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U.S. GOVERNMENT
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112TH CONGRESS
1ST SESSION

H. R. 2017

AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated,

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

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

Office of the Secretary and Executive Management

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $126,700,000 (reduced by $63,350,000) (reduced by $1,000,000): *Provided*, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy for Visa Waiver Program negotiations in Washington, DC, and for other international activities: *Provided further*, That consistent with the requirements specified within Presidential Policy Directive-8, dated March 30, 2011, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than October 15, 2011, the National Preparedness Goal and not later than January 15, 2012, the National Preparedness Sys-

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

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $234,940,000 (reduced by $600,000) (reduced by $117,470,000) (reduced by $10,000,000), of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, $5,000,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $16,686,000 shall remain available until September 30, 2014, for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $50,860,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $261,300,000 (reduced by $139,180,000), of which $105,500,000 (reduced by $55,672,000) shall be available for salaries and expenses; and of which $155,800,000 (reduced by $83,508,000), to remain available until September 30, 2014, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: *Provided*, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that are funded under this heading or are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That such expenditure plan shall include, for each project fund-

ed, the name of the project, its key milestones, all funding sources, detailed annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for all information technology acquisition projects that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

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

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

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

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

mated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) defines life-cycle costs for such programs.

ANALYSIS AND OPERATIONS

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

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $124,000,000, of which not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of

informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. Customs and Border Protection

SALARIES AND EXPENSES

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

become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2012, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31,

United States Code, a multi-year investment and management plan for Inspection and Detection Technology that identifies for each technology—

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

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

(3) projected funding levels for procurement in quantity, deployment, and operations and maintenance for each of the next three fiscal years; and

(4) a current acquisition program baseline that—

(A) aligns the acquisition of each technology to mission requirements by defining existing capabilities of comparable legacy technology assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps;

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transi-

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

(C) includes a phase-out and decommissioning schedule delineated by fiscal year for existing legacy technology assets that each technology is intended to replace or recapitalize.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $334,275,000, to remain available until September 30, 2014, of which not less than $140,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for the Automated Commercial Environment program including results to date, plans for the program, and a list of projects with associated funding from prior appropriations and provided by this Act: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of

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

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed in such budget or underway;

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

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

(A) note and explain any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) align these acquisition programs to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mis-

sion requirements, and explaining how each increment will address such known capability gaps; and

(C) define life-cycle costs for these programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $500,000,000 (increased by $10,000,000), to remain available until September 30, 2014: *Provided*, That of the total amount made available under this heading, $150,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a detailed expenditure plan prepared by the Secretary of Homeland Security, and submitted not later than 90 days after the date of enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of fencing, tactical infrastructure, and technology: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States

Code, a multi-year investment and management plan for the Border Security Fencing, Infrastructure, and Technology account, that includes for each tactical infrastructure and technology deployment—

(1) the funding level in that budget and projected funding levels for each of the next three fiscal years, including a description of the purpose of such funding levels;

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

(3) a current acquisition program baseline that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the most recent acquisition program baseline approved by the Department of Homeland Security Acquisition Review Board;

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

(C) includes qualitative performance metrics that assess the effectiveness of new and existing tactical infrastructure and technology deployments and inform the next multi-year investment and management plan related to achieving operational control of the Northern and Southwest borders of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agen-

cies in other law enforcement and emergency humanitarian efforts, $499,966,000, to remain available until September 30, 2014: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2012 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on the update to the five-year strategic plan for the air and marine program directed in conference report 109–241 accompanying Public Law 109–90 that addresses missions, structure, operations, equipment, facilities, and resources including deployment and command and control requirements, and includes a recapitalization plan with milestones and funding, and a detailed staffing plan with associated costs to achieve full staffing to meet all mission requirements.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, oversee, administer, and maintain buildings and facilities and to provide facilities solutions and related infrastructure along with program management support necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $234,096,000, to remain available until September 30, 2016: *Provided*, That the Commissioner of U.S. Customs and Border Protection shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act for the projects funded under this heading: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, an inventory of the real property of the U.S. Customs and Border Protection and a plan for each activity and project proposed for funding under this heading that includes the full cost by fiscal year of each activity and project proposed and underway in fiscal year 2013.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,522,474,000 (increased by $1,000,000) (reduced by $1,000,000) (increased by $1,000,000) (reduced by $5,000,000) (increased by $5,000,000), of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than $5,400,000 (increased by $1,000,000) shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with

the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable and aliens who may pose a serious risk to public safety or national security who may be deportable, and to remove them from the United States once they are judged deportable, of which $194,064,000 shall remain available until September 30, 2013: *Provided further*, That the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated

during that quarter to make such progress: *Provided further*, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That the funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2012: *Provided further*, That of the total amount provided, not less than $2,750,843,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, $10,300,000 shall remain available until September 30, 2013, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: *Pro-*

vided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $23,860,000, to remain available until September 30, 2016: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for funds made available under this heading that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered;

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

ments, modernizations, and new capabilities proposed in such budget or underway;

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

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

(A) note and explain any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) align these acquisition programs to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) define life-cycle costs for these programs.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49

U.S.C. 40101 note), $5,224,556,000, of which $1,692,000,000 shall be available until September 30, 2013, and of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $4,155,813,000 shall be for screening operations, of which $555,003,000 shall be for explosives detection systems; of which $181,285,000 shall be for checkpoint support; and not to exceed $1,068,743,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, $222,738,000 shall be available for the purchase and installation of such systems, of which not less than 10 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2012 any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): *Provided further*, That none of the funds made available in

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

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received in fiscal year 2012, so as to result in a final fiscal year appropriation under this heading from the general fund of not more than $3,194,556,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall be available for fiscal year 2013: *Provided further*, That Members of the House of Representatives and the Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the Attorney General, Deputy Attorney General, Assistant Attorneys General, and United States Attorneys; and senior members of the Executive

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

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, $129,748,000, to remain available until September 30, 2013.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $183,954,000, to remain available until September 30, 2013.

TRANSPORTATION SECURITY SUPPORT

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

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

FEDERAL AIR MARSHALS

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

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $28,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,071,061,000, of which $598,278,000 shall be for defense-related activities, of which

$258,278,000 is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress); of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: *Provided further*, That of the funds provided under this heading, $75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until: (1) a revised future-years capital investment plan for fiscal years 2012 through 2016, as specified under the heading ''Coast Guard, Acquisition, Construction, and Improvements'' of this Act, that is reviewed by the Comptroller General of the United States; (2) the fiscal year 2012 second quarter acquisition report; and (3) the polar operations high lati-

tude study are submitted to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funds made available under this heading designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress) may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

RESERVE TRAINING

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

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,151,673,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $427,691,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; of which $328,900,000 shall be available until September 30, 2014, to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; of which $171,140,000 shall be available until September 30, 2014, for other equipment; of which $116,000,000 shall be available until September 30, 2016, for shore, infrastructure, military housing, and aids to navigation facilities, including waterfront facilities at Navy installations used by the Coast Guard, of which $14,000,000 may be derived from the Coast Guard Housing Fund, established under section 687 of title 14, United States Code; and of which $107,942,000 shall be available for personnel compensation and benefits and related costs:

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

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next five fiscal years or until acquisition program baseline or project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

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

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, in-

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

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

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

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

bilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

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

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

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

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

the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

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

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,440,157,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

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

tective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,666,451,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2013: *Provided*,

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

vided further, That of the total amount made available under this heading, $43,843,000, to remain available until September 30, 2014, is for information integration and transformation: *Provided further*, That none of the funds made available in the preceding proviso shall be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriation of the Senate and the House of Representatives certifying that all plans for such integration and transformation are consistent with Department of Homeland Security enterprise architecture requirements: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

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

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $42,511,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

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

milestones set for the programs, and the funds allocated to achieving each of those goals and milestones: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code: (1) an expenditure plan for the Office of Infrastructure Protection and the National Cyber Security Division that describes the strategic context of the programs, the specific goals and milestones set for the programs, and the funds allocated to achieving each of those goals and milestones for the fiscal year being appropriated; and (2) a multi-year investment and management plan for the National Cybersecurity Protection System that identifies—

(1) the inventory of nests and sensors by location and date of deployment;

(2) the proposed appropriations included in that budget for each increment sub-divided by procurement, including quantity, deployment, and operations and maintenance;

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

(4) a current acquisition program baseline that—

(A) aligns the acquisition to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps; and

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the technology.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of Federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Director of the Federal Protective Service shall include with the submission of the fiscal year 2013 budget a strategic human capital plan that aligns fee collection to personnel requirements based on the current threat assessment; *Provided*

further, That an expenditure plan for program, project, and activity and by objective for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program, project, and activity and by objective for fiscal year 2013 shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $297,402,000: *Provided*, That of the total amount made available under this heading, $194,295,000 is to remain available until September 30, 2014: *Provided further*, That of the total amount provided, $50,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology program until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared

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

(1) the proposed appropriations for each activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered, noting any deviations in cost or performance from the prior fiscal year expenditure or investment and management plan;

(2) the total estimated cost, projected funding by fiscal year, and projected timeline of completion for all enhancements, modernizations, and new capabilities proposed in such budget and underway, including and clearly delineating associated efforts and funds requested by other agencies within the Department of Homeland Security and in the Federal

Government, and detailing any deviations in cost, performance, schedule, or estimated date of completion provided in the prior fiscal year expenditure or investment and management plan; and

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

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $165,949,000; of which $30,171,000 is for salaries and expenses and $115,164,000 is for BioWatch operations: *Provided*, That $45,615,000 shall remain available until September 30, 2013, for biosurveillance, BioWatch Generation 3, chemical defense, medical and health planning and coordination, and workforce health protection: *Provided further*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That an expenditure plan for program, project, and activity and by objective for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program, project, and activity and by objective for each fiscal year shall be submitted at the time that the President's budget is sub-

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

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $707,298,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That the Secretary of Homeland Security shall submit an expenditure plan detailed by office for the Federal Emergency Management Agency to the Committees on Appropriations

of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code: *Provided further*, That of the total amount made available under this heading, not to exceed $5,863,000 shall remain available until September 30, 2013, for capital improvements at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available under this heading, $35,250,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $5,493,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of the Homeland Security Act of 2002 (Public Law 107–296).

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

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

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

(1) The State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605).

(2) The Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), notwithstanding subsection (c)(1) of such section, funds provided under this paragraph may be used for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high risk of a terrorist attack.

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

(4) The Citizen Corps Program, notwithstanding the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.).

(5) The Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007

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

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

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

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

(9) The Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

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

provided to the Commonwealth of Puerto Rico under the State Homeland Security Grant Program in accordance with subsection (c)(1) of such section 2004: *Provided further*, That 10 percent of the amounts provided under this heading shall be transferred to ''Federal Emergency Management Agency, Management and Administration'' for program administration, and the Secretary of Homeland Security shall provide an expenditure plan for program administration to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a detailed expenditure plan for program administration for each fiscal year to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than five percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) through (4), the applications for grants shall be made available to eligible applicants not later than 25

days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants awarded under paragraphs (5) through (9), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limita-

tion, for the purposes for which amounts in the account may be expended, and (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to expend by the end of fiscal year 2012 all unexpended balances of funds appropriated for fiscal years before fiscal year 2008 under this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $350,000,000 (increased by $320,000,000), of which $200,000,000 (increased by $135,000,000) shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $150,000,000 (increased by $185,000,000) shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2013: *Provided*, That not to exceed 10 percent of the amount available under this heading shall be transferred to ''Federal Emergency Manage-

ment Agency, Management and Administration'' for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program administration shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $350,000,000: *Provided*, That not to exceed 10 percent of the amount available under this heading shall be transferred to ''Federal Emergency Management Agency, Management and Administration'' for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the

Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program administration shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2012, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2012, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

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

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,650,000,000 (reduced by $100,000,000) (increased by $100,000,000), to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support not later than 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations re-

lated to disasters, subject to section 503 of this Act: *Provided further*, That not later than 60 days after the date of enactment of this Act, $105,600,000 shall be transferred to ''Federal Emergency Management Agency, Management and Administration'' for management and administration functions: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit the monthly ''Disaster Relief'' report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives providing estimates of funding requirements for ''Disaster Relief'' for the current fiscal year and the succeeding three fiscal years which shall include—

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

(2) an estimate, by quarter, for the cost of future disasters based on a five-year average, excluding catastrophic disasters;

(3) an estimate, by quarter, for the costs of catastrophic disasters excluded from the five-year aver-

age subdivided by disaster and shall include the amount already obligated and the remaining estimated costs; and

(4) an estimate of the date on which the ''Disaster Relief'' balance will reach $800,000,000: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall develop a policy and provide a report on such policy that defines the five-year average used to develop the budget estimates for disaster relief not later than 60 days after the date of enactment of this Act that shall include a clear and reproducible definition of the five-year average used as a basis for the request, the responsible official who develops the average, and the data source(s) used: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall include in the fiscal year 2013 budget submission for disaster relief a clear statement of the five-year average used as a basis for the request, the fiscal years included in the average, a list of the obligations for each of the five fiscal years, and all adjustments made to the gross obligation total for each of the five fiscal years, including a record of which catastrophic disasters are excluded from each year's obligation total and the associated amount excluded;

inflation adjustments; and the amount and source of recoveries applied against the obligation total: *Provided further*, That the President shall submit an offset budget amendment from within discretionary funds not later than three months prior to the date that the Administrator of the Federal Emergency Management Agency estimates that the total amount remaining unallocated in ''Disaster Relief'' will reach $800,000,000, and that the request shall account for all estimated funding requirements for that fiscal year: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of the Department policies on—

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

(B) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $102,712,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed three percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $171,000,000, which shall remain available until September 30, 2013, and shall be derived from offsetting col-

lections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available for salaries and expenses associated with flood mitigation and flood insurance operations; and flood plain management and flood mapping: *Provided*, That not to exceed $22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations: *Provided further*, That not less than $149,000,000 shall be available for flood plain management and flood mapping: *Provided further*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2012, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $132,000,000 for operating expenses; (2) $1,007,571,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $50,000,000, which shall remain available until expended for flood mitigation actions, of which $10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which

$40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8) of the Flood Disaster Protection Act of 1973, section 1366(i) of the National Flood Insurance Act of 1968, and paragraphs (2) and (3) of section 1366(5) of the National Flood Insurance Act of 1968: *Provided further*, That total administrative costs shall not exceed four percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

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

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

EMERGENCY FOOD AND SHELTER

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

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

United States Citizenship and Immigration Services

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

for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $238,957,000, of which up to $48,978,000 shall remain available until September 30, 2013, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until

expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 111–83 (123 Stat. 2166), is further amended by striking ''December 31, 2012'' and inserting ''December 31, 2014'': *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the

implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $35,456,000, to remain available until September 30, 2016: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

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

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed five vehicles, $398,213,000, of which $196,713,000, to remain available until September 30, 2014; and of which $201,500,000, to remain available until September 30, 2016, solely for operation and construction of laboratory facilities.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, $40,000,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

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

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $52,000,000, to remain available until September 30, 2014: *Provided*, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of advanced spectroscopic portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of advanced spectroscopic portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

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

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 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-

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

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

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

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

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

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

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2012: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2012 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the

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

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

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

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

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

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

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

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

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

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

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

(d) A notification under this section—

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

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

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award under ''State and Local Programs''

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

or other agreement for training that cannot be accommodated in existing Center facilities.

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

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2042 et seq.) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

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

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

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

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

SEC. 514. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 515. Except as provided in section 44945 of title 49, United States Code, funds appropriated for or transferred to ''Transportation Security Administration, Aviation Security'', ''Transportation Security Administration, Administration'', and ''Transportation Security Administration, Transportation Security Support'' for fiscal years 2004, 2005, 2006, 2007, 2008, 2009, and 2010 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports

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

SEC. 516. Any funds appropriated to ''Coast Guard, Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 517. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2010'' and inserting ''2012''.

SEC. 518. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

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

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

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

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

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

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

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

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

Senate and the House of Representatives, including a description of the applicable contract to which the waiver applies and an explanation of why the waiver authority was used: *Provided*, That the Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Sen-

ate and the House of Representatives no later than February 6, 2012.

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

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

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

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

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

SEC. 524. None of the funds made available in this or any other Act for fiscal year 2012 and hereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

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

(1) in subsection (a), by striking ''Until September 30, 2011,'' and inserting ''Until September 30, 2012,''; and

(2) in subsection (d)(1), by striking ''September 30, 2011,'' and inserting ''September 30, 2012,''.

SEC. 526. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

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

this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

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

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

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

SEC. 529. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and

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

SEC. 530. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

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

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

and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

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

(c) In this section—

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

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

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

that the National Bio- and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets that support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of any sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security ''Science and Technology, Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 534. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 535. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is further amended by striking "2011" and inserting "2012".

SEC. 536. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions, including detaining, accepting custody of, or extending immigration benefits to, Khalid Sheikh Mohammed or any other detainee who—

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

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

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

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

in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

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

SEC. 540. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems'';

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

entitled ''Recommended Security Controls for Federal Information Systems and Organizations''; and

(3) any supplemental standards established by the Assistant Secretary of Homeland Security (Transportation Security Administration) (referred to in this section as the ''Assistant Secretary'').

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Assistant Secretary shall require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

(d) Not later than 90 days after the date of enactment of this Act, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes a description of—

(1) the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

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

SEC. 541. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 542. (a) Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

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

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

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

(ii) the schedule for achieving screening of 100 percent of such air cargo.

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

SEC. 543. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

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

4026) shall each be amended by striking "September 30, 2011" and inserting "September 30, 2012".

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

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

SEC. 546. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $20,997,225 from "U.S. Immigration and Customs Enforcement, Salaries and Expenses".

(2) $594,945 from "Violent Crime Reduction Programs".

SEC. 547. Of the following unobligated balances available for "Department of Homeland Security, U.S. Immigration and Customs Enforcement, Construction", $11,300,000 is rescinded.

TITLE VI

EMERGENCY SUPPLEMENTAL FUNDING FOR DISASTER RELIEF

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

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

TITLE VII

SPENDING REDUCTION ACCOUNT

SEC. 701. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0 (increased by $600,000).

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

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

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

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

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

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

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

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

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

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

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

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

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

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

SEC. 709. None of the funds made available by this Act shall be made available to the Association of Community Organizations for Reform Now, Acorn Beneficial Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn Children's Beneficial Assoc., Arkansas Community Housing Corp., Acorn Community Land Assoc., Inc., Acorn Community Land Assoc. of Illinois, Acorn Community Land Association of Louisiana, Acorn Community Land Assoc. of Pennsylvania, ACORN COMMUNITY LABOR ORGANIZING CENTER, ACORN Beverly LLC, ACORN Canada, ACORN Center for Housing, ACORN Housing Affordable Loans LLC, Acorn Housing 1 Associates, LP, Acorn Housing 2 Associates, LP, ACORN Housing 3 Associates LP, ACORN Housing 4 Associates, L.P., ACORN International, ACORN VOTES, Acorn

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

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

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

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

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

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

SEC. 713. None of the funds made available by this Act may be used to implement any rule, regulation, or executive order regarding the disclosure of political contributions that takes effect on or after the date of enactment of this Act.

SEC. 714. Of the amount made available for screening operations under the heading: ''Transportation Security Administration—Aviation Security'', not more than $2,760,503,458 may be used for screener personnel, compensation, and benefits.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2012''.

Passed the House of Representatives June 2, 2011.

Attest:

Clerk.

112th CONGRESS
1st Session

H. R. 2017

AN ACT

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