

Union Calendar No. 78

111TH CONGRESS
1ST SESSION

H. R. 2892

[Report No. 111-157]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2009

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

A BILL

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

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

1 TITLE I—DEPARTMENTAL MANAGEMENT AND
2 OPERATIONS

3 OFFICE OF THE SECRETARY AND EXECUTIVE
4 MANAGEMENT

5 For necessary expenses of the Office of the Secretary
6 of Homeland Security, as authorized by section 102 of the
7 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
8 tive management of the Department of Homeland Secu-
9 rity, as authorized by law, \$147,427,000: *Provided*, That
10 not to exceed \$60,000 shall be for official reception and
11 representation expenses, of which \$20,000 shall be made
12 available to the Office of Policy solely to host Visa Waiver
13 Program negotiations in Washington, DC.

14 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

15 For necessary expenses of the Office of the Under
16 Secretary for Management, as authorized by sections 701
17 through 705 of the Homeland Security Act of 2002 (6
18 U.S.C. 341 through 345), \$268,690,000, of which not less
19 than \$1,000,000 shall be for logistics training; and of
20 which not to exceed \$3,000 shall be for official reception
21 and representation expenses: *Provided*, That of the total
22 amount made available under this heading, \$6,000,000
23 shall remain available until expended solely for the alter-
24 ation and improvement of facilities, tenant improvements,
25 and relocation costs to consolidate Department head-

1 quarters operations at the Nebraska Avenue Complex; and
2 \$17,131,000 shall remain available until expended for the
3 Human Resources Information Technology program.

4 OFFICE OF THE CHIEF FINANCIAL OFFICER

5 For necessary expenses of the Office of the Chief Fi-
6 nancial Officer, as authorized by section 103 of the Home-
7 land Security Act of 2002 (6 U.S.C. 113), \$63,530,000,
8 of which \$11,000,000 shall remain available until ex-
9 pended for financial systems consolidation efforts.

10 OFFICE OF THE CHIEF INFORMATION OFFICER

11 For necessary expenses of the Office of the Chief In-
12 formation Officer, as authorized by section 103 of the
13 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
14 partment-wide technology investments, \$299,593,000; of
15 which \$86,912,000 shall be available for salaries and ex-
16 penses; and of which \$212,681,000, to remain available
17 until expended, shall be available for development and ac-
18 quisition of information technology equipment, software,
19 services, and related activities for the Department of
20 Homeland Security: *Provided*, That none of the funds ap-
21 propriated shall be used to support or supplement the ap-
22 propriations provided for the United States Visitor and
23 Immigrant Status Indicator Technology project or the
24 Automated Commercial Environment: *Provided further*,
25 That the Chief Information Officer shall submit to the

1 Committees on Appropriations of the Senate and the
2 House of Representatives, not more than 60 days after
3 the date of enactment of this Act, an expenditure plan
4 for all information technology acquisition projects that:
5 (1) are funded under this heading; or (2) are funded by
6 multiple components of the Department of Homeland Se-
7 curity through reimbursable agreements: *Provided further*,
8 That such expenditure plan shall include each specific
9 project funded, key milestones, all funding sources for
10 each project, details of annual and lifecycle costs, and pro-
11 jected cost savings or cost avoidance to be achieved by the
12 project.

13 ANALYSIS AND OPERATIONS

14 For necessary expenses for intelligence analysis and
15 operations coordination activities, as authorized by title II
16 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
17 seq.), \$345,556,000, of which not to exceed \$5,000 shall
18 be for official reception and representation expenses; and
19 of which \$199,677,000 shall remain available until Sep-
20 tember 30, 2011.

21 OFFICE OF THE FEDERAL COORDINATOR FOR GULF

22 COAST REBUILDING

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

1 OFFICE OF INSPECTOR GENERAL

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

9 TITLE II—SECURITY, ENFORCEMENT, AND
10 INVESTIGATIONS

11 U.S. CUSTOMS AND BORDER PROTECTION

12 SALARIES AND EXPENSES

13 For necessary expenses for enforcement of laws relat-
14 ing to border security, immigration, customs, agricultural
15 inspections and regulatory activities related to plant and
16 animal imports, and transportation of unaccompanied
17 minor aliens; purchase and lease of up to 4,500 (4,000
18 for replacement only) police-type vehicles; and contracting
19 with individuals for personal services abroad;
20 \$7,576,897,000, of which \$3,226,000 shall be derived
21 from the Harbor Maintenance Trust Fund for administra-
22 tive expenses related to the collection of the Harbor Main-
23 tenance Fee pursuant to section 9505(c)(3) of the Internal
24 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
25 withstanding section 1511(e)(1) of the Homeland Security

1 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
2 \$45,000 shall be for official reception and representation
3 expenses; of which not less than \$309,629,000 shall be
4 for Air and Marine Operations; of which such sums as
5 become available in the Customs User Fee Account, except
6 sums subject to section 13031(f)(3) of the Consolidated
7 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
8 58c(f)(3)), shall be derived from that account; of which
9 not to exceed \$1,000,000 shall be for awards of compensa-
10 tion to informants, to be accounted for solely under the
11 certificate of the Secretary of Homeland Security; and of
12 which not more than \$800,000 shall be for procurement
13 of portable solar charging rechargeable battery systems,
14 to be awarded under full and open competition: *Provided,*
15 That for fiscal year 2010, the overtime limitation pre-
16 scribed in section 5(c)(1) of the Act of February 13, 1911
17 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwith-
18 standing any other provision of law, none of the funds ap-
19 propriated by this Act may be available to compensate any
20 employee of U.S. Customs and Border Protection for over-
21 time, from whatever source, in an amount that exceeds
22 such limitation, except in individual cases determined by
23 the Secretary of Homeland Security, or the designee of
24 the Secretary, to be necessary for national security pur-

1 poses, to prevent excessive costs, or in cases of immigra-
2 tion emergencies.

3 AUTOMATION MODERNIZATION

4 For expenses for U.S. Customs and Border Protec-
5 tion automated systems, \$462,445,000, to remain avail-
6 able until expended, of which not less than \$267,960,000
7 shall be for the development of the Automated Commercial
8 Environment: *Provided*, That of the total amount made
9 available under this heading, \$167,960,000 may not be ob-
10 ligated for the Automated Commercial Environment pro-
11 gram until 30 days after the Committees on Appropria-
12 tions of the Senate and the House of Representatives re-
13 ceive a report on the results to date and plans for the
14 program from the Department of Homeland Security.

15 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
16 TECHNOLOGY

17 For expenses for border security fencing, infrastruc-
18 ture, and technology, \$732,000,000, to remain available
19 until expended: *Provided*, That of the total amount made
20 available under this heading, \$150,000,000 shall not be
21 obligated until the Committees on Appropriations of the
22 Senate and the House of Representatives receive and ap-
23 prove a plan for expenditure, prepared by the Secretary
24 of Homeland Security, reviewed by the Government Ac-
25 countability Office, and submitted not later than 90 days

1 after the date of the enactment of this Act, for a program
2 to establish and maintain a security barrier along the bor-
3 ders of the United States, of fencing and vehicle barriers
4 where practicable, and of other forms of tactical infra-
5 structure and technology, that includes—

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

17 (2) a description of how specific projects will
18 further the objectives of the Secure Border Initia-
19 tive, as defined in the Department of Homeland Se-
20 curity Secure Border Plan, and how the expenditure
21 plan allocates funding to the highest priority border
22 security needs;

23 (3) an explicit plan of action defining how all
24 funds are to be obligated to meet future program
25 commitments, with the planned expenditure of funds

1 linked to the milestone-based delivery of specific ca-
2 pabilities, services, performance levels, mission bene-
3 fits and outcomes, and program management capa-
4 bilities;

5 (4) an identification of staffing, including full-
6 time equivalents, contractors, and detailees, by pro-
7 gram office;

8 (5) a description of how the plan addresses se-
9 curity needs at the Northern border and ports of
10 entry, including infrastructure, technology, design
11 and operations requirements, specific locations where
12 funding would be used, and priorities for Northern
13 border activities;

14 (6) a report on budget, obligations and expendi-
15 tures, the activities completed, and the progress
16 made by the program in terms of obtaining oper-
17 ational control of the entire border of the United
18 States;

19 (7) a listing of all open Government Account-
20 ability Office and Office of Inspector General rec-
21 ommendations related to the program and the status
22 of Department of Homeland Security actions to ad-
23 dress the recommendations, including milestones to
24 fully address such recommendations;

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

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

14 (B) the plans for the program comply with
15 the Federal acquisition rules, requirements,
16 guidelines, and practices, and a description of
17 the actions being taken to address areas of non-
18 compliance, the risks associated with such ac-
19 tions, together with any plans for addressing
20 these risks, and the status of the implementa-
21 tion of such actions; and

22 (C) procedures to prevent conflicts of in-
23 terest between the prime integrator and major
24 subcontractors are established and that the Se-
25 cure Border Initiative Program Office has ade-

1 quate staff and resources to effectively manage
2 the Secure Border Initiative program and all
3 contracts under such program, including the ex-
4 ercise of technical oversight;

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

10 (A) the system architecture of the program
11 has been determined to be sufficiently aligned
12 with the information systems enterprise archi-
13 tecture of the Department to minimize future
14 rework, including a description of all aspects of
15 the architectures that were or were not assessed
16 in making the alignment determination, the
17 date of the alignment determination, and any
18 known areas of misalignment together with the
19 associated risks and corrective actions to ad-
20 dress any such areas;

21 (B) the program has a risk management
22 process that regularly and proactively identifies,
23 evaluates, mitigates, and monitors risks
24 throughout the system life cycle and commu-
25 nicates high-risk conditions to U.S. Customs

1 and Border Protection and Department of
2 Homeland Security investment decision-makers,
3 as well as a listing of all the program's high
4 risks and the status of efforts to address such
5 risks; and

6 (C) an independent verification and valida-
7 tion agent is currently under contract for the
8 projects funded under this heading;

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

15 (11) an analysis by the Secretary for each seg-
16 ment, defined as not more than 15 miles, of fencing
17 or tactical infrastructure, of the selected approach
18 compared to other, alternative means of achieving
19 operational control, including cost, level of oper-
20 ational control, possible unintended effects on com-
21 munities, and other factors critical to the decision-
22 making process:

23 *Provided further*, That the Secretary shall report to the
24 Committees on Appropriations of the Senate and the
25 House of Representatives on program progress, and obli-

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

1 AIR AND MARINE INTERDICTION, OPERATIONS,
2 MAINTENANCE, AND PROCUREMENT

3 For necessary expenses for the operations, mainte-
4 nance, and procurement of marine vessels, aircraft, un-
5 manned aircraft systems, and other related equipment of
6 the air and marine program, including operational train-
7 ing and mission-related travel, and rental payments for
8 facilities occupied by the air or marine interdiction and
9 demand reduction programs, the operations of which in-
10 clude the following: the interdiction of narcotics and other
11 goods; the provision of support to Federal, State, and local
12 agencies in the enforcement or administration of laws en-
13 forced by the Department of Homeland Security; and at
14 the discretion of the Secretary of Homeland Security, the
15 provision of assistance to Federal, State, and local agen-
16 cies in other law enforcement and emergency humani-
17 tarian efforts, \$513,826,000, to remain available until ex-
18 pended: *Provided*, That no aircraft or other related equip-
19 ment, with the exception of aircraft that are one of a kind
20 and have been identified as excess to U.S. Customs and
21 Border Protection requirements and aircraft that have
22 been damaged beyond repair, shall be transferred to any
23 other Federal agency, department, or office outside of the
24 Department of Homeland Security during fiscal year 2010

1 without the prior approval of the Committees on Appro-
2 priations of the Senate and the House of Representatives.

3 FACILITIES MANAGEMENT

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

15 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

16 SALARIES AND EXPENSES

17 For necessary expenses for enforcement of immigra-
18 tion and customs laws, detention and removals, and inves-
19 tigations; and purchase and lease of up to 3,790 (2,350
20 for replacement only) police-type vehicles; \$5,311,493,000,
21 of which not to exceed \$7,500,000 shall be available until
22 expended for conducting special operations under section
23 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
24 2081); of which not to exceed \$15,000 shall be for official
25 reception and representation expenses; of which not to ex-

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

1 to remove them from the United States once they are
2 judged deportable, of which \$200,000,000 shall remain
3 available until September 30, 2011: *Provided further*, That
4 the Secretary, or the designee of the Secretary, shall re-
5 port to the Committees on Appropriations of the Senate
6 and the House of Representatives, not later than 30 days
7 after the end of each fiscal quarter, on progress imple-
8 menting the preceding proviso and the funds obligated
9 during that quarter to make that progress: *Provided fur-*
10 *ther*, That the Secretary shall prioritize the identification
11 and removal of aliens convicted of a crime by the severity
12 of that crime: *Provided further*, That of the total amount
13 provided, not less than \$2,549,180,000 shall be for deten-
14 tion and removal operations, including transportation of
15 unaccompanied minor aliens: *Provided further*, That of the
16 total amount provided, \$6,800,000 shall remain available
17 until September 30, 2011, for the Visa Security Program:
18 *Provided further*, That none of the funds provided under
19 this heading may be used to continue a delegation of law
20 enforcement authority authorized under section 287(g) of
21 the Immigration and Nationality Act (8 U.S.C. 1357(g))
22 if the Department of Homeland Security Inspector Gen-
23 eral determines that the terms of the agreement governing
24 the delegation of authority have been violated: *Provided*
25 *further*, That none of the funds provided under this head-

1 ing may be used to continue any contract for the provision
2 of detention services if the two most recent overall per-
3 formance evaluations received by the contracted facility
4 are less than “adequate” or the equivalent median score
5 in any subsequent performance evaluation system: *Pro-*
6 *vided further*, That nothing under this heading shall pre-
7 vent U.S. Immigration and Customs Enforcement from ex-
8 ercising those authorities provided under immigration laws
9 (as defined in section 101(a)(17) of the Immigration and
10 Nationality Act (8 U.S.C. 1101(a)(17))) during priority
11 operations pertaining to aliens convicted of a crime: *Pro-*
12 *vided further*, That none of the funds provided under this
13 heading may be obligated to co-locate field offices of U.S.
14 Immigration and Customs Enforcement until the Sec-
15 retary of Homeland Security submits to the Committees
16 on Appropriations of the Senate and the House of Rep-
17 resentatives a plan for the nationwide implementation of
18 the Alternatives to Detention Program that identifies: (1)
19 the funds required for nationwide program implementa-
20 tion, (2) the timeframe for achieving nationwide program
21 implementation; and (3) an estimate of the number of in-
22 dividuals who could be enrolled in a nationwide program.

23

FEDERAL PROTECTIVE SERVICE

24

The revenues and collections of security fees credited
25 to this account shall be available until expended for nec-

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

22 AUTOMATION MODERNIZATION

23 For expenses of immigration and customs enforce-
24 ment automated systems, \$105,000,000, to remain avail-
25 able until expended.

1 CONSTRUCTION

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

14 TRANSPORTATION SECURITY ADMINISTRATION

15 AVIATION SECURITY

16 For necessary expenses of the Transportation Secu-
17 rity Administration related to providing civil aviation secu-
18 rity services pursuant to the Aviation and Transportation
19 Security Act (Public Law 107–71; 115 Stat. 597; 49
20 U.S.C. 40101 note), \$5,265,740,000, to remain available
21 until September 30, 2011, of which not to exceed \$10,000
22 shall be for official reception and representation expenses:
23 *Provided*, That of the total amount made available under
24 this heading, not to exceed \$4,409,776,000 shall be for
25 screening operations, of which \$1,138,106,000 shall be

1 available for explosives detection systems; and not to ex-
2 ceed \$855,964,000 shall be for aviation security direction
3 and enforcement: *Provided further*, That of the amount
4 made available in the preceding proviso for explosives de-
5 tection systems, \$800,000,000 shall be available for the
6 purchase and installation of these systems: *Provided fur-*
7 *ther*, That of the total amount provided, \$1,250,000 shall
8 be made available for Safe Skies Alliance to develop and
9 enhance research and training capabilities for Transpor-
10 tation Security Officer improvised explosive recognition
11 training: *Provided further*, That security service fees au-
12 thorized under section 44940 of title 49, United States
13 Code, shall be credited to this appropriation as offsetting
14 collections and shall be available only for aviation security:
15 *Provided further*, That any funds collected and made avail-
16 able from aviation security fees pursuant to section
17 44940(i) of title 49, United States Code, may, notwith-
18 standing paragraph (4) of such section 44940(i), be ex-
19 pended for the purpose of improving screening at airport
20 screening checkpoints, which may include the purchase
21 and utilization of emerging technology equipment; the re-
22 furbishment and replacement of current equipment; the
23 installation of surveillance systems to monitor checkpoint
24 activities; the modification of checkpoint infrastructure to
25 support checkpoint reconfigurations; and the creation of

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

20 SURFACE TRANSPORTATION SECURITY

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

1 the Senate and the House of Representatives detailed ex-
2 penditure plans for checkpoint support and explosives de-
3 tection systems refurbishment, procurement, and installa-
4 tions on an airport-by-airport basis for fiscal year 2010:
5 *Provided further*, That these plans shall be submitted no
6 later than 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 vehi-
15 cles, which shall be for replacement only; purchase or lease
16 of small boats for contingent and emergent requirements
17 (at a unit cost of no more than \$700,000) and for repairs
18 and service-life replacements for small boats for such re-
19 quirements, not to exceed a total of \$26,000,000; minor
20 shore construction projects not exceeding \$1,000,000 in
21 total cost at any location; payments pursuant to section
22 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat.
23 1920); and recreation and welfare; \$6,822,026,000, of
24 which \$340,000,000 shall be for defense-related activities;
25 of which \$241,503,000 is designated as being for overseas

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

20 ENVIRONMENTAL COMPLIANCE AND RESTORATION

21 For necessary expenses to carry out the environ-
22 mental compliance and restoration functions of the Coast
23 Guard under chapter 19 of title 14, United States Code,
24 \$13,198,000, to remain available until expended.

1 RESERVE TRAINING

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

6 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses of acquisition, construction,
8 renovation, and improvement of aids to navigation, shore
9 facilities, vessels, and aircraft, including equipment related
10 thereto; and maintenance, rehabilitation, lease and oper-
11 ation of facilities and equipment, as authorized by law;
12 \$1,347,480,000, of which \$20,000,000 shall be derived
13 from the Oil Spill Liability Trust Fund to carry out the
14 purposes of section 1012(a)(5) of the Oil Pollution Act
15 of 1990 (33 U.S.C. 2712(a)(5)); of which \$103,000,000
16 shall be available until September 30, 2014, to acquire,
17 repair, renovate, or improve vessels, small boats, and re-
18 lated equipment; of which \$119,500,000 shall be available
19 until September 30, 2012, for other equipment; of which
20 \$10,000,000 shall be available until September 30, 2012,
21 for shore facilities and aids to navigation facilities; of
22 which \$100,000,000 shall be available for personnel com-
23 pensation and benefits and related costs; and of which
24 \$1,014,980,000 shall be available until September 30,
25 2014, for the Integrated Deepwater Systems program:

1 *Provided*, That of the funds made available for the Inte-
2 grated Deepwater Systems program, \$269,000,000 is for
3 aircraft and \$591,380,000 is for surface ships: *Provided*
4 *further*, That the Secretary of Homeland Security shall
5 submit to the Committees on Appropriations of the Senate
6 and the House of Representatives, in conjunction with the
7 President's fiscal year 2011 budget, a review of the Re-
8 vised Deepwater Implementation Plan that identifies any
9 changes to the plan for the fiscal year; an annual perform-
10 ance comparison of Integrated Deepwater Systems pro-
11 gram assets to pre-Deepwater legacy assets; a status re-
12 port of such legacy assets; a detailed explanation of how
13 the costs of such legacy assets are being accounted for
14 within the Integrated Deepwater Systems program; and
15 the earned value management system gold card data for
16 each Integrated Deepwater Systems program asset: *Pro-*
17 *vided further*, That the Secretary shall submit to the Com-
18 mittees on Appropriations of the Senate and the House
19 of Representatives a comprehensive review of the Revised
20 Deepwater Implementation Plan every 5 years, beginning
21 in fiscal year 2011, that includes a complete projection
22 of the acquisition costs and schedule for the duration of
23 the plan through fiscal year 2027: *Provided further*, That
24 the Secretary shall annually submit to the Committees on
25 Appropriations of the Senate and the House of Represent-

1 atives, at the time that the President’s budget is submitted
2 under section 1105(a) of title 31, United States Code, a
3 future-years capital investment plan for the Coast Guard
4 that identifies for each capital budget line item—

5 (1) the proposed appropriation included in that
6 budget;

7 (2) the total estimated cost of completion;

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

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

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

18 *Provided further*, That the Secretary shall ensure that
19 amounts specified in the future-years capital investment
20 plan are consistent to the maximum extent practicable
21 with proposed appropriations necessary to support the
22 programs, projects, and activities of the Coast Guard in
23 the President’s budget as submitted under section 1105(a)
24 of title 31, United States Code, for that fiscal year: *Pro-*
25 *vided further*, That any inconsistencies between the capital

1 RETIRED PAY

2 For retired pay, including the payment of obligations
3 otherwise chargeable to lapsed appropriations for this pur-
4 pose, payments under the Retired Serviceman's Family
5 Protection and Survivor Benefits Plans, payment for ca-
6 reer status bonuses, concurrent receipts and combat-re-
7 lated special compensation under the National Defense
8 Authorization Act, and payments for medical care of re-
9 tired personnel and their dependents under chapter 55 of
10 title 10, United States Code, \$1,361,245,000, to remain
11 available until expended.

12 UNITED STATES SECRET SERVICE

13 SALARIES AND EXPENSES

14 For necessary expenses of the United States Secret
15 Service, including: purchase of not to exceed 652 vehicles
16 for police-type use for replacement only; hire of passenger
17 motor vehicles; purchase of motorcycles made in the
18 United States; hire of aircraft; services of expert witnesses
19 at such rates as may be determined by the Director of
20 the Secret Service; rental of buildings in the District of
21 Columbia, and fencing, lighting, guard booths, and other
22 facilities on private or other property not in Government
23 ownership or control, as may be necessary to perform pro-
24 tective functions; payment of per diem or subsistence al-
25 lowances to employees where a protective assignment dur-

1 ing the actual day or days of the visit of a protectee re-
2 quires an employee to work 16 hours per day or to remain
3 overnight at a post of duty; conduct of and participation
4 in firearms matches; presentation of awards; travel of
5 United States Secret Service employees on protective mis-
6 sions without regard to the limitations on such expendi-
7 tures in this or any other Act if approval is obtained in
8 advance from the Committees on Appropriations of the
9 Senate and the House of Representatives; research and
10 development; grants to conduct behavioral research in sup-
11 port of protective research and operations; and payment
12 in advance for commercial accommodations as may be nec-
13 essary to perform protective functions; \$1,457,409,000, of
14 which not to exceed \$25,000 shall be for official reception
15 and representation expenses; of which not to exceed
16 \$100,000 shall be to provide technical assistance and
17 equipment to foreign law enforcement organizations in
18 counterfeit investigations; of which \$2,366,000 shall be for
19 forensic and related support of investigations of missing
20 and exploited children; and of which \$6,000,000 shall be
21 for a grant for activities related to the investigations of
22 missing and exploited children and shall remain available
23 until expended: *Provided*, That up to \$18,000,000 pro-
24 vided for protective travel shall remain available until Sep-
25 tember 30, 2011: *Provided further*, That up to \$1,000,000

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

1 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

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

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

8 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
9 MANAGEMENT AND ADMINISTRATION

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

16 INFRASTRUCTURE PROTECTION AND INFORMATION
17 SECURITY

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

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

20 UNITED STATES VISITOR AND IMMIGRANT STATUS

21 INDICATOR TECHNOLOGY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 OFFICE OF HEALTH AFFAIRS

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

15 FEDERAL EMERGENCY MANAGEMENT AGENCY

16 MANAGEMENT AND ADMINISTRATION

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

1 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
2 and 303 of the National Security Act of 1947 (50 U.S.C.
3 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
4 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
5 et seq.), and the Post-Katrina Emergency Management
6 Reform Act of 2006 (Public Law 109–295; 120 Stat.
7 1394): *Provided*, That not to exceed \$3,000 shall be for
8 official reception and representation expenses: *Provided*
9 *further*, That the President’s budget submitted under sec-
10 tion 1105(a) of title 31, United States Code, shall be de-
11 tailed by office for the Federal Emergency Management
12 Agency: *Provided further*, That of the total amount made
13 available under this heading, \$32,500,000 shall be for the
14 Urban Search and Rescue Response System, of which not
15 to exceed \$1,600,000 may be made available for adminis-
16 trative costs; and \$6,995,000 shall be for the Office of
17 National Capital Region Coordination.

18 STATE AND LOCAL PROGRAMS

19 (INCLUDING TRANSFER OF FUNDS)

20 For grants, contracts, cooperative agreements, and
21 other activities, \$2,829,000,000 shall be allocated as fol-
22 lows:

- 23 (1) \$950,000,000 shall be for the State Home-
24 land Security Grant Program under section 2004 of
25 the Homeland Security Act of 2002 (6 U.S.C. 605):

1 *Provided*, That of the amount provided by this para-
2 graph, \$60,000,000 shall be for Operation
3 Stonegarden: *Provided further*, That notwithstanding
4 subsection (c)(4) of such section 2004, for fiscal
5 year 2010, the Commonwealth of Puerto Rico shall
6 make available to local and tribal governments
7 amounts provided to the Commonwealth of Puerto
8 Rico under this paragraph in accordance with sub-
9 section (c)(1) of such section 2004.

10 (2) \$887,000,000 shall be for the Urban Area
11 Security Initiative under section 2003 of the Home-
12 land Security Act of 2002 (6 U.S.C. 604), of which,
13 notwithstanding subsection (c)(1) of such section,
14 \$15,000,000 shall be for grants to organizations (as
15 described under section 501(c)(3) of the Internal
16 Revenue Code of 1986 and exempt from taxation
17 under section 501(a) of such code) determined by
18 the Secretary of Homeland Security to be at high
19 risk of a terrorist attack.

20 (3) \$40,000,000 shall be for the Metropolitan
21 Medical Response System under section 635 of the
22 Post-Katrina Emergency Management Reform Act
23 of 2006 (6 U.S.C. 723).

24 (4) \$15,000,000 shall be for the Citizen Corps
25 Program.

1 (5) \$250,000,000 shall be for Public Transpor-
2 tation Security Assistance and Railroad Security As-
3 sistance under sections 1406 and 1513 of the Imple-
4 menting Recommendations of the 9/11 Commission
5 Act of 2007 (6 U.S.C. 1135 and 1163): *Provided*,
6 That such public transportation security assistance
7 shall be provided directly to public transportation
8 agencies.

9 (6) \$250,000,000 shall be for Port Security
10 Grants in accordance with 46 U.S.C. 70107, not-
11 withstanding 46 U.S.C 70107(e).

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

16 (8) \$50,000,000 shall be for Buffer Zone Pro-
17 tection Program Grants.

18 (9) \$50,000,000 shall be for grants in accord-
19 ance with section 204 of the REAL ID Act of 2005
20 (49 U.S.C. 30301 note).

21 (10) \$50,000,000 shall be for the Interoperable
22 Emergency Communications Grant Program under
23 section 1809 of the Homeland Security Act of 2002
24 (6 U.S.C. 579).

1 (11) \$40,000,000 shall remain available until
2 expended for grants for Emergency Operations Cen-
3 ters under section 614 of the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act (42
5 U.S.C. 5196c), as detailed in the statement accom-
6 panying this Act.

7 (12) \$235,000,000 shall be for training, exer-
8 cises, technical assistance, and other programs, of
9 which—

10 (A) \$132,000,000 shall be for the National
11 Domestic Preparedness Consortium in accord-
12 ance with section 1204 of the Implementing
13 Recommendations of the 9/11 Commission Act
14 of 2007 (6 U.S.C. 1102), of which \$23,000,000
15 shall be for the National Energetic Materials
16 Research and Testing Center, New Mexico In-
17 stitute of Mining and Technology; \$23,000,000
18 shall be for the National Center for Biomedical
19 Research and Training, Louisiana State Uni-
20 versity; \$23,000,000 shall be for the National
21 Emergency Response and Rescue Training Cen-
22 ter, Texas A&M University; \$23,000,000 shall
23 be for the National Exercise, Test, and Train-
24 ing Center, Nevada Test Site; and \$40,000,000

1 shall be for the Center for Domestic Prepared-
2 ness, Alabama; and

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

6 *Provided*, That not to exceed 3 percent of the amounts
7 provided under this heading may be transferred to the
8 Federal Emergency Management Agency “Management
9 and Administration” account for program administration,
10 and an expenditure plan for program administration shall
11 be provided to the Committees on Appropriations of the
12 Senate and the House of Representatives within 60 days
13 after the date of enactment of this Act: *Provided further*,
14 That for grants under paragraphs (1) through (4), the
15 applications for grants shall be made available to eligible
16 applicants not later than 25 days after the date of enact-
17 ment of this Act, eligible applicants shall submit applica-
18 tions not later than 90 days after the grant announce-
19 ment, and the Administrator of the Federal Emergency
20 Management Agency shall act within 90 days after receipt
21 of an application: *Provided further*, That for grants under
22 paragraphs (5) through (7) and (10), the applications for
23 grants shall be made available to eligible applicants not
24 later than 30 days after the date of enactment of this Act,
25 eligible applicants shall submit applications within 45 days

1 after the grant announcement, and the Federal Emer-
2 gency Management Agency shall act not later than 60
3 days after receipt of an application: *Provided further*, That
4 for grants under paragraphs (1) and (2), the installation
5 of communications towers is not considered construction
6 of a building or other physical facility: *Provided further*,
7 That grantees shall provide reports on their use of funds,
8 as determined necessary by the Secretary: *Provided fur-*
9 *ther*, That (a) the Center for Domestic Preparedness may
10 provide training to emergency response providers from the
11 Federal Government, foreign governments, or private enti-
12 ties, if the Center for Domestic Preparedness is reim-
13 bursed for the cost of such training, and any reimburse-
14 ment under this subsection shall be credited to the account
15 from which the expenditure being reimbursed was made
16 and shall be available, without fiscal year limitation, for
17 the purposes for which amounts in the account may be
18 expended, (b) the head of the Center for Domestic Pre-
19 paredness shall ensure that any training provided under
20 (a) does not interfere with the primary mission of the Cen-
21 ter to train State and local emergency response providers.

22 FIREFIGHTER ASSISTANCE GRANTS

23 For necessary expenses for programs authorized by
24 the Federal Fire Prevention and Control Act of 1974 (15
25 U.S.C. 2201 et seq.), \$800,000,000, of which

1 \$380,000,000 shall be available to carry out section 33
2 of that Act (15 U.S.C. 2229) and \$420,000,000 shall be
3 available to carry out section 34 of that Act (15 U.S.C.
4 2229a), to remain available until September 30, 2011:
5 *Provided*, That not to exceed 5 percent of the amount
6 available under this heading shall be available for program
7 administration, and an expenditure plan for program ad-
8 ministration shall be provided to the Committees on Ap-
9 propriations of the Senate and the House of Representa-
10 tives within 60 days of the date of enactment of this Act.

11 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

12 For necessary expenses for emergency management
13 performance grants, as authorized by the National Flood
14 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
15 ert T. Stafford Disaster Relief and Emergency Assistance
16 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
17 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
18 organization Plan No. 3 of 1978 (5 U.S.C. App.),
19 \$330,000,000: *Provided*, That total administrative costs
20 shall not exceed 3 percent of the total amount appro-
21 priated under this heading.

22 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

23 The aggregate charges assessed during fiscal year
24 2010, as authorized in title III of the Departments of Vet-
25 erans Affairs and Housing and Urban Development, and

1 Independent Agencies Appropriations Act, 1999 (42
2 U.S.C. 5196e), shall not be less than 100 percent of the
3 amounts anticipated by the Department of Homeland Se-
4 curity necessary for its radiological emergency prepared-
5 ness program for the next fiscal year: *Provided*, That the
6 methodology for assessment and collection of fees shall be
7 fair and equitable and shall reflect costs of providing such
8 services, including administrative costs of collecting such
9 fees: *Provided further*, That fees received under this head-
10 ing shall be deposited in this account as offsetting collec-
11 tions and will become available for authorized purposes on
12 October 1, 2010, and remain available until expended.

13 UNITED STATES FIRE ADMINISTRATION

14 For necessary expenses of the United States Fire Ad-
15 ministration and for other purposes, as authorized by the
16 Federal Fire Prevention and Control Act of 1974 (15
17 U.S.C. 2201 et seq.) and the Homeland Security Act of
18 2002 (6 U.S.C. 101 et seq.), \$45,588,000.

19 DISASTER RELIEF

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses in carrying out the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5121 et seq.), \$2,000,000,000, to remain avail-
24 able until expended: *Provided*, That the Federal Emer-
25 gency Management Agency shall submit an expenditure

1 plan to the Committees on Appropriations of the Senate
2 and the House of Representatives detailing the use of the
3 funds for disaster readiness and support within 60 days
4 after the date of enactment of this Act: *Provided further*,
5 That the Federal Emergency Management Agency shall
6 submit to such Committees a quarterly report detailing
7 obligations against the expenditure plan and a justifica-
8 tion for any changes in spending: *Provided further*, That
9 of the total amount provided, \$16,000,000 shall be trans-
10 ferred to the Department of Homeland Security Office of
11 Inspector General for audits and investigations related to
12 disasters, subject to section 503 of this Act: *Provided fur-*
13 *ther*, That up to \$90,080,000 may be transferred to the
14 Federal Emergency Management Agency “Management
15 and Administration” account for management and admin-
16 istration functions: *Provided further*, That the amount
17 provided in the previous proviso shall not be available for
18 transfer to the “Management and Administration” ac-
19 count until the Federal Emergency Management Agency
20 submits an expenditure plan to the Committees on Appro-
21 priations of the Senate and the House of Representatives:
22 *Provided further*, That the Administrator of the Federal
23 Emergency Management Agency shall report monthly be-
24 ginning July 1, 2009, to the Committee on Appropriations
25 of the House of Representatives regarding the number of

1 individuals and households in need of Federal disaster as-
2 sistance as a result of such severe storms, tornados, flood-
3 ing, and mudslides (under FEMA-1841-DR) but denied
4 assistance due to failure to meet flood insurance require-
5 ments. Such report shall include the reasons and cir-
6 cumstances for each denial per individual and household:
7 *Provided further*, That for any request for reimbursement
8 from a Federal agency to the Department of Homeland
9 Security to cover expenditures under the Robert T. Staf-
10 ford Disaster Relief and Emergency Assistance Act (42
11 U.S.C. 5121 et seq.), or any mission assignment orders
12 issued by the Department for such purposes, the Secretary
13 of Homeland Security shall take appropriate steps to en-
14 sure that each agency is periodically reminded of Depart-
15 ment policies on—

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

18 (2) the necessity for timeliness of agency bil-
19 lings.

20 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

21 For activities under section 319 of the Robert T.
22 Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
24 *Provided*, That gross obligations for the principal amount
25 of direct loans shall not exceed \$25,000,000: *Provided fur-*

1 *ther*, That the cost of modifying such loans shall be as
2 defined in section 502 of the Congressional Budget Act
3 of 1974 (2 U.S.C. 661a).

4 FLOOD MAP MODERNIZATION FUND

5 For necessary expenses under section 1360 of the
6 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
7 \$220,000,000, and such additional sums as may be pro-
8 vided by State and local governments or other political
9 subdivisions for cost-shared mapping activities under sec-
10 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
11 main available until expended: *Provided*, That total admin-
12 istrative costs shall not exceed 3 percent of the total
13 amount appropriated under this heading.

14 NATIONAL FLOOD INSURANCE FUND

15 For activities under the National Flood Insurance
16 Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Dis-
17 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
18 \$159,469,000, which shall remain available until Sep-
19 tember 30, 2011, and shall be derived from offsetting col-
20 lections assessed and collected under section 1308(b)(3)
21 of the National Flood Insurance Act of 1968 (42 U.S.C.
22 4015(b)(3)), which shall be available as follows: (1) not
23 to exceed \$52,149,000 for salaries and expenses associ-
24 ated with flood mitigation and flood insurance operations;
25 and (2) no less than \$107,320,000 for flood plain manage-

1 ment and flood mapping: *Provided*, That any additional
2 fees collected pursuant to section 1308(b)(3) of the Na-
3 tional Flood Insurance Act of 1968 (42 U.S.C.
4 4015(b)(3)) shall be credited as an offsetting collection to
5 this account, to be available for flood plain management
6 and flood mapping: *Provided further*, That if the Adminis-
7 trator of the Federal Emergency Management Agency de-
8 termines that such amount for salaries and expenses is
9 insufficient, the Administrator of the Federal Emergency
10 Management Agency may use amounts made available
11 under this heading for flood plain management and flood
12 mapping to pay for such salaries and expenses, but only
13 if the Administrator submits to the Committees on Appro-
14 priations of the Senate and the House of Representatives
15 notice of the Administrator's intention to use such funds
16 for such purpose 30 days in advance of any such use: *Pro-*
17 *vided further*, That in fiscal year 2010, no funds shall be
18 available from the National Flood Insurance Fund under
19 section 1310 of that Act (42 U.S.C. 4017) in excess of:
20 (1) \$85,000,000 for operating expenses; (2) \$969,370,000
21 for commissions and taxes of agents; (3) such sums as
22 are necessary for interest on Treasury borrowings; and (4)
23 \$120,000,000, which shall remain available until expended
24 for flood mitigation actions, of which \$70,000,000 shall
25 be for severe repetitive loss properties under section

1 1361A of the National Flood Insurance Act of 1968 (42
2 U.S.C. 4102a), of which \$10,000,000 shall be for repet-
3 itive insurance claims properties under section 1323 of the
4 National Flood Insurance Act of 1968 (42 U.S.C. 4030),
5 and of which \$40,000,000 is for flood mitigation assist-
6 ance under section 1366 of the National Flood Insurance
7 Act of 1968 (42 U.S.C. 4104c) notwithstanding subpara-
8 graphs (B) and (C) of subsection (b)(3) and subsection
9 (f) of section 1366 of the National Flood Insurance Act
10 of 1968 (42 U.S.C. 4104c) and notwithstanding sub-
11 section (a)(7) of section 1310 of the National Flood Insur-
12 ance Act of 1968 (42 U.S.C. 4017): *Provided further*, That
13 amounts collected under section 102 of the Flood Disaster
14 Protection Act of 1973 and section 1366(i) of the National
15 Flood Insurance Act of 1968 (42 U.S.C 1366(i)) shall be
16 deposited in the National Flood Insurance Fund to supple-
17 ment other amounts specified as available for section 1366
18 of the National Flood Insurance Act of 1968, notwith-
19 standing 42 U.S.C. 4012a(f)(8), 4104c(i), and
20 4104d(b)(2)-(3): *Provided further*, That total administra-
21 tive costs shall not exceed 4 percent of the total appropria-
22 tion.

23 NATIONAL PREDISASTER MITIGATION FUND

24 For the predisaster mitigation grant program under
25 section 203 of the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C. 5133),
2 \$100,000,000, to remain available until expended and as
3 detailed in the statement accompanying this Act: *Pro-*
4 *vided*, That the total administrative costs associated with
5 such grants shall not exceed 3 percent of the total amount
6 made available under this heading.

7 EMERGENCY FOOD AND SHELTER

8 To carry out the emergency food and shelter program
9 pursuant to title III of the McKinney-Vento Homeless As-
10 sistance Act (42 U.S.C. 11331 et seq.), \$200,000,000, to
11 remain available until expended: *Provided*, That total ad-
12 ministrative costs shall not exceed 3.5 percent of the total
13 amount made available under this heading.

14 TITLE IV—RESEARCH AND DEVELOPMENT,
15 TRAINING, AND SERVICES

16 UNITED STATES CITIZENSHIP AND IMMIGRATION

17 SERVICES

18 For necessary expenses for citizenship and immigra-
19 tion services, \$248,000,000, of which \$100,000,000 shall
20 be for processing applications for asylum or refugee sta-
21 tus; and of which \$112,000,000 is for the basic pilot pro-
22 gram, as authorized by section 402 of the Illegal Immigra-
23 tion Reform and Immigrant Responsibility Act of 1996
24 (8 U.S.C. 1324a note), to assist United States employers
25 with maintaining a legal workforce: *Provided*, That not-

1 withstanding any other provision of law, funds available
2 to United States Citizenship and Immigration Services
3 may be used to acquire, operate, equip, and dispose of up
4 to five vehicles, for replacement only, for areas where the
5 Administrator of General Services does not provide vehi-
6 cles for lease: *Provided further*, That the Director of
7 United States Citizenship and Immigration Services may
8 authorize employees who are assigned to those areas to
9 use such vehicles to travel between the employees' resi-
10 dences and places of employment: *Provided further*, That
11 none of the funds made available under this heading may
12 be obligated for processing applications for asylum or ref-
13 ugee status unless the Secretary of Homeland Security
14 has published a final rule updating part 103 of title 8,
15 Code of Federal Regulations, to discontinue the asylum/
16 refugee surcharge: *Provided further*, That none of the
17 funds made available under this heading for may be obli-
18 gated for development of the "REAL ID hub" until the
19 Committees on Appropriations of the Senate and the
20 House of Representatives receive and approve a plan for
21 expenditure for that program that describes the strategic
22 context of the program, the specific goals and milestones
23 set for the program, and the funds allocated for achieving
24 each of these goals and milestones.

1 from agencies receiving training sponsored by the Center,
2 except that total obligations at the end of the fiscal year
3 shall not exceed total budgetary resources available at the
4 end of the fiscal year: *Provided further*, That section
5 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note),
6 as amended by Public Law 110–329 (122 Stat. 3677), is
7 further amended by striking “December 31, 2011” and
8 inserting “December 31, 2012”: *Provided further*, That
9 the Federal Law Enforcement Training Accreditation
10 Board, including representatives from the Federal law en-
11 forcement community and non-Federal accreditation ex-
12 perts involved in law enforcement training, shall lead the
13 Federal law enforcement training accreditation process to
14 continue the implementation of measuring and assessing
15 the quality and effectiveness of Federal law enforcement
16 training programs, facilities, and instructors: *Provided*
17 *further*, That the Director of the Federal Law Enforce-
18 ment Training Center shall schedule basic or advanced law
19 enforcement training, or both, at all four training facilities
20 under the control of the Federal Law Enforcement Train-
21 ing Center to ensure that such training facilities are oper-
22 ated at the highest capacity throughout the fiscal year.

1 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

3 For acquisition of necessary additional real property
4 and facilities, construction, and ongoing maintenance, fa-
5 cility improvements, and related expenses of the Federal
6 Law Enforcement Training Center, \$43,456,000, to re-
7 main available until expended: *Provided*, That the Center
8 is authorized to accept reimbursement to this appropria-
9 tion from Government agencies requesting the construc-
10 tion of special use facilities.

11 SCIENCE AND TECHNOLOGY
12 MANAGEMENT AND ADMINISTRATION

13 For salaries and expenses of the Office of the Under
14 Secretary for Science and Technology and for manage-
15 ment and administration of programs and activities, as
16 authorized by title III of the Homeland Security Act of
17 2002 (6 U.S.C. 181 et seq.), \$142,200,000: *Provided*,
18 That not to exceed \$10,000 shall be for official reception
19 and representation expenses.

20 RESEARCH, DEVELOPMENT, ACQUISITION, AND
21 OPERATIONS

22 For necessary expenses for science and technology re-
23 search, including advanced research projects; development;
24 test and evaluation; acquisition; and operations; as author-
25 ized by title III of the Homeland Security Act of 2002

1 (6 U.S.C. 181 et seq.); \$825,356,000, to remain available
2 until expended: *Provided*, That of the amount provided,
3 \$12,000,000 shall be for construction expenses of the Pa-
4 cific Northwest National Laboratory: *Provided further*,
5 That not less than \$10,000,000 shall be available for the
6 National Institute for Hometown Security, Kentucky: *Pro-*
7 *vided further*, That not less than \$2,000,000 shall be avail-
8 able for the Naval Postgraduate School: *Provided further*,
9 That not less than \$1,000,000 shall be available to con-
10 tinue a homeland security research, development, and
11 manufacturing pilot project: *Provided further*, That
12 \$500,000 shall be available for a demonstration project
13 to develop situational awareness and decision support ca-
14 pabilities through remote sensing technologies: *Provided*
15 *further*, That \$4,000,000 shall be available for a pilot pro-
16 gram to develop a replicable port security system that
17 would improve maritime domain awareness: *Provided fur-*
18 *ther*, That none of the funds available under this heading,
19 in this Act, or in any previously enacted law shall be obli-
20 gated for construction of a National Bio- and Agro-de-
21 fense Facility located on the United States mainland until
22 the Secretary of Homeland Security receives a risk assess-
23 ment prepared by a person who is not an officer or em-
24 ployee of the Department of Homeland Security of wheth-

1 er foot-and-mouth disease work can be done safely on the
2 United States mainland.

3 DOMESTIC NUCLEAR DETECTION OFFICE

4 MANAGEMENT AND ADMINISTRATION

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

12 RESEARCH, DEVELOPMENT, AND OPERATIONS

13 For necessary expenses for radiological and nuclear
14 research, development, testing, evaluation, and operations,
15 \$326,537,000, to remain available until expended.

16 TITLE V—GENERAL PROVISIONS

17 (INCLUDING RESCISSIONS OF FUNDS)

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

21 SEC. 502. Subject to the requirements of section 503
22 of this Act, the unexpended balances of prior appropria-
23 tions provided for activities in this Act may be transferred
24 to appropriation accounts for such activities established
25 pursuant to this Act, may be merged with funds in the

1 applicable established accounts, and thereafter may be ac-
2 counted for as one fund for the same time period as origi-
3 nally enacted.

4 SEC. 503. (a) None of the funds provided by this Act,
5 provided by previous appropriations Acts to the agencies
6 in or transferred to the Department of Homeland Security
7 that remain available for obligation or expenditure in fiscal
8 year 2010, or provided from any accounts in the Treasury
9 of the United States derived by the collection of fees avail-
10 able to the agencies funded by this Act, shall be available
11 for obligation or expenditure through a reprogramming of
12 funds that: (1) creates a new program, project, office, or
13 activity; (2) eliminates a program, project, office, or activ-
14 ity; (3) increases funds for any program, project, or activ-
15 ity for which funds have been denied or restricted by the
16 Congress; (4) proposes to use funds directed for a specific
17 activity by either of the Committees on Appropriations of
18 the Senate or the House of Representatives for a different
19 purpose; or (5) contracts out any function or activity for
20 which funding levels were requested for Federal full-time
21 equivalents in the object classification tables contained in
22 the fiscal year 2010 Budget Appendix for the Department
23 of Homeland Security, as modified by the explanatory
24 statement accompanying this Act, unless the Committees
25 on Appropriations of the Senate and the House of Rep-

1 representatives are notified 15 days in advance of such re-
2 programming of funds.

3 (b) None of the funds provided by this Act, provided
4 by previous appropriations Acts to the agencies in or
5 transferred to the Department of Homeland Security that
6 remain available for obligation or expenditure in fiscal
7 year 2010, or provided from any accounts in the Treasury
8 of the United States derived by the collection of fees or
9 proceeds available to the agencies funded by this Act, shall
10 be available for obligation or expenditure for programs,
11 projects, or activities through a reprogramming of funds
12 in excess of \$5,000,000 or 10 percent, whichever is less,
13 that: (1) augments existing programs, projects, or activi-
14 ties; (2) reduces by 10 percent funding for any existing
15 program, project, or activity, or numbers of personnel by
16 10 percent as approved by the Congress; or (3) results
17 from any general savings from a reduction in personnel
18 that would result in a change in existing programs,
19 projects, or activities as approved by the Congress, unless
20 the Committees on Appropriations of the Senate and the
21 House of Representatives are notified 15 days in advance
22 of such reprogramming of funds.

23 (c) Not to exceed 5 percent of any appropriation
24 made available for the current fiscal year for the Depart-
25 ment of Homeland Security by this Act or provided by

1 previous appropriations Acts may be transferred between
2 such appropriations, but no such appropriation, except as
3 otherwise specifically provided, shall be increased by more
4 than 10 percent by such transfers: *Provided*, That any
5 transfer under this section shall be treated as a re-
6 programming of funds under subsection (b) and shall not
7 be available for obligation unless the Committees on Ap-
8 propriations of the Senate and the House of Representa-
9 tives are notified 15 days in advance of such transfer.

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

15 (e) Within 90 days after the date of the enactment
16 of this Act, the Secretary of Homeland Security shall sub-
17 mit to the Committees on Appropriations of the Senate
18 and the House of Representatives a report listing all dollar
19 amounts specified in this Act and accompanying explana-
20 tory statement that are identified in the detailed funding
21 table at the end of the explanatory statement accom-
22 panying this Act or any other amounts specified in this
23 Act or accompanying explanatory statement: *Provided*,
24 That such dollar amounts specified in this Act and accom-
25 panying explanatory statement shall be subject to the con-

1 ditions and requirements of subsections (a), (b), and (c)
2 of this section.

3 SEC. 504. The Department of Homeland Security
4 Working Capital Fund, established pursuant to section
5 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
6 continue operations as a permanent working capital fund
7 for fiscal year 2010: *Provided*, That none of the funds ap-
8 propriated or otherwise made available to the Department
9 of Homeland Security may be used to make payments to
10 the Working Capital Fund, except for the activities and
11 amounts allowed in the President’s fiscal year 2010 budg-
12 et: *Provided further*, That funds provided to the Working
13 Capital Fund shall be available for obligation until ex-
14 pended to carry out the purposes of the Working Capital
15 Fund: *Provided further*, That all departmental components
16 shall be charged only for direct usage of each Working
17 Capital Fund service: *Provided further*, That funds pro-
18 vided to the Working Capital Fund shall be used only for
19 purposes consistent with the contributing component: *Pro-*
20 *vided further*, That such fund shall be paid in advance or
21 reimbursed at rates which will return the full cost of each
22 service: *Provided further*, That the Working Capital Fund
23 shall be subject to the requirements of section 503 of this
24 Act.

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

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

18 SEC. 507. None of the funds made available by this
19 Act may be used to make a grant allocation, grant award,
20 contract award, other transactional agreement, or to issue
21 a letter of intent totaling in excess of \$1,000,000, or to
22 announce publicly the intention to make such an award,
23 including a contract covered by the Federal Acquisition
24 Regulation, unless the Secretary of Homeland Security no-
25 tifies the Committees on Appropriations of the Senate and

1 the House of Representatives at least 3 full business days
2 in advance of making such an award or issuing such a
3 letter: *Provided*, That if the Secretary of Homeland Secu-
4 rity determines that compliance with this section would
5 pose a substantial risk to human life, health, or safety,
6 an award may be made without notification and the Com-
7 mittees on Appropriations of the Senate and the House
8 of Representatives shall be notified not later than 5 full
9 business days after such an award is made or letter issued:
10 *Provided further*, That no notification shall involve funds
11 that are not available for obligation: *Provided further*,
12 That the notification shall include the amount of the
13 award, the fiscal year for which the funds for the award
14 were appropriated, and the account from which the funds
15 are being drawn: *Provided further*, That the Federal
16 Emergency Management Agency shall brief the Commit-
17 tees on Appropriations of the Senate and the House of
18 Representatives 5 full business days in advance of an-
19 nouncing publicly the intention of making an award under
20 the State and Local Programs.

21 SEC. 508. Notwithstanding any other provision of
22 law, no agency shall purchase, construct, or lease any ad-
23 ditional facilities, except within or contiguous to existing
24 locations, to be used for the purpose of conducting Federal
25 law enforcement training without the advance approval of

1 the Committees on Appropriations of the Senate and the
2 House of Representatives, except that the Federal Law
3 Enforcement Training Center is authorized to obtain the
4 temporary use of additional facilities by lease, contract,
5 or other agreement for training which cannot be accommo-
6 dated in existing Center facilities.

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

15 SEC. 510. Sections 519, 520, 522, 528, 530, and 531
16 of the Department of Homeland Security Appropriations
17 Act, 2008 (division E of Public Law 110–161; 121 Stat.
18 2072, 2073, 2074, 2082) shall apply with respect to funds
19 made available in this Act in the same manner as such
20 sections applied to funds made available in that Act.

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

24 SEC. 512. None of the funds appropriated by this Act
25 may be used to process or approve a competition under

1 Office of Management and Budget Circular A-76 for serv-
2 ices provided as of June 1, 2004, by employees (including
3 employees serving on a temporary or term basis) of United
4 States Citizenship and Immigration Services of the De-
5 partment of Homeland Security who are known as of that
6 date as immigration information officers, contact rep-
7 resentatives, or investigative assistants.

8 SEC. 513. (a) The Secretary of Homeland Security
9 shall research, develop, and procure new technologies to
10 inspect and screen air cargo carried on passenger aircraft
11 by the earliest date possible.

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

18 (c) The Assistant Secretary of Homeland Security
19 (Transportation Security Administration) shall work with
20 air carriers and airports to ensure that the screening of
21 cargo carried on passenger aircraft, as defined in section
22 44901(g)(5) of title 49, United States Code, increases in-
23 crementally each quarter.

24 (d) Not later than 45 days after the end of each quar-
25 ter, the Assistant Secretary shall submit to the Commit-

1 tees on Appropriations of the Senate and the House of
2 Representatives a report on air cargo inspection statistics
3 by airport and air carrier detailing the incremental
4 progress being made to meet the requirements of section
5 44901(g)(2) of title 49, United States Code.

6 (e) Not later than 180 days after the date of the en-
7 actment of this Act, the Assistant Secretary of Homeland
8 Security (Transportation Security Administration) shall
9 submit to the Committees on Appropriations of the Senate
10 and the House of Representatives, a report on how the
11 Transportation Security Administration plans to meet the
12 requirement for screening all air cargo on passenger air-
13 craft by the deadline under section 44901(g) of title 49,
14 United States Code. The report shall identify the elements
15 of the system to screen 100 percent of cargo transported
16 between domestic airports at a level of security commensu-
17 rate with the level of security for the screening of pas-
18 senger checked baggage.

19 SEC. 514. Except as provided in section 44945 of title
20 49, United States Code, funds appropriated or transferred
21 to the Transportation Security Administration “Aviation
22 Security”, “Administration” and “Transportation Secu-
23 rity Support” accounts for fiscal years 2004, 2005, 2006,
24 and 2007 that are recovered or deobligated shall be avail-
25 able only for the procurement or installation of explosives

1 detection systems for air cargo, baggage, and checkpoint
2 screening systems, subject to notification: *Provided*, That
3 quarterly reports shall be submitted to the Committees on
4 Appropriations of the Senate and the House of Represent-
5 atives on any funds that are recovered or deobligated.

6 SEC. 515. Any funds appropriated to the Coast
7 Guard “Acquisition, Construction, and Improvements” ac-
8 count for fiscal years 2002, 2003, 2004, 2005, and 2006
9 for the 110–123 foot patrol boat conversion that are recov-
10 ered, collected, or otherwise received as the result of nego-
11 tiation, mediation, or litigation, shall be available until ex-
12 pended for the Fast Response Cutter program.

13 SEC. 516. Within 45 days after the end of each
14 month, the Chief Financial Officer of the Department of
15 Homeland Security shall submit to the Committees on Ap-
16 propriations of the Senate and the House of Representa-
17 tives a monthly budget and staffing report for that month
18 that includes total obligations, on-board versus funded
19 full-time equivalent staffing levels, and the number of con-
20 tract employees for each office of the Department.

21 SEC. 517. Section 532(a) of Public Law 109–295
22 (120 Stat. 1384) is amended by striking “2009” and in-
23 serting “2010”.

24 SEC. 518. The functions of the Federal Law Enforce-
25 ment Training Center instructor staff shall be classified

1 as inherently governmental for the purpose of the Federal
2 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
3 note).

4 SEC. 519. (a) None of the funds provided by this or
5 any other Act may be obligated for the development, test-
6 ing, deployment, or operation of any portion of a human
7 resources management system authorized by Section
8 9701(a) of title 5, United States Code, or by regulations
9 prescribed pursuant to such section, for an employee, as
10 that term is defined in section 7103(a)(2) of such title.

11 (b) The Secretary of Homeland Security shall col-
12 laborate with employee representatives in the manner pre-
13 scribed in section 9701(e) of title 5, United States Code,
14 in the planning, testing, and development of any portion
15 of a human resources management system that is devel-
16 oped, tested, or deployed for persons excluded from the
17 definition of employee as that term is defined in section
18 7103(a)(2) of such title.

19 SEC. 520. For fiscal year 2010, none of the funds
20 made available in this or any other Act may be used to
21 enforce section 4025(1) of Public Law 108–458 unless the
22 Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination
23 of July 19, 2007, that butane lighters are not a significant
24 threat to civil aviation security.
25

1 SEC. 521. Funds made available in this Act may be
2 used to alter operations within the Civil Engineering Pro-
3 gram of the Coast Guard nationwide, including civil engi-
4 neering units, facilities design and construction centers,
5 maintenance and logistics commands, and the Coast
6 Guard Academy, except that none of the funds provided
7 in this Act may be used to reduce operations within any
8 Civil Engineering Unit unless specifically authorized by a
9 statute enacted after the date of the enactment of this
10 Act.

11 SEC. 522. (a) Except as provided in subsection (b),
12 none of the funds appropriated in this or any other Act
13 to the Office of the Secretary and Executive Management,
14 the Office of the Under Secretary for Management, or the
15 Office of the Chief Financial Officer, may be obligated for
16 a grant or contract funded under such headings by any
17 means other than full and open competition.

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

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

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

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

7 (4) by another Federal agency using funds pro-
8 vided through an interagency agreement.

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

14 (2) Not later than 5 days after the date on
15 which the Secretary of Homeland Security issues a
16 waiver under this subsection, the Secretary shall
17 submit notification of that waiver to the Committees
18 on Appropriations of the Senate and the House of
19 Representatives, including a description of the appli-
20 cable contract and an explanation of why the waiver
21 authority was used. The Secretary may not delegate
22 the authority to grant such a waiver.

23 (d) In addition to the requirements established by
24 subsections (a), (b), and (c) of this section, the Inspector
25 General of the Department of Homeland Security shall re-

1 view departmental contracts awarded through means other
2 than a full and open competition to assess departmental
3 compliance with applicable laws and regulations: *Provided*,
4 That the Inspector General shall review selected contracts
5 awarded in the previous fiscal year through other than full
6 and open competition: *Provided further*, That in selecting
7 which contracts to review, the Inspector General shall con-
8 sider the cost and complexity of the goods and services
9 to be provided under the contract, the criticality of the
10 contract to fulfilling Department missions, past perform-
11 ance problems on similar contracts or by the selected ven-
12 dor, complaints received about the award process or con-
13 tractor performance, and such other factors as the Inspec-
14 tor General deems relevant: *Provided further*, That the In-
15 spector General shall report the results of the reviews to
16 the Committees on Appropriations of the Senate and the
17 House of Representatives.

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

24 SEC. 524. None of the funds made available in this
25 Act may be used by United States Citizenship and Immi-

1 gration Services to grant an immigration benefit unless
2 the results of background checks required by law to be
3 completed prior to the granting of the benefit have been
4 received by United States Citizenship and Immigration
5 Services, and the results do not preclude the granting of
6 the benefit.

7 SEC. 525. None of the funds made available in this
8 Act may be used to destroy or put out to pasture any horse
9 or other equine belonging to the Federal Government that
10 has become unfit for service, unless the trainer or handler
11 is first given the option to take possession of the equine
12 through an adoption program that has safeguards against
13 slaughter and inhumane treatment.

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

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

22 SEC. 528. The Secretary of Homeland Security shall
23 require that all contracts of the Department of Homeland
24 Security that provide award fees link such fees to success-

1 ful acquisition outcomes (which outcomes shall be speci-
2 fied in terms of cost, schedule, and performance).

3 SEC. 529. None of the funds made available to the
4 Office of the Secretary and Executive Management under
5 this Act may be expended for any new hires by the Depart-
6 ment of Homeland Security that are not verified through
7 the basic pilot program under section 401 of the Illegal
8 Immigration Reform and Immigrant Responsibility Act of
9 1996 (8 U.S.C. 1324a note).

10 SEC. 530. None of the funds made available in this
11 Act for U.S. Customs and Border Protection may be used
12 to prevent an individual not in the business of importing
13 a prescription drug (within the meaning of section 801(g)
14 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
15 381(g)) from importing a prescription drug from Canada
16 that complies with the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 301 et seq.): *Provided*, That this section
18 shall apply only to individuals transporting on their person
19 a personal-use quantity of the prescription drug, not to
20 exceed a 90-day supply: *Provided further*, That the pre-
21 scription drug may not be—

22 (1) a controlled substance, as defined in section
23 102 of the Controlled Substances Act (21 U.S.C.
24 802); or

1 (2) a biological product, as defined in section
2 351 of the Public Health Service Act (42 U.S.C.
3 262).

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

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

13 (1) in subsection (a), by striking “Until Sep-
14 tember 30, 2009” and inserting “Until September
15 30, 2010,”; and

16 (2) in subsection (d)(1), by striking “September
17 30, 2009,” and inserting “September 30, 2010,”.

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

21 SEC. 534. (a) Notwithstanding any other provision
22 of this Act, except as provided in subsection (b), and 30
23 days after the date that the President determines whether
24 to declare a major disaster because of an event and any
25 appeal is completed, the Administrator shall submit to the

1 Committee on Homeland Security and Governmental Af-
2 fairs of the Senate, the Committee on Homeland Security
3 of the House of Representatives, the Committee on Trans-
4 portation and Infrastructure of the House of Representa-
5 tives, the Committees on Appropriations of the Senate and
6 the House of Representatives, and publish on the website
7 of the Federal Emergency Management Agency, a report
8 regarding that decision, which shall summarize damage
9 assessment information used to determine whether to de-
10 clare a major disaster.

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

14 (c) In this section—

15 (1) the term “Administrator” means the Ad-
16 ministrator of the Federal Emergency Management
17 Agency; and

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

22 SEC. 535. Notwithstanding any other provision of
23 law, in the fiscal year 2010 or a subsequent fiscal year,
24 if the Secretary of Homeland Security determine that the
25 National Bio- and Agro-defense Facility should be located

1 at a site other than Plum Island, New York, the Secretary
2 shall liquidate the Plum Island asset by directing the Ad-
3 ministrator of General Services to sell, through public sale,
4 all real and related personal property and transportation
5 assets that support Plum Island operations, subject to
6 such terms and conditions as the Secretary determines are
7 necessary to protect government interests and meet pro-
8 gram requirements: *Provided*, That the proceeds of such
9 sale shall be deposited as offsetting collections into the De-
10 partment of Homeland Security Science and Technology
11 “Research, Development, Acquisition, and Operations” ac-
12 count and, subject to appropriation, shall be available until
13 expended, for site acquisition, construction, and costs re-
14 lated to the construction of the National Bio- and Agro-
15 defense Facility, including the costs associated with the
16 sale, including due diligence requirements, necessary envi-
17 ronmental remediation at Plum Island, and reimburse-
18 ment of expenses incurred by the General Services Admin-
19 istration: *Provided further*, That after the completion of
20 construction and environmental remediation, the unex-
21 pended balances of funds appropriated for costs referred
22 to in the preceding proviso shall be available for transfer
23 to the appropriate account for design and construction of
24 a consolidated Department of Homeland Security Head-
25 quarters project, excluding daily operations and mainte-

1 nance costs, notwithstanding section 503 of this Act, and
2 the Committees on Appropriations of the Senate and the
3 House of Representatives shall be notified 15 days prior
4 to such transfer.

5 SEC. 536. Any official who is required by this Act
6 to report or certify to the Committees on Appropriations
7 of the Senate and the House of Representatives may not
8 delegate such authority to perform that act unless specifi-
9 cally authorized herein.

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

22 SEC. 538. If the Assistant Secretary of Homeland Se-
23 curity (Transportation Security Administration) deter-
24 mines that an airport does not need to participate in the
25 basic pilot program under section 402 of the Illegal Immi-

1 gration Reform and Immigrant Responsibility Act of 1996
 2 (8 U.S.C. 1324a note), the Assistant Secretary shall cer-
 3 tify to the Committees on Appropriations of the Senate
 4 and the House of Representatives that no security risks
 5 will result from such non-participation.

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

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

13 (1) by striking “Dalton Fire District” and all
 14 that follows through “750,000” and inserting the
 15 following:

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

16 (2) by striking “Santee and”;

17 (3) by striking “3,000,000” and inserting
 18 “1,500,000”;

19 (4) by inserting after the item relating to Adju-
 20 tant General’s Office of Emergency Preparedness
 21 the following:

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

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

4 SEC. 541. Section 203(m) of the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act (42 U.S.C.
6 5133(m)) is amended by striking “September 30, 2009”
7 and inserting “September 30, 2010”.

8 SEC. 542. From the unobligated balances of prior
9 year appropriations made available for the “Infrastructure
10 Protection and Information Security” account,
11 \$5,963,000 is rescinded.

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

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

1 SEC. 545. (a) EXTENSION OF PROGRAMS.—Section
2 143 of Division A of the Consolidated Security, Disaster
3 Assistance, and Continuing Appropriations Act, 2009
4 (Public Law 110-329; 122 Stat. 3580 et seq.), as amended
5 by section 101 of division J of the Omnibus Appropria-
6 tions Act, 2009 (Public Law 111–8), is amended by strik-
7 ing “September 30, 2009” and inserting “September 30,
8 2011”.

9 (b) PROTECTION OF SOCIAL SECURITY ADMINISTRA-
10 TION PROGRAMS.—

11 (1) FUNDING UNDER AGREEMENT.—Effective
12 for fiscal years beginning on or after October 1,
13 2009, the Commissioner of Social Security and the
14 Secretary of Homeland Security shall enter into and
15 maintain an agreement which shall—

16 (A) provide funds to the Commissioner for
17 the full costs of the responsibilities of the Com-
18 missioner under section 404 of the Illegal Im-
19 migration Reform and Immigrant Responsibility
20 Act of 1996 (8 U.S.C. 1324a note), including—

21 (i) acquiring, installing, and maintain-
22 ing technological equipment and systems
23 necessary for the fulfillment of the respon-
24 sibilities of the Commissioner under such
25 section 404, but only that portion of such

1 costs that are attributable exclusively to
2 such responsibilities; and

3 (ii) responding to individuals who con-
4 test a tentative nonconfirmation provided
5 by the basic pilot confirmation system es-
6 tablished under such section;

7 (B) subject to the availability of appropria-
8 tions for such purpose, provide such funds
9 quarterly in advance of the applicable quarter
10 based on estimating methodology agreed to by
11 the Commissioner and the Secretary (except in
12 such instances where the delayed enactment of
13 an annual appropriation may preclude such
14 quarterly payments); and

15 (C) require an annual accounting and rec-
16 onciliation of the actual costs incurred and the
17 funds provided under the agreement, which
18 shall be jointly reviewed by the Office of the In-
19 spector General of the Social Security Adminis-
20 tration and the Office of Inspector General of
21 the Department of Homeland Security.

22 (2) CONTINUATION OF EMPLOYMENT
23 VERIFICATION IN ABSENCE OF TIMELY AGREE-
24 MENT.—In any case in which the agreement re-
25 quired under paragraph (1) for any fiscal year be-

1 ginning on or after October 1, 2009, has not been
2 reached as of October 1 of such fiscal year, the most
3 recent agreement between the Commissioner and the
4 Secretary of Homeland Security providing for fund-
5 ing to cover the costs of the responsibilities of the
6 Commissioner under section 404 of the Illegal Immi-
7 gration Reform and Immigrant Responsibility Act of
8 1996 (8 U.S.C. 1324a note) shall be deemed in ef-
9 fect on an interim basis for such fiscal year until
10 such time as an agreement required under para-
11 graph (1) is subsequently reached, except that the
12 terms of such interim agreement shall be modified
13 by the Director of the Office of Management and
14 Budget to adjust for inflation and any increase or
15 decrease in the volume of requests under the basic
16 pilot confirmation system. In any case in which an
17 interim agreement applies for any fiscal year under
18 this paragraph, the Commissioner and the Secretary
19 shall, not later than October 1 of such fiscal year,
20 notify the Committee on Ways and Means of the
21 House of Representatives, the Committees on the
22 Judiciary of the Senate and the House of Represent-
23 atives, the Committees on Appropriations of the
24 Senate and the House of Representatives, and the
25 Committee on Finance of the Senate of the failure

1 to reach the agreement required under paragraph
2 (1) for such fiscal year. Until such time as the
3 agreement required under paragraph (1) has been
4 reached for such fiscal year, the Commissioner and
5 the Secretary shall, not later than the end of each
6 90-day period after October 1 of such fiscal year,
7 notify such Committees of the status of negotiations
8 between the Commissioner and the Secretary in
9 order to reach such an agreement.

10 (c) GAO STUDY OF BASIC PILOT CONFIRMATION
11 SYSTEM.—

12 (1) IN GENERAL.—As soon as practicable after
13 the date of the enactment of this Act, the Comp-
14 troller General shall conduct a study regarding erro-
15 neous tentative nonconfirmations under the basic
16 pilot confirmation system established under section
17 404(a) of the Illegal Immigration Reform and Immig-
18 rant Responsibility Act of 1996 (8 U.S.C. 1324a
19 note).

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

23 (A) the causes of erroneous tentative non-
24 confirmations under the basic pilot confirmation
25 system;

1 (B) the processes by which such erroneous
2 tentative nonconfirmations are remedied; and

3 (C) the effect of such erroneous tentative
4 nonconfirmations on individuals, employers, and
5 Federal agencies.

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

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

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of the enactment of this Act, the Comp-
20 troller General shall submit to the Committees on
21 the Judiciary of the Senate and the House of Rep-
22 resentatives and the Committees on Appropriations
23 of the Senate and the House of Representatives a
24 report containing the Comptroller General's analysis
25 of the effects of the basic pilot program described in

1 section 404(a) of the Illegal Immigration Reform
2 and Immigrant Responsibility Act of 1996 (8 U.S.C.
3 1324a note) on small entities (as defined in section
4 601 of title 5, United States Code). The report shall
5 detail—

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

8 (B) a description and an estimate of the
9 number of small entities enrolled and partici-
10 pating in such program or an explanation of
11 why no such estimate is available;

12 (C) the projected reporting, recordkeeping,
13 and other compliance requirements of such pro-
14 gram on small entities;

15 (D) factors that impact small entities' en-
16 rollment and participation in such program, in-
17 cluding access to appropriate technology, geog-
18 raphy, entity size, and class of entity; and

19 (E) the steps, if any, the Secretary of
20 Homeland Security has taken to minimize the
21 economic impact of participating in such pro-
22 gram on small entities.

23 (2) DIRECT AND INDIRECT EFFECTS.—The re-
24 port shall cover, and treat separately, direct effects
25 (such as wages, time, and fees spent on compliance)

1 and indirect effects (such as the effect on cash flow,
2 sales, and competitiveness).

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

5 (A) small businesses (as defined in section
6 601 of title 5, United States Code) with fewer
7 than 50 employees; and

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

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

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

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

1 “(ii) otherwise to prevent and detect
2 visa fraud, including fraud by applicants
3 for visas described in subparagraph (H)(i),
4 (H)(ii), or (L) of section 101(a)(15), as
5 well as the purchase, lease, construction,
6 and staffing of facilities for the processing
7 of these classes of visa, in consultation
8 with the Secretary of Homeland Security
9 as appropriate; and

10 “(iii) upon request by the Secretary
11 of Homeland Security, to assist such Sec-
12 retary in carrying out the fraud prevention
13 and detection programs and activities de-
14 scribed in subparagraph (B).

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

1 “(C) SECRETARY OF LABOR.—One-third
2 of the amounts deposited into the Fraud Pre-
3 vention and Detection Account shall remain
4 available to the Secretary of Labor until ex-
5 pended for wage and hour enforcement pro-
6 grams and activities otherwise authorized to be
7 conducted by the Secretary of Labor that focus
8 on industries likely to employ nonimmigrants,
9 including enforcement programs and activities
10 described in section 212(n) and enforcement
11 programs and activities related to section
12 214(c)(14)(A)(i).’”.

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

16 CLARIFICATION OF FEE AUTHORITY

17 SEC. 547. (a) IN GENERAL.—In addition to collection
18 of registration fees described in section 244(c)(1)(B) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1254a(c)(1)(B)), fees for fingerprinting services, biometric
21 services, and other necessary services may be collected
22 when administering the program described in section 244
23 of such Act.

24 (b) CONSTRUCTION.—Subsection (a) shall be con-
25 strued to apply for fiscal year 1998 and each fiscal year
26 thereafter.

1 SEC. 548. Section 550(b) of the Department of
2 Homeland Security Appropriations Act, 2007 (Public Law
3 109–295; 6 U.S.C. 121 note) is amended by striking
4 “three years after the date of enactment of this Act” and
5 inserting “October 4, 2010”.

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

23 SEC. 550. From unobligated balances for fiscal year
24 2009 made available for the Federal Emergency Manage-

1 ment Agency “Trucking Industry Security Grants” ac-
2 count, \$5,572,000 is rescinded.

3 SEC. 551. None of the funds made available in this
4 Act may be obligated for full-scale procurement of Ad-
5 vanced Spectroscopic Portal monitors until the Secretary
6 of Homeland Security submits to the Committees on Ap-
7 propriations of the Senate and the House of Representa-
8 tives a report certifying that a significant increase in oper-
9 ational effectiveness will be achieved: *Provided*, That the
10 Secretary shall submit separate and distinct certifications
11 prior to the procurement of Advanced Spectroscopic Portal
12 monitors for primary and secondary deployment that ad-
13 dress the unique requirements for operational effectiveness
14 of each type of deployment: *Provided further*, That the
15 Secretary shall consult with the National Academy of
16 Sciences before making such certifications: *Provided fur-*
17 *ther*, That none of the funds provided in this Act may be
18 obligated for high-risk concurrent development and pro-
19 duction of mutually dependent software and hardware.

20 SEC. 552. (a) As part of a plan regarding the pro-
21 posed disposition of any individual who is detained, as of
22 April 30, 2009, at Naval Station, Guantanamo Bay, Cuba,
23 the Secretary of Homeland Security shall conduct a threat
24 assessment for each such individual who is proposed to
25 be transferred to the continental United States, Alaska,

1 Hawaii, the District of Columbia, or the United States
2 Territories that—

3 (1) determines the risk that the individual might in-
4 stigate an act of terrorism within the continental United
5 States, Alaska, Hawaii, the District of Columbia, or the
6 United States Territories if the individual were so trans-
7 ferred; and

8 (2) determines the risk that the individual might ad-
9 vocate, coerce, or incite violent extremism, ideologically
10 motivated criminal activity, or acts of terrorism, among
11 inmate populations at incarceration facilities within the
12 continental United States, Alaska, Hawaii, the District of
13 Columbia, or the United States Territories if the indi-
14 vidual were transferred to such a facility.

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

18 “(v) INCLUSION OF DETAINEES ON NO FLY
19 LIST.—The Assistant Secretary, in coordination with
20 the Terrorist Screening Center, shall include on the
21 No Fly List any individual who was a detainee held
22 at the Naval Station, Guantanamo Bay, Cuba, un-
23 less the President certifies in writing to Congress
24 that the detainee poses no threat to the United
25 States, its citizens, or its allies. For purposes of this

1 clause, the term ‘detainee’ means an individual in
2 the custody or under the physical control of the
3 United States as a result of armed conflict.”.

4 (c) None of the funds made available in this Act may
5 be used to provide any immigration benefit (including a
6 visa, admission into the United States, parole into the
7 United States, or classification as a refugee or applicant
8 for asylum) to any individual who is detained, as of April
9 20, 2009, at Naval Station, Guantanamo Bay, Cuba.

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

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

Union Calendar No. 78

111TH CONGRESS
1ST Session

H. R. 2892

[Report No. 111-157]

A BILL

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

JUNE 16, 2009

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed