

**TEXT OF AMENDMENTS -- (Senate - July 07, 2009)**

[Page: S7200]

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**SA 1371. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 72, strike lines 8 through 14 and insert the following:

*Sec. 545.* Section 144 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329; 122 Stat. 3581), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 988), is further amended by striking ``September 30, 2009'' and inserting ``September 30, 2012''.

*Sec. 546.* Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking ``Unless'' and all that follows.

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

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

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

*Sec. 548.* (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are amended by striking ``basic pilot program'' each place that term appears and inserting ``E-Verify Program''.

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

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

**SA 1372. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 72, strike lines 8 through 14 and insert the following:

*Sec. 545.* Section 144 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329; 122 Stat. 3581), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 988), is further amended by striking "September 30, 2009" and inserting "September 30, 2012".

*Sec. 546.* Section 143 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329; 122 Stat. 3580), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 988), is amended by striking "shall" and all that follows through the end and inserting "is further amended by striking '11-year' and inserting '17-year'."

**SA 1373. Mr. REID (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) proposed an amendment to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:**

Strike all after the enacting clause and insert the following:

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

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

Office of the Secretary and Executive Management

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$149,268,000: *Provided*, That not to exceed \$60,000 shall be for official reception and representation expenses, of which \$20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: *Provided further*, That \$20,000,000 shall not be available for obligation for the Office of Policy until the Secretary submits an expenditure plan for the Office of Policy for fiscal year 2010.

#### Office of the Under Secretary for Management

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$307,690,000, of which not to exceed \$3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount, \$5,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$17,131,000 shall remain available until expended for the Human Resources Information Technology program.

#### Office of the Chief Financial Officer

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$63,530,000, of which \$11,000,000 shall remain available until expended for financial systems consolidation efforts.

#### Office of the Chief Information Officer

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

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

#### Analysis and Operations

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

#### Office of the Federal Coordinator for Gulf Coast Rebuilding

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

#### Office of the Inspector General

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$115,874,000, of which not to exceed \$150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

## TITLE II

### SECURITY, ENFORCEMENT, AND INVESTIGATIONS

#### U.S. Customs and Border Protection

#### **SALARIES AND EXPENSES**

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,075,649,000, of which \$3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of

2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which not less than \$309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$1,700,000 shall remain available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

[Page: S7202]

## **AUTOMATION MODERNIZATION**

For expenses for U.S. Customs and Border Protection automated systems, \$462,445,000, to remain available until expended, of which not less than \$267,960,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, \$167,960,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

## **BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY**

For expenses for border security fencing, infrastructure, and technology, \$800,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading, \$50,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security and submitted not later than 90 days after the date of

the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology.

### **AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT**

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$515,826,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

### **CONSTRUCTION AND FACILITIES MANAGEMENT**

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$316,070,000, to remain available until expended, of which \$39,700,000 shall be for the Advanced Training Center: *Provided*, That for fiscal year 2011 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ``Construction and Facilities Management'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs.

U.S. Immigration and Customs Enforcement

### **SALARIES AND EXPENSES**

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,360,100,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than \$1,000,000,000 shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: *Provided further*, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010: *Provided further*, That of the total amount provided, not less than \$2,539,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, \$6,800,000 shall remain available until September 30, 2011, for the Visa Security Program: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

## **AUTOMATION MODERNIZATION**

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

Transportation Security Administration

## **AVIATION SECURITY**

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,237,828,000, to remain available until September 30, 2011, of which not to exceed \$10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed \$4,395,195,000 shall be for screening operations, of which \$1,154,775,000 shall be available for explosives detection systems; and not to exceed \$842,633,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, \$806,669,000 shall be available for the purchase and installation of these systems, of which not less than 28 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That any award to deploy explosives detection systems shall be based on risk, the airports current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase and utilization of emerging technology equipment; the refurbishment and replacement of current equipment; the installation of surveillance systems to monitor checkpoint activities; the modification of checkpoint infrastructure to support checkpoint reconfigurations; and the creation of additional checkpoints to screen aviation passengers and airport personnel: *Provided further*, That the sum appropriated under this heading from the general fund

shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$3,137,828,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: *Provided further*, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

### **SURFACE TRANSPORTATION SECURITY**

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

### **TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING**

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

[Page: S7203]

### **TRANSPORTATION SECURITY SUPPORT**

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$999,580,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, \$20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: *Provided further*, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

### **FEDERAL AIR MARSHALS**

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

## Coast Guard

### **OPERATING EXPENSES**

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; for purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and for repairs and service-life replacements, not to exceed a total of \$26,000,000; minor shore construction projects not exceeding \$1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$6,838,291,000, of which \$581,503,000 shall be for defense-related activities, \$241,503,000 of which are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$20,000 shall be for official reception and representation expenses; and of which \$3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108-136 with respect to the Coast Guard Academy: *Provided further*, That of the funds provided under this heading, \$30,000,000 is withheld from obligation from Headquarters Directorates until the second quarter acquisition report required by Public Law 108-7 and the fiscal year 2008 joint explanatory statement accompanying Public Law 110-161 is received by the Committees on Appropriations of the Senate and the House of Representatives.

### **ENVIRONMENTAL COMPLIANCE AND RESTORATION**

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

### **RESERVE TRAINING**

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

## **ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS**

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$1,597,580,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$123,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$147,500,000 shall be available until September 30, 2012, for other equipment; of which \$27,100,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities, including not less than \$300,000 for the Coast Guard Academy Pier and not less than \$16,800,000 for Coast Guard Station Cleveland Harbor; of which \$105,200,000 shall be available for personnel compensation and benefits and related costs; and of which \$1,194,780,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, \$305,500,000 is for aircraft and \$734,680,000 is for surface ships: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a

future-years capital investment plan for the Coast Guard that identifies for each capital budget line item--

- (1) the proposed appropriation included in that budget;
- (2) the total estimated cost of completion;
- (3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;
- (4) an estimated completion date at the projected funding levels; and
- (5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

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

### **ALTERATION OF BRIDGES**

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

### **RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$29,745,000, to remain available until expended, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private

sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

### **RETIRED PAY**

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

United States Secret Service

### **SALARIES AND EXPENSES**

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use, of which 652 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of

[Page: S7204]

and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,482,709,000; of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be for a grant for activities related to the

investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2011: *Provided further*, That up to \$1,000,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: *Provided further*, That the United States Secret Service shall open an international field office in Tallinn, Estonia to combat electronic crimes with funds made available under this heading in Public Law 110-329: *Provided further*, That \$4,040,000 shall not be made available for obligation until enactment into law of authorizing legislation that incorporates the authorities of the United States Secret Service Uniformed Division into the United States Code, including restructuring the United States Secret Service Uniformed Division's pay chart.

## **ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES**

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

### TITLE III

#### PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

National Protection and Programs Directorate

#### **SALARIES AND EXPENSES**

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

## **INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY**

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

## **UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY**

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

## **FEDERAL PROTECTIVE SERVICE**

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

who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as "in-service field staff").

#### Office of Health Affairs

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

#### Federal Emergency Management Agency

### **MANAGEMENT AND ADMINISTRATION**

For necessary expenses for management and administration of the Federal Emergency Management Agency, \$859,700,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394): *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses: *Provided further*, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That of the total amount made available under this heading, \$32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed \$1,600,000 may be made available for administrative costs; and \$6,995,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107-296, the Homeland Security Act of 2002.

### **STATE AND LOCAL PROGRAMS**

#### **(INCLUDING TRANSFER OF FUNDS)**

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

(1) \$950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, \$60,000,000 shall be for Operation Stonegarden.

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

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

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

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

(6) \$356,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135, 1163, and 1182), of which not less than \$25,000,000 shall be for Amtrak security, and not less than \$6,000,000 shall be for Over-the-Road Bus Security Assistance.

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

(8) \$50,000,000 shall be for Buffer Zone Protection Program Grants.

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

[Page: S7205]

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

(11) \$20,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency

Assistance Act (42 U.S.C. 5196c), of which no less than \$1,500,000 shall be for the Ohio Emergency Management Agency Emergency Operations Center, Columbus, Ohio; no less than \$1,000,000 shall be for the City of Chicago Emergency Operations Center, Chicago, Illinois; no less than \$600,000 shall be for the Ames Emergency Operations Center, Ames, Iowa; no less than \$353,000 shall be for the County of Union Emergency Operations Center, Union County, New Jersey; no less than \$300,000 shall be for the City of Hackensack Emergency Operations Center, Hackensack, New Jersey; no less than \$247,000 shall be for the Township of South Orange Village Emergency Operations Center, South Orange, New Jersey; no less than \$1,000,000 shall be for the City of Mount Vernon Emergency Operations Center, Mount Vernon, New York; no less than \$900,000 shall be for the City of Whitefish Emergency Operations Center, Whitefish, Montana; no less than \$1,000,000 shall be for the Lincoln County Emergency Operations Center, Lincoln County, Washington; no less than \$980,000 shall be for the City of Providence Emergency Operations Center, Providence, Rhode Island; no less than \$980,000 for the North Louisiana Regional Emergency Operations Center, Lincoln Parish, Louisiana; and no less than \$900,000 for the City of North Little Rock Emergency Operations Center, North Little Rock, Arkansas.

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

(A) \$164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which \$62,500,000 shall be for the Center for Domestic Preparedness; \$23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; \$23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; \$23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; \$23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; \$5,000,000 shall be for the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and \$5,000,000 shall be for the Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; and

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

*Provided*, That 4.1 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency "Management and Administration" account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of

Representatives within 60 days of the date of enactment of this Act: *Provided further*, That, notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants under paragraphs (6) through (10), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

## **FIREFIGHTER ASSISTANCE GRANTS**

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

## **EMERGENCY MANAGEMENT PERFORMANCE GRANTS**

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000: *Provided*, That total administrative costs shall be 3 percent of the total amount appropriated under this heading.

## **RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM**

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

## **UNITED STATES FIRE ADMINISTRATION**

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

## **DISASTER RELIEF**

### **(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,456,866,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall provide a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total

amount provided, \$16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That up to \$50,000,000 may be transferred to Federal Emergency Management Agency ``Management and Administration" for management and administration functions: *Provided further*, That the amount provided in the previous proviso shall not be available for transfer to ``Management and Administration" until the Federal Emergency Management Agency submits an implementation plan to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Federal Emergency Management Agency shall submit the monthly ``Disaster Relief" report, as specified in Public Law 110-161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on--

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

(2) the necessity for timeliness of agency billings.

#### **DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT**

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

#### **FLOOD MAP MODERNIZATION FUND**

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

## **NATIONAL FLOOD INSURANCE FUND**

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$159,469,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed \$52,149,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than \$107,320,000 for flood plain management and flood mapping, which shall remain available until September 30, 2011: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) \$85,000,000 for operating expenses; (2) \$969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$120,000,000, which shall remain available until expended for flood mitigation actions, of which \$70,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which \$10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which \$40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)-(3): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

## **NATIONAL PREDISASTER MITIGATION FUND**

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

## **EMERGENCY FOOD AND SHELTER**

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

### TITLE IV

#### RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

##### United States Citizenship and Immigration Services

For necessary expenses for citizenship and immigration services, \$135,700,000, of which \$5,000,000 is for the processing of military naturalization applications and \$118,500,000 is for the E-Verify program to assist United States employers with maintaining a legal workforce: *Provided*, That of the amount provided for the E-Verify program, \$10,000,000 is available until expended for E-Verify process and system enhancements: *Provided further*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, dispose of and replace up to five vehicles, of which two are for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles between the employees' residences and places of employment.

#### **FEDERAL LAW ENFORCEMENT TRAINING CENTER**

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$244,356,000, of which up to \$47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of

which not to exceed \$12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note), as amended by Public Law 110-329 (122 Stat. 3677), is further amended by striking ``December 31, 2011" and inserting ``December 31, 2012": *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

#### **ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES**

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

Science and Technology

#### **MANAGEMENT AND ADMINISTRATION**

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

#### **RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS**

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of

2002 (6 U.S.C. 181 et seq.); \$851,729,000, to remain available until September 30, 2011: *Provided*, That not less than \$20,865,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: *Provided further*, That not less than \$3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decisionmaking Exercises: *Provided further*, That not less than \$12,000,000 is for construction expenses of the Pacific Northwest National Laboratory: *Provided further*, That not less than \$2,000,000 shall be for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative: *Provided further*, That not less than \$36,312,000 shall be for the National Bio and Agro-defense Facility.

Domestic Nuclear Detection Office

### **MANAGEMENT AND ADMINISTRATION**

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) for management and administration of programs and activities, \$37,500,000: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

### **RESEARCH, DEVELOPMENT, AND OPERATIONS**

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

### **SYSTEMS ACQUISITION**

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$10,000,000, to remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report

[Page: S7207]

certifying that a significant increase in operational effectiveness will be achieved: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications:

*Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

## TITLE V

### GENERAL PROVISIONS

#### **(INCLUDING RESCISSIONS OF FUNDS)**

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

*Sec. 502.* Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

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

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

agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

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

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

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

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

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

*Sec. 507.* None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided,* That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: *Provided further,* That no notification shall involve funds that are not available for obligation: *Provided further,* That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account from which the funds are being drawn: *Provided further,* That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under the State Homeland Security Grant Program; Urban Area Security Initiative; and the Regional Catastrophic Preparedness Grant Program.

*Sec. 508.* Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of

Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

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

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

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

*Sec. 512.* None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation of the Secure Flight program or any other follow-on or successor passenger screening program that: (1) utilizes or tests algorithms assigning risk to passengers whose names are not on Government watch lists; or (2) uses data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided,* That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

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

*Sec. 514.* None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term

[Page: S7208]

basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

*Sec. 515.* (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and

airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement of section 44901(g)(2)(B) of title 49 are met.

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

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

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

*Sec. 518.* (a)(1) Except as provided in paragraph (2), none of the funds provided in this or any other Act shall be available to commence or continue operations of the National Applications Office until--

(A) the Secretary certifies that: (i) National Applications Office programs comply with all existing laws, including all applicable privacy and civil liberties standards; and, (ii) that clear definitions of all proposed domains are established and are auditable;

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

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

(2) Paragraph (1) shall not apply with respect to any use of funds for activities substantially similar to such activities conducted by the Department of the Interior as set forth in the 1975 charter for the Civil Applications Committee under the provisions of law codified at section 31 of title 43, United States Code.

(b) The Inspector General shall provide to the Committees on Appropriations of the Senate and the House of Representatives a classified report on a quarterly basis containing a review of the data collected by the National Applications Office, including a description of the collection purposes and the legal authority under which the collection activities were authorized: *Provided*, That the report shall also include a listing of all data collection activities carried out on behalf of the National Applications Office by any component of the National Guard.

(c) None of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on the National Immigration Information Sharing Operation pursuant to section 503.

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

*Sec. 520.* Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking ``2009'' and inserting ``2010''.

*Sec. 521.* The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

*Sec. 522.* (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by 5 U.S.C. 9701(a), or by regulations prescribed pursuant to such section, for an employee as defined in 5 U.S.C. 7103(a)(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Sec. 528.* None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107-296.

*Sec. 529.* None of the funds provided in this Act under the heading "Office of the Chief Information Officer" shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One (National Center for Critical Information Processing and Storage) is fully

[Page: S7209]

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

*Sec. 530.* None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

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

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

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

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

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

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

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

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

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

*Sec. 538.* (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

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

(c) In this section--

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

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

*Sec. 539.* Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall have the Administrator of General Services sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program

requirements: *Provided*, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology Research, Development, Acquisition, and Operations" account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price or \$5,000,000, whichever is greater: *Provided further*, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

*Sec. 540.* Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

*Sec. 541.* The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under 31 U.S.C. 9703.2(g)(4)(B) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

*Sec. 542.* (a) Not later than 3 months from the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aerial systems in the United States national airspace system for the purposes of border and maritime security operations.

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

*Sec. 543.* If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program, the Assistant Secretary shall certify to

the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result by such non-participation.

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

*Sec. 545.* Sections 143 and 144 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580 et seq.), as amended by section 101 of division J of Public Law 111-8, are further amended by striking "September 30, 2009" and inserting "September 30, 2012".

*Sec. 546.* Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: *Provided*, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate.

*Sec. 547.* Section 550 of Public Law 109-295 is amended in subsection (b) by deleting from the last proviso "three years after the date of enactment of this Act" and inserting in lieu thereof "October 4, 2010".

*Sec. 548.* For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to

the conference: *Provided*, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a

[Page: S7210]

summary by agency of the purposes and levels of expenditures for the prior fiscal year, and shall report annually thereafter.

*Sec. 549.* For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j) a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

*Sec. 550.* From the unobligated balances of prior year appropriations made available for ``Analysis and Operations'', \$5,000,000 are rescinded.

*Sec. 551.* From the unobligated balances of prior year appropriations made available for U.S. Immigration and Customs Enforcement ``Construction'', \$7,000,000 are rescinded.

*Sec. 552.* From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate ``Infrastructure Protection and Information Security'', \$8,000,000 are rescinded.

*Sec. 553.* From the unobligated balances of prior year appropriations made available for Science and Technology ``Research, Development, Acquisition, and Operations'', \$7,500,000 are rescinded.

*Sec. 554.* From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office ``Research, Development, and Operations'', \$8,000,000 are rescinded.

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

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

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

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

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

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

(e) If the Commandant makes the certification described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard: *Provided*, That the proceeds, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard ``Environmental Compliance and Restoration'' account and, subject to appropriation, shall be available until expended for environmental compliance and restoration purposes associated with the Loran system, for the demolition of improvements on such real property, and for the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration: *Provided further*, That after the completion of such activities, the unexpended balances shall be available for any other environmental compliance and restoration activities of the Coast Guard.

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

**SA 1374. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 77, between lines 16 and 17, insert the following:

*Sec. 556.* None of the funds made available in this Act may be used in contravention of section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623).

**SA 1375. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 77, between lines 16 and 17, insert the following:

*Sec. 556.* None of the amounts made available under this Act may be used to--

(1) amend, rewrite, or change the final rule requiring Federal Contractors to use E-Verify (promulgated on November 14, 2008);

(2) further delay the implementation of the rule described in paragraph (1) beyond September 8, 2009; or

(3) amend, rewrite, change, or delay the implementation of the final rule describing the process for employers to follow after receiving a ``no match'' letter in order to qualify for ``safe harbor'' status (promulgated on August 15, 2007).

**SA 1376. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 34, line 6, strike `` \$23,000,000" and all that follows through `` Hawaii;" on line 21.

**SA 1377. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 22, beginning on line 5, strike ``: *Provided,*" and all that follows through `` Iowa" on line 7.

**SA 1378. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 9, lines 15 and 16, strike `` , of which \$39,700,000 shall be for the Advanced Training Center".

**SA 1379. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 19, beginning on line 10, strike `` not less than \$300,000 for the Coast Guard Academy Pier and".

**SA 1380. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 19, beginning on line 11, strike `` and not less than \$16,800,000 for Coast Guard Station Cleveland Harbor".

**SA 1381.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, beginning on line 10, strike ``; and of which \$3,600,000" and all that follows through ``facility" on line 15.

**SA 1382.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 22, strike ``no less" and all that follows through ``Illinois;" on line 24.

**SA 1383.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security

[Page: s7211]

for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 10, strike ``no less" and all that follows through ``Montana;" on line 12.

**SA 1384.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 8, strike ``no less" and all that follows through ``New York;" on line 10.

**SA 1385. Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 32, line 24, strike ``no less" and all that follows through ``Iowa;" on page 33, line 1.

**SA 1386. Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 32, line 19, strike ``no less" and all that follows through ``Ohio;" on line 22.

**SA 1387. Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 34, line 21, strike ``; and" and all that follows through ``Vermont" on line 24.

**SA 1388. Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 33, lines 19 and 20, strike ``; and no less" and all that follows through ``Arkansas" on line 22.

**SA 1389.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 17, strike ``no less" and all that follows through ``Louisiana;" on line 19.

**SA 1390.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 15, strike ``no less" and all that follows through ``Rhode Island;" on line 17.

**SA 1391.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, lines 12 and 13, strike ``no less" and all that follows through ``Washington;" on line 15.

**SA 1392.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 5, strike ``no less'' and all that follows through ``New Jersey;'' on line 8.

**SA 1393.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 1, strike ``no less'' and all that follows through ``New Jersey;'' on line 3.

**SA 1394.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 3, strike ``no less'' and all that follows through ``New Jersey;'' on line 5.

**SA 1395.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 23, strike ``That'' and all that follows through ``

*Provided further,*'' on page 48, line 1.

**SA 1396.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for

the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, lines 5 and 6, strike ``

*Provided further,*" and all that follows through `` Initiative:" on line 8.

**SA 1397.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 1, strike ``

*Provided further,*" and all that follows through `` Exercises:" on line 3.

**SA 1398.** Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.**

The amount appropriated for the National Infrastructure Simulation and Analysis Center under the heading `` **INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY**" under the heading `` *National Protection and Programs Directorate*" under title III of this Act is reduced by \$4,000,000.

**SA 1399.** Mr. *DeMINT* proposed an amendment to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for

**the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:**

At the appropriate place, insert the following:

**SEC. \_\_. BORDER FENCE COMPLETION.**

(a) *Minimum Requirements.*--Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended--

(1) in subparagraph (A), by adding at the end the following: ``Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not

[Page: S7212]

be used to meet the 700-mile fence requirement under this subparagraph.";

(2) in subparagraph (B)--

(A) in clause (i), by striking ``and" at the end;

(B) in clause (ii), by striking the period at the end and inserting ``; and"; and

(C) by adding at the end the following:

``(iii) not later than December 31, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A)."; and

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

``(iii) **FUNDING NOT CONTINGENT ON CONSULTATION.**--Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).".

(b) *Report.*--Not later than September 30, 2009, the Secretary of Homeland Security shall submit a report to Congress that describes--

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this Act; and

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

**SA 1400. Mr. McCain proposed an amendment to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:**

On page 31, line 19, strike all through page 32, line 3, and insert the following:

(6) \$350,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163), of which not less than \$25,000,000 shall be for Amtrak security.

**SA 1401. Mr. Rockefeller submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

**SECTION \_\_. MARITIME TRANSPORTATION SECURITY INFORMATION.**

(a) *Short Title.*--This section may be cited as the "American Communities" Right to Public Information Act".

(b) *In General.*--Section 70103(d) of title 46, United States Code, is amended to read as follows:

(d) *Nondisclosure of Information.*--

(1) *In general.*--Information developed under this chapter is not required to be disclosed to the public, including--

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

(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this chapter.

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

- `` (A) to conceal a violation of law, inefficiency, or administrative error;
- `` (B) to prevent embarrassment to a person, organization, or agency;
- `` (C) to restrain competition; or

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

(c) *Conforming Amendments.*--

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

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

- `` (A) to conceal a violation of law, inefficiency, or administrative error;
- `` (B) to prevent embarrassment to a person, organization, or agency;
- `` (C) to restrain competition; or

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

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

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

- `` (A) to conceal a violation of law, inefficiency, or administrative error;
- `` (B) to prevent embarrassment to a person, organization, or agency;
- `` (C) to restrain competition; or

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

**SA 1402. Mr. FEINGOLD (for himself and Mr. *McCAIN*) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 32, strike line 19 and all that follows through page 33, line 22, and insert the following:

Assistance Act (42 U.S.C. 5196c), which shall be awarded on a competitive basis: *Provided*, That the Administrator of the Federal Emergency Management Agency shall award financial assistance using amounts made available under the heading ``**NATIONAL PREDISASTER MITIGATION FUND**'' under the heading ``*Federal Emergency Management Agency*'' under this title--

(A) in accordance with section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133); and

(B) without regard to any congressionally directed spending item (as defined in rule XLIV of the Standing Rules of the Senate) or any congressional earmark (as defined in rule XXI of the Rules of the House of Representatives) in a committee report or joint explanatory statement relating to this Act.

**SA 1403. Mr. *McCAIN* submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 9, lines 15 and 16, strike `` , of which \$39,700,000 shall be for the Advanced Training Center''.

On page 17, line 10, strike `` ; and of'' and all that follows through `` facility'' on line 15.

On page 19, lines 9 and 10, strike `` , including not less than'' and all that follows through `` Harbor'' on line 11.

On page 22, line 5, strike `` : *Provided*,'' and all that follows through `` Iowa'' on line 7.

On page 31, line 19, strike ``\$356,000,000" and insert ``\$350,000,000".

On page 32, line 1, strike `` , and not" and all that follows through ``Security Assistance" on line 3.

On page 32, strike line 16 and all that follows through page 33, line 22.

On page 33, line 25, strike ``which--" and all that follows through page 34, line 24, and insert ``which, \$164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which \$62,500,000 shall be for the Center for Domestic Preparedness:".

On page 47, line 23, strike ``That" and all that follows through ``

*Provided further,"* on page 48, line 3.

On page 48, lines 5 and 6, strike ``

*Provided further,"* and all that follows through ``Initiative:" on line 8.

On page 75, strike line 15 and all that follows through page 77, line 16, and insert the following:

#### **SEC. 555. NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.**

The amount appropriated for the National Infrastructure Simulation and Analysis Center under the heading ``**INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY**" under the heading ``*National Protection and Programs Directorate*" under title III of this Act is reduced by \$4,000,000.

**SA 1404. Mr. McCain** submitted an amendment intended to be proposed to amendment SA 1375 submitted by Mr. VITTER and intended to be proposed to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, lines 15 and 16, strike `` , of which \$39,700,000 shall be for the Advanced Training Center".

On page 17, line 10, strike `` ; and of" and all that follows through `` facility" on line 15.

On page 19, lines 9 and 10, strike `` , including not less than" and all that follows through `` Harbor" on line 12.

On page 22, line 5, strike `` : *Provided,*" and all that follows through `` Iowa" on line 7.

On page 32, line 19, strike `` , of which no less" and all that follows through `` Arkansas" on page 33, line 22.

On page 33, line 25, strike `` which--" and all that follows through page 34, line 24, and insert `` which, \$164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which \$62,500,000 shall be for the Center for Domestic Preparedness:".

[Page: S7213]

On page 47, line 23, strike `` That" and all that follows through ``

*Provided further,*" on page 48, line 3.

On page 48, lines 5 and 6, strike ``

*Provided further,*" and all that follows through `` Initiative:" on line 8.

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.**

The amount appropriated for the National Infrastructure Simulation and Analysis Center under the heading `` **INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY**" under the heading `` *National Protection and Programs Directorate*" under title III of this Act is reduced by \$4,000,000.

**SA 1405. Mr. McCain** submitted an amendment intended to be proposed to amendment **SA 1373** proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for

**the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 32, line 16, strike all through page 33, line 22.

**SA 1406. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 75, line 15, strike all through page 77, line 16.

**SA 1407. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1371 submitted by Mr. Sessions to the amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 3, after line 7, add the following:

*Sec. 549.* Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended--

(1) by striking ``pilot'' each place it appears; and

(2) in subsection (b), by striking ``for 15 years''.

**SA 1408. Mr. CORNYN (for himself, Mr. Vitter, Mr. Crapo, Mr. Wyden, and Mr. Enzi submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

On page 77, between lines 16 and 17, insert the following:

**SEC. 556\_\_\_. IMPORTATION OF CERTAIN POCKET KNIVES.**

(a) *In General.*--No department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act may obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to amend, interpret, enforce or promulgate any administrative rule or action which regulates, restricts, or bars from importation any knife under the Act entitled ``An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes'' (commonly known as the Federal Switchblade Act) (15 U.S.C. 1241 et seq.), if the knife contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.

(b) *Report.*--Not later than 60 days after the date of the enactment of this Act--

(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that describes the actions taken to ensure the effective implementation of this section; and

(2) shall publish the report in the Federal Register.

(c) *Effective Date.*--The amendments made by this section shall take effect upon enactment of this Act.

**SA 1409. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

**SEC. \_\_\_. REQUIRED PARTICIPATION BY UNITED STATES CONTRACTORS.**

Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1324a note) is amended--

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

`` (2) **UNITED STATES CONTRACTORS.**--Any person, employer, or other entity that enters into a contract with the Federal Government shall participate in the E-Verify Program and shall comply with the terms and conditions of such election."

**SA 1410. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

**SEC. \_\_. REVERIFICATION.**

Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1324a note) is amended by adding at the end the following:

`` (5) **REVERIFICATION.**--Each employer participating in the E-Verify Program shall use the confirmation system to reverify the work authorization of any individual not later than 3 days after the date on which such individual's employment authorization is scheduled to expire, as indicated by the documents that the individual provided to the employer pursuant to section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), in accordance with the procedures otherwise applicable to the verification of a newly hired employee under this subsection."

**SA 1411. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

**SEC. X.** None of the funds in this Act provided for Railroad Security Assistance under section 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) shall require a cost share.

END