

[FULL COMMITTEE PRINT]

NOTICE: This bill is being released prior to consideration by the Full Committee and is subject to change as a result of the Full Committee's consideration.

Union Calendar No. _____

112TH CONGRESS
1ST SESSION

H. R. _____

[Report No. 112-__]

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

IN THE HOUSE OF REPRESENTATIVES

_____, 2011

Mr. ADERHOLT introduced the following bill; which was referred to the Committee on Appropriations

A BILL

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

1 money in the Treasury not otherwise appropriated, for the
2 Department of Homeland Security for the fiscal year end-
3 ing September 30, 2012, and for other purposes, 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: *Provided*, That
14 not to exceed \$60,000 shall be for official reception and
15 representation expenses, of which \$20,000 shall be made
16 available to the Office of Policy for Visa Waiver Program
17 negotiations in Washington, DC, and for other inter-
18 national activities: *Provided further*, That consistent with
19 the requirements specified within Presidential Policy Di-
20 rective-8, dated March 30, 2011, the Secretary shall sub-
21 mit to the Committees on Appropriations of the Senate
22 and the House of Representatives not later than October
23 15, 2011, the National Preparedness Goal and not later
24 than January 15, 2012, the National Preparedness Sys-
25 tem: *Provided further*, That of the amount made available

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

8 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

9 For necessary expenses of the Office of the Under
10 Secretary for Management, as authorized by sections 701
11 through 705 of the Homeland Security Act of 2002 (6
12 U.S.C. 341 through 345), \$234,940,000, of which not to
13 exceed \$3,000 shall be for official reception and represen-
14 tation expenses: *Provided*, That of the total amount made
15 available under this heading, \$5,000,000 shall remain
16 available until September 30, 2016, solely for the alter-
17 ation and improvement of facilities, tenant improvements,
18 and relocation costs to consolidate Department head-
19 quarters operations at the Nebraska Avenue Complex; and
20 \$16,686,000 shall remain available until September 30,
21 2014, for the Human Resources Information Technology
22 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, of
10 which \$105,500,000 shall be available for salaries and ex-
11 penses; and of which \$155,800,000, to remain available
12 until September 30, 2014, shall be available for develop-
13 ment and acquisition of information technology equip-
14 ment, software, services, and related activities for the De-
15 partment of Homeland Security: *Provided*, That the Chief
16 Information Officer shall submit to the Committees on Ap-
17 propriations of the Senate and the House of Representa-
18 tives, not later than 60 days after the date of enactment
19 of this Act, an expenditure plan for all information tech-
20 nology acquisition projects that are funded under this
21 heading or are funded by multiple components of the De-
22 partment of Homeland Security through reimbursable
23 agreements: *Provided further*, That such expenditure plan
24 shall include, for each project funded, the name of the
25 project, its key milestones, all funding sources, detailed

1 annual and lifecycle costs, and projected cost savings or
2 cost avoidance to be achieved: *Provided further*, That the
3 Secretary of Homeland Security shall submit to the Com-
4 mittees on Appropriations of the Senate and the House
5 of Representatives, at the time that the President's budget
6 is submitted each year under section 1105(a) of title 31,
7 United States Code, a multi-year investment and manage-
8 ment plan for all information technology acquisition
9 projects that includes—

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

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

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

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

23 (A) notes and explains any deviations in
24 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
4 TITLE II
5 SECURITY, ENFORCEMENT, AND
6 INVESTIGATIONS
7 U.S. CUSTOMS AND BORDER PROTECTION
8 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, of which \$3,274,000 shall be derived
16 from the Harbor Maintenance Trust Fund for administra-
17 tive expenses related to the collection of the Harbor Main-
18 tenance Fee pursuant to section 9505(c)(3) of the Internal
19 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
20 withstanding section 1511(e)(1) of the Homeland Security
21 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
22 \$45,000 shall be for official reception and representation
23 expenses; of which not less than \$287,901,000 shall be
24 for Air and Marine Operations; of which such sums as
25 become available in the Customs User Fee Account, except

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

1 ment plan for Inspection and Detection Technology that
2 identifies for each technology—

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

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

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

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

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

22 (B) defines life-cycle costs for each tech-
23 nology, including all associated costs of major
24 acquisitions systems infrastructure and transi-
25 tion to operations, delineated by purpose and

1 fiscal year for the projected service life of the
2 technology; and

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

7 AUTOMATION MODERNIZATION

8 For expenses for U.S. Customs and Border Protec-
9 tion automated systems, \$334,275,000, to remain avail-
10 able until September 30, 2014, of which not less than
11 \$140,000,000 shall be for the development of the Auto-
12 mated Commercial Environment: *Provided*, That the Com-
13 missioner of U.S. Customs and Border Protection shall
14 submit to the Committees on Appropriations of the Senate
15 and the House of Representatives, not later than 60 days
16 after the date of enactment of this Act, an expenditure
17 plan for the Automated Commercial Environment pro-
18 gram including results to date, plans for the program, and
19 a list of projects with associated funding from prior appro-
20 priations and provided by this Act: *Provided further*, That
21 the Secretary of Homeland Security shall submit to the
22 Committees on Appropriations of the Senate and the
23 House of Representatives, at the time that the President's
24 budget is submitted each year under section 1105(a) of
25 title 31, United States Code, a multi-year investment and

1 management plan for the funds made available under this
2 heading that includes—

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

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

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

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

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

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

1 structure, and Technology account, that includes for each
2 tactical infrastructure and technology deployment—

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

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

15 (3) a current acquisition program baseline
16 that—

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

23 (B) includes a phase-out and life-cycle re-
24 capitalization schedule delineated by fiscal year
25 for existing and new tactical infrastructure and

1 technology deployments that each deployment is
2 intended to replace or recapitalize; and

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

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

12 For necessary expenses for the operations, mainte-
13 nance, and procurement of marine vessels, aircraft, un-
14 manned aircraft systems, and other related equipment of
15 the air and marine program, including operational train-
16 ing and mission-related travel, the operations of which in-
17 clude the following: the interdiction of narcotics and other
18 goods; the provision of support to Federal, State, and local
19 agencies in the enforcement or administration of laws en-
20 forced by the Department of Homeland Security; and at
21 the discretion of the Secretary of Homeland Security, the
22 provision of assistance to Federal, State, and local agen-
23 cies in other law enforcement and emergency humani-
24 tarian efforts, \$499,966,000, to remain available until
25 September 30, 2014: *Provided*, That no aircraft or other

1 related equipment, with the exception of aircraft that are
2 one of a kind and have been identified as excess to U.S.
3 Customs and Border Protection requirements and aircraft
4 that have been damaged beyond repair, shall be trans-
5 ferred to any other Federal agency, department, or office
6 outside of the Department of Homeland Security during
7 fiscal year 2012 without the prior approval of the Commit-
8 tees on Appropriations of the Senate and the House of
9 Representatives: *Provided further*, That the Secretary of
10 Homeland Security shall report to the Committees on Ap-
11 propriations of the Senate and the House of Representa-
12 tives, not later than 90 days after the date of enactment
13 of this Act, on the update to the five-year strategic plan
14 for the air and marine program directed in conference re-
15 port 109–241 accompanying Public Law 109–90 that ad-
16 dresses missions, structure, operations, equipment, facili-
17 ties, and resources including deployment and command
18 and control requirements, and includes a recapitalization
19 plan with milestones and funding, and a detailed staffing
20 plan with associated costs to achieve full staffing to meet
21 all mission requirements.

22 CONSTRUCTION AND FACILITIES MANAGEMENT

23 For necessary expenses to plan, acquire, construct,
24 renovate, equip, furnish, operate, manage, oversee, admin-
25 ister, and maintain buildings and facilities and to provide

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

21 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

22 SALARIES AND EXPENSES

23 For necessary expenses for enforcement of immigra-
24 tion and customs laws, detention and removals, and inves-
25 tigation; and purchase and lease of up to 3,790 (2,350

1 for replacement only) police-type vehicles; \$5,522,474,000,
2 of which not to exceed \$7,500,000 shall be available until
3 expended for conducting special operations under section
4 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
5 2081); of which not to exceed \$15,000 shall be for official
6 reception and representation expenses; of which not to ex-
7 ceed \$2,000,000 shall be for awards of compensation to
8 informants, to be accounted for solely under the certificate
9 of the Secretary of Homeland Security; of which not less
10 than \$305,000 shall be for promotion of public awareness
11 of the child pornography tipline and activities to counter
12 child exploitation; of which not less than \$5,400,000 shall
13 be used to facilitate agreements consistent with section
14 287(g) of the Immigration and Nationality Act (8 U.S.C.
15 1357(g)); and of which not to exceed \$11,216,000 shall
16 be available to fund or reimburse other Federal agencies
17 for the costs associated with the care, maintenance, and
18 repatriation of smuggled aliens unlawfully present in the
19 United States: *Provided*, That none of the funds made
20 available under this heading shall be available to com-
21 pensate any employee for overtime in an annual amount
22 in excess of \$35,000, except that the Secretary, or the des-
23 ignee of the Secretary, may waive that amount as nec-
24 essary for national security purposes and in cases of immi-
25 gration emergencies: *Provided further*, That of the total

1 amount provided, \$15,770,000 shall be for activities to en-
2 force laws against forced child labor, of which not to ex-
3 ceed \$6,000,000 shall remain available until expended:
4 *Provided further*, That of the total amount available, not
5 less than \$1,600,000,000 shall be available to identify
6 aliens convicted of a crime who may be deportable and
7 aliens who may pose a serious risk to public safety or na-
8 tional security who may be deportable, and to remove
9 them from the United States once they are judged deport-
10 able, of which \$194,064,000 shall remain available until
11 September 30, 2013: *Provided further*, That the Assistant
12 Secretary of Homeland Security for U.S. Immigration and
13 Customs Enforcement shall report to the Committees on
14 Appropriations of the Senate and the House of Represent-
15 atives, not later than 45 days after the end of each quarter
16 of the fiscal year, on progress in implementing the pre-
17 ceding proviso and the funds obligated during that quarter
18 to make such progress: *Provided further*, That the Sec-
19 retary shall prioritize the identification and removal of
20 aliens convicted of a crime by the severity of that crime:
21 *Provided further*, That the funding made available under
22 this heading shall maintain a level of not less than 34,000
23 detention beds through September 30, 2012: *Provided fur-*
24 *ther*, That of the total amount provided, not less than
25 \$2,750,843,000 is for detention and removal operations,

1 including transportation of unaccompanied minor aliens:
2 *Provided further*, That of the total amount provided,
3 \$10,300,000 shall remain available until September 30,
4 2013, for the Visa Security Program: *Provided further*,
5 That none of the funds provided under this heading may
6 be used to continue a delegation of law enforcement au-
7 thority authorized under section 287(g) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1357(g)) if the Depart-
9 ment of Homeland Security Inspector General determines
10 that the terms of the agreement governing the delegation
11 of authority have been violated: *Provided further*, That
12 none of the funds provided under this heading may be
13 used to continue any contract for the provision of deten-
14 tion services if the two most recent overall performance
15 evaluations received by the contracted facility are less than
16 “adequate” or the equivalent median score in any subse-
17 quent performance evaluation system: *Provided further*,
18 That nothing under this heading shall prevent U.S. Immi-
19 gration and Customs Enforcement from exercising those
20 authorities provided under immigration laws (as defined
21 in section 101(a)(17) of the Immigration and Nationality
22 Act (8 U.S.C. 1101(a)(17))) during priority operations
23 pertaining to aliens convicted of a crime.

1 (A) note and explain any deviations in
2 cost, performance parameters, schedule, or esti-
3 mated date of completion from the original ac-
4 quisition program baseline;

5 (B) align these acquisition programs to
6 mission requirements by defining existing capa-
7 bilities, identifying known capability gaps be-
8 tween such existing capabilities and stated mis-
9 sion requirements, and explaining how each in-
10 crement will address such known capability
11 gaps; and

12 (C) define life-cycle costs for these pro-
13 grams.

14 TRANSPORTATION SECURITY ADMINISTRATION

15 AVIATION SECURITY

16 For necessary expenses of the Transportation Secu-
17 rity Administration related to providing civil aviation secu-
18 rity services pursuant to the Aviation and Transportation
19 Security Act (Public Law 107-71; 115 Stat. 597; 49
20 U.S.C. 40101 note), \$5,224,556,000, of which
21 \$1,692,000,000 shall be available until September 30,
22 2013, and of which not to exceed \$10,000 shall be for
23 official reception and representation expenses: *Provided*,
24 That of the total amount made available under this head-
25 ing, not to exceed \$4,155,813,000 shall be for screening

1 operations, of which \$555,003,000 shall be for explosives
2 detection systems; of which \$181,285,000 shall be for
3 checkpoint support; and not to exceed \$1,068,743,000
4 shall be for aviation security direction and enforcement:
5 *Provided further*, That of the amount made available in
6 the preceding proviso for explosives detection systems,
7 \$222,738,000 shall be available for the purchase and in-
8 stallation of such systems, of which not less than 10 per-
9 cent shall be available for the purchase and installation
10 of certified explosives detection systems at medium- and
11 small-sized airports: *Provided further*, That notwith-
12 standing section 44923 of title 49, United States Code,
13 for fiscal year 2012 any funds in the Aviation Security
14 Capital Fund established by section 44923(h) of title 49,
15 United States Code, may be used for the procurement and
16 installation of explosives detection systems or for the
17 issuance of other transaction agreements for the purpose
18 of funding projects described in section 44923(a): *Pro-*
19 *vided further*, That none of the funds made available in
20 this Act may be used for any recruiting or hiring of per-
21 sonnel into the Transportation Security Administration
22 that would cause the agency to exceed a staffing level of
23 46,000 full-time equivalent screeners: *Provided further*,
24 That the preceding proviso shall not apply to personnel
25 hired as part-time employees: *Provided further*, That not

1 later than 90 days after the date of enactment of this Act,
2 the Secretary of Homeland Security shall submit to the
3 Committees on Appropriations of the Senate and the
4 House of Representatives a detailed report on—

5 (1) the Department of Homeland Security ef-
6 forts and resources being devoted to develop more
7 advanced integrated passenger screening tech-
8 nologies for the most effective security of passengers
9 and baggage at the lowest possible operating and ac-
10 quisition costs;

11 (2) how the Transportation Security Adminis-
12 tration is deploying its existing passenger and bag-
13 gage screener workforce in the most cost effective
14 manner; and

15 (3) labor savings from the deployment of im-
16 proved technologies for passenger and baggage
17 screening and how those savings are being used to
18 offset security costs or reinvested to address security
19 vulnerabilities:

20 *Provided further*, That any award to deploy explosives de-
21 tection systems shall be based on risk, the airport's cur-
22 rent reliance on other screening solutions, lobby conges-
23 tion resulting in increased security concerns, high injury
24 rates, airport readiness, and increased cost effectiveness:

25 *Provided further*, That security service fees authorized

1 under section 44940 of title 49, United States Code, shall
2 be credited to this appropriation as offsetting collections
3 and shall be available only for aviation security: *Provided*
4 *further*, That the sum appropriated under this heading
5 from the general fund shall be reduced on a dollar-for-
6 dollar basis as such offsetting collections are received in
7 fiscal year 2012, so as to result in a final fiscal year appro-
8 priation under this heading from the general fund of not
9 more than \$3,194,556,000: *Provided further*, That any se-
10 curity service fees collected in excess of the amount made
11 available under this heading shall be available for fiscal
12 year 2013: *Provided further*, That Members of the House
13 of Representatives and the Senate, including the leader-
14 ship; the heads of Federal agencies and commissions, in-
15 cluding the Secretary, Deputy Secretary, Under Secre-
16 taries, and Assistant Secretaries of the Department of
17 Homeland Security; the Attorney General, Deputy Attor-
18 ney General, Assistant Attorneys General, and United
19 States Attorneys; and senior members of the Executive
20 Office of the President, including the Director of the Of-
21 fice of Management and Budget shall not be exempt from
22 Federal passenger and baggage screening.

23

1 SURFACE TRANSPORTATION SECURITY

2 For necessary expenses of the Transportation Secu-
3 rity Administration related to surface transportation secu-
4 rity activities, \$129,748,000, to remain available until
5 September 30, 2013.

6 TRANSPORTATION THREAT ASSESSMENT AND
7 CREDENTIALING

8 For necessary expenses for the development and im-
9 plementation of screening programs of the Office of
10 Transportation Threat Assessment and Credentialing,
11 \$183,954,000, to remain available until September 30,
12 2013.

13 TRANSPORTATION SECURITY SUPPORT

14 For necessary expenses of the Transportation Secu-
15 rity Administration related to providing transportation se-
16 curity support and intelligence pursuant to the Aviation
17 and Transportation Security Act (Public Law 107-71;
18 115 Stat. 597; 49 U.S.C. 40101 note), \$1,032,790,000,
19 to remain available until September 30, 2013: *Provided,*
20 That the Secretary of Homeland Security shall submit to
21 the Committees on Appropriations of the Senate and the
22 House of Representatives detailed expenditure plans for
23 air cargo security, checkpoint support, and explosives de-
24 tection systems procurement, refurbishment, and installa-
25 tion on an airport-by-airport basis for fiscal year 2013:

1 *Provided further*, That these plans shall be submitted not
2 later than 60 days after the date of enactment of this Act.

3 FEDERAL AIR MARSHALS

4 For necessary expenses of the Federal Air Marshals,
5 \$961,375,000.

6 COAST GUARD

7 OPERATING EXPENSES

8 For necessary expenses for the operation and mainte-
9 nance of the Coast Guard, not otherwise provided for, pur-
10 chase or lease of not to exceed 25 passenger motor vehi-
11 cles, which shall be for replacement only; purchase or lease
12 of small boats for contingent and emergent requirements
13 (at a unit cost of no more than \$700,000) and repairs
14 and service-life replacements, not to exceed a total of
15 \$28,000,000; purchase or lease of boats necessary for
16 overseas deployments and activities; minor shore construc-
17 tion projects not exceeding \$1,000,000 in total cost at any
18 location; payments pursuant to section 156 of Public Law
19 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
20 ation and welfare; \$7,071,061,000, of which \$598,278,000
21 shall be for defense-related activities, of which
22 \$258,278,000 is designated as being for the global war
23 on terrorism pursuant to section 301 of H. Con. Res. 34
24 (112th Congress); of which \$24,500,000 shall be derived
25 from the Oil Spill Liability Trust Fund to carry out the

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

1 pursuant to section 301 of H. Con. Res. 34 (112th Con-
2 gress) may be allocated by program, project, and activity,
3 notwithstanding section 503 of this Act.

4 ENVIRONMENTAL COMPLIANCE AND RESTORATION

5 For necessary expenses to carry out the environ-
6 mental compliance and restoration functions of the Coast
7 Guard under chapter 19 of title 14, United States Code,
8 \$10,198,000, to remain available until September 30,
9 2016: *Provided*, That an expenditure plan that itemizes
10 the costs associated with each project identified in the
11 Coast Guard's Environmental Compliance and Restora-
12 tion backlog report dated April 11, 2011, shall be included
13 at the time that the President's budget is submitted each
14 year under section 1105(a) of title 31, United States
15 Code, to the Committees on Appropriations of the Senate
16 and the House of Representatives.

17 RESERVE TRAINING

18 For necessary expenses of the Coast Guard Reserve,
19 as authorized by law; operations and maintenance of the
20 Coast Guard reserve program; personnel and training
21 costs; and equipment and services; \$131,778,000.

22 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

23 For necessary expenses of acquisition, construction,
24 renovation, and improvement of aids to navigation, shore
25 facilities, vessels, and aircraft, including equipment related

1 thereto, and maintenance, rehabilitation, lease and oper-
2 ation of facilities and equipment, as authorized by law,
3 \$1,151,673,000, of which \$20,000,000 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)); of which \$427,691,000
7 shall be available until September 30, 2016, to acquire,
8 effect major repairs to, renovate, or improve vessels, small
9 boats, and related equipment; of which \$328,900,000 shall
10 be available until September 30, 2014, to acquire, effect
11 major repairs to, renovate, or improve aircraft or increase
12 aviation capability; of which \$171,140,000 shall be avail-
13 able until September 30, 2014, for other equipment; of
14 which \$116,000,000 shall be available until September 30,
15 2016, for shore, infrastructure, military housing, and aids
16 to navigation facilities, including waterfront facilities at
17 Navy installations used by the Coast Guard, of which
18 \$14,000,000 may be derived from the Coast Guard Hous-
19 ing Fund, established under section 687 of title 14, United
20 States Code; and of which \$107,942,000 shall be available
21 for personnel compensation and benefits and related costs:
22 *Provided*, That the Secretary of Homeland Security shall
23 submit to the Committees on Appropriations of the Senate
24 and the House of Representatives, at the time that the
25 President's budget is submitted each year under section

1 1105(a) of title 31, United States Code, a future-years
2 capital investment plan for the Coast Guard that identifies
3 for each requested capital asset—

4 (1) the proposed appropriations included in that
5 budget;

6 (2) the total estimated cost of completion, in-
7 cluding and clearly delineating the costs of associ-
8 ated major acquisition systems infrastructure and
9 transition to operations;

10 (3) projected funding levels for each fiscal year
11 for the next five fiscal years or until acquisition pro-
12 gram baseline or project completion, whichever is
13 earlier;

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

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

18 (A) includes the total acquisition cost of
19 each asset, subdivided by fiscal year and includ-
20 ing a detailed description of the purpose of the
21 proposed funding levels for each fiscal year, in-
22 cluding for each fiscal year funds requested for
23 design, pre-acquisition activities, production,
24 structural modifications, missionization, post-
25 delivery, and transition to operations costs;

1 (B) includes a detailed project schedule
2 through completion, subdivided by fiscal year,
3 that details—

4 (i) quantities planned for each fiscal
5 year; and

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

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

20 (D) aligns the acquisition of each asset to
21 mission requirements by defining existing capa-
22 bilities of comparable legacy assets, identifying
23 known capability gaps between such existing ca-
24 pabilities and stated mission requirements, and

1 explaining how the acquisition of each asset will
2 address such known capability gaps;

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

10 (F) includes the earned value management
11 system summary schedule performance index
12 and cost performance index for each asset, if
13 applicable; and

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

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

1 That any inconsistencies between the capital invest-
2 ment plan and proposed appropriations shall be
3 identified and justified: *Provided further*, That sub-
4 sections (a) and (b) of section 6402 of Public Law
5 110–28 shall apply with respect to the amounts
6 made available under this heading.

7 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

1 RETIRED PAY

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

12 UNITED STATES SECRET SERVICE

13 SALARIES AND EXPENSES

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

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

1 up to \$12,307,000 for National Special Security Events
2 shall remain available until September 30, 2013: *Provided*
3 *further*, That the United States Secret Service is author-
4 ized to obligate funds in anticipation of reimbursements
5 from Federal agencies and entities, as defined in section
6 105 of title 5, United States Code, for personnel receiving
7 training sponsored by the James J. Rowley Training Cen-
8 ter, except that total obligations at the end of the fiscal
9 year shall not exceed total budgetary resources available
10 under this heading at the end of the fiscal year: *Provided*
11 *further*, That none of the funds made available under this
12 heading shall be available to compensate any employee for
13 overtime in an annual amount in excess of \$35,000, except
14 that the Secretary of Homeland Security, or the designee
15 of the Secretary, may waive that amount as necessary for
16 national security purposes: *Provided further*, That none of
17 the funds made available to the United States Secret Serv-
18 ice by this Act or by previous appropriations Acts may
19 be made available for the protection of the head of a Fed-
20 eral agency other than the Secretary of Homeland Secu-
21 rity: *Provided further*, That the Director of the United
22 States Secret Service may enter into an agreement to pro-
23 vide such protection on a fully reimbursable basis: *Pro-*
24 *vided further*, That of the total amount made available
25 under this heading, \$43,843,000, to remain available until

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

18 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

19 RELATED EXPENSES

20 For necessary expenses for acquisition, construction,
21 repair, alteration, and improvement of facilities,
22 \$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 development of the
15 United States Visitor and Immigrant Status Indicator
16 Technology project, as authorized by section 110 of the
17 Illegal Immigration Reform and Immigrant Responsibility
18 Act of 1996 (8 U.S.C. 1365a), \$297,402,000: *Provided*,
19 That of the total amount made available under this head-
20 ing, \$194,295,000 is to remain available until September
21 30, 2014: *Provided further*, That of the total amount pro-
22 vided, \$50,000,000 may not be obligated for the United
23 States Visitor and Immigrant Status Indicator Technology
24 program until the Committees on Appropriations of the
25 Senate and the House of Representatives receive a plan

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

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

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

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

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

9 OFFICE OF HEALTH AFFAIRS

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

1 mitted at the time that the President's budget is sub-
2 mitted each year under section 1105(a) of title 31, United
3 States Code, to the Committees on Appropriations of the
4 Senate and the House of Representatives.

5 FEDERAL EMERGENCY MANAGEMENT AGENCY
6 MANAGEMENT AND ADMINISTRATION

7 For necessary expenses for management and admin-
8 istration of the Federal Emergency Management Agency,
9 \$707,298,000, including activities authorized by the Na-
10 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
11 seq.), the Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
13 Grande Fire Assistance Act of 2000 (division C, title I,
14 114 Stat. 583), the Earthquake Hazards Reduction Act
15 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
16 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
17 and 303 of the National Security Act of 1947 (50 U.S.C.
18 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
19 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
20 et seq.), and the Post-Katrina Emergency Management
21 Reform Act of 2006 (Public Law 109–295): *Provided*,
22 That not to exceed \$3,000 shall be for official reception
23 and representation expenses: *Provided further*, That the
24 President's budget for fiscal year 2013 submitted under
25 section 1105(a) of title 31, United States Code, shall be

1 detailed by office for the Federal Emergency Management
2 Agency: *Provided further*, That of the total amount made
3 available under this heading, not to exceed \$5,863,000
4 shall remain available until September 30, 2013, for cap-
5 ital improvements at the Mount Weather Emergency Op-
6 erations Center: *Provided further*, That of the total
7 amount made available under this heading, \$35,250,000
8 shall be for the Urban Search and Rescue Response Sys-
9 tem, of which not to exceed \$1,600,000 may be made
10 available for administrative costs; and \$5,493,000 shall be
11 for the Office of National Capital Region Coordination:
12 *Provided further*, That for purposes of planning, coordina-
13 tion, execution, and decision-making related to mass evac-
14 uation during a disaster, the Governors of the State of
15 West Virginia and the Commonwealth of Pennsylvania, or
16 their designees, shall be incorporated into efforts to inte-
17 grate the activities of Federal, State, and local govern-
18 ments in the National Capital Region, as defined in sec-
19 tion 882 of Public Law 107–296, the Homeland Security
20 Act of 2002; *Provided further*, That an expenditure plan
21 shall be submitted at the time that the President’s budget
22 is submitted each year under section 1105(a) of title 31,
23 United States Code, to the Committees on Appropriations
24 of the Senate and the House of Representatives.

1 STATE AND LOCAL PROGRAMS
2 (INCLUDING TRANSFER OF FUNDS)

3 For grants, contracts, cooperative agreements, and
4 other activities, \$1,000,000,000, which shall be distributed
5 at the discretion of the Secretary of Homeland Security
6 based on the following authorities:

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

10 (2) The Urban Area Security Initiative under
11 section 2003 of the Homeland Security Act of 2002
12 (6 U.S.C. 604), notwithstanding subsection (c)(1) of
13 such section, funds provided under this paragraph
14 may be used for grants to organizations (as de-
15 scribed under section 501(c)(3) of the Internal Rev-
16 enue Code of 1986 and exempt from tax section
17 501(a) of such code) determined by the Secretary to
18 be at high risk of a terrorist attack.

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

22 (4) The Citizen Corps Program, notwith-
23 standing the requirements of subtitle A of title XX
24 of the Homeland Security Act of 2002 (6 U.S.C.
25 603 et seq.).

1 (5) The Public Transportation Security Assist-
2 ance and Railroad Security Assistance, under sec-
3 tions 1406 and 1513 of the Implementing Rec-
4 ommendations of the 9/11 Commission Act of 2007
5 (6 U.S.C. 1135 and 1163): *Provided*, That such
6 public transportation security assistance shall be
7 provided directly to public transportation agencies.

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

12 (7) Port Security Grants in accordance with 46
13 U.S.C. 70107.

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

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

20 *Provided*, That of the amount provided under this
21 heading, \$55,000,000 shall be for Operation Stonegarden
22 and \$192,663,000 shall be for training, exercises, tech-
23 nical assistance, and other programs, of which
24 \$107,000,000 shall be for training of State, local, and
25 tribal emergency response providers: *Provided further*,

1 That funds provided under section 2003 of the Homeland
2 Security Act of 2002 (6 U.S.C. 604) shall only be provided
3 to the top 10 highest risk urban areas: *Provided further*,
4 That notwithstanding subsection (c)(4) of section 2004 of
5 the Homeland Security Act of 2002 (6 U.S.C. 605), for
6 fiscal year 2012, the Commonwealth of Puerto Rico shall
7 make available to local and tribal governments amounts
8 provided to the Commonwealth of Puerto Rico under the
9 State Homeland Security Grant Program in accordance
10 with subsection (c)(1) of such section 2004: *Provided fur-*
11 *ther*, That 10 percent of the amounts provided under this
12 heading shall be transferred to “Federal Emergency Man-
13 agement Agency, Management and Administration” for
14 program administration, and the Secretary of Homeland
15 Security shall provide an expenditure plan for program ad-
16 ministration to the Committees on Appropriations of the
17 Senate and the House of Representatives within 60 days
18 after the date of enactment of this Act: *Provided further*,
19 That the Secretary shall provide a detailed expenditure
20 plan for program administration for fiscal year 2013 to
21 the Committees on Appropriations of the Senate and the
22 House of Representatives with the submission of the fiscal
23 year 2013 budget submission and annually thereafter:
24 *Provided further*, That notwithstanding section
25 2008(a)(11) of the Homeland Security Act of 2002 (6

1 U.S.C. 609(a)(11)), or any other provision of law, a grant-
2 ee may use not more than five percent of the amount of
3 a grant made available under this heading for expenses
4 directly related to administration of the grant: *Provided*
5 *further*, That for grants under paragraphs (1) through (4),
6 the applications for grants shall be made available to eligi-
7 ble applicants not later than 25 days after the date of en-
8 actment of this Act, that eligible applicants shall submit
9 applications not later than 90 days after the grant an-
10 nouncement, and that the Administrator of the Federal
11 Emergency Management Agency shall act within 90 days
12 after receipt of an application: *Provided further*, That for
13 grants awarded under paragraphs (5) through (9), the ap-
14 plications for grants shall be made available to eligible ap-
15 plicants not later than 30 days after the date of enactment
16 of this Act, that eligible applicants shall submit applica-
17 tions within 45 days after the grant announcement, and
18 that the Federal Emergency Management Agency shall act
19 not later than 60 days after receipt of an application: *Pro-*
20 *vided further*, That for grants under paragraphs (1) and
21 (2), the installation of communications towers is not con-
22 sidered construction of a building or other physical facil-
23 ity: *Provided further*, That grantees shall provide reports
24 on their use of funds, as determined necessary by the Sec-
25 retary: *Provided further*, That (a) the Center for Domestic

1 Preparedness may provide training to emergency response
2 providers from the Federal Government, foreign govern-
3 ments, or private entities, if the Center is reimbursed for
4 the cost of such training, and any reimbursement under
5 this subsection shall be credited to the account from which
6 the expenditure being reimbursed was made and shall be
7 available, without fiscal year limitation, for the purposes
8 for which amounts in the account may be expended, and
9 (b) the head of the Center for Domestic Preparedness
10 shall ensure that any training provided under (a) does not
11 interfere with the primary mission of the Center to train
12 State and local emergency response providers: *Provided*
13 *further*, That not later than 60 days after the date of en-
14 actment of this Act, the Administrator of the Federal
15 Emergency Management Agency shall submit to the Com-
16 mittees on Appropriations of the Senate and the House
17 of Representatives a plan to expend by the end of fiscal
18 year 2012 all unexpended balances of funds appropriated
19 for fiscal years before fiscal year 2008 under this heading.

20 FIREFIGHTER ASSISTANCE GRANTS

21 For necessary expenses for programs authorized by
22 the Federal Fire Prevention and Control Act of 1974 (15
23 U.S.C. 2201 et seq.), \$350,000,000, of which
24 \$200,000,000 shall be available to carry out section 33
25 of that Act (15 U.S.C. 2229) and \$150,000,000 shall be

1 available to carry out section 34 of that Act (15 U.S.C.
2 2229a), to remain available until September 30, 2013:
3 *Provided*, That not to exceed 10 percent of the amount
4 available under this heading shall be transferred to “Fed-
5 eral Emergency Management Agency, Management and
6 Administration” for program administration, and an ex-
7 penditure plan for program administration shall be pro-
8 vided to the Committees on Appropriations of the Senate
9 and the House of Representatives not later than 60 days
10 after the date of enactment of this Act: *Provided further*,
11 That an expenditure plan for program administration
12 shall be submitted at the time that the President’s budget
13 is submitted each year under section 1105(a) of title 31,
14 United States Code, to the Committees on Appropriations
15 of the Senate and the House of Representatives.

16 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

17 For necessary expenses for emergency management
18 performance grants, as authorized by the National Flood
19 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
20 ert T. Stafford Disaster Relief and Emergency Assistance
21 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
22 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
23 organization Plan No. 3 of 1978 (5 U.S.C. App.),
24 \$350,000,000: *Provided*, That not to exceed 10 percent
25 of the amount available under this heading shall be trans-

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

12 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

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

1 tions and will become available for authorized purposes on
2 October 1, 2012, and remain available until expended.

3 UNITED STATES FIRE ADMINISTRATION

4 For necessary expenses of the United States Fire Ad-
5 ministration and for other purposes, as authorized by the
6 Federal Fire Prevention and Control Act of 1974 (15
7 U.S.C. 2201 et seq.) and the Homeland Security Act of
8 2002 (6 U.S.C. 101 et seq.), \$42,538,000.

9 DISASTER RELIEF

10 (INCLUDING TRANSFERS OF FUNDS)

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

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

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

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

1 (3) an estimate, by quarter, for the costs of cat-
2 astrophic disasters excluded from the five-year aver-
3 age subdivided by disaster and shall include the
4 amount already obligated and the remaining esti-
5 mated costs; and

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

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

1 (B) the necessity for timeliness of agency
2 billings.

3 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

12 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

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

22 NATIONAL FLOOD INSURANCE FUND

23 For activities under the National Flood Insurance
24 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
25 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),

1 \$171,000,000, which shall remain available until Sep-
2 tember 30, 2013 and shall be derived from offsetting col-
3 lections assessed and collected under section 1308(d) of
4 the National Flood Insurance Act of 1968 (42 U.S.C.
5 4015(d)), which is available for salaries and expenses as-
6 sociated with flood mitigation and flood insurance oper-
7 ations; and flood plain management and flood mapping:
8 *Provided*, That not to exceed \$22,000,000 shall be avail-
9 able for salaries and expenses associated with flood mitiga-
10 tion and flood insurance operations: *Provided further*,
11 That not less than \$149,000,000 shall be available for
12 flood plain management and flood mapping: *Provided fur-*
13 *ther*, That any additional fees collected pursuant to section
14 1308(d) of the National Flood Insurance Act of 1968 (42
15 U.S.C. 4015(d)) shall be credited as an offsetting collec-
16 tion to this account, to be available for flood plain manage-
17 ment and flood mapping: *Provided further*, That in fiscal
18 year 2012, no funds shall be available from the National
19 Flood Insurance Fund under section 1310 of that Act (42
20 U.S.C. 4017) in excess of: (1) \$132,000,000 for operating
21 expenses; (2) \$1,007,571,000 for commissions and taxes
22 of agents; (3) such sums as are necessary for interest on
23 Treasury borrowings; and (4) \$50,000,000, which shall re-
24 main available until expended for flood mitigation actions,
25 of which \$10,000,000 is for repetitive insurance claims

1 properties under section 1323 of the National Flood In-
2 surance Act of 1968 (42 U.S.C. 4030), and of which
3 \$40,000,000 is for flood mitigation assistance under sec-
4 tion 1366 of the National Flood Insurance Act of 1968
5 (42 U.S.C. 4104c), notwithstanding subparagraphs (B)
6 and (C) of subsection (b)(3) and subsection (f) of section
7 1366 of the National Flood Insurance Act of 1968 (42
8 U.S.C. 4104c), and notwithstanding subsection (a)(7) of
9 section 1310 of the National Flood Insurance Act of 1968
10 (42 U.S.C. 4017): *Provided further*, That amounts col-
11 lected under section 102 of the Flood Disaster Protection
12 Act of 1973 and section 1366(i) of the National Flood
13 Insurance Act of 1968 shall be deposited in the National
14 Flood Insurance Fund to supplement other amounts speci-
15 fied as available for section 1366 of the National Flood
16 Insurance Act of 1968, notwithstanding section 102(f)(8)
17 of the Flood Disaster Protection Act of 1973, section
18 1366(i) of the National Flood Insurance Act of 1968, and
19 paragraphs (2) and (3) of section 1366(5) of the National
20 Flood Insurance Act of 1968: *Provided further*, That total
21 administrative costs shall not exceed four percent of the
22 total appropriation.

23 NATIONAL PREDISASTER MITIGATION FUND

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

1 Emergency Assistance Act (42 U.S.C. 5133),
2 \$40,000,000, to remain available until expended: *Pro-*
3 *vided*, That the total administrative costs associated with
4 such grants shall not exceed three percent of the total
5 amount made available under this heading.

6 EMERGENCY FOOD AND SHELTER

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

13 TITLE IV

14 RESEARCH AND DEVELOPMENT, TRAINING,
15 AND SERVICES

16 UNITED STATES CITIZENSHIP AND IMMIGRATION
17 SERVICES

18 For necessary expenses for citizenship and immigra-
19 tion services, \$132,361,000 for immigration verification
20 programs, including the E-Verify Program, as authorized
21 by section 403(a) of the Illegal Immigration Reform and
22 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
23 note), to assist United States employers with maintaining
24 a legal workforce; and of which none of the funds may
25 be used for grants for immigrant integration: *Provided*,

1 That notwithstanding any other provision of law, funds
2 available to United States Citizenship and Immigration
3 Services may be used to acquire, operate, equip, and dis-
4 pose of up to five vehicles, for replacement only, for areas
5 where the Administrator of General Services does not pro-
6 vide vehicles for lease: *Provided further*, That the Director
7 of United States Citizenship and Immigration Services
8 may authorize employees who are assigned to those areas
9 to use such vehicles to travel between the employees' resi-
10 dences and places of employment.

11 FEDERAL LAW ENFORCEMENT TRAINING CENTER

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Law Enforce-
14 ment Training Center, including materials and support
15 costs of Federal law enforcement basic training; the pur-
16 chase of not to exceed 117 vehicles for police-type use and
17 hire of passenger motor vehicles; expenses for student ath-
18 letic and related activities; the conduct of and participa-
19 tion in firearms matches and presentation of awards; pub-
20 lic awareness and enhancement of community support of
21 law enforcement training; room and board for student in-
22 terns; a flat monthly reimbursement to employees author-
23 ized to use personal mobile phones for official duties; and
24 services as authorized by section 3109 of title 5, United
25 States Code; \$238,957,000, of which up to \$48,978,000

1 shall remain available until September 30, 2013, for mate-
2 rials and support costs of Federal law enforcement basic
3 training; of which \$300,000 shall remain available until
4 expended to be distributed to Federal law enforcement
5 agencies for expenses incurred participating in training ac-
6 creditation; and of which not to exceed \$12,000 shall be
7 for official reception and representation expenses: *Pro-*
8 *vided*, That the Center is authorized to obligate funds in
9 anticipation of reimbursements from agencies receiving
10 training sponsored by the Center, except that total obliga-
11 tions at the end of the fiscal year shall not exceed total
12 budgetary resources available at the end of the fiscal year:
13 *Provided further*, That section 1202(a) of Public Law
14 107–206 (42 U.S.C. 3771 note), as amended by Public
15 Law 111–83 (123 Stat. 2166), is further amended by
16 striking “December 31, 2012” and inserting “December
17 31, 2014”: *Provided further*, That the Director of the Fed-
18 eral Law Enforcement Training Center shall schedule
19 basic or advanced law enforcement training, or both, at
20 all four training facilities under the control of the Federal
21 Law Enforcement Training Center to ensure that such
22 training facilities are operated at the highest capacity
23 throughout the fiscal year: *Provided further*, That the Fed-
24 eral Law Enforcement Training Accreditation Board, in-
25 cluding representatives from the Federal law enforcement

1 community and non-Federal accreditation experts involved
2 in law enforcement training, shall lead the Federal law
3 enforcement training accreditation process to continue the
4 implementation of measuring and assessing the quality
5 and effectiveness of Federal law enforcement training pro-
6 grams, facilities, and instructors.

7 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
8 RELATED EXPENSES

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

17 SCIENCE AND TECHNOLOGY

18 MANAGEMENT AND ADMINISTRATION

19 For salaries and expenses of the Office of the Under
20 Secretary for Science and Technology and for manage-
21 ment and administration of programs and activities, as
22 authorized by title III of the Homeland Security Act of
23 2002 (6 U.S.C. 181 et seq.), \$140,565,000: *Provided*,
24 That not to exceed \$10,000 shall be for official reception
25 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.

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TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

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

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, office, or activity; (2) eliminates a program, project, office, or activity; (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, contract,
24 other transaction agreement, task or delivery order on a
25 Department of Homeland Security multiple award con-

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

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

9 (3) announce publicly the intention to make or award
10 items under paragraphs (1) or (2), including a contract
11 covered by the Federal Acquisition Regulation.

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

18 (c) If the Secretary of Homeland Security determines
19 that compliance with this section would pose a substantial
20 risk to human life, health, or safety, an award may be
21 made without notification, then the Secretary shall notify
22 the Committees on Appropriations of the Senate and the
23 House of Representatives not later than five full business
24 days after such an award is made or letter issued.

25 (d) A notification under this section—

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

3 (2) shall include the amount of the award, the fiscal
4 year for which the funds for the award were appropriated,
5 and the account from which the funds are being drawn.

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

12 SEC. 508. Notwithstanding any other provision of
13 law, no agency shall purchase, construct, or lease any ad-
14 ditional facilities, except within or contiguous to existing
15 locations, to be used for the purpose of conducting Federal
16 law enforcement training without the advance approval of
17 the Committees on Appropriations of the Senate and the
18 House of Representatives, except that the Federal Law
19 Enforcement Training Center is authorized to obtain the
20 temporary use of additional facilities by lease, contract,
21 or other agreement for training that cannot be accommo-
22 dated in existing Center facilities.

23 SEC. 509. None of the funds appropriated or other-
24 wise made available by this Act may be used for expenses
25 for any construction, repair, alteration, or acquisition

1 project for which a prospectus otherwise required under
2 chapter 33 of title 40, United States Code, has not been
3 approved, except that necessary funds may be expended
4 for each project for required expenses for the development
5 of a proposed prospectus.

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

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

15 SEC. 512. None of the funds made available in this
16 Act may be used by any person other than the Privacy
17 Officer appointed under subsection (a) of section 222 of
18 the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to
19 alter, direct that changes be made to, delay, or prohibit
20 the transmission to Congress of any report prepared under
21 paragraph (6) of such subsection.

22 SEC. 513. None of the funds made available in this
23 Act may be used to amend the oath of allegiance required
24 by section 337 of the Immigration and Nationality Act
25 (8 U.S.C. 1448).

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

10 SEC. 515. Within 45 days after the end of each
11 month, the Chief Financial Officer of the Department of
12 Homeland Security shall submit to the Committees on Ap-
13 propriations of the Senate and the House of Representa-
14 tives a monthly budget and staffing report for that month
15 that includes total obligations, on-board versus funded
16 full-time equivalent staffing levels, and the number of con-
17 tract employees for each office of the Department.

18 SEC. 516. Except as provided in section 44945 of title
19 49, United States Code, funds appropriated for or trans-
20 ferred to “Transportation Security Administration, Avia-
21 tion Security”, “Transportation Security Administration,
22 Administration”, and “Transportation Security Adminis-
23 tration, Transportation Security Support” for fiscal years
24 2004, 2005, 2006, 2007, 2008, 2009, and 2010 that are
25 recovered or deobligated shall be available only for the pro-

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

7 SEC. 517. Any funds appropriated to “Coast Guard,
8 Acquisition, Construction, and Improvements” for fiscal
9 years 2002, 2003, 2004, 2005, and 2006 for the 110–
10 123 foot patrol boat conversion that are recovered, col-
11 lected, or otherwise received as the result of negotiation,
12 mediation, or litigation, shall be available until expended
13 for the Fast Response Cutter program.

14 SEC. 518. Section 532(a) of Public Law 109–295
15 (120 Stat. 1384) is amended by striking “2010” and in-
16 serting “2012”.

17 SEC. 519. The functions of the Federal Law Enforce-
18 ment Training Center instructor staff shall be classified
19 as inherently governmental for the purpose of the Federal
20 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
21 note).

22 SEC. 520. (a) Except as provided in subsection (b),
23 none of the funds appropriated in this or any other Act
24 to the Office of the Secretary and Executive Management,
25 the Office of the Under Secretary for Management, or the

1 Office of the Chief Financial Officer, may be obligated for
2 a grant or contract funded under such headings by any
3 means other than full and open competition.

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

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

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

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

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

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

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

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

1 the Inspector General deems relevant: *Provided further*,
2 That the Inspector General shall report the results of the
3 reviews to the Committees on Appropriations of the Sen-
4 ate and the House of Representatives no later than Feb-
5 ruary 6, 2012.

6 SEC. 521. None of the funds provided in this Act or
7 any previous appropriations Acts shall be used to fund any
8 position designated as a Principal Federal Official, or suc-
9 cessor position, for any event that is declared a major dis-
10 aster or emergency under the Robert T. Stafford Disaster
11 Relief and Emergency Assistance Act (42 U.S.C. et seq.).

12 SEC. 522. None of the funds made available in this
13 or any other Act may be used to enforce section 4025(1)
14 of the Intelligence Reform and Terrorism Prevention Act
15 (Public Law 108–458; 118 Stat. 3724) unless the Assist-
16 ant Secretary of Homeland Security (Transportation Se-
17 curity Administration) reverses the determination of July
18 19, 2007, that butane lighters are not a significant threat
19 to civil aviation security.

20 SEC. 523. None of the funds made available in this
21 Act may be used to carry out section 872 of the Homeland
22 Security Act of 2002 (6 U.S.C. 452).

23 SEC. 524. None of the funds made available in this
24 Act may be used by United States Citizenship and Immi-
25 gration Services to grant an immigration benefit unless

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

6 SEC. 525. None of the funds made available in this
7 or any other Act for fiscal year 2012 and hereafter may
8 be used to destroy or put out to pasture any horse or other
9 equine belonging to any component or agency of the De-
10 partment of Homeland Security that has become unfit for
11 service, unless the trainer or handler is first given the op-
12 tion to take possession of the equine through an adoption
13 program that has safeguards against slaughter and inhu-
14 mane treatment.

15 SEC. 526. Section 831 of the Homeland Security Act
16 of 2002 (6 U.S.C. 391) is amended—

17 (1) in subsection (a), by striking “Until Sep-
18 tember 30, 2011,” and inserting “Until September
19 30, 2012,”; and

20 (2) in subsection (d)(1), by striking “September
21 30, 2011,” and inserting “September 30, 2012,”.

22 SEC. 527. The Secretary of Homeland Security shall
23 require that all contracts of the Department of Homeland
24 Security that provide award fees link such fees to success-

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

3 SEC. 528. None of the funds made available to the
4 Office of the Secretary and Executive Management under
5 this Act may be expended for any new hires by the Depart-
6 ment of Homeland Security that are not verified through
7 the E-Verify Program established under section 403(a) of
8 the Illegal Immigration Reform and Immigrant Responsi-
9 bility Act of 1996 (8 U.S.C. 1324a note).

10 SEC. 529. None of the funds made available in this
11 Act for U.S. Customs and Border Protection may be used
12 to prevent an individual not in the business of importing
13 a prescription drug (within the meaning of section 801(g)
14 of the Federal Food, Drug, and Cosmetic Act) from im-
15 porting a prescription drug from Canada that complies
16 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
17 That this section shall apply only to individuals trans-
18 porting on their person a personal-use quantity of the pre-
19 scription drug, not to exceed a 90-day supply: *Provided*
20 *further*, That the prescription drug may not be—

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

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

4 SEC. 530. The Secretary of Homeland Security, in
5 consultation with the Secretary of the Treasury, shall no-
6 tify the Committees on Appropriations of the Senate and
7 the House of Representatives of any proposed transfers
8 of funds available under subsection (g)(4)(B) of title 31,
9 United States Code (as added by Public Law 102-393)
10 from the Department of the Treasury Forfeiture Fund to
11 any agency within the Department of Homeland Security:
12 *Provided*, That none of the funds identified for such a
13 transfer may be obligated until the Committees on Appro-
14 priations of the Senate and the House of Representatives
15 approve the proposed transfers.

16 SEC. 531. None of the funds made available in this
17 Act may be used for planning, testing, piloting, or devel-
18 oping a national identification card.

19 SEC. 532. If the Assistant Secretary of Homeland Se-
20 curity (Transportation Security Administration) deter-
21 mines that an airport does not need to participate in the
22 E-Verify Program established under section 403(a) of the
23 Illegal Immigration Reform and Immigrant Responsibility
24 Act of 1996 (8 U.S.C. 1324a note), the Assistant Sec-
25 retary shall certify to the Committees on Appropriations

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

3 SEC. 533. (a) Notwithstanding any other provision
4 of this Act, except as provided in subsection (b), and 30
5 days after the date on which the President determines
6 whether to declare a major disaster because of an event
7 and any appeal is completed, the Administrator shall sub-
8 mit to the Committee on Homeland Security and Govern-
9 mental Affairs of the Senate, the Committee on Homeland
10 Security of the House of Representatives, the Committee
11 on Transportation and Infrastructure of the House of
12 Representatives, and the Committees on Appropriations of
13 the Senate and the House of Representatives, and publish
14 on the website of the Federal Emergency Management
15 Agency, a report regarding that decision, which shall sum-
16 marize damage assessment information used to determine
17 whether to declare a major disaster.

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

21 (c) In this section—

22 (1) the term “Administrator” means the Ad-
23 ministrator of the Federal Emergency Management
24 Agency; and

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

5 SEC. 534. (a) Notwithstanding any other provision
6 of law during fiscal year 2012 or any subsequent fiscal
7 year, if the Secretary of Homeland Security determines
8 that the National Bio- and Agro-defense Facility be lo-
9 cated at a site other than Plum Island, New York, the
10 Secretary shall ensure that the Administrator of General
11 Services sells through public sale all real and related per-
12 sonal property and transportation assets that support
13 Plum Island operations, subject to such terms and condi-
14 tions as may be necessary to protect Government interests
15 and meet program requirements.

16 (b) The proceeds of any sale described in subsection
17 (a) shall be deposited as offsetting collections into the De-
18 partment of Homeland Security “Science and Technology,
19 Research, Development, Acquisition, and Operations” ac-
20 count and, subject to appropriation, shall be available until
21 expended, for site acquisition, construction, and costs re-
22 lated to the construction of the National Bio- and Agro-
23 defense Facility, including the costs associated with the
24 sale, including due diligence requirements, necessary envi-
25 ronmental remediation at Plum Island, and reimburse-

1 ment of expenses incurred by the General Services Admin-
2 istration.

3 SEC. 535. Any official that is required by this Act
4 to report or certify to the Committees on Appropriations
5 of the Senate and the House of Representatives may not
6 delegate such authority to perform that act unless specifi-
7 cally authorized herein.

8 SEC. 536. Section 550(b) of the Department of
9 Homeland Security Appropriations Act, 2007 (Public Law
10 109–295; 6 U.S.C. 121 note) is further amended by strik-
11 ing “2011” and inserting “2012”.

12 SEC. 537. None of the funds appropriated or other-
13 wise made available in this or any other Act may be used
14 to transfer, release, or assist in the transfer or release to
15 or within the United States, its territories, or possessions,
16 including detaining, accepting custody of, or extending im-
17 migration benefits to, Khalid Sheikh Mohammed or any
18 other detainee who—

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

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

24 SEC. 538. None of the funds made available in this
25 Act may be used for first-class travel by the employees

1 of agencies funded by this Act in contravention of sections
2 301–10.122 through 301.10–124 of title 41, Code of Fed-
3 eral Regulations.

4 SEC. 539. None of the funds made available in this
5 Act may be used to propose or effect a disciplinary or ad-
6 verse action, with respect to any Department of Homeland
7 Security employee who engages regularly with the public
8 in the performance of his or her official duties solely be-
9 cause that employee elects to utilize protective equipment
10 or measures, including but not limited to surgical masks,
11 N95 respirators, gloves, or hand-sanitizers, where use of
12 such equipment or measures is in accord with Department
13 of Homeland Security policy, and Centers for Disease
14 Control and Prevention and Office of Personnel Manage-
15 ment guidance.

16 SEC. 540. None of the funds made available in this
17 Act may be used to employ workers described in section
18 274A(h)(3) of the Immigration and Nationality Act (8
19 U.S.C. 1324a(h)(3)).

20 SEC. 541. (a) Any company that collects or retains
21 personal information directly from any individual who par-
22 ticipates in the Registered Traveler program of the Trans-
23 portation Security Administration shall safeguard and dis-
24 pose of such information in accordance with the require-
25 ments in—

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

5 (2) the National Institute for Standards and
6 Technology Special Publication 800–53, Revision 3,
7 entitled “Recommended Security Controls for Fed-
8 eral Information Systems and Organizations”; and

9 (3) any supplemental standards established by
10 the Assistant Secretary of Homeland Security
11 (Transportation Security Administration) (referred
12 to in this section as the “Assistant Secretary”).

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

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

1 (d) Not later than 90 days after the date of enact-
2 ment of this Act, the Assistant Secretary shall submit to
3 the Committees on Appropriations of the Senate and the
4 House of Representatives a report that includes a descrip-
5 tion of—

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

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

11 SEC. 542. Notwithstanding any other provision of
12 this Act, none of the funds appropriated or otherwise
13 made available by this Act may be used to pay award or
14 incentive fees for contractor performance that has been
15 judged to be below satisfactory performance or perform-
16 ance that does not meet the basic requirements of a con-
17 tract.

18 SEC. 543. (a) Not later than 180 days after the date
19 of enactment of this Act, the Assistant Secretary of Home-
20 land Security (Transportation Security Administration)
21 shall submit to the Committees on Appropriations of the
22 Senate and the House of Representatives, a report that
23 either—

24 (1) certifies that the requirement for screening
25 all air cargo on passenger aircraft by the deadline

1 under section 44901(g) of title 49, United States
2 Code, has been met; or

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

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

13 (B) specification of—

14 (i) the percentage of such air cargo
15 that is being screened; and

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

18 (b) The Assistant Secretary shall continue to submit
19 reports described in subsection (a)(2) every 180 days
20 thereafter until the Assistant Secretary certifies that the
21 Transportation Security Administration has achieved
22 screening of 100 percent of such air cargo.

23 SEC. 544. In developing any process to screen avia-
24 tion passengers and crews for transportation or national
25 security purposes, the Secretary of Homeland Security

1 shall ensure that all such processes take into consideration
2 such passengers' and crews' privacy and civil liberties con-
3 sistent with applicable laws, regulations, and guidance.

4 SEC. 545. Sections 1309(a) and 1319 of the National
5 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and
6 4026) shall each be amended by striking "September 30,
7 2011" and inserting "September 30, 2012".

8 SEC. 546. (a) Notwithstanding section 1356(n) of
9 title 8, United States Code, deposits into the Immigration
10 Examinations Fee Account are available to United States
11 Citizenship and Immigration Services in fiscal year 2012
12 for the purpose of providing an immigrant integration
13 grants program not to exceed \$8,500,000.

14 (b) None of the funds made available to United
15 States Citizenship and Immigration Service for grants for
16 immigrant integration may be used to provide services to
17 aliens who have not been lawfully admitted for permanent
18 residence.

19 SEC. 547. (a) The Secretary of Homeland Security
20 may transfer to the Secretary of the Interior amounts
21 available for environmental mitigation requirements for
22 "U.S. Customs and Border Protection, Border Security
23 Fencing, Infrastructure, and Technology" for fiscal years
24 2009, 2010, 2011, and 2012, for use by the Secretary of
25 the Interior under laws administered by such Secretary

1 to mitigate adverse environmental impacts, resulting di-
2 rectly from construction, operation, and maintenance ac-
3 tivities by the Department of Homeland Security related
4 to border security.

5 (b) Uses of funds authorized by this section include
6 minimal, necessary acquisition of land or interests in land
7 that will, in the judgment of the Secretary of the Interior,
8 mitigate or offset such adverse impacts.

9 (c) Any funds transferred under this section shall be
10 used in accordance with a written agreement between the
11 Secretaries.

12 (d) The Secretary of the Interior, in consultation with
13 the Secretary of Homeland Security, shall submit to the
14 Committees on Appropriations of the Senate and the
15 House of Representatives, by not later than 15 days before
16 any proposed transfer under this section, an expenditure
17 plan that describes in detail the actions proposed to be
18 taken with amounts transferred under this section.

19 (e) Concurrent with submittal of the expenditure
20 plan, the Secretary of Homeland Security shall submit a
21 certification that the actions outlined in the expenditure
22 plan cannot be legally executed under the authorities of
23 U.S. Customs and Border Protection or any other compo-
24 nent of the Department of Homeland Security and are de-
25 termined to be necessary for mitigation of construction,

1 operation, and maintenance activities related to border se-
2 curity.

3 SEC. 548. Of the funds transferred to the Depart-
4 ment of Homeland Security when it was created in 2003,
5 the following funds are hereby rescinded from the fol-
6 lowing accounts and programs in the specified amounts:

7 (1) \$20,997,225 from “U.S. Immigration and
8 Customs Enforcement, Salaries and Expenses”; and

9 (2) \$594,945 from “Violent Crime Reduction
10 Programs”.

11 SEC. 549. Of the following unobligated balances
12 available for “Department of Homeland Security, U.S.
13 Immigration and Customs Enforcement, Construction”,
14 \$11,300,000 is rescinded.

15 SPENDING REDUCTION ACCOUNT

16 SEC. 550. The amount by which the applicable alloca-
17 tion of new budget authority made by the Committee on
18 Appropriations of the House of Representatives under sec-
19 tion 302(b) of the Congressional Budget Act of 1974 ex-
20 ceeds the amount of proposed new budget authority is \$0.

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

[FULL COMMITTEE PRINT]

Union Calendar No. _____

112TH CONGRESS
1ST Session

H. R. _____

[Report No. 112-__]

A BILL

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

_____, 2011

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