

Calendar No. 409112TH CONGRESS
2^D SESSION**S. 3216****[Report No. 112-169]**

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2012

Ms. LANDRIEU, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Homeland Security for the fiscal year end-
6 ing September 30, 2013, and for other purposes, namely:

1 TITLE I
2 DEPARTMENTAL MANAGEMENT AND
3 OPERATIONS
4 DEPARTMENTAL OPERATIONS
5 OFFICE OF THE SECRETARY AND EXECUTIVE
6 MANAGEMENT

7 For necessary expenses of the Office of the Secretary
8 of Homeland Security, as authorized by section 102 of the
9 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
10 tive management of the Department of Homeland Secu-
11 rity, as authorized by law, \$133,351,000: *Provided*, That
12 not to exceed \$45,900 shall be for official reception and
13 representation expenses: *Provided further*, That all official
14 costs associated with the use of government aircraft by
15 Department of Homeland Security personnel to support
16 official travel of the Secretary and the Deputy Secretary
17 shall be paid from amounts made available for the Imme-
18 diate Office of the Secretary and the Immediate Office of
19 the Deputy Secretary: *Provided further*, That the Assist-
20 ant Secretary for Policy shall submit to the Committees
21 on Appropriations of the Senate and the House of Rep-
22 resentatives not later than 90 days after the date of enact-
23 ment of this Act, an expenditure plan for the Office of
24 Policy.

1 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

2 For necessary expenses of the Office of the Under
3 Secretary for Management, as authorized by sections 701
4 through 705 of the Homeland Security Act of 2002 (6
5 U.S.C. 341 through 345), \$220,270,000, of which not to
6 exceed \$2,250 shall be for official reception and represen-
7 tation expenses: *Provided*, That of the total amount made
8 available under this heading, \$5,448,000 shall remain
9 available until September 30, 2017, solely for the alter-
10 ation and improvement of facilities, tenant improvements,
11 and relocation costs to consolidate Department head-
12 quarters operations at the Nebraska Avenue Complex; and
13 \$9,689,000 shall remain available until September 30,
14 2015, for the Human Resources Information Technology
15 program: *Provided further*, That the Under Secretary for
16 Management shall, pursuant to the requirements con-
17 tained in the joint statement of managers accompanying
18 Public Law 112–74, provide to the Committees on Appro-
19 priations of the Senate and the House of Representatives
20 a Comprehensive Acquisition Status Report with the
21 President’s budget for fiscal year 2014 as submitted under
22 section 1105(a) of title 31, United States Code, and quar-
23 terly updates to such report not later than 30 days after
24 the completion of each quarter.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-
3 nancial Officer, as authorized by section 103 of the Home-
4 land Security Act of 2002 (6 U.S.C. 113), \$53,714,000,
5 of which \$5,000,000 shall remain available until expended
6 for financial systems modernization efforts.

7 OFFICE OF THE CHIEF INFORMATION OFFICER

8 For necessary expenses of the Office of the Chief In-
9 formation Officer, as authorized by section 103 of the
10 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
11 partment-wide technology investments, \$247,846,000; of
12 which \$120,670,000 shall be available for salaries and ex-
13 penses; and of which \$127,176,000, to remain available
14 until September 30, 2015, shall be available for develop-
15 ment and acquisition of information technology equip-
16 ment, software, services, and related activities for the De-
17 partment of Homeland Security: *Provided*, That the De-
18 partment of Homeland Security Chief Information Officer
19 shall submit to the Committees on Appropriations of the
20 Senate and the House of Representatives, at the time that
21 the President's budget is submitted each year under sec-
22 tion 1105(a) of title 31, United States Code, a multi-year
23 investment and management plan, to include each of fiscal
24 years 2013 through 2016, for all information technology
25 acquisition projects funded under this heading or funded

1 by multiple components of the Department of Homeland
2 Security through reimbursable agreements, that in-
3 cludes—

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

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

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

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

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

21 (B) aligns the acquisition programs cov-
22 ered by the baseline to mission requirements by
23 defining existing capabilities, identifying known
24 capability gaps between such existing capabili-
25 ties and stated mission requirements, and ex-

1 plaining how each increment will address such
2 known capability gaps; and

3 (C) defines life-cycle costs for such pro-
4 grams.

5 ANALYSIS AND OPERATIONS

6 For necessary expenses for intelligence analysis and
7 operations coordination activities, as authorized by title II
8 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
9 seq.), \$323,782,000; of which not to exceed \$3,825 shall
10 be for official reception and representation expenses; and
11 of which \$43,822,000 shall remain available until Sep-
12 tember 30, 2014.

13 OFFICE OF INSPECTOR GENERAL

14 For necessary expenses of the Office of Inspector
15 General in carrying out the provisions of the Inspector
16 General Act of 1978 (5 U.S.C. App.), \$122,664,000 of
17 which not to exceed \$300,000 may be used for certain con-
18 fidential operational expenses, including the payment of
19 informants, to be expended at the direction of the Inspec-
20 tor General.

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

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 7,500 (6,500
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,769,870,000; of which \$3,285,000 shall be derived
14 from the Harbor Maintenance Trust Fund for administra-
15 tive expenses related to the collection of the Harbor Main-
16 tenance Fee pursuant to section 9505(c)(3) of the Internal
17 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
18 withstanding section 1511(e)(1) of the Homeland Security
19 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
20 \$34,425 shall be for official reception and representation
21 expenses; of which not less than \$287,849,000 shall be
22 for Air and Marine Operations; of which such sums as
23 become available in the Customs User Fee Account, except
24 sums subject to section 13031(f)(3) of the Consolidated
25 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.

1 58c(f)(3)), shall be derived from that account; of which
2 not to exceed \$150,000 shall be available for payment for
3 rental space in connection with preclearance operations;
4 of which not to exceed \$1,000,000 shall be for awards of
5 compensation to informants, to be accounted for solely
6 under the certificate of the Secretary of Homeland Secu-
7 rity: *Provided*, That for fiscal year 2013, the overtime lim-
8 itation prescribed in section 5(c)(1) of the Act of February
9 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
10 withstanding any other provision of law, none of the funds
11 appropriated by this Act may be available to compensate
12 any employee of U.S. Customs and Border Protection for
13 overtime, from whatever source, in an amount that ex-
14 ceeds such limitation, except in individual cases deter-
15 mined by the Secretary of Homeland Security, or the des-
16 ignee of the Secretary, to be necessary for national secu-
17 rity purposes, to prevent excessive costs, or in cases of
18 immigration emergencies: *Provided further*, That the Bor-
19 der Patrol shall maintain an active duty presence of not
20 less than 21,370 full-time equivalent agents protecting the
21 borders of the United States in the fiscal year.

22 AUTOMATION MODERNIZATION

23 For expenses for U.S. Customs and Border Protec-
24 tion automated systems, \$327,526,000, to remain avail-
25 able until September 30, 2015, of which not less than

1 \$140,794,000 shall be for the development of the Auto-
2 mated Commercial Environment: *Provided*, That of the
3 total amount made available under this heading,
4 \$25,000,000 shall not be obligated for the Automated
5 Commercial Environment program until the Commissioner
6 of U.S. Customs and Border Protection submits to the
7 Committees on Appropriations of the Senate and the
8 House of Representatives, not later than 60 days after the
9 date of enactment of this Act, an expenditure plan for the
10 Automated Commercial Environment program including
11 results to date, plans for the program, and a list of
12 projects with associated funding from prior appropriations
13 and provided by this Act.

14 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
15 TECHNOLOGY

16 For expenses for border security fencing, infrastruc-
17 ture, and technology, \$327,099,000, to remain available
18 until September 30, 2015: *Provided*, That of the total
19 amount made available under this heading, \$60,000,000
20 shall not be obligated until the Committees on Appropria-
21 tions of the Senate and the House of Representatives re-
22 ceive a detailed plan for expenditure, prepared by the
23 Commissioner of U.S. Customs and Border Protection,
24 and submitted not later than 90 days after the date of
25 enactment of this Act, for a program to establish and

1 maintain a security barrier along the borders of the
2 United States of fencing and vehicle barriers, where prac-
3 ticable, and of other forms of tactical infrastructure and
4 technology.

5 AIR AND MARINE INTERDICTION, OPERATIONS,
6 MAINTENANCE, AND PROCUREMENT

7 For necessary expenses for the operations, mainte-
8 nance, and procurement of marine vessels, aircraft, un-
9 manned aircraft systems, and other related equipment of
10 the air and marine program, including operational train-
11 ing and mission-related travel, the operations of which in-
12 clude the following: the interdiction of narcotics and other
13 goods; the provision of support to Federal, State, and local
14 agencies in the enforcement or administration of laws en-
15 forced by the Department of Homeland Security; and, at
16 the discretion of the Secretary of Homeland Security, the
17 provision of assistance to Federal, State, and local agen-
18 cies in other law enforcement and emergency humani-
19 tarian efforts, \$506,766,000, to remain available until
20 September 30, 2015: *Provided*, That no aircraft or other
21 related equipment, with the exception of aircraft that are
22 one of a kind and have been identified as excess to U.S.
23 Customs and Border Protection requirements and aircraft
24 that have been damaged beyond repair, shall be trans-
25 ferred to any other Federal agency, department, or office

1 outside of the Department of Homeland Security during
2 fiscal year 2013 without the prior notice to the Commit-
3 tees on Appropriations of the Senate and the House of
4 Representatives: *Provided further*, That the Secretary of
5 Homeland Security shall report to the Committees on Ap-
6 propriations of the Senate and the House of Representa-
7 tives, not later than 90 days after the date of enactment
8 of this Act, on the update to the 5-year strategic plan for
9 the air and marine program directed in the conference re-
10 port accompanying Public Law 109–90 that addresses
11 missions, structure, operations, equipment, facilities, and
12 resources including deployment and command and control
13 requirements, and includes a recapitalization plan with
14 milestones and funding, and a detailed staffing plan with
15 associated costs to achieve full staffing to meet all mission
16 requirements.

17 CONSTRUCTION AND FACILITIES MANAGEMENT

18 For necessary expenses to plan, acquire, construct,
19 renovate, equip, furnish, operate, manage, and maintain
20 buildings, facilities, and related infrastructure necessary
21 for the administration and enforcement of the laws relat-
22 ing to customs, immigration, and border security,
23 \$243,666,000, to remain available until September 30,
24 2017.

1 UNITED STATES VISITOR AND IMMIGRANT STATUS
2 INDICATOR TECHNOLOGY
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for the United States Visitor
5 and Immigrant Status Indicator Technology program, as
6 authorized by section 110 of the Illegal Immigration Re-
7 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
8 1365a), \$279,133,000: *Provided*, That of the total made
9 available under this heading, \$161,110,000 shall remain
10 available until September 30, 2014: *Provided further*, That
11 \$18,000,000 of the total amount made available under
12 this heading shall be transferred to U.S. Immigration and
13 Customs Enforcement “Salaries and Expenses” solely for
14 visa overstay analysis, and the remaining funds made
15 available under this heading shall not be available for
16 transfer or reprogramming pursuant to section 503 of this
17 Act: *Provided further*, That the United States Visitor and
18 Immigrant Status Indicator Technology Executive Stake-
19 holder Board, which was in existence on October 1, 2011,
20 shall continue to provide guidance and advice during the
21 transition of the program.

1 IMMIGRATION AND CUSTOMS ENFORCEMENT
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for enforcement of immigra-
5 tion and customs laws, detention and removals, and inves-
6 tigation, including overseas vetted units operations; and
7 purchase and lease of up to 3,790 (2,350 for replacement
8 only) police-type vehicles; \$5,294,734,000; of which not to
9 exceed \$10,000,000 shall be available until expended for
10 conducting special operations under section 3131 of the
11 Customs Enforcement Act of 1986 (19 U.S.C. 2081); of
12 which not to exceed \$11,475 shall be for official reception
13 and representation expenses; of which not to exceed
14 \$2,000,000 shall be for awards of compensation to inform-
15 ants, to be accounted for solely under the certificate of
16 the Secretary of Homeland Security; of which not less
17 than \$305,000 shall be for promotion of public awareness
18 of the child pornography tipline and activities to counter
19 child exploitation; of which not less than \$5,400,000 shall
20 be used to facilitate agreements consistent with section
21 287(g) of the Immigration and Nationality Act (8 U.S.C.
22 1357(g)); and of which not to exceed \$11,216,000 shall
23 be available to fund or reimburse other Federal agencies
24 for the costs associated with the care, maintenance, and
25 repatriation of smuggled aliens unlawfully present in the

1 United States: *Provided*, That none of the funds made
2 available under this heading shall be available to com-
3 pensate any employee for overtime in an annual amount
4 in excess of \$35,000, except that the Secretary of Home-
5 land Security, or the designee of the Secretary, may waive
6 that amount as necessary for national security purposes
7 and in cases of immigration emergencies: *Provided further*,
8 That of the total amount provided, \$15,770,000 shall be
9 for activities to enforce laws against forced child labor,
10 of which not to exceed \$6,000,000 shall remain available
11 until expended: *Provided further*, That of the total amount
12 available, not less than \$1,600,000,000 shall be available
13 to identify aliens convicted of a crime who may be deport-
14 able, and to remove them from the United States once
15 they are judged deportable, of which \$138,713,000 shall
16 remain available until September 30, 2014: *Provided fur-*
17 *ther*, That the Assistant Secretary of Homeland Security
18 for U.S. Immigration and Customs Enforcement shall re-
19 port to the Committees on Appropriations of the Senate
20 and the House of Representatives, not later than 45 days
21 after the end of each quarter of the fiscal year, on progress
22 in implementing the preceding proviso and the funds obli-
23 gated during that quarter to make such progress: *Provided*
24 *further*, That the Secretary of Homeland Security shall
25 prioritize the identification and removal of aliens convicted

1 of a crime by the severity of that crime: *Provided further,*
2 That funding made available under this heading shall
3 maintain a level of not less than 33,400 detention beds
4 through September 30, 2013: *Provided further,* That of
5 the total amount provided, not less than \$2,695,644,000
6 is for detention and removal operations, including trans-
7 portation of unaccompanied minor aliens: *Provided fur-*
8 *ther,* That of the total amount provided, \$10,300,000 shall
9 remain available until September 30, 2014, for the Visa
10 Security Program: *Provided further,* That not less than
11 \$10,000,000 shall be available for investigation of intellec-
12 tual property rights violations, including the National In-
13 tellectual Property Rights Coordination Center: *Provided*
14 *further,* That none of the funds provided under this head-
15 ing may be used to continue a delegation of law enforce-
16 ment authority authorized under section 287(g) of the Im-
17 migration and Nationality Act (8 U.S.C. 1357(g)) if the
18 Department of Homeland Security Inspector General de-
19 termines that the terms of the agreement governing the
20 delegation of authority have been violated: *Provided fur-*
21 *ther,* That none of the funds provided under this heading
22 may be used to continue any contract for the provision
23 of detention services if the two most recent overall per-
24 formance evaluations received by the contracted facility
25 are less than “adequate” or the equivalent median score

1 in any subsequent performance evaluation system: *Pro-*
2 *vided further*, That of the total amount provided, up to
3 \$5,000,000 may be transferred to the Department of Jus-
4 tice, Executive Office for Immigration Review, to increase
5 the efficiency of the immigration court process and reduce
6 the nondetained docket: *Provided further*, That nothing
7 under this heading shall prevent U.S. Immigration and
8 Customs Enforcement from exercising those authorities
9 provided under immigration laws (as defined in section
10 101(a)(17) of the Immigration and Nationality Act (8
11 U.S.C. 1101(a)(17))) during priority operations per-
12 taining to aliens convicted of a crime.

13 AUTOMATION MODERNIZATION

14 For expenses of immigration and customs enforce-
15 ment automated systems, \$30,500,000, to remain avail-
16 able until September 30, 2017.

17 CONSTRUCTION

18 For necessary expenses to plan, construct, renovate,
19 equip, and maintain buildings and facilities necessary for
20 the administration and enforcement of the laws relating
21 to customs and immigration, \$5,000,000, to remain avail-
22 able until September 30, 2014.

1 TRANSPORTATION SECURITY ADMINISTRATION
2 AVIATION SECURITY

3 For necessary expenses of the Transportation Secu-
4 rity Administration related to providing civil aviation secu-
5 rity services pursuant to the Aviation and Transportation
6 Security Act (Public Law 107–71; 115 Stat. 597; 49
7 U.S.C. 40101 note), \$5,087,490,000, to remain available
8 until September 30, 2014, of which not to exceed \$7,650
9 shall be for official reception and representation expenses:
10 *Provided*, That of the total amount made available under
11 this heading, not to exceed \$3,999,790,000 shall be for
12 screening operations, of which \$416,349,000 shall be
13 available for explosives detection systems; \$115,239,000
14 shall be for checkpoint support; and not to exceed
15 \$1,087,700,000 shall be for aviation security direction and
16 enforcement: *Provided further*, That of the amount made
17 available in the preceding proviso for explosives detection
18 systems, \$107,349,000 shall be available for the purchase
19 and installation of these systems: *Provided further*, That
20 any award to deploy explosives detection systems shall be
21 based on risk, the airport’s current reliance on other
22 screening solutions, lobby congestion resulting in increased
23 security concerns, high injury rates, airport readiness, and
24 increased cost effectiveness: *Provided further*, That secu-
25 rity service fees authorized under section 44940 of title

1 49, United States Code, shall be credited to this appro-
2 priation as offsetting collections and shall be available only
3 for aviation security: *Provided further*, That the sum ap-
4 propriated under this heading from the general fund shall
5 be reduced on a dollar-for-dollar basis as such offsetting
6 collections are received during fiscal year 2013 so as to
7 result in a final fiscal year appropriation from the general
8 fund estimated at not more than \$2,702,490,000: *Pro-*
9 *vided further*, That any security service fees collected in
10 excess of the amount made available under this heading
11 shall become available during fiscal year 2014: *Provided*
12 *further*, That notwithstanding section 44923 of title 49,
13 United States Code, for fiscal year 2013, any funds in
14 the Aviation Security Capital Fund established by section
15 44923(h) of title 49, United States Code, may be used
16 for the procurement and installation of explosives detec-
17 tion systems or for the issuance of other transaction agree-
18 ments for the purpose of funding projects described in sec-
19 tion 44923(a): *Provided further*, That the Administrator
20 of the Transportation Security Administration shall, with-
21 in 270 days of the date of enactment of this Act, establish
22 procedures allowing members of cabin flight crew of air
23 carriers to participate in the Known Crewmember pilot
24 program, unless the Administrator determines that meet-
25 ing the requirement within this timeline is not practicable

1 and informs the Committees on Appropriations of the Sen-
2 ate and House of Representatives of the basis for that de-
3 termination and the new timeline for implementing the re-
4 quirement: *Provided further*, That Members of the United
5 States House of Representatives and United States Sen-
6 ate, including the leadership; the heads of Federal agen-
7 cies and commissions, including the Secretary, Deputy
8 Secretary, Under Secretaries, and Assistant Secretaries of
9 the Department of Homeland Security; the United States
10 Attorney General, Deputy Attorney General, Assistant At-
11 torneys General, and the United States Attorneys; and
12 senior members of the Executive Office of the President,
13 including the Director of the Office of Management and
14 Budget, shall not be exempt from Federal passenger and
15 baggage screening.

16 SURFACE TRANSPORTATION SECURITY

17 For necessary expenses of the Transportation Secu-
18 rity Administration related to surface transportation secu-
19 rity activities, \$124,276,000, to remain available until
20 September 30, 2014.

21 TRANSPORTATION THREAT ASSESSMENT AND

22 CREDENTIALING

23 For necessary expenses for the development and im-
24 plementation of screening programs of the Office of
25 Transportation Threat Assessment and Credentialing,

1 \$192,631,000, to remain available until September 30,
2 2014.

3 TRANSPORTATION SECURITY SUPPORT

4 For necessary expenses of the Transportation Secu-
5 rity Administration related to transportation security sup-
6 port and intelligence pursuant to the Aviation and Trans-
7 portation Security Act (Public Law 107–71; 115 Stat.
8 597; 49 U.S.C. 40101 note), \$969,709,000, to remain
9 available until September 30, 2014: *Provided*, That of the
10 funds appropriated under this heading, \$20,000,000 may
11 not be obligated for headquarters administration until the
12 Administrator of the Transportation Security Administra-
13 tion submits to the Committees on Appropriations of the
14 Senate and the House of Representatives detailed expendi-
15 ture plans for air cargo security, checkpoint support, and
16 explosives detection systems refurbishment, procurement,
17 and installations on an airport-by-airport basis for fiscal
18 year 2013: *Provided further*, That these plans shall be sub-
19 mitted not later than 60 days after the date of enactment
20 of this Act.

21 FEDERAL AIR MARSHALS

22 For necessary expenses of the Federal Air Marshals,
23 \$929,610,000.

1 UNITED STATES COAST GUARD

2 OPERATING EXPENSES

3 For necessary expenses for the operation and mainte-
4 nance of the Coast Guard, not otherwise provided for; pur-
5 chase or lease of not to exceed 25 passenger motor vehi-
6 cles, which shall be for replacement only; purchase or lease
7 of small boats for contingent and emergent requirements
8 (at a unit cost of no more than \$700,000) and repairs
9 and service-life replacements, not to exceed a total of
10 \$31,000,000; purchase or lease of boats necessary for
11 overseas deployments and activities; minor shore construc-
12 tion projects not exceeding \$1,000,000 in total cost on any
13 asset; payments pursuant to section 156 of Public Law
14 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
15 ation and welfare; \$7,073,479,000, of which \$535,000,000
16 shall be for defense-related activities, of which
17 \$254,000,000 is designated by the Congress for Overseas
18 Contingency Operations/Global War on Terrorism pursu-
19 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985; of which
21 \$24,500,000 shall be derived from the Oil Spill Liability
22 Trust Fund to carry out the purposes of section
23 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
24 2712(a)(5)); and of which not to exceed \$15,300 shall be
25 for official reception and representation expenses: *Pro-*

1 *vided*, That none of the funds made available by this Act
2 shall be for expenses incurred for recreational vessels
3 under section 12114 of title 46, United States Code, ex-
4 cept to the extent fees are collected from owners of yachts
5 and credited to this appropriation: *Provided further*, That
6 of the funds provided under this heading, \$75,000,000
7 shall be withheld from obligation for Coast Guard Head-
8 quarters Directorates until a revised future-years capital
9 investment plan for fiscal years 2014 through 2018, as
10 specified under the heading Coast Guard “Acquisition,
11 Construction, and Improvements” of this Act is submitted
12 to the Committees on Appropriations of the Senate and
13 the House of Representatives: *Provided further*, That
14 funds made available under this heading for Overseas
15 Contingency Operations/Global War on Terrorism may be
16 allocated by program, project, and activity, notwith-
17 standing section 503 of this Act.

18 ENVIRONMENTAL COMPLIANCE AND RESTORATION

19 For necessary expenses to carry out the environ-
20 mental compliance and restoration functions of the Coast
21 Guard under chapter 19 of title 14, United States Code,
22 \$13,162,000, to remain available until September 30,
23 2017.

1 RESERVE TRAINING

2 For necessary expenses of the Coast Guard Reserve,
3 as authorized by law; operations and maintenance of the
4 Coast Guard reserve program; personnel and training
5 costs; and equipment and services; \$132,554,000.

6 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses of acquisition, construction,
8 renovation, and improvement of aids to navigation, shore
9 facilities, vessels, and aircraft, including equipment related
10 thereto; and maintenance, rehabilitation, lease and oper-
11 ation of facilities and equipment; as authorized by law;
12 \$1,470,609,000, of which \$20,000,000 shall be derived
13 from the Oil Spill Liability Trust Fund to carry out the
14 purposes of section 1012(a)(5) of the Oil Pollution Act
15 of 1990 (33 U.S.C. 2712(a)(5)); of which \$10,000,000
16 shall remain available until September 30, 2017, for mili-
17 tary family housing, of which not more than \$3,900,000
18 shall be derived from the Coast Guard Housing Fund, es-
19 tablished pursuant to 14 U.S.C. 687; of which
20 \$1,122,800,000 shall be available until September 30,
21 2017, to acquire, effect major repairs to, renovate, or im-
22 prove vessels, small boats, and related equipment; of which
23 \$74,500,000 shall be available until September 30, 2017,
24 to acquire, effect major repairs to, renovate, or improve
25 aircraft or increase aviation capability; of which

1 \$76,500,000 shall be available until September 30, 2017,
2 for other acquisition programs; of which \$69,411,000 shall
3 be available until September 30, 2017, for shore facilities
4 and aids to navigation, including waterfront facilities at
5 Navy installations used by the Coast Guard; of which
6 \$117,398,000 shall be available for personnel compensa-
7 tion and benefits and related costs: *Provided*, That the
8 funds provided by this Act shall be immediately available
9 and allotted to contract for the production of the sixth
10 National Security Cutter notwithstanding the availability
11 of funds for post-production costs: *Provided further*, That
12 the funds provided by this Act shall be immediately avail-
13 able and allotted to contract for long lead time materials,
14 components, and designs for the seventh National Security
15 Cutter notwithstanding the availability of funds for pro-
16 duction costs or post-production costs: *Provided further*,
17 That the Commandant of the Coast Guard shall submit
18 to the Committees on Appropriations of the Senate and
19 the House of Representatives, at the time that the Presi-
20 dent's budget is submitted each year under section
21 1105(a) of title 31, United States Code, a future-years
22 capital investment plan for the Coast Guard that identifies
23 for each requested capital asset—

24 (1) the proposed appropriations included in that
25 budget;

1 (2) the total estimated cost of completion, in-
2 cluding and clearly delineating the costs of associ-
3 ated major acquisition systems infrastructure and
4 transition to operations;

5 (3) projected funding levels for each fiscal year
6 for the next 5 fiscal years or until acquisition pro-
7 gram baseline or project completion, whichever is
8 earlier;

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

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

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

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

24 (i) quantities planned for each fiscal
25 year; and

1 (ii) major acquisition and project
2 events, including development of oper-
3 ational requirements, contracting actions,
4 design reviews, production, delivery, test
5 and evaluation, and transition to oper-
6 ations, including necessary training, shore
7 infrastructure, and logistics;

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

15 (D) aligns the acquisition of each asset to
16 mission requirements by defining existing capa-
17 bilities of comparable legacy assets, identifying
18 known capability gaps between such existing ca-
19 pabilities and stated mission requirements, and
20 explaining how the acquisition of each asset will
21 address such known capability gaps;

22 (E) defines life-cycle costs for each asset
23 and the date of the estimate on which such
24 costs are based, including all associated costs of
25 major acquisitions systems infrastructure and

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

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

8 (G) includes a phase-out and decommis-
9 sioning schedule delineated by fiscal year for
10 each existing legacy asset that each asset is in-
11 tended to replace or recapitalize:

12 *Provided further*, That the Commandant of the Coast
13 Guard shall ensure that amounts specified in the future-
14 years capital investment plan are consistent, to the max-
15 imum extent practicable, with proposed appropriations
16 necessary to support the programs, projects, and activities
17 of the Coast Guard in the President's budget as submitted
18 under section 1105(a) of title 31, United States Code, for
19 that fiscal year: *Provided further*, That any inconsistencies
20 between the capital investment plan and proposed appro-
21 priations shall be identified and justified: *Provided further*,
22 That subsections (a) and (b) of section 6402 of Public
23 Law 110-28 shall apply with respect to the amounts made
24 available under this heading.

1 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

2 For necessary expenses for applied scientific re-
3 search, development, test, and evaluation; and for mainte-
4 nance, rehabilitation, lease, and operation of facilities and
5 equipment; as authorized by law; \$19,728,000, to remain
6 available until September 30, 2017, of which \$500,000
7 shall be derived from the Oil Spill Liability Trust Fund
8 to carry out the purposes of section 1012(a)(5) of the Oil
9 Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*,
10 That there may be credited to and used for the purposes
11 of this appropriation funds received from State and local
12 governments, other public authorities, private sources, and
13 foreign countries for expenses incurred for research, devel-
14 opment, testing, and evaluation.

15 RETIRED PAY

16 For retired pay, including the payment of obligations
17 otherwise chargeable to lapsed appropriations for this pur-
18 pose, payments under the Retired Serviceman's Family
19 Protection and Survivor Benefits Plans, payment for ca-
20 reer status bonuses, concurrent receipts and combat-re-
21 lated special compensation under the National Defense
22 Authorization Act, and payments for medical care of re-
23 tired personnel and their dependents under chapter 55 of
24 title 10, United States Code, \$1,423,000,000, to remain
25 available until expended.

1 UNITED STATES SECRET SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Secret
4 Service, including purchase of not to exceed 652 vehicles
5 for police-type use for replacement only; hire of passenger
6 motor vehicles; purchase of motorcycles made in the
7 United States; hire of aircraft; services of expert witnesses
8 at such rates as may be determined by the Director of
9 the Secret Service; rental of buildings in the District of
10 Columbia, and fencing, lighting, guard booths, and other
11 facilities on private or other property not in Government
12 ownership or control, as may be necessary to perform pro-
13 tective functions; payment of per diem or subsistence al-
14 lowances to employees in cases in which a protective as-
15 signment on the actual day or days of the visit of a
16 protectee requires an employee to work 16 hours per day
17 or to remain overnight at a post of duty; conduct of and
18 participation in firearms matches; presentation of awards;
19 travel of United States Secret Service employees on pro-
20 tective missions without regard to the limitations on such
21 expenditures in this or any other Act if approval is ob-
22 tained in advance from the Committees on Appropriations
23 of the Senate and the House of Representatives; research
24 and development; grants to conduct behavioral research in
25 support of protective research and operations; and pay-

1 ment in advance for commercial accommodations as may
2 be necessary to perform protective functions;
3 \$1,555,913,000, of which not to exceed \$19,125 shall be
4 for official reception and representation expenses; of which
5 not to exceed \$100,000 shall be to provide technical assist-
6 ance and equipment to foreign law enforcement organiza-
7 tions in counterfeit investigations; of which \$2,366,000
8 shall be for forensic and related support of investigations
9 of missing and exploited children; and of which
10 \$6,000,000 shall be for a grant for activities related to
11 investigations of missing and exploited children and shall
12 remain available until September 30, 2014: *Provided*,
13 That up to \$18,000,000 for protective travel shall remain
14 available until September 30, 2014: *Provided further*, That
15 \$4,500,000 for National Special Security Events shall re-
16 main available until September 30, 2014: *Provided further*,
17 That the United States Secret Service is authorized to ob-
18 ligate funds in anticipation of reimbursements from Fed-
19 eral agencies and entities, as defined in section 105 of title
20 5, United States Code, for personnel receiving training
21 sponsored by the James J. Rowley Training Center, except
22 that total obligations at the end of the fiscal year shall
23 not exceed total budgetary resources available under this
24 heading at the end of the fiscal year: *Provided further*,
25 That none of the funds made available under this heading

1 shall be available to compensate any employee for overtime
2 in an annual amount in excess of \$35,000, except that
3 the Secretary of Homeland Security, or the designee of
4 the Secretary, may waive that amount as necessary for
5 national security purposes: *Provided further*, That none of
6 the funds made available to the United States Secret Serv-
7 ice by this Act or by previous appropriations Acts may
8 be made available for the protection of the head of a Fed-
9 eral agency other than the Secretary of Homeland Secu-
10 rity: *Provided further*, That the Director of the United
11 States Secret Service may enter into an agreement to pro-
12 vide such protection on a fully reimbursable basis: *Pro-*
13 *vided further*, That none of the funds made available to
14 the United States Secret Service by this Act or by previous
15 appropriations Acts may be obligated for the purpose of
16 opening a new permanent domestic or overseas office or
17 location unless the Committees on Appropriations of the
18 Senate and the House of Representatives are notified 15
19 days in advance of such obligation: *Provided further*, That
20 for purposes of section 503(b) of this Act, \$15,000,000
21 or 10 percent, whichever is less, may be transferred be-
22 tween “protection of persons and facilities” and “domestic
23 field operations”.

1 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

3 For necessary expenses for acquisition, construction,
4 repair, alteration, and improvement of facilities and tech-
5 nology infrastructure, \$56,750,000; of which \$4,430,000,
6 to remain available until September 30, 2017, shall be for
7 acquisition, construction, improvement, and maintenance
8 of facilities; and of which \$52,320,000, to remain available
9 until September 30, 2015, shall be for information inte-
10 gration and technology transformation: *Provided*, That
11 \$20,000,000 of the funds made available in the preceding
12 proviso for information integration and technology trans-
13 formation shall not be obligated to purchase or install in-
14 formation technology equipment until the Department of
15 Homeland Security Chief Information Officer submits a
16 report to the Committees on Appropriations of the Senate
17 and the House of Representatives certifying that all plans
18 for integration and transformation are consistent with De-
19 partment of Homeland Security data center migration and
20 enterprise architecture requirements.

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

6 For salaries and expenses of the Office of the Under
7 Secretary for the National Protection and Programs Di-
8 rectorate, support for operations, and information tech-
9 nology, \$50,321,000: *Provided*, That not to exceed \$3,825
10 shall be for official reception and representation expenses.

11 INFRASTRUCTURE PROTECTION AND INFORMATION
12 SECURITY

13 For necessary expenses for infrastructure protection
14 and information security programs and activities, as au-
15 thorized by title II of the Homeland Security Act of 2002
16 (6 U.S.C. 121 et seq.), \$1,169,583,000, of which
17 \$200,000,000 shall remain available until September 30,
18 2014: *Provided*, That of the funds made available under
19 this heading, not to exceed \$183,638,000 is for
20 cybersecurity capability improvements related to contin-
21 uous monitoring of civil Federal computer networks: *Pro-*
22 *vided further*, That of the amount provided in the pre-
23 ceding proviso, \$120,000,000 shall not be obligated until
24 the Committees on Appropriations of the Senate and the
25 House of Representatives receive a detailed expenditure

1 plan and timeframe for implementation for the program
2 from the Under Secretary for the National Protection and
3 Programs Directorate: *Provided further*, That the Under
4 Secretary for the National Protection and Programs Di-
5 rectorate shall submit an expenditure plan for the Office
6 of Cybersecurity and Communications and an expenditure
7 plan for the Office of Infrastructure Protection to the
8 Committees on Appropriations of the Senate and the
9 House of Representatives not later than 90 days after the
10 date of enactment of this Act.

11 FEDERAL PROTECTIVE SERVICE

12 The revenues and collections of security fees credited
13 to this account shall be available until expended for nec-
14 essary expenses related to the protection of federally
15 owned and leased buildings and for the operations of the
16 Federal Protective Service: *Provided*, That the Secretary
17 of Homeland Security and the Director of the Office of
18 Management and Budget shall certify in writing to the
19 Committees on Appropriations of the Senate and the
20 House of Representatives not later than December 31,
21 2012, that the operations of the Federal Protective Service
22 will be fully funded in fiscal year 2013 through revenues
23 and collection of security fees, and shall adjust the fees
24 to ensure fee collections are sufficient to ensure that the
25 Federal Protective Service maintains not fewer than 1,371

1 full-time equivalent staff and 1,007 full-time equivalent
2 Police Officers, Inspectors, Area Commanders, and Spe-
3 cial Agents who, while working, are directly engaged on
4 a daily basis protecting and enforcing laws at Federal
5 buildings (referred to as “in-service field staff”): *Provided*
6 *further*, That an expenditure plan for fiscal year 2013
7 shall be provided to the Committees on Appropriations of
8 the Senate and the House of Representatives not later
9 than 90 days after the date of enactment of this Act: *Pro-*
10 *vided further*, That the Director of the Federal Protective
11 Service shall include with the submission of the Presi-
12 dent’s fiscal year 2014 budget a strategic human capital
13 plan that aligns fee collections to personnel requirements
14 based on a current threat assessment.

15 OFFICE OF HEALTH AFFAIRS

16 For necessary expenses of the Office of Health Af-
17 fairs, \$168,300,000; of which \$27,757,000 is for salaries
18 and expenses and \$85,390,000 is for BioWatch oper-
19 ations: *Provided*, That of the amount made available under
20 this heading, \$55,153,000 shall remain available until
21 September 30, 2014, for biosurveillance, BioWatch Gen-
22 eration 3, chemical defense, medical and health planning
23 and coordination, and workforce health protection: *Pro-*
24 *vided further*, That of the funds made available under this
25 heading, no more than \$39,904,000 shall be for BioWatch

1 Generation 3, of which \$28,500,000 shall not be obligated
2 until the Secretary of Homeland Security certifies to the
3 Committees on Appropriations of the Senate and the
4 House of Representatives that the science used to develop
5 the technology is sound and warrants operational testing
6 and evaluation: *Provided further*, That none of the funds
7 provided under this heading shall be used for pilot pro-
8 grams for the National Biosurveillance Integration Center
9 until the Committees on Appropriations of the Senate and
10 the House of Representatives have received a strategic
11 plan for the Center and a report that describes how each
12 pilot program furthers implementation of the plan from
13 the Assistant Secretary for Health Affairs: *Provided fur-*
14 *ther*, That not to exceed \$2,250 shall be for official recep-
15 tion and representation expenses: *Provided further*, That
16 the Assistant Secretary for Health Affairs shall submit an
17 expenditure plan for fiscal year 2013 to the Committees
18 on Appropriations of the Senate and the House of Rep-
19 resentatives not later than 90 days after the date of enact-
20 ment of this Act.

21 FEDERAL EMERGENCY MANAGEMENT AGENCY

22 SALARIES AND EXPENSES

23 For necessary expenses of the Federal Emergency
24 Management Agency, \$979,402,000, including activities
25 authorized by the National Flood Insurance Act of 1968

1 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
3 seq.), the Cerro Grande Fire Assistance Act of 2000 (divi-
4 sion C, title I, 114 Stat. 583), the Earthquake Hazards
5 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the De-
6 fense Production Act of 1950 (50 U.S.C. App. 2061 et
7 seq.), sections 107 and 303 of the National Security Act
8 of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.
9 3 of 1978 (5 U.S.C. App.), the Homeland Security Act
10 of 2002 (6 U.S.C. 101 et seq.), the Federal Fire Preven-
11 tion and Control Act of 1974 (15 U.S.C. 2201 et seq.),
12 and the Post-Katrina Emergency Management Reform
13 Act of 2006 (Public Law 109–295; 120 Stat. 1394): *Pro-*
14 *vided*, That not to exceed \$2,250 shall be for official recep-
15 tion and representation expenses: *Provided further*, That
16 for fiscal year 2013 and thereafter, for purposes of plan-
17 ning, coordination, execution, and decision making related
18 to mass evacuation during a disaster, the Governors of the
19 State of West Virginia and the Commonwealth of Pennsyl-
20 vania, or their designees, shall be incorporated into efforts
21 to integrate the activities of Federal, State, and local gov-
22 ernments in the National Capital Region, as defined in
23 section 882 of the Homeland Security Act of 2002 (Public
24 Law 107–296): *Provided further*, That of the total amount
25 made available under this heading, \$35,180,000 shall be

1 for the Urban Search and Rescue Response System, of
2 which none is available for Federal Emergency Manage-
3 ment Agency administrative costs; and \$5,099,000 shall
4 be for the Office of National Capital Region Coordination:
5 *Provided further*, That of the total amount made available
6 under this heading, \$22,000,000 shall remain available
7 until September 30, 2014, for capital improvements and
8 other expenses related to continuity of operations at the
9 Mount Weather Emergency Operations Center: *Provided*
10 *further*, That of the total amount made available under
11 this heading, \$14,689,000 shall remain available until
12 September 30, 2014, for expenses related to moderniza-
13 tion of automated systems: *Provided further*, That the Ad-
14 ministrator of the Federal Emergency Management Agen-
15 cy, in consultation with the Department of Homeland Se-
16 curity Chief Information Officer, shall submit to the Com-
17 mittees on Appropriations of the Senate and the House
18 of Representatives an expenditure plan including results
19 to date, plans for the program, and a list of projects with
20 associated funding provided from prior appropriations and
21 provided by this Act for modernization of automated sys-
22 tems.

1 STATE AND LOCAL PROGRAMS

2 For grants, contracts, cooperative agreements, and
3 other activities, \$1,645,082,000 shall be allocated as fol-
4 lows:

5 (1) \$470,000,000 shall be for the State Home-
6 land Security Grant Program under section 2004 of
7 the Homeland Security Act of 2002 (6 U.S.C. 605):
8 *Provided*, That of the amount provided by this para-
9 graph, \$55,000,000 shall be for Operation
10 Stonegarden: *Provided further*, That notwithstanding
11 subsection (c)(4) of such section 2004, for fiscal
12 year 2013, the Commonwealth of Puerto Rico shall
13 make available to local and tribal governments
14 amounts provided to the Commonwealth of Puerto
15 Rico under this paragraph in accordance with sub-
16 section (c)(1) of such section 2004.

17 (2) \$676,908,000 shall be for the Urban Area
18 Security Initiative under section 2003 of the Home-
19 land Security Act of 2002 (6 U.S.C. 604), of which,
20 notwithstanding subsection (c)(1) of such section,
21 \$13,000,000 shall be for grants to organizations (as
22 described under section 501(c)(3) of the Internal
23 Revenue Code of 1986 and exempt from tax section
24 501(a) of such code) determined by the Secretary of

1 Homeland Security to be at high risk of a terrorist
2 attack.

3 (3) \$132,000,000 shall be for Public Transpor-
4 tation Security Assistance, Railroad Security Assist-
5 ance, and Over-the-Road Bus Security Assistance
6 under sections 1406, 1513, and 1532 of the Imple-
7 menting Recommendations of the 9/11 Commission
8 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135,
9 1163, and 1182), of which not less than
10 \$13,000,000 shall be for Amtrak security: *Provided*,
11 That such public transportation security assistance
12 shall be provided directly to public transportation
13 agencies.

14 (4) \$132,000,000 shall be for Port Security
15 Grants in accordance with 46 U.S.C. 70107.

16 (5) \$234,174,000 shall be for training, exer-
17 cises, technical assistance, and other programs, of
18 which \$157,991,000 shall be for training of State,
19 local, and tribal emergency response providers:

20 *Provided*, That for grants under paragraphs (1) through
21 (4), applications for grants shall be made available to eligi-
22 ble applicants not later than 60 days after the date of en-
23 actment of this Act, that eligible applicants shall submit
24 applications not later than 80 days after the grant an-
25 nouncement, and the Administrator of the Federal Emer-

1 gency Management Agency shall act within 65 days after
2 the receipt of an application: *Provided further*, That not-
3 withstanding section 2008(a)(11) of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 609(a)(11)), or any other pro-
5 vision of law, a grantee may use not more than 5 percent
6 of the amount of a grant made available under this head-
7 ing for expenses directly related to administration of the
8 grant: *Provided further*, That for grants under paragraphs
9 (1) and (2), the installation of communication towers is
10 not considered construction of a building or other physical
11 facility: *Provided further*, That grantees shall provide re-
12 ports on their use of funds, as determined necessary by
13 the Secretary of Homeland Security: *Provided further*,
14 That in fiscal year 2013 and thereafter: (a) the Center
15 for Domestic Preparedness may provide training to emer-
16 gency response providers from the Federal Government,
17 foreign governments, or private entities, if the Center for
18 Domestic Preparedness is reimbursed for the cost of such
19 training, and any reimbursement under this subsection
20 shall be credited to the account from which the expendi-
21 ture being reimbursed was made and shall be available,
22 without fiscal year limitation, for the purposes for which
23 amounts in the account may be expended; (b) the head
24 of the Center for Domestic Preparedness shall ensure that
25 any training provided under (a) does not interfere with

1 the primary mission of the Center to train State and local
2 emergency response providers; and (c) subject to (b), noth-
3 ing in (a) prohibits the Center for Domestic Preparedness
4 from providing training to employees of the Federal Emer-
5 gency Management Agency in existing chemical, biological,
6 radiological, nuclear, explosives, mass casualty, and med-
7 ical surge courses pursuant to 5 U.S.C. 4103 without re-
8 imbursement for the cost of such training.

9 FIREFIGHTER ASSISTANCE GRANTS

10 For grants for programs authorized by the Federal
11 Fire Prevention and Control Act of 1974 (15 U.S.C. 2201
12 et seq.), \$675,000,000, to remain available until Sep-
13 tember 30, 2014, of which \$337,500,000 shall be available
14 to carry out section 33 of that Act (15 U.S.C. 2229) and
15 \$337,500,000 shall be available to carry out section 34
16 of that Act (15 U.S.C. 2229a).

17 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

18 For emergency management performance grants, as
19 authorized by the National Flood Insurance Act of 1968
20 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
21 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
22 seq.), the Earthquake Hazards Reduction Act of 1977 (42
23 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of
24 1978 (5 U.S.C. App.), \$350,000,000.

1 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

2 The aggregate charges assessed during fiscal year
3 2013, as authorized in title III of the Departments of Vet-
4 erans Affairs and Housing and Urban Development, and
5 Independent Agencies Appropriations Act, 1999 (42
6 U.S.C. 5196e), shall not be less than 100 percent of the
7 amounts anticipated by the Department of Homeland Se-
8 curity necessary for its radiological emergency prepared-
9 ness program for the next fiscal year: *Provided*, That the
10 methodology for assessment and collection of fees shall be
11 fair and equitable and shall reflect costs of providing such
12 services, including administrative costs of collecting such
13 fees: *Provided further*, That fees received under this head-
14 ing shall be deposited in this account as offsetting collec-
15 tions and will become available for authorized purposes on
16 October 1, 2013, and remain available until expended.

17 UNITED STATES FIRE ADMINISTRATION

18 For necessary expenses of the United States Fire Ad-
19 ministration and for other purposes, as authorized by the
20 Federal Fire Prevention and Control Act of 1974 (15
21 U.S.C. 2201 et seq.) and the Homeland Security Act of
22 2002 (6 U.S.C. 101 et seq.), \$44,020,000.

1 DISASTER RELIEF FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses in carrying out the Robert
4 T. Stafford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5121 et seq.), \$6,088,926,000, to remain avail-
6 able until expended, of which \$24,000,000 shall be trans-
7 ferred to the Department of Homeland Security Office of
8 Inspector General for audits and investigations related to
9 disasters: *Provided*, That the Administrator of the Federal
10 Emergency Management Agency shall submit an expendi-
11 ture plan to the Committees on Appropriations of the Sen-
12 ate and the House of Representatives detailing the use of
13 the funds made available in this or any other Act for dis-
14 aster readiness and support not later than 60 days after
15 the date of enactment of this Act: *Provided further*, That
16 the Administrator of the Federal Emergency Management
17 Agency shall submit to such Committees a quarterly re-
18 port detailing obligations against the expenditure plan and
19 a justification for any changes from the initial plan: *Pro-*
20 *vided further*, That the Administrator of the Federal
21 Emergency Management Agency shall submit to the Com-
22 mittees on Appropriations of the Senate and the House
23 of Representatives the following reports, including a spe-
24 cific description of the methodology and the source data
25 used in developing such reports:

1 (1) an estimate of the following amounts shall
2 be submitted for the budget year at the time that
3 the President's budget is submitted each year under
4 section 1105(a) of title 31, United States Code:

5 (A) the unobligated balance of funds to be
6 carried over from the prior fiscal year to the
7 budget year;

8 (B) the unobligated balance of funds to be
9 carried over from the budget year to the budget
10 year plus 1;

11 (C) the amount of obligations for non-cata-
12 strophic events for the budget year;

13 (D) the amount of obligations for the
14 budget year for catastrophic events delineated
15 by event and by State;

16 (E) the total amount that has been pre-
17 viously obligated or will be required for cata-
18 strophic events delineated by event and by State
19 for all prior years, the current year, the budget
20 year, the budget year plus 1, the budget year
21 plus 2, and the budget year plus 3 and beyond;

22 (F) the amount of previously obligated
23 funds that will be recovered for the budget
24 year;

1 (G) the amount that will be required for
2 obligations for emergencies, as described in sec-
3 tion 102(1) of the Robert T. Stafford Disaster
4 Relief and Emergency Assistance Act (42
5 U.S.C. 5122(1)), major disasters, as described
6 in section 102(2) of the Robert T. Stafford Dis-
7 aster Relief and Emergency Assistance Act (42
8 U.S.C. 5122(2)), fire management assistance
9 grants, as described in section 420 of the Rob-
10 ert T. Stafford Disaster Relief and Emergency
11 Assistance Act (42 U.S.C. 5187), surge activi-
12 ties, and disaster readiness and support activi-
13 ties;

14 (H) the amount required for activities not
15 covered under section 251(b)(2)(D)(iii) of the
16 Balanced Budget and Emergency Deficit Con-
17 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii);
18 Public Law 99–177);

19 (2) an estimate or actual amounts, if available,
20 of the following for the current fiscal year shall be
21 submitted not later than the fifth day of each
22 month:

23 (A) a summary of the amount of appro-
24 priations made available by source, the trans-
25 fers executed, the previously allocated funds re-

1 covered, and the commitments, allocations, and
2 obligations made;

3 (B) a table of disaster relief activity delin-
4 eated by month, including—

5 (i) the beginning and ending balances;

6 (ii) the total obligations to include
7 amounts obligated for fire assistance,
8 emergencies, surge, and disaster support
9 activities;

10 (iii) the obligations for catastrophic
11 events delineated by event and by State;
12 and

13 (iv) the amount of previously obli-
14 gated funds that are recovered;

15 (C) a summary of allocations, obligations,
16 and expenditures for catastrophic events delin-
17 eated by event; and

18 (D) the date on which funds appropriated
19 will be exhausted:

20 *Provided further*, That of the amount provided under this
21 heading, \$5,481,000,000 is for major disasters declared
22 pursuant to the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Pro-*
24 *vided further*, That the amount in the preceding proviso
25 is designated by the Congress as being for disaster relief

1 pursuant to section 251(b)(2)(D) of the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

4 For necessary expenses, including administrative
5 costs, under section 1360 of the National Flood Insurance
6 Act of 1968 (42 U.S.C. 4101), \$97,329,000, and such ad-
7 ditional sums as may be provided by State and local gov-
8 ernments or other political subdivisions for cost-shared
9 mapping activities under section 1360(f)(2) of such Act
10 (42 U.S.C. 4101(f)(2)), to remain available until ex-
11 pended.

12 NATIONAL FLOOD INSURANCE FUND

13 For activities under the National Flood Insurance
14 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
15 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
16 \$171,000,000, which shall be derived from offsetting col-
17 lections assessed and collected under section 1308(d) of
18 the National Flood Insurance Act of 1968 (42 U.S.C.
19 4015(d)); of which not to exceed \$22,000,000 shall be
20 available for salaries and expenses associated with flood
21 mitigation and flood insurance operations; and not less
22 than \$149,000,000 shall be available for flood plain man-
23 agement and flood mapping, which shall remain available
24 until September 30, 2014: *Provided*, That any additional
25 fees collected pursuant to section 1308(d) of the National

1 Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall
2 be credited as an offsetting collection to this account, to
3 be available for flood plain management and flood map-
4 ping: *Provided further*, That in fiscal year 2013, no funds
5 shall be available from the National Flood Insurance Fund
6 under section 1310 of that Act (42 U.S.C. 4017) in excess
7 of:

- 8 (1) \$132,000,000 for operating expenses;
- 9 (2) \$1,056,602,000 for commissions and taxes
10 of agents;
- 11 (3) such sums as are necessary for interest on
12 Treasury borrowings; and
- 13 (4) \$120,000,000, which shall remain available
14 until expended, for flood mitigation actions; of which
15 not less than \$10,000,000 is for severe repetitive
16 loss properties under section 1361A of the National
17 Flood Insurance Act of 1968 (42 U.S.C. 4102a); of
18 which \$10,000,000 shall be for repetitive insurance
19 claims properties under section 1323 of the National
20 Flood Insurance Act of 1968 (42 U.S.C. 4030); and
21 of which \$40,000,000 shall be for flood mitigation
22 assistance under section 1366 of the National Flood
23 Insurance Act of 1968 (42 U.S.C. 4104c), notwith-
24 standing subparagraphs (B) and (C) of subsection
25 (b)(3) and subsection (f) of section 1366 of the Na-

1 tional Flood Insurance Act of 1968 (42 U.S.C.
2 4104e) and notwithstanding subsection (a)(7) of sec-
3 tion 1310 of the National Flood Insurance Act of
4 1968 (42 U.S.C. 4017): *Provided further*, That the
5 amounts collected under section 102 of the Flood
6 Disaster Protection Act of 1973 (42 U.S.C. 4012a)
7 and section 1366(i) of the National Flood Insurance
8 Act of 1968 shall be deposited in the National Flood
9 Insurance Fund to supplement other amounts speci-
10 fied as available for section 1366 of the National In-
11 surance Act of 1968, notwithstanding subsection
12 (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8))
13 and subsection 1366(i) and paragraphs (2) and (3)
14 of section 1367(b) of the National Flood Insurance
15 Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)):
16 *Provided further*, That total administrative costs
17 shall not exceed 4 percent of the total appropriation.

18 NATIONAL PREDISASTER MITIGATION FUND

19 For the predisaster mitigation grant program under
20 section 203 of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5133),
22 \$35,000,000, to remain available until expended.

23 EMERGENCY FOOD AND SHELTER

24 To carry out the emergency food and shelter program
25 pursuant to title III of the McKinney-Vento Homeless As-

1 sistance Act (42 U.S.C. 11331 et seq.), \$150,000,000, to
2 remain available until expended: *Provided*, That total ad-
3 ministrative costs shall not exceed 3.5 percent of the total
4 amount made available under this heading.

5 TITLE IV
6 RESEARCH AND DEVELOPMENT, TRAINING,
7 AND SERVICES
8 UNITED STATES CITIZENSHIP AND IMMIGRATION
9 SERVICES

10 For necessary expenses for citizenship and immigra-
11 tion services, \$116,924,000; of which \$111,924,000 is for
12 the E-Verify Program, as described in section 403(a) of
13 the Illegal Immigration Reform and Immigrant Responsi-
14 bility Act of 1996 (8 U.S.C. 1324a note), to assist United
15 States employers with maintaining a legal workforce and
16 of which \$5,000,000 is for immigrant integration grants:
17 *Provided*, That notwithstanding any other provision of
18 law, funds otherwise made available to United States Citi-
19 zenship and Immigration Services may be used to acquire,
20 operate, equip, and dispose of up to five vehicles, for re-
21 placement only, for areas where the Administrator of Gen-
22 eral Services does not provide vehicles for lease: *Provided*
23 *further*, That the Director of United States Citizenship
24 and Immigration Services may authorize employees who
25 are assigned to those areas to use such vehicles to travel

1 between the employees' residences and places of employ-
2 ment: *Provided further*, That none of the funds made
3 available in this Act for grants for immigrant integration
4 may be used to provide services to aliens who have not
5 been lawfully admitted for permanent residence.

6 FEDERAL LAW ENFORCEMENT TRAINING CENTER

7 SALARIES AND EXPENSES

8 For necessary expenses of the Federal Law Enforce-
9 ment Training Center, including materials and support
10 costs of Federal law enforcement basic training; the pur-
11 chase of not to exceed 117 vehicles for police-type use and
12 hire of passenger motor vehicles; expenses for student ath-
13 letic and related activities; the conduct of and participa-
14 tion in firearms matches and presentation of awards; pub-
15 lic awareness and enhancement of community support of
16 law enforcement training; room and board for student in-
17 terns; a flat monthly reimbursement to employees author-
18 ized to use personal mobile phones for official duties; and
19 services as authorized by section 3109 of title 5, United
20 States Code; \$228,939,000; of which up to \$44,758,000
21 shall remain available until September 30, 2014, for mate-
22 rials and support costs of Federal law enforcement basic
23 training; of which \$300,000 shall remain available until
24 expended to be distributed to Federal law enforcement
25 agencies for expenses incurred participating in training ac-

1 creditation; and of which not to exceed \$9,180 shall be
2 for official reception and representation expenses: *Pro-*
3 *vided*, That the Center is authorized to obligate funds in
4 anticipation of reimbursements from agencies receiving
5 training sponsored by the Center, except that total obliga-
6 tions at the end of the fiscal year shall not exceed total
7 budgetary resources available at the end of the fiscal year:
8 *Provided further*, That section 1202(a) of Public Law
9 107–206 (42 U.S.C. 3771 note), as amended by Public
10 Law 112–74, is further amended by striking “December
11 31, 2014” and inserting “December 31, 2015”: *Provided*
12 *further*, That the Director of the Federal Law Enforce-
13 ment Training Center shall schedule basic or advanced law
14 enforcement training, or both, at all four training facilities
15 under the control of the Federal Law Enforcement Train-
16 ing Center to ensure that such training facilities are oper-
17 ated at the highest capacity throughout the fiscal year:
18 *Provided further*, That the Federal Law Enforcement
19 Training Accreditation Board, including representatives
20 from the Federal law enforcement community and non-
21 Federal accreditation experts involved in law enforcement
22 training, shall lead the Federal law enforcement training
23 accreditation process to continue the implementation of
24 measuring and assessing the quality and effectiveness of

1 Federal law enforcement training programs, facilities, and
2 instructors.

3 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
4 RELATED EXPENSES

5 For acquisition of necessary additional real property
6 and facilities, construction, and ongoing maintenance, fa-
7 cility improvements, and related expenses of the Federal
8 Law Enforcement Training Center, \$29,385,000, to re-
9 main available until September 30, 2017: *Provided*, That
10 the Center is authorized to accept reimbursement to this
11 appropriation from government agencies requesting the
12 construction of special use facilities.

13 SCIENCE AND TECHNOLOGY

14 MANAGEMENT AND ADMINISTRATION

15 For salaries and expenses of the Office of the Under
16 Secretary for Science and Technology and for manage-
17 ment and administration of programs and activities, as
18 authorized by title III of the Homeland Security Act of
19 2002 (6 U.S.C. 181 et seq.), \$138,008,000: *Provided*,
20 That not to exceed \$7,650 shall be for official reception
21 and representation expenses.

22 RESEARCH, DEVELOPMENT, ACQUISITION, AND
23 OPERATIONS

24 For necessary expenses for science and technology re-
25 search, including advanced research projects, development,

1 test and evaluation, acquisition, and operations as author-
2 ized by title III of the Homeland Security Act of 2002
3 (6 U.S.C. 181 et seq.), and the purchase or lease of not
4 to exceed 5 vehicles, \$693,464,000; of which
5 \$566,032,000 shall remain available until September 30,
6 2015; and of which \$127,432,000 shall remain available
7 until September 30, 2017, solely for operation and con-
8 struction of laboratory facilities.

9 DOMESTIC NUCLEAR DETECTION OFFICE

10 MANAGEMENT AND ADMINISTRATION

11 For salaries and expenses of the Domestic Nuclear
12 Detection Office, as authorized by title XIX of the Home-
13 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
14 agement and administration of programs and activities,
15 \$39,692,000: *Provided*, That not to exceed \$2,250 shall
16 be for official reception and representation expenses: *Pro-*
17 *vided further*, That not later than 60 days after the date
18 of enactment of this Act, the Secretary of Homeland Secu-
19 rity shall submit to the Committees on Appropriations of
20 the Senate and the House of Representatives a strategic
21 plan of investments necessary to implement the Depart-
22 ment of Homeland Security's responsibilities under the do-
23 mestic component of the global nuclear detection architec-
24 ture that shall:

1 (1) define the role and responsibilities of each
2 Departmental component in support of the domestic
3 detection architecture, including any existing or
4 planned programs to pre-screen cargo or convey-
5 ances overseas;

6 (2) identify and describe the specific invest-
7 ments being made by each Departmental component
8 in fiscal year 2013 and planned for fiscal year 2014
9 to support the domestic architecture and the secu-
10 rity of sea, land, and air pathways into the United
11 States;

12 (3) describe the investments necessary to close
13 known vulnerabilities and gaps, including associated
14 costs and timeframes, and estimates of feasibility
15 and cost effectiveness; and

16 (4) explain how the Department's research and
17 development funding is furthering the implementa-
18 tion of the domestic nuclear detection architecture,
19 including specific investments planned for each of
20 fiscal years 2013 and 2014.

21 RESEARCH, DEVELOPMENT, AND OPERATIONS

22 For necessary expenses for radiological and nuclear
23 research, development, testing, evaluation, and operations,
24 \$236,830,000, to remain available until September 30,
25 2015.

1 SYSTEMS ACQUISITION

2 For expenses for the Domestic Nuclear Detection Of-
3 fice acquisition and deployment of radiological detection
4 systems in accordance with the global nuclear detection
5 architecture, \$51,455,000, to remain available until Sep-
6 tember 30, 2015.

7 TITLE V

8 GENERAL PROVISIONS

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

12 SEC. 502. Subject to the requirements of section 503
13 of this Act, the unexpended balances of prior appropria-
14 tions provided for activities in this Act may be transferred
15 to appropriation accounts for such activities established
16 pursuant to this Act, may be merged with funds in the
17 applicable established accounts, and thereafter may be ac-
18 counted for as one fund for the same time period as origi-
19 nally enacted.

20 SEC. 503. (a) None of the funds provided by this Act,
21 provided by previous appropriations Acts to the agencies
22 in or transferred to the Department of Homeland Security
23 that remain available for obligation or expenditure in fiscal
24 year 2013, or provided from any accounts in the Treasury
25 of the United States derived by the collection of fees avail-

1 able to the agencies funded by this Act, shall be available
2 for obligation or expenditure through a reprogramming of
3 funds that:

4 (1) creates a new program, project, or activity;

5 (2) eliminates a program, project, office, or ac-
6 tivity;

7 (3) increases funds for any program, project, or
8 activity for which funds have been denied or re-
9 stricted by the Congress;

10 (4) proposes to use funds directed for a specific
11 activity by either of the Committees on Appropria-
12 tions of the Senate or the House of Representatives
13 for a different purpose; or

14 (5) contracts out any function or activity for
15 which funding levels were requested for Federal full-
16 time equivalents in the object classification tables
17 contained in the fiscal year 2013 Budget Appendix
18 for the Department of Homeland Security, as modi-
19 fied by the joint explanatory statement accom-
20 panying this Act, unless the Committees on Appro-
21 priations of the Senate and the House of Represent-
22 atives are notified 15 days in advance of such re-
23 programming of funds.

24 (b) None of the funds provided by this Act, provided
25 by previous appropriations Acts to the agencies in or

1 transferred to the Department of Homeland Security that
2 remain available for obligation or expenditure in fiscal
3 year 2013, or provided from any accounts in the Treasury
4 of the United States derived by the collection of fees or
5 proceeds available to the agencies funded by this Act, shall
6 be available for obligation or expenditure for programs,
7 projects, or activities through a reprogramming of funds
8 in excess of \$5,000,000 or 10 percent, whichever is less,
9 that:

10 (1) augments existing programs, projects, or ac-
11 tivities;

12 (2) reduces by 10 percent funding for any exist-
13 ing program, project, or activity, or reduces the
14 numbers of personnel by 10 percent as approved by
15 the Congress; or

16 (3) results from any general savings from a re-
17 duction in personnel that would result in a change
18 in existing programs, projects, or activities as ap-
19 proved by the Congress, unless the Committees on
20 Appropriations of the Senate and the House of Rep-
21 resentatives are notified 15 days in advance of such
22 reprogramming of funds.

23 (c) Not to exceed 5 percent of any appropriation
24 made available for the current fiscal year for the Depart-
25 ment of Homeland Security by this Act or provided by

1 previous appropriations Acts may be transferred between
2 such appropriations, but no such appropriation, except as
3 otherwise specifically provided, shall be increased by more
4 than 10 percent by such transfers: *Provided*, That any
5 transfer under this section shall be treated as a re-
6 programming of funds under subsection (b) and shall not
7 be available for obligation unless the Committees on Ap-
8 propriations of the Senate and the House of Representa-
9 tives are notified 15 days in advance of such transfer.

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

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

19 SEC. 504. The Department of Homeland Security
20 Working Capital Fund, established pursuant to section
21 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
22 continue operations as a permanent working capital fund
23 for fiscal year 2013: *Provided*, That none of the funds ap-
24 propriated or otherwise made available to the Department
25 of Homeland Security may be used to make payments to

1 the Working Capital Fund, except for the activities and
2 amounts allowed in the President's fiscal year 2013 budg-
3 et: *Provided further*, That funds provided to the Working
4 Capital Fund shall be available for obligation until ex-
5 pended to carry out the purposes of the Working Capital
6 Fund: *Provided further*, That all departmental components
7 shall be charged only for direct usage of each Working
8 Capital Fund service: *Provided further*, That funds pro-
9 vided to the Working Capital Fund shall be used only for
10 purposes consistent with the contributing component: *Pro-*
11 *vided further*, That the Working Capital Fund shall be
12 paid in advance or reimbursed at rates which will return
13 the full cost of each service: *Provided further*, That the
14 Working Capital Fund shall be subject to the require-
15 ments of section 503 of this Act.

16 SEC. 505. Except as otherwise specifically provided
17 by law, not to exceed 50 percent of unobligated balances
18 remaining available at the end of fiscal year 2013 from
19 appropriations for salaries and expenses for fiscal year
20 2013 in this Act shall remain available through September
21 30, 2014, in the account and for the purposes for which
22 the appropriations were provided: *Provided*, That prior to
23 the obligation of such funds, a request shall be submitted
24 to the Committees on Appropriations of the Senate and

1 the House of Representatives for approval in accordance
2 with section 503 of this Act.

3 SEC. 506. Funds made available by this Act for intel-
4 ligence activities are deemed to be specifically authorized
5 by the Congress for purposes of section 504 of the Na-
6 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
7 year 2013 until the enactment of an Act authorizing intel-
8 ligence activities for fiscal year 2013.

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

12 (1) make or award a grant allocation, grant,
13 contract, other transaction agreement, task or deliv-
14 ery order on a Department of Homeland Security
15 multiple award contract, or to issue a letter of intent
16 totaling in excess of \$1,000,000;

17 (2) award a task or delivery order requiring an
18 obligation of funds in an amount greater than
19 \$10,000,000 from multi-year Department of Home-
20 land Security funds or a task or delivery order that
21 would cause cumulative obligations of multi-year
22 funds in a single account to exceed 50 percent of the
23 total amount appropriated; or

24 (3) announce publicly the intention to make or
25 award items under paragraph (1) or (2), including

1 a contract covered by the Federal Acquisition Regu-
2 lation.

3 (b) The Secretary of Homeland Security may waive
4 the prohibition under subsection (a) if the Secretary noti-
5 fies the Committees on Appropriations of the Senate and
6 the House of Representatives at least 3 full business days
7 in advance of making an award or issuing a letter as de-
8 scribed in that subsection.

9 (c) If the Secretary of Homeland Security determines
10 that compliance with this section would pose a substantial
11 risk to human life, health, or safety, an award may be
12 made without notification, and the Secretary shall notify
13 the Committees on Appropriations of the Senate and the
14 House of Representatives not later than 5 full business
15 days after such an award is made or letter issued.

16 (d) A notification under this section—

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

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

23 (e) The Administrator of the Federal Emergency
24 Management Agency shall brief the Committees on Appro-
25 priations of the Senate and the House of Representatives

1 5 full business days in advance of announcing publicly the
2 intention of making an award under “State and Local
3 Programs”.

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

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

23 SEC. 510. (a) Sections 520 and 530 of the Depart-
24 ment of Homeland Security Appropriations Act, 2008 (di-
25 vision E of Public Law 110–161; 121 Stat. 2073 and

1 2074) shall apply with respect to funds made available in
2 this Act in the same manner as such sections applied to
3 funds made available in that Act.

4 (b) The third proviso of section 537 of the Depart-
5 ment of Homeland Security Appropriations Act, 2006 (6
6 U.S.C. 114), shall not apply with respect to funds made
7 available in this Act.

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

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

18 SEC. 513. None of the funds made available in this
19 Act may be used to amend the oath of allegiance required
20 by section 337 of the Immigration and Nationality Act
21 (8 U.S.C. 1448).

22 SEC. 514. Within 45 days after the end of each
23 month, the Chief Financial Officer of the Department of
24 Homeland Security shall submit to the Committees on Ap-
25 propriations of the Senate and the House of Representa-

1 tives a monthly budget and staffing report for that month
2 that includes total obligations, on-board versus funded
3 full-time equivalent staffing levels, and the number of con-
4 tract employees for each office of the Department.

5 SEC. 515. None of the funds appropriated by this Act
6 may be used to process or approve a competition under
7 Office of Management and Budget Circular A-76 for serv-
8 ices provided as of June 1, 2004, by employees (including
9 employees serving on a temporary or term basis) of United
10 States Citizenship and Immigration Services of the De-
11 partment of Homeland Security who are known as of that
12 date as Immigration Information Officers, Contact Rep-
13 resentatives, or Investigative Assistants.

14 SEC. 516. Any funds appropriated to Coast Guard
15 “Acquisition, Construction, and Improvements” for fiscal
16 years 2002, 2003, 2004, 2005, and 2006 for the 110-
17 123 foot patrol boat conversion that are recovered, col-
18 lected, or otherwise received as the result of negotiation,
19 mediation, or litigation, shall be available until expended
20 for the Fast Response Cutter program.

21 SEC. 517. Section 532(a) of Public Law 109-295
22 (120 Stat. 1384) is amended by striking “2012” and in-
23 serting “2013”.

24 SEC. 518. The functions of the Federal Law Enforce-
25 ment Training Center instructor staff shall be classified

1 as inherently governmental for the purpose of the Federal
2 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
3 note).

4 SEC. 519. (a) Except as provided in subsection (b),
5 none of the funds appropriated in this or any other Act
6 to the “Office of the Secretary and Executive Manage-
7 ment”, the “Office of the Under Secretary for Manage-
8 ment”, or the “Office of the Chief Financial Officer”, may
9 be obligated for a grant or contract funded under such
10 headings by any means other than full and open competi-
11 tion.

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

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

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

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

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

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

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

17 (d) In addition to the requirements established by
18 subsections (a), (b), and (c) of this section, the Inspector
19 General of the Department of Homeland Security shall re-
20 view departmental contracts awarded through means other
21 than a full and open competition to assess departmental
22 compliance with applicable laws and regulations: *Provided*,
23 That the Inspector General shall review selected contracts
24 awarded in the previous 3 fiscal years through means
25 other than a full and open competition: *Provided further*,

1 That in selecting which contracts to review, the Inspector
2 General shall consider the cost and complexity of the
3 goods and services to be provided under the contract, the
4 criticality of the contract to fulfilling Department mis-
5 sions, past performance problems on similar contracts or
6 by the selected vendor, complaints received about the
7 award process or contractor performance, and such other
8 factors as the Inspector General deems relevant: *Provided*
9 *further*, That the Inspector General shall report the results
10 of the reviews to the Committees on Appropriations of the
11 Senate and the House of Representatives no later than
12 February 4, 2015, and every 3 years thereafter.

13 SEC. 520. None of the funds provided or otherwise
14 made available in this Act shall be available to carry out
15 section 872 of the Homeland Security Act of 2002 (6
16 U.S.C. 452).

17 SEC. 521. Funds made available in this Act may be
18 used to alter operations within the Civil Engineering Pro-
19 gram of the Coast Guard nationwide, including civil engi-
20 neering units, facilities design and construction centers,
21 maintenance and logistics commands, and the Coast
22 Guard Academy, except that none of the funds provided
23 in this Act may be used to reduce operations within any
24 Civil Engineering Unit unless specifically authorized by a
25 statute enacted after the date of enactment of this Act.

1 SEC. 522. None of the funds made available in this
2 Act may be used by United States Citizenship and Immi-
3 gration Services to grant an immigration benefit unless
4 the results of background checks required by law to be
5 completed prior to the granting of the benefit have been
6 received by United States Citizenship and Immigration
7 Services, and the results do not preclude the granting of
8 the benefit.

9 SEC. 523. Section 831 of the Homeland Security Act
10 of 2002 (6 U.S.C. 391) is amended—

11 (1) in subsection (a), by striking “Until Sep-
12 tember 30, 2012,” and inserting “Until September
13 30, 2013,”;

14 (2) in subsection (c)(1), by striking “September
15 30, 2012,” and inserting “September 30, 2013,”.

16 SEC. 524. The Secretary of Homeland Security shall
17 require that all contracts of the Department of Homeland
18 Security that provide award fees link such fees to success-
19 ful acquisition outcomes (which outcomes shall be speci-
20 fied in terms of cost, schedule, and performance).

21 SEC. 525. Notwithstanding any other provision of
22 law, none of the funds provided in this or any other Act
23 shall be used to approve a waiver of the navigation and
24 vessel-inspection laws pursuant to 46 U.S.C. 501(b) for
25 the transportation of crude oil distributed from the Stra-

1 tegic Petroleum Reserve until the Secretary of Homeland
2 Security, after consultation with the Secretaries of the De-
3 partments of Energy and Transportation and representa-
4 tives from the United States flag maritime industry, takes
5 adequate measures to ensure the use of United States flag
6 vessels: *Provided*, That the Secretary shall notify the Com-
7 mittees on Appropriations of the Senate and the House
8 of Representatives, the Committee on Commerce, Science,
9 and Transportation of the Senate, and the Committee on
10 Transportation and Infrastructure of the House of Rep-
11 resentatives within 2 business days of any request for
12 waivers of navigation and vessel-inspection laws pursuant
13 to 46 U.S.C. 501(b).

14 SEC. 526. None of the funds made available to the
15 Office of the Secretary and Executive Management under
16 this Act may be expended for any new hires by the Depart-
17 ment of Homeland Security that are not verified through
18 the E-Verify Program as described in section 403(a) of
19 the Illegal Immigration Reform and Immigrant Responsi-
20 bility Act of 1996 (8 U.S.C. 1324a note).

21 SEC. 527. None of the funds in this Act shall be used
22 to reduce the United States Coast Guard's Operations
23 Systems Center mission or its government-employed or
24 contract staff levels.

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

12 (1) a controlled substance, as defined in section
13 102 of the Controlled Substances Act (21 U.S.C.
14 802); or

15 (2) a biological product, as defined in section
16 351 of the Public Health Service Act (42 U.S.C.
17 262).

18 SEC. 529. None of the funds appropriated by this Act
19 may be used to conduct, or to implement the results of,
20 a competition under Office of Management and Budget
21 Circular A–76 for activities performed with respect to the
22 Coast Guard National Vessel Documentation Center.

23 SEC. 530. The Secretary of Homeland Security, in
24 consultation with the Secretary of the Treasury, shall no-
25 tify the Committees on Appropriations of the Senate and

1 the House of Representatives of any proposed transfers
2 of funds available under section 9703.1(g)(4)(B) of title
3 31, United States Code (as added by Public Law 102–
4 393) from the Department of the Treasury Forfeiture
5 Fund to any agency within the Department of Homeland
6 Security: *Provided*, That none of the funds identified for
7 such a transfer may be obligated until the Committees on
8 Appropriations of the Senate and the House of Represent-
9 atives approve the proposed transfers.

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

13 SEC. 532. (a) Notwithstanding any other provision
14 of this Act, except as provided in subsection (b), and 30
15 days after the date on which the President determines
16 whether to declare a major disaster because of an event
17 and any appeal is completed, the Administrator shall pub-
18 lish on the Web site of the Federal Emergency Manage-
19 ment Agency a report regarding that decision that shall
20 summarize damage assessment information used to deter-
21 mine whether to declare a major disaster.

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

25 (c) In this section—

1 (1) the term “Administrator” means the Ad-
2 ministrator of the Federal Emergency Management
3 Agency; and

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

8 SEC. 533. Any official that is required by this Act
9 to report or to certify to the Committees on Appropria-
10 tions of the Senate and the House of Representatives may
11 not delegate such authority to perform that act unless spe-
12 cifically authorized herein.

13 SEC. 534. Section 550(b) of the Department of
14 Homeland Security Appropriations Act, 2007 (Public Law
15 109–295; 6 U.S.C. 121 note), as amended by section 550
16 of the Department of Homeland Security Appropriations
17 Act, 2010 (Public Law 111–83), is further amended by
18 striking “on October 4, 2012” and inserting “on October
19 4, 2013”.

20 SEC. 535. None of the funds appropriated or other-
21 wise made available in this or any other Act may be used
22 to transfer, release, or assist in the transfer or release to
23 or within the United States, its territories, or possessions
24 Khalid Sheikh Mohammed or any other detainee who—

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

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

6 SEC. 536. None of the funds made available in this
7 Act may be used for first-class travel by the employees
8 of agencies funded by this Act in contravention of sections
9 301–10.122 through 301.10–124 of title 41, Code of Fed-
10 eral Regulations.

11 SEC. 537. None of the funds made available in this
12 or any other Act for fiscal year 2013 and thereafter may
13 be used to propose or effect a disciplinary or adverse ac-
14 tion, with respect to any Department of Homeland Secu-
15 rity employee who engages regularly with the public in the
16 performance of his or her official duties solely because that
17 employee elects to utilize protective equipment or meas-
18 ures, including but not limited to surgical masks, N95 res-
19 pirators, gloves, or hand-sanitizers, where use of such
20 equipment or measures is in accord with Department of
21 Homeland Security policy, and Centers for Disease Con-
22 trol and Prevention and Office of Personnel Management
23 guidance.

24 SEC. 538. None of the funds made available in this
25 Act may be used to employ workers described in section

1 274A(h)(3) of the Immigration and Nationality Act (8
2 U.S.C. 1324a(h)(3)).

3 SEC. 539. (a) Any company that collects or retains
4 personal information directly from any individual who par-
5 ticipates in the Registered Traveler program of the Trans-
6 portation Security Administration shall safeguard and dis-
7 pose of such information in accordance with the require-
8 ments in—

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

13 (2) the National Institute for Standards and
14 Technology Special Publication 800–53, Revision 3,
15 entitled “Recommended Security Controls for Fed-
16 eral Information Systems and Organizations”; and

17 (3) any supplemental standards established by
18 the Administrator of the Transportation Security
19 Administration (referred to in this section as the
20 “Administrator”).

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

24 (c) The Administrator shall require any company cov-
25 ered by subsection (a) to provide, not later than 30 days

1 after the date of enactment of this Act, to the Sponsoring
2 Entity written certification that the procedures used by
3 the company to safeguard and dispose of information are
4 in compliance with the requirements under subsection (a).
5 Such certification shall include a description of the proce-
6 dures used by the company to comply with such require-
7 ments.

8 SEC. 540. Notwithstanding any other provision of
9 this Act, none of the funds appropriated or otherwise
10 made available by this Act may be used to pay award or
11 incentive fees for contractor performance that has been
12 judged to be below satisfactory performance or perform-
13 ance that does not meet the basic requirements of a con-
14 tract.

15 SEC. 541. (a) Not later than 180 days after the date
16 of enactment of this Act, the Administrator of the Trans-
17 portation Security Administration shall submit to the
18 Committees on Appropriations of the Senate and the
19 House of Representatives, a report that either—

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

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

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

11 (B) specification of—

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

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

16 (b) The Administrator shall continue to submit re-
17 ports described in subsection (a)(2) every 180 days there-
18 after until the Administrator certifies that the Transpor-
19 tation Security Administration has achieved screening of
20 100 percent of such air cargo.

21 SEC. 542. In developing any process to screen avia-
22 tion passengers and crews for transportation or national
23 security purposes, the Secretary of Homeland Security
24 shall ensure that all such processes take into consideration

1 such passengers' and crews' privacy and civil liberties con-
2 sistent with applicable laws, regulations, and guidance.

3 SEC. 543. (a) Notwithstanding section 1356(n) of
4 title 8, United States Code, of the funds deposited into
5 the Immigration Examinations Fee Account, \$5,000,000
6 shall be allocated by United States Citizenship and Immi-
7 gration Services in fiscal year 2013 for the purpose of pro-
8 viding an immigrant integration grants program.

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

14 SEC. 544. For an additional amount for necessary ex-
15 penses for reimbursement of the actual costs to State and
16 local governments for providing emergency management,
17 public safety, and security at events, as determined by the
18 Administrator of the Federal Emergency Management
19 Agency, related to the presence of a National Special Se-
20 curity Event, \$7,500,000, to remain available until Sep-
21 tember 30, 2014.

22 SEC. 545. Notwithstanding the 10 percent limitation
23 contained in section 503(c) of this Act, the Secretary of
24 Homeland Security may transfer to the fund established
25 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-

1 priations available to the Department of Homeland Secu-
2 rity: *Provided*, That the Secretary shall notify the Com-
3 mittees on Appropriations of the Senate and the House
4 of Representatives 5 days in advance of such transfer.

5 SEC. 546. None of the funds appropriated or other-
6 wise made available by this Act may be used by the De-
7 partment of Homeland Security to enter into any federal
8 contract unless such contract is entered into in accordance
9 with the requirements of the Federal Property and Admin-
10 istrative Services Act of 1949 (41 U.S.C. 253) or Chapter
11 137 of title 10, United States Code, and the Federal Ac-
12 quisition Regulation, unless such contract is otherwise au-
13 thorized by statute to be entered into without regard to
14 the above referenced statutes.

15 SEC. 547. (a) For an additional amount for data cen-
16 ter migration, \$64,797,000.

17 (b) Funds made available in subsection (a) for data
18 center migration may be transferred by the Secretary of
19 Homeland Security between appropriations for the same
20 purpose, notwithstanding section 503 of this Act.

21 (c) No transfer described in subsection (b) shall occur
22 until 15 days after the Committees on Appropriations of
23 the Senate and the House of Representatives are notified
24 of such transfer.

1 SEC. 548. Notwithstanding any other provision of
2 law, should the Secretary of Homeland Security determine
3 that specific U.S. Immigration and Customs Enforcement
4 Service Processing Centers or other U.S. Immigration and
5 Customs Enforcement owned detention facilities no longer
6 meet the mission need, the Secretary is authorized to dis-
7 pose of individual Service Processing Centers or other
8 U.S. Immigration and Customs Enforcement owned de-
9 tention facilities by directing the Administrator of General
10 Services to sell all real and related personal property which
11 support Service Processing Centers or other U.S. Immi-
12 gration and Customs Enforcement owned detention facili-
13 ties, subject to such terms and conditions as necessary to
14 protect Government interests and meet program require-
15 ments: *Provided*, That the proceeds, net of the costs of
16 sale incurred by the General Services Administration and
17 U.S. Immigration and Customs Enforcement, shall be de-
18 posited as offsetting collections into a separate account
19 that shall be available, subject to appropriation, until ex-
20 pended for other real property capital asset needs of exist-
21 ing U.S. Immigration and Customs Enforcement assets,
22 excluding daily operations and maintenance costs, as the
23 Secretary deems appropriate: *Provided further*, That any
24 sale or collocation of federally owned detention facilities
25 shall not result in the maintenance of fewer than 33,400

1 detention beds: *Provided further*, That the Committees on
2 Appropriations of the Senate and the House of Represent-
3 atives shall be notified 15 days prior to the announcement
4 of any proposed sale or collocation.

5 SEC. 549. For an additional amount for the “Office
6 of the Under Secretary for Management”, \$89,000,000,
7 to remain available until expended, for necessary expenses
8 to plan, acquire, design, construct, renovate, remediate,
9 equip, furnish, improve infrastructure, and occupy build-
10 ings and facilities for the department headquarters con-
11 solidation project and associated mission support consoli-
12 dation: *Provided*, That the Committees on Appropriations
13 of the Senate and the House of Representatives shall re-
14 ceive an expenditure plan not later than 90 days after the
15 date of enactment of this Act detailing the allocation of
16 these funds.

17 SEC. 550. In making grants under the heading “Fire-
18 fighter Assistance Grants”, the Secretary may grant waiv-
19 ers from the requirements in subsections (a)(1)(A),
20 (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of sec-
21 tion 34 of the Federal Fire Prevention and Control Act
22 of 1974 (15 U.S.C. 2229a).

23 SEC. 551. The Commissioner of U.S. Customs and
24 Border Protection and the Assistant Secretary of Home-
25 land Security for U.S. Immigration and Customs Enforce-

1 ment each shall submit to the Committees on Appropria-
2 tions of the Senate and the House of Representatives with
3 the congressional budget justification, a multi-year invest-
4 ment and management plan, to include each year starting
5 with the current fiscal year and the 3 subsequent fiscal
6 years, for their respective Offices of Information Tech-
7 nology to include for that office—

8 (1) the funding level by source for all funds to
9 be executed;

10 (2) the funding included for each project and
11 activity tied to mission requirements, program man-
12 agement capabilities, performance levels, and specific
13 capabilities and services to be delivered;

14 (3) the total estimated cost and projected
15 timeline of completion for all multi-year enhance-
16 ments, modernizations, and new capabilities pro-
17 posed in the current fiscal year or underway; and

18 (4) a detailed accounting of operation and
19 maintenance costs.

20 SEC. 552. The Secretary of Homeland Security shall
21 ensure enforcement of immigration laws (as defined in sec-
22 tion 101(a)(17) of the Immigration and Nationality Act
23 (8 U.S.C. 1101(a)(17))).

24 SEC. 553. Notwithstanding subsection (c) of section
25 44940 of title 49, United States Code, for the fiscal year

1 ending September 30, 2013, fees imposed under sub-
2 section (a)(1) of such section shall be \$5.00 per one-way
3 trip in air transportation or intrastate air transportation
4 that originates at an airport in the United States.

5 SEC. 554. (a) Section 547 of Public Law 111–83 is
6 amended by striking “September 30, 2012” and inserting
7 “September 30, 2015”.

8 (b) Section 548 of Public Law 111–83 is amended
9 by striking “September 30, 2012” and inserting “Sep-
10 tember 30, 2015”.

11 (c) Section 568(a) and section 568(b) of Public Law
12 111–83 are amended by striking “September 30, 2012”
13 and inserting “September 30, 2015”.

14 SEC. 555. (a) Notwithstanding section 58c(e) of title
15 19, United States Code, upon the request of any persons,
16 the Commissioner of U.S. Customs and Border Protection
17 may enter into reimbursable fee agreements for a period
18 of up to 10 years with such persons for the provision of
19 U.S. Customs and Border Protection services and any
20 other costs incurred by U.S. Customs and Border Protec-
21 tion relating to such services. Such requests may include
22 additional U.S. Customs and Border Protection services
23 at existing U.S. Customs and Border Protection-serviced
24 facilities, the provision of U.S. Customs and Border Pro-
25 tection services at new facilities and preclearance loca-

1 tions, and expanded U.S. Customs and Border Protection
2 services at land border facilities. The Commissioner shall
3 not enter into such an agreement if it would negatively
4 impact or alter services funded in this or any other appro-
5 priations Acts, or provided from any accounts in the
6 Treasury of the United States derived by the collection
7 of fees.

8 (b) Funds collected pursuant to any agreement en-
9 tered into under this section shall be deposited in the U.S.
10 Customs and Border Protection “Salaries and Expenses”
11 account as offsetting collections and remain available until
12 expended, without fiscal year limitation, and shall be used
13 to pay for any expenses incurred by U.S. Customs and
14 Border Protection in providing U.S. Customs and Border
15 Protection services and any other costs incurred by U.S.
16 Customs and Border Protection relating to such services.

17 (c) The amount of the fee to be charged pursuant
18 to an agreement authorized under subsection (a) of this
19 section shall be paid by each person requesting U.S. Cus-
20 toms and Border Protection services and shall include, but
21 shall not be limited to, the salaries and expenses of indi-
22 viduals employed by U.S. Customs and Border Protection
23 to provide such U.S. Customs and Border Protection serv-
24 ices and other costs incurred by U.S. Customs and Border

1 Protection relating to those services, such as temporary
2 placement or permanent relocation of those individuals.

3 (d) FAILURE TO PAY FEE.—Any person who, after
4 notice and demand for payment of any fee charged under
5 subsection (a) of this section, fails to pay such fee in a
6 timely manner shall—

7 (1) be guilty of a misdemeanor, and if convicted
8 thereof shall pay a fine that does not exceed an
9 amount equal to 200 percent of such fee; and

10 (2) be liable for a penalty or liquidated damage
11 equal to two times the amount of the fee.

12 Any amount collected pursuant to any agreement entered
13 into under this subsection shall be deposited into the ac-
14 count specified under subsection (b) of this section and
15 shall be available as described therein.

16 (e) PROVISION OF FACILITIES AND EQUIPMENT.—
17 Each facility at which such U.S. Customs and Border Pro-
18 tection services are performed shall provide, maintain, and
19 equip, without cost to the Government, facilities in accord-
20 ance with U.S. Customs and Border Protection specifica-
21 tions.

22 (f) DEFINITIONS.—For purposes of this section the
23 terms:

24 (1) U.S. Customs and Border Protection serv-
25 ices means any activities of any employee or con-

1 tractor of U.S. Customs and Border Protection re-
2 lated to customs and immigration matters.

3 (2) Person means any natural person or any
4 corporation, partnership, trust, association, or any
5 other public or private entity, including any foreign
6 government or transit authority, or any officer, em-
7 ployee, or agent thereof.

8 SEC. 556. (a) The Secretary of Homeland Security
9 shall submit quarterly reports to the Department of
10 Homeland Security Inspector General regarding the costs
11 and contracting procedures related to each conference held
12 by any departmental component or office during fiscal
13 year 2013 for which the cost to the United States Govern-
14 ment was more than \$20,000.

15 (b) Each report submitted shall include, for each con-
16 ference held during the applicable quarter—

17 (1) a description of the purpose of that con-
18 ference;

19 (2) the number of participants attending that
20 conference;

21 (3) a detailed statement of the costs to the
22 United States Government relating to that con-
23 ference, including—

24 (A) the cost of any food or beverages;

1 (B) the cost of any audio-visual services;
2 and

3 (C) a discussion of the methodology used
4 to determine which costs relate to that con-
5 ference; and

6 (4) a description of the contracting procedures
7 relating to that conference, including—

8 (A) whether contracts were awarded on a
9 competitive basis for that conference; and

10 (B) a discussion of any cost comparison
11 conducted by the departmental component or
12 office in evaluating potential contractors for
13 that conference.

14 (c) A grant or contract funded by amounts appro-
15 priated by this Act may not be used for the purpose of
16 defraying the costs of a conference that is not directly and
17 programmatically related to the purpose for which the
18 grant or contract was awarded, such as a banquet or con-
19 ference held in connection with planning, training, assess-
20 ment, review, or other routine purposes related to a
21 project funded by the grant or contract.

22 (d) None of the funds made available in this Act may
23 be used for travel and conference activities that are not
24 in compliance with Office of Management and Budget
25 Memorandum M-12-12 dated May 11, 2012.

1 SEC. 557. None of the funds made available in this
2 Act may be used to send or otherwise pay for the attend-
3 ance of more than 50 employees of a single component
4 of the Department of Homeland Security, who are sta-
5 tioned in the United States at any single international
6 conference unless the Secretary of Homeland Security re-
7 ports to the Committees on Appropriations of the Senate
8 and the House of Representatives at least 5 days in ad-
9 vance that such attendance is important to the national
10 interest: *Provided*, That for purposes of this section the
11 term “international conference” shall mean a conference
12 occurring outside of the United States attended by rep-
13 resentatives of the United States Government and of for-
14 eign governments, international organizations, or non-
15 governmental organizations.

16 SEC. 558. Not less than 59 percent from each of the
17 following appropriations shall be withheld from obligation
18 until all expenditure plans, investment plans, and acquisi-
19 tion plans required by this Act are submitted to the Com-
20 mittees on Appropriations of the Senate and the House
21 of Representatives: “Office of the Secretary and Executive
22 Management”, “Office of the Under Secretary for Man-
23 agement”, and the “Office of the Chief Financial Officer”.

24 SEC. 559. Notwithstanding any other provision of
25 this Act or any other provision of law, during the period

1 beginning on the date of enactment of this Act and ending
2 on September 30, 2013, section 204(a)(1)(I) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1154(a)(1)(I)) is
4 amended by adding at the end the following:

5 “(iv) Each petition filed under this
6 subparagraph shall be accompanied by a
7 fee equal to \$30. All amounts collected
8 under this clause shall be covered into the
9 Treasury as miscellaneous receipts.”:

10 *Provided*, That the Department of State, in consultation
11 with the Department of Homeland Security, shall report
12 to the Committees on Appropriations of the Senate and
13 the House of Representatives not later than 90 days after
14 the date of enactment of this Act on the steps being taken
15 to implement the recommendations of GAO–07–1174.

16 SEC. 560. The Administrator of the Federal Emer-
17 gency Management Agency shall cancel the liquidated bal-
18 ances of all remaining uncanceled or partially canceled
19 loans disbursed under the Community Disaster Loan Act
20 of 2005 (Public Law 109–88) and the Emergency Supple-
21 mental Appropriations Act for Defense, the Global War
22 on Terror, and Hurricane Recovery, 2006 (Public Law
23 109–234), as amended by section 4502 of the U.S. Troop
24 Readiness, Veterans’ Care, Katrina Recovery, and Iraq
25 Accountability Appropriations Act, 2007 (Public Law

1 110–28) to the extent that revenues of the local govern-
2 ment during the period following the major disaster are
3 insufficient to meet the budget of the local government,
4 including additional disaster-related expenses of a munic-
5 ipal character. In calculating a community’s revenues
6 while determining cancellation, the Administrator shall ex-
7 clude revenues for special districts and any other revenues
8 that are required by law to be disbursed to other units
9 of local government or used for specific purposes more lim-
10 ited than the scope allowed by the General Fund. In calcu-
11 lating a community’s expenses, the Administrator shall in-
12 clude disaster-related capital expenses for which the com-
13 munity has not been reimbursed by Federal or insurance
14 proceeds, debt service expenses, and accrued but unpaid
15 uncompensated absences (vacation and sick pay). In calcu-
16 lating the operating deficit of the local government, the
17 Administrator shall also consider all interfund transfers.
18 When considering the period following the disaster, the
19 Administrator may consider a period of 3, 5, or 7 full fis-
20 cal years after the disaster, beginning on the date of the
21 declaration, in determining eligibility for cancellation. The
22 criteria for cancellation do not apply to those loans already
23 cancelled in full. Applicants shall submit supplemental
24 documentation in support of their applications for can-
25 cellation on or before April 30, 2014, and the Adminis-

1 trator shall issue determinations and resolve any appeals
2 on or before April 30, 2015. Loans not cancelled in full
3 shall be repaid not later than September 30, 2035. The
4 Administrator may use funds provided under Public Law
5 109–88 to reimburse those communities that have repaid
6 all or a portion of loans, including interest, provided as
7 Special Community Disaster Loans under Public Law
8 109–88 or Public Law 109–234, as amended by section
9 4502 of Public Law 110–28. Further, the Administrator
10 may use funds provided under Public Law 109–88 for nec-
11 essary expenses to carry out this provision.

12 SEC. 561. (a) Title VII of the Homeland Security Act
13 of 2002 (6 U.S.C. 101 et seq.) is amended by adding at
14 the end, the following new section:

15 **“SEC. 707. DEPARTMENT OF HOMELAND SECURITY FOR-**
16 **FEITURE FUND.**

17 “(a) IN GENERAL.—There is established in the
18 United States Treasury, a special fund to be known as
19 the ‘Department of Homeland Security Forfeiture Fund’
20 (referred to in this section as the ‘Fund’).

21 “(b) USE OF FUNDS.—The Fund shall be available
22 to the Secretary of Homeland Security (referred to in this
23 section as ‘the Secretary’), without fiscal year limitation,
24 with respect to seizures and forfeitures made pursuant to

1 any law enforced or administered by the Department, for
2 the following law enforcement and other purposes:

3 “(1)(A) Payment of all proper expenses of sei-
4 zure (including investigative costs incurred by a De-
5 partment of Homeland Security law enforcement or-
6 ganization leading to seizure) or the proceedings of
7 forfeiture and sale, including the expenses of deten-
8 tion, inventory, security, maintenance, advertise-
9 ment, or disposal of the property, and if condemned
10 by a court and a bond for such costs was not given,
11 the costs as taxed by the court.

12 “(B) Payment for—

13 “(i) contract services;

14 “(ii) the employment of outside contractors
15 to operate and manage properties or to provide
16 other specialized services necessary to dispose of
17 such properties in an effort to maximize the re-
18 turn from such properties; and

19 “(iii) reimbursing any Federal, State, or
20 local agency for any expenditures made to per-
21 form the functions described in this subpara-
22 graph.

23 “(C) Awards of compensation to informers
24 under section 619 of the Tariff Act of 1930 (19
25 U.S.C. 1619).

1 “(D) Satisfaction of—

2 “(i) liens for freight, charges, and con-
3 tributions in general average, notice of which
4 has been filed with the appropriate Customs of-
5 ficer according to law; and

6 “(ii) subject to the discretion of the Sec-
7 retary, other valid liens and mortgages against
8 property that has been forfeited pursuant to
9 any law enforced or administered by a Depart-
10 ment of Homeland Security law enforcement or-
11 ganization. To determine the validity of any
12 such lien or mortgage, the amount of payment
13 to be made, and to carry out the functions de-
14 scribed in this subparagraph, the Secretary may
15 employ and compensate attorneys and other
16 personnel skilled in State real estate law.

17 “(E) Payment of amounts authorized by law
18 with respect to remission and mitigation.

19 “(F) Payment of claims of parties in interest to
20 property disposed of under section 612(b) of the
21 Tariff Act of 1930 (19 U.S.C. 1612(b)), in the
22 amounts applicable to such claims at the time of sei-
23 zure.

24 “(G) Equitable sharing payments made to other
25 Federal agencies, State and local law enforcement

1 agencies, and foreign countries pursuant to section
2 616(c) of the Tariff Act of 1930 (19 U.S.C.
3 1616a(c)), section 981 of title 18, or subsection (h)
4 of this section, and all costs related thereto.

5 “(H) Payment for services of experts and con-
6 sultants needed by a Department of Homeland Secu-
7 rity law enforcement organization to carry out the
8 organization’s duties relating to seizure and for-
9 feiture.

10 “(I) Payment of overtime salaries, travel, fuel,
11 training, equipment, and other similar costs of State
12 or local law enforcement officers that are incurred in
13 joint law enforcement operations with a Department
14 of Homeland Security law enforcement organization.

15 “(J) Payment made pursuant to guidelines pro-
16 mulgated by the Secretary, if such payment is nec-
17 essary and directly related to seizure and forfeiture
18 program expenses for—

19 “(i) the purchase or lease of automatic
20 data processing systems (not less than a major-
21 ity of which use will be related to such pro-
22 gram);

23 “(ii) training;

24 “(iii) printing; and

1 “(iv) services, including contracting for
2 services, directly related to—

3 “(I) the identification of forfeitable
4 assets;

5 “(II) the processing of and accounting
6 for forfeitures; and

7 “(III) the storage, maintenance, pro-
8 tection, and destruction of controlled sub-
9 stances.

10 “(K) Payment for equipment for any vessel, ve-
11 hicle, or aircraft available for official use by the
12 United States Coast Guard to enable the vessel, ve-
13 hicle, or aircraft to assist in law enforcement func-
14 tions.

15 “(L) Payment for any vessel, vehicle, equip-
16 ment, or aircraft available for official use by a State
17 or local law enforcement agency to enable the vessel,
18 vehicle or aircraft to assist in law enforcement func-
19 tions if the vessel, vehicle or aircraft will be used in
20 joint law enforcement operations with the United
21 States Coast Guard.

22 “(M) Payment for overtime salaries, travel,
23 fuel, training, equipment, and other similar costs of
24 State and local law enforcement operations with the
25 United States Coast Guard.

1 “(N) Payment for expenses incurred in bringing
2 vessels into compliance with applicable environ-
3 mental laws prior to disposal by sinking.

4 “(2) At the discretion of the Secretary—

5 “(A) payment of awards for information or
6 assistance leading to a civil or criminal for-
7 feiture involving any Department of Homeland
8 Security law enforcement organization partici-
9 pating in the Fund;

10 “(B) purchases of evidence or information
11 by a Department of Homeland Security law en-
12 forcement organization with respect to viola-
13 tions of any law enforced or administered by a
14 Department of Homeland Security law enforce-
15 ment organization;

16 “(C) payment of costs for publicizing
17 awards available under section 619 of the Tariff
18 Act of 1930 (19 U.S.C. 1619);

19 “(D) payment for equipment for any ves-
20 sel, vehicle, or aircraft available for official use
21 by a Department of Homeland Security law en-
22 forcement organization to enable the vessel, ve-
23 hicle, or aircraft to assist in law enforcement
24 functions, and for other equipment directly re-
25 lated to seizure or forfeiture, including labora-

1 tory equipment, protective equipment, commu-
2 nications equipment, and the operation and
3 maintenance costs of such equipment;

4 “(E) the payment of claims against em-
5 ployees of the Department of Homeland Secu-
6 rity settled by the Secretary under section 630
7 of the Tariff Act of 1930;

8 “(F) payment for equipment for any ves-
9 sel, vehicle, or aircraft available for official use
10 by a State or local law enforcement agency to
11 enable the vessel, vehicle, or aircraft to assist in
12 law enforcement functions if the vessel, vehicle,
13 or aircraft will be used in joint law enforcement
14 operations with a Department of Homeland Se-
15 curity law enforcement organization;

16 “(G) reimbursement of private persons for
17 expenses incurred by such persons in cooper-
18 ating with a Department of Homeland Security
19 law enforcement organization in investigations
20 and undercover law enforcement operations;

21 “(H) payment for training foreign law en-
22 forcement personnel with respect to seizure or
23 forfeiture activities of the Department of
24 Homeland Security; and

25 “(c) LIMITATIONS.—

1 “(1) Any payment made under subparagraph
2 (D) or (E) of subsection (b)(1) with respect to a sei-
3 zure or a forfeiture of property shall not exceed the
4 value of the property at the time of the seizure.

5 “(2) Any payment made under subsection
6 (b)(1)(G) with respect to a seizure or forfeiture of
7 property shall not exceed the value of the property
8 at the time of disposition.

9 “(3) The Secretary may exempt the procure-
10 ment of contract services under the Fund from sec-
11 tion 3709 of the Revised Statutes of the United
12 States (41 U.S.C. 5), title III of the Federal Prop-
13 erty and Administrative Services Act of 1949 (41
14 U.S.C. 251 et seq.), and other provisions of law as
15 may be necessary to maintain the security and con-
16 fidentiality of related criminal investigations.

17 “(4) The Secretary shall assure that any equi-
18 table sharing payment made to a State or local law
19 enforcement agency pursuant to subsection
20 (b)(1)(G) and any property transferred to a State or
21 local law enforcement agency pursuant to subsection
22 (i)—

23 “(A) has a value that bears a reasonable
24 relationship to the degree of participation of the
25 State or local agency in the law enforcement ef-

1 fort resulting in the forfeiture, taking into ac-
2 count the total value of all property forfeited
3 and the total law enforcement effort with re-
4 spect to the violation of law on which the for-
5 feiture is based; and

6 “(B) will serve to encourage further co-
7 operation between the recipient State or local
8 agency and Federal law enforcement agencies.

9 “(d) DEPOSITS AND CREDITS.—With respect to fiscal
10 year 2014 and thereafter, there shall be deposited into or
11 credited to the Fund—

12 “(1) all currency forfeited during fiscal year
13 2014 and thereafter, and all proceeds from forfeit-
14 ures during fiscal year 2014 and thereafter, under
15 any law enforced or administered by the Department
16 of Homeland Security law enforcement organiza-
17 tions;

18 “(2) all income from investments made under
19 subsection (e); and

20 “(3) all amounts representing the equitable
21 share of the Department of Homeland Security law
22 enforcement organizations from the forfeiture of
23 property under any Federal, State, local, or foreign
24 law.

1 “(e) INVESTMENTS.—Amounts in the Fund, and in
2 any holding accounts associated with the Fund, which are
3 not currently needed for the purposes of this section may
4 be kept on deposit or invested in obligations of, or guaran-
5 teed by, the United States and all earnings on such invest-
6 ments shall be deposited in the Fund.

7 “(f) REPORTS TO CONGRESS.—The Fund shall be
8 subject to annual financial audits as authorized in the
9 Chief Financial Officers Act of 1990 (Public Law 101–
10 576). The Secretary shall transmit to the Congress, not
11 later than February 1 of each year copies of the annual
12 financial audits.

13 “(g) ADMINISTRATION.—The Fund shall be adminis-
14 tered on behalf of the Secretary by the Department of
15 Homeland Security, Chief Financial Officer who is author-
16 ized to enter into an agreement with any Federal agency
17 to manage the operations of the Fund on behalf of the
18 Department. Payments may be made to the managing
19 agency from the proceeds of the Fund, not to exceed 1
20 percent of funds managed on behalf of the Department.

21 “(h) APPROPRIATIONS.—

22 “(1) There are hereby appropriated from the
23 Fund such sums as may be necessary to carry out
24 the purposes described in this section.

1 “(2) There are authorized to be appropriated
2 from the Fund to carry out the purposes set forth
3 in this section not to exceed \$50,000,000 for each
4 fiscal year.

5 “(3)(A) The Secretary of the Treasury, in co-
6 ordination with the Secretary of Homeland Security,
7 shall reserve from the unobligated balances remain-
8 ing in the Treasury Forfeiture Fund on September
9 30, 2013, an amount equal to balances resulting
10 from actions carried out by the Department of
11 Homeland Security, and such amount shall be trans-
12 ferred to the Fund on October 1, 2013. Such
13 amount shall be available for any expenses or activi-
14 ties authorized under this section. At the end of fis-
15 cal year 2013, and at the end of each fiscal year
16 thereafter, the Secretary shall reserve any amounts
17 that are required to be retained in the Fund to en-
18 sure the availability of amounts in the subsequent
19 fiscal year for purposes authorized under subsection
20 (a). Unobligated balances remaining pursuant to
21 section 3(B) shall also be carried forward.

22 “(B) Super Surplus: Any unobligated balances
23 in the Fund on October 1, 2013, and on September
24 30 of each fiscal year thereafter, shall be made avail-
25 able to the Secretary, without fiscal year limitation,

1 for obligation or expenditure in connection with the
2 law enforcement activities of any Federal agency, in-
3 cluding a Department of Homeland Security law en-
4 forcement organization: *Provided*, That none of the
5 funds transferred shall be available for obligation
6 unless the Committees on Appropriations of the Sen-
7 ate and the House of Representatives are notified at
8 least 15 days in advance of such transfer.

9 “(C) Any obligation or expenditure in excess of
10 \$500,000 with respect to an unobligated balance de-
11 scribed in subparagraph (B) may not be made by
12 the Secretary unless the Committees on Appropria-
13 tions of the Senate and the House of Representa-
14 tives are notified at least 15 days in advance of such
15 obligation or expenditure.

16 “(i) RETENTION OR TRANSFER OF PROPERTY.—

17 “(1) The Secretary may, with respect to any
18 property forfeited under any law enforced or admin-
19 istered by the Department of Homeland Security—

20 “(A) retain any of the property for official
21 use; or

22 “(B) transfer any of the property to—

23 “(i) any other Federal agency; or

24 “(ii) any State or local law enforce-
25 ment agency that participated directly or

1 indirectly in the seizure or forfeiture of the
2 property.

3 “(2) The Secretary may transfer any forfeited
4 personal property or the proceeds of the sale of any
5 forfeited personal or real property to any foreign
6 country which participated directly or indirectly in
7 the seizure or forfeiture of the property, if such a
8 transfer—

9 “(A) is one with which the Secretary of
10 State has agreed;

11 “(B) is authorized in an international
12 agreement between the United States and the
13 foreign country; and

14 “(C) is made to a country which, if appli-
15 cable, has been certified under section 481(h) of
16 the Foreign Assistance Act of 1961 (22 U.S.C.
17 2291(h)).

18 “(3) Nothing in this section shall affect the au-
19 thority of the Secretary under section 981 of title 18
20 or section 616 of the Tariff Act of 1930 (19 U.S.C.
21 1616a).

22 “(j) REGULATIONS.—The Secretary may prescribe
23 such rules and regulations as may be necessary to carry
24 out this section.

1 “(k) CUSTOMS AND TREASURY FORFEITURE
2 FUNDS.—Notwithstanding any other provision of law dur-
3 ing any period when forfeited currency and proceeds from
4 forfeitures under any law enforced or administered by the
5 Department of Homeland Security, are required to be de-
6 posited in the Fund pursuant to this section—

7 “(1) all moneys required to be deposited in the
8 Customs Forfeiture Fund or the Treasury For-
9 feiture Fund pursuant to section 613A of the Tariff
10 Act of 1930 (19 U.S.C. 1613b) shall instead be de-
11 posited in the Fund; and

12 “(2) no deposits or withdrawals may be made
13 to or from the Customs Forfeiture Fund pursuant to
14 section 613A of the Tariff Act of 1930 (19 U.S.C.
15 1613b).

16 “(l) LIMITATION OF LIABILITY.—The United States
17 shall not be liable in any action relating to property trans-
18 ferred under this section or under section 616 of the Tariff
19 Act of 1930 (19 U.S.C. 1616a) if such action is based
20 on an act or omission occurring after the transfer.

21 “(m) AUTHORITY TO WARRANT TITLE.—Following
22 the completion of procedures for the forfeiture of property
23 pursuant to any law enforced or administered by the De-
24 partment of Homeland Security, the Secretary is author-
25 ized, at the Secretary’s discretion, to warrant clear title

1 to any subsequent purchaser or transferee of such for-
2 feited property.

3 “(n) FORFEITED PROPERTY.—For purposes of this
4 section and notwithstanding section 524(e)(11) of title 28,
5 United States Code, or any other law, property and cur-
6 rency shall be deemed to be forfeited pursuant to a law
7 enforced or administered by a Department of Homeland
8 Security law enforcement organization if it is forfeited
9 pursuant to—

10 “(1) a judicial forfeiture proceeding when the
11 underlying seizure was made by an officer of a De-
12 partment of Homeland Security law enforcement or-
13 ganization or the property was maintained by a De-
14 partment of Homeland Security law enforcement or-
15 ganization; or

16 “(2) a civil administrative forfeiture proceeding
17 conducted by a Department of Homeland Security
18 law enforcement organization.

19 “(o) TRANSFERS TO ATTORNEY GENERAL, SEC-
20 RETARY OF THE TREASURY, AND POSTMASTER GEN-
21 ERAL.—

22 “(1) The Secretary shall transfer from the
23 Fund to the Attorney General for deposit in the De-
24 partment of Justice Assets Forfeiture Fund or the
25 Secretary of the Treasury for deposit in the Treas-

1 ury Forfeiture Fund amounts appropriate to reflect
2 the degree of participation of participating Federal
3 agencies in the law enforcement effort resulting in
4 the forfeiture pursuant to laws enforced or adminis-
5 tered by a Department of Homeland Security law
6 enforcement organization. For purposes of the pre-
7 ceding sentence, a ‘participating Federal agency’ is
8 an agency that participates in the Department of
9 Justice Assets Forfeiture Fund or the Treasury For-
10 feiture Fund.

11 “(2) The Secretary shall transfer from the
12 Fund to the Postmaster General for deposit in the
13 Postal Service Fund amounts appropriate to reflect
14 the degree of participation of the United States
15 Postal Service in the law enforcement effort result-
16 ing in the forfeiture pursuant to laws enforced or
17 administered by a Department of Homeland Secu-
18 rity law enforcement organization.

19 “(p) DEFINITION.—For purposes of this section the
20 term ‘Department of Homeland Security law enforcement
21 organization’ means U.S. Customs and Border Protection,
22 U.S. Immigration and Customs Enforcement, the United
23 States Secret Service, the Federal Law Enforcement
24 Training Center, the United States Coast Guard, and any

1 other law enforcement component of the Department of
2 the Homeland Security so designated by the Secretary.”.

3 (b) TECHNICAL AND CONFORMING CHANGES.—The
4 Homeland Security Act of 2002 is amended in the table
5 of contents in section 1(b), by adding after section 706
“Sec. 707. Department of Homeland Security Forfeiture Fund.”.

6 VISA WAIVER PROGRAM ENHANCED SECURITY AND
7 REFORM

8 SEC. 562. (a) DEFINITIONS.—

9 (1) IN GENERAL.—Section 217(c)(1) of the Im-
10 migration and Nationality Act (8 U.S.C. 1187(c)(1))
11 is amended to read as follows:

12 “(1) AUTHORITY TO DESIGNATE; DEFINI-
13 TIONS.—

14 “(A) AUTHORITY TO DESIGNATE.—The
15 Secretary of Homeland Security, in consultation
16 with the Secretary of State, may designate any
17 country as a program country if that country
18 meets the requirements under paragraph (2).

19 “(B) DEFINITIONS.—In this subsection:

20 “(i) APPROPRIATE CONGRESSIONAL
21 COMMITTEES.—The term ‘appropriate con-
22 gressional committees’ means—

23 “(I) the Committee on Appro-
24 priations, the Committee on Foreign
25 Relations, the Committee on Home-

1 land Security and Governmental Af-
2 fairs, and the Committee on the Judi-
3 ciary of the Senate; and

4 “(II) the Committee on Appro-
5 priations, the Committee on Foreign
6 Affairs, the Committee on Homeland
7 Security, and the Committee on the
8 Judiciary of the House of Representa-
9 tives.

10 “(ii) OVERSTAY RATE.—

11 “(I) INITIAL DESIGNATION.—The
12 term ‘overstay rate’ means, with re-
13 spect to a country being considered
14 for designation in the program, the
15 ratio of—

16 “(aa) the number of nation-
17 als of that country who were ad-
18 mitted to the United States on
19 the basis of a nonimmigrant visa
20 under section 101(a)(15)(B)
21 whose periods of authorized stay
22 ended during a fiscal year but
23 who remained unlawfully in the
24 United States beyond such peri-
25 ods; to

1 “(bb) the number of nation-
2 als of that country who were ad-
3 mitted to the United States on
4 the basis of a nonimmigrant visa
5 under section 101(a)(15)(B)
6 whose periods of authorized stay
7 ended during that fiscal year.

8 “(II) CONTINUING DESIGNA-
9 TION.—The term ‘overstay rate’
10 means, for each fiscal year after ini-
11 tial designation under this section
12 with respect to a country, the ratio
13 of—

14 “(aa) the number of nation-
15 als of that country who were ad-
16 mitted to the United States
17 under this section or on the basis
18 of a nonimmigrant visa under
19 section 101(a)(15)(B) whose pe-
20 riods of authorized stay ended
21 during a fiscal year but who re-
22 mained unlawfully in the United
23 States beyond such periods; to

24 “(bb) the number of nation-
25 als of that country who were ad-

1 mitted to the United States
2 under this section or on the basis
3 of a nonimmigrant visa under
4 section 101(a)(15)(B) whose pe-
5 riods of authorized stay ended
6 during that fiscal year.

7 “(III) COMPUTATION OF OVER-
8 STAY RATE.—In determining the over-
9 stay rate for a country, the Secretary
10 of Homeland Security may utilize in-
11 formation from any available data-
12 bases to ensure the accuracy of such
13 rate.

14 “(iii) PROGRAM COUNTRY.—The term
15 ‘program country’ means a country des-
16 ignated as a program country under sub-
17 paragraph (A).”.

18 (2) TECHNICAL AND CONFORMING AMEND-
19 MENTS.—Section 217 of the Immigration and Na-
20 tionality Act (8 U.S.C. 1187) is amended—

21 (A) by striking “Attorney General” each
22 place the term appears (except in subsection
23 (c)(11)(B)) and inserting “Secretary of Home-
24 land Security”; and

25 (B) in subsection (c)—

1 (i) in paragraph (2)(C)(iii), by strik-
2 ing “Committee on the Judiciary and the
3 Committee on International Relations of
4 the House of Representatives and the
5 Committee on the Judiciary and the Com-
6 mittee on Foreign Relations of the Senate”
7 and inserting “appropriate congressional
8 committees”;

9 (ii) in paragraph (5)(A)(i)(III), by
10 striking “Committee on the Judiciary, the
11 Committee on Foreign Affairs, and the
12 Committee on Homeland Security, of the
13 House of Representatives and the Com-
14 mittee on the Judiciary, the Committee on
15 Foreign Relations, and the Committee on
16 Homeland Security and Governmental Af-
17 fairs of the Senate” and inserting “appro-
18 priate congressional committees”; and

19 (iii) in paragraph (7), by striking sub-
20 paragraph (E).

21 (b) DESIGNATION OF PROGRAM COUNTRIES BASED
22 ON OVERSTAY RATES.—

23 (1) IN GENERAL.—Section 217(c)(2)(A) of the
24 Immigration and Nationality Act (8 U.S.C.
25 1187(c)(2)(A)) is amended to read as follows:

1 “(A) GENERAL NUMERICAL LIMITA-
2 TIONS.—

3 “(i) LOW NONIMMIGRANT VISA RE-
4 FUSAL RATE.—The percentage of nationals
5 of that country refused nonimmigrant visas
6 under section 101(a)(15)(B) during the
7 previous full fiscal year was not more than
8 3 percent of the total number of nationals
9 of that country who were granted or re-
10 fused nonimmigrant visas under such sec-
11 tion during such year.

12 “(ii) LOW NONIMMIGRANT OVERSTAY
13 RATE.—The overstay rate for that country
14 was not more than 3 percent during the
15 previous fiscal year.”.

16 (2) QUALIFICATION CRITERIA.—Section
17 217(c)(3) of such Act (8 U.S.C. 1187(c)(3)) is
18 amended to read as follows:

19 “(3) QUALIFICATION CRITERIA.—After designa-
20 tion as a program country under paragraph (2), a
21 country may not continue to be designated as a pro-
22 gram country unless the Secretary of Homeland Se-
23 curity, in consultation with the Secretary of State,
24 determines, pursuant to the requirements under

1 paragraph (5), that the designation will be contin-
2 ued.”.

3 (3) INITIAL PERIOD.—Section 217(c), as
4 amended by this Act, is further amended by striking
5 paragraph (4).

6 (4) CONTINUING DESIGNATION.—Section
7 217(c)(5)(A)(i)(II) of such Act (8 U.S.C.
8 1187(c)(5)(A)(i)(II)) is amended to read as follows:

9 “(II) shall determine, based upon
10 the evaluation in subclause (I), wheth-
11 er any such designation under sub-
12 section (d) or (f), or probation under
13 subsection (f), ought to be continued
14 or terminated;”.

15 (5) COMPUTATION OF VISA REFUSAL RATES;
16 JUDICIAL REVIEW.—Section 217(c)(6) of such Act
17 (8 U.S.C. 1187(c)(6)) is amended to read as follows:

18 “(6) COMPUTATION OF VISA REFUSAL RATES
19 AND JUDICIAL REVIEW.—

20 “(A) COMPUTATION OF VISA REFUSAL
21 RATES.—For purposes of determining the eligi-
22 bility of a country to be designated as a pro-
23 gram country, the calculation of visa refusal
24 rates shall not include any visa refusals which
25 incorporate any procedures based on, or are

1 otherwise based on, race, sex, or disability, un-
2 less otherwise specifically authorized by law or
3 regulation.

4 “(B) JUDICIAL REVIEW.—No court shall
5 have jurisdiction under this section to review
6 any visa refusal, the Secretary of State’s com-
7 putation of a visa refusal rate, the Secretary of
8 Homeland Security’s computation of an over-
9 stay rate, or the designation or nondesignation
10 of a country as a program country.”

11 (6) VISA WAIVER INFORMATION.—Section
12 217(c)(7) of such Act (8 U.S.C. 1187(c)(7)) is
13 amended—

14 (A) by striking subparagraphs (B) through
15 (E); and

16 (B) by striking “**waiver information**”
17 and all that follows through “In refusing” and
18 inserting “**waiver information.**—In refus-
19 ing”.

20 (7) WAIVER AUTHORITY.—Section 217(c)(8) of
21 such Act (8 U.S.C. 1187(c)(8)) is amended to read
22 as follows:

23 “(8) WAIVER AUTHORITY.—The Secretary of
24 Homeland Security, in consultation with the Sec-

1 retary of State, may waive the application of para-
2 graph (2)(A)(i) for a country if—

3 “(A) the country meets all other require-
4 ments of paragraph (2);

5 “(B) the Secretary of Homeland Security
6 determines that the totality of the country’s se-
7 curity risk mitigation measures provide assur-
8 ance that the country’s participation in the pro-
9 gram would not compromise the law enforce-
10 ment, security interests, or enforcement of the
11 immigration laws of the United States;

12 “(C) there has been a general downward
13 trend in the percentage of nationals of the
14 country refused nonimmigrant visas under sec-
15 tion 101(a)(15)(B);

16 “(D) the country consistently cooperated
17 with the Government of the United States on
18 counterterrorism initiatives, information shar-
19 ing, preventing terrorist travel, and extradition
20 to the United States of individuals (including
21 the country’s own nationals) who commit
22 crimes that violate United States law before the
23 date of its designation as a program country,
24 and the Secretary of Homeland Security and

1 the Secretary of State assess that such coopera-
2 tion is likely to continue;

3 “(E) the percentage of nationals of the
4 country refused a nonimmigrant visa under sec-
5 tion 101(a)(15)(B) during the previous full fis-
6 cal year was not more than 10 percent of the
7 total number of nationals of that country who
8 were granted or refused such nonimmigrant
9 visas; and

10 “(F) EFFECTIVE PERIOD.—The amend-
11 ments made by this subsection shall be in effect
12 during the period beginning on the date of en-
13 actment of this Act and ending on September
14 30, 2014.”.

15 (c) TERMINATION OF DESIGNATION; PROBATION.—
16 Section 217(f) of the Immigration and Nationality Act (8
17 U.S.C. 1187(f)) is amended to read as follows:

18 “(f) TERMINATION OF DESIGNATION; PROBATION.—

19 “(1) DEFINITIONS.—In this subsection:

20 “(A) PROBATIONARY PERIOD.—The term
21 ‘probationary period’ means the fiscal year in
22 which a probationary country is placed in pro-
23 bationary status under this subsection.

1 “(B) PROGRAM COUNTRY.—The term ‘pro-
2 gram country’ has the meaning given that term
3 in subsection (c)(1)(B).

4 “(2) DETERMINATION, NOTICE, AND INITIAL
5 PROBATIONARY PERIOD.—

6 “(A) DETERMINATION OF PROBATIONARY
7 STATUS AND NOTICE OF NONCOMPLIANCE.—As
8 part of each program country’s periodic evalua-
9 tion required by subsection (c)(5)(A), the Sec-
10 retary of Homeland Security shall determine
11 whether a program country is in compliance
12 with the program requirements under subpara-
13 graphs (A)(ii) through (F) of subsection (c)(2).

14 “(B) INITIAL PROBATIONARY PERIOD.—If
15 the Secretary of Homeland Security determines
16 that a program country visa is not in compli-
17 ance with the program requirements under sub-
18 paragraphs (A)(ii) through (F) of subsection
19 (c)(2), the Secretary of Homeland Security
20 shall place the program country in probationary
21 status for the fiscal year following the fiscal
22 year in which the periodic evaluation is com-
23 pleted.

24 “(3) ACTIONS AT THE END OF THE INITIAL
25 PROBATIONARY PERIOD.—At the end of the initial

1 probationary period of a country under paragraph
2 (2)(B), the Secretary of Homeland Security shall
3 take one of the following actions:

4 “(A) COMPLIANCE DURING INITIAL PROBA-
5 TIONARY PERIOD.—If the Secretary determines
6 that all instances of noncompliance with the
7 program requirements under subparagraphs
8 (A)(ii) through (F) of subsection (c)(2) that
9 were identified in the latest periodic evaluation
10 have been remedied by the end of the initial
11 probationary period, the Secretary shall end the
12 country’s probationary period.

13 “(B) NONCOMPLIANCE DURING INITIAL
14 PROBATIONARY PERIOD.—If the Secretary de-
15 termines that any instance of noncompliance
16 with the program requirements under subpara-
17 graphs (A)(ii) through (F) of subsection (c)(2)
18 that were identified in the latest periodic eval-
19 uation has not been remedied by the end of the
20 initial probationary period—

21 “(i) the Secretary may terminate the
22 country’s participation in the program; or

23 “(ii) on an annual basis, the Secretary
24 may continue the country’s probationary
25 status if the Secretary, in consultation

1 with the Secretary of State, determines
2 that the country's continued participation
3 in the program is in the national interest
4 of the United States.

5 “(4) ACTIONS AT THE END OF ADDITIONAL
6 PROBATIONARY PERIODS.—At the end of all proba-
7 tionary periods granted to a country pursuant to
8 paragraph (3)(B)(ii), the Secretary shall take 1 of
9 the following actions:

10 “(A) COMPLIANCE DURING ADDITIONAL
11 PERIOD.—The Secretary shall end the country's
12 probationary status if the Secretary determines
13 during the latest periodic evaluation required by
14 subsection (c)(5)(A) that the country is in com-
15 pliance with the program requirements under
16 subparagraphs (A)(ii) through (F) of subsection
17 (c)(2).

18 “(B) NONCOMPLIANCE DURING ADDI-
19 TIONAL PERIODS.—The Secretary shall termi-
20 nate the country's participation in the program
21 if the Secretary determines during the latest
22 periodic evaluation required by subsection
23 (c)(5)(A) that the program country continues to
24 be in noncompliance with the program require-

1 ments under subparagraphs (A)(ii) through (F)
2 of subsection (c)(2).

3 “(5) EFFECTIVE DATE.—The termination of a
4 country’s participation in the program under para-
5 graph (3)(B) or (4)(B) shall take effect on the first
6 day of the first fiscal year following the fiscal year
7 in which the Secretary determines that such partici-
8 pation shall be terminated. Until such date, nation-
9 als of the country shall remain eligible for a waiver
10 under subsection (a).

11 “(6) TREATMENT OF NATIONALS AFTER TERMI-
12 NATION.—For purposes of this subsection and sub-
13 section (d)—

14 “(A) nationals of a country whose designa-
15 tion is terminated under paragraph (3) or (4)
16 shall remain eligible for a waiver under sub-
17 section (a) until the effective date of such ter-
18 mination; and

19 “(B) a waiver under this section that is
20 provided to such a national for a period de-
21 scribed in subsection (a)(1) shall not, by such
22 termination, be deemed to have been rescinded
23 or otherwise rendered invalid, if the waiver is
24 granted prior to such termination.

1 “(7) CONSULTATIVE ROLE OF THE SECRETARY
2 OF STATE.—In this subsection, references to sub-
3 paragraphs (A)(ii) through (F) of subsection (c)(2)
4 and subsection (c)(5)(A) carry with them the con-
5 sultative role of the Secretary of State as provided
6 in those provisions.”.

7 (d) REVIEW OF OVERSTAY TRACKING METHOD-
8 OLOGY.—Not later than 180 days after the date of the
9 enactment of this Act, the Comptroller General of the
10 United States shall conduct a review of the methods used
11 by the Secretary of Homeland Security—

12 (1) to track aliens entering and exiting the
13 United States; and

14 (2) to detect any such alien who stays longer
15 than such alien’s period of authorized admission.

16 (e) EVALUATION OF ELECTRONIC SYSTEM FOR
17 TRAVEL AUTHORIZATION.—Not later than 90 days after
18 the date of the enactment of this Act, the Secretary of
19 Homeland Security shall submit to Congress—

20 (1) an evaluation of the security risks of aliens
21 who enter the United States without an approved
22 Electronic System for Travel Authorization
23 verification; and

24 (2) a description of any improvements needed
25 to minimize the number of aliens who enter the

1 United States without the verification described in
2 paragraph (1).

3 (f) SENSE OF CONGRESS ON PRIORITY FOR REVIEW
4 OF PROGRAM COUNTRIES.—It is the sense of Congress
5 that the Secretary of Homeland Security, in the process
6 of conducting evaluations of countries participating in the
7 visa waiver program under section 217 of the Immigration
8 and Nationality Act (8 U.S.C. 1187), should prioritize the
9 reviews of countries in which circumstances indicate that
10 such a review is necessary or desirable.

11 SEC. 563. None of the funds made available under
12 this Act may be used by a Federal law enforcement officer
13 to facilitate the transfer of an operable firearm to an indi-
14 vidual if the Federal law enforcement officer knows or sus-
15 pects that the individual is an agent of a drug cartel unless
16 law enforcement personnel of the United States continu-
17 ously monitor or control the firearm at all times.

18 SEC. 564. The Inspector General shall review the ap-
19 plications for public assistance provided through the Dis-
20 aster Relief Fund with a project cost that exceeds
21 \$10,000,000 and the resulting decisions issued by the
22 Federal Emergency Management Agency for category A
23 debris removal for DR-1786 upon receipt of a request
24 from an applicant made no earlier than 90 days after fil-
25 ing an appeal with the Federal Emergency Management

1 Agency without regard to whether the Administrator of
2 the Federal Emergency Management Agency has issued
3 a final agency determination on the application for assist-
4 ance: *Provided*, That not later than 180 days after the
5 date of such request, the Inspector General shall deter-
6 mine whether the Federal Emergency Management Agen-
7 cy correctly applied its rules and regulations to determine
8 eligibility of the applicant's claim: *Provided further*, That
9 if the Inspector General finds that the Federal Emergency
10 Management Agency determinations related to eligibility
11 and cost involved a misapplication of its rules and regula-
12 tions, the applicant may submit the dispute to the arbitra-
13 tion process established under the authority granted under
14 section 601 of Public Law 111-5 not later than 15 days
15 after the date of issuance of the Inspector General's find-
16 ing in the previous proviso: *Provided further*, That if the
17 Inspector General finds that the Federal Emergency Man-
18 agement Agency provided unauthorized funding, that the
19 Federal Emergency Management Agency shall take cor-
20 rective action.

21 (RESCISSIONS)

22 SEC. 565. Of the funds appropriated or transferred
23 to the Department of Homeland Security, the following
24 unobligated balances are hereby rescinded from the fol-
25 lowing accounts and programs in the specified amounts:

1 (1) \$1,800,000 from “Analysis and Oper-
2 ations”;

3 (2) \$92,000,000 from funds made available in
4 Public Law 112–10 and Public Law 112–74 under
5 the heading U.S. Customs and Border Protection,
6 “Border Security Fencing, Infrastructure, and Tech-
7 nology”;

8 (3) \$25,000,000 from Public Law 111–83
9 under the heading Coast Guard “Acquisition, Con-
10 struction, and Improvements”;

11 (4) \$34,000,000 from Public Law 112–10
12 under the heading Coast Guard “Acquisition, Con-
13 struction, and Improvements”;

14 (5) \$21,667,000 from Transportation Security
15 Administration, “Surface Transportation Security”;
16 and

17 (6) \$995,654 from the Working Capital Fund
18 from funds transferred to the Department of Home-
19 land Security when it was created in 2003.

20 SEC. 566. Of the funds provided in Public Law 110–
21 161, Public Law 110–329, and Public Law 111–83, under
22 the heading “National Pre disaster Mitigation Fund” for
23 congressionally directed spending items, \$12,000,000 are
24 rescinded from projects for which no applications were

1 submitted or from projects which were completed for an
2 amount less than that appropriated.

3 SEC. 567. Of the funds transferred to the Depart-
4 ment of Homeland Security when it was created in 2003,
5 the following funds are hereby rescinded from the fol-
6 lowing accounts and programs in the specified amounts:

7 (1) \$1,328,215 from Department of Homeland
8 Security “Office for Domestic Preparedness”; and

9 (2) \$3,006,562 from Federal Emergency Man-
10 agement Agency “National Predisaster Mitigation
11 Fund”.

12 This Act may be cited as the “Department of Home-
13 land Security Appropriations Act, 2013”.

Calendar No. 409

112TH CONGRESS
2^D SESSION

S. 3216

[Report No. 112-169]

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes.

MAY 22, 2012

Read twice and placed on the calendar