

Calendar No. 83111TH CONGRESS
1ST SESSION**S. 1298****[Report No. 111-31]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2009

Mr. REID (for Mr. BYRD), from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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
2 DEPARTMENTAL MANAGEMENT AND
3 OPERATIONS
4 OFFICE OF THE SECRETARY AND EXECUTIVE
5 MANAGEMENT

6 For necessary expenses of the Office of the Secretary
7 of Homeland Security, as authorized by section 102 of the
8 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
9 tive management of the Department of Homeland Secu-
10 rity, as authorized by law, \$149,268,000: *Provided*, That
11 not to exceed \$60,000 shall be for official reception and
12 representation expenses, of which \$20,000 shall be made
13 available to the Office of Policy solely to host Visa Waiver
14 Program negotiations in Washington, DC: *Provided fur-*
15 *ther*, That \$20,000,000 shall not be available for obliga-
16 tion for the Office of Policy until the Secretary submits
17 an expenditure plan for the Office of Policy for fiscal year
18 2010.

19 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT
20 For necessary expenses of the Office of the Under
21 Secretary for Management, as authorized by sections 701
22 through 705 of the Homeland Security Act of 2002 (6
23 U.S.C. 341 through 345), \$307,690,000, of which not to
24 exceed \$3,000 shall be for official reception and represen-
25 tation expenses: *Provided*, That of the total amount,

1 \$5,000,000 shall remain available until expended solely for
2 the alteration and improvement of facilities, tenant im-
3 provements, and relocation costs to consolidate Depart-
4 ment headquarters operations at the Nebraska Avenue
5 Complex; and \$17,131,000 shall remain available until ex-
6 pended for the Human Resources Information Technology
7 program.

8 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

14 OFFICE OF THE CHIEF INFORMATION OFFICER

15 For necessary expenses of the Office of the Chief In-
16 formation Officer, as authorized by section 103 of the
17 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
18 partment-wide technology investments, \$338,393,000; of
19 which \$86,912,000 shall be available for salaries and ex-
20 penses; and of which \$251,481,000, to remain available
21 until expended, shall be available for development and ac-
22 quisition of information technology equipment, software,
23 services, and related activities for the Department of
24 Homeland Security: *Provided*, That of the total amount
25 appropriated, not less than \$82,788,000 shall be available

1 for data center development, of which not less than
2 \$38,540,145 shall be available for power capabilities up-
3 grades at Data Center One (National Center for Critical
4 Information Processing and Storage): *Provided further,*
5 That the Chief Information Officer shall submit to the
6 Committees on Appropriations of the Senate and the
7 House of Representatives, not more than 60 days after
8 the date of enactment of this Act, an expenditure plan
9 for all information technology acquisition projects that:
10 (1) are funded under this heading; or (2) are funded by
11 multiple components of the Department of Homeland Se-
12 curity through reimbursable agreements: *Provided further,*
13 That key milestones, all funding sources for each project,
14 details of annual and lifecycle costs, and projected cost
15 savings or cost avoidance to be achieved by the project.

16 ANALYSIS AND OPERATIONS

17 For necessary expenses for intelligence analysis and
18 operations coordination activities, as authorized by title II
19 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
20 seq.), \$347,845,000, of which not to exceed \$5,000 shall
21 be for official reception and representation expenses; and
22 of which \$208,145,000 shall remain available until Sep-
23 tember 30, 2011.

1 OFFICE OF THE FEDERAL COORDINATOR FOR GULF
2 COAST REBUILDING

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

5 OFFICE OF THE INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978 (5 U.S.C. App.), \$115,874,000, of
9 which not to exceed \$150,000 may be used for certain con-
10 fidential operational expenses, including the payment of
11 informants, to be expended at the direction of the Inspec-
12 tor General.

13 TITLE II
14 SECURITY, ENFORCEMENT, AND
15 INVESTIGATIONS

16 U.S. CUSTOMS AND BORDER PROTECTION

17 SALARIES AND EXPENSES

18 For necessary expenses for enforcement of laws relat-
19 ing to border security, immigration, customs, agricultural
20 inspections and regulatory activities related to plant and
21 animal imports, and transportation of unaccompanied
22 minor aliens; purchase and lease of up to 4,500 (4,000
23 for replacement only) police-type vehicles; and contracting
24 with individuals for personal services abroad;
25 \$8,075,649,000, of which \$3,226,000 shall be derived

1 from the Harbor Maintenance Trust Fund for administra-
2 tive expenses related to the collection of the Harbor Main-
3 tenance Fee pursuant to section 9505(c)(3) of the Internal
4 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
5 withstanding section 1511(e)(1) of the Homeland Security
6 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
7 \$45,000 shall be for official reception and representation
8 expenses; of which not less than \$309,629,000 shall be
9 for Air and Marine Operations; of which such sums as
10 become available in the Customs User Fee Account, except
11 sums subject to section 13031(f)(3) of the Consolidated
12 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
13 58c(f)(3)), shall be derived from that account; of which
14 not to exceed \$150,000 shall be available for payment for
15 rental space in connection with preclearance operations;
16 and of which not to exceed \$1,000,000 shall be for awards
17 of compensation to informants, to be accounted for solely
18 under the certificate of the Secretary of Homeland Secu-
19 rity: *Provided*, That for fiscal year 2010, the overtime lim-
20 itation prescribed in section 5(c)(1) of the Act of February
21 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
22 withstanding any other provision of law, none of the funds
23 appropriated by this Act may be available to compensate
24 any employee of U.S. Customs and Border Protection for
25 overtime, from whatever source, in an amount that ex-

1 ceeds such limitation, except in individual cases deter-
2 mined by the Secretary of Homeland Security, or the des-
3 ignee of the Secretary, to be necessary for national secu-
4 rity purposes, to prevent excessive costs, or in cases of
5 immigration emergencies: *Provided further*, That of the
6 total amount provided, \$1,700,000 shall remain available
7 until September 30, 2011, for the Global Advanced Pas-
8 senger Information/Passenger Name Record Program.

9
10 AUTOMATION MODERNIZATION

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

22 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
23 TECHNOLOGY

24 For expenses for border security fencing, infrastruc-
25 ture, and technology, \$800,000,000, to remain available
until expended: *Provided*, That of the amount provided

1 under this heading, \$50,000,000 shall not be obligated
2 until the Committees on Appropriations of the Senate and
3 the House of Representatives receive a plan for expendi-
4 ture, prepared by the Secretary of Homeland Security and
5 submitted not later than 90 days after the date of the
6 enactment of this Act, for a program to establish and
7 maintain a security barrier along the borders of the
8 United States of fencing and vehicle barriers, where prac-
9 ticable, and other forms of tactical infrastructure and
10 technology.

11 AIR AND MARINE INTERDICTION, OPERATIONS,
12 MAINTENANCE, AND PROCUREMENT

13 For necessary expenses for the operations, mainte-
14 nance, and procurement of marine vessels, aircraft, un-
15 manned aerial systems, and other related equipment of the
16 air and marine program, including operational training
17 and mission-related travel, the operations of which include
18 the following: the interdiction of narcotics and other
19 goods; the provision of support to Federal, State, and local
20 agencies in the enforcement or administration of laws en-
21 forced by the Department of Homeland Security; and at
22 the discretion of the Secretary of Homeland Security, the
23 provision of assistance to Federal, State, and local agen-
24 cies in other law enforcement and emergency humani-
25 tarian efforts, \$515,826,000, to remain available until ex-

1 pended: *Provided*, That no aircraft or other related equip-
2 ment, with the exception of aircraft that are one of a kind
3 and have been identified as excess to U.S. Customs and
4 Border Protection requirements and aircraft that have
5 been damaged beyond repair, shall be transferred to any
6 other Federal agency, department, or office outside of the
7 Department of Homeland Security during fiscal year 2010
8 without the prior approval of the Committees on Appro-
9 priations of the Senate and the House of Representatives.

10 CONSTRUCTION AND FACILITIES MANAGEMENT

11 For necessary expenses to plan, construct, renovate,
12 equip, and maintain buildings and facilities necessary for
13 the administration and enforcement of the laws relating
14 to customs and immigration, \$316,070,000, to remain
15 available until expended, of which \$39,700,000 shall be
16 for the Advanced Training Center: *Provided*, That for fis-
17 cal year 2011 and thereafter, the annual budget submis-
18 sion of U.S. Customs and Border Protection for “Con-
19 struction and Facilities Management” shall, in consulta-
20 tion with the General Services Administration, include a
21 detailed 5-year plan for all Federal land border port of
22 entry projects with a yearly update of total projected fu-
23 ture funding needs.

1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
2 SALARIES AND EXPENSES

3 For necessary expenses for enforcement of immigra-
4 tion and customs laws, detention and removals, and inves-
5 tigation; and purchase and lease of up to 3,790 (2,350
6 for replacement only) police-type vehicles; \$5,360,100,000,
7 of which not to exceed \$7,500,000 shall be available until
8 expended for conducting special operations under section
9 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
10 2081); of which not to exceed \$15,000 shall be for official
11 reception and representation expenses; of which not to ex-
12 ceed \$1,000,000 shall be for awards of compensation to
13 informants, to be accounted for solely under the certificate
14 of the Secretary of Homeland Security; of which not less
15 than \$305,000 shall be for promotion of public awareness
16 of the child pornography tipline and anti-child exploitation
17 activities; of which not less than \$5,400,000 shall be used
18 to facilitate agreements consistent with section 287(g) of
19 the Immigration and Nationality Act (8 U.S.C. 1357(g));
20 and of which not to exceed \$11,216,000 shall be available
21 to fund or reimburse other Federal agencies for the costs
22 associated with the care, maintenance, and repatriation of
23 smuggled aliens unlawfully present in the United States:
24 *Provided*, That none of the funds made available under
25 this heading shall be available to compensate any employee

1 for overtime in an annual amount in excess of \$35,000,
2 except that the Secretary, or the designee of the Secretary,
3 may waive that amount as necessary for national security
4 purposes and in cases of immigration emergencies: *Pro-*
5 *vided further*, That of the total amount provided,
6 \$15,770,000 shall be for activities in fiscal year 2010 to
7 enforce laws against forced child labor, of which not to
8 exceed \$6,000,000 shall remain available until expended:
9 *Provided further*, That of the total amount available, not
10 less than \$1,000,000,000 shall be available to identify
11 aliens convicted of a crime, and who may be deportable,
12 and to remove them from the United States once they are
13 judged deportable: *Provided further*, That the Secretary,
14 or the designee of the Secretary, shall report to the Com-
15 mittees on Appropriations of the Senate and the House
16 of Representatives, at least quarterly, on progress imple-
17 menting the preceding proviso, and the funds obligated
18 during that quarter to make that progress: *Provided fur-*
19 *ther*, That funding made available under this heading shall
20 maintain a level of not less than 33,400 detention beds
21 through September 30, 2010: *Provided further*, That of
22 the total amount provided, not less than \$2,539,180,000
23 is for detention and removal operations, including trans-
24 portation of unaccompanied minor aliens: *Provided fur-*
25 *ther*, That of the total amount provided, \$6,800,000 shall

1 remain available until September 30, 2011, for the Visa
2 Security Program: *Provided further*, That nothing under
3 this heading shall prevent U.S. Immigration and Customs
4 Enforcement from exercising those authorities provided
5 under immigration laws (as defined in section 101(a)(17)
6 of the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(17))) during priority operations pertaining to
8 aliens convicted of a crime.

9 AUTOMATION MODERNIZATION

10 For expenses of immigration and customs enforce-
11 ment automated systems, \$85,000,000, to remain avail-
12 able until expended: *Provided*, That of the funds made
13 available under this heading, \$10,000,000 shall not be ob-
14 ligated until the Committees on Appropriations of the Sen-
15 ate and the House of Representatives receive an expendi-
16 ture plan prepared by the Secretary of Homeland Secu-
17 rity.

18 TRANSPORTATION SECURITY ADMINISTRATION

19 AVIATION SECURITY

20 For necessary expenses of the Transportation Secu-
21 rity Administration related to providing civil aviation secu-
22 rity services pursuant to the Aviation and Transportation
23 Security Act (Public Law 107–71; 115 Stat. 597; 49
24 U.S.C. 40101 note), \$5,237,828,000, to remain available
25 until September 30, 2011, of which not to exceed \$10,000

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

1 44940(i), be expended for the purpose of improving
2 screening at airport screening checkpoints, which may in-
3 clude the purchase and utilization of emerging technology
4 equipment; the refurbishment and replacement of current
5 equipment; the installation of surveillance systems to mon-
6 itor checkpoint activities; the modification of checkpoint
7 infrastructure to support checkpoint reconfigurations; and
8 the creation of additional checkpoints to screen aviation
9 passengers and airport personnel: *Provided further*, That
10 the sum appropriated under this heading from the general
11 fund shall be reduced on a dollar-for-dollar basis as such
12 offsetting collections are received during fiscal year 2010,
13 so as to result in a final fiscal year appropriation from
14 the general fund estimated at not more than
15 \$3,137,828,000: *Provided further*, That any security serv-
16 ice fees collected in excess of the amount made available
17 under this heading shall become available during fiscal
18 year 2011: *Provided further*, That Members of the United
19 States House of Representatives and United States Sen-
20 ate, including the leadership; the heads of Federal agen-
21 cies and commissions, including the Secretary, Deputy
22 Secretary, Under Secretaries, and Assistant Secretaries of
23 the Department of Homeland Security; the United States
24 Attorney General and Assistant Attorneys General and the
25 United States attorneys; and senior members of the Exec-

1 utive Office of the President, including the Director of the
2 Office of Management and Budget; shall not be exempt
3 from Federal passenger and baggage screening.

4 SURFACE TRANSPORTATION SECURITY

5 For necessary expenses of the Transportation Secu-
6 rity Administration related to providing surface transpor-
7 tation security activities, \$142,616,000, to remain avail-
8 able until September 30, 2011.

9 TRANSPORTATION THREAT ASSESSMENT AND
10 CREDENTIALING

11 For necessary expenses for the development and im-
12 plementation of screening programs of the Office of
13 Transportation Threat Assessment and Credentialing,
14 \$171,999,000, to remain available until September 30,
15 2011.

16 TRANSPORTATION SECURITY SUPPORT

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

1 submits to the Committees on Appropriations of the Sen-
2 ate and the House of Representatives detailed expenditure
3 plans for air cargo security, and for checkpoint support
4 and explosives detection systems refurbishment, procure-
5 ment, and installations on an airport-by-airport basis for
6 fiscal year 2010: *Provided further*, That these plans shall
7 be submitted no later than 60 days after the date of enact-
8 ment of this Act.

9
10 FEDERAL AIR MARSHALS

11 For necessary expenses of the Federal Air Marshals,
12 \$860,111,000.

13
14 COAST GUARD

15
16 OPERATING EXPENSES

17 For necessary expenses for the operation and mainte-
18 nance of the Coast Guard, not otherwise provided for; pur-
19 chase or lease of not to exceed 25 passenger motor vehi-
20 cles, which shall be for replacement only; for purchase or
21 lease of small boats for contingent and emergent require-
22 ments (at a unit cost of no more than \$700,000) and for
23 repairs and service-life replacements, not to exceed a total
24 of \$26,000,000; minor shore construction projects not ex-
25 ceeding \$1,000,000 in total cost at any location; payments
pursuant to section 156 of Public Law 97-377 (42 U.S.C.
402 note; 96 Stat. 1920); and recreation and welfare;
\$6,838,291,000, of which \$581,503,000 shall be for de-

1 fense-related activities, \$241,503,000 of which are des-
2 ignated as being for overseas deployments and other ac-
3 tivities pursuant to sections 401(c)(4) and 423(a)(1) of
4 S. Con. Res. 13 (111th Congress), the concurrent resolu-
5 tion on the budget for fiscal year 2010; of which
6 \$24,500,000 shall be derived from the Oil Spill Liability
7 Trust Fund to carry out the purposes of section
8 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
9 2712(a)(5)); of which not to exceed \$20,000 shall be for
10 official reception and representation expenses; and of
11 which \$3,600,000 shall be available until expended for the
12 cost of repairing, rehabilitating, altering, modifying, and
13 making improvements, including customized tenant im-
14 provements, to any replacement or expanded Operations
15 Systems Center facility: *Provided*, That none of the funds
16 made available by this or any other Act shall be available
17 for administrative expenses in connection with shipping
18 commissioners in the United States: *Provided further*,
19 That none of the funds made available by this Act shall
20 be for expenses incurred for recreational vessels under sec-
21 tion 12114 of title 46, United States Code, except to the
22 extent fees are collected from yacht owners and credited
23 to this appropriation: *Provided further*, That the Coast
24 Guard shall comply with the requirements of section 527
25 of Public Law 108–136 with respect to the Coast Guard

1 Academy: *Provided further*, That of the funds provided
2 under this heading, \$30,000,000 is withheld from obliga-
3 tion from Headquarters Directorates until the second
4 quarter acquisition report required by Public Law 108-
5 7 and the fiscal year 2008 joint explanatory statement ac-
6 companying Public Law 110-161 is received by the Com-
7 mittees on Appropriations of the Senate and the House
8 of Representatives.

9 ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

14 RESERVE TRAINING

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

19 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of acquisition, construction,
21 renovation, and improvement of aids to navigation, shore
22 facilities, vessels, and aircraft, including equipment related
23 thereto; and maintenance, rehabilitation, lease and oper-
24 ation of facilities and equipment, as authorized by law;
25 \$1,597,580,000, of which \$20,000,000 shall be derived

1 from the Oil Spill Liability Trust Fund to carry out the
2 purposes of section 1012(a)(5) of the Oil Pollution Act
3 of 1990 (33 U.S.C. 2712(a)(5)); of which \$123,000,000
4 shall be available until September 30, 2014, to acquire,
5 repair, renovate, or improve vessels, small boats, and re-
6 lated equipment; of which \$147,500,000 shall be available
7 until September 30, 2012, for other equipment; of which
8 \$27,100,000 shall be available until September 30, 2012,
9 for shore facilities and aids to navigation facilities, includ-
10 ing not less than \$300,000 for the Coast Guard Academy
11 Pier and not less than \$16,800,000 for Coast Guard Sta-
12 tion Cleveland Harbor; of which \$105,200,000 shall be
13 available for personnel compensation and benefits and re-
14 lated costs; and of which \$1,194,780,000 shall be available
15 until September 30, 2014, for the Integrated Deepwater
16 Systems program: *Provided*, That of the funds made avail-
17 able for the Integrated Deepwater Systems program,
18 \$305,500,000 is for aircraft and \$734,680,000 is for sur-
19 face ships: *Provided further*, That the Secretary of Home-
20 land Security shall submit to the Committees on Appro-
21 priations of the Senate and the House of Representatives,
22 in conjunction with the President's fiscal year 2011 budg-
23 et, a review of the Revised Deepwater Implementation
24 Plan that identifies any changes to the plan for the fiscal
25 year; an annual performance comparison of Integrated

1 Deepwater Systems program assets to pre-Deepwater leg-
2 acy assets; a status report of legacy assets; a detailed ex-
3 planation of how the costs of legacy assets are being ac-
4 counted for within the Integrated Deepwater Systems pro-
5 gram; and the earned value management system gold card
6 data for each Integrated Deepwater Systems program
7 asset: *Provided further*, That the Secretary shall submit
8 to the Committees on Appropriations of the Senate and
9 the House of Representatives a comprehensive review of
10 the Revised Deepwater Implementation Plan every 5
11 years, beginning in fiscal year 2011, that includes a com-
12 plete projection of the acquisition costs and schedule for
13 the duration of the plan through fiscal year 2027: *Pro-*
14 *vided further*, That the Secretary shall annually submit to
15 the Committees on Appropriations of the Senate and the
16 House of Representatives, at the time that the President's
17 budget is submitted under section 1105(a) of title 31,
18 United States Code, a future-years capital investment plan
19 for the Coast Guard that identifies for each capital budget
20 line item—

- 21 (1) the proposed appropriation included in that
22 budget;
- 23 (2) the total estimated cost of completion;

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

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

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

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

ALTERATION OF BRIDGES

1
2 For necessary expenses for alteration or removal of
3 obstructive bridges, as authorized by section 6 of the Tru-
4 man-Hobbs Act (33 U.S.C. 516), \$4,000,000, to remain
5 available until expended: *Provided*, That of the amounts
6 made available under this heading, \$4,000,000 shall be
7 for the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

8
9 For necessary expenses for applied scientific re-
10 search, development, test, and evaluation; and for mainte-
11 nance, rehabilitation, lease, and operation of facilities and
12 equipment; as authorized by law; \$29,745,000, to remain
13 available until expended, of which \$500,000 shall be de-
14 rived from the Oil Spill Liability Trust Fund to carry out
15 the purposes of section 1012(a)(5) of the Oil Pollution Act
16 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
17 be credited to and used for the purposes of this appropria-
18 tion funds received from State and local governments,
19 other public authorities, private sources, and foreign coun-
20 tries for expenses incurred for research, development, test-
21 ing, and evaluation.

RETIRED PAY

22
23 For retired pay, including the payment of obligations
24 otherwise chargeable to lapsed appropriations for this pur-
25 pose, payments under the Retired Serviceman's Family

1 Protection and Survivor Benefits Plans, payment for ca-
2 reer status bonuses, concurrent receipts and combat-re-
3 lated special compensation under the National Defense
4 Authorization Act, and payments for medical care of re-
5 tired personnel and their dependents under chapter 55 of
6 title 10, United States Code, \$1,361,245,000, to remain
7 available until expended.

8 UNITED STATES SECRET SERVICE

9 SALARIES AND EXPENSES

10 For necessary expenses of the United States Secret
11 Service, including purchase of not to exceed 652 vehicles
12 for police-type use, of which 652 shall be for replacement
13 only, and hire of passenger motor vehicles; purchase of
14 motorcycles made in the United States; hire of aircraft;
15 services of expert witnesses at such rates as may be deter-
16 mined by the Director of the Secret Service; rental of
17 buildings in the District of Columbia, and fencing, light-
18 ing, guard booths, and other facilities on private or other
19 property not in Government ownership or control, as may
20 be necessary to perform protective functions; payment of
21 per diem or subsistence allowances to employees where a
22 protective assignment during the actual day or days of the
23 visit of a protectee requires an employee to work 16 hours
24 per day or to remain overnight at a post of duty; conduct
25 of and participation in firearms matches; presentation of

1 awards; travel of United States Secret Service employees
2 on protective missions without regard to the limitations
3 on such expenditures in this or any other Act if approval
4 is obtained in advance from the Committees on Appropria-
5 tions of the Senate and the House of Representatives; re-
6 search and development; grants to conduct behavioral re-
7 search in support of protective research and operations;
8 and payment in advance for commercial accommodations
9 as may be necessary to perform protective functions;
10 \$1,482,709,000; of which not to exceed \$25,000 shall be
11 for official reception and representation expenses; of which
12 not to exceed \$100,000 shall be to provide technical assist-
13 ance and equipment to foreign law enforcement organiza-
14 tions in counterfeit investigations; of which \$2,366,000
15 shall be for forensic and related support of investigations
16 of missing and exploited children; and of which
17 \$6,000,000 shall be for a grant for activities related to
18 the investigations of missing and exploited children and
19 shall remain available until expended: *Provided*, That up
20 to \$18,000,000 provided for protective travel shall remain
21 available until September 30, 2011: *Provided further*, That
22 up to \$1,000,000 for National Special Security Events
23 shall remain available until expended: *Provided further*,
24 That the United States Secret Service is authorized to ob-
25 ligate funds in anticipation of reimbursements from Fed-

1 eral agencies and entities, as defined in section 105 of title
2 5, United States Code, receiving training sponsored by the
3 James J. Rowley Training Center, except that total obliga-
4 tions at the end of the fiscal year shall not exceed total
5 budgetary resources available under this heading at the
6 end of the fiscal year: *Provided further*, That none of the
7 funds made available under this heading shall be available
8 to compensate any employee for overtime in an annual
9 amount in excess of \$35,000, except that the Secretary
10 of Homeland Security, or the designee of the Secretary,
11 may waive that amount as necessary for national security
12 purposes: *Provided further*, That none of the funds appro-
13 priated to the United States Secret Service by this Act
14 or by previous appropriations Acts may be made available
15 for the protection of the head of a Federal agency other
16 than the Secretary of Homeland Security: *Provided fur-*
17 *ther*, That the Director of the United States Secret Service
18 may enter into an agreement to perform such service on
19 a fully reimbursable basis: *Provided further*, That the
20 United States Secret Service shall open an international
21 field office in Tallinn, Estonia to combat electronic crimes
22 with funds made available under this heading in Public
23 Law 110–329: *Provided further*, That \$4,040,000 shall
24 not be made available for obligation until enactment into
25 law of authorizing legislation that incorporates the au-

1 thorities of the United States Secret Service Uniformed
 2 Division into the United States Code, including restruc-
 3 turing the United States Secret Service Uniformed Divi-
 4 sion's pay chart.

5 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
 6 RELATED EXPENSES

7 For necessary expenses for acquisition, construction,
 8 repair, alteration, and improvement of facilities,
 9 \$3,975,000, to remain available until expended.

10 TITLE III
 11 PROTECTION, PREPAREDNESS, RESPONSE, AND
 12 RECOVERY

13 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
 14 SALARIES AND EXPENSES

15 For salaries and expenses of the Office of the Under
 16 Secretary for the National Protection and Programs Di-
 17 rectorate, support for operations, information technology,
 18 and the Office of Risk Management and Analysis,
 19 \$44,577,000: *Provided*, That not to exceed \$5,000 shall
 20 be for official reception and representation expenses.

21 INFRASTRUCTURE PROTECTION AND INFORMATION
 22 SECURITY

23 For necessary expenses for infrastructure protection
 24 and information security programs and activities, as au-
 25 thorized by title II of the Homeland Security Act of 2002

1 (6 U.S.C. 121 et seq.), \$901,416,000, of which
2 \$760,755,000 shall remain available until September 30,
3 2011: *Provided*, That of the total amount provided,
4 \$20,000,000 is for necessary expenses of the National In-
5 frastructure Simulation and Analysis Center.

6 UNITED STATES VISITOR AND IMMIGRANT STATUS
7 INDICATOR TECHNOLOGY

8 For necessary expenses for the development of the
9 United States Visitor and Immigrant Status Indicator
10 Technology project, as authorized by section 110 of the
11 Illegal Immigration Reform and Immigrant Responsibility
12 Act of 1996 (8 U.S.C. 1365a), \$378,194,000, to remain
13 available until expended: *Provided*, That of the total
14 amount made available under this heading, \$75,000,000
15 may not be obligated for the United States Visitor and
16 Immigrant Status Indicator Technology project until the
17 Committees on Appropriations of the Senate and the
18 House of Representatives receive a plan for expenditure
19 prepared by the Secretary of Homeland Security not later
20 than 90 days after the date of enactment of this Act: *Pro-*
21 *vided further*, That not less than \$28,000,000 of unobli-
22 gated balances of prior year appropriations shall remain
23 available and be obligated solely for implementation of a
24 biometric air exit capability.

1 FEDERAL PROTECTIVE SERVICE

2 The revenues and collections of security fees credited
3 to this account shall be available until expended for nec-
4 essary expenses related to the protection of federally-
5 owned and leased buildings and for the operations of the
6 Federal Protective Service: *Provided*, That the Secretary
7 of Homeland Security and the Director of the Office of
8 Management and Budget shall certify in writing to the
9 Committees on Appropriations of the Senate and the
10 House of Representatives no later than December 31,
11 2009, that the operations of the Federal Protective Service
12 will be fully funded in fiscal year 2010 through revenues
13 and collection of security fees, and shall adjust the fees
14 to ensure fee collections are sufficient to ensure that the
15 Federal Protective Service maintains not fewer than 1,200
16 full-time equivalent staff and 900 full-time equivalent Po-
17 lice Officers, Inspectors, Area Commanders, and Special
18 Agents who, while working, are directly engaged on a daily
19 basis protecting and enforcing laws at Federal buildings
20 (referred to as “in-service field staff”).

21 OFFICE OF HEALTH AFFAIRS

22 For necessary expenses of the Office of Health Af-
23 fairs, \$135,000,000, of which \$30,411,000 is for salaries
24 and expenses; and of which \$104,589,000 is to remain
25 available until September 30, 2011, for biosurveillance,

1 BioWatch, medical readiness planning, chemical response,
2 and other activities: *Provided*, That not to exceed \$3,000
3 shall be for official reception and representation expenses.

4 FEDERAL EMERGENCY MANAGEMENT AGENCY
5 MANAGEMENT AND ADMINISTRATION

6 For necessary expenses for management and admin-
7 istration of the Federal Emergency Management Agency,
8 \$859,700,000, including activities authorized by the Na-
9 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
10 seq.), the Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
12 Grande Fire Assistance Act of 2000 (division C, title I,
13 114 Stat. 583), the Earthquake Hazards Reduction Act
14 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
15 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
16 and 303 of the National Security Act of 1947 (50 U.S.C.
17 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
18 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
19 et seq.), and the Post-Katrina Emergency Management
20 Reform Act of 2006 (Public Law 109–295; 120 Stat.
21 1394): *Provided*, That not to exceed \$3,000 shall be for
22 official reception and representation expenses: *Provided*
23 *further*, That the President’s budget submitted under sec-
24 tion 1105(a) of title 31, United States Code, shall be de-
25 tailed by office for the Federal Emergency Management

1 Agency: *Provided further*, That of the total amount made
2 available under this heading, \$32,500,000 shall be for the
3 Urban Search and Rescue Response System, of which not
4 to exceed \$1,600,000 may be made available for adminis-
5 trative costs; and \$6,995,000 shall be for the Office of
6 National Capital Region Coordination: *Provided further*,
7 That for purposes of planning, coordination, execution,
8 and decision-making related to mass evacuation during a
9 disaster, the Governors of the State of West Virginia and
10 the Commonwealth of Pennsylvania, or their designees,
11 shall be incorporated into efforts to integrate the activities
12 of Federal, State, and local governments in the National
13 Capital Region, as defined in section 882 of Public Law
14 107–296, the Homeland Security Act of 2002.

15 STATE AND LOCAL PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For grants, contracts, cooperative agreements, and
18 other activities, \$3,067,200,000 shall be allocated as fol-
19 lows:

20 (1) \$950,000,000 shall be for the State Home-
21 land Security Grant Program under section 2004 of
22 the Homeland Security Act of 2002 (6 U.S.C. 605):
23 *Provided*, That of the amount provided by this para-
24 graph, \$60,000,000 shall be for Operation
25 Stonegarden.

1 (2) \$887,000,000 shall be for the Urban Area
2 Security Initiative under section 2003 of the Home-
3 land Security Act of 2002 (6 U.S.C. 604), of which,
4 notwithstanding subsection (c)(1) of such section,
5 \$20,000,000 shall be for grants to organizations (as
6 described under section 501(c)(3) of the Internal
7 Revenue Code of 1986 and exempt from tax section
8 501(a) of such code) determined by the Secretary of
9 Homeland Security to be at high risk of a terrorist
10 attack.

11 (3) \$35,000,000 shall be for Regional Cata-
12 strophic Preparedness Grants.

13 (4) \$40,000,000 shall be for the Metropolitan
14 Medical Response System under section 635 of the
15 Post-Katrina Emergency Management Reform Act
16 of 2006 (6 U.S.C. 723).

17 (5) \$15,000,000 shall be for the Citizen Corps
18 Program.

19 (6) \$356,000,000 shall be for Public Transpor-
20 tation Security Assistance, Railroad Security Assist-
21 ance, and Over-the-Road Bus Security Assistance
22 under sections 1406, 1513, and 1532 of the Imple-
23 menting Recommendations of the 9/11 Commission
24 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135,
25 1163, and 1182), of which not less than

1 \$25,000,000 shall be for Amtrak security, and not
2 less than \$6,000,000 shall be for Over-the-Road Bus
3 Security Assistance.

4 (7) \$350,000,000 shall be for Port Security
5 Grants in accordance with 46 U.S.C. 70107.

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

8 (9) \$50,000,000 shall be for Driver's License
9 Security Grants Program, pursuant to section
10 204(a) of the REAL ID Act of 2005 (division B of
11 Public Law 109–13).

12 (10) \$50,000,000 shall be for the Interoperable
13 Emergency Communications Grant Program under
14 section 1809 of the Homeland Security Act of 2002
15 (6 U.S.C. 579).

16 (11) \$20,000,000 shall be for grants for Emer-
17 gency Operations Centers under section 614 of the
18 Robert T. Stafford Disaster Relief and Emergency
19 Assistance Act (42 U.S.C. 5196c), of which no less
20 than \$1,500,000 shall be for the Ohio Emergency
21 Management Agency Emergency Operations Center,
22 Columbus, Ohio; no less than \$1,000,000 shall be
23 for the City of Chicago Emergency Operations Cen-
24 ter, Chicago, Illinois; no less than \$600,000 shall be
25 for the Ames Emergency Operations Center, Ames,

1 Iowa; no less than \$353,000 shall be for the County
2 of Union Emergency Operations Center, Union
3 County, New Jersey; no less than \$300,000 shall be
4 for the City of Hackensack Emergency Operations
5 Center, Hackensack, New Jersey; no less than
6 \$247,000 shall be for the Township of South Orange
7 Village Emergency Operations Center, South Or-
8 ange, New Jersey; no less than \$1,000,000 shall be
9 for the City of Mount Vernon Emergency Operations
10 Center, Mount Vernon, New York; no less than
11 \$900,000 shall be for the City of Whitefish Emer-
12 gency Operations Center, Whitefish, Montana; no
13 less than \$1,000,000 shall be for the Lincoln County
14 Emergency Operations Center, Lincoln County,
15 Washington; no less than \$980,000 shall be for the
16 City of Providence Emergency Operations Center,
17 Providence, Rhode Island; no less than \$980,000 for
18 the North Louisiana Regional Emergency Oper-
19 ations Center, Lincoln Parish, Louisiana; and no
20 less than \$900,000 for the City of North Little Rock
21 Emergency Operations Center, North Little Rock,
22 Arkansas.

23 (12) \$264,200,000 shall be for training, exer-
24 cises, technical assistance, and other programs, of
25 which—

1 (A) \$164,500,000 is for purposes of train-
2 ing in accordance with section 1204 of the Im-
3 plementing Recommendations of the 9/11 Com-
4 mission Act of 2007 (6 U.S.C. 1102), of which
5 \$62,500,000 shall be for the Center for Domes-
6 tic Preparedness; \$23,000,000 shall be for the
7 National Energetic Materials Research and
8 Testing Center, New Mexico Institute of Mining
9 and Technology; \$23,000,000 shall be for the
10 National Center for Biomedical Research and
11 Training, Louisiana State University;
12 \$23,000,000 shall be for the National Emer-
13 gency Response and Rescue Training Center,
14 Texas A&M University; \$23,000,000 shall be
15 for the National Exercise, Test, and Training
16 Center, Nevada Test Site; \$5,000,000 shall be
17 for the Transportation Technology Center, In-
18 corporated, in Pueblo, Colorado; and
19 \$5,000,000 shall be for the Natural Disaster
20 Preparedness Training Center, University of
21 Hawaii, Honolulu, Hawaii; and

22 (B) \$1,700,000 shall be for the Center for
23 Counterterrorism and Cyber Crime, Norwich
24 University, Northfield, Vermont:

1 *Provided*, That 4.1 percent of the amounts provided under
2 this heading shall be transferred to the Federal Emer-
3 gency Management Agency “Management and Adminis-
4 tration” account for program administration, and an ex-
5 penditure plan for program administration shall be pro-
6 vided to the Committees on Appropriations of the Senate
7 and the House of Representatives within 60 days of the
8 date of enactment of this Act: *Provided further*, That, not-
9 withstanding section 2008(a)(11) of the Homeland Secu-
10 rity Act of 2002 (6 U.S.C. 609(a)(11)), or any other pro-
11 vision of law, a grantee may use not more than 5 percent
12 of the amount of a grant made available under this head-
13 ing for expenses directly related to administration of the
14 grant: *Provided further*, That for grants under paragraphs
15 (1) through (5), the applications for grants shall be made
16 available to eligible applicants not later than 25 days after
17 the date of enactment of this Act, that eligible applicants
18 shall submit applications not later than 90 days after the
19 grant announcement, and that the Administrator of the
20 Federal Emergency Management Agency shall act within
21 90 days after receipt of an application: *Provided further*,
22 That for grants under paragraphs (6) through (10), the
23 applications for grants shall be made available to eligible
24 applicants not later than 30 days after the date of enact-
25 ment of this Act, that eligible applicants shall submit ap-

1 plications within 45 days after the grant announcement,
2 and that the Federal Emergency Management Agency
3 shall act not later than 60 days after receipt of an applica-
4 tion: *Provided further*, That for grants under paragraphs
5 (1) and (2), the installation of communications towers is
6 not considered construction of a building or other physical
7 facility: *Provided further*, That grantees shall provide re-
8 ports on their use of funds, as determined necessary by
9 the Secretary: *Provided further*, That (a) the Center for
10 Domestic Preparedness may provide training to emer-
11 gency response providers from the Federal Government,
12 foreign governments, or private entities, if the Center for
13 Domestic Preparedness is reimbursed for the cost of such
14 training, and any reimbursement under this subsection
15 shall be credited to the account from which the expendi-
16 ture being reimbursed was made and shall be available,
17 without fiscal year limitation, for the purposes for which
18 amounts in the account may be expended, (b) the head
19 of the Center for Domestic Preparedness shall ensure that
20 any training provided under (a) does not interfere with
21 the primary mission of the Center to train State and local
22 emergency response providers.

23 FIREFIGHTER ASSISTANCE GRANTS

24 For necessary expenses for programs authorized by
25 the Federal Fire Prevention and Control Act of 1974 (15

1 U.S.C. 2201 et seq.), \$800,000,000, of which
2 \$380,000,000 shall be available to carry out section 33
3 of that Act (15 U.S.C. 2229) and \$420,000,000 shall be
4 available to carry out section 34 of that Act (15 U.S.C.
5 2229a), to remain available until September 30, 2010:
6 *Provided*, That 5 percent of the amount available under
7 this heading shall be for program administration, and an
8 expenditure plan for program administration shall be pro-
9 vided to the Committees on Appropriations of the Senate
10 and the House of Representatives within 60 days of the
11 date of enactment of this Act.

12 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

13 For necessary expenses for emergency management
14 performance grants, as authorized by the National Flood
15 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
16 ert T. Stafford Disaster Relief and Emergency Assistance
17 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
18 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
19 organization Plan No. 3 of 1978 (5 U.S.C. App.),
20 \$350,000,000: *Provided*, That total administrative costs
21 shall be 3 percent of the total amount appropriated under
22 this heading.

23 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

24 The aggregate charges assessed during fiscal year
25 2010, as authorized in title III of the Departments of Vet-

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

14 UNITED STATES FIRE ADMINISTRATION

15 For necessary expenses of the United States Fire Ad-
16 ministration and for other purposes, as authorized by the
17 Federal Fire Prevention and Control Act of 1974 (15
18 U.S.C. 2201 et seq.) and the Homeland Security Act of
19 2002 (6 U.S.C. 101 et seq.), \$45,588,000.

20 DISASTER RELIEF

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses in carrying out the Robert
23 T. Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5121 et seq.), \$1,456,866,000, to remain avail-
25 able until expended: *Provided*, That the Federal Emer-

1 gency Management Agency shall submit an expenditure
2 plan to the Committees on Appropriations of the Senate
3 and the House of Representatives detailing the use of the
4 funds for disaster readiness and support within 60 days
5 after the date of enactment of this Act: *Provided further*,
6 That the Federal Emergency Management Agency shall
7 provide a quarterly report detailing obligations against the
8 expenditure plan and a justification for any changes in
9 spending: *Provided further*, That of the total amount pro-
10 vided, \$16,000,000 shall be transferred to the Department
11 of Homeland Security Office of Inspector General for au-
12 dits and investigations related to disasters, subject to sec-
13 tion 503 of this Act: *Provided further*, That up to
14 \$50,000,000 may be transferred to Federal Emergency
15 Management Agency “Management and Administration”
16 for management and administration functions: *Provided*
17 *further*, That the amount provided in the previous proviso
18 shall not be available for transfer to “Management and
19 Administration” until the Federal Emergency Manage-
20 ment Agency submits an implementation plan to the Com-
21 mittees on Appropriations of the Senate and the House
22 of Representatives: *Provided further*, That the Federal
23 Emergency Management Agency shall submit the monthly
24 “Disaster Relief” report, as specified in Public Law 110-
25 161, to the Committees on Appropriations of the Senate

1 and the House of Representatives, and include the
2 amounts provided to each Federal agency for mission as-
3 signments: *Provided further*, That for any request for re-
4 imbursement from a Federal agency to the Department
5 of Homeland Security to cover expenditures under the
6 Robert T. Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5121 et seq.), or any mission assign-
8 ment orders issued by the Department for such purposes,
9 the Secretary of Homeland Security shall take appropriate
10 steps to ensure that each agency is periodically reminded
11 of Department policies on—

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

14 (2) the necessity for timeliness of agency bil-
15 lings.

16 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

17 For activities under section 319 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
20 *Provided*, That gross obligations for the principal amount
21 of direct loans shall not exceed \$25,000,000: *Provided fur-*
22 *ther*, That the cost of modifying such loans shall be as
23 defined in section 502 of the Congressional Budget Act
24 of 1974 (2 U.S.C. 661a).

1 FLOOD MAP MODERNIZATION FUND

2 For necessary expenses under section 1360 of the
3 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
4 \$220,000,000, and such additional sums as may be pro-
5 vided by State and local governments or other political
6 subdivisions for cost-shared mapping activities under sec-
7 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
8 main available until expended: *Provided*, That total admin-
9 istrative costs shall not exceed 3 percent of the total
10 amount appropriated under this heading.

11 NATIONAL FLOOD INSURANCE FUND

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

1 ited as an offsetting collection to this account, to be avail-
2 able for flood plain management and flood mapping: *Pro-*
3 *vided further*, That in fiscal year 2010, no funds shall be
4 available from the National Flood Insurance Fund under
5 section 1310 of that Act (42 U.S.C. 4017) in excess of:
6 (1) \$85,000,000 for operating expenses; (2) \$969,370,000
7 for commissions and taxes of agents; (3) such sums as
8 are necessary for interest on Treasury borrowings; and (4)
9 \$120,000,000, which shall remain available until expended
10 for flood mitigation actions, of which \$70,000,000 is for
11 severe repetitive loss properties under section 1361A of
12 the National Flood Insurance Act of 1968 (42 U.S.C.
13 4102a), of which \$10,000,000 is for repetitive insurance
14 claims properties under section 1323 of the National
15 Flood Insurance Act of 1968 (42 U.S.C. 4030), and of
16 which \$40,000,000 is for flood mitigation assistance under
17 section 1366 of the National Flood Insurance Act of 1968
18 (42 U.S.C. 4104c) notwithstanding subparagraphs (B)
19 and (C) of subsection (b)(3) and subsection (f) of section
20 1366 of the National Flood Insurance Act of 1968 (42
21 U.S.C. 4104c) and notwithstanding subsection (a)(7) of
22 section 1310 of the National Flood Insurance Act of 1968
23 (42 U.S.C. 4017): *Provided further*, That amounts col-
24 lected under section 102 of the Flood Disaster Protection
25 Act of 1973 and section 1366(i) of the National Flood

1 Insurance Act of 1968 shall be deposited in the National
2 Flood Insurance Fund to supplement other amounts speci-
3 fied as available for section 1366 of the National Flood
4 Insurance Act of 1968, notwithstanding 42 U.S.C.
5 4012a(f)(8), 4104c(i), and 4104d(b)(2)–(3): *Provided fur-*
6 *ther*, That total administrative costs shall not exceed 4
7 percent of the total appropriation.

8 NATIONAL PREDISASTER MITIGATION FUND

9 For the predisaster mitigation grant program under
10 section 203 of the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (42 U.S.C. 5133),
12 \$120,000,000, to remain available until expended: *Pro-*
13 *vided*, That the total administrative costs associated with
14 such grants shall not exceed 3 percent of the total amount
15 made available under this heading.

16 EMERGENCY FOOD AND SHELTER

17 To carry out the emergency food and shelter program
18 pursuant to title III of the McKinney-Vento Homeless As-
19 sistance Act (42 U.S.C. 11331 et seq.), \$175,000,000, to
20 remain available until expended: *Provided*, That total ad-
21 ministrative costs shall not exceed 3.5 percent of the total
22 amount made available under this heading.

1 TITLE IV
2 RESEARCH AND DEVELOPMENT, TRAINING,
3 AND SERVICES
4 UNITED STATES CITIZENSHIP AND IMMIGRATION
5 SERVICES

6 For necessary expenses for citizenship and immigra-
7 tion services, \$135,700,000, of which \$5,000,000 is for
8 the processing of military naturalization applications and
9 \$118,500,000 is for the E-Verify program to assist United
10 States employers with maintaining a legal workforce: *Pro-*
11 *vided*, That of the amount provided for the E-Verify pro-
12 gram, \$10,000,000 is available until expended for E-
13 Verify process and system enhancements: *Provided fur-*
14 *ther*, That notwithstanding any other provision of law,
15 funds available to United States Citizenship and Immigra-
16 tion Services may be used to acquire, operate, equip, dis-
17 pose of and replace up to five vehicles, of which two are
18 for replacement only, for areas where the Administrator
19 of General Services does not provide vehicles for lease:
20 *Provided further*, That the Director of United States Citi-
21 zenship and Immigration Services may authorize employ-
22 ees who are assigned to those areas to use such vehicles
23 between the employees' residences and places of employ-
24 ment.

1 FEDERAL LAW ENFORCEMENT TRAINING CENTER

2 For necessary expenses of the Federal Law Enforce-
3 ment Training Center, including materials and support
4 costs of Federal law enforcement basic training; the pur-
5 chase of not to exceed 117 vehicles for police-type use and
6 hire of passenger motor vehicles; expenses for student ath-
7 letic and related activities; the conduct of and participa-
8 tion in firearms matches and presentation of awards; pub-
9 lic awareness and enhancement of community support of
10 law enforcement training; room and board for student in-
11 terns; a flat monthly reimbursement to employees author-
12 ized to use personal mobile phones for official duties; and
13 services as authorized by section 3109 of title 5, United
14 States Code; \$244,356,000, of which up to \$47,751,000
15 shall remain available until September 30, 2011, for mate-
16 rials and support costs of Federal law enforcement basic
17 training; of which \$300,000 shall remain available until
18 expended for Federal law enforcement agencies partici-
19 pating in training accreditation, to be distributed as deter-
20 mined by the Federal Law Enforcement Training Center
21 for the needs of participating agencies; and of which not
22 to exceed \$12,000 shall be for official reception and rep-
23 resentation expenses: *Provided*, That the Center is author-
24 ized to obligate funds in anticipation of reimbursements
25 from agencies receiving training sponsored by the Center,

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

22 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
23 RELATED EXPENSES

24 For acquisition of necessary additional real property
25 and facilities, construction, and ongoing maintenance, fa-

1 cility improvements, and related expenses of the Federal
2 Law Enforcement Training Center, \$43,456,000, to re-
3 main available until expended: *Provided*, That the Center
4 is authorized to accept reimbursement to this appropria-
5 tion from government agencies requesting the construction
6 of special use facilities.

7 SCIENCE AND TECHNOLOGY

8 MANAGEMENT AND ADMINISTRATION

9 For salaries and expenses of the Office of the Under
10 Secretary for Science and Technology and for manage-
11 ment and administration of programs and activities, as
12 authorized by title III of the Homeland Security Act of
13 2002 (6 U.S.C. 181 et seq.), \$143,200,000: *Provided*,
14 That not to exceed \$10,000 shall be for official reception
15 and representation expenses.

16 RESEARCH, DEVELOPMENT, ACQUISITION, AND

17 OPERATIONS

18 For necessary expenses for science and technology re-
19 search, including advanced research projects; development;
20 test and evaluation; acquisition; and operations; as author-
21 ized by title III of the Homeland Security Act of 2002
22 (6 U.S.C. 181 et seq.); \$851,729,000, to remain available
23 until September 30, 2011: *Provided*, That not less than
24 \$20,865,000 shall be available for the Southeast Region
25 Research Initiative at the Oak Ridge National Laboratory:

1 *Provided further*, That not less than \$3,000,000 shall be
2 available for Distributed Environment for Critical Infra-
3 structure Decisionmaking Exercises: *Provided further*,
4 That not less than \$12,000,000 is for construction ex-
5 penses of the Pacific Northwest National Laboratory: *Pro-*
6 *vided further*, That not less than \$2,000,000 shall be for
7 the Cincinnati Urban Area partnership established
8 through the Regional Technology Integration Initiative:
9 *Provided further*, That not less than \$36,312,000 shall be
10 for the National Bio and Agro-defense Facility.

11 DOMESTIC NUCLEAR DETECTION OFFICE

12 MANAGEMENT AND ADMINISTRATION

13 For salaries and expenses of the Domestic Nuclear
14 Detection Office as authorized by title XIX of the Home-
15 land Security Act of 2002 (6 U.S.C. 591 et seq.) for man-
16 agement and administration of programs and activities,
17 \$37,500,000: *Provided*, That not to exceed \$3,000 shall
18 be for official reception and representation expenses.

19 RESEARCH, DEVELOPMENT, AND OPERATIONS

20 For necessary expenses for radiological and nuclear
21 research, development, testing, evaluation, and operations,
22 \$326,537,000, to remain available until September 30,
23 2011.

SYSTEMS ACQUISITION

1
2 For expenses for the Domestic Nuclear Detection Of-
3 fice acquisition and deployment of radiological detection
4 systems in accordance with the global nuclear detection
5 architecture, \$10,000,000, to remain available until Sep-
6 tember 30, 2011: *Provided*, That none of the funds appro-
7 priated under this heading in this Act or any other Act
8 shall be obligated for full-scale procurement of Advanced
9 Spectroscopic Portal monitors until the Secretary of
10 Homeland Security submits to the Committees on Appro-
11 priations of the Senate and the House of Representatives
12 a report certifying that a significant increase in oper-
13 ational effectiveness will be achieved: *Provided further*,
14 That the Secretary shall submit separate and distinct cer-
15 tifications prior to the procurement of Advanced
16 Spectroscopic Portal monitors for primary and secondary
17 deployment that address the unique requirements for
18 operational effectiveness of each type of deployment: *Pro-*
19 *vided further*, That the Secretary shall continue to consult
20 with the National Academy of Sciences before making
21 such certifications: *Provided further*, That none of the
22 funds appropriated under this heading shall be used for
23 high-risk concurrent development and production of mutu-
24 ally dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

4 SEC. 502. Subject to the requirements of section 503
5 of this Act, the unexpended balances of prior appropria-
6 tions provided for activities in this Act may be transferred
7 to appropriation accounts for such activities established
8 pursuant to this Act, may be merged with funds in the
9 applicable established accounts, and thereafter may be ac-
10 counted for as one fund for the same time period as origi-
11 nally enacted.

12 SEC. 503. (a) None of the funds provided by this Act,
13 provided by previous appropriations Acts to the agencies
14 in or transferred to the Department of Homeland Security
15 that remain available for obligation or expenditure in fiscal
16 year 2010, or provided from any accounts in the Treasury
17 of the United States derived by the collection of fees avail-
18 able to the agencies funded by this Act, shall be available
19 for obligation or expenditure through a reprogramming of
20 funds that: (1) creates a new program, project, or activity;
21 (2) eliminates a program, project, office, or activity; (3)
22 increases funds for any program, project, or activity for
23
24
25

1 which funds have been denied or restricted by the Con-
2 gress; (4) proposes to use funds directed for a specific ac-
3 tivity by either of the Committees on Appropriations of
4 the Senate or the House of Representatives for a different
5 purpose; or (5) contracts out any function or activity for
6 which funding levels were requested for Federal full-time
7 equivalents in the object classification tables contained in
8 the fiscal year 2010 Budget Appendix for the Department
9 of Homeland Security, as modified by the explanatory
10 statement accompanying this Act, unless the Committees
11 on Appropriations of the Senate and the House of Rep-
12 resentatives are notified 15 days in advance of such re-
13 programming of funds.

14 (b) None of the funds provided by this Act, provided
15 by previous appropriations Acts to the agencies in or
16 transferred to the Department of Homeland Security that
17 remain available for obligation or expenditure in fiscal
18 year 2010, or provided from any accounts in the Treasury
19 of the United States derived by the collection of fees or
20 proceeds available to the agencies funded by this Act, shall
21 be available for obligation or expenditure for programs,
22 projects, or activities through a reprogramming of funds
23 in excess of \$5,000,000 or 10 percent, whichever is less,
24 that: (1) augments existing programs, projects, or activi-
25 ties; (2) reduces by 10 percent funding for any existing

1 program, project, or activity, or numbers of personnel by
2 10 percent as approved by the Congress; or (3) results
3 from any general savings from a reduction in personnel
4 that would result in a change in existing programs,
5 projects, or activities as approved by the Congress, unless
6 the Committees on Appropriations of the Senate and the
7 House of Representatives are notified 15 days in advance
8 of such reprogramming of funds.

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

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

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

23 SEC. 505. Except as otherwise specifically provided
24 by law, not to exceed 50 percent of unobligated balances
25 remaining available at the end of fiscal year 2010 from

1 appropriations for salaries and expenses for fiscal year
2 2010 in this Act shall remain available through September
3 30, 2011, in the account and for the purposes for which
4 the appropriations were provided: *Provided*, That prior to
5 the obligation of such funds, a request shall be submitted
6 to the Committees on Appropriations of the Senate and
7 the House of Representatives for approval in accordance
8 with section 503 of this Act.

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

15 SEC. 507. None of the funds made available by this
16 Act may be used to make a grant allocation, discretionary
17 grant award, discretionary contract award, Other Trans-
18 action Agreement, or to issue a letter of intent totaling
19 in excess of \$1,000,000, or to announce publicly the inten-
20 tion to make such an award, including a contract covered
21 by the Federal Acquisition Regulation, unless the Sec-
22 retary of Homeland Security notifies the Committees on
23 Appropriations of the Senate and the House of Represent-
24 atives at least 3 full business days in advance of making
25 such an award or issuing such a letter: *Provided*, That

1 if the Secretary of Homeland Security determines that
2 compliance with this section would pose a substantial risk
3 to human life, health, or safety, an award may be made
4 without notification and the Committees on Appropria-
5 tions of the Senate and the House of Representatives shall
6 be notified not later than 5 full business days after such
7 an award is made or letter issued: *Provided further*, That
8 no notification shall involve funds that are not available
9 for obligation: *Provided further*, That the notification shall
10 include the amount of the award, the fiscal year in which
11 the funds for the award were appropriated, and the ac-
12 count from which the funds are being drawn: *Provided fur-*
13 *ther*, That the Federal Emergency Management Agency
14 shall brief the Committees on Appropriations of the Sen-
15 ate and the House of Representatives 5 full business days
16 in advance of announcing publicly the intention of making
17 an award under the State Homeland Security Grant Pro-
18 gram; Urban Area Security Initiative; and the Regional
19 Catastrophic Preparedness Grant Program.

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

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

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

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

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

23 SEC. 512. None of the funds provided by this or pre-
24 vious appropriations Acts may be obligated for deployment
25 or implementation of the Secure Flight program or any

1 other follow-on or successor passenger screening program
2 that: (1) utilizes or tests algorithms assigning risk to pas-
3 sengers whose names are not on Government watch lists;
4 or (2) uses data or a database that is obtained from or
5 remains under the control of a non-Federal entity: *Pro-*
6 *vided*, That this restriction shall not apply to Passenger
7 Name Record data obtained from air carriers.

8 SEC. 513. None of the funds made available in this
9 Act may be used to amend the oath of allegiance required
10 by section 337 of the Immigration and Nationality Act
11 (8 U.S.C. 1448).

12 SEC. 514. None of the funds appropriated by this Act
13 may be used to process or approve a competition under
14 Office of Management and Budget Circular A-76 for serv-
15 ices provided as of June 1, 2004, by employees (including
16 employees serving on a temporary or term basis) of United
17 States Citizenship and Immigration Services of the De-
18 partment of Homeland Security who are known as of that
19 date as Immigration Information Officers, Contact Rep-
20 resentatives, or Investigative Assistants.

21 SEC. 515. (a) The Assistant Secretary of Homeland
22 Security (Transportation Security Administration) shall
23 work with air carriers and airports to ensure that the
24 screening of cargo carried on passenger aircraft, as de-
25 fined in section 44901(g)(5) of title 49, United States

1 Code, increases incrementally each quarter until the re-
2 quirement of section 44901(g)(2)(B) of title 49 are met.

3 (b) Not later than 45 days after the end of each quar-
4 ter, the Assistant Secretary shall submit to the Commit-
5 tees on Appropriations of the Senate and the House of
6 Representatives a report on air cargo inspection statistics
7 by airport and air carrier detailing the incremental
8 progress being made to meet the requirement of section
9 44901(g)(2)(B) of title 49, United States Code.

10 SEC. 516. Except as provided in section 44945 of title
11 49, United States Code, funds appropriated or transferred
12 to Transportation Security Administration “Aviation Se-
13 curity”, “Administration” and “Transportation Security
14 Support” for fiscal years 2004, 2005, 2006, 2007, and
15 2008 that are recovered or deobligated shall be available
16 only for the procurement or installation of explosives de-
17 tection systems, for air cargo, baggage, and checkpoint
18 screening systems, subject to notification: *Provided*, That
19 quarterly reports shall be submitted to the Committees on
20 Appropriations of the Senate and the House of Represent-
21 atives on any funds that are recovered or deobligated.

22 SEC. 517. Any funds appropriated to United States
23 Coast Guard, “Acquisition, Construction, and Improve-
24 ments” for fiscal years 2002, 2003, 2004, 2005, and 2006
25 for the 110–123 foot patrol boat conversion that are recov-

1 ered, collected, or otherwise received as the result of nego-
2 tiation, mediation, or litigation, shall be available until ex-
3 pended for the Replacement Patrol Boat (FRC-B) pro-
4 gram.

5 SEC. 518. (a)(1) Except as provided in paragraph
6 (2), none of the funds provided in this or any other Act
7 shall be available to commence or continue operations of
8 the National Applications Office until—

9 (A) the Secretary certifies that: (i) National
10 Applications Office programs comply with all exist-
11 ing laws, including all applicable privacy and civil
12 liberties standards; and, (ii) that clear definitions of
13 all proposed domains are established and are
14 auditable;

15 (B) the Comptroller General of the United
16 States notifies the Committees on Appropriations of
17 the Senate and the House of Representatives and
18 the Secretary that the Comptroller has reviewed
19 such certification; and

20 (C) the Secretary notifies the Committees of all
21 funds to be expended on the National Applications
22 Office pursuant to section 503 of this Act.

23 (2) Paragraph (1) shall not apply with respect to any
24 use of funds for activities substantially similar to such ac-
25 tivities conducted by the Department of the Interior as

1 set forth in the 1975 charter for the Civil Applications
2 Committee under the provisions of law codified at section
3 31 of title 43, United States Code.

4 (b) The Inspector General shall provide to the Com-
5 mittees on Appropriations of the Senate and the House
6 of Representatives a classified report on a quarterly basis
7 containing a review of the data collected by the National
8 Applications Office, including a description of the collec-
9 tion purposes and the legal authority under which the col-
10 lection activities were authorized: *Provided*, That the re-
11 port shall also include a listing of all data collection activi-
12 ties carried out on behalf of the National Applications Of-
13 fice by any component of the National Guard.

14 (c) None of the funds provided in this or any other
15 Act shall be available to commence operations of the Na-
16 tional Immigration Information Sharing Operation until
17 the Secretary certifies that such program complies with
18 all existing laws, including all applicable privacy and civil
19 liberties standards, the Comptroller General of the United
20 States notifies the Committees on Appropriations of the
21 Senate and the House of Representatives and the Sec-
22 retary that the Comptroller has reviewed such certifi-
23 cation, and the Secretary notifies the Committees on Ap-
24 propriations of the Senate and the House of Representa-
25 tives of all funds to be expended on the National Immigra-

1 tion Information Sharing Operation pursuant to section
2 503.

3 SEC. 519. Within 45 days after the close of each
4 month, the Chief Financial Officer of the Department of
5 Homeland Security shall submit to the Committees on Ap-
6 propriations of the Senate and the House of Representa-
7 tives a monthly budget and staffing report that includes
8 total obligations, on-board versus funded full-time equiva-
9 lent staffing levels, and the number of contract employees
10 by office.

11 SEC. 520. Section 532(a) of Public Law 109–295
12 (120 Stat. 1384) is amended by striking “2009” and in-
13 serting “2010”.

14 SEC. 521. The functions of the Federal Law Enforce-
15 ment Training Center instructor staff shall be classified
16 as inherently governmental for the purpose of the Federal
17 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
18 note).

19 SEC. 522. (a) None of the funds provided by this or
20 any other Act may be obligated for the development, test-
21 ing, deployment, or operation of any portion of a human
22 resources management system authorized by 5 U.S.C.
23 9701(a), or by regulations prescribed pursuant to such
24 section, for an employee as defined in 5 U.S.C.
25 7103(a)(2).

1 (b) The Secretary of Homeland Security shall col-
2 laborate with employee representatives in the manner pre-
3 scribed in 5 U.S.C. 9701(e), in the planning, testing, and
4 development of any portion of a human resources manage-
5 ment system that is developed, tested, or deployed for per-
6 sons excluded from the definition of employee as that term
7 is defined in 5 U.S.C. 7103(a)(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SEC. 528. None of the funds provided in this Act
22 shall be available to carry out section 872 of Public Law
23 107–296.

24 SEC. 529. None of the funds provided in this Act
25 under the heading “Office of the Chief Information Offi-

1 cer” shall be used for data center development other than
2 for Data Center One (National Center for Critical Infor-
3 mation Processing and Storage) until the Chief Informa-
4 tion Officer certifies that Data Center One (National Cen-
5 ter for Critical Information Processing and Storage) is
6 fully utilized as the Department’s primary data storage
7 center at the highest capacity throughout the fiscal year.

8 SEC. 530. None of the funds in this Act shall be used
9 to reduce the United States Coast Guard’s Operations
10 Systems Center mission or its government-employed or
11 contract staff levels.

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

17 SEC. 532. The Secretary of Homeland Security shall
18 require that all contracts of the Department of Homeland
19 Security that provide award fees link such fees to success-
20 ful acquisition outcomes (which outcomes shall be speci-
21 fied in terms of cost, schedule, and performance).

22 SEC. 533. None of the funds made available to the
23 Office of the Secretary and Executive Management under
24 this Act may be expended for any new hires by the Depart-
25 ment of Homeland Security that are not verified through

1 the basic pilot program under section 401 of the Illegal
2 Immigration Reform and Immigrant Responsibility Act of
3 1996 (8 U.S.C. 1324a note).

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

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

18 (2) a biological product, as defined in section
19 351 of the Public Health Service Act (42 U.S.C.
20 262).

21 SEC. 535. None of the funds made available in this
22 Act may be used by the Secretary of Homeland Security
23 or any delegate of the Secretary to issue any rule or regu-
24 lation which implements the Notice of Proposed Rule-
25 making related to Petitions for Aliens To Perform Tem-

1 porary Nonagricultural Services or Labor (H-2B) set out
2 beginning on 70 Fed. Reg. 3984 (January 27, 2005).

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

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

12 SEC. 538. (a) Notwithstanding any other provision
13 of this Act, except as provided in subsection (b), and 30
14 days after the date that the President determines whether
15 to declare a major disaster because of an event and any
16 appeal is completed, the Administrator shall submit to the
17 Committee on Homeland Security and Governmental Af-
18 fairs of the Senate, the Committee on Homeland Security
19 of the House of Representatives, the Committee on Trans-
20 portation and Infrastructure of the House of Representa-
21 tives, the Committees on Appropriations of the Senate and
22 the House of Representatives, and publish on the website
23 of the Federal Emergency Management Agency, a report
24 regarding that decision, which shall summarize damage

1 assessment information used to determine whether to de-
2 clare a major disaster.

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

6 (c) In this section—

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

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

14 SEC. 539. Notwithstanding any other provision of
15 law, should the Secretary of Homeland Security determine
16 that the National Bio and Agro-defense Facility be located
17 at a site other than Plum Island, New York, the Secretary
18 shall have the Administrator of General Services sell
19 through public sale all real and related personal property
20 and transportation assets which support Plum Island op-
21 erations, subject to such terms and conditions as nec-
22 essary to protect government interests and meet program
23 requirements: *Provided*, That the gross proceeds of such
24 sale shall be deposited as offsetting collections into the De-
25 partment of Homeland Security Science and Technology

1 “Research, Development, Acquisition, and Operations” ac-
2 count and, subject to appropriation, shall be available until
3 expended, for site acquisition, construction, and costs re-
4 lated to the construction of the National Bio and Agro-
5 defense Facility, including the costs associated with the
6 sale, including due diligence requirements, necessary envi-
7 ronmental remediation at Plum Island, and reimburse-
8 ment of expenses incurred by the General Services Admin-
9 istration which shall not exceed 1 percent of the sale price
10 or \$5,000,000, whichever is greater: *Provided further,*
11 That after the completion of construction and environ-
12 mental remediation, the unexpended balances of funds ap-
13 propriated for costs in the preceding proviso shall be avail-
14 able for transfer to the appropriate account for design and
15 construction of a consolidated Department of Homeland
16 Security Headquarters project, excluding daily operations
17 and maintenance costs, notwithstanding section 503 of
18 this Act, and the Committees on Appropriations of the
19 Senate and the House of Representatives shall be notified
20 15 days prior to such transfer.

21 SEC. 540. Any official that is required by this Act
22 to report or certify to the Committees on Appropriations
23 of the Senate and the House of Representatives may not
24 delegate such authority to perform that act unless specifi-
25 cally authorized herein.

1 SEC. 541. The Secretary of Homeland Security, in
2 consultation with the Secretary of the Treasury, shall no-
3 tify the Committees on Appropriations of the Senate and
4 the House of Representatives of any proposed transfers
5 of funds available under 31 U.S.C. 9703.2(g)(4)(B) from
6 the Department of the Treasury Forfeiture Fund to any
7 agency within the Department of Homeland Security.

8 SEC. 542. (a) Not later than 3 months from the date
9 of enactment of this Act, the Secretary of Homeland Secu-
10 rity shall consult with the Secretaries of Defense and
11 Transportation and develop a concept of operations for
12 unmanned aerial systems in the United States national
13 airspace system for the purposes of border and maritime
14 security operations.

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

20 SEC. 543. If the Assistant Secretary of Homeland Se-
21 curity (Transportation Security Administration) deter-
22 mines that an airport does not need to participate in the
23 basic pilot program, the Assistant Secretary shall certify
24 to the Committees on Appropriations of the Senate and

1 the House of Representatives that no security risks will
2 result by such non-participation.

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

8 SEC. 545. Sections 143 and 144 of division A of the
9 Consolidated Security, Disaster Assistance, and Con-
10 tinuing Appropriations Act, 2009 (Public Law 110–329;
11 122 Stat. 3580 et seq.), as amended by section 101 of
12 division J of Public Law 111–8, are further amended by
13 striking “September 30, 2009” and inserting “September
14 30, 2012”.

15 SEC. 546. Notwithstanding any other provision of
16 law, should the Secretary of Homeland Security determine
17 that specific U.S. Immigration and Customs Enforcement
18 Service Processing Centers, or other U.S. Immigration
19 and Customs Enforcement owned detention facilities, no
20 longer meet the mission need, the Secretary is authorized
21 to dispose of individual Service Processing Centers, or
22 other U.S. Immigration and Customs Enforcement owned
23 detention facilities, by directing the Administrator of Gen-
24 eral Services to sell all real and related personal property
25 which support Service Processing Centers, or other U.S.

1 Immigration and Customs Enforcement owned detention
2 facilities, operations, subject to such terms and conditions
3 as necessary to protect government interests and meet
4 program requirements: *Provided*, That the proceeds, net
5 of the costs of sale incurred by the General Services Ad-
6 ministration and U.S. Immigration and Customs Enforce-
7 ment shall be deposited as offsetting collections into a sep-
8 arate account that shall be available, subject to appropria-
9 tion, until expended for other real property capital asset
10 needs of existing U.S. Immigration and Customs Enforce-
11 ment assets, excluding daily operations and maintenance
12 costs, as the Secretary deems appropriate.

13 SEC. 547. Section 550 of Public Law 109–295 is
14 amended in subsection (b) by deleting from the last pro-
15 viso “three years after the date of enactment of this Act”
16 and inserting in lieu thereof “October 4, 2010”.

17 SEC. 548. For fiscal year 2010 and thereafter, the
18 Secretary of Homeland Security may collect fees from any
19 non-Federal participant in a conference, seminar, exhi-
20 bition, symposium, or similar meeting conducted by the
21 Department of Homeland Security in advance of the con-
22 ference, either directly or by contract, and those fees shall
23 be credited to the appropriation or account from which
24 the costs of the conference, seminar, exhibition, sympo-
25 sium, or similar meeting are paid and shall be available

1 to pay the costs of the Department of Homeland Security
2 with respect to the conference or to reimburse the Depart-
3 ment for costs incurred with respect to the conference:
4 *Provided*, That in the event the total amount of fees col-
5 lected with respect to a conference exceeds the actual costs
6 of the Department of Homeland Security with respect to
7 the conference, the amount of such excess shall be depos-
8 ited into the Treasury as miscellaneous receipts: *Provided*
9 *further*, That the Secretary shall provide a report to the
10 Committees on Appropriations of the Senate and the
11 House of Representatives not later than January 5, 2011,
12 providing the level of collections and a summary by agency
13 of the purposes and levels of expenditures for the prior
14 fiscal year, and shall report annually thereafter.

15 SEC. 549. For purposes of section 210C of the Home-
16 land Security Act of 2002 (6 U.S.C. 124j) a rural area
17 shall also include any area that is located in a metropoli-
18 tan statistical area and a county, borough, parish, or area
19 under the jurisdiction of an Indian tribe with a population
20 of not more than 50,000.

21 SEC. 550. From the unobligated balances of prior
22 year appropriations made available for “Analysis and Op-
23 erations”, \$5,000,000 are rescinded.

24 SEC. 551. From the unobligated balances of prior
25 year appropriations made available for U.S. Immigration

1 and Customs Enforcement “Construction”, \$7,000,000
2 are rescinded.

3 SEC. 552. From the unobligated balances of prior
4 year appropriations made available for National Protec-
5 tion and Programs Directorate “Infrastructure Protection
6 and Information Security”, \$8,000,000 are rescinded.

7 SEC. 553. From the unobligated balances of prior
8 year appropriations made available for Science and Tech-
9 nology “Research, Development, Acquisition, and Oper-
10 ations”, \$7,500,000 are rescinded.

11 SEC. 554. From the unobligated balances of prior
12 year appropriations made available for Domestic Nuclear
13 Detection Office “Research, Development, and Oper-
14 ations”, \$8,000,000 are rescinded.

15 SEC. 555. (a) Subject to subsection (b), none of the
16 funds appropriated or otherwise made available by this
17 Act may be available to operate the Loran-C signal after
18 January 4, 2010.

19 (b) The limitation in subsection (a) shall take effect
20 only if the Commandant of the Coast Guard certifies
21 that—

22 (1) the termination of the operation of the
23 Loran-C signal as of the date specified in subsection

24 (a) will not adversely impact the safety of maritime
25 navigation; and

1 (2) the Loran-C system infrastructure is not
2 needed as a backup to the Global Positioning Sys-
3 tem or any other Federal navigation requirement.

4 (c) If the Commandant makes the certification de-
5 scribed in subsection (b), the Coast Guard shall, com-
6 mencing January 4, 2010, terminate the operation of the
7 Loran-C signal and commence a phased decommissioning
8 of the Loran-C system infrastructure.

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

16 (e) If the Commandant makes the certification de-
17 scribed in subsection (b), the Secretary of Homeland Secu-
18 rity, acting through the Commandant of the Coast Guard,
19 may, notwithstanding any other provision of law, sell any
20 real and personal property under the administrative con-
21 trol of the Coast Guard and used for the Loran system,
22 by directing the Administrator of General Services to sell
23 such real and personal property, subject to such terms and
24 conditions that the Secretary believes to be necessary to
25 protect government interests and program requirements of

1 the Coast Guard: *Provided*, That the proceeds, less the
2 costs of sale incurred by the General Services Administra-
3 tion, shall be deposited as offsetting collections into the
4 Coast Guard “Environmental Compliance and Restora-
5 tion” account and, subject to appropriation, shall be avail-
6 able until expended for environmental compliance and res-
7 toration purposes associated with the Loran system, for
8 the demolition of improvements on such real property, and
9 for the costs associated with the sale of such real and per-
10 sonal property, including due diligence requirements, nec-
11 essary environmental remediation, and reimbursement of
12 expenses incurred by the General Services Administration:
13 *Provided further*, That after the completion of such activi-
14 ties, the unexpended balances shall be available for any
15 other environmental compliance and restoration activities
16 of the Coast Guard.

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

Calendar No. 83

111TH CONGRESS
1ST Session

S. 1298

[Report No. 111-31]

A BILL

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

JUNE 18, 2009

Read twice and placed on the calendar