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1ST SESSION

H. R. 2017

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2011

Received; read twice and referred to the Committee on Appropriations

AN ACT

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated,

1 for the Department of Homeland Security for the fiscal
2 year ending September 30, 2012, and for other purposes,
3 namely:

4 TITLE I
5 DEPARTMENTAL MANAGEMENT AND
6 OPERATIONS
7 OFFICE OF THE SECRETARY AND EXECUTIVE
8 MANAGEMENT

9 For necessary expenses of the Office of the Secretary
10 of Homeland Security, as authorized by section 102 of the
11 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
12 tive management of the Department of Homeland Secu-
13 rity, as authorized by law, \$126,700,000 (reduced by
14 \$63,350,000) (reduced by \$1,000,000): *Provided*, That
15 not to exceed \$60,000 shall be for official reception and
16 representation expenses, of which \$20,000 shall be made
17 available to the Office of Policy for Visa Waiver Program
18 negotiations in Washington, DC, and for other inter-
19 national activities: *Provided further*, That consistent with
20 the requirements specified within Presidential Policy Di-
21 rective-8, dated March 30, 2011, the Secretary shall sub-
22 mit to the Committees on Appropriations of the Senate
23 and the House of Representatives not later than October
24 15, 2011, the National Preparedness Goal and not later
25 than January 15, 2012, the National Preparedness Sys-

1 tem: *Provided further*, That of the amount made available
2 under this heading, \$63,350,000 may not be obligated
3 until the Committees on Appropriations of the Senate and
4 the House of Representatives receive: (1) the National
5 Preparedness Goal and the National Preparedness System
6 consistent with Presidential Policy Directive-8; and (2) the
7 Secretary's determination on implementation of biometric
8 air exit.

9 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

10 For necessary expenses of the Office of the Under
11 Secretary for Management, as authorized by sections 701
12 through 705 of the Homeland Security Act of 2002 (6
13 U.S.C. 341 through 345), \$234,940,000 (reduced by
14 \$600,000) (reduced by \$117,470,000) (reduced by
15 \$10,000,000), of which not to exceed \$3,000 shall be for
16 official reception and representation expenses: *Provided*,
17 That of the total amount made available under this head-
18 ing, \$5,000,000 shall remain available until September 30,
19 2016, solely for the alteration and improvement of facili-
20 ties, tenant improvements, and relocation costs to consoli-
21 date Department headquarters operations at the Nebraska
22 Avenue Complex; and \$16,686,000 shall remain available
23 until September 30, 2014, for the Human Resources In-
24 formation Technology program.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-
3 nancial Officer, as authorized by section 103 of the Home-
4 land Security Act of 2002 (6 U.S.C. 113), \$50,860,000.

5 OFFICE OF THE CHIEF INFORMATION OFFICER

6 For necessary expenses of the Office of the Chief In-
7 formation Officer, as authorized by section 103 of the
8 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
9 partment-wide technology investments, \$261,300,000 (re-
10 duced by \$139,180,000), of which \$105,500,000 (reduced
11 by \$55,672,000) shall be available for salaries and ex-
12 penses; and of which \$155,800,000 (reduced by
13 \$83,508,000), to remain available until September 30,
14 2014, shall be available for development and acquisition
15 of information technology equipment, software, services,
16 and related activities for the Department of Homeland Se-
17 curity: *Provided*, That the Chief Information Officer shall
18 submit to the Committees on Appropriations of the Senate
19 and the House of Representatives, not later than 60 days
20 after the date of enactment of this Act, an expenditure
21 plan for all information technology acquisition projects
22 that are funded under this heading or are funded by mul-
23 tiple components of the Department of Homeland Security
24 through reimbursable agreements: *Provided further*, That
25 such expenditure plan shall include, for each project fund-

1 ed, the name of the project, its key milestones, all funding
2 sources, detailed annual and lifecycle costs, and projected
3 cost savings or cost avoidance to be achieved: *Provided fur-*
4 *ther*, That the Secretary of Homeland Security shall sub-
5 mit to the Committees on Appropriations of the Senate
6 and the House of Representatives, at the time that the
7 President’s budget is submitted each year under section
8 1105(a) of title 31, United States Code, a multi-year in-
9 vestment and management plan for all information tech-
10 nology acquisition projects that includes—

11 (1) the proposed appropriations included for
12 each project and activity tied to mission require-
13 ments, program management capabilities, perform-
14 ance levels, and specific capabilities and services to
15 be delivered;

16 (2) the total estimated cost and projected
17 timeline of completion for all multi-year enhance-
18 ments, modernizations, and new capabilities that are
19 proposed in such budget or underway;

20 (3) a detailed accounting of operations and
21 maintenance and contractor services costs; and

22 (4) a current acquisition program baseline for
23 each project, that—

24 (A) notes and explains any deviations in
25 cost, performance parameters, schedule, or esti-

1 mated date of completion from the original ac-
2 quisition program baseline;

3 (B) aligns the acquisition programs cov-
4 ered by the baseline to mission requirements by
5 defining existing capabilities, identifying known
6 capability gaps between such existing capabili-
7 ties and stated mission requirements, and ex-
8 plaining how each increment will address such
9 known capability gaps; and

10 (C) defines life-cycle costs for such pro-
11 grams.

12 ANALYSIS AND OPERATIONS

13 For necessary expenses for intelligence analysis and
14 operations coordination activities, as authorized by title II
15 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
16 seq.), \$344,368,000, of which not to exceed \$5,000 shall
17 be for official reception and representation expenses; and
18 of which \$58,757,000 shall remain available until Sep-
19 tember 30, 2013.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978 (5 U.S.C. App.), \$124,000,000, of
24 which not to exceed \$300,000 may be used for certain con-
25 fidential operational expenses, including the payment of

1 informants, to be expended at the direction of the Inspec-
2 tor General.

3 TITLE II
4 SECURITY, ENFORCEMENT, AND
5 INVESTIGATIONS
6 U.S. CUSTOMS AND BORDER PROTECTION
7 SALARIES AND EXPENSES

8 For necessary expenses for enforcement of laws relat-
9 ing to border security, immigration, customs, agricultural
10 inspections and regulatory activities related to plant and
11 animal imports, and transportation of unaccompanied
12 minor aliens; purchase and lease of up to 8,000 (7,000
13 for replacement only) police-type vehicles; and contracting
14 with individuals for personal services abroad;
15 \$8,769,518,000 (reduced by \$1,000,000) (increased by
16 \$1,000,000), of which \$3,274,000 shall be derived from
17 the Harbor Maintenance Trust Fund for administrative
18 expenses related to the collection of the Harbor Mainte-
19 nance Fee pursuant to section 9505(c)(3) of the Internal
20 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
21 withstanding section 1511(e)(1) of the Homeland Security
22 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
23 \$45,000 shall be for official reception and representation
24 expenses; of which not less than \$287,901,000 shall be
25 for Air and Marine Operations; of which such sums as

1 become available in the Customs User Fee Account, except
2 sums subject to section 13031(f)(3) of the Consolidated
3 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
4 58c(f)(3)), shall be derived from that account; of which
5 not to exceed \$150,000 shall be available for payment for
6 rental space in connection with preclearance operations;
7 and of which not to exceed \$1,000,000 shall be for awards
8 of compensation to informants, to be accounted for solely
9 under the certificate of the Secretary of Homeland Secu-
10 rity: *Provided*, That for fiscal year 2012, the overtime lim-
11 itation prescribed in section 5(c)(1) of the Act of February
12 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
13 withstanding any other provision of law, none of the funds
14 appropriated by this Act may be available to compensate
15 any employee of U.S. Customs and Border Protection for
16 overtime, from whatever source, in an amount that ex-
17 ceeds such limitation, except in individual cases deter-
18 mined by the Secretary of Homeland Security, or the des-
19 ignee of the Secretary, to be necessary for national secu-
20 rity purposes, to prevent excessive costs, or in cases of
21 immigration emergencies: *Provided further*, That the Sec-
22 retary of Homeland Security shall submit to the Commit-
23 tees on Appropriations of the Senate and the House of
24 Representatives, at the time that the President's budget
25 is submitted each year under section 1105(a) of title 31,

1 United States Code, a multi-year investment and manage-
2 ment plan for Inspection and Detection Technology that
3 identifies for each technology—

4 (1) the inventory of Inspection and Detection
5 Technology by location and date of deployment;

6 (2) the proposed appropriations included in the
7 budget subdivided by the proposed appropriations
8 for procurement, including quantity, deployment,
9 and operations and maintenance;

10 (3) projected funding levels for procurement in
11 quantity, deployment, and operations and mainte-
12 nance for each of the next three fiscal years; and

13 (4) a current acquisition program baseline
14 that—

15 (A) aligns the acquisition of each tech-
16 nology to mission requirements by defining ex-
17 isting capabilities of comparable legacy tech-
18 nology assets, identifying known capability gaps
19 between such existing capabilities and stated
20 mission requirements, and explaining how the
21 acquisition of each technology will address such
22 known capability gaps;

23 (B) defines life-cycle costs for each tech-
24 nology, including all associated costs of major
25 acquisitions systems infrastructure and transi-

1 tion to operations, delineated by purpose and
2 fiscal year for the projected service life of the
3 technology; and

4 (C) includes a phase-out and decommis-
5 sioning schedule delineated by fiscal year for ex-
6 isting legacy technology assets that each tech-
7 nology is intended to replace or recapitalize.

8 AUTOMATION MODERNIZATION

9 For expenses for U.S. Customs and Border Protec-
10 tion automated systems, \$334,275,000, to remain avail-
11 able until September 30, 2014, of which not less than
12 \$140,000,000 shall be for the development of the Auto-
13 mated Commercial Environment: *Provided*, That the Com-
14 missioner of U.S. Customs and Border Protection shall
15 submit to the Committees on Appropriations of the Senate
16 and the House of Representatives, not later than 60 days
17 after the date of enactment of this Act, an expenditure
18 plan for the Automated Commercial Environment pro-
19 gram including results to date, plans for the program, and
20 a list of projects with associated funding from prior appro-
21 priations and provided by this Act: *Provided further*, That
22 the Secretary of Homeland Security shall submit to the
23 Committees on Appropriations of the Senate and the
24 House of Representatives, at the time that the President's
25 budget is submitted each year under section 1105(a) of

1 title 31, United States Code, a multi-year investment and
2 management plan for the funds made available under this
3 heading that includes—

4 (1) the proposed appropriations included for
5 each project and activity tied to mission require-
6 ments, program management capabilities, perform-
7 ance levels, and specific capabilities and services to
8 be delivered;

9 (2) the total estimated cost and projected
10 timeline of completion for all multi-year enhance-
11 ments, modernizations, and new capabilities pro-
12 posed in such budget or underway;

13 (3) a detailed accounting of operations and
14 maintenance and contractor services costs; and

15 (4) current acquisition program baselines for
16 the Automated Commercial Environment and TECS
17 Modernization respectively, that—

18 (A) note and explain any deviations in
19 cost, performance parameters, schedule, or esti-
20 mated date of completion from the original ac-
21 quisition program baseline;

22 (B) align these acquisition programs to
23 mission requirements by defining existing capa-
24 bilities, identifying known capability gaps be-
25 tween such existing capabilities and stated mis-

1 sion requirements, and explaining how each in-
2 crement will address such known capability
3 gaps; and

4 (C) define life-cycle costs for these pro-
5 grams.

6 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
7 TECHNOLOGY

8 For expenses for border security fencing, infrastruc-
9 ture, and technology, \$500,000,000 (increased by
10 \$10,000,000), to remain available until September 30,
11 2014: *Provided*, That of the total amount made available
12 under this heading, \$150,000,000 shall not be obligated
13 until the Committees on Appropriations of the Senate and
14 the House of Representatives receive a detailed expendi-
15 ture plan prepared by the Secretary of Homeland Secu-
16 rity, and submitted not later than 90 days after the date
17 of enactment of this Act, for a program to establish and
18 maintain a security barrier along the borders of the
19 United States, of fencing and vehicle barriers where prac-
20 ticable, and of other forms of fencing, tactical infrastruc-
21 ture, and technology: *Provided further*, That the Secretary
22 of Homeland Security shall submit to the Committees on
23 Appropriations of the Senate and the House of Represent-
24 atives, at the time that the President's budget is submitted
25 each year under section 1105(a) of title 31, United States

1 Code, a multi-year investment and management plan for
2 the Border Security Fencing, Infrastructure, and Tech-
3 nology account, that includes for each tactical infrastruc-
4 ture and technology deployment—

5 (1) the funding level in that budget and pro-
6 jected funding levels for each of the next three fiscal
7 years, including a description of the purpose of such
8 funding levels;

9 (2) the deployment plan, by border segment,
10 that aligns each deployment to mission requirements
11 by defining existing capabilities, identifying known
12 capability gaps between such existing capabilities
13 and stated mission requirements related to achieving
14 operational control, and explaining how each tactical
15 infrastructure or technology deployment will address
16 such known capability gaps; and

17 (3) a current acquisition program baseline
18 that—

19 (A) notes and explains any deviations in
20 cost, performance parameters, schedule, or esti-
21 mated date of completion from the most recent
22 acquisition program baseline approved by the
23 Department of Homeland Security Acquisition
24 Review Board;

1 (B) includes a phase-out and life-cycle re-
2 capitalization schedule delineated by fiscal year
3 for existing and new tactical infrastructure and
4 technology deployments that each deployment is
5 intended to replace or recapitalize; and

6 (C) includes qualitative performance
7 metrics that assess the effectiveness of new and
8 existing tactical infrastructure and technology
9 deployments and inform the next multi-year in-
10 vestment and management plan related to
11 achieving operational control of the Northern
12 and Southwest borders of the United States.

13 AIR AND MARINE INTERDICTION, OPERATIONS,
14 MAINTENANCE, AND PROCUREMENT

15 For necessary expenses for the operations, mainte-
16 nance, and procurement of marine vessels, aircraft, un-
17 manned aircraft systems, and other related equipment of
18 the air and marine program, including operational train-
19 ing and mission-related travel, the operations of which in-
20 clude the following: the interdiction of narcotics and other
21 goods; the provision of support to Federal, State, and local
22 agencies in the enforcement or administration of laws en-
23 forced by the Department of Homeland Security; and at
24 the discretion of the Secretary of Homeland Security, the
25 provision of assistance to Federal, State, and local agen-

1 cies in other law enforcement and emergency humani-
2 tarian efforts, \$499,966,000, to remain available until
3 September 30, 2014: *Provided*, That no aircraft or other
4 related equipment, with the exception of aircraft that are
5 one of a kind and have been identified as excess to U.S.
6 Customs and Border Protection requirements and aircraft
7 that have been damaged beyond repair, shall be trans-
8 ferred to any other Federal agency, department, or office
9 outside of the Department of Homeland Security during
10 fiscal year 2012 without the prior approval of the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives: *Provided further*, That the Secretary of
13 Homeland Security shall report to the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives, not later than 90 days after the date of enactment
16 of this Act, on the update to the five-year strategic plan
17 for the air and marine program directed in conference re-
18 port 109–241 accompanying Public Law 109–90 that ad-
19 dresses missions, structure, operations, equipment, facili-
20 ties, and resources including deployment and command
21 and control requirements, and includes a recapitalization
22 plan with milestones and funding, and a detailed staffing
23 plan with associated costs to achieve full staffing to meet
24 all mission requirements.

1 CONSTRUCTION AND FACILITIES MANAGEMENT

2 For necessary expenses to plan, acquire, construct,
3 renovate, equip, furnish, operate, manage, oversee, admin-
4 ister, and maintain buildings and facilities and to provide
5 facilities solutions and related infrastructure along with
6 program management support necessary for the adminis-
7 tration and enforcement of the laws relating to customs,
8 immigration, and border security, \$234,096,000, to re-
9 main available until September 30, 2016: *Provided*, That
10 the Commissioner of U.S. Customs and Border Protection
11 shall submit an expenditure plan to the Committees on
12 Appropriations of the Senate and the House of Represent-
13 atives not later than 60 days after the date of enactment
14 of this Act for the projects funded under this heading:
15 *Provided further*, That the Secretary of Homeland Secu-
16 rity shall submit to the Committees on Appropriations of
17 the Senate and the House of Representatives, at the time
18 that the President's budget is submitted each year under
19 section 1105(a) of title 31, United States Code, an inven-
20 tory of the real property of the U.S. Customs and Border
21 Protection and a plan for each activity and project pro-
22 posed for funding under this heading that includes the full
23 cost by fiscal year of each activity and project proposed
24 and underway in fiscal year 2013.

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

3 For necessary expenses for enforcement of immigra-
4 tion and customs laws, detention and removals, and inves-
5 tigation; and purchase and lease of up to 3,790 (2,350
6 for replacement only) police-type vehicles; \$5,522,474,000
7 (increased by \$1,000,000) (reduced by \$1,000,000) (in-
8 creased by \$1,000,000) (reduced by \$5,000,000) (in-
9 creased by \$5,000,000), of which not to exceed
10 \$7,500,000 shall be available until expended for con-
11 ducting special operations under section 3131 of the Cus-
12 toms Enforcement Act of 1986 (19 U.S.C. 2081); of which
13 not to exceed \$15,000 shall be for official reception and
14 representation expenses; of which not to exceed
15 \$2,000,000 shall be for awards of compensation to inform-
16 ants, to be accounted for solely under the certificate of
17 the Secretary of Homeland Security; of which not less
18 than \$305,000 shall be for promotion of public awareness
19 of the child pornography tipline and activities to counter
20 child exploitation; of which not less than \$5,400,000 (in-
21 creased by \$1,000,000) shall be used to facilitate agree-
22 ments consistent with section 287(g) of the Immigration
23 and Nationality Act (8 U.S.C. 1357(g)); and of which not
24 to exceed \$11,216,000 shall be available to fund or reim-
25 burse other Federal agencies for the costs associated with

1 the care, maintenance, and repatriation of smuggled aliens
2 unlawfully present in the United States: *Provided*, That
3 none of the funds made available under this heading shall
4 be available to compensate any employee for overtime in
5 an annual amount in excess of \$35,000, except that the
6 Secretary, or the designee of the Secretary, may waive
7 that amount as necessary for national security purposes
8 and in cases of immigration emergencies: *Provided further*,
9 That of the total amount provided, \$15,770,000 shall be
10 for activities to enforce laws against forced child labor,
11 of which not to exceed \$6,000,000 shall remain available
12 until expended: *Provided further*, That of the total amount
13 available, not less than \$1,600,000,000 shall be available
14 to identify aliens convicted of a crime who may be deport-
15 able and aliens who may pose a serious risk to public safe-
16 ty or national security who may be deportable, and to re-
17 move them from the United States once they are judged
18 deportable, of which \$194,064,000 shall remain available
19 until September 30, 2013: *Provided further*, That the As-
20 sistant Secretary of Homeland Security for U.S. Immigra-
21 tion and Customs Enforcement shall report to the Com-
22 mittees on Appropriations of the Senate and the House
23 of Representatives, not later than 45 days after the end
24 of each quarter of the fiscal year, on progress in imple-
25 menting the preceding proviso and the funds obligated

1 during that quarter to make such progress: *Provided fur-*
2 *ther*, That the Secretary shall prioritize the identification
3 and removal of aliens convicted of a crime by the severity
4 of that crime: *Provided further*, That the funding made
5 available under this heading shall maintain a level of not
6 less than 34,000 detention beds through September 30,
7 2012: *Provided further*, That of the total amount provided,
8 not less than \$2,750,843,000 is for detention and removal
9 operations, including transportation of unaccompanied
10 minor aliens: *Provided further*, That of the total amount
11 provided, \$10,300,000 shall remain available until Sep-
12 tember 30, 2013, for the Visa Security Program: *Provided*
13 *further*, That none of the funds provided under this head-
14 ing may be used to continue a delegation of law enforce-
15 ment authority authorized under section 287(g) of the Im-
16 migration and Nationality Act (8 U.S.C. 1357(g)) if the
17 Department of Homeland Security Inspector General de-
18 termines that the terms of the agreement governing the
19 delegation of authority have been violated: *Provided fur-*
20 *ther*, That none of the funds provided under this heading
21 may be used to continue any contract for the provision
22 of detention services if the two most recent overall per-
23 formance evaluations received by the contracted facility
24 are less than “adequate” or the equivalent median score
25 in any subsequent performance evaluation system: *Pro-*

1 *vided further*, That nothing under this heading shall pre-
2 vent U.S. Immigration and Customs Enforcement from
3 exercising those authorities provided under immigration
4 laws (as defined in section 101(a)(17) of the Immigration
5 and Nationality Act (8 U.S.C. 1101(a)(17))) during pri-
6 ority operations pertaining to aliens convicted of a crime.

7 AUTOMATION MODERNIZATION

8 For expenses of immigration and customs enforce-
9 ment automated systems, \$23,860,000, to remain avail-
10 able until September 30, 2016: *Provided*, That the Sec-
11 retary of Homeland Security shall submit to the Commit-
12 tees on Appropriations of the Senate and the House of
13 Representatives, at the time that the President's budget
14 is submitted each year under section 1105(a) of title 31,
15 United States Code, a multi-year investment and manage-
16 ment plan for funds made available under this heading
17 that includes—

18 (1) the proposed appropriations included for
19 each project and activity tied to mission require-
20 ments and outcomes, program management capabili-
21 ties, performance levels, and specific capabilities and
22 services to be delivered;

23 (2) the total estimated cost and projected
24 timeline of completion for all multi-year enhance-

1 ments, modernizations, and new capabilities pro-
2 posed in such budget or underway;

3 (3) a detailed accounting of operations and
4 maintenance and contractor services costs; and

5 (4) current acquisition program baselines for
6 Atlas and TECS Modernization respectively, that—

7 (A) note and explain any deviations in
8 cost, performance parameters, schedule, or esti-
9 mated date of completion from the original ac-
10 quisition program baseline;

11 (B) align these acquisition programs to
12 mission requirements by defining existing capa-
13 bilities, identifying known capability gaps be-
14 tween such existing capabilities and stated mis-
15 sion requirements, and explaining how each in-
16 crement will address such known capability
17 gaps; and

18 (C) define life-cycle costs for these pro-
19 grams.

20 TRANSPORTATION SECURITY ADMINISTRATION

21 AVIATION SECURITY

22 For necessary expenses of the Transportation Secu-
23 rity Administration related to providing civil aviation secu-
24 rity services pursuant to the Aviation and Transportation
25 Security Act (Public Law 107–71; 115 Stat. 597; 49

1 U.S.C. 40101 note), \$5,224,556,000, of which
2 \$1,692,000,000 shall be available until September 30,
3 2013, and of which not to exceed \$10,000 shall be for
4 official reception and representation expenses: *Provided*,
5 That of the total amount made available under this head-
6 ing, not to exceed \$4,155,813,000 shall be for screening
7 operations, of which \$555,003,000 shall be for explosives
8 detection systems; of which \$181,285,000 shall be for
9 checkpoint support; and not to exceed \$1,068,743,000
10 shall be for aviation security direction and enforcement:
11 *Provided further*, That of the amount made available in
12 the preceding proviso for explosives detection systems,
13 \$222,738,000 shall be available for the purchase and in-
14 stallation of such systems, of which not less than 10 per-
15 cent shall be available for the purchase and installation
16 of certified explosives detection systems at medium- and
17 small-sized airports: *Provided further*, That notwith-
18 standing section 44923 of title 49, United States Code,
19 for fiscal year 2012 any funds in the Aviation Security
20 Capital Fund established by section 44923(h) of title 49,
21 United States Code, may be used for the procurement and
22 installation of explosives detection systems or for the
23 issuance of other transaction agreements for the purpose
24 of funding projects described in section 44923(a): *Pro-*
25 *vided further*, That none of the funds made available in

1 this Act may be used for any recruiting or hiring of per-
2 sonnel into the Transportation Security Administration
3 that would cause the agency to exceed a staffing level of
4 46,000 full-time equivalent screeners: *Provided further*,
5 That the preceding proviso shall not apply to personnel
6 hired as part-time employees: *Provided further*, That not
7 later than 90 days after the date of enactment of this Act,
8 the Secretary of Homeland Security shall submit to the
9 Committees on Appropriations of the Senate and the
10 House of Representatives a detailed report on—

11 (1) the Department of Homeland Security ef-
12 forts and resources being devoted to develop more
13 advanced integrated passenger screening tech-
14 nologies for the most effective security of passengers
15 and baggage at the lowest possible operating and ac-
16 quisition costs;

17 (2) how the Transportation Security Adminis-
18 tration is deploying its existing passenger and bag-
19 gage screener workforce in the most cost effective
20 manner; and

21 (3) labor savings from the deployment of im-
22 proved technologies for passenger and baggage
23 screening and how those savings are being used to
24 offset security costs or reinvested to address security
25 vulnerabilities:

1 *Provided further*, That any award to deploy explosives de-
2 tection systems shall be based on risk, the airport's cur-
3 rent reliance on other screening solutions, lobby conges-
4 tion resulting in increased security concerns, high injury
5 rates, airport readiness, and increased cost effectiveness:
6 *Provided further*, That security service fees authorized
7 under section 44940 of title 49, United States Code, shall
8 be credited to this appropriation as offsetting collections
9 and shall be available only for aviation security: *Provided*
10 *further*, That the sum appropriated under this heading
11 from the general fund shall be reduced on a dollar-for-
12 dollar basis as such offsetting collections are received in
13 fiscal year 2012, so as to result in a final fiscal year appro-
14 priation under this heading from the general fund of not
15 more than \$3,194,556,000: *Provided further*, That any se-
16 curity service fees collected in excess of the amount made
17 available under this heading shall be available for fiscal
18 year 2013: *Provided further*, That Members of the House
19 of Representatives and the Senate, including the leader-
20 ship; the heads of Federal agencies and commissions, in-
21 cluding the Secretary, Deputy Secretary, Under Secre-
22 taries, and Assistant Secretaries of the Department of
23 Homeland Security; the Attorney General, Deputy Attor-
24 ney General, Assistant Attorneys General, and United
25 States Attorneys; and senior members of the Executive

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

4

5 SURFACE TRANSPORTATION SECURITY

6 For necessary expenses of the Transportation Secu-
7 rity Administration related to surface transportation secu-
8 rity activities, \$129,748,000, to remain available until
9 September 30, 2013.

10 TRANSPORTATION THREAT ASSESSMENT AND

11 CREDENTIALING

12 For necessary expenses for the development and im-
13 plementation of screening programs of the Office of
14 Transportation Threat Assessment and Credentialing,
15 \$183,954,000, to remain available until September 30,
16 2013.

17 TRANSPORTATION SECURITY SUPPORT

18 For necessary expenses of the Transportation Secu-
19 rity Administration related to providing transportation se-
20 curity support and intelligence pursuant to the Aviation
21 and Transportation Security Act (Public Law 107–71;
22 115 Stat. 597; 49 U.S.C. 40101 note), \$1,032,790,000,
23 to remain available until September 30, 2013: *Provided*,
24 That the Secretary of Homeland Security shall submit to
25 the Committees on Appropriations of the Senate and the

1 House of Representatives detailed expenditure plans for
2 air cargo security, checkpoint support, and explosives de-
3 tection systems procurement, refurbishment, and installa-
4 tion on an airport-by-airport basis for fiscal year 2013:
5 *Provided further*, That these plans shall be submitted not
6 later than 60 days after the date of enactment of this Act.

7
8 FEDERAL AIR MARSHALS

8 For necessary expenses of the Federal Air Marshals,
9 \$961,375,000.

10 COAST GUARD

11 OPERATING EXPENSES

12 For necessary expenses for the operation and mainte-
13 nance of the Coast Guard, not otherwise provided for, pur-
14 chase or lease of not to exceed 25 passenger motor vehi-
15 cles, which shall be for replacement only; purchase or lease
16 of small boats for contingent and emergent requirements
17 (at a unit cost of no more than \$700,000) and repairs
18 and service-life replacements, not to exceed a total of
19 \$28,000,000; purchase or lease of boats necessary for
20 overseas deployments and activities; minor shore construc-
21 tion projects not exceeding \$1,000,000 in total cost at any
22 location; payments pursuant to section 156 of Public Law
23 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
24 ation and welfare; \$7,071,061,000, of which \$598,278,000
25 shall be for defense-related activities, of which

1 \$258,278,000 is designated as being for the global war
2 on terrorism pursuant to section 301 of H. Con. Res. 34
3 (112th Congress); of which \$24,500,000 shall be derived
4 from the Oil Spill Liability Trust Fund to carry out the
5 purposes of section 1012(a)(5) of the Oil Pollution Act
6 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
7 ceed \$20,000 shall be for official reception and representa-
8 tion expenses: *Provided*, That none of the funds made
9 available by this Act shall be for expenses incurred for rec-
10 reational vessels under section 12114 of title 46, United
11 States Code, except to the extent fees are collected from
12 owners of yachts and credited to this appropriation: *Pro-*
13 *vided further*, That the Coast Guard shall comply with the
14 requirements of section 527 of the National Defense Au-
15 thorization Act for Fiscal Year 2004 (10 U.S.C. 4331
16 note) with respect to the Coast Guard Academy: *Provided*
17 *further*, That of the funds provided under this heading,
18 \$75,000,000 shall be withheld from obligation for Coast
19 Guard Headquarters Directorates until: (1) a revised fu-
20 ture-years capital investment plan for fiscal years 2012
21 through 2016, as specified under the heading “Coast
22 Guard, Acquisition, Construction, and Improvements” of
23 this Act, that is reviewed by the Comptroller General of
24 the United States; (2) the fiscal year 2012 second quarter
25 acquisition report; and (3) the polar operations high lati-

1 tude study are submitted to the Committees on Appropria-
2 tions of the Senate and the House of Representatives: *Pro-*
3 *vided further*, That funds made available under this head-
4 ing designated as being for the global war on terrorism
5 pursuant to section 301 of H. Con. Res. 34 (112th Con-
6 gress) may be allocated by program, project, and activity,
7 notwithstanding section 503 of this Act.

8 ENVIRONMENTAL COMPLIANCE AND RESTORATION

9 For necessary expenses to carry out the environ-
10 mental compliance and restoration functions of the Coast
11 Guard under chapter 19 of title 14, United States Code,
12 \$10,198,000, to remain available until September 30,
13 2016: *Provided*, That an expenditure plan that itemizes
14 the costs associated with each project identified in the
15 Coast Guard's Environmental Compliance and Restora-
16 tion backlog report dated April 11, 2011, shall be included
17 at the time that the President's budget is submitted each
18 year under section 1105(a) of title 31, United States
19 Code, to the Committees on Appropriations of the Senate
20 and the House of Representatives.

21 RESERVE TRAINING

22 For necessary expenses of the Coast Guard Reserve,
23 as authorized by law; operations and maintenance of the
24 Coast Guard reserve program; personnel and training
25 costs; and equipment and services; \$131,778,000.

1 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of acquisition, construction,
3 renovation, and improvement of aids to navigation, shore
4 facilities, vessels, and aircraft, including equipment related
5 thereto, and maintenance, rehabilitation, lease and oper-
6 ation of facilities and equipment, as authorized by law,
7 \$1,151,673,000, of which \$20,000,000 shall be derived
8 from the Oil Spill Liability Trust Fund to carry out the
9 purposes of section 1012(a)(5) of the Oil Pollution Act
10 of 1990 (33 U.S.C. 2712(a)(5)); of which \$427,691,000
11 shall be available until September 30, 2016, to acquire,
12 effect major repairs to, renovate, or improve vessels, small
13 boats, and related equipment; of which \$328,900,000 shall
14 be available until September 30, 2014, to acquire, effect
15 major repairs to, renovate, or improve aircraft or increase
16 aviation capability; of which \$171,140,000 shall be avail-
17 able until September 30, 2014, for other equipment; of
18 which \$116,000,000 shall be available until September 30,
19 2016, for shore, infrastructure, military housing, and aids
20 to navigation facilities, including waterfront facilities at
21 Navy installations used by the Coast Guard, of which
22 \$14,000,000 may be derived from the Coast Guard Hous-
23 ing Fund, established under section 687 of title 14, United
24 States Code; and of which \$107,942,000 shall be available
25 for personnel compensation and benefits and related costs:

1 *Provided*, That the Secretary of Homeland Security shall
2 submit to the Committees on Appropriations of the Senate
3 and the House of Representatives, at the time that the
4 President’s budget is submitted each year under section
5 1105(a) of title 31, United States Code, a future-years
6 capital investment plan for the Coast Guard that identifies
7 for each requested capital asset—

8 (1) the proposed appropriations included in that
9 budget;

10 (2) the total estimated cost of completion, in-
11 cluding and clearly delineating the costs of associ-
12 ated major acquisition systems infrastructure and
13 transition to operations;

14 (3) projected funding levels for each fiscal year
15 for the next five fiscal years or until acquisition pro-
16 gram baseline or project completion, whichever is
17 earlier;

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

20 (5) a current acquisition program baseline for
21 each capital asset, as applicable, that—

22 (A) includes the total acquisition cost of
23 each asset, subdivided by fiscal year and includ-
24 ing a detailed description of the purpose of the
25 proposed funding levels for each fiscal year, in-

1 including for each fiscal year funds requested for
2 design, pre-acquisition activities, production,
3 structural modifications, missionization, post-
4 delivery, and transition to operations costs;

5 (B) includes a detailed project schedule
6 through completion, subdivided by fiscal year,
7 that details—

8 (i) quantities planned for each fiscal
9 year; and

10 (ii) major acquisition and project
11 events, including development of oper-
12 ational requirements, contracting actions,
13 design reviews, production, delivery, test
14 and evaluation, and transition to oper-
15 ations, including necessary training, shore
16 infrastructure, and logistics;

17 (C) notes and explains any deviations in
18 cost, performance parameters, schedule, or esti-
19 mated date of completion from the original ac-
20 quisition program baseline and the most recent
21 baseline approved by the Department of Home-
22 land Security's Acquisition Review Board, if ap-
23 plicable;

24 (D) aligns the acquisition of each asset to
25 mission requirements by defining existing capa-

1 bilities of comparable legacy assets, identifying
2 known capability gaps between such existing ca-
3 pabilities and stated mission requirements, and
4 explaining how the acquisition of each asset will
5 address such known capability gaps;

6 (E) defines life-cycle costs for each asset
7 and the date of the estimate on which such
8 costs are based, including all associated costs of
9 major acquisitions systems infrastructure and
10 transition to operations, delineated by purpose
11 and fiscal year for the projected service life of
12 the asset;

13 (F) includes the earned value management
14 system summary schedule performance index
15 and cost performance index for each asset, if
16 applicable; and

17 (G) includes a phase-out and decommis-
18 sioning schedule delineated by fiscal year for
19 each existing legacy asset that each asset is in-
20 tended to replace or recapitalize:

21 *Provided further,* That the Secretary shall ensure
22 that amounts specified in the future-years capital in-
23 vestment plan are consistent, to the maximum extent
24 practicable, with proposed appropriations necessary
25 to support the programs, projects, and activities of

1 the Coast Guard in the President's budget as sub-
2 mitted under section 1105(a) of title 31, United
3 States Code, for that fiscal year: *Provided further*,
4 That any inconsistencies between the capital invest-
5 ment plan and proposed appropriations shall be
6 identified and justified: *Provided further*, That sub-
7 sections (a) and (b) of section 6402 of Public Law
8 110–28 shall apply with respect to the amounts
9 made available under this heading.

10 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

11 For necessary expenses for applied scientific re-
12 search, development, test, and evaluation; and for mainte-
13 nance, rehabilitation, lease, and operation of facilities and
14 equipment; as authorized by law; \$12,779,000, to remain
15 available until September 30, 2016, of which \$500,000
16 shall be derived from the Oil Spill Liability Trust Fund
17 to carry out the purposes of section 1012(a)(5) of the Oil
18 Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*,
19 That there may be credited to and used for the purposes
20 of this appropriation funds received from State and local
21 governments, other public authorities, private sources, and
22 foreign countries for expenses incurred for research, devel-
23 opment, testing, and evaluation: *Provided further*, That a
24 detailed expenditure plan for the amount requested under

1 this heading shall be included with the President's annual
2 budget submission.

3 RETIRED PAY

4 For retired pay, including the payment of obligations
5 otherwise chargeable to lapsed appropriations for this pur-
6 pose, payments under the Retired Serviceman's Family
7 Protection and Survivor Benefits Plans, payment for ca-
8 reer status bonuses, concurrent receipts and combat-re-
9 lated special compensation under the National Defense
10 Authorization Act, and payments for medical care of re-
11 tired personnel and their dependents under chapter 55 of
12 title 10, United States Code, \$1,440,157,000, to remain
13 available until expended.

14 UNITED STATES SECRET SERVICE

15 SALARIES AND EXPENSES

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

1 tective functions; payment of per diem or subsistence al-
2 lowances to employees in cases in which a protective as-
3 signment on the actual day or days of the visit of a
4 protectee requires an employee to work 16 hours per day
5 or to remain overnight at a post of duty; conduct of and
6 participation in firearms matches; presentation of awards;
7 travel of United States Secret Service employees on pro-
8 tective missions without regard to the limitations on such
9 expenditures in this or any other Act if approval is ob-
10 tained in advance from the Committees on Appropriations
11 of the Senate and the House of Representatives; research
12 and development; grants to conduct behavioral research in
13 support of protective research and operations; and pay-
14 ment in advance for commercial accommodations as may
15 be necessary to perform protective functions;
16 \$1,666,451,000, of which not to exceed \$25,000 shall be
17 for official reception and representation expenses; of which
18 not to exceed \$100,000 shall be to provide technical assist-
19 ance and equipment to foreign law enforcement organiza-
20 tions in counterfeit investigations; of which \$2,366,000
21 shall be for forensic and related support of investigations
22 of missing and exploited children; and of which
23 \$6,000,000 shall be for a grant for activities related to
24 investigations of missing and exploited children and shall
25 remain available until September 30, 2013: *Provided,*

1 That up to \$18,000,000 for protective travel shall remain
2 available until September 30, 2013: *Provided further*, That
3 up to \$12,307,000 for National Special Security Events
4 shall remain available until September 30, 2013: *Provided*
5 *further*, That the United States Secret Service is author-
6 ized to obligate funds in anticipation of reimbursements
7 from Federal agencies and entities, as defined in section
8 105 of title 5, United States Code, for personnel receiving
9 training sponsored by the James J. Rowley Training Cen-
10 ter, except that total obligations at the end of the fiscal
11 year shall not exceed total budgetary resources available
12 under this heading at the end of the fiscal year: *Provided*
13 *further*, That none of the funds made available under this
14 heading shall be available to compensate any employee for
15 overtime in an annual amount in excess of \$35,000, except
16 that the Secretary of Homeland Security, or the designee
17 of the Secretary, may waive that amount as necessary for
18 national security purposes: *Provided further*, That none of
19 the funds made available to the United States Secret Serv-
20 ice by this Act or by previous appropriations Acts may
21 be made available for the protection of the head of a Fed-
22 eral agency other than the Secretary of Homeland Secu-
23 rity: *Provided further*, That the Director of the United
24 States Secret Service may enter into an agreement to pro-
25 vide such protection on a fully reimbursable basis: *Pro-*

1 *vided further*, That of the total amount made available
2 under this heading, \$43,843,000, to remain available until
3 September 30, 2014, is for information integration and
4 transformation: *Provided further*, That none of the funds
5 made available in the preceding proviso shall be obligated
6 to purchase or install information technology equipment
7 until the Chief Information Officer of the Department of
8 Homeland Security submits a report to the Committees
9 on Appropriation of the Senate and the House of Rep-
10 resentatives certifying that all plans for such integration
11 and transformation are consistent with Department of
12 Homeland Security enterprise architecture requirements:
13 *Provided further*, That none of the funds made available
14 to the United States Secret Service by this Act or by pre-
15 vious appropriations Acts may be obligated for the pur-
16 pose of opening a new permanent domestic or overseas of-
17 fice or location unless the Committees on Appropriations
18 of the Senate and the House of Representatives are noti-
19 fied 15 days in advance of such obligation.

20 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
21 RELATED EXPENSES

22 For necessary expenses for acquisition, construction,
23 repair, alteration, and improvement of facilities,
24 \$6,780,000, to remain available until September 30, 2016.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 MANAGEMENT AND ADMINISTRATION

6 For salaries and expenses of the Office of the Under
7 Secretary for the National Protection and Programs Di-
8 rectorate, support for operations, information technology,
9 and the Office of Risk Management and Analysis,
10 \$42,511,000: *Provided*, That not to exceed \$5,000 shall
11 be for official reception and representation expenses.

12 INFRASTRUCTURE PROTECTION AND INFORMATION
13 SECURITY

14 For necessary expenses for infrastructure protection
15 and information security programs and activities, as au-
16 thorized by title II of the Homeland Security Act of 2002
17 (6 U.S.C. 121 et seq.), \$891,243,000: *Provided*, That of
18 the amount made available under this heading,
19 \$219,420,500 may not be obligated for the National Cyber
20 Security Division program and \$148,639,500 may not be
21 obligated for the Office of Infrastructure Protection until
22 the Committees on Appropriations of the Senate and the
23 House of Representatives receive and approve a plan for
24 expenditure for each of these programs that describes the
25 strategic context of the programs, the specific goals and

1 milestones set for the programs, and the funds allocated
2 to achieving each of those goals and milestones: *Provided*
3 *further*, That the Secretary of Homeland Security shall
4 submit to the Committees on Appropriations of the Senate
5 and the House of Representatives, at the time that the
6 President's budget is submitted each year under section
7 1105(a) of title 31, United States Code: (1) an expendi-
8 ture plan for the Office of Infrastructure Protection and
9 the National Cyber Security Division that describes the
10 strategic context of the programs, the specific goals and
11 milestones set for the programs, and the funds allocated
12 to achieving each of those goals and milestones for the
13 fiscal year being appropriated; and (2) a multi-year invest-
14 ment and management plan for the National Cybersecu-
15 rity Protection System that identifies—

16 (1) the inventory of nests and sensors by loca-
17 tion and date of deployment;

18 (2) the proposed appropriations included in that
19 budget for each increment sub-divided by procure-
20 ment, including quantity, deployment, and oper-
21 ations and maintenance;

22 (3) projected funding levels for procurements
23 including quantity, deployment, and operations and
24 maintenance for each increment for each of the next
25 five fiscal years; and

1 (4) a current acquisition program baseline
2 that—

3 (A) aligns the acquisition to mission re-
4 quirements by defining existing capabilities,
5 identifying known capability gaps between such
6 existing capabilities and stated mission require-
7 ments, and explaining how the acquisition of
8 each technology will address such known capa-
9 bility gaps; and

10 (B) defines life-cycle costs for each tech-
11 nology, including all associated costs of major
12 acquisitions systems infrastructure and transi-
13 tion to operations, delineated by purpose and
14 fiscal year for the projected service life of the
15 technology.

16 FEDERAL PROTECTIVE SERVICE

17 The revenues and collections of security fees credited
18 to this account shall be available until expended for nec-
19 essary expenses related to the protection of Federally-
20 owned and leased buildings and for the operations of the
21 Federal Protective Service: *Provided*, That the Director of
22 the Federal Protective Service shall include with the sub-
23 mission of the fiscal year 2013 budget a strategic human
24 capital plan that aligns fee collection to personnel require-
25 ments based on the current threat assessment; *Provided*

1 *further*, That an expenditure plan for program, project,
2 and activity and by objective for fiscal year 2012 shall be
3 provided to the Committees on Appropriations of the Sen-
4 ate and the House of Representatives not later than 60
5 days after the date of enactment of this Act: *Provided fur-*
6 *ther*, That an expenditure plan for program, project, and
7 activity and by objective for fiscal year 2013 shall be sub-
8 mitted at the time that the President's budget is sub-
9 mitted each year under section 1105(a) of title 31, United
10 States Code, to the Committees on Appropriations of the
11 Senate and the House of Representatives.

12 UNITED STATES VISITOR AND IMMIGRANT STATUS

13 INDICATOR TECHNOLOGY

14 For necessary expenses for the United States Visitor
15 and Immigrant Status Indicator Technology program, as
16 authorized by section 110 of the Illegal Immigration Re-
17 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
18 1365a), \$297,402,000: *Provided*, That of the total amount
19 made available under this heading, \$194,295,000 is to re-
20 main available until September 30, 2014: *Provided further*,
21 That of the total amount provided, \$50,000,000 may not
22 be obligated for the United States Visitor and Immigrant
23 Status Indicator Technology program until the Commit-
24 tees on Appropriations of the Senate and the House of
25 Representatives receive a plan for expenditure, prepared

1 by the Secretary of Homeland Security, not later than 90
2 days after the date of enactment of this Act, that meets
3 the statutory conditions specified under this heading in
4 Public Law 110–329: *Provided further*, That the Secretary
5 of Homeland Security shall submit to the Committees on
6 Appropriations of the Senate and the House of Represent-
7 atives, at the time that the President’s budget is submitted
8 each year under section 1105(a) of title 31, United States
9 Code, a multi-year investment and management plan for
10 the United States Visitor and Immigrant Status Indicator
11 Technology program that includes—

12 (1) the proposed appropriations for each activ-
13 ity tied to mission requirements and outcomes, pro-
14 gram management capabilities, performance levels,
15 and specific capabilities and services to be delivered,
16 noting any deviations in cost or performance from
17 the prior fiscal year expenditure or investment and
18 management plan;

19 (2) the total estimated cost, projected funding
20 by fiscal year, and projected timeline of completion
21 for all enhancements, modernizations, and new capa-
22 bilities proposed in such budget and underway, in-
23 cluding and clearly delineating associated efforts and
24 funds requested by other agencies within the De-
25 partment of Homeland Security and in the Federal

1 Government, and detailing any deviations in cost,
2 performance, schedule, or estimated date of comple-
3 tion provided in the prior fiscal year expenditure or
4 investment and management plan; and

5 (3) a detailed accounting of operations and
6 maintenance, contractor services, and program costs
7 associated with the management of identity services.

8 OFFICE OF HEALTH AFFAIRS

9 For necessary expenses of the Office of Health Af-
10 fairs, \$165,949,000; of which \$30,171,000 is for salaries
11 and expenses and \$115,164,000 is for BioWatch oper-
12 ations: *Provided*, That \$45,615,000 shall remain available
13 until September 30, 2013, for biosurveillance, BioWatch
14 Generation 3, chemical defense, medical and health plan-
15 ning and coordination, and workforce health protection:
16 *Provided further*, That not to exceed \$3,000 shall be for
17 official reception and representation expenses: *Provided*
18 *further*, That an expenditure plan for program, project,
19 and activity and by objective for fiscal year 2012 shall be
20 provided to the Committees on Appropriations of the Sen-
21 ate and the House of Representatives not later than 60
22 days after the date of enactment of this Act: *Provided fur-*
23 *ther*, That an expenditure plan for program, project, and
24 activity and by objective for each fiscal year shall be sub-
25 mitted at the time that the President's budget is sub-

1 mitted each year under section 1105(a) of title 31, United
2 States Code, to the Committees on Appropriations of the
3 Senate and the House of Representatives.

4 FEDERAL EMERGENCY MANAGEMENT AGENCY

5 MANAGEMENT AND ADMINISTRATION

6 For necessary expenses for management and admin-
7 istration of the Federal Emergency Management Agency,
8 \$707,298,000, including activities authorized by the Na-
9 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
10 seq.), the Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
12 Grande Fire Assistance Act of 2000 (division C, title I,
13 114 Stat. 583), the Earthquake Hazards Reduction Act
14 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
15 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
16 and 303 of the National Security Act of 1947 (50 U.S.C.
17 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
18 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
19 et seq.), and the Post-Katrina Emergency Management
20 Reform Act of 2006 (Public Law 109–295): *Provided*,
21 That not to exceed \$3,000 shall be for official reception
22 and representation expenses: *Provided further*, That the
23 Secretary of Homeland Security shall submit an expendi-
24 ture plan detailed by office for the Federal Emergency
25 Management Agency to the Committees on Appropriations

1 of the Senate and the House of Representatives at the
2 time that the President's budget is submitted each year
3 under section 1105(a) of title 31, United States Code:
4 *Provided further*, That of the total amount made available
5 under this heading, not to exceed \$5,863,000 shall remain
6 available until September 30, 2013, for capital improve-
7 ments at the Mount Weather Emergency Operations Cen-
8 ter: *Provided further*, That of the total amount made avail-
9 able under this heading, \$35,250,000 shall be for the
10 Urban Search and Rescue Response System, of which not
11 to exceed \$1,600,000 may be made available for adminis-
12 trative costs; and \$5,493,000 shall be for the Office of
13 National Capital Region Coordination: *Provided further*,
14 That for purposes of planning, coordination, execution,
15 and decision-making related to mass evacuation during a
16 disaster, the Governors of the State of West Virginia and
17 the Commonwealth of Pennsylvania, or their designees,
18 shall be incorporated into efforts to integrate the activities
19 of Federal, State, and local governments in the National
20 Capital Region, as defined in section 882 of the Homeland
21 Security Act of 2002 (Public Law 107-296).

22 STATE AND LOCAL PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For grants, contracts, cooperative agreements, and
25 other activities, \$1,000,000,000, which shall be distributed

1 at the discretion of the Secretary of Homeland Security
2 based on the following authorities:

3 (1) The State Homeland Security Grant Pro-
4 gram under section 2004 of the Homeland Security
5 Act of 2002 (6 U.S.C. 605).

6 (2) The Urban Area Security Initiative under
7 section 2003 of the Homeland Security Act of 2002
8 (6 U.S.C. 604), notwithstanding subsection (c)(1) of
9 such section, funds provided under this paragraph
10 may be used for grants to organizations (as de-
11 scribed under section 501(c)(3) of the Internal Rev-
12 enue Code of 1986 and exempt from tax section
13 501(a) of such code) determined by the Secretary to
14 be at high risk of a terrorist attack.

15 (3) The Metropolitan Medical Response System
16 under section 635 of the Post-Katrina Emergency
17 Management Reform Act of 2006 (6 U.S.C. 723).

18 (4) The Citizen Corps Program, notwith-
19 standing the requirements of subtitle A of title XX
20 of the Homeland Security Act of 2002 (6 U.S.C.
21 603 et seq.).

22 (5) The Public Transportation Security Assist-
23 ance and Railroad Security Assistance, under sec-
24 tions 1406 and 1513 of the Implementing Rec-
25 ommendations of the 9/11 Commission Act of 2007

1 (6 U.S.C. 1135 and 1163): *Provided*, That such
2 public transportation security assistance shall be
3 provided directly to public transportation agencies.

4 (6) Over-the-Road Bus Security Assistance
5 under section 1532 of the Implementing Rec-
6 ommendations of the 9/11 Commission Act of 2007
7 (6 U.S.C. 1182).

8 (7) Port Security Grants in accordance with 46
9 U.S.C. 70107.

10 (8) The Driver's License Security Grants Pro-
11 gram in accordance with section 204 of the REAL
12 ID Act of 2005 (49 U.S.C. 30301 note).

13 (9) The Interoperable Emergency Communica-
14 tions Grant Program under section 1809 of the
15 Homeland Security Act of 2002 (6 U.S.C. 579).

16 *Provided*, That of the amount provided under this
17 heading, \$55,000,000 shall be for Operation Stonegarden
18 and \$192,663,000 shall be for training, exercises, tech-
19 nical assistance, and other programs, of which
20 \$107,000,000 shall be for training of State, local, and
21 tribal emergency response providers: *Provided further*,
22 That notwithstanding subsection (c)(4) of section 2004 of
23 the Homeland Security Act of 2002 (6 U.S.C. 605), for
24 fiscal year 2012, the Commonwealth of Puerto Rico shall
25 make available to local and tribal governments amounts

1 provided to the Commonwealth of Puerto Rico under the
2 State Homeland Security Grant Program in accordance
3 with subsection (c)(1) of such section 2004: *Provided fur-*
4 *ther*, That 10 percent of the amounts provided under this
5 heading shall be transferred to “Federal Emergency Man-
6 agement Agency, Management and Administration” for
7 program administration, and the Secretary of Homeland
8 Security shall provide an expenditure plan for program ad-
9 ministration to the Committees on Appropriations of the
10 Senate and the House of Representatives within 60 days
11 after the date of enactment of this Act: *Provided further*,
12 That the Secretary shall provide a detailed expenditure
13 plan for program administration for each fiscal year to
14 the Committees on Appropriations of the Senate and the
15 House of Representatives at the time that the President’s
16 budget is submitted each year under section 1105(a) of
17 title 31, United States Code: *Provided further*, That not-
18 withstanding section 2008(a)(11) of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 609(a)(11)), or any other pro-
20 vision of law, a grantee may use not more than five per-
21 cent of the amount of a grant made available under this
22 heading for expenses directly related to administration of
23 the grant: *Provided further*, That for grants under para-
24 graphs (1) through (4), the applications for grants shall
25 be made available to eligible applicants not later than 25

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

1 tion, for the purposes for which amounts in the account
2 may be expended, and (b) the head of the Center for Do-
3 mestic Preparedness shall ensure that any training pro-
4 vided under (a) does not interfere with the primary mis-
5 sion of the Center to train State and local emergency re-
6 sponse providers: *Provided further*, That not later than 60
7 days after the date of enactment of this Act, the Adminis-
8 trator of the Federal Emergency Management Agency
9 shall submit to the Committees on Appropriations of the
10 Senate and the House of Representatives a plan to expend
11 by the end of fiscal year 2012 all unexpended balances
12 of funds appropriated for fiscal years before fiscal year
13 2008 under this heading.

14 FIREFIGHTER ASSISTANCE GRANTS

15 For necessary expenses for programs authorized by
16 the Federal Fire Prevention and Control Act of 1974 (15
17 U.S.C. 2201 et seq.), \$350,000,000 (increased by
18 \$320,000,000), of which \$200,000,000 (increased by
19 \$135,000,000) shall be available to carry out section 33
20 of that Act (15 U.S.C. 2229) and \$150,000,000 (in-
21 creased by \$185,000,000) shall be available to carry out
22 section 34 of that Act (15 U.S.C. 2229a), to remain avail-
23 able until September 30, 2013: *Provided*, That not to ex-
24 ceed 10 percent of the amount available under this head-
25 ing shall be transferred to “Federal Emergency Manage-

1 ment Agency, Management and Administration” for pro-
2 gram administration, and an expenditure plan for pro-
3 gram administration shall be provided to the Committees
4 on Appropriations of the Senate and the House of Rep-
5 resentatives not later than 60 days after the date of enact-
6 ment of this Act: *Provided further*, That an expenditure
7 plan for program administration shall be submitted at the
8 time that the President’s budget is submitted each year
9 under section 1105(a) of title 31, United States Code, to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives.

12 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

13 For necessary expenses for emergency management
14 performance grants, as authorized by the National Flood
15 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
16 ert T. Stafford Disaster Relief and Emergency Assistance
17 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
18 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
19 organization Plan No. 3 of 1978 (5 U.S.C. App.),
20 \$350,000,000: *Provided*, That not to exceed 10 percent
21 of the amount available under this heading shall be trans-
22 ferred to “Federal Emergency Management Agency, Man-
23 agement and Administration” for program administration,
24 and an expenditure plan for program administration shall
25 be provided to the Committees on Appropriations of the

1 Senate and the House of Representatives not later than
2 60 days after the date of enactment of this Act: *Provided*
3 *further*, That an expenditure plan for program administra-
4 tion shall be submitted at the time that the President's
5 budget is submitted each year under section 1105(a) of
6 title 31, United States Code, to the Committees on Appro-
7 priations of the Senate and the House of Representatives.

8 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

9 The aggregate charges assessed during fiscal year
10 2012, as authorized in title III of the Departments of Vet-
11 erans Affairs and Housing and Urban Development, and
12 Independent Agencies Appropriations Act, 1999 (42
13 U.S.C. 5196e), shall not be less than 100 percent of the
14 amounts anticipated by the Department of Homeland Se-
15 curity necessary for its radiological emergency prepared-
16 ness program for the next fiscal year: *Provided*, That the
17 methodology for assessment and collection of fees shall be
18 fair and equitable and shall reflect costs of providing such
19 services, including administrative costs of collecting such
20 fees: *Provided further*, That fees received under this head-
21 ing shall be deposited in this account as offsetting collec-
22 tions and will become available for authorized purposes on
23 October 1, 2012, and remain available until expended.

1 UNITED STATES FIRE ADMINISTRATION

2 For necessary expenses of the United States Fire Ad-
3 ministration and for other purposes, as authorized by the
4 Federal Fire Prevention and Control Act of 1974 (15
5 U.S.C. 2201 et seq.) and the Homeland Security Act of
6 2002 (6 U.S.C. 101 et seq.), \$42,538,000.

7 DISASTER RELIEF

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses in carrying out the Robert
10 T. Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5121 et seq.), \$2,650,000,000 (reduced by
12 \$100,000,000) (increased by \$100,000,000), to remain
13 available until expended: *Provided*, That the Federal
14 Emergency Management Agency shall submit an expendi-
15 ture plan to the Committees on Appropriations of the Sen-
16 ate and the House of Representatives detailing the use of
17 the funds for disaster readiness and support not later than
18 60 days after the date of enactment of this Act: *Provided*
19 *further*, That the Federal Emergency Management Agency
20 shall submit to such Committees a quarterly report detail-
21 ing obligations against the expenditure plan and a jus-
22 tification for any changes in spending: *Provided further*,
23 That of the total amount provided, \$16,000,000 shall be
24 transferred to the Department of Homeland Security Of-
25 fice of Inspector General for audits and investigations re-

1 lated to disasters, subject to section 503 of this Act: *Pro-*
2 *vided further*, That not later than 60 days after the date
3 of enactment of this Act, \$105,600,000 shall be trans-
4 ferred to “Federal Emergency Management Agency, Man-
5 agement and Administration” for management and ad-
6 ministration functions: *Provided further*, That the Admin-
7 istrator of the Federal Emergency Management Agency
8 shall submit the monthly “Disaster Relief” report, as
9 specified in Public Law 110–161, to the Committees on
10 Appropriations of the Senate and the House of Represent-
11 atives, and include the amounts provided to each Federal
12 agency for mission assignments: *Provided further*, That
13 the Administrator of the Federal Emergency Management
14 Agency shall submit quarterly reports to the Committees
15 on Appropriations of the Senate and the House of Rep-
16 resentatives providing estimates of funding requirements
17 for “Disaster Relief” for the current fiscal year and the
18 succeeding three fiscal years which shall include—

19 (1) an estimate, by quarter, for the costs of all
20 previously designated disasters;

21 (2) an estimate, by quarter, for the cost of fu-
22 ture disasters based on a five-year average, exclud-
23 ing catastrophic disasters;

24 (3) an estimate, by quarter, for the costs of cat-
25 astrophic disasters excluded from the five-year aver-

1 age subdivided by disaster and shall include the
2 amount already obligated and the remaining esti-
3 mated costs; and

4 (4) an estimate of the date on which the “Dis-
5 aster Relief” balance will reach \$800,000,000: *Pro-*
6 *vided further*, That the Administrator of the Federal
7 Emergency Management Agency shall develop a pol-
8 icy and provide a report on such policy that defines
9 the five-year average used to develop the budget esti-
10 mates for disaster relief not later than 60 days after
11 the date of enactment of this Act that shall include
12 a clear and reproducible definition of the five-year
13 average used as a basis for the request, the respon-
14 sible official who develops the average, and the data
15 source(s) used: *Provided further*, That the Adminis-
16 trator of the Federal Emergency Management Agen-
17 cy shall include in the fiscal year 2013 budget sub-
18 mission for disaster relief a clear statement of the
19 five-year average used as a basis for the request, the
20 fiscal years included in the average, a list of the obli-
21 gations for each of the five fiscal years, and all ad-
22 justments made to the gross obligation total for each
23 of the five fiscal years, including a record of which
24 catastrophic disasters are excluded from each year’s
25 obligation total and the associated amount excluded;

1 inflation adjustments; and the amount and source of
2 recoveries applied against the obligation total: *Pro-*
3 *vided further*, That the President shall submit an
4 offset budget amendment from within discretionary
5 funds not later than three months prior to the date
6 that the Administrator of the Federal Emergency
7 Management Agency estimates that the total amount
8 remaining unallocated in “Disaster Relief” will
9 reach \$800,000,000, and that the request shall ac-
10 count for all estimated funding requirements for
11 that fiscal year: *Provided further*, That for any re-
12 quest for reimbursement from a Federal agency to
13 the Department of Homeland Security to cover ex-
14 penditures under the Robert T. Stafford Disaster
15 Relief and Emergency Assistance Act (42 U.S.C.
16 5121 et seq.), or any mission assignment orders
17 issued by the Department for such purposes, the
18 Secretary of Homeland Security shall take appro-
19 priate steps to ensure that each agency is periodi-
20 cally reminded of the Department policies on—

21 (A) the detailed information required in
22 supporting documentation for reimbursements;
23 and

24 (B) the necessity for timeliness of agency
25 billings.

1 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

2 For activities under section 319 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5162), \$296,000 is for the cost of direct loans:
5 *Provided*, That gross obligations for the principal amount
6 of direct loans shall not exceed \$25,000,000: *Provided fur-*
7 *ther*, That the cost of modifying such loans shall be as
8 defined in section 502 of the Congressional Budget Act
9 of 1974 (2 U.S.C. 661a).

10 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

11 For necessary expenses under section 1360 of the
12 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
13 \$102,712,000, and such additional sums as may be pro-
14 vided by State and local governments or other political
15 subdivisions for cost-shared mapping activities under sec-
16 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
17 main available until expended: *Provided*, That total admin-
18 istrative costs shall not exceed three percent of the total
19 amount appropriated under this heading.

20 NATIONAL FLOOD INSURANCE FUND

21 For activities under the National Flood Insurance
22 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
23 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
24 \$171,000,000, which shall remain available until Sep-
25 tember 30, 2013, and shall be derived from offsetting col-

1 lections assessed and collected under section 1308(d) of
2 the National Flood Insurance Act of 1968 (42 U.S.C.
3 4015(d)), which is available for salaries and expenses as-
4 sociated with flood mitigation and flood insurance oper-
5 ations; and flood plain management and flood mapping:
6 *Provided*, That not to exceed \$22,000,000 shall be avail-
7 able for salaries and expenses associated with flood mitiga-
8 tion and flood insurance operations: *Provided further*,
9 That not less than \$149,000,000 shall be available for
10 flood plain management and flood mapping: *Provided fur-*
11 *ther*, That any additional fees collected pursuant to section
12 1308(d) of the National Flood Insurance Act of 1968 (42
13 U.S.C. 4015(d)) shall be credited as an offsetting collec-
14 tion to this account, to be available for flood plain manage-
15 ment and flood mapping: *Provided further*, That in fiscal
16 year 2012, no funds shall be available from the National
17 Flood Insurance Fund under section 1310 of that Act (42
18 U.S.C. 4017) in excess of: (1) \$132,000,000 for operating
19 expenses; (2) \$1,007,571,000 for commissions and taxes
20 of agents; (3) such sums as are necessary for interest on
21 Treasury borrowings; and (4) \$50,000,000, which shall re-
22 main available until expended for flood mitigation actions,
23 of which \$10,000,000 is for repetitive insurance claims
24 properties under section 1323 of the National Flood In-
25 surance Act of 1968 (42 U.S.C. 4030), and of which

1 \$40,000,000 is for flood mitigation assistance under sec-
2 tion 1366 of the National Flood Insurance Act of 1968
3 (42 U.S.C. 4104c), notwithstanding subparagraphs (B)
4 and (C) of subsection (b)(3) and subsection (f) of section
5 1366 of the National Flood Insurance Act of 1968 (42
6 U.S.C. 4104c), and notwithstanding subsection (a)(7) of
7 section 1310 of the National Flood Insurance Act of 1968
8 (42 U.S.C. 4017): *Provided further*, That amounts col-
9 lected under section 102 of the Flood Disaster Protection
10 Act of 1973 and section 1366(i) of the National Flood
11 Insurance Act of 1968 shall be deposited in the National
12 Flood Insurance Fund to supplement other amounts speci-
13 fied as available for section 1366 of the National Flood
14 Insurance Act of 1968, notwithstanding section 102(f)(8)
15 of the Flood Disaster Protection Act of 1973, section
16 1366(i) of the National Flood Insurance Act of 1968, and
17 paragraphs (2) and (3) of section 1366(5) of the National
18 Flood Insurance Act of 1968: *Provided further*, That total
19 administrative costs shall not exceed four percent of the
20 total appropriation.

21 NATIONAL PREDISASTER MITIGATION FUND

22 For the predisaster mitigation grant program under
23 section 203 of the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5133),
25 \$40,000,000, to remain available until expended: *Pro-*

1 *vided*, That the total administrative costs associated with
2 such grants shall not exceed three percent of the total
3 amount made available under this heading.

4 EMERGENCY FOOD AND SHELTER

5 To carry out the emergency food and shelter program
6 pursuant to title III of the McKinney-Vento Homeless As-
7 sistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to
8 remain available until expended: *Provided*, That total ad-
9 ministrative costs shall not exceed 3.5 percent of the total
10 amount made available under this heading.

11 TITLE IV

12 RESEARCH AND DEVELOPMENT, TRAINING,
13 AND SERVICES

14 UNITED STATES CITIZENSHIP AND IMMIGRATION
15 SERVICES

16 For necessary expenses for citizenship and immigra-
17 tion services, \$132,361,000 for immigration verification
18 programs, including the E-Verify Program, as authorized
19 by section 403(a) of the Illegal Immigration Reform and
20 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
21 note), to assist United States employers with maintaining
22 a legal workforce: *Provided*, That notwithstanding any
23 other provision of law, funds available to United States
24 Citizenship and Immigration Services may be used to ac-
25 quire, operate, equip, and dispose of up to five vehicles,

1 expended to be distributed to Federal law enforcement
2 agencies for expenses incurred participating in training ac-
3 creditation; and of which not to exceed \$12,000 shall be
4 for official reception and representation expenses: *Pro-*
5 *vided*, That the Center is authorized to obligate funds in
6 anticipation of reimbursements from agencies receiving
7 training sponsored by the Center, except that total obliga-
8 tions at the end of the fiscal year shall not exceed total
9 budgetary resources available at the end of the fiscal year:
10 *Provided further*, That section 1202(a) of Public Law
11 107–206 (42 U.S.C. 3771 note), as amended by Public
12 Law 111–83 (123 Stat. 2166), is further amended by
13 striking “December 31, 2012” and inserting “December
14 31, 2014”: *Provided further*, That the Director of the Fed-
15 eral Law Enforcement Training Center shall schedule
16 basic or advanced law enforcement training, or both, at
17 all four training facilities under the control of the Federal
18 Law Enforcement Training Center to ensure that such
19 training facilities are operated at the highest capacity
20 throughout the fiscal year: *Provided further*, That the Fed-
21 eral Law Enforcement Training Accreditation Board, in-
22 cluding representatives from the Federal law enforcement
23 community and non-Federal accreditation experts involved
24 in law enforcement training, shall lead the Federal law
25 enforcement training accreditation process to continue the

1 implementation of measuring and assessing the quality
2 and effectiveness of Federal law enforcement training pro-
3 grams, facilities, and instructors.

4 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
5 RELATED EXPENSES

6 For acquisition of necessary additional real property
7 and facilities, construction, and ongoing maintenance, fa-
8 cility improvements, and related expenses of the Federal
9 Law Enforcement Training Center, \$35,456,000, to re-
10 main available until September 30, 2016: *Provided*, That
11 the Center is authorized to accept reimbursement to this
12 appropriation from government agencies requesting the
13 construction of special use facilities.

14 SCIENCE AND TECHNOLOGY
15 MANAGEMENT AND ADMINISTRATION

16 For salaries and expenses of the Office of the Under
17 Secretary for Science and Technology and for manage-
18 ment and administration of programs and activities, as
19 authorized by title III of the Homeland Security Act of
20 2002 (6 U.S.C. 181 et seq.), \$140,565,000: *Provided*,
21 That not to exceed \$10,000 shall be for official reception
22 and representation expenses.

1 RESEARCH, DEVELOPMENT, ACQUISITION, AND
2 OPERATIONS

3 For necessary expenses for science and technology re-
4 search, including advanced research projects, development,
5 test and evaluation, acquisition, and operations as author-
6 ized by title III of the Homeland Security Act of 2002
7 (6 U.S.C. 181 et seq.), and the purchase or lease of not
8 to exceed five vehicles, \$398,213,000, of which
9 \$196,713,000, to remain available until September 30,
10 2014; and of which \$201,500,000, to remain available
11 until September 30, 2016, solely for operation and con-
12 struction of laboratory facilities.

13 DOMESTIC NUCLEAR DETECTION OFFICE
14 MANAGEMENT AND ADMINISTRATION

15 For salaries and expenses of the Domestic Nuclear
16 Detection Office, as authorized by title XIX of the Home-
17 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
18 agement and administration of programs and activities,
19 \$40,000,000: *Provided*, That not to exceed \$3,000 shall
20 be for official reception and representation expenses.

21 RESEARCH, DEVELOPMENT, AND OPERATIONS

22 For necessary expenses for radiological and nuclear
23 research, development, testing, evaluation, and operations,
24 \$245,194,000, to remain available until September 30,
25 2014.

SYSTEMS ACQUISITION

1
2 For expenses for the Domestic Nuclear Detection Of-
3 fice acquisition and deployment of radiological detection
4 systems in accordance with the global nuclear detection
5 architecture, \$52,000,000, to remain available until Sep-
6 tember 30, 2014: *Provided*, That none of the funds appro-
7 priated under this heading in this Act or any other Act
8 shall be obligated for full-scale procurement of advanced
9 spectroscopic portal monitors until the Secretary of Home-
10 land Security submits to the Committees on Appropria-
11 tions of the Senate and the House of Representatives a
12 report certifying that a significant increase in operational
13 effectiveness will be achieved by such obligation: *Provided*
14 *further*, That the Secretary shall submit separate and dis-
15 tinct certifications prior to the procurement of advanced
16 spectroscopic portal monitors for primary and secondary
17 deployment that address the unique requirements for
18 operational effectiveness of each type of deployment: *Pro-*
19 *vided further*, That the Secretary shall continue to consult
20 with the National Academy of Sciences before making
21 such certifications: *Provided further*, That none of the
22 funds appropriated under this heading shall be used for
23 high-risk concurrent development and production of mutu-
24 ally dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

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

12 SEC. 503. (a) None of the funds provided by this Act,
13 provided by previous appropriations Acts to the agencies
14 in or transferred to the Department of Homeland Security
15 that remain available for obligation or expenditure in fiscal
16 year 2012, or provided from any accounts in the Treasury
17 of the United States derived by the collection of fees avail-
18 able to the agencies funded by this Act, shall be available
19 for obligation or expenditure through a reprogramming of
20 funds that: (1) creates a new program, project, office, or
21 activity; (2) eliminates a program, project, office, or activ-
22 ity; (3) increases funds for any program, project, or activ-

1 ity for which funds have been denied or restricted by the
2 Congress; (4) proposes to use funds directed for a specific
3 activity by either of the Committees on Appropriations of
4 the Senate or the House of Representatives for a different
5 purpose; or (5) contracts out any function or activity for
6 which funding levels were requested for Federal full-time
7 equivalents in the object classification tables contained in
8 the fiscal year 2012 Budget Appendix for the Department
9 of Homeland Security, as modified by the joint explana-
10 tory statement accompanying this Act, unless the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives are notified 15 days in advance of such
13 reprogramming of funds.

14 (b) None of the funds provided by this Act, provided
15 by previous appropriations Acts to the agencies in or
16 transferred to the Department of Homeland Security that
17 remain available for obligation or expenditure in fiscal
18 year 2012, or provided from any accounts in the Treasury
19 of the United States derived by the collection of fees or
20 proceeds available to the agencies funded by this Act, shall
21 be available for obligation or expenditure for programs,
22 projects, or activities through a reprogramming of funds
23 in excess of \$5,000,000 or 10 percent, whichever is less,
24 that: (1) augments existing programs, projects, or activi-
25 ties; (2) reduces by 10 percent funding for any existing

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

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

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

1 (e) The notification thresholds and procedures set
2 forth in this section shall apply to any use of deobligated
3 balances of funds provided in previous Department of
4 Homeland Security Appropriations Acts.

5 SEC. 504. The Department of Homeland Security
6 Working Capital Fund, established pursuant to section
7 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
8 continue operations as a permanent working capital fund
9 for fiscal year 2012: *Provided*, That none of the funds ap-
10 propriated or otherwise made available to the Department
11 of Homeland Security may be used to make payments to
12 the Working Capital Fund, except for the activities and
13 amounts allowed in the President’s fiscal year 2012 budg-
14 et: *Provided further*, That funds provided to the Working
15 Capital Fund shall be available for obligation until ex-
16 pended to carry out the purposes of the Working Capital
17 Fund: *Provided further*, That all departmental components
18 shall be charged only for direct usage of each Working
19 Capital Fund service: *Provided further*, That funds pro-
20 vided to the Working Capital Fund shall be used only for
21 purposes consistent with the contributing component: *Pro-
22 vided further*, That the Working Capital Fund shall be
23 paid in advance or reimbursed at rates which will return
24 the full cost of each service: *Provided further*, That the

1 Working Capital Fund shall be subject to the require-
2 ments of section 503 of this Act.

3 SEC. 505. Except as otherwise specifically provided
4 by law, not to exceed 50 percent of unobligated balances
5 remaining available at the end of fiscal year 2012 from
6 appropriations for salaries and expenses for fiscal year
7 2012 in this Act shall remain available through September
8 30, 2013, in the account and for the purposes for which
9 the appropriations were provided: *Provided*, That prior to
10 the obligation of such funds, a request shall be submitted
11 to the Committees on Appropriations of the Senate and
12 the House of Representatives for approval in accordance
13 with section 503 of this Act.

14 SEC. 506. Funds made available by this Act for intel-
15 ligence activities are deemed to be specifically authorized
16 by the Congress for purposes of section 504 of the Na-
17 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
18 year 2012 until the enactment of an Act authorizing intel-
19 ligence activities for fiscal year 2012.

20 SEC. 507. (a) Except as provided in subsections (b)
21 and (c), none of the funds made available by this Act may
22 be used to—

23 (1) make or award a grant allocation, grant,
24 contract, other transaction agreement, task or deliv-
25 ery order on a Department of Homeland Security

1 multiple award contract, or to issue a letter of intent
2 totaling in excess of \$1,000,000;

3 (2) award a task order requiring an obligation
4 of funds in an amount greater than \$25,000,000
5 from multi-year Department of Homeland Security
6 funds or a task order that would cause cumulative
7 obligations of multi-year funds in a single account to
8 exceed 50 percent of the total amount appropriated;
9 or

10 (3) announce publicly the intention to make or
11 award items under paragraph (1) or (2), including
12 a contract covered by the Federal Acquisition Regu-
13 lation.

14 (b) The Secretary of Homeland Security may waive
15 the prohibition under subsection (a) if the Secretary noti-
16 fies the Committees on Appropriations of the Senate and
17 the House of Representatives at least three full business
18 days in advance of making an award or issuing a letter
19 as described in that subsection.

20 (c) If the Secretary of Homeland Security determines
21 that compliance with this section would pose a substantial
22 risk to human life, health, or safety, an award may be
23 made without notification, then the Secretary shall notify
24 the Committees on Appropriations of the Senate and the

1 House of Representatives not later than five full business
2 days after such an award is made or letter issued.

3 (d) A notification under this section—

4 (1) may not involve funds that are not available
5 for obligation; and

6 (2) shall include the amount of the award, the
7 fiscal year for which the funds for the award were
8 appropriated, and the account from which the funds
9 are being drawn.

10 (e) The Administrator of the Federal Emergency
11 Management Agency shall brief the Committees on Appro-
12 priations of the Senate and the House of Representatives
13 five full business days in advance of announcing publicly
14 the intention of making an award under “State and Local
15 Programs”

16 SEC. 508. Notwithstanding any other provision of
17 law, no agency shall purchase, construct, or lease any ad-
18 ditional facilities, except within or contiguous to existing
19 locations, to be used for the purpose of conducting Federal
20 law enforcement training without the advance approval of
21 the Committees on Appropriations of the Senate and the
22 House of Representatives, except that the Federal Law
23 Enforcement Training Center is authorized to obtain the
24 temporary use of additional facilities by lease, contract,

1 or other agreement for training that cannot be accommo-
2 dated in existing Center facilities.

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

11 SEC. 510. Sections 520, 522, and 530 of the Depart-
12 ment of Homeland Security Appropriations Act, 2008 (di-
13 vision E of Public Law 110–161; 121 Stat. 2042 et seq.)
14 shall apply with respect to funds made available in this
15 Act in the same manner as such sections applied to funds
16 made available in that Act.

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

20 SEC. 512. None of the funds made available in this
21 Act may be used by any person other than the Privacy
22 Officer appointed under subsection (a) of section 222 of
23 the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to
24 alter, direct that changes be made to, delay, or prohibit

1 the transmission to Congress of any report prepared under
2 paragraph (6) of such subsection.

3 SEC. 513. None of the funds made available in this
4 Act may be used to amend the oath of allegiance required
5 by section 337 of the Immigration and Nationality Act
6 (8 U.S.C. 1448).

7 SEC. 514. Within 45 days after the end of each
8 month, the Chief Financial Officer of the Department of
9 Homeland Security shall submit to the Committees on Ap-
10 propriations of the Senate and the House of Representa-
11 tives a monthly budget and staffing report for that month
12 that includes total obligations, on-board versus funded
13 full-time equivalent staffing levels, and the number of con-
14 tract employees for each office of the Department.

15 SEC. 515. Except as provided in section 44945 of title
16 49, United States Code, funds appropriated for or trans-
17 ferred to “Transportation Security Administration, Avia-
18 tion Security”, “Transportation Security Administration,
19 Administration”, and “Transportation Security Adminis-
20 tration, Transportation Security Support” for fiscal years
21 2004, 2005, 2006, 2007, 2008, 2009, and 2010 that are
22 recovered or deobligated shall be available only for the pro-
23 curement or installation of explosives detection systems,
24 air cargo, baggage, and checkpoint screening systems,
25 subject to notification: *Provided*, That quarterly reports

1 shall be submitted to the Committees on Appropriations
2 of the Senate and the House of Representatives on any
3 funds that are so recovered or deobligated.

4 SEC. 516. Any funds appropriated to “Coast Guard,
5 Acquisition, Construction, and Improvements” for fiscal
6 years 2002, 2003, 2004, 2005, and 2006 for the 110–
7 123 foot patrol boat conversion that are recovered, col-
8 lected, or otherwise received as the result of negotiation,
9 mediation, or litigation, shall be available until expended
10 for the Fast Response Cutter program.

11 SEC. 517. Section 532(a) of Public Law 109–295
12 (120 Stat. 1384) is amended by striking “2010” and in-
13 serting “2012”.

14 SEC. 518. The functions of the Federal Law Enforce-
15 ment Training Center instructor staff shall be classified
16 as inherently governmental for the purpose of the Federal
17 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
18 note).

19 SEC. 519. (a) Except as provided in subsection (b),
20 none of the funds appropriated in this or any other Act
21 to the Office of the Secretary and Executive Management,
22 the Office of the Under Secretary for Management, or the
23 Office of the Chief Financial Officer, may be obligated for
24 a grant or contract funded under such headings by any
25 means other than full and open competition.

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

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

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

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

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

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

22 (2) Not later than five days after the date on which
23 the Secretary of Homeland Security issues a waiver under
24 this subsection, the Secretary shall submit notification of
25 that waiver to the Committees on Appropriations of the

1 Senate and the House of Representatives, including a de-
2 scription of the applicable contract to which the waiver
3 applies and an explanation of why the waiver authority
4 was used: *Provided*, That the Secretary may not delegate
5 the authority to grant such a waiver.

6 (d) In addition to the requirements established by
7 subsections (a), (b), and (c) of this section, the Inspector
8 General of the Department of Homeland Security shall re-
9 view departmental contracts awarded through means other
10 than a full and open competition to assess departmental
11 compliance with applicable laws and regulations: *Provided*,
12 That the Inspector General shall review selected contracts
13 awarded in the previous fiscal year through means other
14 than a full and open competition: *Provided further*, That
15 in selecting which contracts to review, the Inspector Gen-
16 eral shall consider the cost and complexity of the goods
17 and services to be provided under the contract, the criti-
18 cality of the contract to fulfilling Department missions,
19 past performance problems on similar contracts or by the
20 selected vendor, complaints received about the award proc-
21 ess or contractor performance, and such other factors as
22 the Inspector General deems relevant: *Provided further*,
23 That the Inspector General shall report the results of the
24 reviews to the Committees on Appropriations of the Sen-

1 ate and the House of Representatives no later than Feb-
2 ruary 6, 2012.

3 SEC. 520. None of the funds provided in this Act or
4 any previous appropriations Acts shall be used to fund any
5 position designated as a Principal Federal Official, or suc-
6 cessor position, for any event that is declared a major dis-
7 aster or emergency under the Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (42 U.S.C. et seq.).

9 SEC. 521. None of the funds made available in this
10 or any other Act may be used to enforce section 4025(1)
11 of the Intelligence Reform and Terrorism Prevention Act
12 (Public Law 108–458; 118 Stat. 3724) unless the Assist-
13 ant Secretary of Homeland Security (Transportation Se-
14 curity Administration) reverses the determination of July
15 19, 2007, that butane lighters are not a significant threat
16 to civil aviation security.

17 SEC. 522. None of the funds made available in this
18 Act may be used to carry out section 872 of the Homeland
19 Security Act of 2002 (6 U.S.C. 452).

20 SEC. 523. None of the funds made available in this
21 Act may be used by United States Citizenship and Immi-
22 gration Services to grant an immigration benefit unless
23 the results of background checks required by law to be
24 completed prior to the granting of the benefit have been
25 received by United States Citizenship and Immigration

1 Services, and the results do not preclude the granting of
2 the benefit.

3 SEC. 524. None of the funds made available in this
4 or any other Act for fiscal year 2012 and hereafter may
5 be used to destroy or put out to pasture any horse or other
6 equine belonging to any component or agency of the De-
7 partment of Homeland Security that has become unfit for
8 service, unless the trainer or handler is first given the op-
9 tion to take possession of the equine through an adoption
10 program that has safeguards against slaughter and inhu-
11 mane treatment.

12 SEC. 525. Section 831 of the Homeland Security Act
13 of 2002 (6 U.S.C. 391) is amended—

14 (1) in subsection (a), by striking “Until Sep-
15 tember 30, 2011,” and inserting “Until September
16 30, 2012,”; and

17 (2) in subsection (d)(1), by striking “September
18 30, 2011,” and inserting “September 30, 2012,”.

19 SEC. 526. The Secretary of Homeland Security shall
20 require that all contracts of the Department of Homeland
21 Security that provide award fees link such fees to success-
22 ful acquisition outcomes (which outcomes shall be speci-
23 fied in terms of cost, schedule, and performance).

24 SEC. 527. None of the funds made available to the
25 Office of the Secretary and Executive Management under

1 this Act may be expended for any new hires by the Depart-
2 ment of Homeland Security that are not verified through
3 the E-Verify Program established under section 403(a) of
4 the Illegal Immigration Reform and Immigrant Responsi-
5 bility Act of 1996 (8 U.S.C. 1324a note).

6 SEC. 528. None of the funds made available in this
7 Act for U.S. Customs and Border Protection may be used
8 to prevent an individual not in the business of importing
9 a prescription drug (within the meaning of section 801(g)
10 of the Federal Food, Drug, and Cosmetic Act) from im-
11 porting a prescription drug from Canada that complies
12 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
13 That this section shall apply only to individuals trans-
14 porting on their person a personal-use quantity of the pre-
15 scription drug, not to exceed a 90-day supply: *Provided*
16 *further*, That the prescription drug may not be—

17 (1) a controlled substance, as defined in section
18 102 of the Controlled Substances Act (21 U.S.C.
19 802); or

20 (2) a biological product, as defined in section
21 351 of the Public Health Service Act (42 U.S.C.
22 262).

23 SEC. 529. The Secretary of Homeland Security, in
24 consultation with the Secretary of the Treasury, shall no-
25 tify the Committees on Appropriations of the Senate and

1 the House of Representatives of any proposed transfers
2 of funds available under subsection (g)(4)(B) of title 31,
3 United States Code (as added by Public Law 102–393)
4 from the Department of the Treasury Forfeiture Fund to
5 any agency within the Department of Homeland Security:
6 *Provided*, That none of the funds identified for such a
7 transfer may be obligated until the Committees on Appro-
8 priations of the Senate and the House of Representatives
9 approve the proposed transfers.

10 SEC. 530. None of the funds made available in this
11 Act may be used for planning, testing, piloting, or devel-
12 oping a national identification card.

13 SEC. 531. If the Assistant Secretary of Homeland Se-
14 curity (Transportation Security Administration) deter-
15 mines that an airport does not need to participate in the
16 E-Verify Program established under section 403(a) of the
17 Illegal Immigration Reform and Immigrant Responsibility
18 Act of 1996 (8 U.S.C. 1324a note), the Assistant Sec-
19 retary shall certify to the Committees on Appropriations
20 of the Senate and the House of Representatives that no
21 security risks will result from such non-participation.

22 SEC. 532. (a) Notwithstanding any other provision
23 of this Act, except as provided in subsection (b), and 30
24 days after the date on which the President determines
25 whether to declare a major disaster because of an event

1 and any appeal is completed, the Administrator shall sub-
2 mit to the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate, the Committee on Homeland
4 Security of the House of Representatives, the Committee
5 on Transportation and Infrastructure of the House of
6 Representatives, and the Committees on Appropriations of
7 the Senate and the House of Representatives, and publish
8 on the website of the Federal Emergency Management
9 Agency, a report regarding that decision, which shall sum-
10 marize damage assessment information used to determine
11 whether to declare a major disaster.

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

15 (c) In this section—

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

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

23 SEC. 533. (a) Notwithstanding any other provision
24 of law during fiscal year 2012 or any subsequent fiscal
25 year, if the Secretary of Homeland Security determines

1 that the National Bio- and Agro-defense Facility be lo-
2 cated at a site other than Plum Island, New York, the
3 Secretary shall ensure that the Administrator of General
4 Services sells through public sale all real and related per-
5 sonal property and transportation assets that support
6 Plum Island operations, subject to such terms and condi-
7 tions as may be necessary to protect Government interests
8 and meet program requirements.

9 (b) The proceeds of any sale described in subsection
10 (a) shall be deposited as offsetting collections into the De-
11 partment of Homeland Security “Science and Technology,
12 Research, Development, Acquisition, and Operations” ac-
13 count and, subject to appropriation, shall be available until
14 expended, for site acquisition, construction, and costs re-
15 lated to the construction of the National Bio- and Agro-
16 defense Facility, including the costs associated with the
17 sale, including due diligence requirements, necessary envi-
18 ronmental remediation at Plum Island, and reimburse-
19 ment of expenses incurred by the General Services Admin-
20 istration.

21 SEC. 534. Any official that is required by this Act
22 to report or certify to the Committees on Appropriations
23 of the Senate and the House of Representatives may not
24 delegate such authority to perform that act unless specifi-
25 cally authorized herein.

1 SEC. 535. Section 550(b) of the Department of
2 Homeland Security Appropriations Act, 2007 (Public Law
3 109–295; 6 U.S.C. 121 note) is further amended by strik-
4 ing “2011” and inserting “2012”.

5 SEC. 536. None of the funds appropriated or other-
6 wise made available in this or any other Act may be used
7 to transfer, release, or assist in the transfer or release to
8 or within the United States, its territories, or possessions,
9 including detaining, accepting custody of, or extending im-
10 migration benefits to, Khalid Sheikh Mohammed or any
11 other detainee who—

12 (1) is not a United States citizen or a member
13 of the Armed Forces of the United States; and

14 (2) is or was held on or after June 24, 2009,
15 at the United States Naval Station, Guantanamo
16 Bay, Cuba, by the Department of Defense.

17 SEC. 537. None of the funds made available in this
18 Act may be used for first-class travel by the employees
19 of agencies funded by this Act in contravention of sections
20 301–10.122 through 301.10–124 of title 41, Code of Fed-
21 eral Regulations.

22 SEC. 538. None of the funds made available in this
23 Act may be used to propose or effect a disciplinary or ad-
24 verse action, with respect to any Department of Homeland
25 Security employee who engages regularly with the public

1 in the performance of his or her official duties solely be-
2 cause that employee elects to utilize protective equipment
3 or measures, including but not limited to surgical masks,
4 N95 respirators, gloves, or hand-sanitizers, where use of
5 such equipment or measures is in accord with Department
6 of Homeland Security policy, and Centers for Disease
7 Control and Prevention and Office of Personnel Manage-
8 ment guidance.

9 SEC. 539. None of the funds made available in this
10 Act may be used to employ workers described in section
11 274A(h)(3) of the Immigration and Nationality Act (8
12 U.S.C. 1324a(h)(3)).

13 SEC. 540. (a) Any company that collects or retains
14 personal information directly from any individual who par-
15 ticipates in the Registered Traveler program of the Trans-
16 portation Security Administration shall safeguard and dis-
17 pose of such information in accordance with the require-
18 ments in—

19 (1) the National Institute for Standards and
20 Technology Special Publication 800–30, entitled
21 “Risk Management Guide for Information Tech-
22 nology Systems”;

23 (2) the National Institute for Standards and
24 Technology Special Publication 800–53, Revision 3,

1 entitled “Recommended Security Controls for Fed-
2 eral Information Systems and Organizations”; and

3 (3) any supplemental standards established by
4 the Assistant Secretary of Homeland Security
5 (Transportation Security Administration) (referred
6 to in this section as the “Assistant Secretary”).

7 (b) The airport authority or air carrier operator that
8 sponsors the company under the Registered Traveler pro-
9 gram shall be known as the Sponsoring Entity.

10 (c) The Assistant Secretary shall require any com-
11 pany covered by subsection (a) to provide, not later than
12 30 days after the date of enactment of this Act, to the
13 Sponsoring Entity written certification that the proce-
14 dures used by the company to safeguard and dispose of
15 information are in compliance with the requirements
16 under subsection (a). Such certification shall include a de-
17 scription of the procedures used by the company to comply
18 with such requirements.

19 (d) Not later than 90 days after the date of enact-
20 ment of this Act, the Assistant Secretary shall submit to
21 the Committees on Appropriations of the Senate and the
22 House of Representatives a report that includes a descrip-
23 tion of—

1 (1) the procedures that have been used to safe-
2 guard and dispose of personal information collected
3 through the Registered Traveler program; and

4 (2) the status of any certifications required to
5 be submitted by subsection (c).

6 SEC. 541. Notwithstanding any other provision of
7 this Act, none of the funds appropriated or otherwise
8 made available by this Act may be used to pay award or
9 incentive fees for contractor performance that has been
10 judged to be below satisfactory performance or perform-
11 ance that does not meet the basic requirements of a con-
12 tract.

13 SEC. 542. (a) Not later than 180 days after the date
14 of enactment of this Act, the Assistant Secretary of Home-
15 land Security (Transportation Security Administration)
16 shall submit to the Committees on Appropriations of the
17 Senate and the House of Representatives, a report that
18 either—

19 (1) certifies that the requirement for screening
20 all air cargo on passenger aircraft by the deadline
21 under section 44901(g) of title 49, United States
22 Code, has been met; or

23 (2) includes a strategy to comply with the re-
24 quirements under title 44901(g) of title 49, United
25 States Code, including—

1 (A) a plan to meet the requirement under
2 section 44901(g) of title 49, United States
3 Code, to screen 100 percent of air cargo trans-
4 ported on passenger aircraft arriving in the
5 United States in foreign air transportation (as
6 that term is defined in section 40102 of that
7 title); and

8 (B) specification of—

9 (i) the percentage of such air cargo
10 that is being screened; and

11 (ii) the schedule for achieving screen-
12 ing of 100 percent of such air cargo.

13 (b) The Assistant Secretary shall continue to submit
14 reports described in subsection (a)(2) every 180 days
15 thereafter until the Assistant Secretary certifies that the
16 Transportation Security Administration has achieved
17 screening of 100 percent of such air cargo.

18 SEC. 543. In developing any process to screen avia-
19 tion passengers and crews for transportation or national
20 security purposes, the Secretary of Homeland Security
21 shall ensure that all such processes take into consideration
22 such passengers' and crews' privacy and civil liberties con-
23 sistent with applicable laws, regulations, and guidance.

24 SEC. 544. Sections 1309(a) and 1319 of the National
25 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and

1 4026) shall each be amended by striking “September 30,
2 2011” and inserting “September 30, 2012”.

3 SEC. 545. (a) Notwithstanding section 1356(n) of
4 title 8, United States Code, of the funds deposited into
5 the Immigration Examinations Fee Account, \$8,500,000
6 is available to United States Citizenship and Immigration
7 Services in fiscal year 2012 for the purpose of providing
8 an immigrant integration grants program.

9 (b) None of the funds made available to United
10 States Citizenship and Immigration Service for grants for
11 immigrant integration may be used to provide services to
12 aliens who have not been lawfully admitted for permanent
13 residence.

14 SEC. 546. Of the funds transferred to the Depart-
15 ment of Homeland Security when it was created in 2003,
16 the following funds are hereby rescinded from the fol-
17 lowing accounts and programs in the specified amounts:

18 (1) \$20,997,225 from “U.S. Immigration and
19 Customs Enforcement, Salaries and Expenses”.

20 (2) \$594,945 from “Violent Crime Reduction
21 Programs”.

22 SEC. 547. Of the following unobligated balances
23 available for “Department of Homeland Security, U.S.
24 Immigration and Customs Enforcement, Construction”,
25 \$11,300,000 is rescinded.

1 TITLE VI
2 EMERGENCY SUPPLEMENTAL FUNDING FOR
3 DISASTER RELIEF
4 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

5 SEC. 601. Effective on the date of the enactment of
6 this Act, of the unobligated balances remaining available
7 to the Department of Energy pursuant to section 129 of
8 the Continuing Appropriations Resolution, 2009 (division
9 A of Public Law 110–329), \$500,000,000 is rescinded and
10 \$1,000,000,000 is hereby transferred to and merged with
11 “Department of Homeland Security—Federal Emergency
12 Management Agency—Disaster Relief”: *Provided*, That
13 the amount transferred by this section is designated as
14 an emergency pursuant to section 3(c)(1) of H. Res. 5
15 (112th Congress).

16 TITLE VII
17 SPENDING REDUCTION ACCOUNT

18 SEC. 701. The amount by which the applicable alloca-
19 tion of new budget authority made by the Committee on
20 Appropriations of the House of Representatives under sec-
21 tion 302(b) of the Congressional Budget Act of 1974 ex-
22 ceeds the amount of proposed new budget authority is \$0
23 (increased by \$600,000).

24 SEC. 702. None of the funds made available by this
25 Act may be used in contravention of section 642(a) of the

1 Illegal Immigration Reform and Immigrant Responsibility
2 Act of 1996 (8 U.S.C. 1373(a)).

3 SEC. 703. None of the funds made available by this
4 Act may be used to parole an alien into the United States,
5 or grant deferred action of a final order of removal, for
6 any reason other than on a case-by-case basis for urgent
7 humanitarian reasons or significant public benefit.

8 SEC. 704. None of the funds made available under
9 this Act may be used to require an approved Transpor-
10 tation Worker Identification Credential (TWIC) applicant
11 to personally appear at a designated enrollment center for
12 the purpose of TWIC issuance, renewal, or activation.

13 SEC. 705. None of the funds made available by this
14 Act may be used by the Department of Homeland Security
15 to lease or purchase new light duty vehicles, for any execu-
16 tive fleet, or for an agency's fleet inventory, except in ac-
17 cordance with Presidential Memorandum-Federal Fleet
18 Performance, dated May 24, 2011.

19 SEC. 706. None of the funds made available by this
20 Act may be used in contravention of section 44917 of title
21 49, United States Code.

22 SEC. 707. None of the funds made available by this
23 Act may be used for the Climate Change Adaptation Task
24 Force of the Department of Homeland Security.

1 SEC. 708. None of the funds made available by this
2 Act may be used to enforce the requirements in—

3 (1) section 34(a)(1)(A) of the Federal Fire Pre-
4 vention and Control Act of 1974 (15 U.S.C.
5 2229(a)(1)(A));

6 (2) section 34(a)(1)(B) of such Act;

7 (3) section 34(c)(1) of such Act;

8 (4) section 34(c)(2) of such Act;

9 (5) section 34(c)(4)(A) of such Act; and

10 (6) section 34(a)(1)(E) of such Act.

11 SEC. 709. None of the funds made available by this
12 Act shall be made available to the Association of Commu-
13 nity Organizations for Reform Now, Acorn Beneficial
14 Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn
15 Children’s Beneficial Assoc., Arkansas Community Hous-
16 ing Corp., Acorn Community Land Assoc., Inc., Acorn
17 Community Land Assoc. of Illinois, Acorn Community
18 Land Association of Louisiana, Acorn Community Land
19 Assoc. of Pennsylvania, ACORN COMMUNITY LABOR
20 ORGANIZING CENTER, ACORN Beverly LLC,
21 ACORN Canada, ACORN Center for Housing, ACORN
22 Housing Affordable Loans LLC, Acorn Housing 1 Associ-
23 ates, LP, Acorn Housing 2 Associates, LP, ACORN
24 Housing 3 Associates LP, ACORN Housing 4 Associates,
25 L.P., ACORN International, ACORN VOTES, Acorn

1 2004 Housing Development Fund Corporation, ACRMW,
2 ACSI, Acorn Cultural Trust, Inc., American Environ-
3 mental Justice Project, Inc., ACORN Fund, Inc., Acorn
4 Fair Housing Organization, Inc., Acorn Foster Parents,
5 Inc., Agape Broadcast Foundation Inc., Acorn Housing
6 Corporation, Arkansas Acorn Housing Corporation, Acorn
7 Housing Corp. of Arizona, Acorn Housing Corp. of Illi-
8 nois, Acorn Housing Corp. of Missouri, New Jersey
9 ACORN Housing Corporation, Inc., AHCNY, Acorn
10 Housing Corp. of Pennsylvania, Texas ACORN Housing
11 Corporation, Inc., American Institute for Social Justice,
12 Acorn law for Education, Rep. & Training, Acorn Law Re-
13 form Pac, Affiliated Media Foundation Movement, Albu-
14 querque Minimum Wage Committee, Acorn National
15 Broadcasting Network, Arkansas New Party, Arkansas
16 Acorn Political Action Committee, Association for Rights
17 of Citizens, Acorn Services, Inc., Acorn Television in Ac-
18 tion for Communities, Acorn Tenants' Union, Inc., Acorn
19 Tenant Union Training & Org. Project, AWA, Baltimore
20 Organizing Support Center, Inc., Bronx Parent Leader-
21 ship, Baton Rouge ACORN Education Project, Inc.,
22 Baton Rouge Assoc. of School Employees, Broad Street
23 Corporation, California Acorn Political Action Committee,
24 Citizens Action Research Project, Council Beneficial Asso-
25 ciation, Citizens Campaign for Fair Work, Living Wage

1 Etc., Citizens Consulting, Inc., California Community
2 Network, Citizens for April Troope, Clean Government
3 Pac, Chicago Organizing and Support Center, Inc., Coun-
4 cil Health Plan, Citizens Services Society, Campaign For
5 Justice at Avondale, CLOC, Community and Labor for
6 Baltimore, Chief Organizer Fund, Colorado Organizing
7 and Support Center, Community Real Estate Processing,
8 Inc., Campaign to Reward Work, Citizens Services Incor-
9 porated, Elysian Fields Corporation, Environmental Jus-
10 tice Training Project, Inc., Franklin Acorn Housing Cor-
11 poration, Flagstaff Broadcast Foundation, Floridians for
12 All PAC, Fifteenth Street Corporation, Friends of Wendy
13 Foy, Greenwell Springs Corporations, Genevieve Stewart
14 Campaign Fund, Hammurabi Fund, Houston Organizing
15 Support Center, Hospitality Hotel and Restaurant Org.
16 Council, Iowa ACORN Broadcasting Corp., Illinois Home
17 Day Care Workers Association, Inc., Illinois Acorn Polit-
18 ical Action Committee, Illinois New Party, Illinois New
19 Party Political Committee, Institute for Worker Edu-
20 cation, Inc., Jefferson Association of Parish Employees,
21 Jefferson Association of School Employees, Johnnie Pugh
22 Campaign Fund, Louisiana ACORN, New York Commu-
23 nities for Change, Affordable Housing Centers of America,
24 Action Now, Pennsylvania Communities Organizing for
25 Change, Arkansas Community Organizations (ACO), The

1 Alliance of Californians for Community Empowerment,
2 New England United for Justice, Texas Organizing
3 Project, Minnesota, Neighborhoods Organizing for
4 Change, Organization United for Reform, Missourians Or-
5 ganizing for Reform and Empowerment, A Community
6 Voice, Community Organizations International, Applied
7 Research Center, or the Working Families Party.

8 SEC. 710. None of the funds made available by this
9 Act may be used in contravention of section 236(c) of the
10 Immigration and Nationality Act (8 U.S.C. 1226(c)).

11 SEC. 711. None of the funds made available by this
12 Act may be used for any action by a political appointee
13 (as that term is defined in section 106 of title 49, United
14 States Code) to delay, vacate, or reverse any decision by
15 an employee in the Privacy Office of the Department of
16 Homeland Security to make records available pursuant to
17 section 552 of title 5, United States Code, popularly
18 known as the Freedom of Information Act.

19 SEC. 712. None of the funds made available by this
20 Act may be used to implement the determination of the
21 Administrator of the Transportation Security Administra-
22 tion regarding transportation security officers and collec-
23 tive bargaining as described in the decision memorandum
24 dated February 4, 2011.

1 SEC. 713. None of the funds made available by this
2 Act may be used to implement any rule, regulation, or ex-
3 ecutive order regarding the disclosure of political contribu-
4 tions that takes effect on or after the date of enactment
5 of this Act.

6 SEC. 714. Of the amount made available for screen-
7 ing operations under the heading: “Transportation Secu-
8 rity Administration—Aviation Security”, not more than
9 \$2,760,503,458 may be used for screener personnel, com-
10 pensation, and benefits.

11 This Act may be cited as the “Department of Home-
12 land Security Appropriations Act, 2012”.

Passed the House of Representatives June 2, 2011.

Attest:

KAREN L. HAAS,

Clerk.