

In the Senate of the United States,

July 9, 2009.

Resolved, That the bill from the House of Representatives (H.R. 2892) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Department of Homeland Security for the fiscal year end-*
- 4 *ing September 30, 2010, and for other purposes, namely:*

1 *TITLE I*
2 *DEPARTMENTAL MANAGEMENT AND*
3 *OPERATIONS*
4 *OFFICE OF THE SECRETARY AND EXECUTIVE*
5 *MANAGEMENT*

6 *For necessary expenses of the Office of the Secretary*
7 *of Homeland Security, as authorized by section 102 of the*
8 *Homeland Security Act of 2002 (6 U.S.C. 112), and execu-*
9 *tive management of the Department of Homeland Security,*
10 *as authorized by law, \$149,268,000: Provided, That not to*
11 *exceed \$60,000 shall be for official reception and representa-*
12 *tion expenses, of which \$20,000 shall be made available to*
13 *the Office of Policy solely to host Visa Waiver Program ne-*
14 *gotiations in Washington, DC: Provided further, That*
15 *\$20,000,000 shall not be available for obligation for the Of-*
16 *fice of Policy until the Secretary submits an expenditure*
17 *plan for the Office of Policy for fiscal year 2010.*

18 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

19 *For necessary expenses of the Office of the Under Sec-*
20 *retary for Management, as authorized by sections 701*
21 *through 705 of the Homeland Security Act of 2002 (6*
22 *U.S.C. 341 through 345), \$307,690,000, of which not to ex-*
23 *ceed \$3,000 shall be for official reception and representation*
24 *expenses: Provided, That of the total amount, \$5,000,000*
25 *shall remain available until expended solely for the alter-*

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

6 *OFFICE OF THE CHIEF FINANCIAL OFFICER*

7 *For necessary expenses of the Office of the Chief Finan-*
8 *cial Officer, as authorized by section 103 of the Homeland*
9 *Security Act of 2002 (6 U.S.C. 113), \$63,530,000, of which*
10 *\$11,000,000 shall remain available until expended for fi-*
11 *nancial systems consolidation efforts: Provided, That of the*
12 *total amount made available under this heading,*
13 *\$5,000,000 shall not be obligated until the Chief Financial*
14 *Officer or an individual acting in such capacity submits*
15 *a financial management improvement plan that addresses*
16 *the recommendations outlined in the Department of Home-*
17 *land Security Office of Inspector General report # OIG-*
18 *09-72, including yearly measurable milestones, to the Com-*
19 *mittees on Appropriations of the Senate and the House of*
20 *Representatives: Provided further, That the plan described*
21 *in the preceding proviso shall be submitted not later than*
22 *January 4, 2010.*

23 *OFFICE OF THE CHIEF INFORMATION OFFICER*

24 *For necessary expenses of the Office of the Chief Infor-*
25 *mation Officer, as authorized by section 103 of the Home-*

1 *land Security Act of 2002 (6 U.S.C. 113), and Department-*
2 *wide technology investments, \$338,393,000; of which*
3 *\$86,912,000 shall be available for salaries and expenses;*
4 *and of which \$251,481,000, to remain available until ex-*
5 *pended, shall be available for development and acquisition*
6 *of information technology equipment, software, services,*
7 *and related activities for the Department of Homeland Se-*
8 *curity: Provided, That of the total amount appropriated,*
9 *not less than \$82,788,000 shall be available for data center*
10 *development, of which not less than \$38,540,145 shall be*
11 *available for power capabilities upgrades at Data Center*
12 *One (National Center for Critical Information Processing*
13 *and Storage): Provided further, That the Chief Information*
14 *Officer shall submit to the Committees on Appropriations*
15 *of the Senate and the House of Representatives, not more*
16 *than 60 days after the date of enactment of this Act, an*
17 *expenditure plan for all information technology acquisition*
18 *projects that: (1) are funded under this heading; or (2) are*
19 *funded by multiple components of the Department of Home-*
20 *land Security through reimbursable agreements: Provided*
21 *further, That key milestones, all funding sources for each*
22 *project, details of annual and lifecycle costs, and projected*
23 *cost savings or cost avoidance to be achieved by the project.*

1 *spections and regulatory activities related to plant and ani-*
2 *mal imports, and transportation of unaccompanied minor*
3 *aliens; purchase and lease of up to 4,500 (4,000 for replace-*
4 *ment only) police-type vehicles; and contracting with indi-*
5 *viduals for personal services abroad; \$8,075,649,000, of*
6 *which \$3,226,000 shall be derived from the Harbor Mainte-*
7 *nance Trust Fund for administrative expenses related to the*
8 *collection of the Harbor Maintenance Fee pursuant to sec-*
9 *tion 9505(c)(3) of the Internal Revenue Code of 1986 (26*
10 *U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1)*
11 *of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1));*
12 *of which not to exceed \$45,000 shall be for official reception*
13 *and representation expenses; of which not less than*
14 *\$309,629,000 shall be for Air and Marine Operations; of*
15 *which such sums as become available in the Customs User*
16 *Fee Account, except sums subject to section 13031(f)(3) of*
17 *the Consolidated Omnibus Budget Reconciliation Act of*
18 *1985 (19 U.S.C. 58c(f)(3)), shall be derived from that ac-*
19 *count; of which not to exceed \$150,000 shall be available*
20 *for payment for rental space in connection with*
21 *preclearance operations; and of which not to exceed*
22 *\$1,000,000 shall be for awards of compensation to inform-*
23 *ants, to be accounted for solely under the certificate of the*
24 *Secretary of Homeland Security: Provided, That for fiscal*
25 *year 2010, the overtime limitation prescribed in section*

1 5(c)(1) of the Act of February 13, 1911 (19 U.S.C.
2 267(c)(1)) shall be \$35,000; and notwithstanding any other
3 provision of law, none of the funds appropriated by this
4 Act may be available to compensate any employee of U.S.
5 Customs and Border Protection for overtime, from whatever
6 source, in an amount that exceeds such limitation, except
7 in individual cases determined by the Secretary of Home-
8 land Security, or the designee of the Secretary, to be nec-
9 essary for national security purposes, to prevent excessive
10 costs, or in cases of immigration emergencies: Provided fur-
11 ther, That of the total amount provided, \$1,700,000 shall
12 remain available until September 30, 2011, for the Global
13 Advanced Passenger Information/Passenger Name Record
14 Program.

15 *AUTOMATION MODERNIZATION*

16 *For expenses for U.S. Customs and Border Protection*
17 *automated systems, \$462,445,000, to remain available until*
18 *expended, of which not less than \$267,960,000 shall be for*
19 *the development of the Automated Commercial Environ-*
20 *ment: Provided, That of the total amount made available*
21 *under this heading, \$167,960,000 may not be obligated for*
22 *the Automated Commercial Environment program until 30*
23 *days after the Committees on Appropriations of the Senate*
24 *and the House of Representatives receive a report on the*

1 *results to date and plans for the program from the Depart-*
2 *ment of Homeland Security.*

3 *BORDER SECURITY FENCING, INFRASTRUCTURE, AND*
4 *TECHNOLOGY*

5 *For expenses for border security fencing, infrastruc-*
6 *ture, and technology, \$800,000,000, to remain available*
7 *until expended: Provided, That of the amount provided*
8 *under this heading, \$50,000,000 shall not be obligated until*
9 *the Committees on Appropriations of the Senate and the*
10 *House of Representatives receive a plan for expenditure,*
11 *prepared by the Secretary of Homeland Security and sub-*
12 *mitted not later than 90 days after the date of the enact-*
13 *ment of this Act, for a program to establish and maintain*
14 *a security barrier along the borders of the United States*
15 *of fencing and vehicle barriers, where practicable, and other*
16 *forms of tactical infrastructure and technology.*

17 *AIR AND MARINE INTERDICTION, OPERATIONS,*
18 *MAINTENANCE, AND PROCUREMENT*

19 *For necessary expenses for the operations, mainte-*
20 *nance, and procurement of marine vessels, aircraft, un-*
21 *manned aerial systems, and other related equipment of the*
22 *air and marine program, including operational training*
23 *and mission-related travel, the operations of which include*
24 *the following: the interdiction of narcotics and other goods;*
25 *the provision of support to Federal, State, and local agen-*

1 *cies in the enforcement or administration of laws enforced*
2 *by the Department of Homeland Security; and at the dis-*
3 *cretion of the Secretary of Homeland Security, the provi-*
4 *sion of assistance to Federal, State, and local agencies in*
5 *other law enforcement and emergency humanitarian efforts,*
6 *\$515,826,000, to remain available until expended: Pro-*
7 *vided, That no aircraft or other related equipment, with*
8 *the exception of aircraft that are one of a kind and have*
9 *been identified as excess to U.S. Customs and Border Pro-*
10 *tection requirements and aircraft that have been damaged*
11 *beyond repair, shall be transferred to any other Federal*
12 *agency, department, or office outside of the Department of*
13 *Homeland Security during fiscal year 2010 without the*
14 *prior approval of the Committees on Appropriations of the*
15 *Senate and the House of Representatives.*

16 *CONSTRUCTION AND FACILITIES MANAGEMENT*

17 *For necessary expenses to plan, construct, renovate,*
18 *equip, and maintain buildings and facilities necessary for*
19 *the administration and enforcement of the laws relating to*
20 *customs and immigration, \$316,070,000, to remain avail-*
21 *able until expended, of which \$39,700,000 shall be for the*
22 *Advanced Training Center: Provided, That for fiscal year*
23 *2011 and thereafter, the annual budget submission of U.S.*
24 *Customs and Border Protection for “Construction and Fa-*
25 *cilities Management” shall, in consultation with the Gen-*

1 eral Services Administration, include a detailed 5-year
2 plan for all Federal land border port of entry projects with
3 a yearly update of total projected future funding needs.

4 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses for enforcement of immigration*
7 *and customs laws, detention and removals, and investiga-*
8 *tions; and purchase and lease of up to 3,790 (2,350 for re-*
9 *placement only) police-type vehicles; \$5,360,100,000, of*
10 *which not to exceed \$7,500,000 shall be available until ex-*
11 *pended for conducting special operations under section 3131*
12 *of the Customs Enforcement Act of 1986 (19 U.S.C. 2081);*
13 *of which not to exceed \$15,000 shall be for official reception*
14 *and representation expenses; of which not to exceed*
15 *\$1,000,000 shall be for awards of compensation to inform-*
16 *ants, to be accounted for solely under the certificate of the*
17 *Secretary of Homeland Security; of which not less than*
18 *\$305,000 shall be for promotion of public awareness of the*
19 *child pornography tipline and anti-child exploitation ac-*
20 *tivities; of which not less than \$5,400,000 shall be used to*
21 *facilitate agreements consistent with section 287(g) of the*
22 *Immigration and Nationality Act (8 U.S.C. 1357(g)); and*
23 *of which not to exceed \$11,216,000 shall be available to fund*
24 *or reimburse other Federal agencies for the costs associated*
25 *with the care, maintenance, and repatriation of smuggled*

1 *aliens unlawfully present in the United States: Provided,*
2 *That none of the funds made available under this heading*
3 *shall be available to compensate any employee for overtime*
4 *in an annual amount in excess of \$35,000, except that the*
5 *Secretary, or the designee of the Secretary, may waive that*
6 *amount as necessary for national security purposes and in*
7 *cases of immigration emergencies: Provided further, That*
8 *of the total amount provided, \$15,770,000 shall be for ac-*
9 *tivities in fiscal year 2010 to enforce laws against forced*
10 *child labor, of which not to exceed \$6,000,000 shall remain*
11 *available until expended: Provided further, That of the total*
12 *amount available, not less than \$1,000,000,000 shall be*
13 *available to identify aliens convicted of a crime, and who*
14 *may be deportable, and to remove them from the United*
15 *States once they are judged deportable: Provided further,*
16 *That the Secretary, or the designee of the Secretary, shall*
17 *report to the Committees on Appropriations of the Senate*
18 *and the House of Representatives, at least quarterly, on*
19 *progress implementing the preceding proviso, and the funds*
20 *obligated during that quarter to make that progress: Pro-*
21 *vided further, That funding made available under this*
22 *heading shall maintain a level of not less than 33,400 deten-*
23 *tion beds through September 30, 2010: Provided further,*
24 *That of the total amount provided, not less than*
25 *\$2,539,180,000 is for detention and removal operations, in-*

1 *cluding transportation of unaccompanied minor aliens:*
2 *Provided further, That of the total amount provided,*
3 *\$6,800,000 shall remain available until September 30,*
4 *2011, for the Visa Security Program: Provided further,*
5 *That nothing under this heading shall prevent U.S. Immi-*
6 *gration and Customs Enforcement from exercising those au-*
7 *thorities provided under immigration laws (as defined in*
8 *section 101(a)(17) of the Immigration and Nationality Act*
9 *(8 U.S.C. 1101(a)(17))) during priority operations per-*
10 *taining to aliens convicted of a crime.*

11 *AUTOMATION MODERNIZATION*

12 *For expenses of immigration and customs enforcement*
13 *automated systems, \$85,000,000, to remain available until*
14 *expended: Provided, That of the funds made available under*
15 *this heading, \$10,000,000 shall not be obligated until the*
16 *Committees on Appropriations of the Senate and the House*
17 *of Representatives receive an expenditure plan prepared by*
18 *the Secretary of Homeland Security.*

19 *TRANSPORTATION SECURITY ADMINISTRATION*

20 *AVIATION SECURITY*

21 *For necessary expenses of the Transportation Security*
22 *Administration related to providing civil aviation security*
23 *services pursuant to the Aviation and Transportation Secu-*
24 *rity Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C.*
25 *40101 note), \$5,237,828,000, to remain available until Sep-*

1 tember 30, 2011, of which not to exceed \$10,000 shall be
2 for official reception and representation expenses: Provided,
3 That of the total amount made available under this head-
4 ing, not to exceed \$4,395,195,000 shall be for screening oper-
5 ations, of which \$1,154,775,000 shall be available for explo-
6 sives detection systems; and not to exceed \$842,633,000 shall
7 be for aviation security direction and enforcement: Provided
8 further, That of the amount made available in the preceding
9 proviso for explosives detection systems, \$806,669,000 shall
10 be available for the purchase and installation of these sys-
11 tems, of which not less than 28 percent shall be available
12 for the purchase and installation of certified explosives de-
13 tection systems at medium- and small-sized airports: Pro-
14 vided further, That any award to deploy explosives detec-
15 tion systems shall be based on risk, the airports current reli-
16 ance on other screening solutions, lobby congestion resulting
17 in increased security concerns, high injury rates, airport
18 readiness, and increased cost effectiveness: Provided further,
19 That security service fees authorized under section 44940
20 of title 49, United States Code, shall be credited to this ap-
21 propriation as offsetting collections and shall be available
22 only for aviation security: Provided further, That any funds
23 collected and made available from aviation security fees
24 pursuant to section 44940(i) of title 49, United States Code,
25 may, notwithstanding paragraph (4) of such section

1 44940(i), be expended for the purpose of improving screen-
2 ing at airport screening checkpoints, which may include the
3 purchase and utilization of emerging technology equipment;
4 the refurbishment and replacement of current equipment;
5 the installation of surveillance systems to monitor check-
6 point activities; the modification of checkpoint infrastruc-
7 ture to support checkpoint reconfigurations; and the cre-
8 ation of additional checkpoints to screen aviation pas-
9 sengers and airport personnel: Provided further, That the
10 sum appropriated under this heading from the general fund
11 shall be reduced on a dollar-for-dollar basis as such offset-
12 ting collections are received during fiscal year 2010, so as
13 to result in a final fiscal year appropriation from the gen-
14 eral fund estimated at not more than \$3,137,828,000: Pro-
15 vided further, That any security service fees collected in ex-
16 cess of the amount made available under this heading shall
17 become available during fiscal year 2011: Provided further,
18 That Members of the United States House of Representa-
19 tives and United States Senate, including the leadership;
20 the heads of Federal agencies and commissions, including
21 the Secretary, Deputy Secretary, Under Secretaries, and
22 Assistant Secretaries of the Department of Homeland Secu-
23 rity; the United States Attorney General and Assistant At-
24 torneys General and the United States attorneys; and senior
25 members of the Executive Office of the President, including

1 *the Director of the Office of Management and Budget; shall*
2 *not be exempt from Federal passenger and baggage screen-*
3 *ing.*

4 *SURFACE TRANSPORTATION SECURITY*

5 *For necessary expenses of the Transportation Security*
6 *Administration related to providing surface transportation*
7 *security activities, \$142,616,000, to remain available until*
8 *September 30, 2011.*

9 *TRANSPORTATION THREAT ASSESSMENT AND*

10 *CREDENTIALING*

11 *For necessary expenses for the development and imple-*
12 *mentation of screening programs of the Office of Transpor-*
13 *tation Threat Assessment and Credentialing, \$171,999,000,*
14 *to remain available until September 30, 2011.*

15 *TRANSPORTATION SECURITY SUPPORT*

16 *For necessary expenses of the Transportation Security*
17 *Administration related to providing transportation secu-*
18 *rity support and intelligence pursuant to the Aviation and*
19 *Transportation Security Act (Public Law 107–71; 115*
20 *Stat. 597; 49 U.S.C. 40101 note), \$999,580,000, to remain*
21 *available until September 30, 2011: Provided, That of the*
22 *funds appropriated under this heading, \$20,000,000 may*
23 *not be obligated for headquarters administration until the*
24 *Secretary of Homeland Security submits to the Committees*
25 *on Appropriations of the Senate and the House of Rep-*

1 *representatives detailed expenditure plans for air cargo secu-*
2 *rity, and for checkpoint support and explosives detection*
3 *systems refurbishment, procurement, and installations on*
4 *an airport-by-airport basis for fiscal year 2010: Provided*
5 *further, That these plans shall be submitted no later than*
6 *60 days after the date of enactment of this Act.*

7 *FEDERAL AIR MARSHALS*

8 *For necessary expenses of the Federal Air Marshals,*
9 *\$860,111,000.*

10 *COAST GUARD*

11 *OPERATING EXPENSES*

12 *For necessary expenses for the operation and mainte-*
13 *nance of the Coast Guard, not otherwise provided for; pur-*
14 *chase or lease of not to exceed 25 passenger motor vehicles,*
15 *which shall be for replacement only; for purchase or lease*
16 *of small boats for contingent and emergent requirements (at*
17 *a unit cost of no more than \$700,000) and for repairs and*
18 *service-life replacements, not to exceed a total of*
19 *\$26,000,000; minor shore construction projects not exceed-*
20 *ing \$1,000,000 in total cost at any location; payments pur-*
21 *suant to section 156 of Public Law 97-377 (42 U.S.C. 402*
22 *note; 96 Stat. 1920); and recreation and welfare;*
23 *\$6,838,291,000, of which \$581,503,000 shall be for defense-*
24 *related activities, \$241,503,000 of which are designated as*
25 *being for overseas deployments and other activities pursu-*

1 *ant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13*
2 *(111th Congress), the concurrent resolution on the budget*
3 *for fiscal year 2010; of which \$24,500,000 shall be derived*
4 *from the Oil Spill Liability Trust Fund to carry out the*
5 *purposes of section 1012(a)(5) of the Oil Pollution Act of*
6 *1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$20,000*
7 *shall be for official reception and representation expenses;*
8 *and of which \$3,600,000 shall be available until expended*
9 *for the cost of repairing, rehabilitating, altering, modifying,*
10 *and making improvements, including customized tenant*
11 *improvements, to any replacement or expanded Operations*
12 *Systems Center facility: Provided, That none of the funds*
13 *made available by this or any other Act shall be available*
14 *for administrative expenses in connection with shipping*
15 *commissioners in the United States: Provided further, That*
16 *none of the funds made available by this Act shall be for*
17 *expenses incurred for recreational vessels under section*
18 *12114 of title 46, United States Code, except to the extent*
19 *fees are collected from yacht owners and credited to this*
20 *appropriation: Provided further, That the Coast Guard*
21 *shall comply with the requirements of section 527 of Public*
22 *Law 108–136 with respect to the Coast Guard Academy:*
23 *Provided further, That of the funds provided under this*
24 *heading, \$30,000,000 is withheld from obligation from*
25 *Headquarters Directorates until the second quarter acquisi-*

1 *tion report required by Public Law 108–7 and the fiscal*
2 *year 2008 joint explanatory statement accompanying Pub-*
3 *lic Law 110–161 is received by the Committees on Appro-*
4 *priations of the Senate and the House of Representatives.*

5 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

6 *For necessary expenses to carry out the environmental*
7 *compliance and restoration functions of the Coast Guard*
8 *under chapter 19 of title 14, United States Code,*
9 *\$13,198,000, to remain available until expended.*

10 *RESERVE TRAINING*

11 *For necessary expenses of the Coast Guard Reserve, as*
12 *authorized by law; operations and maintenance of the re-*
13 *serve program; personnel and training costs; and equipment*
14 *and services; \$133,632,000.*

15 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

16 *For necessary expenses of acquisition, construction,*
17 *renovation, and improvement of aids to navigation, shore*
18 *facilities, vessels, and aircraft, including equipment related*
19 *thereto; and maintenance, rehabilitation, lease and oper-*
20 *ation of facilities and equipment, as authorized by law;*
21 *\$1,597,580,000, of which \$20,000,000 shall be derived from*
22 *the Oil Spill Liability Trust Fund to carry out the purposes*
23 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
24 *U.S.C. 2712(a)(5)); of which \$123,000,000 shall be avail-*
25 *able until September 30, 2014, to acquire, repair, renovate,*

1 *or improve vessels, small boats, and related equipment; of*
2 *which \$147,500,000 shall be available until September 30,*
3 *2012, for other equipment; of which \$27,100,000 shall be*
4 *available until September 30, 2012, for shore facilities and*
5 *aids to navigation facilities, including not less than*
6 *\$300,000 for the Coast Guard Academy Pier and not less*
7 *than \$16,800,000 for Coast Guard Station Cleveland Har-*
8 *bor; of which \$105,200,000 shall be available for personnel*
9 *compensation and benefits and related costs; and of which*
10 *\$1,194,780,000 shall be available until September 30, 2014,*
11 *for the Integrated Deepwater Systems program: Provided,*
12 *That of the funds made available for the Integrated Deep-*
13 *water Systems program, \$305,500,000 is for aircraft and*
14 *\$734,680,000 is for surface ships: Provided further, That*
15 *the Secretary of Homeland Security shall submit to the*
16 *Committees on Appropriations of the Senate and the House*
17 *of Representatives, in conjunction with the President's fis-*
18 *cal year 2011 budget, a review of the Revised Deepwater*
19 *Implementation Plan that identifies any changes to the*
20 *plan for the fiscal year; an annual performance comparison*
21 *of Integrated Deepwater Systems program assets to pre-*
22 *Deepwater legacy assets; a status report of legacy assets;*
23 *a detailed explanation of how the costs of legacy assets are*
24 *being accounted for within the Integrated Deepwater Sys-*
25 *tems program; and the earned value management system*

1 *gold card data for each Integrated Deepwater Systems pro-*
2 *gram asset: Provided further, That the Secretary shall sub-*
3 *mit to the Committees on Appropriations of the Senate and*
4 *the House of Representatives a comprehensive review of the*
5 *Revised Deepwater Implementation Plan every 5 years, be-*
6 *ginning in fiscal year 2011, that includes a complete projec-*
7 *tion of the acquisition costs and schedule for the duration*
8 *of the plan through fiscal year 2027: Provided further, That*
9 *the Secretary shall annually submit to the Committees on*
10 *Appropriations of the Senate and the House of Representa-*
11 *tives, at the time that the President's budget is submitted*
12 *under section 1105(a) of title 31, United States Code, a fu-*
13 *ture-years capital investment plan for the Coast Guard that*
14 *identifies for each capital budget line item—*

15 (1) *the proposed appropriation included in that*
16 *budget;*

17 (2) *the total estimated cost of completion;*

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

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

23 (5) *changes, if any, in the total estimated cost of*
24 *completion or estimated completion date from pre-*
25 *vious future-years capital investment plans submitted*

1 *UNITED STATES SECRET SERVICE*
2 *SALARIES AND EXPENSES*
3 *For necessary expenses of the United States Secret*
4 *Service, including purchase of not to exceed 652 vehicles*
5 *for police-type use, of which 652 shall be for replacement*
6 *only, and hire of passenger motor vehicles; purchase of mo-*
7 *torcycles made in the United States; hire of aircraft; serv-*
8 *ices of expert witnesses at such rates as may be determined*
9 *by the Director of the Secret Service; rental of buildings*
10 *in the District of Columbia, and fencing, lighting, guard*
11 *booths, and other facilities on private or other property not*
12 *in Government ownership or control, as may be necessary*
13 *to perform protective functions; payment of per diem or*
14 *subsistence allowances to employees where a protective as-*
15 *signment during the actual day or days of the visit of a*
16 *protectee requires an employee to work 16 hours per day*
17 *or to remain overnight at a post of duty; conduct of and*
18 *participation in firearms matches; presentation of awards;*
19 *travel of United States Secret Service employees on protec-*
20 *tive missions without regard to the limitations on such ex-*
21 *penditures in this or any other Act if approval is obtained*
22 *in advance from the Committees on Appropriations of the*
23 *Senate and the House of Representatives; research and de-*
24 *velopment; grants to conduct behavioral research in support*
25 *of protective research and operations; and payment in ad-*

1 *vance for commercial accommodations as may be necessary*
2 *to perform protective functions; \$1,482,709,000; of which*
3 *not to exceed \$25,000 shall be for official reception and rep-*
4 *resentation expenses; of which not to exceed \$100,000 shall*
5 *be to provide technical assistance and equipment to foreign*
6 *law enforcement organizations in counterfeit investigations;*
7 *of which \$2,366,000 shall be for forensic and related support*
8 *of investigations of missing and exploited children; and of*
9 *which \$6,000,000 shall be for a grant for activities related*
10 *to the investigations of missing and exploited children and*
11 *shall remain available until expended: Provided, That up*
12 *to \$18,000,000 provided for protective travel shall remain*
13 *available until September 30, 2011: Provided further, That*
14 *up to \$1,000,000 for National Special Security Events shall*
15 *remain available until expended: Provided further, That the*
16 *United States Secret Service is authorized to obligate funds*
17 *in anticipation of reimbursements from Federal agencies*
18 *and entities, as defined in section 105 of title 5, United*
19 *States Code, receiving training sponsored by the James J.*
20 *Rowley Training Center, except that total obligations at the*
21 *end of the fiscal year shall not exceed total budgetary re-*
22 *sources available under this heading at the end of the fiscal*
23 *year: Provided further, That none of the funds made avail-*
24 *able under this heading shall be available to compensate*
25 *any employee for overtime in an annual amount in excess*

1 of \$35,000, except that the Secretary of Homeland Security,
2 or the designee of the Secretary, may waive that amount
3 as necessary for national security purposes: Provided fur-
4 ther, That none of the funds appropriated to the United
5 States Secret Service by this Act or by previous appropria-
6 tions Acts may be made available for the protection of the
7 head of a Federal agency other than the Secretary of Home-
8 land Security: Provided further, That the Director of the
9 United States Secret Service may enter into an agreement
10 to perform such service on a fully reimbursable basis: Pro-
11 vided further, That the United States Secret Service shall
12 open an international field office in Tallinn, Estonia to
13 combat electronic crimes with funds made available under
14 this heading in Public Law 110–329: Provided further,
15 That \$4,040,000 shall not be made available for obligation
16 until enactment into law of authorizing legislation that in-
17 corporates the authorities of the United States Secret Serv-
18 ice Uniformed Division into the United States Code, includ-
19 ing restructuring the United States Secret Service Uni-
20 formed Division’s pay chart.

21 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

22 RELATED EXPENSES

23 For necessary expenses for acquisition, construction,
24 repair, alteration, and improvement of facilities,
25 \$3,975,000, to remain available until expended.

1 *TITLE III*
2 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
3 *RECOVERY*

4 *NATIONAL PROTECTION AND PROGRAMS DIRECTORATE*
5 *SALARIES AND EXPENSES*

6 *For salaries and expenses of the Office of the Under*
7 *Secretary for the National Protection and Programs Direc-*
8 *torate, support for operations, information technology, and*
9 *the Office of Risk Management and Analysis, \$44,577,000:*
10 *Provided, That not to exceed \$5,000 shall be for official re-*
11 *ception and representation expenses.*

12 *INFRASTRUCTURE PROTECTION AND INFORMATION*
13 *SECURITY*

14 *For necessary expenses for infrastructure protection*
15 *and information security programs and activities, as au-*
16 *thorized by title II of the Homeland Security Act of 2002*
17 *(6 U.S.C. 121 et seq.), \$901,416,000, of which \$760,755,000*
18 *shall remain available until September 30, 2011: Provided,*
19 *That of the total amount provided, \$20,000,000 is for nec-*
20 *essary expenses of the National Infrastructure Simulation*
21 *and Analysis Center.*

22 *UNITED STATES VISITOR AND IMMIGRANT STATUS*
23 *INDICATOR TECHNOLOGY*

24 *For necessary expenses for the development of the*
25 *United States Visitor and Immigrant Status Indicator*

1 *Technology project, as authorized by section 110 of the Ille-*
2 *gal Immigration Reform and Immigrant Responsibility Act*
3 *of 1996 (8 U.S.C. 1365a), \$378,194,000, to remain avail-*
4 *able until expended: Provided, That of the total amount*
5 *made available under this heading, \$75,000,000 may not*
6 *be obligated for the United States Visitor and Immigrant*
7 *Status Indicator Technology project until the Committees*
8 *on Appropriations of the Senate and the House of Rep-*
9 *resentatives receive a plan for expenditure prepared by the*
10 *Secretary of Homeland Security not later than 90 days*
11 *after the date of enactment of this Act: Provided further,*
12 *That not less than \$28,000,000 of unobligated balances of*
13 *prior year appropriations shall remain available and be*
14 *obligated solely for implementation of a biometric air exit*
15 *capability.*

16 *FEDERAL PROTECTIVE SERVICE*

17 *The revenues and collections of security fees credited*
18 *to this account shall be available until expended for nec-*
19 *essary expenses related to the protection of federally-owned*
20 *and leased buildings and for the operations of the Federal*
21 *Protective Service: Provided, That the Secretary of Home-*
22 *land Security and the Director of the Office of Management*
23 *and Budget shall certify in writing to the Committees on*
24 *Appropriations of the Senate and the House of Representa-*
25 *tives no later than December 31, 2009, that the operations*

1 *of the Federal Protective Service will be fully funded in fis-*
2 *cal year 2010 through revenues and collection of security*
3 *fees, and shall adjust the fees to ensure fee collections are*
4 *sufficient to ensure that the Federal Protective Service*
5 *maintains not fewer than 1,200 full-time equivalent staff*
6 *and 900 full-time equivalent Police Officers, Inspectors,*
7 *Area Commanders, and Special Agents who, while working,*
8 *are directly engaged on a daily basis protecting and enforce-*
9 *ing laws at Federal buildings (referred to as “in-service*
10 *field staff”).*

11 *OFFICE OF HEALTH AFFAIRS*

12 *For necessary expenses of the Office of Health Affairs,*
13 *\$135,000,000, of which \$30,411,000 is for salaries and ex-*
14 *penses; and of which \$104,589,000 is to remain available*
15 *until September 30, 2011, for biosurveillance, BioWatch,*
16 *medical readiness planning, chemical response, and other*
17 *activities: Provided, That not to exceed \$3,000 shall be for*
18 *official reception and representation expenses.*

19 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

20 *MANAGEMENT AND ADMINISTRATION*

21 *For necessary expenses for management and adminis-*
22 *tration of the Federal Emergency Management Agency,*
23 *\$859,700,000, including activities authorized by the Na-*
24 *tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.),*
25 *the Robert T. Stafford Disaster Relief and Emergency As-*

1 *sistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire*
2 *Assistance Act of 2000 (division C, title I, 114 Stat. 583),*
3 *the Earthquake Hazards Reduction Act of 1977 (42 U.S.C.*
4 *7701 et seq.), the Defense Production Act of 1950 (50 U.S.C.*
5 *App. 2061 et seq.), sections 107 and 303 of the National*
6 *Security Act of 1947 (50 U.S.C. 404, 405), Reorganization*
7 *Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security*
8 *Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina*
9 *Emergency Management Reform Act of 2006 (Public Law*
10 *109–295; 120 Stat. 1394): Provided, That not to exceed*
11 *\$3,000 shall be for official reception and representation ex-*
12 *penses: Provided further, That the President’s budget sub-*
13 *mitted under section 1105(a) of title 31, United States*
14 *Code, shall be detailed by office for the Federal Emergency*
15 *Management Agency: Provided further, That of the total*
16 *amount made available under this heading, \$32,500,000*
17 *shall be for the Urban Search and Rescue Response System,*
18 *of which not to exceed \$1,600,000 may be made available*
19 *for administrative costs; and \$6,995,000 shall be for the Of-*
20 *fice of National Capital Region Coordination: Provided fur-*
21 *ther, That for purposes of planning, coordination, execu-*
22 *tion, and decision-making related to mass evacuation dur-*
23 *ing a disaster, the Governors of the State of West Virginia*
24 *and the Commonwealth of Pennsylvania, or their designees,*
25 *shall be incorporated into efforts to integrate the activities*

1 *of Federal, State, and local governments in the National*
2 *Capital Region, as defined in section 882 of Public Law*
3 *107–296, the Homeland Security Act of 2002.*

4 *STATE AND LOCAL PROGRAMS*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For grants, contracts, cooperative agreements, and*
7 *other activities, \$3,067,200,000 shall be allocated as follows:*

8 *(1) \$950,000,000 shall be for the State Homeland*
9 *Security Grant Program under section 2004 of the*
10 *Homeland Security Act of 2002 (6 U.S.C. 605): Pro-*
11 *vided, That of the amount provided by this para-*
12 *graph, \$60,000,000 shall be for Operation*
13 *Stonegarden.*

14 *(2) \$887,000,000 shall be for the Urban Area Se-*
15 *curity Initiative under section 2003 of the Homeland*
16 *Security Act of 2002 (6 U.S.C. 604), of which, not-*
17 *withstanding subsection (c)(1) of such section,*
18 *\$20,000,000 shall be for grants to organizations (as*
19 *described under section 501(c)(3) of the Internal Rev-*
20 *enue Code of 1986 and exempt from tax section*
21 *501(a) of such code) determined by the Secretary of*
22 *Homeland Security to be at high risk of a terrorist*
23 *attack.*

24 *(3) \$35,000,000 shall be for Regional Cata-*
25 *strophic Preparedness Grants.*

1 (4) \$40,000,000 shall be for the Metropolitan
2 Medical Response System under section 635 of the
3 Post-Katrina Emergency Management Reform Act of
4 2006 (6 U.S.C. 723).

5 (5) \$15,000,000 shall be for the Citizen Corps
6 Program.

7 (6) \$356,000,000 shall be for Public Transpor-
8 tation Security Assistance, Railroad Security Assist-
9 ance, and Over-the-Road Bus Security Assistance
10 under sections 1406, 1513, and 1532 of the Imple-
11 menting Recommendations of the 9/11 Commission
12 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135,
13 1163, and 1182), of which not less than \$25,000,000
14 shall be for Amtrak security, and not less than
15 \$6,000,000 shall be for Over-the-Road Bus Security
16 Assistance.

17 (7) \$350,000,000 shall be for Port Security
18 Grants in accordance with 46 U.S.C. 70107.

19 (8) \$50,000,000 shall be for Buffer Zone Protec-
20 tion Program Grants.

21 (9) \$50,000,000 shall be for Driver’s License Se-
22 curity Grants Program, pursuant to section 204(a) of
23 the REAL ID Act of 2005 (division B of Public Law
24 109–13).

1 (10) \$50,000,000 shall be for the Interoperable
2 Emergency Communications Grant Program under
3 section 1809 of the Homeland Security Act of 2002 (6
4 U.S.C. 579).

5 (11) \$20,000,000 shall be for grants for Emer-
6 gency Operations Centers under section 614 of the
7 Robert T. Stafford Disaster Relief and Emergency As-
8 sistance Act (42 U.S.C. 5196c), of which no less than
9 \$1,500,000 shall be for the Ohio Emergency Manage-
10 ment Agency Emergency Operations Center, Colum-
11 bus, Ohio; no less than \$1,000,000 shall be for the
12 City of Chicago Emergency Operations Center, Chi-
13 cago, Illinois; no less than \$600,000 shall be for the
14 Ames Emergency Operations Center, Ames, Iowa; no
15 less than \$353,000 shall be for the County of Union
16 Emergency Operations Center, Union County, New
17 Jersey; no less than \$300,000 shall be for the City of
18 Hackensack Emergency Operations Center, Hacken-
19 sack, New Jersey; no less than \$247,000 shall be for
20 the Township of South Orange Village Emergency
21 Operations Center, South Orange, New Jersey; no less
22 than \$1,000,000 shall be for the City of Mount Vernon
23 Emergency Operations Center, Mount Vernon, New
24 York; no less than \$900,000 shall be for the City of
25 Whitefish Emergency Operations Center, Whitefish,

1 *Montana; no less than \$1,000,000 shall be for the Lin-*
2 *coln County Emergency Operations Center, Lincoln*
3 *County, Washington; no less than \$980,000 shall be*
4 *for the City of Providence Emergency Operations*
5 *Center, Providence, Rhode Island; no less than*
6 *\$980,000 for the North Louisiana Regional Emer-*
7 *gency Operations Center, Lincoln Parish, Louisiana;*
8 *and no less than \$900,000 for the City of North Little*
9 *Rock Emergency Operations Center, North Little*
10 *Rock, Arkansas.*

11 (12) *\$264,200,000 shall be for training, exercises,*
12 *technical assistance, and other programs, of which—*

13 (A) *\$164,500,000 is for purposes of training*
14 *in accordance with section 1204 of the Imple-*
15 *menting Recommendations of the 9/11 Commis-*
16 *sion Act of 2007 (6 U.S.C. 1102), of which*
17 *\$62,500,000 shall be for the Center for Domestic*
18 *Preparedness; \$23,000,000 shall be for the Na-*
19 *tional Energetic Materials Research and Testing*
20 *Center, New Mexico Institute of Mining and*
21 *Technology; \$23,000,000 shall be for the National*
22 *Center for Biomedical Research and Training,*
23 *Louisiana State University; \$23,000,000 shall be*
24 *for the National Emergency Response and Res-*
25 *cue Training Center, Texas A&M University;*

1 \$23,000,000 shall be for the National Exercise,
2 Test, and Training Center, Nevada Test Site;
3 \$5,000,000 shall be for the Transportation Tech-
4 nology Center, Incorporated, in Pueblo, Colo-
5 rado; and \$5,000,000 shall be for the Natural
6 Disaster Preparedness Training Center, Univer-
7 sity of Hawaii, Honolulu, Hawaii; and

8 (B) \$1,700,000 shall be for the Center for
9 Counterterrorism and Cyber Crime, Norwich
10 University, Northfield, Vermont:

11 *Provided, That 4.1 percent of the amounts provided under*
12 *this heading shall be transferred to the Federal Emergency*
13 *Management Agency “Management and Administration”*
14 *account for program administration, and an expenditure*
15 *plan for program administration shall be provided to the*
16 *Committees on Appropriations of the Senate and the House*
17 *of Representatives within 60 days of the date of enactment*
18 *of this Act: Provided further, That, notwithstanding section*
19 *2008(a)(11) of the Homeland Security Act of 2002 (6*
20 *U.S.C. 609(a)(11)), or any other provision of law, a grantee*
21 *may use not more than 5 percent of the amount of a grant*
22 *made available under this heading for expenses directly re-*
23 *lated to administration of the grant: Provided further, That*
24 *for grants under paragraphs (1) through (5), the applica-*
25 *tions for grants shall be made available to eligible appli-*

1 *cants not later than 25 days after the date of enactment*
2 *of this Act, that eligible applicants shall submit applica-*
3 *tions not later than 90 days after the grant announcement,*
4 *and that the Administrator of the Federal Emergency Man-*
5 *agement Agency shall act within 90 days after receipt of*
6 *an application: Provided further, That for grants under*
7 *paragraphs (6) through (10), the applications for grants*
8 *shall be made available to eligible applicants not later than*
9 *30 days after the date of enactment of this Act, that eligible*
10 *applicants shall submit applications within 45 days after*
11 *the grant announcement, and that the Federal Emergency*
12 *Management Agency shall act not later than 60 days after*
13 *receipt of an application: Provided further, That for grants*
14 *under paragraphs (1) and (2), the installation of commu-*
15 *nications towers is not considered construction of a building*
16 *or other physical facility: Provided further, That grantees*
17 *shall provide reports on their use of funds, as determined*
18 *necessary by the Secretary: Provided further, That (a) the*
19 *Center for Domestic Preparedness may provide training to*
20 *emergency response providers from the Federal Government,*
21 *foreign governments, or private entities, if the Center for*
22 *Domestic Preparedness is reimbursed for the cost of such*
23 *training, and any reimbursement under this subsection*
24 *shall be credited to the account from which the expenditure*
25 *being reimbursed was made and shall be available, without*

1 *fiscal year limitation, for the purposes for which amounts*
2 *in the account may be expended, (b) the head of the Center*
3 *for Domestic Preparedness shall ensure that any training*
4 *provided under (a) does not interfere with the primary mis-*
5 *sion of the Center to train State and local emergency re-*
6 *sponse providers.*

7 *FIREFIGHTER ASSISTANCE GRANTS*

8 *For necessary expenses for programs authorized by the*
9 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
10 *2201 et seq.), \$800,000,000, of which \$380,000,000 shall be*
11 *available to carry out section 33 of that Act (15 U.S.C.*
12 *2229) and \$420,000,000 shall be available to carry out sec-*
13 *tion 34 of that Act (15 U.S.C. 2229a), to remain available*
14 *until September 30, 2010: Provided, That 5 percent of the*
15 *amount available under this heading shall be for program*
16 *administration, and an expenditure plan for program ad-*
17 *ministration shall be provided to the Committees on Appro-*
18 *priations of the Senate and the House of Representatives*
19 *within 60 days of the date of enactment of this Act.*

20 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

21 *For necessary expenses for emergency management*
22 *performance grants, as authorized by the National Flood*
23 *Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
24 *T. Stafford Disaster Relief and Emergency Assistance Act*
25 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*

1 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
2 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000: Pro-*
3 *vided, That total administrative costs shall be 3 percent of*
4 *the total amount appropriated under this heading.*

5 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

6 *The aggregate charges assessed during fiscal year 2010,*
7 *as authorized in title III of the Departments of Veterans*
8 *Affairs and Housing and Urban Development, and Inde-*
9 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*
10 *5196e), shall not be less than 100 percent of the amounts*
11 *anticipated by the Department of Homeland Security nec-*
12 *essary for its radiological emergency preparedness program*
13 *for the next fiscal year: Provided, That the methodology for*
14 *assessment and collection of fees shall be fair and equitable*
15 *and shall reflect costs of providing such services, including*
16 *administrative costs of collecting such fees: Provided fur-*
17 *ther, That fees received under this heading shall be deposited*
18 *in this account as offsetting collections and will become*
19 *available for authorized purposes on October 1, 2010, and*
20 *remain available until expended.*

21 *UNITED STATES FIRE ADMINISTRATION*

22 *For necessary expenses of the United States Fire Ad-*
23 *ministration and for other purposes, as authorized by the*
24 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*

1 2201 et seq.) and the Homeland Security Act of 2002 (6
2 U.S.C. 101 et seq.), \$45,588,000.

3 *DISASTER RELIEF*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses in carrying out the Robert T.*
6 *Stafford Disaster Relief and Emergency Assistance Act (42*
7 *U.S.C. 5121 et seq.), \$1,456,866,000, to remain available*
8 *until expended: Provided, That the Federal Emergency*
9 *Management Agency shall submit an expenditure plan to*
10 *the Committees on Appropriations of the Senate and the*
11 *House of Representatives detailing the use of the funds for*
12 *disaster readiness and support within 60 days after the date*
13 *of enactment of this Act: Provided further, That the Federal*
14 *Emergency Management Agency shall provide a quarterly*
15 *report detailing obligations against the expenditure plan*
16 *and a justification for any changes in spending: Provided*
17 *further, That not later than 60 days after the date of enact-*
18 *ment of this Act, the Administrator of the Federal Emer-*
19 *gency Management Agency shall submit a report to the*
20 *Committee on Appropriations of the Senate, the Committee*
21 *on Appropriations of the House of Representatives and the*
22 *Committee on Homeland Security and Governmental Af-*
23 *airs of the Senate that includes (1) a plan for the acquisi-*
24 *tion of alternative temporary housing units, and (2) proce-*
25 *dures for expanding repair of existing multi-family rental*

1 *housing units authorized under section 689i(a) of the Post-*
2 *Katrina Emergency Management Reform Act of 2006 (6*
3 *U.S.C. 776(a)), semi-permanent, or permanent housing op-*
4 *tions: Provided further, That of the total amount provided,*
5 *\$16,000,000 shall be transferred to the Department of*
6 *Homeland Security Office of Inspector General for audits*
7 *and investigations related to disasters, subject to section 503*
8 *of this Act: Provided further, That up to \$50,000,000 may*
9 *be transferred to Federal Emergency Management Agency*
10 *“Management and Administration” for management and*
11 *administration functions: Provided further, That the*
12 *amount provided in the previous proviso shall not be avail-*
13 *able for transfer to “Management and Administration”*
14 *until the Federal Emergency Management Agency submits*
15 *an implementation plan to the Committees on Appropria-*
16 *tions of the Senate and the House of Representatives: Pro-*
17 *vided further, That the Federal Emergency Management*
18 *Agency shall submit the monthly “Disaster Relief” report,*
19 *as specified in Public Law 110–161, to the Committees on*
20 *Appropriations of the Senate and the House of Representa-*
21 *tives, and include the amounts provided to each Federal*
22 *agency for mission assignments: Provided further, That for*
23 *any request for reimbursement from a Federal agency to*
24 *the Department of Homeland Security to cover expenditures*
25 *under the Robert T. Stafford Disaster Relief and Emer-*

1 *gency Assistance Act (42 U.S.C. 5121 et seq.), or any mis-*
 2 *sion assignment orders issued by the Department for such*
 3 *purposes, the Secretary of Homeland Security shall take ap-*
 4 *propriate steps to ensure that each agency is periodically*
 5 *reminded of Department policies on—*

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

8 (2) *the necessity for timeliness of agency billings.*

9 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

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

18 *FLOOD MAP MODERNIZATION FUND*

19 *For necessary expenses under section 1360 of the Na-*
 20 *tional Flood Insurance Act of 1968 (42 U.S.C. 4101),*
 21 *\$220,000,000, and such additional sums as may be pro-*
 22 *vided by State and local governments or other political sub-*
 23 *divisions for cost-shared mapping activities under section*
 24 *1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain*
 25 *available until expended: Provided, That total administra-*

1 *tive costs shall not exceed 3 percent of the total amount ap-*
2 *propriated under this heading.*

3 *NATIONAL FLOOD INSURANCE FUND*

4 *For activities under the National Flood Insurance Act*
5 *of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster*
6 *Protection Act of 1973 (42 U.S.C. 4001 et seq.),*
7 *\$159,469,000, which shall be derived from offsetting collec-*
8 *tions assessed and collected under section 1308(d) of the Na-*
9 *tional Flood Insurance Act of 1968 (42 U.S.C. 4015(d)),*
10 *which is available as follows: (1) not to exceed \$52,149,000*
11 *for salaries and expenses associated with flood mitigation*
12 *and flood insurance operations; and (2) no less than*
13 *\$107,320,000 for flood plain management and flood map-*
14 *ping, which shall remain available until September 30,*
15 *2011: Provided, That any additional fees collected pursuant*
16 *to section 1308(d) of the National Flood Insurance Act of*
17 *1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting*
18 *collection to this account, to be available for flood plain*
19 *management and flood mapping: Provided further, That in*
20 *fiscal year 2010, no funds shall be available from the Na-*
21 *tional Flood Insurance Fund under section 1310 of that Act*
22 *(42 U.S.C. 4017) in excess of: (1) \$85,000,000 for operating*
23 *expenses; (2) \$969,370,000 for commissions and taxes of*
24 *agents; (3) such sums as are necessary for interest on Treas-*
25 *ury borrowings; and (4) \$120,000,000, which shall remain*

1 available until expended for flood mitigation actions, of
2 which \$70,000,000 is for severe repetitive loss properties
3 under section 1361A of the National Flood Insurance Act
4 of 1968 (42 U.S.C. 4102a), of which \$10,000,000 is for re-
5 petitive insurance claims properties under section 1323 of
6 the National Flood Insurance Act of 1968 (42 U.S.C. 4030),
7 and of which \$40,000,000 is for flood mitigation assistance
8 under section 1366 of the National Flood Insurance Act of
9 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs
10 (B) and (C) of subsection (b)(3) and subsection (f) of section
11 1366 of the National Flood Insurance Act of 1968 (42
12 U.S.C. 4104c) and notwithstanding subsection (a)(7) of sec-
13 tion 1310 of the National Flood Insurance Act of 1968 (42
14 U.S.C. 4017): Provided further, That amounts collected
15 under section 102 of the Flood Disaster Protection Act of
16 1973 and section 1366(i) of the National Flood Insurance
17 Act of 1968 shall be deposited in the National Flood Insur-
18 ance Fund to supplement other amounts specified as avail-
19 able for section 1366 of the National Flood Insurance Act
20 of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i),
21 and 4104d(b)(2)–(3): Provided further, That total adminis-
22 trative costs shall not exceed 4 percent of the total appro-
23 priation.

1 vided, That of the amount provided for the E-Verify pro-
2 gram, \$10,000,000 is available until expended for E-Verify
3 process and system enhancements: Provided further, That
4 notwithstanding any other provision of law, funds available
5 to United States Citizenship and Immigration Services
6 may be used to acquire, operate, equip, dispose of and re-
7 place up to five vehicles, of which two are for replacement
8 only, for areas where the Administrator of General Services
9 does not provide vehicles for lease: Provided further, That
10 the Director of United States Citizenship and Immigration
11 Services may authorize employees who are assigned to those
12 areas to use such vehicles between the employees' residences
13 and places of employment.

14 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

15 *For necessary expenses of the Federal Law Enforce-*
16 *ment Training Center, including materials and support*
17 *costs of Federal law enforcement basic training; the pur-*
18 *chase of not to exceed 117 vehicles for police-type use and*
19 *hire of passenger motor vehicles; expenses for student ath-*
20 *letic and related activities; the conduct of and participation*
21 *in firearms matches and presentation of awards; public*
22 *awareness and enhancement of community support of law*
23 *enforcement training; room and board for student interns;*
24 *a flat monthly reimbursement to employees authorized to*
25 *use personal mobile phones for official duties; and services*

1 *as authorized by section 3109 of title 5, United States Code;*
2 *\$244,356,000, of which up to \$47,751,000 shall remain*
3 *available until September 30, 2011, for materials and sup-*
4 *port costs of Federal law enforcement basic training; of*
5 *which \$300,000 shall remain available until expended for*
6 *Federal law enforcement agencies participating in training*
7 *accreditation, to be distributed as determined by the Fed-*
8 *eral Law Enforcement Training Center for the needs of par-*
9 *ticipating agencies; and of which not to exceed \$12,000 shall*
10 *be for official reception and representation expenses: Pro-*
11 *vided, That the Center is authorized to obligate funds in*
12 *anticipation of reimbursements from agencies receiving*
13 *training sponsored by the Center, except that total obliga-*
14 *tions at the end of the fiscal year shall not exceed total budg-*
15 *etary resources available at the end of the fiscal year: Pro-*
16 *vided further, That section 1202(a) of Public Law 107–206*
17 *(42 U.S.C. 3771 note), as amended by Public Law 110–*
18 *329 (122 Stat. 3677), is further amended by striking “De-*
19 *ember 31, 2011” and inserting “December 31, 2012”: Pro-*
20 *vided further, That the Federal Law Enforcement Training*
21 *Accreditation Board, including representatives from the*
22 *Federal law enforcement community and non-Federal ac-*
23 *creditation experts involved in law enforcement training,*
24 *shall lead the Federal law enforcement training accredita-*
25 *tion process to continue the implementation of measuring*

1 *and assessing the quality and effectiveness of Federal law*
2 *enforcement training programs, facilities, and instructors:*
3 *Provided further, That the Director of the Federal Law En-*
4 *forcement Training Center shall schedule basic or advanced*
5 *law enforcement training, or both, at all four training fa-*
6 *cilities under the control of the Federal Law Enforcement*
7 *Training Center to ensure that such training facilities are*
8 *operated at the highest capacity throughout the fiscal year.*

9 *ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND*

10 *RELATED EXPENSES*

11 *For acquisition of necessary additional real property*
12 *and facilities, construction, and ongoing maintenance, fa-*
13 *cility improvements, and related expenses of the Federal*
14 *Law Enforcement Training Center, \$43,456,000, to remain*
15 *available until expended: Provided, That the Center is au-*
16 *thorized to accept reimbursement to this appropriation*
17 *from government agencies requesting the construction of*
18 *special use facilities.*

19 *SCIENCE AND TECHNOLOGY*

20 *MANAGEMENT AND ADMINISTRATION*

21 *For salaries and expenses of the Office of the Under*
22 *Secretary for Science and Technology and for management*
23 *and administration of programs and activities, as author-*
24 *ized by title III of the Homeland Security Act of 2002 (6*
25 *U.S.C. 181 et seq.), \$143,200,000: Provided, That not to*

1 *exceed \$10,000 shall be for official reception and representa-*
 2 *tion expenses.*

3 *RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

4 *For necessary expenses for science and technology re-*
 5 *search, including advanced research projects; development;*
 6 *test and evaluation; acquisition; and operations; as author-*
 7 *ized by title III of the Homeland Security Act of 2002 (6*
 8 *U.S.C. 181 et seq.); \$851,729,000, to remain available until*
 9 *September 30, 2011: Provided, That not less than*
 10 *\$20,865,000 shall be available for the Southeast Region Re-*
 11 *search Initiative at the Oak Ridge National Laboratory:*
 12 *Provided further, That not less than \$3,000,000 shall be*
 13 *available for Distributed Environment for Critical Infra-*
 14 *structure Decisionmaking Exercises: Provided further, That*
 15 *not less than \$12,000,000 is for construction expenses of the*
 16 *Pacific Northwest National Laboratory: Provided further,*
 17 *That not less than \$2,000,000 shall be for the Cincinnati*
 18 *Urban Area partnership established through the Regional*
 19 *Technology Integration Initiative: Provided further, That*
 20 *not less than \$36,312,000 shall be for the National Bio and*
 21 *Agro-defense Facility.*

22 *DOMESTIC NUCLEAR DETECTION OFFICE*

23 *MANAGEMENT AND ADMINISTRATION*

24 *For salaries and expenses of the Domestic Nuclear De-*
 25 *tection Office as authorized by title XIX of the Homeland*

1 *Security Act of 2002 (6 U.S.C. 591 et seq.) for management*
2 *and administration of programs and activities,*
3 *\$37,500,000: Provided, That not to exceed \$3,000 shall be*
4 *for official reception and representation expenses.*

5 *RESEARCH, DEVELOPMENT, AND OPERATIONS*

6 *For necessary expenses for radiological and nuclear re-*
7 *search, development, testing, evaluation, and operations,*
8 *\$326,537,000, to remain available until September 30,*
9 *2011.*

10 *SYSTEMS ACQUISITION*

11 *For expenses for the Domestic Nuclear Detection Office*
12 *acquisition and deployment of radiological detection sys-*
13 *tems in accordance with the global nuclear detection archi-*
14 *ture, \$10,000,000, to remain available until September*
15 *30, 2011: Provided, That none of the funds appropriated*
16 *under this heading in this Act or any other Act shall be*
17 *obligated for full-scale procurement of Advanced*
18 *Spectroscopic Portal monitors until the Secretary of Home-*
19 *land Security submits to the Committees on Appropriations*
20 *of the Senate and the House of Representatives a report cer-*
21 *tifying that a significant increase in operational effective-*
22 *ness will be achieved: Provided further, That the Secretary*
23 *shall submit separate and distinct certifications prior to the*
24 *procurement of Advanced Spectroscopic Portal monitors for*
25 *primary and secondary deployment that address the unique*

1 *requirements for operational effectiveness of each type of de-*
2 *ployment: Provided further, That the Secretary shall con-*
3 *tinue to consult with the National Academy of Sciences be-*
4 *fore making such certifications: Provided further, That none*
5 *of the funds appropriated under this heading shall be used*
6 *for high-risk concurrent development and production of mu-*
7 *tually dependent software and hardware.*

8 *TITLE V*

9 *GENERAL PROVISIONS*

10 *(INCLUDING RESCISSIONS OF FUNDS)*

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

14 *SEC. 502. Subject to the requirements of section 503*
15 *of this Act, the unexpended balances of prior appropriations*
16 *provided for activities in this Act may be transferred to*
17 *appropriation accounts for such activities established pur-*
18 *suant to this Act, may be merged with funds in the applica-*
19 *ble established accounts, and thereafter may be accounted*
20 *for as one fund for the same time period as originally en-*
21 *acted.*

22 *SEC. 503. (a) None of the funds provided by this Act,*
23 *provided by previous appropriations Acts to the agencies*
24 *in or transferred to the Department of Homeland Security*
25 *that remain available for obligation or expenditure in fiscal*

1 year 2010, or provided from any accounts in the Treasury
2 of the United States derived by the collection of fees avail-
3 able to the agencies funded by this Act, shall be available
4 for obligation or expenditure through a reprogramming of
5 funds that: (1) creates a new program, project, or activity;
6 (2) eliminates a program, project, office, or activity; (3) in-
7 creases funds for any program, project, or activity for which
8 funds have been denied or restricted by the Congress; (4)
9 proposes to use funds directed for a specific activity by ei-
10 ther of the Committees on Appropriations of the Senate or
11 the House of Representatives for a different purpose; or (5)
12 contracts out any function or activity for which funding
13 levels were requested for Federal full-time equivalents in the
14 object classification tables contained in the fiscal year 2010
15 Budget Appendix for the Department of Homeland Secu-
16 rity, as modified by the explanatory statement accom-
17 panying this Act, unless the Committees on Appropriations
18 of the Senate and the House of Representatives are notified
19 15 days in advance of such reprogramming of funds.

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

1 available to the agencies funded by this Act, shall be avail-
2 able for obligation or expenditure for programs, projects,
3 or activities through a reprogramming of funds in excess
4 of \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
5 ments existing programs, projects, or activities; (2) reduces
6 by 10 percent funding for any existing program, project,
7 or activity, or numbers of personnel by 10 percent as ap-
8 proved by the Congress; or (3) results from any general sav-
9 ings from a reduction in personnel that would result in a
10 change in existing programs, projects, or activities as ap-
11 proved by the Congress, unless the Committees on Appro-
12 priations of the Senate and the House of Representatives
13 are notified 15 days in advance of such reprogramming of
14 funds.

15 (c) Not to exceed 5 percent of any appropriation made
16 available for the current fiscal year for the Department of
17 Homeland Security by this Act or provided by previous ap-
18 propriations Acts may be transferred between such appro-
19 priations, but no such appropriation, except as otherwise
20 specifically provided, shall be increased by more than 10
21 percent by such transfers: Provided, That any transfer
22 under this section shall be treated as a reprogramming of
23 funds under subsection (b) and shall not be available for
24 obligation unless the Committees on Appropriations of the

1 *Senate and the House of Representatives are notified 15*
2 *days in advance of such transfer.*

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

8 *SEC. 504. The Department of Homeland Security*
9 *Working Capital Fund, established pursuant to section 403*
10 *of Public Law 103–356 (31 U.S.C. 501 note), shall continue*
11 *operations as a permanent working capital fund for fiscal*
12 *year 2010: Provided, That none of the funds appropriated*
13 *or otherwise made available to the Department of Home-*
14 *land Security may be used to make payments to the Work-*
15 *ing Capital Fund, except for the activities and amounts al-*
16 *lowed in the President’s fiscal year 2010 budget: Provided*
17 *further, That funds provided to the Working Capital Fund*
18 *shall be available for obligation until expended to carry out*
19 *the purposes of the Working Capital Fund: Provided fur-*
20 *ther, That all departmental components shall be charged*
21 *only for direct usage of each Working Capital Fund service:*
22 *Provided further, That funds provided to the Working Cap-*
23 *ital Fund shall be used only for purposes consistent with*
24 *the contributing component: Provided further, That such*
25 *fund shall be paid in advance or reimbursed at rates which*

1 *will return the full cost of each service: Provided further,*
2 *That the Working Capital Fund shall be subject to the re-*
3 *quirements of section 503 of this Act.*

4 *SEC. 505. Except as otherwise specifically provided by*
5 *law, not to exceed 50 percent of unobligated balances re-*
6 *maining available at the end of fiscal year 2010 from ap-*
7 *propriations for salaries and expenses for fiscal year 2010*
8 *in this Act shall remain available through September 30,*
9 *2011, in the account and for the purposes for which the*
10 *appropriations were provided: Provided, That prior to the*
11 *obligation of such funds, a request shall be submitted to the*
12 *Committees on Appropriations of the Senate and the House*
13 *of Representatives for approval in accordance with section*
14 *503 of this Act.*

15 *SEC. 506. Funds made available by this Act for intel-*
16 *ligence activities are deemed to be specifically authorized*
17 *by the Congress for purposes of section 504 of the National*
18 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*
19 *2010 until the enactment of an Act authorizing intelligence*
20 *activities for fiscal year 2010.*

21 *SEC. 507. None of the funds made available by this*
22 *Act may be used to make a grant allocation, discretionary*
23 *grant award, discretionary contract award, Other Trans-*
24 *action Agreement, or to issue a letter of intent totaling in*
25 *excess of \$1,000,000, or to announce publicly the intention*

1 *to make such an award, including a contract covered by*
2 *the Federal Acquisition Regulation, unless the Secretary of*
3 *Homeland Security notifies the Committees on Appropria-*
4 *tions of the Senate and the House of Representatives at least*
5 *3 full business days in advance of making such an award*
6 *or issuing such a letter: Provided, That if the Secretary of*
7 *Homeland Security determines that compliance with this*
8 *section would pose a substantial risk to human life, health,*
9 *or safety, an award may be made without notification and*
10 *the Committees on Appropriations of the Senate and the*
11 *House of Representatives shall be notified not later than*
12 *5 full business days after such an award is made or letter*
13 *issued: Provided further, That no notification shall involve*
14 *funds that are not available for obligation: Provided fur-*
15 *ther, That the notification shall include the amount of the*
16 *award, the fiscal year in which the funds for the award*
17 *were appropriated, and the account from which the funds*
18 *are being drawn: Provided further, That the Federal Emer-*
19 *gency Management Agency shall brief the Committees on*
20 *Appropriations of the Senate and the House of Representa-*
21 *tives 5 full business days in advance of announcing publicly*
22 *the intention of making an award under the State Home-*
23 *land Security Grant Program; Urban Area Security Initia-*
24 *tive; and the Regional Catastrophic Preparedness Grant*
25 *Program.*

1 *SEC. 508. Notwithstanding any other provision of law,*
2 *no agency shall purchase, construct, or lease any additional*
3 *facilities, except within or contiguous to existing locations,*
4 *to be used for the purpose of conducting Federal law enforce-*
5 *ment training without the advance approval of the Commit-*
6 *tees on Appropriations of the Senate and the House of Rep-*
7 *resentatives, except that the Federal Law Enforcement*
8 *Training Center is authorized to obtain the temporary use*
9 *of additional facilities by lease, contract, or other agreement*
10 *for training which cannot be accommodated in existing*
11 *Center facilities.*

12 *SEC. 509. None of the funds appropriated or otherwise*
13 *made available by this Act may be used for expenses for*
14 *any construction, repair, alteration, or acquisition project*
15 *for which a prospectus otherwise required under chapter 33*
16 *of title 40, United States Code, has not been approved, ex-*
17 *cept that necessary funds may be expended for each project*
18 *for required expenses for the development of a proposed pro-*
19 *spectus.*

20 *SEC. 510. Sections 519, 520, 528, and 531 of the De-*
21 *partment of Homeland Security Appropriations Act, 2008*
22 *(division E of Public Law 110–161; 121 Stat. 2073, 2074)*
23 *shall apply with respect to funds made available in this*
24 *Act in the same manner as such sections applied to funds*
25 *made available in that Act.*

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

4 *SEC. 512. None of the funds provided by this or pre-*
5 *vious appropriations Acts may be obligated for deployment*
6 *or implementation of the Secure Flight program or any*
7 *other follow-on or successor passenger screening program*
8 *that: (1) utilizes or tests algorithms assigning risk to pas-*
9 *sengers whose names are not on Government watch lists;*
10 *or (2) uses data or a database that is obtained from or re-*
11 *mains under the control of a non-Federal entity: Provided,*
12 *That this restriction shall not apply to Passenger Name*
13 *Record data obtained from air carriers.*

14 *SEC. 513. None of the funds made available in this*
15 *Act may be used to amend the oath of allegiance required*
16 *by section 337 of the Immigration and Nationality Act (8*
17 *U.S.C. 1448).*

18 *SEC. 514. None of the funds appropriated by this Act*
19 *may be used to process or approve a competition under Of-*
20 *fice of Management and Budget Circular A-76 for services*
21 *provided as of June 1, 2004, by employees (including em-*
22 *ployees serving on a temporary or term basis) of United*
23 *States Citizenship and Immigration Services of the Depart-*
24 *ment of Homeland Security who are known as of that date*

1 *as Immigration Information Officers, Contact Representa-*
2 *tives, or Investigative Assistants.*

3 *SEC. 515. (a) The Assistant Secretary of Homeland*
4 *Security (Transportation Security Administration) shall*
5 *work with air carriers and airports to ensure that the*
6 *screening of cargo carried on passenger aircraft, as defined*
7 *in section 44901(g)(5) of title 49, United States Code, in-*
8 *creases incrementally each quarter until the requirement of*
9 *section 44901(g)(2)(B) of title 49 are met.*

10 *(b) Not later than 45 days after the end of each quar-*
11 *ter, the Assistant Secretary shall submit to the Committees*
12 *on Appropriations of the Senate and the House of Rep-*
13 *resentatives a report on air cargo inspection statistics by*
14 *airport and air carrier detailing the incremental progress*
15 *being made to meet the requirement of section*
16 *44901(g)(2)(B) of title 49, United States Code.*

17 *SEC. 516. Except as provided in section 44945 of title*
18 *49, United States Code, funds appropriated or transferred*
19 *to Transportation Security Administration “Aviation Se-*
20 *curity”, “Administration” and “Transportation Security*
21 *Support” for fiscal years 2004, 2005, 2006, 2007, and 2008*
22 *that are recovered or deobligated shall be available only for*
23 *the procurement or installation of explosives detection sys-*
24 *tems, for air cargo, baggage, and checkpoint screening sys-*
25 *tems, subject to notification: Provided, That quarterly re-*

1 *ports shall be submitted to the Committees on Appropria-*
2 *tions of the Senate and the House of Representatives on any*
3 *funds that are recovered or deobligated.*

4 *SEC. 517. Any funds appropriated to United States*
5 *Coast Guard, “Acquisition, Construction, and Improve-*
6 *ments” for fiscal years 2002, 2003, 2004, 2005, and 2006*
7 *for the 110–123 foot patrol boat conversion that are recov-*
8 *ered, collected, or otherwise received as the result of negotia-*
9 *tion, mediation, or litigation, shall be available until ex-*
10 *pended for the Replacement Patrol Boat (FRC–B) program.*

11 *SEC. 518. (a)(1) Except as provided in paragraph (2),*
12 *none of the funds provided in this or any other Act shall*
13 *be available to commence or continue operations of the Na-*
14 *tional Applications Office until—*

15 *(A) the Secretary certifies that: (i) National Ap-*
16 *plications Office programs comply with all existing*
17 *laws, including all applicable privacy and civil lib-*
18 *erties standards; and, (ii) that clear definitions of all*
19 *proposed domains are established and are auditable;*

20 *(B) the Comptroller General of the United States*
21 *notifies the Committees on Appropriations of the Sen-*
22 *ate and the House of Representatives and the Sec-*
23 *retary that the Comptroller has reviewed such certifi-*
24 *cation; and*

1 (C) the Secretary notifies the Committees of all
2 funds to be expended on the National Applications
3 Office pursuant to section 503 of this Act.

4 (2) Paragraph (1) shall not apply with respect to any
5 use of funds for activities substantially similar to such ac-
6 tivities conducted by the Department of the Interior as set
7 forth in the 1975 charter for the Civil Applications Com-
8 mittee under the provisions of law codified at section 31
9 of title 43, United States Code.

10 (b) The Inspector General shall provide to the Commit-
11 tees on Appropriations of the Senate and the House of Rep-
12 resentatives a classified report on a quarterly basis con-
13 taining a review of the data collected by the National Appli-
14 cations Office, including a description of the collection pur-
15 poses and the legal authority under which the collection ac-
16 tivities were authorized: Provided, That the report shall also
17 include a listing of all data collection activities carried out
18 on behalf of the National Applications Office by any compo-
19 nent of the National Guard.

20 (c) None of the funds provided in this or any other
21 Act shall be available to commence operations of the Na-
22 tional Immigration Information Sharing Operation until
23 the Secretary certifies that such program complies with all
24 existing laws, including all applicable privacy and civil lib-
25 erties standards, the Comptroller General of the United

1 *States notifies the Committees on Appropriations of the*
2 *Senate and the House of Representatives and the Secretary*
3 *that the Comptroller has reviewed such certification, and*
4 *the Secretary notifies the Committees on Appropriations of*
5 *the Senate and the House of Representatives of all funds*
6 *to be expended on the National Immigration Information*
7 *Sharing Operation pursuant to section 503.*

8 *SEC. 519. Within 45 days after the close of each month,*
9 *the Chief Financial Officer of the Department of Homeland*
10 *Security shall submit to the Committees on Appropriations*
11 *of the Senate and the House of Representatives a monthly*
12 *budget and staffing report that includes total obligations,*
13 *on-board versus funded full-time equivalent staffing levels,*
14 *and the number of contract employees by office.*

15 *SEC. 520. Section 532(a) of Public Law 109–295 (120*
16 *Stat. 1384) is amended by striking “2009” and inserting*
17 *“2010”.*

18 *SEC. 521. The functions of the Federal Law Enforce-*
19 *ment Training Center instructor staff shall be classified as*
20 *inherently governmental for the purpose of the Federal Ac-*
21 *tivities Inventory Reform Act of 1998 (31 U.S.C. 501 note).*

22 *SEC. 522. (a) None of the funds provided by this or*
23 *any other Act may be obligated for the development, testing,*
24 *deployment, or operation of any portion of a human re-*
25 *sources management system authorized by 5 U.S.C.*

1 9701(a), or by regulations prescribed pursuant to such sec-
2 tion, for an employee as defined in 5 U.S.C. 7103(a)(2).

3 (b) The Secretary of Homeland Security shall collabo-
4 rate with employee representatives in the manner prescribed
5 in 5 U.S.C. 9701(e), in the planning, testing, and develop-
6 ment of any portion of a human resources management sys-
7 tem that is developed, tested, or deployed for persons ex-
8 cluded from the definition of employee as that term is de-
9 fined in 5 U.S.C. 7103(a)(2).

10 SEC. 523. None of the funds made available in this
11 or any other Act may be used to enforce section 4025(1)
12 of Public Law 108–458 unless the Assistant Secretary of
13 Homeland Security (Transportation Security Administra-
14 tion) reverses the determination of July 19, 2007, that bu-
15 tane lighters are not a significant threat to civil aviation
16 security.

17 SEC. 524. Funds made available in this Act may be
18 used to alter operations within the Civil Engineering Pro-
19 gram of the Coast Guard nationwide, including civil engi-
20 neering units, facilities design and construction centers,
21 maintenance and logistics commands, and the Coast Guard
22 Academy, except that none of the funds provided in this
23 Act may be used to reduce operations within any Civil En-
24 gineering Unit unless specifically authorized by a statute
25 enacted after the date of the enactment of this Act.

1 *SEC. 525. (a) Except as provided in subsection (b),*
2 *none of the funds appropriated in this or any other Act*
3 *to the Office of the Secretary and Executive Management,*
4 *the Office of the Under Secretary for Management, or the*
5 *Office of the Chief Financial Officer, may be obligated for*
6 *a grant or contract funded under such headings by a means*
7 *other than full and open competition.*

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

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

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

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

21 *(4) by another Federal agency using funds pro-*
22 *vided through an interagency agreement.*

23 *(c)(1) Subject to paragraph (2), the Secretary of*
24 *Homeland Security may waive the application of this sec-*
25 *tion for the award of a contract in the interest of national*

1 *security or if failure to do so would pose a substantial risk*
2 *to human health or welfare.*

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

11 (d) *In addition to the requirements established by this*
12 *section, the Inspector General for the Department of Home-*
13 *land Security shall review departmental contracts awarded*
14 *through other than full and open competition to assess de-*
15 *partmental compliance with applicable laws and regula-*
16 *tions: Provided, That the Inspector General shall review se-*
17 *lected contracts awarded in the previous fiscal year through*
18 *other than full and open competition: Provided further,*
19 *That in determining which contracts to review, the Inspec-*
20 *tor General shall consider the cost and complexity of the*
21 *goods and services to be provided under the contract, the*
22 *criticality of the contract to fulfilling Department missions,*
23 *past performance problems on similar contracts or by the*
24 *selected vendor, complaints received about the award process*
25 *or contractor performance, and such other factors as the In-*

1 *spector General deems relevant: Provided further, That the*
2 *Inspector General shall report the results of the reviews to*
3 *the Committees on Appropriations of the Senate and the*
4 *House of Representatives no later than February 5, 2010.*

5 *SEC. 526. None of the funds made available in this*
6 *Act may be used by United States Citizenship and Immi-*
7 *gration Services to grant an immigration benefit unless the*
8 *results of background checks required by law to be completed*
9 *prior to the granting of the benefit have been received by*
10 *United States Citizenship and Immigration Services, and*
11 *the results do not preclude the granting of the benefit.*

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

19 *SEC. 528. None of the funds provided in this Act shall*
20 *be available to carry out section 872 of Public Law 107–*
21 *296.*

22 *SEC. 529. None of the funds provided in this Act under*
23 *the heading “Office of the Chief Information Officer” shall*
24 *be used for data center development other than for Data*
25 *Center One (National Center for Critical Information Proc-*

1 *essing and Storage) until the Chief Information Officer cer-*
2 *tifies that Data Center One (National Center for Critical*
3 *Information Processing and Storage) is fully utilized as the*
4 *Department's primary data storage center at the highest ca-*
5 *capacity throughout the fiscal year.*

6 *SEC. 530. None of the funds in this Act shall be used*
7 *to reduce the United States Coast Guard's Operations Sys-*
8 *tems Center mission or its government-employed or contract*
9 *staff levels.*

10 *SEC. 531. None of the funds appropriated by this Act*
11 *may be used to conduct, or to implement the results of, a*
12 *competition under Office of Management and Budget Cir-*
13 *cular A-76 for activities performed with respect to the Coast*
14 *Guard National Vessel Documentation Center.*

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

20 *SEC. 533. None of the funds made available to the Of-*
21 *fice of the Secretary and Executive Management under this*
22 *Act may be expended for any new hires by the Department*
23 *of Homeland Security that are not verified through the*
24 *basic pilot program under section 401 of the Illegal Immi-*

1 *gration Reform and Immigrant Responsibility Act of 1996*
2 *(8 U.S.C. 1324a note).*

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

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

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

19 *SEC. 535. None of the funds made available in this*
20 *Act may be used by the Secretary of Homeland Security*
21 *or any delegate of the Secretary to issue any rule or regula-*
22 *tion which implements the Notice of Proposed Rulemaking*
23 *related to Petitions for Aliens To Perform Temporary Non-*
24 *agricultural Services or Labor (H-2B) set out beginning*
25 *on 70 Fed. Reg. 3984 (January 27, 2005).*

1 *SEC. 536. Section 537 of the Department of Homeland*
2 *Security Appropriations Act, 2009 (division D of Public*
3 *Law 110–329; 122 Stat. 3682) shall apply with respect to*
4 *funds made available in this Act in the same manner as*
5 *such sections applied to funds made available in that Act.*

6 *SEC. 537. None of the funds made available in this*
7 *Act may be used for planning, testing, piloting, or devel-*
8 *oping a national identification card.*

9 *SEC. 538. (a) Notwithstanding any other provision of*
10 *this Act, except as provided in subsection (b), and 30 days*
11 *after the date that the President determines whether to de-*
12 *clare a major disaster because of an event and any appeal*
13 *is completed, the Administrator shall submit to the Com-*
14 *mittee on Homeland Security and Governmental Affairs of*
15 *the Senate, the Committee on Homeland Security of the*
16 *House of Representatives, the Committee on Transportation*
17 *and Infrastructure of the House of Representatives, the*
18 *Committees on Appropriations of the Senate and the House*
19 *of Representatives, and publish on the website of the Federal*
20 *Emergency Management Agency, a report regarding that*
21 *decision, which shall summarize damage assessment infor-*
22 *mation used to determine whether to declare a major dis-*
23 *aster.*

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

4 (c) *In this section—*

5 (1) *the term “Administrator” means the Admin-*
6 *istrator of the Federal Emergency Management Agen-*
7 *cy; and*

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

12 *SEC. 539. Notwithstanding any other provision of law,*
13 *should the Secretary of Homeland Security determine that*
14 *the National Bio and Agro-defense Facility be located at*
15 *a site other than Plum Island, New York, the Secretary*
16 *shall have the Administrator of General Services sell*
17 *through public sale all real and related personal property*
18 *and transportation assets which support Plum Island oper-*
19 *ations, subject to such terms and conditions as necessary*
20 *to protect government interests and meet program require-*
21 *ments: Provided, That the gross proceeds of such sale shall*
22 *be deposited as offsetting collections into the Department*
23 *of Homeland Security Science and Technology “Research,*
24 *Development, Acquisition, and Operations” account and,*
25 *subject to appropriation, shall be available until expended,*

1 *for site acquisition, construction, and costs related to the*
2 *construction of the National Bio and Agro-defense Facility,*
3 *including the costs associated with the sale, including due*
4 *diligence requirements, necessary environmental remedi-*
5 *ation at Plum Island, and reimbursement of expenses in-*
6 *curred by the General Services Administration which shall*
7 *not exceed 1 percent of the sale price or \$5,000,000, which-*
8 *ever is greater: Provided further, That after the completion*
9 *of construction and environmental remediation, the unex-*
10 *pendent balances of funds appropriated for costs in the pre-*
11 *ceding proviso shall be available for transfer to the appro-*
12 *priate account for design and construction of a consolidated*
13 *Department of Homeland Security Headquarters project,*
14 *excluding daily operations and maintenance costs, notwith-*
15 *standing section 503 of this Act, and the Committees on*
16 *Appropriations of the Senate and the House of Representa-*
17 *tives shall be notified 15 days prior to such transfer.*

18 *SEC. 540. Any official that is required by this Act to*
19 *report or certify to the Committees on Appropriations of*
20 *the Senate and the House of Representatives may not dele-*
21 *gate such authority to perform that act unless specifically*
22 *authorized herein.*

23 *SEC. 541. The Secretary of Homeland Security, in*
24 *consultation with the Secretary of the Treasury, shall notify*
25 *the Committees on Appropriations of the Senate and the*

1 *House of Representatives of any proposed transfers of funds*
2 *available under 31 U.S.C. 9703.2(g)(4)(B) from the Depart-*
3 *ment of the Treasury Forfeiture Fund to any agency within*
4 *the Department of Homeland Security.*

5 *SEC. 542. (a) Not later than 3 months from the date*
6 *of enactment of this Act, the Secretary of Homeland Secu-*
7 *rity shall consult with the Secretaries of Defense and Trans-*
8 *portation and develop a concept of operations for un-*
9 *manned aerial systems in the United States national air-*
10 *space system for the purposes of border and maritime secu-*
11 *rity operations.*

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

17 *SEC. 543. If the Assistant Secretary of Homeland Se-*
18 *curity (Transportation Security Administration) deter-*
19 *mines that an airport does not need to participate in the*
20 *basic pilot program, the Assistant Secretary shall certify*
21 *to the Committees on Appropriations of the Senate and the*
22 *House of Representatives that no security risks will result*
23 *by such non-participation.*

24 *SEC. 544. For fiscal year 2010 and thereafter, the Sec-*
25 *retary may provide to personnel appointed or assigned to*

1 *serve abroad, allowances and benefits similar to those pro-*
2 *vided under chapter 9 of title I of the Foreign Service Act*
3 *of 1990 (22 U.S.C. 4081 et seq.).*

4 *SEC. 545. Section 144 of the Continuing Appropria-*
5 *tions Resolution, 2009 (division A of Public Law 110–329;*
6 *122 Stat. 3581), as amended by section 101 of division J*
7 *of the Omnibus Appropriations Act, 2009 (Public Law 111–*
8 *8; 123 Stat. 988), is further amended by striking “Sep-*
9 *tember 30, 2009” and inserting “September 30, 2012”.*

10 *SEC. 546. Section 401(b) of the Illegal Immigration*
11 *Reform and Immigrant Responsibility Act of 1996 (divi-*
12 *sion C of Public Law 104–208; 8 U.S.C. 1324a note) is*
13 *amended by striking “Unless” and all that follows.*

14 *SEC. 547. The head of each agency or department of*
15 *the United States that enters into a contract shall require,*
16 *as a condition of the contract, that the contractor partici-*
17 *pate in the pilot program described in 404 of the Illegal*
18 *Immigration Reform and Immigrant Responsibility Act of*
19 *1996 (division C of Public Law 104–209; 8 U.S.C. 1324a*
20 *note) to verify the employment eligibility of—*

21 *(1) all individuals hired during the term of the*
22 *contract by the contractor to perform employment du-*
23 *ties within the United States; and*

1 (2) *all individuals assigned by the contractor to*
2 *perform work within the United States the under such*
3 *contract.*

4 *SEC. 548. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1),*
5 *403(c)(1), and 405(b)(2) of the Illegal Immigration Reform*
6 *and Immigrant Responsibility Act of 1996 (division C of*
7 *Public Law 104–208; 8 U.S.C. 1324a note) are amended*
8 *by striking “basic pilot program” each place that term ap-*
9 *pears and inserting “E-Verify Program”.*

10 (2) *The heading of section 403(a) of the Illegal Immi-*
11 *gration Reform and Immigrant Responsibility Act of 1996*
12 *is amended by striking “BASIC PILOT” and inserting “E-*
13 *VERIFY”.*

14 (b) *Section 404(h)(1) of the Illegal Immigration Re-*
15 *form and Immigration Responsibility Act of 1996 (Public*
16 *Law 104–208; 8 U.S.C. 1324a note) is amended by striking*
17 *“under a pilot program” and inserting “under this sub-*
18 *title”.*

19 *SEC. 549. Section 610 of the Departments of Com-*
20 *merce, Justice, and State, the Judiciary, and Related Agen-*
21 *cies Appropriations Act, 1993 (8 U.S.C. 1153 note) is*
22 *amended—*

23 (1) *by striking “pilot” each place it appears;*
24 *and*

25 (2) *in subsection (b), by striking “for 15 years”.*

1 *SEC. 550. Notwithstanding any other provision of law,*
2 *should the Secretary of Homeland Security determine that*
3 *specific U.S. Immigration and Customs Enforcement Serv-*
4 *ice Processing Centers, or other U.S. Immigration and Cus-*
5 *toms Enforcement owned detention facilities, no longer meet*
6 *the mission need, the Secretary is authorized to dispose of*
7 *individual Service Processing Centers, or other U.S. Immi-*
8 *gration and Customs Enforcement owned detention facili-*
9 *ties, by directing the Administrator of General Services to*
10 *sell all real and related personal property which support*
11 *Service Processing Centers, or other U.S. Immigration and*
12 *Customs Enforcement owned detention facilities, oper-*
13 *ations, subject to such terms and conditions as necessary*
14 *to protect government interests and meet program require-*
15 *ments: Provided, That the proceeds, net of the costs of sale*
16 *incurred by the General Services Administration and U.S.*
17 *Immigration and Customs Enforcement shall be deposited*
18 *as offsetting collections into a separate account that shall*
19 *be available, subject to appropriation, until expended for*
20 *other real property capital asset needs of existing U.S. Im-*
21 *migration and Customs Enforcement assets, excluding daily*
22 *operations and maintenance costs, as the Secretary deems*
23 *appropriate.*

24 *SEC. 551. Section 550 of Public Law 109–295 is*
25 *amended in subsection (b) by deleting from the last proviso*

1 *“three years after the date of enactment of this Act” and*
2 *inserting in lieu thereof “October 4, 2010”.*

3 *SEC. 552. For fiscal year 2010 and thereafter, the Sec-*
4 *retary of Homeland Security may collect fees from any non-*
5 *Federal participant in a conference, seminar, exhibition,*
6 *symposium, or similar meeting conducted by the Depart-*
7 *ment of Homeland Security in advance of the conference,*
8 *either directly or by contract, and those fees shall be credited*
9 *to the appropriation or account from which the costs of the*
10 *conference, seminar, exhibition, symposium, or similar*
11 *meeting are paid and shall be available to pay the costs*
12 *of the Department of Homeland Security with respect to*
13 *the conference or to reimburse the Department for costs in-*
14 *curring with respect to the conference: Provided, That in the*
15 *event the total amount of fees collected with respect to a*
16 *conference exceeds the actual costs of the Department of*
17 *Homeland Security with respect to the conference, the*
18 *amount of such excess shall be deposited into the Treasury*
19 *as miscellaneous receipts: Provided further, That the Sec-*
20 *retary shall provide a report to the Committees on Appro-*
21 *priations of the Senate and the House of Representatives*
22 *not later than January 5, 2011, providing the level of collec-*
23 *tions and a summary by agency of the purposes and levels*
24 *of expenditures for the prior fiscal year, and shall report*
25 *annually thereafter.*

1 *SEC. 553. For purposes of section 210C of the Home-*
2 *land Security Act of 2002 (6 U.S.C. 124j) a rural area shall*
3 *also include any area that is located in a metropolitan sta-*
4 *tistical area and a county, borough, parish, or area under*
5 *the jurisdiction of an Indian tribe with a population of not*
6 *more than 50,000.*

7 *SEC. 554. From the unobligated balances of prior year*
8 *appropriations made available for “Analysis and Oper-*
9 *ations”, \$5,000,000 are rescinded.*

10 *SEC. 555. From the unobligated balances of prior year*
11 *appropriations made available for U.S. Immigration and*
12 *Customs Enforcement “Construction”, \$7,000,000 are re-*
13 *scinded.*

14 *SEC. 556. From the unobligated balances of prior year*
15 *appropriations made available for National Protection and*
16 *Programs Directorate “Infrastructure Protection and Infor-*
17 *mation Security”, \$8,000,000 are rescinded.*

18 *SEC. 557. From the unobligated balances of prior year*
19 *appropriations made available for Science and Technology*
20 *“Research, Development, Acquisition, and Operations”,*
21 *\$7,500,000 are rescinded.*

22 *SEC. 558. From the unobligated balances of prior year*
23 *appropriations made available for Domestic Nuclear Detec-*
24 *tion Office “Research, Development, and Operations”,*
25 *\$8,000,000 are rescinded.*

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

5 *(b) The limitation in subsection (a) shall take effect*
6 *only if the Commandant of the Coast Guard certifies that—*

7 *(1) the termination of the operation of the*
8 *Loran-C signal as of the date specified in subsection*
9 *(a) will not adversely impact the safety of maritime*
10 *navigation; and*

11 *(2) the Loran-C system infrastructure is not*
12 *needed as a backup to the Global Positioning System*
13 *or any other Federal navigation requirement.*

14 *(c) If the Commandant makes the certification de-*
15 *scribed in subsection (b), the Coast Guard shall, com-*
16 *mencing January 4, 2010, terminate the operation of the*
17 *Loran-C signal and commence a phased decommissioning*
18 *of the Loran-C system infrastructure.*

19 *(d) Not later than 30 days after such certification pur-*
20 *suant to subsection (b), the Commandant shall submit to*
21 *the Committees on Appropriations of the Senate and House*
22 *of Representatives a report setting forth a proposed schedule*
23 *for the phased decommissioning of the Loran-C system in-*
24 *frastructure in the event of the decommissioning of such in-*
25 *frastructure in accordance to subsection (c).*

1 (e) If the Commandant makes the certification de-
2 scribed in subsection (b), the Secretary of Homeland Secu-
3 rity, acting through the Commandant of the Coast Guard,
4 may, notwithstanding any other provision of law, sell any
5 real and personal property under the administrative control
6 of the Coast Guard and used for the Loran system, by di-
7 recting the Administrator of General Services to sell such
8 real and personal property, subject to such terms and condi-
9 tions that the Secretary believes to be necessary to protect
10 government interests and program requirements of the
11 Coast Guard: Provided, That the proceeds, less the costs of
12 sale incurred by the General Services Administration, shall
13 be deposited as offsetting collections into the Coast Guard
14 “Environmental Compliance and Restoration” account
15 and, subject to appropriation, shall be available until ex-
16 pended for environmental compliance and restoration pur-
17 poses associated with the Loran system, for the demolition
18 of improvements on such real property, and for the costs
19 associated with the sale of such real and personal property,
20 including due diligence requirements, necessary environ-
21 mental remediation, and reimbursement of expenses in-
22 curred by the General Services Administration: Provided
23 further, That after the completion of such activities, the un-
24 expended balances shall be available for any other environ-

1 *mental compliance and restoration activities of the Coast*
2 *Guard.*

3 *BORDER FENCE COMPLETION*

4 *SEC. 560. (a) MINIMUM REQUIREMENTS.—Section*
5 *102(b)(1) of the Illegal Immigration Reform and Immig-*
6 *grant Responsibility Act of 1996 (8 U.S.C. 1103 note) is*
7 *amended—*

8 *(1) in subparagraph (A), by adding at the end*
9 *the following: “Fencing that does not effectively re-*
10 *strain pedestrian traffic (such as vehicle barriers and*
11 *virtual fencing) may not be used to meet the 700-mile*
12 *fence requirement under this subparagraph.”;*

13 *(2) in subparagraph (B)—*

14 *(A) in clause (i), by striking “and” at the*
15 *end;*

16 *(B) in clause (ii), by striking the period at*
17 *the end and inserting “; and”;* and

18 *(C) by adding at the end the following:*

19 *“(iii) not later than December 31,*
20 *2010, complete the construction of all the re-*
21 *inforced fencing and the installation of the*
22 *related equipment described in subpara-*
23 *graph (A).”;* and

24 *(3) in subparagraph (C), by adding at the end*
25 *the following:*

1 “(iii) *FUNDING NOT CONTINGENT ON*
2 *CONSULTATION.—Amounts appropriated to*
3 *carry out this paragraph may not be im-*
4 *pounded or otherwise withheld for failure to*
5 *fully comply with the consultation require-*
6 *ment under clause (i).”.*

7 (b) *REPORT.—Not later than September 30, 2009, the*
8 *Secretary of Homeland Security shall submit a report to*
9 *Congress that describes—*

10 (1) *the progress made in completing the rein-*
11 *forced fencing required under section 102(b)(1) of the*
12 *Illegal Immigration Reform and Immigrant Respon-*
13 *sibility Act of 1996 (8 U.S.C. 1103 note), as amended*
14 *by this Act; and*

15 (2) *the plans for completing such fencing before*
16 *December 31, 2010.*

17 *SEC. 561. None of the amounts made available under*
18 *this Act may be used to implement changes to the final rule*
19 *describing the process for employers to follow after receiving*
20 *a “no match” letter in order to qualify for “safe harbor”*
21 *status (promulgated on August 15, 2007).*

22 *SEC. 562. None of the funds made available under this*
23 *Act may be obligated for the construction of the National*
24 *Bio and Agro-defense Facility on the United States main-*
25 *land until 90 days after the later of—*

1 (1) *the date on which the Secretary of Homeland*
2 *Security completes a site-specific bio-safety and bio-*
3 *security mitigation assessment to determine the re-*
4 *quirements necessary to ensure safe operation of the*
5 *National Bio and Agro-defense Facility at the pre-*
6 *ferred site identified in the January 16, 2009, Record*
7 *of Decision published in Federal Register Vol. 74,*
8 *Number 111; or*

9 (2) *the date on which the Secretary of Homeland*
10 *Security, in coordination with the Secretary of Agri-*
11 *culture, submits to the Committee on Appropriations*
12 *of the Senate and the Committee on Appropriations*
13 *of the House of Representatives a report that—*

14 (A) *describes the procedure that will be used*
15 *to issue the permit to conduct foot-and-mouth*
16 *disease live virus research under section 7524 of*
17 *the Food, Conservation, and Energy Act of 2008*
18 *(21 U.S.C. 113a note; Public Law 110–246); and*

19 (B) *includes plans to establish an emer-*
20 *gency response plan with city, regional, and*
21 *State officials in the event of an accidental re-*
22 *lease of foot-and-mouth disease or another haz-*
23 *ardous pathogen.*

24 SEC. 563. (a) *Not later than 60 days after the date*
25 *of the enactment of this Act, the Secretary of Homeland Se-*

1 *curity, in consultation with the Attorney General and the*
2 *Administrative Office of the United States Courts, shall*
3 *submit a report to the congressional committees set forth*
4 *in subsection (b) that provides details about—*

5 *(1) additional Border Patrol sectors that should*
6 *be utilizing Operation Streamline programs; and*

7 *(2) resources needed from the Department of*
8 *Homeland Security, the Department of Justice, and*
9 *the Judiciary, to increase the effectiveness of Oper-*
10 *ation Streamline programs at some Border Patrol*
11 *sectors and to utilize such programs at additional sec-*
12 *tors.*

13 *(b) The congressional committees set forth in this sub-*
14 *section are—*

15 *(1) the Committee on Appropriations of the Sen-*
16 *ate;*

17 *(2) the Committee on the Judiciary of the Sen-*
18 *ate;*

19 *(3) the Committee on Appropriations of the*
20 *House of Representatives;*

21 *(4) the Committee on the Judiciary of the House*
22 *of Representatives; and*

23 *(5) the Committee on Homeland Security and*
24 *Governmental Affairs of the Senate.*

1 *MARITIME TRANSPORTATION SECURITY INFORMATION*

2 *SEC. 564. (a) SHORT TITLE.—This section may be*
3 *cited as the “American Communities’ Right to Public Infor-*
4 *mation Act”.*

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

7 *“(d) NONDISCLOSURE OF INFORMATION.—*

8 *“(1) IN GENERAL.—Information developed under*
9 *this chapter is not required to be disclosed to the pub-*
10 *lic, including—*

11 *“(A) facility security plans, vessel security*
12 *plans, and port vulnerability assessments; and*

13 *“(B) other information related to security*
14 *plans, procedures, or programs for vessels or fa-*
15 *cilities authorized under this chapter.*

16 *“(2) LIMITATIONS.—Nothing in paragraph (1)*
17 *shall be construed to authorize the designation of in-*
18 *formation as sensitive security information (as de-*
19 *defined in section 1520.5 of title 49, Code of Federal*
20 *Regulations)—*

21 *“(A) to conceal a violation of law, ineffi-*
22 *ciency, or administrative error;*

23 *“(B) to prevent embarrassment to a person,*
24 *organization, or agency;*

25 *“(C) to restrain competition; or*

1 “(D) to prevent or delay the release of infor-
2 mation that does not require protection in the
3 interest of transportation security, including
4 basic scientific research information not clearly
5 related to transportation security.”.

6 (c) *CONFORMING AMENDMENTS.*—

7 (1) Section 114(r) of title 49, United States
8 Code, is amended by adding at the end thereof the fol-
9 lowing:

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

15 “(A) to conceal a violation of law, ineffi-
16 ciency, or administrative error;

17 “(B) to prevent embarrassment to a person,
18 organization, or agency;

19 “(C) to restrain competition; or

20 “(D) to prevent or delay the release of infor-
21 mation that does not require protection in the
22 interest of transportation security, including
23 basic scientific research information not clearly
24 related to transportation security.”.

1 (2) *Section 40119(b) of title 49, United States*
2 *Code, is amended by adding at the end thereof the fol-*
3 *lowing:*

4 “(3) *Nothing in paragraph (1) shall be construed*
5 *to authorize the designation of information as sen-*
6 *sitive security information (as defined in section 15.5*
7 *of title 49, Code of Federal Regulations)—*

8 “(A) *to conceal a violation of law, ineffi-*
9 *ciency, or administrative error;*

10 “(B) *to prevent embarrassment to a person,*
11 *organization, or agency;*

12 “(C) *to restrain competition; or*

13 “(D) *to prevent or delay the release of infor-*
14 *mation that does not require protection in the*
15 *interest of transportation security, including*
16 *basic scientific research information not clearly*
17 *related to transportation security.”.*

18 *DEFINITION OF SWITCHBLADE KNIVES*

19 *SEC. 565. Section 4 of the Act entitled “An Act to pro-*
20 *hibit the introduction, or manufacture for introduction,*
21 *into interstate commerce of switchblade knives, and for*
22 *other purposes” (commonly known as the Federal Switch-*
23 *blade Act) (15 U.S.C. 1244) is amended—*

24 (1) *by striking “or” at the end of paragraph (3);*

25 (2) *by striking the period at the end of para-*
26 *graph (4) and inserting “; or” and*

1 (3) by adding at the end the following:

2 “(5) a knife that contains a spring, detent, or
3 other mechanism designed to create a bias toward clo-
4 sure of the blade and that requires exertion applied
5 to the blade by hand, wrist, or arm to overcome the
6 bias toward closure to assist in opening the knife.”.

7 FEDERAL DEPOSIT INSURANCE ACT TECHNICAL

8 CORRECTION

9 SEC. 566. (a) APPLICABLE ANNUAL PERCENTAGE
10 RATE OF INTEREST.—Section 44(f)(1) of the Federal De-
11 posit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

12 (1) in the matter preceding subparagraph (A),
13 by inserting “(or in the case of a governmental entity
14 located in such State, paid)” after “received, or re-
15 served”; and

16 (2) in subparagraph (B)—

17 (A) in the matter preceding clause (i), by
18 striking “nondepository institution operating in
19 such State” and inserting “governmental entity
20 located in such State or any person that is not
21 a depository institution described in subpara-
22 graph (A) doing business in such State”;

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

25 (C) in clause (i)—

1 (i) in subclause (III)—

2 (I) in item (aa), by adding “and”
3 at the end;

4 (II) in item (bb), by striking “, to
5 facilitate” and all that follows through
6 “2009”; and

7 (III) by striking item (cc); and

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

10 “(IV) the uniform accessibility of
11 bonds and obligations issued under the
12 American Recovery and Reinvestment
13 Act of 2009;” and

14 (D) by inserting after clause (i) the fol-
15 lowing:

16 “(ii) to facilitate interstate commerce
17 through the issuance of bonds and obliga-
18 tions under any provision of State law, in-
19 cluding bonds and obligations for the pur-
20 pose of economic development, education,
21 and improvements to infrastructure; and”.

22 (b) *EFFECTIVE PERIOD.*—The amendments made by
23 this section shall apply with respect to contracts con-
24 summated during the period beginning on the date of enact-
25 ment of this Act and ending on December 31, 2010.

1 *DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND*
2 *OPEN FREEDOM OF INFORMATION ACT*

3 *SEC. 567. (a) DETAINEE PHOTOGRAPHIC RECORDS*
4 *PROTECTION.—(1) SHORT TITLE.—This subsection may be*
5 *cited as the “Detainee Photographic Records Protection Act*
6 *of 2009”.*

7 *(2) DEFINITIONS.—In this subsection:*

8 *(A) COVERED RECORD.—The term “covered*
9 *record” means any record—*

10 *(i) that is a photograph that—*

11 *(I) was taken during the period*
12 *beginning on September 11, 2001,*
13 *through January 22, 2009; and*

14 *(II) relates to the treatment of in-*
15 *dividuals engaged, captured, or de-*
16 *tained after September 11, 2001, by the*
17 *Armed Forces of the United States in*
18 *operations outside of the United States;*
19 *and*

20 *(ii) for which a certification by the*
21 *Secretary of Defense under paragraph (3) is*
22 *in effect.*

23 *(B) PHOTOGRAPH.—The term “photograph”*
24 *encompasses all photographic images, whether*
25 *originals or copies, including still photographs,*

1 *negatives, digital images, films, video tapes, and*
2 *motion pictures.*

3 (3) *CERTIFICATION.*—

4 (A) *IN GENERAL.*—*For any photograph de-*
5 *scribed under paragraph (2)(A)(i), the Secretary*
6 *of Defense shall issue a certification, if the Sec-*
7 *retary of Defense, in consultation with the*
8 *Chairman of the Joint Chiefs of Staff, deter-*
9 *mines that the disclosure of that photograph*
10 *would endanger—*

11 (i) *citizens of the United States; or*

12 (ii) *members of the Armed Forces or*
13 *employees of the United States Government*
14 *deployed outside the United States.*

15 (B) *CERTIFICATION EXPIRATION.*—*A certifi-*
16 *cation under subparagraph (A) and a renewal of*
17 *a certification under subparagraph (C) shall ex-*
18 *pire 3 years after the date on which the certifi-*
19 *cation or renewal, as the case may be, is made.*

20 (C) *CERTIFICATION RENEWAL.*—*The Sec-*
21 *retary of Defense may issue—*

22 (i) *a renewal of a certification in ac-*
23 *cordance with subparagraph (A) at any*
24 *time; and*

1 (ii) more than 1 renewal of a certifi-
2 cation.

3 (D) NOTICE TO CONGRESS.—A timely no-
4 tice of the Secretary’s certification shall be sub-
5 mitted to Congress.

6 (4) NONDISCLOSURE OF DETAINEE RECORDS.—A
7 covered record shall not be subject to—

8 (A) disclosure under section 552 of title 5,
9 United States Code (commonly referred to as the
10 Freedom of Information Act); or

11 (B) disclosure under any proceeding under
12 that section.

13 (5) RULE OF CONSTRUCTION.—Nothing in this
14 subsection shall be construed to preclude the voluntary
15 disclosure of a covered record.

16 (6) EFFECTIVE DATE.—This subsection shall take
17 effect on the date of enactment of this Act and apply
18 to any photograph created before, on, or after that
19 date that is a covered record.

20 (b) OPEN FREEDOM OF INFORMATION ACT.—

21 (1) SHORT TITLE.—This subsection may be cited
22 as the “OPEN FOIA Act of 2009”.

23 (2) SPECIFIC CITATIONS IN STATUTORY EXEMP-
24 TIONS.—Section 552(b) of title 5, United States Code,

1 *is amended by striking paragraph (3) and inserting*
2 *the following:*

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

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

9 *“(i) establishes particular criteria for with-*
10 *holding or refers to particular types of matters*
11 *to be withheld; and*

12 *“(B) if enacted after the date of enactment*
13 *of the OPEN FOIA Act of 2009, specifically cites*
14 *to this paragraph.”.*

15 *SEC. 568. (a) IN GENERAL.—Not later than 1 year*
16 *after the date of the enactment of this Act, the Secretary*
17 *of Homeland Security shall, in consultation with the enti-*
18 *ties specified in subsection (c), submit to Congress a report*
19 *on improving cross-border inspection processes in an effort*
20 *to reduce the time to travel between locations in the United*
21 *States and locations in Ontario and Quebec by intercity*
22 *passenger rail.*

23 *(b) CONTENTS.—The report required by subsection (a)*
24 *shall include—*

1 (1) *an evaluation of potential cross-border in-*
2 *spection processes and methods including rolling in-*
3 *spections that comply with Department of Homeland*
4 *Security requirements that would reduce the time to*
5 *perform inspections on routes between locations in the*
6 *United States and locations in Ontario and Quebec*
7 *by intercity passenger rail;*

8 (2) *an assessment of the extent to which improv-*
9 *ing or expanding infrastructure and increasing staff-*
10 *ing could increase the efficiency with which intercity*
11 *rail passengers are inspected at border crossings with-*
12 *out decreasing security;*

13 (3) *an updated evaluation of the potential for*
14 *pre-clearance by the Department of Homeland Secu-*
15 *rity of intercity rail passengers at locations along*
16 *routes between locations in the United States and lo-*
17 *cations in Ontario and Quebec, including through the*
18 *joint use of inspection facilities with the Canada Bor-*
19 *der Services Agency, based on the report required by*
20 *section 1523 of the Implementing Recommendations*
21 *of the 9/11 Commission Act of 2007 (Public Law*
22 *110–53; 121 Stat. 450);*

23 (4) *an estimate of the timeline for implementing*
24 *the methods for reducing the time to perform inspec-*
25 *tions between locations in the United States and loca-*

1 *tions in Ontario and Quebec by intercity passenger*
2 *rail based on the evaluations and assessments de-*
3 *scribed in paragraphs (1), (2), and (3); and*

4 *(5) a description of how such evaluations and as-*
5 *sessments would apply with respect to—*

6 *(A) all existing intercity passenger rail*
7 *routes between locations in the United States*
8 *and locations in Ontario and Quebec, including*
9 *designated high-speed rail corridors;*

10 *(B) any intercity passenger rail routes be-*
11 *tween such locations that have been used over the*
12 *past 20 years and on which cross-border pas-*
13 *senger rail service does not exist as of the date*
14 *of the enactment of this Act; and*

15 *(C) any potential future rail routes between*
16 *such locations.*

17 *(c) ENTITIES SPECIFIED.—The entities to be consulted*
18 *in the development of the report required by subsection (a)*
19 *are—*

20 *(1) the Government of Canada, including the*
21 *Canada Border Services Agency and Transport Can-*
22 *ada and other agencies of the Government of Canada*
23 *with responsibility for providing border services;*

24 *(2) the Provinces of Ontario and Quebec;*

1 (3) *the States of Maine, Massachusetts, New*
 2 *Hampshire, New York, and Vermont;*

3 (4) *the National Railroad Passenger Corpora-*
 4 *tion; and*

5 (5) *the Federal Railroad Administration.*

6 *ADMINISTRATIVE LAW JUDGES*

7 *SEC. 569. The administrative law judge annuitants*
 8 *participating in the Senior Administrative Law Judge Pro-*
 9 *gram managed by the Director of the Office of Personnel*
 10 *Management under section 3323 of title 5, United States*
 11 *Code, shall be available on a temporary reemployment basis*
 12 *to conduct arbitrations of disputes as part of the arbitration*
 13 *panel established by the President under section 601 of divi-*
 14 *sion A of the American Recovery and Reinvestment Act of*
 15 *2009 (Public Law 111–5; 123 Stat. 164).*

16 *PROPER DISPOSAL OF PERSONAL INFORMATION COLLECTED*
 17 *THROUGH THE REGISTERED TRAVELER PROGRAM*

18 *SEC. 570. (a) IN GENERAL.—Any company that col-*
 19 *lects or retains personal information directly from individ-*
 20 *uals who participated in the Registered Traveler program*
 21 *shall safeguard and dispose of such information in accord-*
 22 *ance with the requirements in—*

23 (1) *the National Institute for Standards and*
 24 *Technology Special Publication 800–30, entitled*
 25 *“Risk Management Guide for Information Technology*
 26 *Systems”;* and

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

5 (3) *any supplemental standards established by*
6 *the Assistant Secretary, Transportation Security Ad-*
7 *ministration (referred to in this section as the “As-*
8 *stant Secretary”).*

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

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

20 (1) *describes the procedures that have been used*
21 *to safeguard and dispose of personal information col-*
22 *lected through the Registered Traveler program; and*

23 (2) *provides the status of the certification by any*
24 *company described in subsection (a) that such proce-*

1 *land Security against noncompliant program*
2 *participants and future noncompliant program*
3 *participants.*

4 (3) *PROGRESS REPORT.*—*Not later than the ear-*
5 *lier of 90 days after the submission of the report*
6 *under subsection (b) or June 30, 2010, the Director*
7 *of United States Citizenship and Immigration Serv-*
8 *ices shall submit a report to the Committee on the Ju-*
9 *diiciary of the Senate and the Committee on the Judi-*
10 *ciary of the House of Representatives that describes*
11 *the progress made in reducing the number of non-*
12 *compliant participants of the Special Immigrant*
13 *Nonminister Religious Worker Program.*

14 (b) *CONRAD STATE 30 J-1 VISA WAIVER PROGRAM.*—
15 *Section 220(c) of the Immigration and Nationality Tech-*
16 *nical Corrections Act of 1994 (8 U.S.C. 1182 note) is*
17 *amended by striking “September 30, 2009” and inserting*
18 *“September 30, 2012”.*

19 (c) *RELIEF FOR SURVIVING SPOUSES.*—

20 (1) *IN GENERAL.*—*The second sentence of section*
21 *201(b)(2)(A)(i) of the Immigration and Nationality*
22 *Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by strik-*
23 *ing “for at least 2 years at the time of the citizen’s*
24 *death”.*

25 (2) *APPLICABILITY.*—

1 (A) *IN GENERAL.*—*The amendment made*
2 *by paragraph (1) shall apply to all applications*
3 *and petitions relating to immediate relative sta-*
4 *tus under section 201(b)(2)(A)(i) of the Immi-*
5 *gration and Nationality Act (8 U.S.C.*
6 *1151(b)(2)(A)(i)) pending on or after the date of*
7 *the enactment of this Act.*

8 (B) *TRANSITION CASES.*—

9 (i) *IN GENERAL.*—*Notwithstanding*
10 *any other provision of law, an alien de-*
11 *scribed in clause (ii) who seeks immediate*
12 *relative status pursuant to the amendment*
13 *made by paragraph (1) shall file a petition*
14 *under section 204(a)(1)(A)(ii) of the Immi-*
15 *gration and Nationality Act (8 U.S.C.*
16 *1154(a)(1)(A)(ii)) not later than the date*
17 *that is 2 years after the date of the enact-*
18 *ment of this Act.*

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

21 (I) *the alien's United States cit-*
22 *izen spouse died before the date of the*
23 *enactment of this Act;*

24 (II) *the alien and the citizen*
25 *spouse were married for less than 2*

1 *years at the time of the citizen spouse's*
2 *death; and*

3 *(III) the alien has not remarried.*

4 *(d) HUMANITARIAN CONSIDERATION FOR PENDING*
5 *PETITIONS AND APPLICATIONS.—*

6 *(1) AMENDMENT.—Section 204 of the Immigra-*
7 *tion and Nationality Act (8 U.S.C. 1154) is amended*
8 *by adding at the end the following:*

9 *“(l) HUMANITARIAN CONSIDERATION FOR PENDING*
10 *PETITIONS AND APPLICATIONS.—*

11 *“(1) IN GENERAL.—An alien described in para-*
12 *graph (2) who was the beneficiary or derivative bene-*
13 *ficiary of a petition (as defined in section 204, 207,*
14 *or 208) filed on behalf of the alien or principal bene-*
15 *ficiary before the death of the qualifying relative and*
16 *who continues to reside in the United States shall*
17 *have such petition and any related or subsequent ap-*
18 *plications for adjustment of status to that of a person*
19 *admitted for lawful permanent residence adjudicated*
20 *as if the death had not occurred, unless the Secretary*
21 *of Homeland Security determines, in the*
22 *unreviewable discretion of the Secretary, that ap-*
23 *proval would not be in the public interest.*

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

4 “(A) an immediate relative (as described in
5 section 201(b)(2)(A)(i));

6 “(B) a family-sponsored immigrant (as de-
7 scribed in subsection (a) or (d) of section 203);

8 “(C) a derivative beneficiary of an employ-
9 ment-based immigrant under section 203(b) (as
10 described in section 203(d));

11 “(D) a spouse or child of a refugee (as de-
12 scribed in section 207(c)(2)); or

13 “(E) an asylee (as described in section
14 208(b)(3)).”.

15 (2) *CONSTRUCTION.*—Nothing in the amendment
16 made by paragraph (1) may be construed to limit or
17 waive any ground of removal, basis for denial of peti-
18 tion or application, or other criteria for adjudicating
19 petitions or applications as otherwise provided under
20 the immigration laws of the United States other than
21 ineligibility based solely on the lack of a qualifying
22 family relationship as specifically provided by such
23 amendment.

24 SEC. 572. (a) The amount appropriated under the
25 heading “Firefighter Assistance Grants” under the heading

1 *“Federal Emergency Management Agency” under by title*
2 *III for necessary expenses for programs authorized by the*
3 *Federal Fire Prevention and Control Act of 1974 is in-*
4 *creased by \$10,000,000 for necessary expenses to carry out*
5 *the programs authorized under section 33 of that Act (15*
6 *U.S.C. 2229).*

7 (b) *The total amount of appropriations under the*
8 *heading “Aviation Security” under the heading “Transpor-*
9 *tation Security Administration” under title II, the amount*
10 *for screening operations and the amount for explosives de-*
11 *tection systems under the first proviso under that heading*
12 *and the amount for the purchase and installation of explo-*
13 *sives detection systems under the second proviso under that*
14 *heading are reduced by \$4,500,000.*

15 (c) *From the unobligated balances of amounts appro-*
16 *priated before the date of enactment of this Act for the ap-*
17 *propriations account under the heading “State and Local*
18 *Programs” under the heading “Federal Emergency Man-*
19 *agement Agency” for “Trucking Industry Security Grants”,*
20 *\$5,500,000 are rescinded.*

21 *SEC. 573. None of the funds made available in this*
22 *Act for U.S. Customs and Border Protection may be used*
23 *to prevent an individual not in the business of importing*
24 *a prescription drug (within the meaning of section 801(g)*
25 *of the Federal Food, Drug, and Cosmetic Act) from import-*

1 *ing a prescription drug from Canada that complies with*
2 *the Federal Food, Drug, and Cosmetic Act: Provided, That*
3 *the prescription drug may not be—*

4 *PROPER AWARDING OF INCENTIVE FEES FOR CONTRACT*
5 *PERFORMANCE*

6 *SEC. 574. Notwithstanding any other provision of this*
7 *Act, none of the funds appropriated or otherwise made*
8 *available by this Act may be used to pay award or incentive*
9 *fees for contractor performance that has been judged to be*
10 *below satisfactory performance or performance that does not*
11 *meet the basic requirements of a contract.*

12 *SEC. 575. None of the funds appropriated or otherwise*
13 *made available by this Act may be used by the Department*
14 *of Homeland Security to enter into any federal contract un-*
15 *less such contract is entered into in accordance with the*
16 *requirements of the Federal Property and Administrative*
17 *Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of*
18 *title 10, United States Code, and the Federal Acquisition*
19 *Regulation, unless such contract is otherwise authorized by*
20 *statute to be entered into without regard to the above ref-*
21 *erenced statutes.*

22 *CHECKING THE IMMIGRATION STATUS OF EMPLOYEES*

23 *SEC. 576. Section 403(a)(3)(A) of the Illegal Immigra-*
24 *tion Reform and Immigrant Responsibility Act of 1996*
25 *(Public Law 104–208; 8 U.S.C. 1324a note) is amended—*

1 (1) *by striking “The person” and inserting the*
2 *following:*

3 “(i) *UPON HIRING.—The person*”; and

4 (2) *by adding at the end the following:*

5 “(ii) *EXISTING EMPLOYEES.—An em-*
6 *ployer that elects to verify the employment*
7 *eligibility of existing employees shall verify*
8 *the employment eligibility of all such em-*
9 *ployees not later than 10 days after noti-*
10 *fying the Secretary of Homeland Security of*
11 *such election.”.*

12 *This Act may be cited as the “Department of Home-*
13 *land Security Appropriations Act, 2010”.*

Attest:

Secretary.

11TH CONGRESS
1ST SESSION

H.R. 2892

AMENDMENT