expect the Coast Guard to continue quarterly briefings on the status of the Fast Response Cutter procurement as outlined in the Senate report, including information on the effectiveness of its efforts to control cost growth in the program.

Polar Icebreaker Sustainment

The conference agreement provides an additional $32,500,000 to complete the reactivation and service life extension of the Coast Guard Cutter POLAR STAR as proposed by the Senate. No additional funding for this activity was proposed by the House. Of this amount, $5,200,000 is provided in the Acquisition, Construction, and Improvements direct personnel costs PPA. Funds shall be applied as specified in the Senate report. The conferees believe returning POLAR STAR to operational status is vital to national interests in the polar regions. According to the Coast Guard the only existing operational heavy icebreaker, the POLAR SEA, has only five years of service life remaining. The absence of requested funding to complete fiscal year 2009 efforts to reactivate POLAR STAR, combined with the lack of compliance with standing Congressional direction on the polar icebreaking budget, implies a broader lack of commitment to sustaining polar capabilities and achieving long-term, strategic objectives in the Arctic. The conferees direct the Coast Guard to brief the Committees no later than December 15, 2009, on the program execution plan for reactivation of POLAR STAR and the status of resources required to achieve mission requirements for polar operations.

High Endurance Cutter Sustainment

The conference agreement provides $4,000,000 above the request for pre-acquisition survey and design to determine the requirements for a maintenance effectiveness project for the High Endurance Cutter, instead of the $8,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. The conferees direct the Coast Guard to brief the Committees no later than 60 days after the date of enactment of this Act on preliminary plans for this effort, as proposed by the Senate.

Interagency Operations Centers (Command 21)

The conference agreement provides $10,000,000 for Interagency Operations Centers instead of $28,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. Within 90 days after the date of enactment of this Act,

the Coast Guard shall submit an expenditure plan for these funds as outlined in the Senate report.

Shore Facilities and Aids to Navigation

The conference agreement provides $27,100,000 for shore facilities and aids to navigation as proposed by the Senate instead of $10,000,000 as proposed by the House. The conferees direct the Coast Guard to provide the Committees with a prioritized list of projects in the current construction backlog by January 15, 2010, and the Coast Guard's plan to address them.

The conferees continue to be concerned with the condition of the Coast Guard Academy pier. The conference agreement includes $300,000 for survey and design costs for this project as proposed by the Senate.

The conference agreement also includes $16,800,000, as proposed by the Senate, to complete the project proposal to renovate, improve, or construct a new Station and Marine Safety Unit Cleveland Harbor, Ohio, and to begin work on this project. The Coast Guard should take a phased approach to this project to fully utilize the funds available.

In addition, the conference agreement includes a general provision, as proposed by the House, authorizing the Coast Guard to use previously appropriated funds for the consolidation of Sector Buffalo to enhance public access to the Buffalo Lighthouse. The Coast Guard is directed to brief the Committees within 90 days after the date of enactment of this Act on how this aspect of the project will be completed by the end of fiscal year 2011.

Hiring Authorities

The conferees encourage the Coast Guard to work with the appropriate authorizing committees of Congress to ensure that its hiring authorities are on par with those of the other armed services, as recommended by the Senate. Furthermore, the conferees direct the Coast Guard to brief the Committees no later than 60 days after the date of enactment of this Act on efforts to reduce reliance on contractors performing inherently governmental work, as proposed by the Senate.

Great Lakes Icebreaking

The conferees direct the Coast Guard to conduct an alternatives analysis for Great Lakes icebreaking and submit it to the Committees no later than four months after the date of enactment of this Act, as outlined in the Senate report.

Government Accountability Office Reviews

The conferees direct the GAO to continue its oversight of the Deepwater Program. In addition to the programs highlighted in the Senate report, GAO should focus on programs nearing critical decision points, such as the Fast Response Cutter, Maritime Patrol Aircraft, and C4ISR, as well as continuing its ongoing work reviewing the acquisition of the NSC and changes made to acquisition processes and policies at both the component and Departmental level

that will affect how the Coast Guard functions as systems integrator. The conferees expect GAO to review Coast Guard expenditure plans once they are transmitted to the Committees.

ALTERATION OF BRIDGES

The conference agreement provides $4,000,000 for Alteration of Bridges, as proposed by the Senate instead of $10,000,000 as proposed by the House. Funding is provided for alteration of the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conference agreement provides $24,745,000 for Research, Development, Test, and Evaluation instead of $19,745,000 as proposed by the House and $29,745,000 as proposed by the Senate. Within this total is $5,000,000 above the request for unmanned aircraft system (UAS) priority research, instead of $10,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. The conferees direct the Coast Guard to provide periodic updates on the research schedule, findings, and implications for potential acquisition and deployment of UAS resources, as noted in both the House and Senate reports.

The conferees direct the Coast Guard to report to the Committees on how the research projects outlined in the request will be supported, including development of freshwater ballast treatment technologies, within 90 days after the date of enactment of this Act, as outlined in the House report.

RETIRED PAY

The conference agreement provides $1,361,245,000 for retired pay as proposed by the House and the Senate.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The bill provides $1,478,669,000 for Secret Service Salaries and Expenses instead of $1,457,409,000 as proposed by the House and $1,482,709,000 as proposed by the Senate. The funds should be allocated as follows:

Protection:	
Protection of Persons and Facilities	$755,521,000
Protective Intelligence Activities	67,824,000
National Special Security Event Fund	1,000,000
White House mail screening	22,415,000
Subtotal, Protection	846,760,000
Investigations:	
Domestic Field Operations	260,892,000
International Field Office Administration, Operations, and Training	30,705,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces	56,541,000
Support for missing and exploited children	8,366,000
Subtotal, Investigations	356,504,000
Headquarters, Management and Administration	221,045,000

Training:	
Rowley Training Center	54,360,000
Total, U.S. Secret Service, Salaries and Expenses	$1,478,669,000

Secret Service Financial Management

On June 30, 2009, the Department of Homeland Security notified Congress that the Secret Service expended $5,100,000 more than had been appropriated for Presidential campaign protection in fiscal year 2009. In order to rectify this shortfall, the Committees directed the Secret Service to reallocate appropriations originally provided in the Omnibus Appropriations Act, 2009, to expand the agency's protective mission. This reallocation was supported by information provided to the Committees showing that the Secret Service planned to hire fewer Special Agents in fiscal year 2009 than had originally been planned.

The conferees are extremely concerned that it took the Department and the Secret Service more than seven months to notify the Congress of the campaign protection cost overruns. At a minimum, this EX POST FACTO reporting violated section 503 of the Department of Homeland Security Appropriations Act, 2009, which requires the Department to notify the Congress in advance of any proposals to reprogram or transfer appropriated funds. The conferees are concerned that such action may have violated the Anti-Deficiency Act, which prohibits any executive branch employee from obligating or expending funds in excess of levels appropriated by Congress. As a result of these concerns, the conferees direct the Comptroller General to investigate this situation, report to the Committees on whether the Department's action violated these laws, and identify all actions taken or recommended to be taken to address and correct any violation.

In addition, the conferees note this is not the first incidence of budgetary execution problems at the Secret Service. A similar disregard of budgetary limitations occurred at the end of the 2004 Presidential campaign and again after the 2005 United Nations General Assembly meeting. Concerns regarding the Secret Service's ability to provide timely information on budget execution to the Committees were explicitly discussed in House Report 109–476, including direction on corrective actions. Furthermore, the Secret Service has already indicated that its protective responsibilities in fiscal year 2010 will include more protectees than budgeted, raising the possibility that fiscal year 2010 resources for the Secret Service protective mission may prove inadequate. Therefore, the conferees direct the Department of Homeland Security Chief Financial Officer and the United States Secret Service Assistant Director for Administration to brief the Committees not later than 30 days after the date of enactment of this Act on the process that will be implemented in fiscal year 2010 to ensure such problems do not reoccur. The President should seek additional funds if a shortfall is identified, or the Department should seek a transfer or reprogramming of funds in accordance with section 503 of this Act.

Secret Service Information Technology Modernization

The conference agreement provides $33,960,000 for Secret Service information technology modernization as proposed by the Senate instead of $12,700,000 as proposed by the House. The conferees include statutory language prohibiting the obligation of these funds for any information technology equipment purchases until the DHS Chief Information Officer (CIO) certifies to the Committees that Secret Service information technology modernization is consistent with DHS guidance for data center consolidation and enterprise architecture requirements.

The Secret Service is to work with the DHS CIO to develop a transition plan to integrate the agency's data center consolidation efforts, as proposed by the House; and the Secret Service and DHS CIO are to provide semi-annual briefings to the Committees on progress in upgrading IT systems and programs, as proposed by the Senate.

Uniformed Division Modernization

The conference agreement does not provide the requested $4,040,000 for implementation of the proposed Uniformed Division Modernization Act (UDMA) as proposed by the House instead of the $4,040,000 proposed by the Senate. While the relevant authorizing committees of jurisdiction have begun the legislative process to enact such reforms and the conferees are supportive of these reforms, it is not clear when this work will be complete. If the proposed UDMA is enacted into law in fiscal year 2010, the Committees are willing to work with the Administration to implement such reforms expeditiously.

New Secret Service Offices and Locations

The conference agreement includes funding for operations of the Tallinn, Estonia, international field office, as requested in the budget. At the end of fiscal year 2009, the Secret Service determined that the best location from which to combat emerging electronic crime threats in the Baltic States is Tallinn, and informed the Committees of this decision when it proposed using a portion of that year's international operations appropriation to open the office. The Committees subsequently approved this expansion.

Given concerns that the Secret Service has opened other new permanent offices without notifying the Congress, the conference report includes a statutory requirement that the Secret Service notify the Committees in advance of obligating any funds to open a new permanent domestic or overseas Secret Service office or location.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conference agreement provides $3,975,000 for Acquisition, Construction, Improvements, and Related Expenses as proposed by both the House and the Senate.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

The conference agreement provides $44,577,000 for Management and Administration of the National Protection and Programs Directorate (NPPD), as proposed by both the House and the Senate. As discussed in the Senate report, the Under Secretary is directed to provide quarterly briefings to the Committees on the specific use of resources. In addition, the conferees direct NPPD to submit to the Committees, within 60 days after the date of enactment of this Act, an expenditure plan for the Office of Risk Management and Analysis.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The conference agreement provides $899,416,000 for Infrastructure Protection and Information Security (IPIS) instead of $883,346,000 as proposed by the House and $901,416,000 as proposed by the Senate. Funding levels by activity are as follows:

Infrastructure Protection:	
Identification and Analysis	$90,610,000
Coordination and Information Sharing	59,582,000
Mitigation Programs	197,111,000
Subtotal, Infrastructure Protection	347,303,000
National Cyber Security Division:	
U.S. Computer Emergency Response Team (US–CERT)	323,629,000
Strategic Initiatives	64,179,000
Outreach and Programs	9,346,000
Subtotal, National Cyber Security Division	397,154,000
Office of Emergency Communications	45,060,000
National Security/Emergency Preparedness (NS/EP) Telecommunications:	
Priority Telecommunications Services	56,773,000
Next Generation Networks	25,000,000
Programs to Study and Enhance Telecommunications	16,774,000
Critical Infrastructure Protection Programs	11,352,000
Subtotal, NS/EP Telecommunications	109,899,000
Total, Infrastructure Protection and Information Security	$899,416,000

Budget Structure

As discussed in the House report and regardless of any alternative budget structures that may be proposed, the NPPD Chief Financial Officer is directed to submit the fiscal year 2011 budget in a PPA structure identical, by account, to that enacted in this Act and as presented in this statement. Furthermore, any report, briefing, or explanatory materials submitted to the Committees in fiscal year 2010 should present funding in this same structure.

Infrastructure Protection—Identification and Analysis

The conference agreement provides $90,610,000 for Identification and Analysis as proposed by the Senate instead of $86,610,000 as proposed by the House. This amount includes $26,521,000 for

Vulnerability Assessments and $20,000,000 for the National Infrastructure Simulation and Analysis Center (NISAC). As discussed in the Senate report, the conferees encourage NISAC to continue to work with the National Incident Management Systems and Advanced Technologies Institute at the University of Louisiana at Lafayette.

Infrastructure Protection—Coordination and Information Sharing

The conference agreement provides $59,582,000 for Coordination and Information Sharing as proposed by the Senate instead of $62,912,000 as proposed by the House. This amount includes a $9,000,000 increase from the budget request level for National Infrastructure Protection Plan implementation and Critical Infrastructure/Key Resources partnership management. Within 15 days after the date of enactment of this Act, the NPPD Chief Financial Officer shall provide the Committees an explanation of how this additional funding will be divided between these two activities.

Infrastructure Protection—Mitigation Programs

The conference agreement provides $197,111,000 for Mitigation Programs instead of $196,961,000 as proposed by the House and $196,111,000 as proposed by the Senate. This amount includes $14,768,000 for the Office of Bombing Prevention as proposed by the Senate instead of $14,618,000 as proposed by the House. As discussed in the House report, $1,000,000 is for infrastructure and crime monitoring cameras in the City of Philadelphia, Pennsylvania. As discussed in the Senate report, the conferees encourage the Office of Infrastructure Protection to work with the University of Southern Mississippi to address the range of potential and actual threats and risks to the on-going safety and security at venues with large crowds.

National Cyber Security Division—U.S. Computer Emergency Response Team (US–CERT)

The conference agreement provides $323,629,000 for the National Cyber Security Division (NCSD) US–CERT program instead of $310,629,000 as proposed by the House and $331,629,000 as proposed by the Senate. Within the total provided, the conferees provide $5,000,000 for the Cyber Security Coordination program. In addition, the conferees direct the Department to utilize any unobligated balances from the now-discontinued National Cyber Security Center for this coordinating function. As discussed in the Senate report, the conference agreement provides $8,000,000 for data center migration activities.

National Cyber Security Division—Strategic Initiatives

The conference agreement provides $64,179,000 for NCSD Strategic Initiatives as proposed by the House instead of $57,679,000 as proposed by the Senate. As discussed in the House report, the total amount includes: $3,500,000 for a Cyber Security Test Bed and Evaluation Center in Research Triangle Park, North Carolina; $3,500,000 for cyber security training at the University

of Texas at San Antonio; $3,000,000 for the Multi-State Information Sharing and Analysis Center (MS–ISAC) at the New York Office of State Cyber Security and Critical Infrastructure Coordination; $3,000,000 for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory, Idaho; $500,000 for Virginia's Operational Integration Cyber Center of Excellence (VOICCE) in Hampton, Virginia; and $100,000 for the Upstate New York Cyber Initiative at Clarkson University.

National Cyber Security Division—Outreach and Programs

The conference agreement provides $9,346,000 for NCSD Outreach and Programs as proposed by the Senate instead of $7,096,000 as proposed by the House. Within this amount, the conference agreement provides $2,250,000 for the Cyber Security Information Sharing and Collaboration program as requested in the budget.

Nationwide Cyber Security Review

The conferees note the importance of a comprehensive effort to assess the security level of cyberspace at all levels of government. To accomplish this, cyber network security assessment tools must first be in place; however, the conferees understand that no such tools currently exist. Given this, the conferees do not require the Secretary to provide a report by June 1, 2010, on the status of cyber security measures in States and large urban areas, as proposed in the Senate report. Instead, NPPD, in cooperation with FEMA and relevant stakeholders, shall develop the necessary tools for all levels of government to complete a cyber network security assessment so that a full measure of gaps and capabilities can be completed in the near future. NPPD, in conjunction with FEMA, shall brief the Committees within 60 days after the date of enactment of this Act on the specific timeframes and deliverables necessary to complete the development and execution of such tools in order to complete such an assessment by June 2011.

Office of Emergency Communications

The conference agreement provides $45,060,000 for the Office of Emergency Communications (OEC) as proposed by the House and instead of $44,060,000 as proposed by the Senate. As discussed in the House report, $1,000,000 of this amount is for SEARCH of Sacramento, California, to provide interoperable communications, training, certification, technical assistance, and outreach programs to State, regional, and local first responder communications coordinators. As discussed in the Senate report, the conferees are concerned that OEC has been slow to establish Emergency Preparedness Communications Centers (ECPC) and direct GAO to evaluate progress made to initiate this program and any obstacles to Federal coordination through ECPC.

National Security/Emergency Preparedness Telecommunications—Next Generation Networks

The conference agreement provides $25,000,000 for the Next Generation Networks (NGN) program as proposed by both the House and the Senate. Given that it took NPPD more than eight months to submit a fiscal year 2009 NGN expenditure plan that did not fulfill all of the requirements specified by Congress, the conferees direct NPPD to submit a fiscal year 2010 expenditure plan for this program within 60 days after the date of enactment of this Act and withhold half of the appropriation until the Committees approve the plan.

National Security/Emergency Preparedness Telecommunications—Programs to Study and Enhance Telecommunications

The conference agreement provides $16,774,000 for Programs to Enhance and Study Telecommunications (PSET) as proposed by both the House and Senate. The conference agreement does not provide the budget request for the proposed Continuity Communications Architecture program but does not preclude the use of other PSET funds for this purpose, pursuant to section 503 of this Act.

National Security/Emergency Preparedness Telecommunications—Critical Infrastructure Protection Programs

The conference agreement provides $11,352,000 for Critical Infrastructure Protection Programs as proposed by the House instead of $13,852,000 as proposed by the Senate. No funding is included for the Regional Communications Coordinators program.

National Security/Emergency Preparedness Telecommunications—National Command and Coordination Capability

As discussed in the House report, the conferees provide no funding for the National Command and Coordination Capability (NCCC) since the budget proposed discontinuation of this program. In addition, the conference agreement includes a general provision rescinding $8,000,000 in unobligated balances from NPPD. This rescission should include unobligated prior-year appropriations made for NCCC. The conferees direct the NPPD Chief Financial Officer to report on the distribution of this rescission by program, project, and activity to the Committees within 15 days after the date of enactment of this Act.

FEDERAL PROTECTIVE SERVICE

Management Restructuring

The conference agreement supports the realignment of Federal Protective Service (FPS) operations from ICE to NPPD as proposed by the Senate instead of retaining FPS in ICE as proposed by the House. The conferees expect the Secretary and the Deputy Secretary to take responsibility for overseeing an effective transition. DHS managers overseeing this transition are instructed to brief the Committees on progress transferring FPS to NPPD at least

semi-annually, starting no later than January 15, 2010, as discussed in the Senate report. The content of this briefing should include at a minimum as much detail as the transition plan discussed in the House report, which was submitted to the Committees on August 21, 2009.

FPS Resources

Given that the Committees have, for the past two years, expressed concern about the adequacy of the FPS police force to protect Federal workers and buildings nation-wide, the conferees are troubled that information explaining the transition of FPS to NPPD estimates an increase in overhead charges that FPS will pay to NPPD but does not identify the source from which these funds will be found. Since FPS is funded through the collection of security fees from other agencies, the conference agreement continues a provision included in the last two Department of Homeland Security Appropriations Acts that requires the Administration to certify that FPS will collect adequate fees to employ not less than 1,200 FPS employees including at least 900 in-service field staff. The conferees direct that any additional costs for administrative overhead charged to FPS not reduce the staffing levels at the agency below the number of employees as of September 30, 2009. The conferees expect that the total amount required for administrative costs will be identified in the 2011 budget.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

The conference agreement provides $373,762,000 for United States Visitor and Immigrant Status Indicator Technology (US-VISIT) instead of $351,800,000 as proposed by the House and $378,194,000 as proposed by the Senate. Of this amount, $75,000,000 may not be obligated until the Committees receive, not later than 90 days after the date of enactment of this Act, an expenditure plan that meets the statutory conditions specified under the US-VISIT heading in Public Law 110–329.

Within the total amount provided is $118,692,000 for Program Management Services; $31,000,000 for Identity Management and Screening Services; $28,700,000 for Unique Identity; and $22,000,000 for development and implementation of a biometric air exit solution. It also includes, as requested in the budget, $128,126,000 for Operations and Maintenance, and $45,244,000 for data center migration.

The conference report provides that $28,000,000 in prior year balances shall remain available until expended solely for implementation of a biometric air exit capability.

Biometric Exit

The conferees support the implementation of a biometric exit solution as soon as possible. The conferees have provided a total of $50,000,000 for implementation of a biometric air exit capability, and expect to see regular and material progress made towards a solution for exit at all ports of entry. The conferees expect DHS, through US-VISIT and its other component agencies, to leverage

current infrastructure improvement initiatives such as WHTI and Southwest border outbound inspection to facilitate biometric exit solutions. The conferees direct DHS to submit its land exit planning document to the Committees as soon as it is completed and to continue to provide quarterly briefings on biometric exit implementation to the Committees, beginning November 1, 2009. The briefings should cover the status of air exit implementation, prospects for other exit solutions, and the status of discussions with Canada and Mexico on sharing immigration information to improve the ability to track departures. The monthly reports on implementation of biometric entrance and exit are no longer required.

Staffing and Contractor Support

The conferees direct US-VISIT to provide quarterly briefings to the Committees on its hiring and position conversion efforts, as called for in the House report. These briefings should be provided at the same time as the biometric exit briefings.

Office of Health Affairs

The conference agreement provides $139,250,000 for the Office of Health Affairs (OHA) instead of $128,400,000 as proposed by the House and $135,000,000 as proposed by the Senate. Within the amount provided is $5,000,000 as proposed by the House, for the North Carolina Collaboratory for Bio-Preparedness for a demonstration project for the development of a statewide system to analyze public health trends and detect incidents.

Also included is $89,513,000 for BioWatch as proposed by the Senate instead of $79,413,000 as proposed by the House. The funding shall be used to maintain the remaining first and second generation baseline biosurveillance capability and to complete the Generation 3 prototype unit field testing, perform data analysis, and verify the performance of the technology. The conferees remain committed to supporting DHS in its task of establishing a viable detection system but remain concerned that the plans for this security imperative are adrift. Therefore, OHA is directed to provide an expenditure plan with specific milestones for implementation, broken out by technology generation, to the Committees within 60 days of the date of enactment of this Act. The conferees further direct OHA to report quarterly on the deployment of any BioWatch device to new locations.

The conferees are especially troubled by the continual delays in OHA's testing and evaluation of biosurveillance technology. The conferees are aware that OHA issued a request for proposal permitting a wide range of applicants to submit technologies for Generation 3. OHA is in the process of testing technologies to determine which ones best meet the nation's biodetection needs. The conferees expect the Science and Technology Directorate to be intricately involved in the test and evaluation of the BioWatch Generation 3 systems. Additionally, the conferees note that the National Assessment Group will provide an independent review of the test and evaluation process. Due to deficiencies that have arisen with the previous BioWatch generation technologies, there is an urgent need to complete research and development of Generation 3 systems

over the next year, providing for operational deployment starting in fiscal year 2011.

A total of $3,726,000 has been provided for Planning and Coordination instead of $2,976,000 as proposed by the House and $4,476,000 as proposed by the Senate. The funding above the budget request is provided for OHA's Office of Medical Readiness in support of its role in planning for pandemic flu and activities related to the Food, Agricultural and Veterinary Defense Division.

The conferees note the important role of DHS in Project BioShield under Section 319F–2 of the Public Health Service Act shall not be modified, as outlined in the Senate report.

The conferees are concerned that systems purchased by State and local governments to detect chemical and biological substances that are not validated will be unable to accurately detect harmful pathogens. OHA is directed to work with the Federal Emergency Management Agency to ensure that grant requests are only approved for such systems that are proven to be adequate to detect harmful pathogens and provide accurate information for the health and safety of first responders and citizens.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

The conference agreement provides a total of $903,250,000 for Federal Emergency Management Agency (FEMA) Management and Administration. Within this total is a direct appropriation of $797,650,000 for FEMA Management and Administration instead of $844,500,000 as proposed by the House and $859,700,000 as proposed by the Senate. An additional $105,600,000 shall be transferred from the Disaster Relief fund for management and administrative functions instead of $90,080,000 as proposed by the House and $50,000,000 as proposed by the Senate. Together with amounts made available for management and administration from grant accounts and the transfer from the Disaster Relief fund, management and administration activities are funded at $9,379,000 above fiscal year 2009.

Of the amount provided, the conference agreement includes: $9,000,000 for the Emergency Management Institute; $5,900,000 for data center migration; $150,000 for FEMA international best practices; up to $10,000,000 for underground storage tank remediation; $2,945,000 for the Office of Environmental Planning and Historic Preservation; $65,201,000 for Information Technology Services; $2,500,000 for Ready.gov; $2,156,000 for the National Hurricane Program; $10,281,000 for the National Dam Safety Program; and $8,977,000 for the National Earthquake Hazards Reduction Program.

Mount Weather Emergency Operations Center Capital Improvements

The conference agreement provides $36,300,000, to remain available until September 30, 2011, for capital improvements at the Mount Weather Emergency Operations Center (MWEOC), as proposed by the House instead of $49,913,000 as proposed by the Sen-

ate. The explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2009, required FEMA to submit a MWEOC capital improvement plan to allow the Committees to better determine the needed investments for this strategic facility. However, nearly a year later, the Committees still have not received the plan. The conferees understand that there are sizable unobligated balances for capital improvements from prior year appropriations that will ensure critical work can take place. The conferees, however, are concerned with the lack of visibility into the planning, finances, and future costs associated with the improvements at this important facility. Therefore, the conferees direct FEMA to provide a report, not later than 180 days after the date of enactment of this Act, with detailed information on all MWEOC capital improvement funding. The report shall include a historical accounting of funding for MWEOC beginning with fiscal year 1997, including funding made available and obligations made in each fiscal year. Further, included in the report shall be a review by the DHS Office of General Counsel of all authorities used to execute that funding, including the authority to administer the MWEOC Working Capital Fund. The report should clearly list any amounts transferred to the fund from DHS entities as well as other federal sources in each fiscal year. The conferees further direct the Administration to provide the capital improvement plan required in fiscal year 2009 without delay.

Budget Submissions

The conference agreement continues a provision directing FEMA to submit its fiscal year 2011 budget request by office as directed by the House and Senate. FEMA is directed to notify the Committees within 15 days if any office receives or transfers out more than 5 percent of the total amount allocated to each office.

National Incident Management System

The conference agreement includes an additional $8,000,000 above the budget request instead of $9,000,000 as proposed by the House to support and enhance ongoing incident management efforts as specified in the House report. The Senate did not provide additional funding for these activities. The conferees direct FEMA to ensure that all communities are educated and trained on the National Incident Management System.

FEMA Workforce

The conferees note the severe budget problems FEMA has sustained related to a structural pay shortfall. The conferees have directed the IG to investigate FEMA's hiring practices and to determine if the $35,000,000 requested in the budget is sufficient to rectify this known shortfall. FEMA is directed to provide a briefing on the specific processes in place to prevent discrepancies in on-board staff and the funds needed to sustain them in the future.

The conference agreement provides $2,000,000 for FEMA to partner with the DHS Homeland Security Studies and Analysis Institute to conduct a study of FEMA's human capital resources instead of $2,250,000 as proposed by the Senate. The House did not

include funding for this activity. The study shall include recommendations as required in the Senate report.

International Affairs Office

The conference agreement provides an additional $150,000 to support staff travel to foreign countries after disasters to offer and receive best practices and solutions instead of $300,000 as proposed by the House. The Senate did not propose additional funding for this program. The conferees direct FEMA to submit an expenditure plan for these funds by April 1, 2010, describing funds spent by that date, as well as how the remainder of funds will be spent during the fiscal year. The report should clearly describe how FEMA will apply and share the specific best practices garnered by the time of the report and what specifically will be sought on future trips.

Local, State, Tribal, and Federal Task Force

The conferees recognize that since September 11, 2001, there has been a rush to increase, restructure, and reinvest in preparedness, response, recovery, and mitigation policies and capabilities. This effort was reemphasized after Hurricane Katrina. Major preparedness and response policies have been developed or reshaped including: the National Preparedness Guidance; National Incident Management System; the National Response Framework; Comprehensive Planning Guidance; Disaster Housing Strategy; and Hazard Mitigation Assistance. Countless guidance documents have been issued to address specific issues or disasters. Additionally, over $27,000,000,000 has been invested by the federal government in grants, and an untold amount at the local and State level. These investments have provided equipment to make our public infrastructure safer, our first responders better protected and prepared to respond to all hazards, and to ensure a more coordinated effort among the levels of government. Efforts to fully assess these investments and improved capabilities have not yet come to fruition although disparate attempts to find a more comprehensive measure through programs such as Cost-to-Capability, the Target Capabilities List, and the Comprehensive Assessment System are ongoing.

The conferees note that tremendous time and fiscal investments into preparedness have been made to date and believe it is time to take stock of such efforts to find ways to ensure the most efficient investments are made in the future. The reality of a constricted economy and competing interests make it imperative that current efforts related to homeland security and all-hazards response and recovery be streamlined. Therefore, the National Preparedness Directorate (NPD), in cooperation with the Office of Intergovernmental Affairs, shall lead the administrative effort of a Local, State, Tribal, and Federal preparedness task force. The task force is charged with making recommendations for all levels of government regarding: disaster and emergency guidance and policy; federal grants; and federal requirements, including measuring efforts. The task force shall especially evaluate: which policies and guidance need updating, and the most appropriate process by which to update them; which grant programs work the most effi-

ciently and where programs can be improved; and the most appropriate way to collectively assess our capabilities and our capability gaps. Representation on the task force shall include: decision makers and practitioners from all disciplines including, but not limited to, firefighters, law enforcement, emergency management, health care, public works, development organizations, mitigation, and information technology; elected officials; and the private sector. NPD is directed to brief the Committees within 45 days after the date of enactment of this Act on its approach to establishing this task force and milestones for accomplishment.

FEMA Guidelines and Policies

The conferees remain concerned that, in the past, grant guidance and policies have been used to alter major programs that impact State and local partners with little or no visibility to the incorporation of stakeholder input, if even solicited. As an interim step, while the Local, State, Tribal, and Federal Task Force is conducting its reviews, the conferees direct the Administrator of FEMA to report to the Committees no later than 60 days after the date of enactment of this Act on how the agency currently reviews policies and guidance and the process used to modify policies and guidance. The report should also include information on how the agency intends to amend its process for modifying grant guidance and policies to better obtain and incorporate public and stakeholder input. The report should include a detailed description of the impact of other participants in the policy process, such as DHS leadership, the Office of Management and Budget, and other White House offices. This report should build on the Stakeholder Engagement Plan provided in response to the requirement in the statement accompanying the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 (P.L. 110–329), which provided an explanation of the adjudication process on public comments for grant programs. Furthermore, the conferees direct FEMA to present policy changes and new policies to the National Advisory Council (NAC) on a quarterly basis. The conferees do not require FEMA to post policy changes online five days prior to implementation, as described in the House report. Instead, all current FEMA policies and guidance should be clearly placed on the website in an accessible and user-friendly way with updates posted in a timely manner.

Nationwide Plan Review Update

The conferees direct FEMA to provide an update on the status of catastrophic planning, including mass evacuation planning, in all 50 States and the 75 largest urban areas, by April 16, 2010, as discussed in the Senate report.

Nuclear Preparedness

The conferees note that a Nuclear Incident Communication Planning report and Planning Guidance for Response to a Nuclear Detonation have been issued, in accordance with direction provided in House Report 110–107. The report and guidance provide critical information that should be made available to the public on how to

respond to a nuclear event. FEMA shall brief the Committees not later than 30 days after the date of enactment of this Act on how the information in the report and guidance will be incorporated into preparedness and public information activities.

Nationwide Cyber Security Review

The conferees, as described previously, require NPPD to lead the effort to develop, in conjunction with FEMA, tools to assess cyber network security.

Post Disaster Housing

FEMA is directed to report to the Committees, not later than 60 days after the date of enactment of this Act, regarding the plan for acquisition of alternative temporary housing units and procedures for expanding repair of existing multi-family rental housing units, semi-permanent, or permanent housing options, as authorized under section 689i(a) of the Post-Katrina Emergency Management Reform Act of 2006.

U.S. Fire Service Needs Assessment

FEMA, in conjunction with the National Fire Protection Association, is directed to provide to the Committees, no later than April 9, 2010, an update to the U.S. Fire Service Needs Assessment. The update shall be consistent with the last assessment completed in February 2006 in its scope and methodology.

Office of National Capital Region Coordination

The conference agreement provides $6,995,000 for the Office of National Capital Region Coordination as proposed by both the House and the Senate. The conference report includes a provision requiring the inclusion of the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the National Capital Region decision-making and planning process for mass evacuation. The Department is directed to include officials from the counties and municipalities that contain the evacuation routes and their tributaries into the planning process.

Special Populations

The conferees direct FEMA to consider utilizing the National Virtual Translation Center (NVTC) to enhance its translation services. FEMA is to report to the Committees, as specified in the House report, on possible uses of NVTC.

STATE AND LOCAL PROGRAMS

(Including Transfer of Funds)

The conference agreement provides $3,015,200,000 for State and Local Programs, instead of $2,836,000,000 as proposed by the House and $3,067,200,000 as proposed by the Senate. Funding is allocated as follows:

State Homeland Security Grant Program	$950,000,000
Urban Area Security Initiative	887,000,000

Regional Catastrophic Preparedness Grants	35,000,000
Metropolitan Medical Response System	41,000,000
Citizen Corps Program	13,000,000
Public Transportation Security Assistance and Railroad Security Assistance	300,000,000
Port Security Grants	300,000,000
Over-the-Road Bus Security Assistance	12,000,000
Buffer Zone Protection Program Grants	50,000,000
Driver's License Security Grant Program	50,000,000
Interoperable Emergency Communications Grant Program	50,000,000
Emergency Operations Centers	60,000,000
National Programs:	
National Domestic Preparedness Consortium	164,500,000
Center for Counterterrorism and Cybercrime	1,700,000
National Exercise Program	40,000,000
Technical Assistance	13,000,000
Continuing Training Grants	29,000,000
Evaluations and Assessments	16,000,000
Rural Domestic Preparedness Consortium	3,000,000
Subtotal, National Programs	267,200,000
Total, State and Local Programs	$3,015,200,000

The conference agreement includes the following provisions: directing the transfer of four percent of State and Local Programs funding to the FEMA Management and Administration account, and requiring the submission of an expenditure plan within 60 days of the date of enactment of this Act on the use of those administrative funds; designating certain timeframes for grant processing; requiring grantees to provide reports as determined necessary by the Secretary; and providing that the installation of communications towers is not considered construction of a building or other physical facility under the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI).

The conferees include a general provision requiring FEMA to brief the Committees five days prior to any announcement of State and Local Programs grants awards. Such briefings shall include detailed information on the risk analysis employed, the process for determining effectiveness, the process or formula used for selecting grantees, and any changes to methodologies used in the previous fiscal year. In lieu of the Senate reporting requirement on grant guidance, the conferees require that information on funding that will be used for planning and recovery, especially for transit security and port security, be included in these briefings.

The conferees support the consideration of the needs for mass evacuation planning and pre-positioning of equipment for areas potentially impacted by mass evacuations in allocating first responder funds.

The conferees encourage the Department to work with State and local governments and all grantees to develop pre-event recovery plans in conjunction with their response and mitigation plans. FEMA is further encouraged to require State and local governments to include tribal governments, rural water associations, and chief information officers in planning efforts.

State Homeland Security Grant Program

The conference agreement provides $950,000,000 for the State Homeland Security Grant Program, as proposed by both the House

and the Senate. Of the total amount $60,000,000 is for Operation Stonegarden as proposed by both the House and the Senate. The Department shall implement the program as discussed in the House report. Further, the Department is encouraged to give consideration to applications that are coordinated across multiple jurisdictions.

The conferees encourage the Department to clarify that the Western Hemisphere Travel Initiative (WHTI) implementation activities, including issuance of WHTI-compliant tribal identification cards, are eligible under this grant program.

Urban Area Security Initiative

The conference agreement provides $887,000,000 for UASI grants, as proposed by the Senate instead of $890,000,000 as proposed by the House. Within this funding, $19,000,000 is provided for grants to non-profit organizations determined by the Secretary to be at high risk of terrorist attack.

Compliance With the 9/11 Act

The conferees expect FEMA to comply with provisions of the 9/11 Act, including policies regarding paying salaries for intelligence analysts, as well as for distribution of UASI grants on the basis of risk.

Law Enforcement Terrorism Prevention Program

In accordance with section 2006 of the Homeland Security Act of 2002, the Law Enforcement Terrorism Prevention Program (LETPP) is funded thorough a required set-aside of 25 percent of the SHSGP and UASI programs. The conferees direct FEMA to provide clear guidance to States and urban areas to ensure the intent of the LETPP is fully realized and the program is fully maximized.

Regional Catastrophic Preparedness Grant Program

The conference agreement includes $35,000,000 for the Regional Catastrophic Preparedness Grant Program as proposed by the Senate. The House did not propose funding for this program. As plans are completed, FEMA is directed to move forward with the program as outlined in the Senate report.

Metropolitan Medical Response System

The conference agreement includes $41,000,000 for the Metropolitan Medical Response System (MMRS) instead of $44,000,000 as proposed by the House and $40,000,000 as proposed by the Senate. The conferees direct FEMA to work with OHA to develop guidelines for MMRS. The conferees do not accept the Administration's proposal to replace the MMRS program with a medical surge grant program and advise FEMA to work with the Assistant Secretary for Preparedness and Response within the U.S. Department of Health and Human Services to develop medical surge guidelines for communities.

Citizen Corps Program

The conference agreement provides $13,000,000 for the Citizens Corps Program, instead of $15,000,000 as proposed by both the House and the Senate.

Public Transportation Security Assistance and Railroad Security Assistance

The conference agreement provides $300,000,000 for Public Transportation Security Assistance and Railroad Security Assistance instead of $250,000,000 as proposed by the House and $356,000,000 as proposed by the Senate, which also included Over-the-Road Bus Security Assistance. The conferees continue the requirement that grants be made directly to transit agencies. The conferees note that States serve an integral role in coordinating regional interests in regard to transit security and therefore direct FEMA to allow transit agencies to permit States to act as subgrantees to better facilitate regional planning and programs.

Based on the latest estimates from FEMA, about 90 percent of funds appropriated in fiscal year 2006 for rail and transit have not been expended. The conferees expect FEMA and TSA to report, by December 15, 2009, on their progress in working with transit agencies to expend grant funds for fiscal years 2006, 2007, and 2008.

Port Security Grants

The conference agreement provides $300,000,000 for Port Security grants, instead of $250,000,000 as proposed by the House and $350,000,000 as proposed by the Senate. The conferees agree to waive the cost share requirement, as proposed by the House, in this fiscal year only due to the current economic conditions. The conferees recognize the Secretary of Homeland Security has the authority to waive the cost share requirement for this program in cases of economic hardship. After this fiscal year, the cost share requirement is not expected to be waived, except at the discretion of the Secretary.

Over-the-Road Bus Security Assistance

The conference agreement provides $12,000,000 for Over-the-Road Bus Security Assistance as proposed by the House. The Senate provided no less than $6,000,000 for these activities within Public Transportation Security Assistance and Railroad Security Assistance grants.

Buffer Zone Protection Program

The conference agreement provides $50,000,000 for Buffer Zone Protection Program grants as proposed by both the House and the Senate. The conferees acknowledge that this program should be focused on mitigating vulnerabilities to critical infrastructure, instead of providing funding to localities for security costs. The conferees direct FEMA and NPPD to brief the Committees 15 days after the date of enactment of this Act on an expenditure plan that clarifies the methodology by which the program will focus on reducing certain specific vulnerabilities.

Driver's License Security Grant Program

The conference agreement provides $50,000,000 for the Driver's License Security Grant Program as proposed by the Senate. The House proposed the same amount for similar activities under "REAL ID Grants".

Interoperable Emergency Communications Grants

The conference agreement provides $50,000,000 for Interoperable Emergency Communications Grants as proposed by both the House and Senate. The conferees expect that grantees must certify to FEMA that the necessary investments are being made for an effective interoperable communications planning process to ensure plans are kept up-to-date and federal funds are not wasted. Once it is determined that the planning process is properly resourced and implemented, grantees should be given the flexibility to purchase interoperable communications equipment. The conferees expect that before grant dollars are obligated by grantees for equipment, jurisdictions must certify to FEMA that the funds are being spent in accordance with their plans.

Emergency Operations Centers

The conference agreement provides $60,000,000 for Emergency Operations Centers instead of $40,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The funding shall be allocated for projects as specified in the conference report, and the remaining funding shall be competitively awarded.

Trucking Industry Security Grants

The conference agreement includes a rescission of $5,572,000 from unobligated balances in fiscal year 2009. The conferees note that funds appropriated in fiscal year 2008 are supporting a three-year education and training program.

National Domestic Preparedness Consortium

The conference agreement provides $164,500,000 for the National Domestic Preparedness Consortium as proposed by the Senate instead of $132,000,000 as proposed by the House. Of the total amount $62,500,000 is for the Center for Domestic Preparedness as proposed by the Senate instead of $40,000,000 as proposed by the House. Included in this amount is funding to continue activities at the Noble Training Center. Additionally, of the total amount provided, $23,000,000 is for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 is for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 is for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 is for the National Exercise, Test, and Training Center, Nevada Test Site; $5,000,000 is for the National Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; $5,000,000 is for surface transportation emergency preparedness and response training to be awarded under full and open competition.

The conferees clarify that the National Disaster Preparedness Training Center provides natural disaster preparedness training, including outreach and response training for the public, all hazards training for first responders with a particular focus on challenges facing island and rural communities, and a certificate and undergraduate degree program for homeland security and disaster management.

Counterterrorism and Cyber Crime Center

The conference agreement provides $1,700,000 for the Counterterrorism and Cyber Crime Center, as proposed by the Senate. The House did not provide funding for this program.

Technical Assistance

The conference agreement provides $13,000,000 for technical assistance as proposed by both the House and the Senate. The conferees encourage FEMA to continue to provide training to first responders through the Domestic Preparedness Equipment Technical Assistance Program.

Continuing Training Grants

The conference agreement provides $29,000,000 for continuing training grants instead of $31,000,000 as proposed by the House and $27,000,000 as proposed by the Senate. The amount provided includes full funding for the homeland security graduate and executive level education programs currently supported by the Department. The Department is encouraged to leverage these important programs where appropriate to meet a growing need and also notes the importance of the Mobile Education Teams providing homeland security seminars for State and local elected officials and senior staff.

Evaluations and Assessments

The conference agreement includes $16,000,000 for evaluations and assessments as proposed by the House instead of $18,000,000 as proposed by the Senate. FEMA is directed to continue the quarterly briefings by NPD regarding ongoing activities. Briefings shall include the results of the evaluations and assessments efforts. Therefore, FEMA is not directed to provide a separate briefing to the Committees every six months on the results from the completed national programs evaluations, as directed by the House. FEMA is directed to conduct the first quarterly briefing not later than 30 days after the date of enactment of this Act. The initial briefing shall provide a timeframe and approach to complete the development of tools to measure the achievement and effectiveness of grant programs. In addition, GAO shall continue to review such tools and report its findings to the Committees on a quarterly basis. Finally, the conferees note that measuring the grant programs is just one element of a larger effort to streamline FEMA's evaluations programs. Therefore, each quarterly briefing shall also include detailed information on the progress of this effort, including milestones and a process for disseminating usable and actionable

information. GAO shall also review this effort and report its findings to the Committees on a quarterly basis.

Rural Domestic Preparedness Consortium

The conference agreement includes $3,000,000 for the Rural Domestic Preparedness Consortium as proposed by the House. The Senate did not propose funding for this program. Funds will be used to provide and deliver training to rural first responders consistent with the National Preparedness Goal.

Firefighter Assistance Grants

The conference agreement provides $810,000,000 for Firefighter Assistance Grants including $390,000,000 for firefighter assistance grants and $420,000,000 for firefighter staffing grants as proposed by both the House and Senate. FEMA is directed to continue the present practice of funding applications according to local priorities and those established by the United States Fire Administration, to maintain an all-hazards focus, and to grant funds for eligible activities in accordance with the authorizing statute. FEMA is required to continue the current grant application and review process as specified in the House report.

Emergency Management Performance Grants

The conference agreement provides $340,000,000 for Emergency Management Performance Grants instead of $330,000,000 proposed by the House and $350,000,000 as proposed by the Senate.

Radiological Emergency Preparedness Program

The bill provides for the receipt and expenditure of fees collected, as authorized by Public Law 105–276.

United States Fire Administration

The conference agreement provides $45,588,000 for the United States Fire Administration (USFA) as proposed by both the House and the Senate. The conferees direct USFA to work with the U.S. Departments of Agriculture and Interior to ensure compatible data on wildfires is available. USFA is also directed to provide a briefing within 30 days of the date of enactment of this Act on the status of implementing the upgrade to the National Fire Information Reporting System, including future milestones for measuring progress.

Disaster Relief

(Including Transfers of Funds)

The conference agreement provides $1,600,000,000, for the Disaster Relief fund (DRF) instead of $2,000,000,000 as proposed by the House and $1,456,866,000 as proposed by the Senate. The conference agreement includes a transfer of $16,000,000 to the Office of the Inspector General and $105,600,000 to FEMA Management and Administration. The conference agreement continues the re-

quirement to provide the Committees with an expenditure plan detailing the uses of these funds prior to transfer.

In an effort to improve the accuracy of budget forecasts, the President's budget includes an allowance for the estimated costs of natural or manmade disasters. The conferees commend the Administration for this effort but are disappointed that the President has not followed through by requesting appropriate funding for the known costs of existing disasters. According to DHS and FEMA, the DRF is expected to be exhausted in March of 2010. According to the most current FEMA estimates that were only recently provided to the Committees, it is anticipated that another $3.8 billion will be required to cover disaster costs through September 30, 2010, for past disasters such as Hurricanes Katrina, Gustav, Ike, the Midwest floods, and for the anticipated costs of an average disaster season. Without a proposal from the Administration to address this impending shortfall, the conferees believe it is premature to appropriate additional funds at this time. As noted in the House report, the conferees expect the DRF to be properly monitored and for the submittal of timely budget requests that are adequate to sustain disaster response and recovery costs. Accordingly, the conferees encourage the President to request funding for any DRF shortfall as soon as possible.

The conference report continues the requirement for a monthly report detailing allocations, obligations, and undistributed amounts related to all disasters, including Hurricanes Katrina, Rita, and Wilma. The report shall maintain the same level of data as currently presented to the Committees. Additionally, this report should, when applicable, list funds transferred to USAID for international disasters, including the location of the disaster.

FEMA is directed to maintain the Florida long-term recovery office as long as there is sufficient work to be done following the 2004 and 2005 hurricanes that struck the State. FEMA is directed to notify the Committees 60 days prior to closing the office.

Evaluating FEMA's Readiness

The House report directs GAO to conduct exercises to evaluate how well FEMA provides disaster assistance to survivors. The conference agreement modifies the House directive to require GAO to brief the Committees no later than 45 days after the date of enactment of this Act with a scope of work describing how GAO would carry out unannounced evaluations of FEMA's disaster assistance without adversely impacting those affected by a disaster.

Remaining Challenges in Post Disaster Housing

In fiscal year 2009, the Committees required the Office of the Federal Coordinator for Gulf Coast Rebuilding to report on recommendations for ensuring sufficient stock of affordable rental housing to meet the needs of all those displaced. The conferees believe the Office's recommendations should be studied and incorporated by federal, State, and local governments to deal with future disasters.

The conferees are pleased to note that FEMA and the Department of Housing and Urban Development (HUD) have recognized

that there must be some interplay between the agencies after a disaster. The two agencies are working in tandem to operate the Disaster Housing Assistance Program (DHAP) in Louisiana, Mississippi, and Texas following Hurricanes Katrina, Rita, and Ike. The conferees expect FEMA to use DHAP as a model as it develops its agreements with HUD. The conferees expect that FEMA will continue to support disaster costs under an agreement between HUD and FEMA, as it does for DHAP in the Gulf Coast.

The conferees direct FEMA to formalize an agreement with HUD outlining the roles and responsibilities of both agencies following a disaster and clearly delineating when and how HUD should take the lead role in the federal housing response. Upon completion of the agreement, FEMA is directed to report to the appropriate Congressional committees on the resources and any legislative authority needed to implement the agreement.

The conferees remain concerned by continued reports that FEMA trailers purchased to house disaster victims have high levels of formaldehyde emissions, possibly leading to adverse health effects. The conferees understand FEMA is pursuing alternative housing solutions and demonstration projects and encourage FEMA to consider multiple technologies and building solutions during this phase.

Children and Disasters

FEMA is directed to expedite its discussions with Ottawa School in Illinois and to come to resolution on its elementary school project. FEMA and the affected community should address the continued flooding of this school and area. FEMA and the community should consider taking the mitigation action of moving the school from the floodplain. FEMA shall act with due haste and report to the Committees when the final project is approved.

Further, the conferees direct FEMA to establish planning guidance to ensure child safety and protection in the event of a disaster.

Disaster Assistance Direct Loan Program Account

The conference agreement provides $295,000 for the cost of loans as proposed by both the House and the Senate. Administrative costs are provided for in the FEMA "Management and Administration" account.

Flood Map Modernization Fund

The conference agreement provides $220,000,000 for the Flood Map Modernization program as proposed by both the House and Senate. In fiscal year 2010, FEMA will continue to focus these funds on reviewing, updating, and maintaining maps to accurately reflect flood hazards. The goal shall be to review and, where necessary, to update and maintain data, methodologies, models, and maps that have been modernized, and to issue map updates no later than five years past the modernized dates of the maps. To support this goal, FEMA is directed to provide no less than 20 percent of the funds provided under this heading for map updates and maintenance conducted by Cooperating Technical Partners that

provide a 25 percent cash match and have a strong record of working effectively with FEMA on flood plain mapping activities. With the fiscal year 2011 budget request, FEMA shall submit to the Committees a status report on the progress made towards the five-year Risk Mapping, Assessment, and Planning strategy.

When allocating map modernization funds, FEMA is encouraged to prioritize as criteria the number of stream and coastal miles within the State, the Mississippi River Delta region, and the participation of the State in leveraging non-federal contributions.

FEMA is directed to develop a National Digital Elevation Acquisition and Utilization plan for the purposes of supporting flood plain map updates. FEMA shall collaborate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and States that have experience in acquiring and incorporating high resolution elevation data in the flood plain map updates. FEMA shall submit this plan to the Committees within six months after the date of enactment of this Act.

NATIONAL FLOOD INSURANCE FUND

The conference agreement provides the agency re-estimated request of $38,680,000 for salaries and expenses as opposed to $52,149,000 as proposed by both the House and Senate. The conference agreement further provides $107,320,000 for flood plain mapping and management as proposed by both the House and Senate.

The conferees do not include authority allowing the FEMA Administrator to transfer funds from flood mapping and flood plain management for salaries and expenses. Instead, FEMA is required to provide the Committees with a reprogramming proposal, in accordance with section 503 of this Act, if a problem arises in meeting mission requirements. The conferees encourage FEMA to consider population growth when determining grant awards to the States under the Community Assistance Program.

NATIONAL PREDISASTER MITIGATION FUND

The conference agreement provides $100,000,000 for the National Predisaster Mitigation Fund (PDM), as proposed by the House instead of $120,000,000 as proposed by the Senate. As part of the budget, the Administration proposes to drastically change the distribution methodology used for awarding PDM grants. However, the Administration was unable to adequately articulate the ramifications or benefits of their new approach. Considering that pending legislation is vastly different from the Administration's new approach, the conferees do not approve the proposed change. Instead, the conferees direct FEMA to continue this program as it operated during fiscal year 2009. The conference agreement continues a provision contained in the Department of Homeland Security Appropriation Act, 2009, which extends the authorization of the PDM grant program for one year to continue the current program.

The conference agreement includes funding for predisaster mitigation projects in the following amounts, and the remaining funding shall be competitively awarded:

Predisaster mitigation projects:

	Amount
Alabama Emergency Management Agency, AL	$200,000
Arkansas Department of Emergency Management, AR	750,000
Arkansas State University-Beebe, AR	452,000
Brigham City Corporation, UT	250,000
CHRISTUS St. Elizabeth Hospital, Beaumont, TX	250,000
City of Brooksville, KY	18,500
City of Burbank, CA	225,000
City of Camanche, IA	187,500
City of Coconut Creek, FL	500,000
City of Colton, CA	200,000
City of Davis, CA	275,000
City of Emeryville, CA	600,000
City of Flagler Beach, FL	750,000
City of Hartselle, AL	245,000
City of Hidalgo, TX	500,000
City of Hokah, MN	590,000
City of Kannapolis, NC	425,000
City of Los Angeles, CA	1,000,000
City of Los Angeles, CA	500,000
City of Maryville, MO	175,000
City of Miami Beach, FL	750,000
City of Miami, FL	600,000
City of New Braunfels, TX	500,000
City of Prattville, AL	500,000
City of Reno, NV	500,000
City of Robstown, TX	500,000
City of Rockville, MD	650,000
City of Santa Clarita, CA	500,000
City of Trenton, NJ	300,000
City of Venice, FL	200,000
DeKalb County, IL	350,000
Drew County, AR	366,564
Harris County Flood Control District, TX	1,000,000
Henry County, GA	275,000
Jackson Health System, Miami, FL	500,000
Kentucky Emergency Management, KY	500,000
King County, WA	750,000
Lake County Stormwater Management Agency, OH	725,000
Lorain County, OH	200,000
Louisville-Metro Government, KY	500,000
Lucas County Engineer, OH	500,000
McDowell Hospital, Marion, NC	220,000
Mississippi Homeland Security Office, MS	500,000
North Carolina Office of Emergency Management, NC	165,000
Ohio University, Athens, OH	200,000
Orange County Fire Authority, CA	252,000
Russell County Fiscal Court, KY	200,000
San Miguel County, NM	400,000
Shelby County, Memphis, TN	325,000
State of Maryland, MD	1,000,000
Town of Hambleton and Town of Davis, WV	450,000
Town of Occoquan, VA	25,000
Town of Shelter Island, NY	200,000
Town of Union and City of Binghamton, NY	462,000
Town of Winthrop, MA	500,000
Village of La Grange Park, IL	150,000
Village of Pelham, NY	562,500
Westport Fire Department, CT	265,000

EMERGENCY FOOD AND SHELTER

The conference agreement provides $200,000,000 for the Emergency Food and Shelter program as proposed by the House instead of $175,000,000 as proposed by the Senate. The funding will assist those most immediately in need of food and shelter assistance.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The conference agreement provides $224,000,000 in discretionary appropriations for United States Citizenship and Immigration Services (USCIS) instead of $298,000,000 as proposed by the House and $135,700,000 as proposed by the Senate.

User Fee Funded Programs

The current estimate for fiscal year 2010 of USCIS fee collections, which constitute a majority of the agency's resources, is $2,503,232,000. These fee revenues support adjudication of applications for immigration benefits and fraud prevention activities and are derived from fees collected from persons applying for immigration benefits. The conferees understand that fee receipts have decreased significantly in fiscal year 2009 largely due to prevailing economic conditions, and are also likely to be below projections for fiscal year 2010. Since it is unclear how the expenditure estimates will change to align USCIS costs with anticipated revenues, the conferees cannot accurately modify the budget presentation of fee-funded expenditures. Instead, the conferees direct USCIS to submit, within 30 days after the date of enactment of this Act, an operating plan for fiscal year 2010 accompanied by a reprogramming notification, if necessary, that details how and at what levels USCIS will fund its operations in fiscal year 2010 based on revised fee collection estimates.

Within the total fees collected, the conferees direct USCIS to provide no less than $51,755,000 to support National Customer Service Center operations and to dedicate the entirety of premium processing revenue to business system and information technology transformation. USCIS is also directed to provide no less than $29,000,000 to convert immigration records to digital format, as requested for fiscal year 2010. No more than $10,000 of the fees collected shall be used for official reception and representation expenses.

Basic Pilot Program (E-Verify Program)

The conference agreement provides $137,000,000 for the basic pilot program (E-Verify Program) instead of $162,000,000 as proposed by the House and $118,500,000 as proposed by the Senate. Of this amount, $30,000,000 is available until September 30, 2011, for continued improvement of the E-Verify system, including an identity assurance tool, additional capacity to investigate fraudulent use of the system, and development of a "self-check" tool to allow authorized workers to validate the accuracy of their records

on file with federal government agencies. The conferees make all appropriations for compliance investments available for fiscal year 2010 only to reflect the emphasis the conferees expect USCIS to place on E-Verify improvements that strengthen compliance with system operating requirements.

GAO Analysis of Basic Pilot Program/E-Verify Program

The conferees direct GAO to conduct two studies of the basic pilot program (E-Verify Program): one of the tentative non-confirmation rates for the basic pilot program (E-Verify Program) and the other of the effects of the basic pilot program (E-Verify Program) on small entities, as defined by 5 U.S.C. 601. The House had proposed a general provision (section 545) requiring these studies and GAO is directed to follow the direction in the House bill when designing them. The Senate had proposed no similar provision.

Refugee and Asylum Application Processing

The fiscal year 2010 budget proposes $201,000,000 in direct appropriations, rather than a surcharge on application fees, to pay for the cost of processing refugee applications and asylum claims. The conference agreement provides $50,000,000 for these costs instead of $100,000,000 as proposed by the House. The Senate proposed no funding. This level reflects an estimated three months of appropriations funded asylum and refugee application processing costs. Since the Administration has not published a Federal Register notice explaining how or when the existing $40 immigration application surcharge for funding refugee and asylum applications will be discontinued, the conference report includes statutory language withholding appropriated funds from obligation until regulatory revisions are implemented.

Military Naturalizations

The conference agreement provides $5,000,000 for the processing of military naturalization applications as proposed by the Senate. The House proposed no funding. The conferees strongly encourage the Office of Management and Budget to include appropriated funding for this activity within the fiscal year 2011 budget request for the Department of Defense in accordance with the National Defense Authorization Act of Fiscal Year 2004 (Public Law 108–136).

REAL ID

The budget requests $25,000,000 to complete development of a data sharing hub to support implementation of the REAL ID Act. The conferees, however, note that the $50,000,000 appropriated for this purpose for fiscal year 2009 has yet to be awarded to the State consortium leading the project. DHS has proposed significant revisions to the underlying REAL ID authorization, raising the potential for planning delays in the eventual technological solution that is determined necessary to connect States' vital records systems. As a result, the conference agreement includes $10,000,000 for REAL ID data sharing hub development, to be used only for system engi-

neering and acquisition costs and not for "incentive" or other subsidy payments to project participants, instead of $25,000,000 as proposed by the House. The Senate proposed no funding for the REAL ID hub. As noted in the Senate report, the conferees expect DHS to submit its plan for hub development to the Committees in fiscal year 2010.

Immigration Integration

The conference agreement includes $11,000,000 for competitively-awarded grants to organizations promoting the rights and responsibilities of citizenship as proposed by the House instead of $1,200,000 as proposed by the Senate. The conference report includes a statutory restriction limiting the award of these funds to programs that serve legal permanent residents of the United States.

Changes to Fees Charged to Temporary Protected Status Applicants

As discussed in the House report, the conference report includes a general provision clarifying that USCIS is allowed to charge fees for services related to Temporary Protected Status applications.

Naturalization Ceremonies

As directed in the House report, USCIS is directed to identify, in the fiscal year 2011 budget submission, funds allocated to naturalization and oath of allegiance ceremonies and to work with local public and private groups to schedule naturalization and oath of allegiance ceremonies as part of Independence Day celebrations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conference agreement provides $239,356,000 for Federal Law Enforcement Training Center (FLETC) Salaries and Expenses as proposed by the House instead of $244,356,000 as proposed by the Senate. The conferees understand the Department has revised its priorities for the data center migration initiative and provide no funding within this account. The Department is encouraged to use the transfer authority provided for data center migration to fund any emergent requirements within FLETC as the initiative progresses.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conference agreement provides $43,456,000 for Acquisitions, Construction, Improvements, and Related Expenses as proposed by both the House and the Senate.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The conference agreement provides $143,200,000 for Management and Administration as proposed by the Senate instead of $142,200,000 as proposed by the House. This amount includes $10,000 for official reception and representation and $1,000,000 for additional Test and Evaluations/Standards personnel to support the Acquisition Review Board process. Science and Technology (S&T) shall brief the Committees quarterly on the test and evaluation status of all level 1 acquisitions.

As part of the fiscal year 2011 budget request and in each subsequent fiscal year, S&T shall report on the results of its research and development efforts in the prior year (fiscal year 2009), including all technologies, technology improvements, or capabilities delivered to front line users, and the role the Integrated Product Teams played in the development. In addition, based on the Directorate's ongoing validation and verification reviews, S&T shall also submit with its fiscal year 2011 budget request and each subsequent fiscal year a report on the amounts deobligated from projects in the prior fiscal year (fiscal year 2009) and what projects those funds were subsequently obligated to.

S&T shall notify the Committees pursuant to section 503 of this Act if it assesses any program for administrative costs exceeding five percent of the total program appropriation.

As discussed in the Senate report, S&T shall report within 30 days after the date of enactment of this Act on its plans and timelines for full implementation of the National Academy of Public Administration study recommendations related to strategic planning.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conference agreement provides $863,271,000 for Research, Development, Acquisition, and Operations instead of $825,356,000 as proposed by the House and $851,729,000 as proposed by the Senate. Funds are available for three years, except Laboratory Facilities funding, which is available for five years. The following table specifies funding by budget activity:

Border and Maritime Security	$44,181,000
Chemical and Biological	206,800,000
Command, Control, and Interoperability	81,764,000
Explosives	120,809,000
Human Factors	16,087,000
Infrastructure and Geophysical	74,958,000
Innovation	44,000,000
Laboratory Facilities	150,188,000
Test and Evaluations/Standards	29,000,000
Transition	46,134,000
University Programs	49,350,000
Total	$863,271,000

Border and Maritime Security

The conference agreement provides $44,181,000 for Border and Maritime Security instead of $40,181,000 as proposed by the House

and Senate. Included in this funding is $3,000,000 for urban tunnel detection basic research, as requested. In addition, the conferees fully fund the current maritime technology test beds and provide $4,000,000 for a pilot to develop a replicable port security system that would improve maritime domain awareness.

The conferees are disappointed in the slow progress DHS has made in developing a viable container security device, as discussed in the House report. S&T shall continue its quarterly updates to the Committees on its efforts in this area.

Chemical and Biological

The conference agreement provides $206,800,000 for Chemical and Biological as proposed by the Senate instead of $221,900,000 as proposed by the House. While the conferees fund the BioWatch program under the Office of Health Affairs as proposed by the Senate, S&T is expected to be intricately involved in the test and evaluation of the BioWatch Generation 3 systems.

While the conferees support the transfer of BioShield to the U.S. Department of Health and Human Services, DHS shall continue to perform the threat assessments of hazardous materials.

As discussed in the House report, S&T is directed to brief the Committees before January 15, 2010, on the development and implementation of a Department-wide biosurety policy.

Command, Control, and Interoperability

The conference agreement provides $81,764,000 for Command, Control, and Interoperability instead of $80,764,000 as proposed by the House and $83,264,000 as proposed by the Senate. Within this total, $3,000,000 is to continue the web distributed environment for critical infrastructure decision making exercises and $500,000 is for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies.

Explosives

The conference agreement provides $120,809,000 for Explosives research and technologies as proposed by the House and Senate. Included in this amount is $10,000,000 to develop air cargo screening technologies, as requested. In light of the large increase in funding under this program, S&T is encouraged to accelerate its efforts to achieve results in the near term and to brief the Committees by January 15, 2010, on the status of new explosives research and technologies, the progress it has made in identifying research and development gaps aimed at countering improvised explosive device threats, and how these funds will close such gaps.

Human Factors

The conference agreement provides $16,087,000 for Human Factors instead of $16,887,000 as proposed by the House and $12,460,000 as proposed by the Senate. Within this total, $3,800,000 is for the biometrics program.

Infrastructure and Geophysical

The conference agreement provides $74,958,000 for Infrastructure and Geophysical instead of $52,093,000 as proposed by the House and $67,607,000 as proposed by the Senate. Within the funding provided, not less than $20,865,000 is to continue the Southeast Region Research Initiative at the Oak Ridge National Laboratory; not less than $10,000,000 is for the National Institute for Hometown Security to support existing support in community-based critical infrastructure protection; and not less than $2,000,000 is for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative.

Innovation

The conference agreement provides $44,000,000 for Innovation as proposed by the House and Senate, including adequate funding for a variety of new technologies pertaining to tunnels, levee strengthening, storm surge mitigation, and resilient electric grid as requested and discussed in the Senate report.

New Technologies

New technologies may significantly help the Department as it seeks to secure our homeland. The Department is encouraged to develop a variety of technologies as discussed in both the House and Senate reports.

Laboratory Facilities

The conference agreement provides $150,188,000 for Laboratory Facilities instead of $123,188,000 as proposed by the House and $154,500,000 as proposed by the Senate. Within the total, $12,000,000 is provided for the final year of construction obligations at the Physical Science Facility and refurbishment of building 325 at the Pacific Northwest National Laboratory in support of the memorandum of understanding between DHS, the U.S. Department of Energy, and the National Nuclear Security Administration.

Within this total, $32,000,000 is for the National Bio- and Agro-defense Facility (NBAF) instead of $36,312,000 as proposed by the Senate and no funding as proposed by the House. Due to concerns raised by GAO about DHS's original assessment of the risk related to foot-and-mouth disease research on the U.S. mainland, a general provision is included prohibiting the obligation of these funds for NBAF construction until the Secretary undertakes a bio-safety and bio-security mitigation risk assessment using plume and epidemiologic impact modeling to determine the requirements for the safe operation of NBAF in Manhattan, Kansas. Once DHS completes the risk assessment, the National Academy of Sciences (NAS) shall provide an independent evaluation of the DHS study within four months to ensure that risk has been adequately identified and mitigated in planning for NBAF. Up to $2,000,000 of the amount provided may be used for the NAS evaluation.

In addition, the conferees continue bill language, proposed by the Senate, that requires the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, to report to the

Committees on the procedures used to issue a permit for foot-and-mouth disease live virus research and an emergency response plan in the event of an accidental release of a hazardous pathogen originating from NBAF.

Test and Evaluations/Standards

The conference agreement provides $29,000,000 for Test and Evaluations/Standards, as proposed by the House instead of $28,674,000 as proposed by the Senate. Within the total provided is $5,000,000 to continue a first responder technology evaluation program.

Transition

The conference agreement provides $46,134,000 for Transition as proposed by the House instead of $45,134,000 as proposed by the Senate. Within the funds provided, $10,000,000 is provided for first responder technologies as requested; $2,000,000 is for the Naval Postgraduate School to design, develop and field test first responder technologies outside of the integrated product team process as requested; and $1,000,000 is to continue a manufacturing pilot program to identify and transition advanced technologies and manufacturing processes in the homeland security industrial base. S&T shall provide an expenditure plan for the first responder technology program within 60 days after the date of enactment of this Act.

University Programs

The conference agreement provides $49,350,000 for University Programs instead of $50,400,000 as proposed by the House and $48,300,000 as proposed by the Senate. Within this funding, $39,380,000 is for the Centers of Excellence and $3,870,000 is for minority serving institutions. S&T is directed to brief the Committees on how these funds will be allocated to the Centers of Excellence by January 15, 2010.

Domestic Nuclear Detection Office

Management and Administration

The conference agreement provides $38,500,000 for Domestic Nuclear Detection Office (DNDO) Management and Administration, instead of $39,599,000 as proposed by the House and $37,500,000 as proposed by the Senate. The conferees note that DNDO has made progress in filling its authorized 130 FTEs, but several vacancies remain. The conferees strongly encourage DHS to expedite background investigations and other clearance processes to fill vacant positions as soon as possible.

Research, Development, and Operations

The conference agreement provides $324,537,000 for Research, Development, and Operations instead of $376,537,000 as proposed by the House and $326,537,000 as proposed by the Senate. No funding is provided under this heading for Securing the Cities, as proposed by the House, but it is instead provided in the Systems

Acquisition appropriation. The conferees include $108,537,000 for Transformational Research and Development, instead of $110,537,000 as proposed by the House and Senate, which reflects a five percent increase over fiscal year 2009. Funding is made available until September 30, 2012. The following table specifies funding by budget activity:

Systems Engineering and Architecture	$25,448,000
Systems Development	100,000,000
Transformational Research and Development	108,537,000
Assessments	32,416,000
Operations Support	38,436,000
National Technical Nuclear Forensics Center	19,700,000
Total	$324,537,000

Quarterly Reports

The conferees believe DNDO must aggressively pursue its preventive radiation/nuclear detection mission, and go beyond addressing the potential threat posed by the use of cargo containers to transport nuclear or radioactive materials or weapons. It is critical that DNDO prioritize its efforts based on risk, with attention to pathways such as general aviation, the maritime domain, U.S. land borders (including rail and in areas between ports of entry), and urban areas and critical locations in the nation's interior. The conferees direct DNDO to continue quarterly briefings to the Committees on progress in developing architecture to guide technology research and applications; the status of such technologies, including their strengths and weaknesses; and timetables to develop and deploy them.

The conferees also direct DNDO to provide quarterly briefings to the Committees, as proposed in the House report, on development of the Cargo Advanced Automated Radiography Systems and Joint Integrated Non-Intrusive Inspection programs; red team exercises and assessments, including vulnerabilities identified and recommendations for addressing them; the progress in the Human Portable Radiation Detection System development effort, including operational testing and production of new technologies for advanced operations; and progress in developing alternatives to existing detection materials and systems, in particular progress in finding alternatives to neutron detectors based on Helium-3.

Supporting and Improving Current Detection Technology

The conference agreement includes $5,000,000 within the amounts appropriated for Research, Development, and Operations to improve operations and capabilities of currently deployed polyvinyl toluene (PVT) radiation portal monitors and handheld radiation detectors, and to deploy any improvements to the field. The conferees direct DNDO to submit a plan for expenditure, development, and deployment for such efforts to the Committees not later than 60 days after the date of enactment of this Act. The conferees direct DHS to notify the Committees if DNDO determines that it cannot obligate this funding.

SYSTEMS ACQUISITION

The conference agreement provides $20,000,000 for Systems Acquisition instead of $10,000,000 as proposed by the Senate. The House proposed no funding. Funding is made available until September 30, 2012, for radiological detection systems for the Securing the Cities program, to be awarded through full and open competition.

Advanced Spectroscopic Portal Monitors and Certification

The conference report prohibits full-scale procurement of advanced spectroscopic portal (ASP) systems until the Secretary has certified and reported to the Committees that a significant increase in operational effectiveness merits such a decision, with a requirement for separate certification for primary and secondary deployments. The Secretary is directed to continue consulting with NAS on this matter. Finally, DNDO is prohibited from engaging in high-risk concurrent development and production of mutually dependent software and hardware components of detection systems.

The conferees expect DHS to ensure certification decisions are made with the best possible test information and to follow NAS recommendations related to development and certification as outlined in the Senate report. Further, the conferees believe the NAS recommendations should be implemented prior to decisions on certification or procurement of ASPs. If for any reason the Department does not follow these recommendations, the Department shall provide a briefing to the Committees as to why these recommendations were not followed. As independent reviews of the ASP programs have been of value to the Department, the conferees believe an independent cost-benefit analysis would also be beneficial.

If certification does not occur or is further delayed, the conferees direct DHS to submit a revised deployment plan, to include additional procurement of PVT monitors, if requirements remain. As described in the House and Senate reports, the conferees encourage DNDO to undertake deployment of low rate initial production ASP systems, as appropriate, and use data from such deployments to inform future portal monitor decisions.

TITLE V—GENERAL PROVISIONS

(Including Rescissions of Funds)

Section 501. The conference agreement continues a provision proposed by the House and Senate that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The conference agreement continues a provision proposed by the House and Senate that unexpended balances of prior appropriations may be merged with new appropriations accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conference agreement continues a provision proposed by the Senate that provides authority to reprogram appropriations within an account and to transfer up to 5 percent between appropriations accounts with 15-day advance notification of

the Committees. The House proposed a similar provision. A detailed funding table identifying programs, projects, and activities is included at the end of this statement. This table along with funding levels specified in the report shall serve as the control level for all reprogrammings. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2010.

The Department shall submit reprogramming requests on a timely basis and provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing FTE levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The Department shall manage its programs and activities within the levels appropriated. The Committees are concerned with the number of reprogramming proposals submitted for consideration by the Department and remind the Department that reprogramming or transfer requests should be submitted only in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. When the Department submits a reprogramming or transfer request to the Committees and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request unapproved.

The Department is not to submit a reprogramming or transfer of funds after June 30 except in extraordinary circumstances, which imminently threaten the safety of human life or the protection of property. If a reprogramming or transfer is needed after June 30, the notice should contain sufficient documentation as to why it meets this statutory exception.

Section 504. The conference agreement continues a provision proposed by the House and Senate extending the authorization of the Department's Working Capital Fund (WCF) in fiscal year 2010. No funds appropriated or otherwise available to the Department may be used to make payment to the Department's WCF, except for activities and amounts allowed in the President's fiscal year 2010 budget. Funds provided to the WCF are available until expended. The Department shall only charge components for direct usage of the WCF. Fiscal year 2010 and any carryover funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or reimbursed must reflect the full cost of each service. The WCF shall be subject to the requirements of section 503 of this Act.

Section 505. The conference agreement continues a provision proposed by the House and Senate that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2010 from appropriations made for salaries and expenses shall remain

available through fiscal year 2011 subject to reprogramming guidelines.

Section 506. The conference agreement continues a provision proposed by the House and Senate deeming that funds for intelligence activities are specifically authorized during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

Section 507. The conference agreement continues and modifies a provision proposed by the House and Senate requiring notification of the Committees three business days before any grant allocation, grant award, contract award (including Federal Acquisition Regulation-covered contracts), Other Transaction Agreement, a task or delivery order on a DHS multiple award contract, letter of intent, or public announcement of the intention to make such an award totaling in excess of $1,000,000. If the Secretary determines that compliance would pose substantial risk to health, human life, or safety, an award may be made without prior notification but the Committees shall be notified within five full business days after such award or letter is issued. Additionally, FEMA is required to brief the Committees five full business days prior to announcing publicly the intention to make an award under State and Local Programs.

Section 508. The conference agreement continues a provision proposed by the House and Senate that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees.

Section 509. The conference agreement continues a provision proposed by the House and Senate that none of the funds may be used for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of Title 40, United States Code, has not been approved. The conferees exclude funds that may be required for development of a proposed prospectus.

Section 510. The conference agreement continues a provision proposed by the House that consolidates by reference prior year statutory bill language into one provision. The Senate proposed a similar provision. These provisions relate to reporting requirements of the privacy officer; contracting officer's technical representative training; sensitive security information; federal building performance and requirements outlined in title V of the National Energy Conservation Policy Act or subtitle A of title I of the Energy Policy Act of 2005; use of funds in conformance with section 303 of the Energy Policy Act of 1992; and Executive Order 13149 relating to fleet and transportation efficiency.

Section 511. The conference agreement continues a provision proposed by the House and Senate that none of the funds may be used in contravention of the Buy American Act.

Section 512. The conference agreement continues a provision proposed by the Senate prohibiting funds to be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448). The House proposed no similar provision.

Section 513. The conference agreement continues a provision proposed by the House and Senate regarding competitive sourcing.

Section 514. The conference agreement continues and modifies a provision proposed by the House and Senate directing TSA to work with air carriers and airports to ensure the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter until the requirements are met. TSA is required to report air cargo inspection statistics detailing how incremental progress is being made to the Committees within 45 days after the end of each quarter of the fiscal year. Finally, TSA shall submit a report on how it plans to meet the 100 percent mandate contained in the 9/11 Act.

Section 515. The conference agreement continues a provision proposed by the House and Senate requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 516. The conference agreement continues and modifies a provision proposed by the Senate directing that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for procurement and installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification. The House proposed a similar provision. Quarterly reports must be submitted identifying any funds that are recovered or deobligated.

Section 517. The conference agreement continues a provision proposed by the House and Senate requiring any funds appropriated to Coast Guard for 110–123 foot patrol boat conversions that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the replacement patrol boat program.

Section 518. The conference agreement continues a provision proposed by the House and Senate pertaining to the human resource management system.

Section 519. The conference agreement continues a provision proposed by the House and Senate extending undercover investigative operations authority of the Secret Service.

Section 520. The conference agreement continues a provision proposed by the House and Senate classifying the functions of instructor staff at FLETC as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998.

Section 521. The conference agreement continues a provision proposed by the House and Senate prohibiting the obligation of funds appropriated to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply. This provision does not require new competitions of existing contracts during their current terms. The conferees also require the IG to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 522. The conference agreement continues and modifies a provision proposed by the House that prohibits funding for any position designated as a Principal Federal Official (PFO) during a Stafford Act declared disaster or emergency.

The issue of the role of a PFO during a Federal response has a complicated history in recent years, brought to light most visibly with confusion during the response to Hurricane Katrina. The Post Katrina Emergency Management Reform Act of 2006 (PKEMRA) addressed various shortcomings highlighted by the response to Hurricane Katrina. PKEMRA defines FEMA's responsibilities and boosts its autonomy within DHS. In addition, the Act outlines an incident management chain of command headed by the Administrator of FEMA, defined as the principal advisor to the President and Secretary on all matters relating to emergency management. However, a dispute regarding the role of the PFO continues.

While the conferees do not believe that Sec. 523 of the House bill precludes the Secretary from deploying Department level staff to a disaster in a manner that is consistent with current law, the conferees recognize that the Secretary has asked for some flexibility regarding this provision. Statutory language has been modified to allow the Secretary to waive the prohibition on the use of funds for a PFO or successor position under a Stafford Act declaration. After exercising this waiver, the Secretary must report to the Committees on Appropriations, as well as the House Transportation and Infrastructure Committee, and the Senate Homeland Security and Governmental Affairs Committee with the following information: (1) an explanation of the circumstances necessitating the waiver, including a discussion of how this action does not deviate from the role of the FEMA Administrator as the principal advisor on emergency management to the President, the Homeland Security Council, and the Secretary, as defined in P.L. 109–295 (6 U.S.C. 313); and (2) a discussion of the role in the field, or in headquarters, of staff deployed pursuant to the waiver, including measures taken to ensure compliance with subsection (c) of 6 U.S.C. 319.

Further, the conferees note that this waiver authority exists for fiscal year 2010 only and directs the Department, in collaboration with the appropriate authorizing committees of the House and Senate, and other federal entities, to revisit all planning and response documents, such as the National Response Framework, and the organizational structure of operational emergency response teams, as appropriate, to ensure that they are compliant with the provisions of PKEMRA. The conferees direct DHS to report within 120 days of enactment of this Act on any action necessary to update all applicable documents and the organizational structure of operational emergency response teams.

Section 523. The conference agreement continues a provision proposed by the House and Senate regarding the enforcement of section 4025(1) of Public Law 108–458 pertaining to butane lighters.

Section 524. The conference agreement continues a provision proposed by the House and Senate prohibiting the Secretary of Homeland Secretary from reducing operations within the Coast Guard's Civil Engineering Program except as specifically authorized by a statute enacted after the date of enactment of this Act.

Section 525. The conference agreement continues a provision proposed by the House and Senate that precludes DHS from using funds in this Act to carry out reorganization authority. This prohi-

bition is not intended to prevent the Department from carrying out routine or small reallocations of personnel or functions within components of the Department, subject to section 503 of this Act.

Section 526. The conference agreement continues a provision proposed by the House and Senate prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in the statute to be completed prior to the grant of the benefit have been received by USCIS.

Section 527. The conference agreement continues a provision proposed by the House and Senate prohibiting use of funds to destroy or put out to pasture any horse or other equine belonging to the Federal government unless adoption has been offered first.

Section 528. The conference agreement continues a provision proposed by the Senate regarding the use of Data Center One (National Center for Critical Information Processing and Storage). The House proposed no similar provision.

Section 529. The conference agreement continues a provision proposed by the Senate prohibiting funds from being used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff. The House proposed no similar provision.

Section 530. The conference agreement continues a provision proposed by the House and Senate prohibiting funds to be used to conduct or implement the results of a competition under Office of Management and Budget Circular A–76 with respect to the Coast Guard National Vessel Documentation Center.

Section 531. The conference agreement continues and modifies a provision proposed by the House relating to Other Transactional Authority for DHS through fiscal year 2010. The Senate proposed a similar provision.

Section 532. The conference agreement continues a provision proposed by the House and Senate that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 533. The conference agreement continues a provision proposed by the House and Senate prohibiting the obligation of funds made available to the Office of the Secretary and Executive Management for any new hires at DHS not verified through the basic pilot (E-Verify) program.

Section 534. The conference agreement continues a provision proposed by the House and Senate related to prescription drugs.

Section 535. The conference agreement continues a provision proposed by the House and Senate prohibiting funds made available in this Act from being used to implement a rule or regulation that implements the Notice of Proposed Rulemaking related to Petitions for Aliens to Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Section 536. The conference agreement continues a provision proposed by the House requiring the Secretary of Homeland Security, in consultation with the Secretary of Treasury, to notify the Committees of any proposed transfers from the Department of Treasury Forfeiture Fund to any agency within the Department of Homeland Security. No funds may be obligated until the Commit-

tees approve the proposed transfers. The Senate proposed a similar provision.

Section 537. The conference agreement continues a provision proposed by the House and Senate prohibiting funds for planning, testing, piloting, or developing a national identification card.

Section 538. The conference agreement continues a provision proposed by the House and Senate requiring the Assistant Secretary of Homeland Security (TSA) to certify that no security risks will result if any airport does not participate in the basic pilot (E-Verify) program.

Section 539. The conference agreement continues a provision proposed by the House and Senate that requires a report summarizing damage assessment information used to determine whether to declare a major disaster.

Section 540. The conference agreement continues a provision proposed by the Senate relating to the liquidation of Plum Island assets if the site is not chosen for the new National Bio- and Agrodefense Facility and how the proceeds from this sale may be applied. The House proposed a similar provision.

Section 541. The conference agreement includes a new provision proposed by the House amending section 4 of Public Law 110–161 by striking projects in Massachusetts, South Carolina, and California and adding different projects in those States. The Senate proposed no similar provision.

Section 542. The conference agreement continues a provision proposed by the House and Senate directing that any official required by this Act to report or certify to the Committees on Appropriations may not delegate such authority unless expressly authorized to do so in this Act.

Section 543. The conference agreement continues a provision proposed by the House extending the authority of the Predisaster Mitigation Fund until September 30, 2010. The Senate proposed no similar provision.

Section 544. The conference agreement includes a provision proposed by the Senate on unmanned aircraft systems. The House proposed no similar provision.

Section 545. The conference agreement includes a new provision proposed by the House permitting unobligated amounts made available to Coast Guard Sector Buffalo to be used to make improvements to land to enhance public access to the Buffalo Lighthouse and the waterfront. The Senate proposed no similar provision.

Section 546. The conference agreement includes a new provision proposed by the House and Senate permitting personnel appointed or assigned to serve abroad allowances and benefits similar to those provided in the Foreign Service Act of 1990.

Section 547. The conference agreement includes and modifies a new provision proposed by the House that extends the basic pilot program (E-Verify program) by three years. Because DHS and the Social Security Administration have already entered into a memorandum of agreement on employment verification, statutory language is no longer necessary. The two GAO reports contained in the House provision are addressed under USCIS. The Senate proposed a similar extension.

Section 548. The conference agreement includes a new provision proposed by the Senate that extends the EB–5 visa program for three years. The House proposed no similar provision.

Section 549. The conference agreement includes a new provision proposed by the House that clarifies fees for fingerprinting, biometric services, and other necessary services may be collected as part of section 244 of the Immigration and Nationality Act. The Senate proposed no similar provision.

Section 550. The conference agreement includes a new provision proposed by the House and Senate that extends the risk based security standards for chemical facilities cited in Section 550 of P.L. 109–295 by one year.

Section 551. The conference agreement includes a new provision proposed by the Senate that renames "basic pilot program" as "E-Verify Program". The House proposed no similar provision.

Section 552. The conference agreement includes and modifies a new provision proposed by the House on the individuals detained at the Naval Station, Guantanamo Bay, Cuba. The Senate had no similar provision.

Section 553. The conference agreement includes a new provision proposed by the House that requires the names of individuals detained at the Naval Station, Guantanamo Bay, Cuba to be included on the No Fly List. The Senate proposed no similar provision.

Section 554. The conference agreement includes a new provision proposed by the House and Senate permitting the collection of fees for conferences, seminars, exhibits, symposiums, or similar meetings and requires an annual report on the level of collection by the Department.

Section 555. The conference agreement includes a new provision proposed by the Senate defining rural areas for purposes of section 210C of the Homeland Security Act of 2002. The House proposed no similar provision.

Section 556. The conference agreement includes a new provision proposed by the House prohibiting funds in this Act to be used for first-class travel. The Senate proposed no similar provision.

Section 557. The conference agreement includes and modifies a new provision proposed by the House prohibiting funds in this Act to be used for adverse personnel actions for employees who use protective equipment or measures, including surgical masks, N95 respirators, gloves, or hand-sanitizers in the conduct of their official duties. The Senate proposed no similar provision.

Section 558. The conference agreement includes a new provision proposed by the House prohibiting funds in this Act to be used to employ workers in contravention of section 274A(h)(3) of the Immigration and Nationality Act. The Senate proposed no similar provision.

Section 559. The conference agreement includes and modifies a new provision proposed by the Senate that prohibits the use of funds for LORAN–C after January 4, 2010, if the Commandant certifies termination will not adversely impact maritime safety and the Secretary certifies that LORAN–C is not needed as a backup to the Global Positioning System (GPS). The certifications must be submitted to the Committees on Appropriations. If such certifi-

cations are made, the sale of LORAN–C properties can be used as offsetting collections for environmental compliance and restoration activities, including costs of securing and maintaining equipment that may be used as a backup to GPS. The House proposed no similar provision.

Section 560. The conference agreement includes and modifies a new provision proposed by the Senate that prohibits the obligation of funds for construction of the National Bio- and Agro-defense Facility (NBAF) until the Secretary of DHS undertakes a bio-safety and bio-security mitigation risk assessment using plume and epidemiologic impact modeling to determine the requirements for the safe operation of NBAF in Manhattan, Kansas. Once DHS completes the risk assessment, the National Academy of Sciences shall provide an independent, expert evaluation of the DHS study within four months to ensure that risk has been adequately identified and mitigated in planning for NBAF. In addition, the Secretary of DHS, in coordination with the Secretary of Agriculture, shall report to the Committees on the procedures used to issue a permit for foot-and-mouth disease live virus research and an emergency response plan in the event of an accidental release of a hazardous pathogen originating from NBAF. The House proposed a similar provision under S&T Research, Development, Acquisition, and Operations.

Section 561. The conference agreement includes and modifies a new provision proposed by the Senate on maritime transportation security information. The House proposed no similar provision.

Section 562. The conference agreement includes a new provision proposed by the Senate on the definition of switchblade knives. The House proposed no similar provision.

Section 563. The conference agreement includes and modifies a new provision proposed by the Senate related to the Federal Deposit Insurance Act. The House proposed no similar provision.

Section 564. The conference agreement includes and modifies a new provision proposed by the Senate amending the OPEN FOIA Act relating to certain items being withheld from release. The House proposed no similar provision.

Section 565. The conference agreement includes and modifies a new provision proposed by the Senate on the release of protected national security documents. The House proposed no similar provision.

Section 566. The conference agreement includes a new provision proposed by the Senate permitting administrative law judges to be available temporarily to serve on an arbitration panel created under the American Recovery and Reinvestment Act for FEMA's Public Assistance program for Hurricanes Katrina and Rita. The House proposed no similar provision.

Section 567. The conference agreement includes a new provision proposed by the Senate on the proper disposal of personal information collected through the Registered Traveler program. A report on procedures and status is required to be submitted 90 days after the date of enactment of this Act. The House proposed no similar provision.

Section 568. The conference agreement includes and modifies a new provision proposed by the Senate extending the visa program for special immigrant nonminister religious workers and the

"Conrad 30" rural area serving doctors program. The conferees modify treatment of surviving spouses and other relatives. The conference agreement includes reporting requirements and humanitarian consideration for pending petitions and applications. The House proposed no similar provision.

Section 569. The conference agreement includes a new provision proposed by the Senate prohibiting funds appropriated or otherwise made available by this Act to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract. The House proposed no similar provision.

Section 570. The conference agreement includes a new provision proposed by the Senate that prohibits funds appropriated or otherwise made available by this Act for DHS to enter into a federal contract unless the contract meets the Federal Property and Administrative Services Act of 1949 or Chapter 137 of title 10 U.S.C. requirements and the Federal Acquisition Regulation or the contract is authorized by statute without regard to this section. The House proposed no similar provision.

Section 571. The conference agreement includes a new provision allowing the Secretary to transfer data center migration funds made available by this Act between appropriations for the same purpose after notifying the Committees 15 days in advance.

Section 572. The conference agreement includes a new provision that specific earmarks contained in House Report 111–157 intended to be awarded to a for-profit entity shall be awarded under full and open competition.

Section 573. The conference agreement includes a provision rescinding $5,572,000 in unobligated balances for fiscal year 2009 from FEMA "Trucking Industry Security Grants" as proposed by the House instead of $5,500,000 as proposed by the Senate.

Section 574. The conference agreement includes a provision rescinding $2,358,000 in unobligated balances of prior year appropriations for "Analysis and Operations" instead of $2,203,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Section 575. The conference agreement includes a provision rescinding $8,000,000 in unobligated balances of prior year appropriations for NPPD "Infrastructure Protection and Information Security" as proposed by the Senate instead of $5,963,000 as proposed by the House.

Section 576. The conference agreement includes a provision rescinding $6,944,148 from unobligated balances of prior year appropriations for S&T "Research, Development, Acquisition, and Operations" instead of $7,500,000 as proposed by the Senate. The House proposed no similar provision. S&T shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 577. The conference agreement includes a provision rescinding $8,000,000 from unobligated balances of prior year appropriations for DNDO "Research, Development, and Operations" as proposed by the Senate. The House proposed no similar provision. DNDO shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 578. The conference agreement includes a new provision rescinding $4,000,000 from unobligated balances of prior year

appropriations made available for TSA "Research and Development". TSA shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 579. The conference agreement includes a new provision rescinding $800,000 from unobligated balances of prior year appropriations made available for Coast Guard "Acquisition, Construction, and Improvements" and specifies that this rescission must be made from completed projects.

Section 580. The conference agreement includes a new provision rescinding $5,600,000 from unobligated balances made available for the Counterterrorism Fund.

PROVISIONS NOT ADOPTED

The conference agreement does not include section 512 of the Senate bill prohibiting funds for Secure Flight to be used to test algorithms assigning risk to passengers whose names are not on a government watch list or to use databases that are under control of a non-Federal entity. Since these activities are not permitted by the final Secure Flight rule, any change would require a new rulemaking.

The conference agreement does not include section 518 of the Senate bill prohibiting funds for the National Applications Office or the National Immigration Information Sharing Operation until certain conditions were met. A modified version of this provision is included in "Analysis and Operations"

The conference agreement does not include section 546 of the House bill clarifying how funds collected for fraud prevention and detection may be used.

The conference agreement does not include section 546 of the Senate bill that clarifies Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act, making the basic pilot (E-Verify) program permanent. The conference agreement contains a three-year extension of this program.

The conference agreement does not include section 547 of the Senate bill that requires government contractors to participate in the basic pilot (E-Verify) program. A federal regulation was finalized in September 2009 requiring federal contractors and subcontractors to use the basic pilot (E-Verify) program.

The conference agreement does not include section 549 of the Senate bill making the EB–5 visa program permanent. The conference agreement contains a three year extension of this program.

The conference agreement does not include section 550 of the Senate bill authorizing the Secretary to direct GSA to sell ICE Service Processing Centers and detention facilities that no longer meet the mission and use the funds for other ICE real property needs.

The conference agreement does not include section 551 of the House bill on certification requirements for advanced spectroscopic portal monitors, the National Academy of Sciences study, and high risk concurrent development. This provision is included under DNDO "Systems Acquisition".

The conference agreement does not include section 553 of the House bill on the closure of the Florida long-term recovery office in Orlando. This item is addressed under FEMA.

The conference agreement does not include section 560 of the Senate bill on border fence completion.

The conference agreement does not include section 561 of the Senate bill on no match letters.

The conference agreement does not include section 563 of the Senate bill requiring a report on Operation Streamline. This item is addressed under CBP.

The conference agreement does not include section 568 of the Senate bill requiring a report on improving cross-border inspection processes in the United States, Ontario, and Quebec. This item is addressed under CBP.

The conference agreement does not include section 573 of the Senate bill pertaining to prescription drugs. This issue is addressed under Section 534.

The conference agreement does not include section 576 of the Senate bill requiring employers to verify the immigration status of existing employees.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the Rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

HOMELAND SECURITY
[Presidentially Requested Spending Items]

Agency	Account	Project	Amount	Administration	Requester(s)
CG	Operating Expenses	Project Seahawk, SC	$1,088,000	The President	
CG	Acquisition, Construction, and Improvements	Shore and Operational Support projects, various locations	$6,000,000	The President	
NPPD	Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM	$16,000,000	The President	Jeff Bingaman; Tom Udall
FEMA	State and Local Programs	National Domestic Preparedness Consortium:			
		National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology, NM	$12,875,000	The President	Jeff Bingaman; Tom Udall
		National Center for Biomedical Research and Training, Louisiana State University, LA	$12,875,000	The President	Rodney Alexander; Mary Landrieu
		National Emergency Response and Rescue Training Center, Texas A&M University, TX	$12,875,000	The President	Chet Edwards; John Carter; John Cornyn; Kay Bailey Hutchison
		National Exercise, Test, and Training Center, Nevada Test Site, NV	$12,875,000	The President	Harry Reid
FEMA	State and Local Programs	Center for Domestic Preparedness, AL	$62,500,000	The President	Richard Shelby; Mike Rogers (AL)
S&T	Research, Development, Acquisition, and Operations	Naval Postgraduate School, CA	$2,000,000	The President	Sam Farr
S&T	Research, Development, Acquisition, and Operations	Physical Science Facility, Pacific Northwest National Laboratory, WA	$12,000,000	The President	Patty Murray; Norman Dicks; Doc Hastings
S&T	Research, Development, Acquisition, and Operations	Transportation Security Laboratory, NJ	$5,000,000	The President	

HOMELAND SECURITY
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
DHS	Office of the Under Secretary for Management	Center of Excellence in Logistics and Technology (LOGTECH), Institute for Defense and Business, The University of North Carolina, Chapel Hill, NC	$1,000,000	David Price
CBP	Salaries & Expenses	Portable Solar Charging Rechargeable Battery System, Global Solar, AZ	$800,000	Ed Pastor
CBP	Construction and Facilities Management	Advanced Training Center, WV	$39,700,000	Robert Byrd
CBP	Construction and Facilities Management	Hangar and Offices for U.S. Customs and Border Protection, City of El Paso, TX	$3,500,000	Silvestre Reyes
TSA	Aviation Security	Transportation Security Research and Training Center, National Safe Skies Alliance, TN	$1,250,000	John Duncan Jr.
CG	Operating Expenses	Operations Systems Center, WV	$3,600,000	Robert Byrd
CG	Acquisition, Construction, and Improvements	Coast Guard Academy Pier, CT	$300,000	Christopher Dodd
CG	Acquisition, Construction, and Improvements	Coast Guard Station Cleveland Harbor, OH	$16,800,000	George Voinovich
CG	Alteration of Bridges	Fort Madison, IA	$4,000,000	Tom Harkin; David Loebsack
NPPD	Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM	$4,000,000	Jeff Bingaman; Tom Udall
NPPD	Infrastructure Protection and Information Security	Philadelphia Buffer Zone Protection Video Surveillance Expansion Project, City of Philadelphia, PA	$1,000,000	Chaka Fattah
NPPD	Infrastructure Protection and Information Security	State and Local Cyber Security Training, University of Texas, San Antonio, TX	$3,500,000	Ciro Rodriguez
NPPD	Infrastructure Protection and Information Security	Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory, Idaho National Laboratory, ID	$3,000,000	Michael Simpson; Mike Crapo; James Risch

NPPD	Infrastructure Protection and Information Security	Cyber Security Test Bed & Evaluation Center, RTI International, NC	$3,500,000	David Price
NPPD	Infrastructure Protection and Information Security	Multi-State Information Sharing and Analysis Center (MS-ISAC), NY, Office of State Cyber Security & Critical Infrastructure Coordination	$3,000,000	Nita Lowey; Yvette Clarke
NPPD	Infrastructure Protection and Information Security	Virginia Operational Integration Cyber Center of Excellence (VOICCE), City of Hampton, VA	$500,000	Glenn Nye; Robert Wittman
NPPD	Infrastructure Protection and Information Security	The Upstate NY Cyber Initiative, Clarkson University, NY	$100,000	John McHugh; Charles Schumer
NPPD	Infrastructure Protection and Information Security	SEARCH, Sacramento, CA	$1,000,000	Steven Rothman
OHA	Office of Health Affairs	North Carolina Collaboratory for Bio-Preparedness (NC B-Prepared), School of Information & Library Science, The University of North Carolina at Chapel Hill, NC	$5,000,000	David Price; Bob Etheridge; Brad Miller; Kay Hagan
FEMA	State and Local Programs	Emergency Operations Center, Benton County Emergency Management Commission, IA	$500,000	Leonard Boswell
FEMA	State and Local Programs	Emergency Operations Center, Brazoria County Emergency Management, TX	$100,000	Ron Paul
FEMA	State and Local Programs	Emergency Operations Center, Butte-Silver Bow, MT	$800,000	Dennis Rehberg; Jon Tester
FEMA	State and Local Programs	Emergency Operations Center, Calvert County Department of Public Safety, MD	$338,000	Steny Hoyer; Benjamin Cardin
FEMA	State and Local Programs	Emergency Operations Center, City of Alamosa Fire Department, CO	$425,000	John Salazar
FEMA	State and Local Programs	Emergency Operations Center, City of Ames, IA	$600,000	Tom Harkin; Tom Latham
FEMA	State and Local Programs	Emergency Operations Center, City of Boerne, TX	$250,000	Lamar Smith
FEMA	State and Local Programs	Emergency Operations Center, City of Brawley, CA	$500,000	Bob Filner
FEMA	State and Local Programs	Emergency Operations Center, City of Brigantine, NJ	$300,000	Frank LoBiondo
FEMA	State and Local Programs	Emergency Operations Center, City of Brookings, OR	$350,000	Peter DeFazio
FEMA	State and Local Programs	Emergency Operations Center, City of Chicago, IL	$1,000,000	Richard Durbin

HOMELAND SECURITY—Continued
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, City of Commerce, CA	$1,000,000	Lucille Roybal-Allard
FEMA	State and Local Programs	Emergency Operations Center, City of Cupertino, CA	$300,000	Michael Honda
FEMA	State and Local Programs	Emergency Operations Center, City of Detroit, MI	$1,000,000	Carolyn Kilpatrick; John Conyers; Debbie Stabenow; Carl Levin
FEMA	State and Local Programs	Emergency Operations Center, City of Elk Grove, CA	$750,000	Daniel Lungren
FEMA	State and Local Programs	Emergency Operations Center, City of Green Cove Springs, FL	$400,000	Corrine Brown
FEMA	State and Local Programs	Emergency Operations Center, City of Greenville, NC	$600,000	G.K. Butterfield
FEMA	State and Local Programs	Emergency Operations Center, City of Hackensack, NJ	$300,000	Frank Lautenberg; Robert Menendez
FEMA	State and Local Programs	Emergency Operations Center, City of Hartford, CT	$800,000	John Larson
FEMA	State and Local Programs	Emergency Operations Center, City of Hopewell, VA	$250,000	Randy Forbes
FEMA	State and Local Programs	Emergency Operations Center, City of La Habra, CA	$254,500	Gary Miller
FEMA	State and Local Programs	Emergency Operations Center, City of Las Vegas, NV	$600,000	Shelley Berkley; Dina Titus; Harry Reid
FEMA	State and Local Programs	Emergency Operations Center, City of Lauderdale Lakes, FL	$750,000	Debbie Wasserman Schultz; Alcee Hastings
FEMA	State and Local Programs	Emergency Operations Center, City of Minneapolis, MN	$750,000	Keith Ellison; Amy Klobuchar
FEMA	State and Local Programs	Emergency Operations Center, City of Monterey Park, CA	$375,000	Adam Schiff; Judy Chu
FEMA	State and Local Programs	Emergency Operations Center, City of Moreno Valley, CA	$400,000	Mary Bono Mack
FEMA	State and Local Programs	Emergency Operations Center, City of Mount Vernon, NY	$1,000,000	Kirsten Gillibrand; Charles Schumer

FEMA	State and Local Programs	Emergency Operations Center, City of Newark, NJ	$1,000,000	Steven Rothman
FEMA	State and Local Programs	Emergency Operations Center, City of North Little Rock, AR	$900,000	Blanche Lincoln; Mark Pryor; Vic Snyder
FEMA	State and Local Programs	Emergency Operations Center, City of Palm Coast, FL	$350,000	John Mica
FEMA	State and Local Programs	Emergency Operations Center, City of Port Gibson, MS	$750,000	Bennie Thompson; Thad Cochran
FEMA	State and Local Programs	Emergency Operations Center, City of Scottsdale, AZ	$500,000	Harry Mitchell
FEMA	State and Local Programs	Emergency Operations Center, City of Sunrise, FL	$750,000	Debbie Wasserman Schultz; Robert Wexler; Alcee Hastings; Bill Nelson
FEMA	State and Local Programs	Emergency Operations Center, City of Tavares, FL	$500,000	Alan Grayson
FEMA	State and Local Programs	Emergency Operations Center, City of Torrington, CT	$400,000	John Larson; Christopher Murphy
FEMA	State and Local Programs	Emergency Operations Center, City of Whitefish, MT	$900,000	Jon Tester
FEMA	State and Local Programs	Emergency Operations Center, City of Whittier, CA	$500,000	Linda Sánchez
FEMA	State and Local Programs	Emergency Operations Center, City of Wichita, KS	$500,000	Todd Tiahrt
FEMA	State and Local Programs	Emergency Operations Center, Columbia County, OR	$500,000	David Wu
FEMA	State and Local Programs	Emergency Operations Center, County of Union, NJ	$500,000	Leonard Lance; Frank Lautenberg; Robert Menendez;
FEMA	State and Local Programs	Emergency Operations Center, Dorchester County, SC	$400,000	Henry Brown; Lindsey Graham
FEMA	State and Local Programs	Emergency Operations Center, Fulton County (Atlanta) Emergency Management Agency, GA	$200,000	John Lewis; David Scott
FEMA	State and Local Programs	Emergency Operations Center, Howell County Emergency Preparedness, MO	$250,000	Jo Ann Emerson
FEMA	State and Local Programs	Emergency Operations Center, Jackson County Sheriff's Office, MO	$500,000	Emanuel Cleaver
FEMA	State and Local Programs	Emergency Operations Center, Johnson County, TX	$750,000	Chet Edwards
FEMA	State and Local Programs	Emergency Operations Center, Kentucky Emergency Management, KY	$500,000	Harold Rogers

HOMELAND SECURITY—Continued
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, Lake County, FL	$800,000	Corrine Brown; Cliff Stearns
FEMA	State and Local Programs	Emergency Operations Center, Lea County, NM	$600,000	Harry Teague
FEMA	State and Local Programs	Emergency Operations Center, Lincoln County, WA	$1,000,000	Patty Murray
FEMA	State and Local Programs	Emergency Operations Center, Lycoming County, PA	$250,000	Christopher Carney
FEMA	State and Local Programs	Emergency Operations Center, Macomb County Emergency Management and Communications, MI	$250,000	Candice Miller; Debbie Stabenow; Carl Levin
FEMA	State and Local Programs	Emergency Operations Center, Mercer County Emergency Management Agency, KY	$300,000	Ben Chandler
FEMA	State and Local Programs	Emergency Operations Center, Middle Rio Grande Development Council, TX	$1,000,000	Ciro Rodriguez
FEMA	State and Local Programs	Emergency Operations Center, Minooka Fire Protection District, IL	$250,000	Deborah Halvorson
FEMA	State and Local Programs	Emergency Operations Center, Mobile County Commission, AL	$800,000	Jo Bonner
FEMA	State and Local Programs	Emergency Operations Center, Monroe County, FL	$200,000	Ileana Ros-Lehtinen
FEMA	State and Local Programs	Emergency Operations Center, Morris County, New Jersey Office of Emergency Management, NJ	$1,000,000	Rodney Frelinghuysen
FEMA	State and Local Programs	Emergency Operations Center, New Orleans Emergency Medical Services, LA	$750,000	Anh "Joseph" Cao; Steve Scalise
FEMA	State and Local Programs	Emergency Operations Center, North Carolina Office of Emergency Management, NC	$1,000,000	David Price
FEMA	State and Local Programs	Emergency Operations Center, North Hudson Regional Fire and Rescue, NJ	$500,000	Albio Sires
FEMA	State and Local Programs	Emergency Operations Center, North Louisiana Regional, Lincoln Parish, LA	$980,000	Mary Landrieu; Rodney Alexander
FEMA	State and Local Programs	Emergency Operations Center, Ohio Emergency Management Agency, Columbus, OH	$1,500,000	George Voinovich

FEMA	State and Local Programs	Emergency Operations Center, Passaic County Prosecutor's Office, NJ	$250,000	Steven Rothman
FEMA	State and Local Programs	Emergency Operations Center, City of Providence, RI	$980,000	Jack Reed; James Langevin
FEMA	State and Local Programs	Emergency Operations Center, San Francisco Department of Emergency Management, CA	$800,000	Nancy Pelosi
FEMA	State and Local Programs	Emergency Operations Center, Sarasota County, FL	$300,000	Vern Buchanan
FEMA	State and Local Programs	Emergency Operations Center, Scotland County, NC	$650,000	Larry Kissell
FEMA	State and Local Programs	Emergency Operations Center, Somerset County, ME	$500,000	Michael Michaud; Olympia Snowe
FEMA	State and Local Programs	Emergency Operations Center, State of Maryland, MD	$1,500,000	Dutch Ruppersberger; Benjamin Cardin
FEMA	State and Local Programs	Emergency Operations Center, City of Maitland, FL	$158,000	Suzanne Kosmas
FEMA	State and Local Programs	Emergency Operations Center, Tohono O'odham Nation	$500,000	Raúl Grijalva
FEMA	State and Local Programs	Emergency Operations Center, Towamencin Township, PA	$75,000	Allyson Schwartz
FEMA	State and Local Programs	Emergency Operations Center, Town of Harrison, NY	$275,000	Nita Lowey
FEMA	State and Local Programs	Emergency Operations Center, Town of Shorter, AL	$500,000	Mike Rogers (AL)
FEMA	State and Local Programs	Emergency Operations Center, Township of Irvington, NJ	$750,000	Donald Payne
FEMA	State and Local Programs	Emergency Operations Center, Township of Old Bridge, NJ	$500,000	Rush Holt
FEMA	State and Local Programs	Emergency Operations Center, Township of South Orange Village, South Orange, NJ	$247,000	Frank Lautenberg; Robert Menendez
FEMA	State and Local Programs	Emergency Operations Center, Upper Darby Township Police Department, PA	$500,000	Joe Sestak
FEMA	State and Local Programs	Emergency Operations Center, Village of Elmsford, NY	$165,000	Nita Lowey
FEMA	State and Local Programs	Emergency Operations Center, Washington Parish Government, LA	$350,000	Steve Scalise
FEMA	State and Local Programs	Emergency Operations Center, Westmoreland County Department of Public Safety, PA	$900,000	John Murtha
FEMA	State and Local Programs	Emergency Operations Center, Williamsburg County, SC	$1,000,000	James Clyburn

HOMELAND SECURITY—Continued
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, Winston County Commission, AL	$20,000	Robert Aderholt
FEMA	State and Local Programs	National Domestic Preparedness Consortium:		
		National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology, NM	$10,125,000	Jeff Bingaman; Tom Udall
		National Center for Biomedical Research and Training, Louisiana State University, LA	$10,125,000	Rodney Alexander; Mary Landrieu
		National Emergency Response and Rescue Training Center, Texas A&M University, TX	$10,125,000	Chet Edwards; John Carter; John Cornyn; Kay Bailey Hutchison
		National Exercise, Test, and Training Center, Nevada Test Site, NV	$10,125,000	Harry Reid
		National Disaster Preparedness Training Center, University of Hawaii, HI	$5,000,000	Daniel Inouye
		Surface Transportation Emergency Preparedness and Response Training	$5,000,000	Michael Bennet; John Salazar
FEMA	State and Local Programs	Counterterrorism and Cybercrime Center, Norwich University, Northfield, VT	$1,700,000	Patrick Leahy
FEMA	State and Local Programs	Rural Domestic Preparedness Consortium, Eastern Kentucky University, KY	$3,000,000	Harold Rogers; George Voinovich
FEMA	Predisaster Mitigation	Alabama Emergency Management Agency, AL	$200,000	Spencer Bachus
FEMA	Predisaster Mitigation	Arkansas Department of Emergency Management, AR	$750,000	Marion Berry
FEMA	Predisaster Mitigation	Arkansas State University-Beebe, AR	$452,000	Vic Snyder
FEMA	Predisaster Mitigation	Brigham City Corporation, UT	$250,000	Rob Bishop; Robert Bennett; Orrin Hatch
FEMA	Predisaster Mitigation	CHRISTUS St. Elizabeth Hospital, Beaumont, TX	$250,000	Ted Poe; Kay Bailey Hutchison
FEMA	Predisaster Mitigation	City of Brooksville, KY	$18,500	Geoff Davis
FEMA	Predisaster Mitigation	City of Burbank, CA	$225,000	Adam Schiff
FEMA	Predisaster Mitigation	City of Camanche, IA	$187,500	Bruce Braley
FEMA	Predisaster Mitigation	City of Coconut Creek, FL	$500,000	Ron Klein; Robert Wexler

FEMA	Predisaster Mitigation	City of Colton, CA	$200,000	Joe Baca
FEMA	Predisaster Mitigation	City of Davis, CA	$275,000	Mike Thompson
FEMA	Predisaster Mitigation	City of Emeryville, CA	$600,000	Barbara Lee
FEMA	Predisaster Mitigation	City of Flagler Beach, FL	$750,000	John Mica
FEMA	Predisaster Mitigation	City of Hartselle, AL	$245,000	Robert Aderholt
FEMA	Predisaster Mitigation	City of Hidalgo, TX	$500,000	Henry Cuellar
FEMA	Predisaster Mitigation	City of Hokah, MN	$590,000	Timothy Walz; Amy Klobuchar
FEMA	Predisaster Mitigation	City of Kannapolis, NC	$425,000	Howard Coble; Larry Kissell
FEMA	Predisaster Mitigation	City of Los Angeles, CA	$1,000,000	Lucille Roybal-Allard
FEMA	Predisaster Mitigation	City of Los Angeles, CA	$500,000	Brad Sherman
FEMA	Predisaster Mitigation	City of Maryville, MO	$175,000	Sam Graves
FEMA	Predisaster Mitigation	City of Miami Beach, FL	$750,000	Debbie Wasserman Schultz
FEMA	Predisaster Mitigation	City of Miami, FL	$600,000	Kendrick Meek; Ileana Ros-Lehtinen
FEMA	Predisaster Mitigation	City of New Braunfels, TX	$500,000	Lamar Smith; Kay Bailey Hutchison
FEMA	Predisaster Mitigation	City of Prattville, AL	$500,000	Bobby Bright
FEMA	Predisaster Mitigation	City of Reno, NV	$500,000	Dean Heller; Harry Reid
FEMA	Predisaster Mitigation	City of Robstown, TX	$500,000	Solomon Ortiz
FEMA	Predisaster Mitigation	City of Rockville, MD	$650,000	Chris Van Hollen; Benjamin Cardin
FEMA	Predisaster Mitigation	City of Santa Clarita, CA	$500,000	Howard "Buck" McKeon
FEMA	Predisaster Mitigation	City of Trenton, NJ	$300,000	Rush Holt; Christopher Smith; Frank Lautenberg; Robert Menendez

HOMELAND SECURITY—Continued
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
FEMA	Predisaster Mitigation	City of Venice, FL	$200,000	Vern Buchanan
FEMA	Predisaster Mitigation	DeKalb County, IL	$350,000	Donald Manzullo
FEMA	Predisaster Mitigation	Drew County, AR	$366,564	Mike Ross
FEMA	Predisaster Mitigation	Harris County Flood Control District, TX	$1,000,000	John Culberson
FEMA	Predisaster Mitigation	Henry County, GA	$275,000	David Scott
FEMA	Predisaster Mitigation	Jackson Health System, Miami, FL	$500,000	Debbie Wasserman Schultz, Kendrick Meek, Mario Diaz-Balart, Ileana Ros-Lehtinen
FEMA	Predisaster Mitigation	Kentucky Emergency Management, KY	$500,000	Harold Rogers
FEMA	Predisaster Mitigation	King County, WA	$750,000	David Reichert; Patty Murray
FEMA	Predisaster Mitigation	Lake County Stormwater Management Agency, OH	$725,000	Steven LaTourette
FEMA	Predisaster Mitigation	Lorain County, OH	$200,000	Betty Sutton
FEMA	Predisaster Mitigation	Louisville-Metro Government, KY	$500,000	John Yarmuth
FEMA	Predisaster Mitigation	Lucas County Engineer, OH	$500,000	Marcy Kaptur
FEMA	Predisaster Mitigation	McDowell Hospital, Marion, NC	$220,000	Heath Shuler
FEMA	Predisaster Mitigation	Mississippi Homeland Security Office, MS	$500,000	Bennie Thompson
FEMA	Predisaster Mitigation	North Carolina Office of Emergency Management, NC	$165,000	David Price
FEMA	Predisaster Mitigation	Ohio University, Athens, OH	$200,000	Charles Wilson

FEMA	Predisaster Mitigation	Orange County Fire Authority, CA	$252,000	Ken Calvert
FEMA	Predisaster Mitigation	Russell County Fiscal Court, KY	$200,000	Ed Whitfield
FEMA	Predisaster Mitigation	San Miguel County, NM	$400,000	Ben Luján
FEMA	Predisaster Mitigation	Shelby County, Memphis, TN	$325,000	Steve Cohen; Lamar Alexander; Bob Corker
FEMA	Predisaster Mitigation	State of Maryland, MD	$1,000,000	Dutch Ruppersberger; Benjamin Cardin
FEMA	Predisaster Mitigation	Town of Hambleton and Town of Davis, WV	$450,000	Alan Mollohan
FEMA	Predisaster Mitigation	Town of Occoquan, VA	$25,000	Gerald Connolly
FEMA	Predisaster Mitigation	Town of Shelter Island, NY	$200,000	Timothy Bishop
FEMA	Predisaster Mitigation	Town of Union and City of Binghamton, NY	$462,000	Maurice Hinchey
FEMA	Predisaster Mitigation	Town of Winthrop, MA	$500,000	Edward Markey
FEMA	Predisaster Mitigation	Village of La Grange Park, IL	$150,000	Daniel Lipinski
FEMA	Predisaster Mitigation	Village of Pelham, NY	$562,500	Nita Lowey
FEMA	Predisaster Mitigation	Westport Fire Department, CT	$265,000	James Himes
S&T	Research, Development, Acquisition, and Operations	Cincinnati Urban Area partnership, OH	$2,000,000	George Voinovich
S&T	Research, Development, Acquisition, and Operations	Distributed Environment for Critical Infrastructure Decisionmaking Exercises, multiple locations	$3,000,000	Robert Bennett; Patrick Leahy; Rob Bishop
S&T	Research, Development, Acquisition, and Operations	Homeland Security Research, Development, and Manufacturing Pilot, Long Island Forum for Technology, NY	$1,000,000	Steve Israel; Peter King
S&T	Research, Development, Acquisition, and Operations	Maritime Domain Awareness and Maritime Security Technology Pilot, SRI International, FL	$4,000,000	C.W. ''Bill'' Young

HOMELAND SECURITY—Continued
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
S&T	Research, Development, Acquisition, and Operations	National Institute for Hometown Security, KY	$10,000,000	Harold Rogers
S&T	Research, Development, Acquisition, and Operations	Remote Sensing for Situational Awareness and Decision Support, Rochester Institute of Technology, NY	$500,000	Daniel Maffei; Christopher Lee
S&T	Research, Development, Acquisition, and Operations	Southeast Region Research Initiative, TN	$20,865,000	Thad Cochran; Roger Wicker; Gregg Harper
	General Provision	Franklin Regional Council of Governments, MA		John Olver
	General Provision	Town of Lanesborough, MA		John Olver
	General Provision	Office of Environmental Health and Safety, University of Massachusetts, MA		John Olver
	General Provision	Town of Branchville, SC		James Clyburn
	General Provision	Monterey County Water Resources Agency, CA		Sam Farr
	General Provision	Sector Buffalo, NY, Coast Guard		Brian Higgins

FUNDING RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs are contained in the table listed below.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2009	$44,367,748
Budget estimates of new (obligational) authority, fiscal year 2010	44,190,938
House bill, fiscal year 2010	43,978,245
Senate bill, fiscal year 2010	44,287,748
Conference agreement, fiscal year 2010	44,137,241
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009	−230,507
Budget estimates of new (obligational) authority, fiscal year 2010	−53,697
House bill, fiscal year 2010	+158,996
Senate bill, fiscal year 2010	−150,507

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS			
Departmental Operations			
Office of the Secretary and Executive Management:			
Immediate Office of the Secretary	3,140	5,061	5,061
Immediate Office of the Deputy Secretary	1,400	1,810	1,810
Chief of Staff	2,693	2,595	2,595
Office of Counternarcotics Enforcement	3,718	3,912	3,612
Executive Secretary	7,448	8,344	7,800
Office of Policy	43,263	61,564	51,564
Office of Public Affairs	5,991	6,539	5,991
Office of Legislative Affairs	4,997	7,097	6,797
Office of Intergovernmental Affairs	---	2,800	2,800
Office of General Counsel	20,114	24,028	24,028
Office for Civil Rights and Civil Liberties	17,417	22,104	21,104
Citizenship and Immigration Services Ombudsman	6,471	6,935	6,685
Privacy Officer	6,804	7,971	7,971
Subtotal, Office of the Secretary and Executive Management	123,456	160,760	147,818
Office of the Under Secretary for Management:			
Under Secretary for Management	2,654	2,864	2,864
Emergency appropriations (P. L. 111-5)	200,000	---	---
Subtotal, Under Secretary for Management	202,654	2,864	2,864
Office of Security	60,882	95,193	90,193
Office of the Chief Procurement Officer	39,003	71,038	68,538
Office of the Chief Human Capital Officer:			
Salaries and expenses	28,827	34,404	32,604
Human resources	10,000	10,000	10,000
Subtotal, Office of the Chief Human Capital Officer	38,827	44,404	42,604
Office of the Chief Administrative Officer:			
Salaries and expenses	44,427	43,491	44,491
Nebraska Avenue Complex (NAC)	6,000	6,000	5,500
DHS headquarters lease consolidation	---	75,000	---
Subtotal, Office of the Chief Administrative Officer	50,427	124,491	49,991
Total, Office of the Under Secretary for Management	391,793	337,990	254,190
Office of the Chief Financial Officer	55,235	65,530	60,530
Office of the Chief Information Officer:			
Salaries and expenses	86,928	86,912	86,912
Information technology services	44,945	51,417	51,417
Security activities	92,623	152,403	152,403
Homeland Secure Data Network (HSDN)	47,673	47,661	47,661
Subtotal, Office of the Chief Information Officer	272,169	338,393	338,393
Analysis and Operations	327,373	357,345	335,030
Total, Departmental Operations	1,170,026	1,260,018	1,135,961

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Office of the Federal Coordinator for Gulf Coast Rebuilding	1,900	2,000	2,000
Office of Inspector General			
Office of Inspector General	98,513	127,874	113,874
Emergency appropriations (P. L. 111-5)	5,000	---	---
Transfer from Disaster Relief	(16,000)	---	(16,000)
Subtotal, Office of Inspector General (including transfers)	119,513	127,874	129,874
Appropriations	(98,513)	(127,874)	(113,874)
Emergency appropriations	(5,000)	---	---
by transfer	(16,000)	---	(16,000)
Total, title I, Departmental Management and Operations (including transfers)	1,291,439	1,389,892	1,267,835
Appropriations	(1,070,439)	(1,389,892)	(1,251,835)
Emergency appropriations	(205,000)	---	---
by transfer	(16,000)	---	(16,000)
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS			
U.S. Customs and Border Protection			
Salaries and expenses:			
Headquarters, Management, and Administration:			
Management and administration, border security inspections and trade facilitation	646,608	522,825	520,575
Management and administration, border security and control between ports of entry	622,550	497,675	495,425
Rent	---	---	402,263
Subtotal, Headquarters, Mgt & Admin	1,269,158	1,020,500	1,418,263
Border security inspections and trade facilitation:			
Inspections, trade, and travel facilitation at ports of entry	2,093,988	2,255,210	2,262,235
Harbor maintenance fee collection (trust fund)	3,154	3,226	3,226
International cargo screening	149,450	165,421	162,000
Other international programs	10,984	11,181	11,181
Customs-Trade Partnership Against Terrorism (C-TPAT)	64,496	62,612	62,612
Trusted Traveler programs	11,274	11,274	11,274
Inspection and detection technology investments	145,944	143,563	153,563
Emergency appropriations (P. L. 111-5)	160,000	---	---
Emergency appropriations (P. L. 111-32)	46,200	---	---
Subtotal	352,144	143,563	153,563
Automated targeting systems	32,550	32,560	32,560
National Targeting Center	24,481	26,355	26,355
Training	24,778	24,778	24,778
Subtotal, Border security inspections and trade facilitation	2,767,299	2,736,180	2,749,784

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Border security and control between ports of entry:			
Border security and control	3,426,455	3,505,008	3,535,286
Training	74,815	51,751	51,751
Subtotal, Border security and control between ports of entry	3,501,270	3,556,759	3,587,037
Air and Marine Operations	271,679	309,629	309,629
Subtotal, Salaries and expenses	7,809,406	7,623,068	8,064,713
Appropriations	(7,600,052)	(7,619,842)	(8,061,487)
Emergency appropriations	(206,200)	---	---
Harbor maintenance trust fund	(3,154)	(3,226)	(3,226)
Automation modernization:			
Automated commercial environment/International Trade Data System (ITDS)	316,851	267,960	227,960
Current operations protection and processing support (COPPS)	194,483	194,485	194,485
Subtotal, Automation modernization	511,334	462,445	422,445
Border security fencing, infrastructure, and technology (BSFIT):			
Development and deployment	505,000	494,000	508,000
Operation and maintenance	150,000	200,000	200,000
Program management	120,000	85,452	92,000
Emergency appropriations (P. L. 111-5)	100,000	---	---
Subtotal, BSFIT	875,000	779,452	800,000
Appropriations	(775,000)	(779,452)	(800,000)
Emergency appropriations	(100,000)	---	---
Air and Marine Interdiction, Operations, Maintenance, and Procurement:			
Operations and maintenance	380,022	374,217	374,217
Procurement	147,978	131,609	145,609
Emergency appropriations (P. L. 111-32)	5,000	---	---
Subtotal, Air and marine interdiction, operations, maintenance, and procurement	533,000	505,826	519,826
Appropriations	(528,000)	(505,826)	(519,826)
Emergency appropriations	(5,000)	---	---
Construction and facilities management:			
Facility construction and sustainment	403,201	239,357	282,557
Rent	---	402,263	---
Program oversight and management	---	37,013	37,013
Emergency appropriations (P. L. 111-5)	420,000	---	---
Subtotal, Construction and facilities management	823,201	678,633	319,570
Total, Direct appropriations for Customs and and Border Protection	10,551,941	10,049,424	10,126,554
Fee accounts:			
Immigration inspection user fee	(570,059)	(584,000)	(584,000)
Immigration enforcement fines	(3,331)	(5,000)	(5,000)
Land border inspection fee	(26,880)	(30,000)	(30,000)
COBRA passenger inspection fee	(410,666)	(393,000)	(393,000)
APHIS inspection fee	(333,433)	(320,000)	(320,000)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Puerto Rico collections	(96,719)	(92,000)	(92,000)
Small airport user fees	(7,057)	(8,000)	(8,000)
Subtotal, fee accounts	(1,448,145)	(1,432,000)	(1,432,000)
Total, U.S. Customs and Border Protection	(12,000,086)	(11,481,424)	(11,558,554)
Appropriations	(9,820,741)	(10,049,424)	(10,126,554)
Emergency apropriations	(731,200)	---	---
(Fee accounts)	(1,448,145)	(1,432,000)	(1,432,000)
U.S. Immigration and Customs Enforcement			
Salaries and expenses:			
Headquarters Management and Administration (non-detention and removal operations):			
Personnel compensation and benefits, service and other costs	203,076	321,850	279,073
Headquarters managed IT investment	169,348	243,264	233,264
Subtotal, Headquarters management and administration	372,424	565,114	512,337
Legal proceedings	215,035	221,666	221,666
Investigations:			
Domestic	1,519,208	1,615,551	1,649,551
Emergency appropriations (P.L. 111-32)	55,000	---	---
Subtotal, Domestic investigations	1,574,208	1,615,551	1,649,551
International investigations:			
International operations	106,741	112,872	112,872
Visa security program	26,800	30,186	30,686
Subtotal, International investigations	133,541	143,058	143,558
Subtotal, Investigations	1,707,749	1,758,609	1,793,109
Intelligence	55,789	67,842	69,842
Detention and removal operations:			
Custody Operations	1,721,268	1,771,168	1,771,168
Fugitive operations	226,477	229,682	229,682
Criminal Alien program	189,069	192,539	192,539
Alternatives to detention	63,000	63,913	69,913
Transportation and removal program	281,399	281,878	281,878
Emergency appropriations (P.L. 111-32)	11,800	---	---
Subtotal, Detention and removal operations	2,493,013	2,539,180	2,545,180
Identification and removal of criminal aliens	150,000	195,589	200,000
Subtotal, Salaries and expenses	4,994,010	5,348,000	5,342,134
Appropriations	(4,927,210)	(5,348,000)	(5,342,134)
Emergency appropriations	(66,800)	---	---
Federal protective service:			
Basic security	213,673	---	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Building specific security (including capital equipment replacement/acquisition)	426,327	---	---
Subtotal, Federal Protective Service	640,000	---	---
Offsetting fee collections	-640,000	---	---
Automation modernization	57,000	110,000	90,000
Emergency appropriations (P. L. 111-5)	20,000	---	---
Subtotal, Automation moderization	77,000	110,000	90,000
Construction	5,000	---	4,818
Total, Direct appropriations for U.S. Immigration Customs Enforcement	5,076,010	5,458,000	5,436,952
Fee accounts:			
Immigration inspection user fee	(119,000)	(109,800)	(109,800)
Breached bond/detention fund	(60,000)	(75,000)	(75,000)
Student exchange and visitor fee	(120,000)	(120,000)	(120,000)
Subtotal, fee accounts	(299,000)	(304,800)	(304,800)
Subtotal, U.S. Immigration and Customs Enforcement (gross)	(6,015,010)	(5,762,800)	(5,741,752)
Offsetting fee collections	(-640,000)	---	---
Total, U.S. Immigration and Customs Enforcement	(5,375,010)	(5,762,800)	(5,741,752)
Appropriations	(4,989,210)	(5,458,000)	(5,436,952)
Emergency appropriations	(86,800)	---	---
Fee accounts	(299,000)	(304,800)	(304,800)
Transportation Security Administration			
Aviation security:			
Screening operations:			
Screener workforce:			
Privatized screening	151,272	149,643	149,643
Screener personnel, compensation, and benefits	2,716,014	2,788,575	2,758,575
Subtotal, Screener workforce	2,867,286	2,938,218	2,908,218
Screener training and other	197,318	203,463	204,713
Checkpoint support	250,000	128,739	128,739
Emergency appropriations (P. L. 111-5)	1,000,000	---	---
EDS/ETD Systems:			
EDS procurement and installation	294,000	856,591	778,300
Screening technology maintenance and utilities	305,625	326,625	316,625
Operation integration	21,481	21,481	21,481
Subtotal, EDS/ETD Systems	621,106	1,204,697	1,116,406
Subtotal, Screening operations	4,935,710	4,475,117	4,358,076

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Aviation security direction and enforcement:			
Aviation regulation and other enforcement	245,268	254,064	254,064
Airport management and support	401,666	448,424	453,924
FFDO and flight crew training	25,025	25,127	25,127
Air cargo	122,849	108,118	122,849
Airport perimeter security	4,000	---	---
Subtotal, Aviation security direction and enforcement	798,808	835,733	855,964
Implementing requirements of P.L. 110-53	20,000	---	---
Discretionary fee proposal:			
General aviation at DCA	(75)	---	---
Indirect air cargo	(200)	---	---
Certified cargo screening program	---	(5,200)	---
Large aircraft security program	---	(1,600)	---
Secure identification display area checks	---	(10,000)	---
Other security threat assessments	---	(100)	---
Total, Discretionary fee proposal	(275)	(16,900)	---
Aviation security capital fund (mandatory)	(250,000)	(250,000)	(250,000)
Total, Aviation security (gross) (including transfers)	5,754,518	5,310,850	5,214,040
Offsetting fee collections (non-mandatory)	-2,320,000	-2,100,000	-2,100,000
Fee-funded programs (nonadd)	(-275)	(-16,900)	---
Total, Aviation security (net)	3,434,518	3,210,850	3,114,040
Appropriations	(2,434,518)	(3,210,850)	(3,114,040)
Emergency appropriations	(1,000,000)	---	---
Aviation security capital fund	(250,000)	(250,000)	(250,000)
Surface transportation security:			
Staffing and operations	24,885	42,293	42,293
Surface transportation security inspectors and canines	24,721	86,123	68,223
Subtotal, Surface transportation security	49,606	128,416	110,516
Transportation Threat Assessment and Credentialing:			
Secure Flight	82,211	84,363	84,363
Crew and other vetting programs	33,807	107,636	87,636
Registered Traveler Program fees	(10,000)	---	---
TWIC fees	(9,000)	(9,000)	(9,000)
Hazardous materials fees	(18,000)	(15,000)	(15,000)
Alien Flight School fees (by transfer from DOJ)	(3,000)	(4,000)	(4,000)
Certified cargo screening program	---	---	(5,200)
Large aircraft security program	---	---	(1,600)
Secure identification display area checks	---	---	(10,000)
Other security threat assessments	---	---	(100)
General aviation at DCA	---	(100)	(100)
Indirect air cargo	---	(2,600)	(2,600)
Sensitive security information (SSI) fees	---	(20)	(20)
Subtotal, Transportation Threat Assessment and Credentialing (Gross)	(156,018)	(222,719)	(219,619)
Fee funded programs	(40,000)	(30,720)	(47,620)
Subtotal, Transportation Threat Assessment and Credentialing (net)	116,018	191,999	171,999

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Transportation security support:			
Headquarters administration	234,870	248,929	248,929
Information technology	472,799	501,110	498,310
Human capital services	218,105	226,338	226,338
Intelligence	21,961	28,203	28,203
Subtotal, Transportation security support	947,735	1,004,580	1,001,780
Federal Air Marshals:			
Management and administration	725,081	762,569	762,569
Travel and training	94,400	97,542	97,542
Subtotal, Federal Air Marshals	819,481	860,111	860,111
Total, Transportation Security Administration (gross) (including transfers)	7,977,358	7,776,676	7,656,066
Offsetting fee collections	(-2,320,000)	(-2,100,000)	(-2,100,000)
Aviation security capital fund	(250,000)	(250,000)	(250,000)
Fee accounts	(40,000)	(30,720)	(47,620)
Total, Transportation Security Administration (net)	5,367,358	5,395,956	5,258,446
Appropriations	(4,367,358)	(5,395,956)	(5,258,446)
Emergency appropriations	(1,000,000)	---	---
Coast Guard			
Operating expenses:			
Military pay and allowances	3,061,663	3,244,861	3,254,512
Civilian pay and benefits	645,350	699,594	699,794
Training and recruiting	195,919	205,970	206,178
Operating funds and unit level maintenance	1,177,406	1,149,513	1,152,950
Centrally managed accounts	262,294	353,071	334,275
Intermediate and depot level maintenance	823,793	903,179	916,179
Supplemental appropriations (P.L. 111-32)	10,000	---	---
Port and vessel security	23,500	---	---
Aviation mission hour gap	5,000	---	---
Defense function	(340,000)	(340,000)	(340,000)
Overseas contingency operations (defense function)	---	---	241,503
Supplemental appropriations (P.L. 111-32)	129,503	---	---
Overseas contingency operations (by transfer)	---	(241,503)	---
Subtotal, Operating expenses	6,334,428	6,797,691	6,805,391
Appropriations	(5,854,925)	(6,216,188)	(5,982,385)
Overseas contingency operations	(139,503)	---	(241,503)
Contingent emergency (by transfer)	---	(241,503)	---
Defense function	(340,000)	(340,000)	(581,503)
Environmental compliance and restoration	13,000	13,198	13,198
Reserve training	130,501	133,632	133,632
Acquisition, construction, and improvements:			
Vessels:			
Response boat medium	108,000	103,000	121,000
Inland river tender recapitalization	5,000	---	---
Subtotal, Vessels	113,000	103,000	121,000
Other equipment:			
Automatic identification system	8,600	---	---
Defense messaging system (DMS)	4,074	---	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
National distress and response system modernization (Rescue 21)	73,000	117,000	117,000
High frequency recapitalization	2,500	2,500	2,500
Interagency operations centers (Command 21)	1,000	---	10,000
Subtotal, Other equipment	89,174	119,500	129,500
Personnel and related support:			
Core acquisition costs	500	500	500
Direct personnel cost	92,330	99,500	104,700
Subtotal, Personnel and related support	92,830	100,000	105,200
Integrated deepwater systems:			
Aircraft:			
Unmanned aircraft systems	3,000	---	---
Maritime Patrol Aircraft	86,600	175,000	138,500
HH-60 conversions	52,700	45,900	45,900
HC-130H conversions	24,500	45,300	45,300
HH-65 conversion project	64,500	38,000	38,000
C-130J fleet introduction	13,250	1,300	1,300
Subtotal, Aircraft	244,550	305,500	269,000
Surface ships:			
National Security Cutter	353,700	281,480	389,480
Offshore Patrol Cutter	3,003	9,800	9,800
Fast Response Cutter	115,300	243,000	243,000
IDS small boats	2,400	3,000	3,000
Patrol Boat sustainment	30,800	23,000	23,000
Medium endurance cutter sustainment	35,500	31,100	31,100
Polar icebreaker sustainment	30,300	---	27,300
High endurance cutter sustainment	---	---	4,000
Subtotal, Surface ships	571,003	591,380	730,680
Technology obsolescense prevention	1,500	1,900	1,900
C4ISR	88,100	35,000	35,000
Logistics	37,700	37,700	37,700
Systems engineering integration	33,141	35,000	35,000
Government program management	58,000	45,000	45,000
Subtotal, Integrated deepwater systems	1,033,994	1,051,480	1,154,280
Shore facilities and aids to navigation	68,000	10,000	27,100
Emergency appropriations (P. L. 111-5)	98,000	---	---
Subtotal	166,000	10,000	27,100
Coast Guard/DHS headquarters	97,578	---	---
Subtotal, Acquisition, construction, and improvements	1,592,576	1,383,980	1,537,080
Appropriations	(1,494,576)	(1,383,980)	(1,537,080)
Emergency appropriations	(98,000)	---	---
Alteration of bridges	16,000	---	4,000
Emergency appropriations (P. L. 111-5)	142,000	---	---
Subtotal	158,000	---	4,000
Research, development, test, and evaluation	18,000	19,745	24,745

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Health care fund contribution (permanent indefinite discretionary)	257,305	261,000	261,000
Subtotal, Coast Guard discretionary	8,503,810	8,367,743	8,779,046
Retired pay (mandatory)	1,236,745	1,361,245	1,361,245
Total, Coast Guard (including transfers)	9,740,555	9,970,491	10,140,291
Appropriations	(9,361,052)	(9,728,988)	(9,898,788)
Emergency appropriations	(240,000)	---	---
Overseas contingency operations	(139,503)	---	(241,503)
Contingent emergency (by transfer)	---	(241,503)	---
United States Secret Service			
Salaries and expenses:			
Protection:			
Protection of persons and facilities	705,918	759,561	755,521
Protective intelligence activities	59,761	67,824	67,824
National special security event funds	1,000	1,000	1,000
Presidential candidate nominee protection	41,082	---	---
White House mail screening	33,701	25,315	22,415
Subtotal, Protection	841,462	853,700	846,760
Investigations:			
Domestic field operations	241,772	260,892	260,892
International field office administration, operations and training	30,000	30,705	30,705
Electronic crimes special agent program and electronic crimes task forces	51,836	56,541	56,541
Support for missing and exploited children	8,366	8,366	8,366
Subtotal, Investigations	331,974	356,504	356,504
Administration:			
Headquarters, management and administration	182,104	221,045	221,045
Training:			
Rowley training center	53,189	54,360	54,360
Emergency appropriations (P. L. 111-8)	100,000	---	---
Subtotal, Salaries and expenses	1,508,729	1,485,609	1,478,669
Appropriations	(1,408,729)	(1,485,609)	(1,478,669)
Emergency appropriations	(100,000)	---	---
Acquisition, construction, improvements, and related expenses (Rowley)	4,225	3,975	3,975
Total, United States Secret Service	1,512,954	1,489,584	1,482,644
Appropriations	(1,412,954)	(1,489,584)	(1,482,644)
Emergency appropriations	(100,000)	---	---
Total, title II, Security, Enforcement, and Investigations (including transfers)	32,248,818	32,363,455	32,444,887
Appropriations	(29,951,315)	(32,121,952)	(32,203,384)
Emergency appropriations	(2,158,000)	---	---
Overseas contingency operations	(139,503)	---	(241,503)
Contingent emergency (by transfer)	---	(241,503)	---
(Fee Accounts)	(1,787,420)	(1,764,800)	(1,781,700)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
TITLE III - PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY			
National Protection and Programs Directorate			
Management and administration:			
Administrative activities	41,850	34,682	34,682
Risk management and analysis	9,500	9,895	9,895
Total, Management and administration	51,350	44,577	44,577
Infrastructure Protection and Information Security:			
Infrastructure protection:			
Identification and analysis	80,603	86,610	90,610
Coordination and information sharing	62,367	50,582	59,582
Mitigation programs	170,830	196,111	197,111
Subtotal, Infrastructure protection	313,800	333,303	347,303
National Cyber Security Division:			
US Computer Emergency Response Team (US-CERT)	254,924	333,629	323,629
Strategic initiatives	49,138	57,679	64,179
Outreach and programs	9,438	9,346	9,346
Subtotal, National Cyber Security Division	313,500	400,654	397,154
Office of Emergency Communications	38,300	44,060	45,060
National Security/Emergency Preparedness Telecommunications:			
Priority telecommunications services	58,740	56,773	56,773
Next generation networks	50,250	50,250	25,000
Programs to study and enhance telecommunications	15,100	19,274	16,774
Critical infrastructure protection programs	11,260	13,852	11,352
National command and coordination capability	5,963	---	---
Subtotal, National Security/Emergency Preparedness Telecommunications	141,313	140,149	109,899
Subtotal, Infrastructure Protection and Information Security	806,913	918,166	899,416
Federal Protective Service:			
Basic security	---	213,673	213,673
Building-specific security	---	426,327	426,327
Reimbursable Security Fees (contract guard services)	---	475,000	475,000
Subtotal, Federal Protective Service	---	1,115,000	1,115,000
Offsetting collections	---	-1,115,000	-1,115,000
U.S. Visitor and Immigrant Status Indicator Technology	300,000	356,194	373,762
Total, National Protection and Programs Directorate	1,158,263	1,318,937	1,317,755
Appropriations	(1,158,263)	(2,433,937)	(2,432,755)
Offsetting collections	---	(-1,115,000)	(-1,115,000)
Office of Health Affairs			
BioWatch	111,606	94,513	89,513
National biosurveillence integration system	8,000	8,000	13,000
Rapidly deployable chemical detection system	2,600	2,600	2,600
Planning and coordination	5,775	2,476	3,726

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Salaries and expenses	29,210	30,411	30,411
Total, Office of Health Affairs	157,191	138,000	139,250
Federal Emergency Management Agency			
Management and administration:			
Operating activities	798,595	817,205	758,155
(Defense function)	(94,059)	(107,481)	(93,881)
Urban search and rescue response system	32,500	28,000	32,500
Office of National Capital Region Coordination	6,342	6,995	6,995
Transfer from Disaster relief	(105,600)	(50,000)	(105,600)
Subtotal, Management and administration (including transfers)	943,037	902,200	903,250
Appropriations	(837,437)	(852,200)	(797,650)
(Non-defense appropriations)	(743,378)	(744,719)	(703,769)
(Defense appropriations)	(94,059)	(107,481)	(93,881)
by transfer	(105,600)	(50,000)	(105,600)
State and local programs:			
State Homeland Security Grant Program	890,000	890,000	890,000
Operation Stonegarden	60,000	60,000	60,000
Emergency appropriations (P. L. 111-32)	30,000	---	---
Subtotal, State Homeland Security Grant Program	980,000	950,000	950,000
Urban area security initiative	837,500	887,000	887,000
Regional catastrophic preparedness grants	35,000	35,000	35,000
Metropolitan Medical Response System	41,000	40,000	41,000
Citizen Corps program	15,000	15,000	13,000
Public transportation security assistance and railroad security assistance	400,000	250,000	300,000
Emergency appropriations (P. L. 111-5)	150,000	---	---
Subtotal	550,000	250,000	300,000
Port security grants	400,000	250,000	300,000
Emergency appropriations (P. L. 111-5)	150,000	---	---
Subtotal	550,000	250,000	300,000
Over-the-road bus security assistance	12,000	---	12,000
Trucking industry security grants	8,000	---	---
Buffer Zone Protection Program grants	50,000	50,000	50,000
Drivers license security grants	---	50,000	50,000
Commercial equipment direct assistance program	8,000	---	---
Interoperable emergency communications grant program	50,000	50,000	50,000
Emergency Operations Centers	35,000	---	60,000
Firefighter assistance grants:			
Fire grants	---	170,000	---
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants	---	420,000	---
Subtotal, Firefighter assistance grants	---	590,000	---
Emergency management performance grants	---	315,000	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
National Programs:			
National Domestic Preparedness Consortium	102,000	51,500	102,000
Center for Domestic Preparedness	57,000	62,500	62,500
Noble Training Center	5,500	---	---
Subtotal, NDPC	164,500	114,000	164,500
Counterterrorism and Cyber Crime Center	1,700	---	1,700
National exercise program	40,000	42,000	40,000
Technical assistance	11,000	13,000	13,000
Continuing training grants	31,000	23,000	29,000
Evaluations and assessments	16,000	18,000	16,000
Rural Domestic Preparedness Consortium	---	---	3,000
Subtotal, National Programs	264,200	210,000	267,200
Management and administration	---	175,000	---
Subtotal, State and Local Programs	3,435,700	3,867,000	3,015,200
Appropriations	(3,105,700)	(3,867,000)	(3,015,200)
Emergency appropriations	(330,000)	---	---
Firefighter assistance grants:			
Fire grants	565,000	---	390,000
Fire station construction			
Emergency appropriations (P. L. 111-5)	210,000	---	---
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants	210,000	---	420,000
Subtotal, Firefighter assistance grants	985,000	---	810,000
Appropriations	(775,000)	---	(810,000)
Emergency appropriations	(210,000)	---	---
Emergency management performance grants	315,000	---	340,000
Subtotal, Grants and training	4,735,700	3,867,000	4,165,200
Appropriations	(4,195,700)	(3,867,000)	(4,165,200)
Emergency appropriations	(540,000)	---	---
Radiological Emergency Preparedness Program	-505	-265	-265
United States Fire Administration	44,979	45,588	45,588
Disaster relief	1,400,000	2,000,000	1,600,000
(transfer to Management and Administration)	(-105,600)	(-50,000)	(-105,600)
(transfer to Inspector General)	(-16,000)	---	(-16,000)
Subtotal, Disaster Relief	1,278,400	1,950,000	1,478,400
Disaster assistance direct loan program account:			
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)
Direct loan subsidy	295	295	295
Flood map modernization fund	220,000	220,000	220,000
National flood insurance fund:			
Salaries and expenses	49,418	52,149	38,680
Flood plain management and mitigation	107,181	107,320	107,320
Offsetting fee collections	-156,599	-159,469	-146,000
National predisaster mitigation fund	90,000	150,000	100,000

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Emergency food and shelter	200,000	100,000	200,000
Emergency appropriations (P. L. 111-5)	100,000	---	---
Subtotal, Emergency food and shelter	300,000	100,000	200,000
Cerro Grande Fire Payments (rescission)	-9,000	---	---
Total, Federal Emergency Management Agency (including transfers)	7,602,906	7,234,818	7,112,468
Appropriations	(6,987,906)	(7,234,818)	(7,128,468)
Emergency appropriations	(640,000)	---	---
Rescissions	(-9,000)	---	---
by transfer	(105,600)	(50,000)	(105,600)
transfer out	(-121,600)	(-50,000)	(-121,600)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)
Total, title III, Protection, Preparedness, Response and Recovery Directorate	8,918,360	8,691,755	8,569,473
Appropriations	(8,303,360)	(8,691,755)	(8,585,473)
Emergency appropriations	(640,000)	---	---
Rescissions	(-9,000)	---	---
By transfer	(105,600)	(50,000)	(105,600)
Transfer out	(-121,600)	(-50,000)	(-121,600)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES			
United States Citizenship and Immigration Services			
Appropriations:			
Basic pilot/E-Verify program	100,000	112,000	137,000
Benefit parole programs	540	---	---
Immigration integration programs	1,200	10,000	11,000
REAL ID Act implementation	---	25,000	10,000
Asylum and refugee services	---	201,000	50,000
Military naturalization services	---	5,000	5,000
Data center consolidation	---	11,000	11,000
Subtotal	101,740	364,000	224,000
Adjudication services (fee account):			
Pay and benefits	(780,076)	---	---
District operations	(535,156)	(1,132,317)	(1,132,317)
Service center operations	(345,890)	(549,623)	(549,623)
Asylum, refugee and international operations	(92,602)	---	---
International operations	---	(64,587)	(64,587)
Records operations	(85,946)	(107,113)	(107,113)
Business transformation	(139,000)	(173,264)	(173,264)
Digitization program (display only, nonadd)	(28,000)	(29,000)	(29,000)
Subtotal, Adjudication services	(1,978,670)	(2,026,904)	(2,026,904)
Information and customer services (fee account):			
Pay and benefits	(92,587)	---	---
Information and customer service	---	(89,050)	(89,050)
National Customer Service Centers	(53,747)	---	---
Information services	(21,465)	---	---
Subtotal, Information and customer services	(167,799)	(89,050)	(89,050)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Administration (fee account):			
Administration	---	(365,932)	(365,932)
Pay and benefits	(88,746)	---	---
Operating expenses	(285,153)	---	---
Subtotal, Administration	(373,899)	(365,932)	(365,932)
Systematic Alien Verification for Entitlements (SAVE) (fee accounts)	(18,818)	(21,346)	(21,346)
Total, United States Citizenship and Immigration Services	(2,640,926)	(2,867,232)	(2,727,232)
Appropriations	(101,740)	(364,000)	(224,000)
Total Fees	(2,539,186)	(2,503,232)	(2,503,232)
(Immigration Examination Fees)	(2,495,186)	(2,451,884)	(2,451,884)
(Fraud prevention and detection fees)	(31,000)	(38,348)	(38,348)
(H1B Non-Immigrant Petitioner fees)	(13,000)	(13,000)	(13,000)
Federal Law Enforcement Training Center			
Salaries and expenses:			
Law enforcement training	245,240	244,047	238,047
Accreditation	1,290	1,309	1,309
Subtotal, Salaries and expenses	246,530	245,356	239,356
Acquisitions, construction, improvements, and related expenses:			
Direct appropriation	86,456	43,456	43,456
Total, Federal Law Enforcement Training Center	332,986	288,812	282,812
Science and Technology			
Management and administration	132,100	142,200	143,200
Research, development, acquisition, and operations:			
Border and maritime security	33,050	40,181	44,181
Chemical and biological	200,408	206,800	206,800
Command, control, and interoperability	74,890	80,264	81,764
Explosives	96,149	120,809	120,809
Human factors	12,460	15,087	16,087
Infrastructure and geophysical	75,816	44,742	74,958
Innovation	33,000	44,000	44,000
Laboratory facilities	161,940	154,500	150,188
Test and evaluations/standards	28,674	28,674	29,000
Transition	28,830	45,134	46,134
University programs	50,270	46,000	49,350
Homeland Security Institute	5,000	---	---
Subtotal, Research, development, acquisition, and operations	800,487	826,191	863,271
Total, Science and Technology	932,587	968,391	1,006,471

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Domestic Nuclear Detection Office			
Management and administration	37,500	39,599	38,500
Research, development, and operations:			
Systems engineering and architecture	25,147	25,448	25,448
Systems development	108,100	100,000	100,000
Transformational research and development	103,300	110,537	108,537
Assessments	32,000	32,416	32,416
Operations support	37,753	38,436	38,436
National Technical Nuclear Forensics Center	16,900	19,700	19,700
Research, development, and operations	323,200	326,537	324,537
Systems acquisition:			
RPM/ASP program	120,491	---	---
Securing the Cities	20,000	---	20,000
HPRDS program	13,000	---	---
Subtotal, Systems acquisition	153,491	---	20,000
Total, Domestic Nuclear Detection Office	514,191	366,136	383,037
Total, title IV, Research and Development, Training, and Services	1,881,504	1,987,339	1,896,320
(Fee Accounts)	(2,539,186)	(2,503,232)	(2,503,232)
TITLE V - GENERAL PROVISIONS			
Enacted provisions:			
Sec. 547: REAL ID Grants	50,000	---	---
Sec. 547: REAL ID Information Sharing and Verification System	50,000	---	---
Sec. 549: Rescission, TSA undistributed carryover	-31,000	---	---
Sec. 550: Rescission of unobligated balances, A&O	-21,373	---	---
Sec. 551: Rescission of unobligated balances, Coast Guard AC&I	-20,000	---	---
Sec. 603(a): Rescission of emergency funding, FEMA disaster relief	-100,000	---	---
Sec. 603(b): FEMA State and local programs, emergency appropriations	100,000	---	---
Rescission of unobligated balances:			
Sec. 573: Trucking Industry Security Grants	---	---	-5,572
Sec. 574: Analysis and Operations	---	---	-2,358
Sec. 575: Infrastructure protection and information security	---	---	-8,000
Sec. 576: Science and Technology	---	---	-6,944
Sec. 577: Domestic Nuclear Detection Office	---	---	-8,000
Sec. 578: TSA research and development	---	---	-4,000
Sec. 579: Coast Guard AC&I	---	---	-800
Sec. 580: Counterterrorism Fund	---	---	-5,600
Total, title V, General Provisions	27,627	---	-41,274
Appropriations	(100,000)	---	---
Emergency appropriations	(100,000)	---	---
Rescissions	(-72,373)	---	(-41,274)
Rescission of emergency appropriations	(-100,000)	---	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Grand total	44,367,748	44,190,938	44,137,241
Mandatory	(1,236,745)	(1,361,245)	(1,361,245)
General purpose discretionary	(43,131,003)	(42,829,693)	(42,775,996)
Appropriations	(40,069,873)	(42,829,693)	(42,575,767)
Emergency appropriations	(3,103,000)	---	---
Overseas contingency operations	(139,503)	---	(241,503)
Rescissions	(-81,373)	---	(-41,274)
Rescission of emergency appropriations	(-100,000)	---	---
Fee funded programs	(4,326,606)	(4,268,032)	(4,284,932)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)
(Transfer out)	(-121,600)	(-50,000)	(-121,600)
(By transfer - contingent emergency)	---	(241,503)	---
(By transfer)	(121,600)	(50,000)	(121,600)

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JOSÉ E. SERRANO,
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NITA M. LOWEY,
LUCILLE ROYBAL-ALLARD,
SAM FARR,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

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DANIEL K. INOUYE,
PATRICK J. LEAHY
(with a reservation on the EB–5 agreement),
BARBARA A. MIKULSKI,
PATTY MURRAY,
MARY L. LANDRIEU,
FRANK R. LAUTENBERG,
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GEORGE V. VOINOVICH,
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JUDD GREGG,
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SAM BROWNBACK,
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Managers on the Part of the Senate.

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