

Union Calendar No. 50112TH CONGRESS
1ST SESSION**H. R. 2017****[Report No. 112-91]**

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

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Homeland Security for the fiscal year end-
6 ing September 30, 2012, and for other purposes, namely:

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

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

1 paredness Goal and the National Preparedness System
2 consistent with Presidential Policy Directive-8, and (2) the
3 Secretary's determination on implementation of biometric
4 air exit.

5 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

6 For necessary expenses of the Office of the Under
7 Secretary for Management, as authorized by sections 701
8 through 705 of the Homeland Security Act of 2002 (6
9 U.S.C. 341 through 345), \$234,940,000, of which not to
10 exceed \$3,000 shall be for official reception and represen-
11 tation expenses: *Provided*, That of the total amount made
12 available under this heading, \$5,000,000 shall remain
13 available until September 30, 2016, solely for the alter-
14 ation and improvement of facilities, tenant improvements,
15 and relocation costs to consolidate Department head-
16 quarters operations at the Nebraska Avenue Complex; and
17 \$16,686,000 shall remain available until September 30,
18 2014, for the Human Resources Information Technology
19 program.

20 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

1 OFFICE OF THE CHIEF INFORMATION OFFICER

2 For necessary expenses of the Office of the Chief In-
3 formation Officer, as authorized by section 103 of the
4 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
5 partment-wide technology investments, \$261,300,000, of
6 which \$105,500,000 shall be available for salaries and ex-
7 penses; and of which \$155,800,000, to remain available
8 until September 30, 2014, shall be available for develop-
9 ment and acquisition of information technology equip-
10 ment, software, services, and related activities for the De-
11 partment of Homeland Security: *Provided*, That the Chief
12 Information Officer shall submit to the Committees on Ap-
13 propriations of the Senate and the House of Representa-
14 tives, not later than 60 days after the date of enactment
15 of this Act, an expenditure plan for all information tech-
16 nology acquisition projects that are funded under this
17 heading or are funded by multiple components of the De-
18 partment of Homeland Security through reimbursable
19 agreements: *Provided further*, That such expenditure plan
20 shall include, for each project funded, the name of the
21 project, its key milestones, all funding sources, detailed
22 annual and lifecycle costs, and projected cost savings or
23 cost avoidance to be achieved: *Provided further*, That the
24 Secretary of Homeland Security shall submit to the Com-
25 mittees on Appropriations of the Senate and the House

1 of Representatives, at the time that the President’s budget
2 is submitted each year under section 1105(a) of title 31,
3 United States Code, a multi-year investment and manage-
4 ment plan for all information technology acquisition
5 projects that includes—

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

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

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

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

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

23 (B) aligns the acquisition programs cov-
24 ered by the baseline to mission requirements by
25 defining existing capabilities, identifying known

1 capability gaps between such existing capabili-
2 ties and stated mission requirements, and ex-
3 plaining how each increment will address such
4 known capability gaps; and

5 (C) defines life-cycle costs for such pro-
6 grams.

7 ANALYSIS AND OPERATIONS

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

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978 (5 U.S.C. App.), \$124,000,000, of
19 which not to exceed \$300,000 may be used for certain con-
20 fidential operational expenses, including the payment of
21 informants, to be expended at the direction of the Inspec-
22 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 8,000 (7,000
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,769,518,000, of which \$3,274,000 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 \$45,000 shall be for official reception and representation
21 expenses; of which not less than \$287,901,000 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 and of which not to exceed \$1,000,000 shall be for awards
5 of 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 2012, 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 Sec-
19 retary of Homeland Security shall submit to the Commit-
20 tees on Appropriations of the Senate and the House of
21 Representatives, at the time that the President's budget
22 is submitted each year under section 1105(a) of title 31,
23 United States Code, a multi-year investment and manage-
24 ment plan for Inspection and Detection Technology that
25 identifies for each technology—

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

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

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

10 (4) a current acquisition program baseline
11 that—

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

19 (B) defines life-cycle costs for each technology,
20 including all associated costs of major
21 acquisitions systems infrastructure and transition
22 to operations, delineated by purpose and
23 fiscal year for the projected service life of the
24 technology; and
25

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

5 AUTOMATION MODERNIZATION

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

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

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

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

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

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

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

1 (C) define life-cycle costs for these pro-
2 grams.

3 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
4 TECHNOLOGY

5 For expenses for border security fencing, infrastruc-
6 ture, and technology, \$500,000,000, to remain available
7 until September 30, 2014: *Provided*, That of the total
8 amount made available under this heading, \$150,000,000
9 shall not be obligated until the Committees on Appropria-
10 tions of the Senate and the House of Representatives re-
11 ceive a detailed expenditure plan prepared by the Sec-
12 retary of Homeland Security, and submitted not later than
13 90 days after the date of enactment of this Act, for a pro-
14 gram to establish and maintain a security barrier along
15 the borders of the United States, of fencing and vehicle
16 barriers where practicable, and of other forms of fencing,
17 tactical infrastructure, and technology: *Provided further*,
18 That the Secretary of Homeland Security shall submit to
19 the Committees on Appropriations of the Senate and the
20 House of Representatives, at the time that the President's
21 budget is submitted each year under section 1105(a) of
22 title 31, United States Code, a multi-year investment and
23 management plan for the Border Security Fencing, Infra-
24 structure, and Technology account, that includes for each
25 tactical infrastructure and technology deployment—

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

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

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

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

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

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

8 AIR AND MARINE INTERDICTION, OPERATIONS,
9 MAINTENANCE, AND PROCUREMENT

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

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

20 CONSTRUCTION AND FACILITIES MANAGEMENT

21 For necessary expenses to plan, acquire, construct,
22 renovate, equip, furnish, operate, manage, oversee, admin-
23 ister, and maintain buildings and facilities and to provide
24 facilities solutions and related infrastructure along with
25 program management support necessary for the adminis-

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

19 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

20 SALARIES AND EXPENSES

21 For necessary expenses for enforcement of immigra-
22 tion and customs laws, detention and removals, and inves-
23 tigation; and purchase and lease of up to 3,790 (2,350
24 for replacement only) police-type vehicles; \$5,522,474,000,
25 of which not to exceed \$7,500,000 shall be available until

1 expended for conducting special operations under section
2 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
3 2081); of which not to exceed \$15,000 shall be for official
4 reception and representation expenses; of which not to ex-
5 ceed \$2,000,000 shall be for awards of compensation to
6 informants, to be accounted for solely under the certificate
7 of the Secretary of Homeland Security; of which not less
8 than \$305,000 shall be for promotion of public awareness
9 of the child pornography tipline and activities to counter
10 child exploitation; of which not less than \$5,400,000 shall
11 be used to facilitate agreements consistent with section
12 287(g) of the Immigration and Nationality Act (8 U.S.C.
13 1357(g)); and of which not to exceed \$11,216,000 shall
14 be available to fund or reimburse other Federal agencies
15 for the costs associated with the care, maintenance, and
16 repatriation of smuggled aliens unlawfully present in the
17 United States: *Provided*, That none of the funds made
18 available under this heading shall be available to com-
19 pensate any employee for overtime in an annual amount
20 in excess of \$35,000, except that the Secretary, or the des-
21 ignee of the Secretary, may waive that amount as nec-
22 essary for national security purposes and in cases of immi-
23 gration emergencies: *Provided further*, That of the total
24 amount provided, \$15,770,000 shall be for activities to en-
25 force laws against forced child labor, of which not to ex-

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

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

22 AUTOMATION MODERNIZATION

23 For expenses of immigration and customs enforce-
24 ment automated systems, \$23,860,000, to remain avail-
25 able until September 30, 2016: *Provided*, That the Sec-

1 retary of Homeland Security shall submit to the Commit-
2 tees on Appropriations of the Senate and the House of
3 Representatives, at the time that the President’s budget
4 is submitted each year under section 1105(a) of title 31,
5 United States Code, a multi-year investment and manage-
6 ment plan for funds made available under this heading
7 that includes—

8 (1) the proposed appropriations included for
9 each project and activity tied to mission require-
10 ments and outcomes, program management capabili-
11 ties, performance levels, and specific capabilities and
12 services to be delivered;

13 (2) the total estimated cost and projected
14 timeline of completion for all multi-year enhance-
15 ments, modernizations, and new capabilities pro-
16 posed in such budget or underway;

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

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

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

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

8 (C) define life-cycle costs for these pro-
9 grams.

10 TRANSPORTATION SECURITY ADMINISTRATION

11 AVIATION SECURITY

12 For necessary expenses of the Transportation Secu-
13 rity Administration related to providing civil aviation secu-
14 rity services pursuant to the Aviation and Transportation
15 Security Act (Public Law 107–71; 115 Stat. 597; 49
16 U.S.C. 40101 note), \$5,224,556,000, of which
17 \$1,692,000,000 shall be available until September 30,
18 2013, and of which not to exceed \$10,000 shall be for
19 official reception and representation expenses: *Provided,*
20 That of the total amount made available under this head-
21 ing, not to exceed \$4,155,813,000 shall be for screening
22 operations, of which \$555,003,000 shall be for explosives
23 detection systems; of which \$181,285,000 shall be for
24 checkpoint support; and not to exceed \$1,068,743,000
25 shall be for aviation security direction and enforcement:

1 *Provided further*, That of the amount made available in
2 the preceding proviso for explosives detection systems,
3 \$222,738,000 shall be available for the purchase and in-
4 stallation of such systems, of which not less than 10 per-
5 cent shall be available for the purchase and installation
6 of certified explosives detection systems at medium- and
7 small-sized airports: *Provided further*, That notwith-
8 standing section 44923 of title 49, United States Code,
9 for fiscal year 2012 any funds in the Aviation Security
10 Capital Fund established by section 44923(h) of title 49,
11 United States Code, may be used for the procurement and
12 installation of explosives detection systems or for the
13 issuance of other transaction agreements for the purpose
14 of funding projects described in section 44923(a): *Pro-*
15 *vided further*, That none of the funds made available in
16 this Act may be used for any recruiting or hiring of per-
17 sonnel into the Transportation Security Administration
18 that would cause the agency to exceed a staffing level of
19 46,000 full-time equivalent screeners: *Provided further*,
20 That the preceding proviso shall not apply to personnel
21 hired as part-time employees: *Provided further*, That not
22 later than 90 days after the date of enactment of this Act,
23 the Secretary of Homeland Security shall submit to the
24 Committees on Appropriations of the Senate and the
25 House of Representatives a detailed report on—

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

7 (2) how the Transportation Security Adminis-
8 tration is deploying its existing passenger and bag-
9 gage screener workforce in the most cost effective
10 manner; and

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

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

21 *Provided further*, That security service fees authorized
22 under section 44940 of title 49, United States Code, shall
23 be credited to this appropriation as offsetting collections
24 and shall be available only for aviation security: *Provided*
25 *further*, That the sum appropriated under this heading

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

19

20 SURFACE TRANSPORTATION SECURITY

21 For necessary expenses of the Transportation Secu-
22 rity Administration related to surface transportation secu-
23 rity activities, \$129,748,000, to remain available until
24 September 30, 2013.

1 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 \$28,000,000; 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 at any
13 location; 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; \$7,071,061,000, of which \$598,278,000
16 shall be for defense-related activities, of which
17 \$258,278,000 is designated as being for the global war
18 on terrorism pursuant to section 301 of H. Con. Res. 34
19 (112th Congress); of which \$24,500,000 shall be derived
20 from the Oil Spill Liability Trust Fund to carry out the
21 purposes of section 1012(a)(5) of the Oil Pollution Act
22 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
23 ceed \$20,000 shall be for official reception and representa-
24 tion expenses: *Provided*, That none of the funds made
25 available by this Act shall be for expenses incurred for rec-

1 reational vessels under section 12114 of title 46, United
2 States Code, except to the extent fees are collected from
3 owners of yachts and credited to this appropriation: *Pro-*
4 *vided further*, That the Coast Guard shall comply with the
5 requirements of section 527 of the National Defense Au-
6 thorization Act for Fiscal Year 2004 (10 U.S.C. 4331
7 note) with respect to the Coast Guard Academy: *Provided*
8 *further*, That of the funds provided under this heading,
9 \$75,000,000 shall be withheld from obligation for Coast
10 Guard Headquarters Directorates until (1) a revised fu-
11 ture-years capital investment plan for fiscal years 2012
12 through 2016, as specified under the heading “Coast
13 Guard, Acquisition, Construction, and Improvements” of
14 this Act, that is reviewed by the Comptroller General of
15 the United States; (2) the fiscal year 2012 second quarter
16 acquisition report; and (3) the polar operations high lati-
17 tude study are submitted to the Committees on Appropria-
18 tions of the Senate and the House of Representatives: *Pro-*
19 *vided further*, That funds made available under this head-
20 ing designated as being for the global war on terrorism
21 pursuant to section 301 of H. Con. Res. 34 (112th Con-
22 gress) may be allocated by program, project, and activity,
23 notwithstanding section 503 of this Act.

1 ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

14 RESERVE TRAINING

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

19 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of acquisition, construction,
21 renovation, and improvement of aids to navigation, shore
22 facilities, vessels, and aircraft, including equipment related
23 thereto, and maintenance, rehabilitation, lease and oper-
24 ation of facilities and equipment, as authorized by law,
25 \$1,151,673,000, of which \$20,000,000 shall be derived

1 from the Oil Spill Liability Trust Fund to carry out the
2 purposes of section 1012(a)(5) of the Oil Pollution Act
3 of 1990 (33 U.S.C. 2712(a)(5)); of which \$427,691,000
4 shall be available until September 30, 2016, to acquire,
5 effect major repairs to, renovate, or improve vessels, small
6 boats, and related equipment; of which \$328,900,000 shall
7 be available until September 30, 2014, to acquire, effect
8 major repairs to, renovate, or improve aircraft or increase
9 aviation capability; of which \$171,140,000 shall be avail-
10 able until September 30, 2014, for other equipment; of
11 which \$116,000,000 shall be available until September 30,
12 2016, for shore, infrastructure, military housing, and aids
13 to navigation facilities, including waterfront facilities at
14 Navy installations used by the Coast Guard, of which
15 \$14,000,000 may be derived from the Coast Guard Hous-
16 ing Fund, established under section 687 of title 14, United
17 States Code; and of which \$107,942,000 shall be available
18 for personnel compensation and benefits and related costs:
19 *Provided*, That the Secretary of Homeland Security shall
20 submit to the Committees on Appropriations of the Senate
21 and the House of Representatives, at the time that the
22 President's budget is submitted each year under section
23 1105(a) of title 31, United States Code, a future-years
24 capital investment plan for the Coast Guard that identifies
25 for each requested capital asset—

1 (1) the proposed appropriations included in that
2 budget;

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

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

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

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

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

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

1 (i) quantities planned for each fiscal
2 year; and

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

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

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

24 (E) defines life-cycle costs for each asset
25 and the date of the estimate on which such

1 costs are based, including all associated costs of
2 major acquisitions systems infrastructure and
3 transition to operations, delineated by purpose
4 and fiscal year for the projected service life of
5 the asset;

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

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

14 *Provided further*, That the Secretary shall ensure
15 that amounts specified in the future-years capital in-
16 vestment plan are consistent, to the maximum extent
17 practicable, with proposed appropriations necessary
18 to support the programs, projects, and activities of
19 the Coast Guard in the President's budget as sub-
20 mitted under section 1105(a) of title 31, United
21 States Code, for that fiscal year: *Provided further*,
22 That any inconsistencies between the capital invest-
23 ment plan and proposed appropriations shall be
24 identified and justified: *Provided further*, That sub-
25 sections (a) and (b) of section 6402 of Public Law

1 110–28 shall apply with respect to the amounts
2 made available under this heading.

3 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

20 RETIRED PAY

21 For retired pay, including the payment of obligations
22 otherwise chargeable to lapsed appropriations for this pur-
23 pose, payments under the Retired Serviceman’s Family
24 Protection and Survivor Benefits Plans, payment for ca-
25 reer status bonuses, concurrent receipts and combat-re-

1 lated special compensation under the National Defense
2 Authorization Act, and payments for medical care of re-
3 tired personnel and their dependents under chapter 55 of
4 title 10, United States Code, \$1,440,157,000, to remain
5 available until expended.

6 UNITED STATES SECRET SERVICE

7 SALARIES AND EXPENSES

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

1 expenditures in this or any other Act if approval is ob-
2 tained in advance from the Committees on Appropriations
3 of the Senate and the House of Representatives; research
4 and development; grants to conduct behavioral research in
5 support of protective research and operations; and pay-
6 ment in advance for commercial accommodations as may
7 be necessary to perform protective functions;
8 \$1,666,451,000, of which not to exceed \$25,000 shall be
9 for official reception and representation expenses; of which
10 not to exceed \$100,000 shall be to provide technical assist-
11 ance and equipment to foreign law enforcement organiza-
12 tions in counterfeit investigations; of which \$2,366,000
13 shall be for forensic and related support of investigations
14 of missing and exploited children; and of which
15 \$6,000,000 shall be for a grant for activities related to
16 investigations of missing and exploited children and shall
17 remain available until September 30, 2013: *Provided*,
18 That up to \$18,000,000 for protective travel shall remain
19 available until September 30, 2013: *Provided further*, That
20 up to \$12,307,000 for National Special Security Events
21 shall remain available until September 30, 2013: *Provided*
22 *further*, That the United States Secret Service is author-
23 ized to obligate funds in anticipation of reimbursements
24 from Federal agencies and entities, as defined in section
25 105 of title 5, United States Code, for personnel receiving

1 training sponsored by the James J. Rowley Training Cen-
2 ter, except that total obligations at the end of the fiscal
3 year shall not exceed total budgetary resources available
4 under this heading at the end of the fiscal year: *Provided*
5 *further*, That none of the funds made available under this
6 heading shall be available to compensate any employee for
7 overtime in an annual amount in excess of \$35,000, except
8 that the Secretary of Homeland Security, or the designee
9 of the Secretary, may waive that amount as necessary for
10 national security purposes: *Provided further*, That none of
11 the funds made available to the United States Secret Serv-
12 ice by this Act or by previous appropriations Acts may
13 be made available for the protection of the head of a Fed-
14 eral agency other than the Secretary of Homeland Secu-
15 rity: *Provided further*, That the Director of the United
16 States Secret Service may enter into an agreement to pro-
17 vide such protection on a fully reimbursable basis: *Pro-*
18 *vided further*, That of the total amount made available
19 under this heading, \$43,843,000, to remain available until
20 September 30, 2014, is for information integration and
21 transformation: *Provided further*, That none of the funds
22 made available in the preceding proviso shall be obligated
23 to purchase or install information technology equipment
24 until the Chief Information Officer of the Department of
25 Homeland Security submits a report to the Committees

1 on Appropriation of the Senate and the House of Rep-
2 resentatives certifying that all plans for such integration
3 and transformation are consistent with Department of
4 Homeland Security enterprise architecture requirements:
5 *Provided further*, That none of the funds made available
6 to the United States Secret Service by this Act or by pre-
7 vious appropriations Acts may be obligated for the pur-
8 pose of opening a new permanent domestic or overseas of-
9 fice or location unless the Committees on Appropriations
10 of the Senate and the House of Representatives are noti-
11 fied 15 days in advance of such obligation.

12 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
13 RELATED EXPENSES

14 For necessary expenses for acquisition, construction,
15 repair, alteration, and improvement of facilities,
16 \$6,780,000, to remain available until September 30, 2016.

17 TITLE III
18 PROTECTION, PREPAREDNESS, RESPONSE, AND
19 RECOVERY

20 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
21 MANAGEMENT AND ADMINISTRATION

22 For salaries and expenses of the Office of the Under
23 Secretary for the National Protection and Programs Di-
24 rectorate, support for operations, information technology,
25 and the Office of Risk Management and Analysis,

1 \$42,511,000: *Provided*, That not to exceed \$5,000 shall
2 be for official reception and representation expenses.

3 INFRASTRUCTURE PROTECTION AND INFORMATION

4 SECURITY

5 For necessary expenses for infrastructure protection
6 and information security programs and activities, as au-
7 thorized by title II of the Homeland Security Act of 2002
8 (6 U.S.C. 121 et seq.), \$891,243,000: *Provided*, That of
9 the amount made available under this heading,
10 \$219,420,500 may not be obligated for the National Cyber
11 Security Division program and \$148,639,500 may not be
12 obligated for the Office of Infrastructure Protection until
13 the Committees on Appropriations of the Senate and the
14 House of Representatives receive and approve a plan for
15 expenditure for each of these programs that describes the
16 strategic context of the programs, the specific goals and
17 milestones set for the programs, and the funds allocated
18 to achieving each of those goals and milestones: *Provided*
19 *further*, That the Secretary of Homeland Security shall
20 submit to the Committees on Appropriations of the Senate
21 and the House of Representatives, at the time that the
22 President's budget is submitted each year under section
23 1105(a) of title 31, United States Code, (1) an expendi-
24 ture plan for the Office of Infrastructure Protection and
25 the National Cyber Security Division that describes the

1 strategic context of the programs, the specific goals and
2 milestones set for the programs, and the funds allocated
3 to achieving each of those goals and milestones for the
4 fiscal year being appropriated; and (2) a multi-year invest-
5 ment and management plan for the National Cybersecu-
6 rity Protection System that identifies—

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

9 (2) the proposed appropriations included in that
10 budget for each increment sub-divided by procure-
11 ment, including quantity, deployment, and oper-
12 ations and maintenance;

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

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

19 (A) aligns the acquisition to mission re-
20 quirements by defining existing capabilities,
21 identifying known capability gaps between such
22 existing capabilities and stated mission require-
23 ments, and explaining how the acquisition of
24 each technology will address such known capa-
25 bility gaps; and

1 (B) defines life-cycle costs for each tech-
2 nology, including all associated costs of major
3 acquisitions systems infrastructure and transi-
4 tion to operations, delineated by purpose and
5 fiscal year for the projected service life of the
6 technology.

7 FEDERAL PROTECTIVE SERVICE

8 The revenues and collections of security fees credited
9 to this account shall be available until expended for nec-
10 essary expenses related to the protection of Federally-
11 owned and leased buildings and for the operations of the
12 Federal Protective Service: *Provided*, That the Director of
13 the Federal Protective Service shall include with the sub-
14 mission of the fiscal year 2013 budget a strategic human
15 capital plan that aligns fee collection to personnel require-
16 ments based on the current threat assessment; *Provided*
17 *further*, That an expenditure plan for program, project,
18 and activity and by objective for fiscal year 2012 shall be
19 provided to the Committees on Appropriations of the Sen-
20 ate and the House of Representatives not later than 60
21 days after the date of enactment of this Act: *Provided fur-*
22 *ther*, That an expenditure plan for program, project, and
23 activity and by objective for fiscal year 2013 shall be sub-
24 mitted at the time that the President's budget is sub-
25 mitted each year under section 1105(a) of title 31, United

1 States Code, to the Committees on Appropriations of the
2 Senate and the House of Representatives.

3 UNITED STATES VISITOR AND IMMIGRANT STATUS

4 INDICATOR TECHNOLOGY

5 For necessary expenses for the United States Visitor
6 and Immigrant Status Indicator Technology program, as
7 authorized by section 110 of the Illegal Immigration Re-
8 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
9 1365a), \$297,402,000: *Provided*, That of the total amount
10 made available under this heading, \$194,295,000 is to re-
11 main available until September 30, 2014: *Provided further*,
12 That of the total amount provided, \$50,000,000 may not
13 be obligated for the United States Visitor and Immigrant
14 Status Indicator Technology program until the Commit-
15 tees on Appropriations of the Senate and the House of
16 Representatives receive a plan for expenditure, prepared
17 by the Secretary of Homeland Security, not later than 90
18 days after the date of enactment of this Act, that meets
19 the statutory conditions specified under this heading in
20 Public Law 110–329: *Provided further*, That the Secretary
21 of Homeland Security shall submit to the Committees on
22 Appropriations of the Senate and the House of Represent-
23 atives, at the time that the President’s budget is submitted
24 each year under section 1105(a) of title 31, United States
25 Code, a multi-year investment and management plan for

1 the United States Visitor and Immigrant Status Indicator
2 Technology program that includes—

3 (1) the proposed appropriations for each activ-
4 ity tied to mission requirements and outcomes, pro-
5 gram management capabilities, performance levels,
6 and specific capabilities and services to be delivered,
7 noting any deviations in cost or performance from
8 the prior fiscal year expenditure or investment and
9 management plan;

10 (2) the total estimated cost, projected funding
11 by fiscal year, and projected timeline of completion
12 for all enhancements, modernizations, and new capa-
13 bilities proposed in such budget and underway, in-
14 cluding and clearly delineating associated efforts and
15 funds requested by other agencies within the De-
16 partment of Homeland Security and in the Federal
17 Government, and detailing any deviations in cost,
18 performance, schedule, or estimated date of comple-
19 tion provided in the prior fiscal year expenditure or
20 investment and management plan; and

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

1 OFFICE OF HEALTH AFFAIRS

2 For necessary expenses of the Office of Health Af-
3 fairs, \$165,949,000; of which \$30,171,000 is for salaries
4 and expenses and \$115,164,000 is for BioWatch oper-
5 ations: *Provided*, That \$45,615,000 shall remain available
6 until September 30, 2013, for biosurveillance, BioWatch
7 Generation 3, chemical defense, medical and health plan-
8 ning and coordination, and workforce health protection:
9 *Provided further*, That not to exceed \$3,000 shall be for
10 official reception and representation expenses: *Provided*
11 *further*, That an expenditure plan for program, project,
12 and activity and by objective for fiscal year 2012 shall be
13 provided to the Committees on Appropriations of the Sen-
14 ate and the House of Representatives not later than 60
15 days after the date of enactment of this Act: *Provided fur-*
16 *ther*, That an expenditure plan for program, project, and
17 activity and by objective for each fiscal year shall be sub-
18 mitted at the time that the President's budget is sub-
19 mitted each year under section 1105(a) of title 31, United
20 States Code, to the Committees on Appropriations of the
21 Senate and the House of Representatives.

22 FEDERAL EMERGENCY MANAGEMENT AGENCY

23 MANAGEMENT AND ADMINISTRATION

24 For necessary expenses for management and admin-
25 istration of the Federal Emergency Management Agency,

1 \$707,298,000, including activities authorized by the Na-
2 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
3 seq.), the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
5 Grande Fire Assistance Act of 2000 (division C, title I,
6 114 Stat. 583), the Earthquake Hazards Reduction Act
7 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
8 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
9 and 303 of the National Security Act of 1947 (50 U.S.C.
10 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
11 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
12 et seq.), and the Post-Katrina Emergency Management
13 Reform Act of 2006 (Public Law 109–295): *Provided*,
14 That not to exceed \$3,000 shall be for official reception
15 and representation expenses: *Provided further*, That the
16 Secretary of Homeland Security shall submit an expendi-
17 ture plan detailed by office for the Federal Emergency
18 Management Agency to the Committees on Appropriations
19 of the Senate and the House of Representatives at the
20 time that the President’s budget is submitted each year
21 under section 1105(a) of title 31, United States Code:
22 *Provided further*, That of the total amount made available
23 under this heading, not to exceed \$5,863,000 shall remain
24 available until September 30, 2013, for capital improve-
25 ments at the Mount Weather Emergency Operations Cen-

1 ter: *Provided further*, That of the total amount made avail-
2 able under this heading, \$35,250,000 shall be for the
3 Urban Search and Rescue Response System, of which not
4 to exceed \$1,600,000 may be made available for adminis-
5 trative costs; and \$5,493,000 shall be for the Office of
6 National Capital Region Coordination: *Provided further*,
7 That for purposes of planning, coordination, execution,
8 and decision-making related to mass evacuation during a
9 disaster, the Governors of the State of West Virginia and
10 the Commonwealth of Pennsylvania, or their designees,
11 shall be incorporated into efforts to integrate the activities
12 of Federal, State, and local governments in the National
13 Capital Region, as defined in section 882 of the Homeland
14 Security Act of 2002 (Public Law 107–296).

15 STATE AND LOCAL PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For grants, contracts, cooperative agreements, and
18 other activities, \$1,000,000,000, which shall be distributed
19 at the discretion of the Secretary of Homeland Security
20 based on the following authorities:

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

24 (2) The Urban Area Security Initiative under
25 section 2003 of the Homeland Security Act of 2002

1 (6 U.S.C. 604), notwithstanding subsection (c)(1) of
2 such section, funds provided under this paragraph
3 may be used for grants to organizations (as de-
4 scribed under section 501(c)(3) of the Internal Rev-
5 enue Code of 1986 and exempt from tax section
6 501(a) of such code) determined by the Secretary to
7 be at high risk of a terrorist attack.

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

11 (4) The Citizen Corps Program, notwith-
12 standing the requirements of subtitle A of title XX
13 of the Homeland Security Act of 2002 (6 U.S.C.
14 603 et seq.).

15 (5) The Public Transportation Security Assist-
16 ance and Railroad Security Assistance, under sec-
17 tions 1406 and 1513 of the Implementing Rec-
18 ommendations of the 9/11 Commission Act of 2007
19 (6 U.S.C. 1135 and 1163): *Provided*, That such
20 public transportation security assistance shall be
21 provided directly to public transportation agencies.

22 (6) Over-the-Road Bus Security Assistance
23 under section 1532 of the Implementing Rec-
24 ommendations of the 9/11 Commission Act of 2007
25 (6 U.S.C. 1182).

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

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

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

9 *Provided*, That of the amount provided under this
10 heading, \$55,000,000 shall be for Operation Stonegarden
11 and \$192,663,000 shall be for training, exercises, tech-
12 nical assistance, and other programs, of which
13 \$107,000,000 shall be for training of State, local, and
14 tribal emergency response providers: *Provided further*,
15 That funds provided under section 2003 of the Homeland
16 Security Act of 2002 (6 U.S.C. 604) shall only be provided
17 to the top 10 highest risk urban areas: *Provided further*,
18 That notwithstanding subsection (c)(4) of section 2004 of
19 the Homeland Security Act of 2002 (6 U.S.C. 605), for
20 fiscal year 2012, the Commonwealth of Puerto Rico shall
21 make available to local and tribal governments amounts
22 provided to the Commonwealth of Puerto Rico under the
23 State Homeland Security Grant Program in accordance
24 with subsection (c)(1) of such section 2004: *Provided fur-*
25 *ther*, That 10 percent of the amounts provided under this

1 heading shall be transferred to “Federal Emergency Man-
2 agement Agency, Management and Administration” for
3 program administration, and the Secretary of Homeland
4 Security shall provide an expenditure plan for program ad-
5 ministration to the Committees on Appropriations of the
6 Senate and the House of Representatives within 60 days
7 after the date of enactment of this Act: *Provided further*,
8 That the Secretary shall provide a detailed expenditure
9 plan for program administration for each fiscal year to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives at the time that the President’s
12 budget is submitted each year under section 1105(a) of
13 title 31, United States Code: *Provided further*, That not-
14 withstanding section 2008(a)(11) of the Homeland Secu-
15 rity Act of 2002 (6 U.S.C. 609(a)(11)), or any other pro-
16 vision of law, a grantee may use not more than five per-
17 cent of the amount of a grant made available under this
18 heading for expenses directly related to administration of
19 the grant: *Provided further*, That for grants under para-
20 graphs (1) through (4), the applications for grants shall
21 be made available to eligible applicants not later than 25
22 days after the date of enactment of this Act, that eligible
23 applicants shall submit applications not later than 90 days
24 after the grant announcement, and that the Administrator
25 of the Federal Emergency Management Agency shall act

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

1 sion of the Center to train State and local emergency re-
2 sponse providers: *Provided further*, That not later than 60
3 days after the date of enactment of this Act, the Adminis-
4 trator of the Federal Emergency Management Agency
5 shall submit to the Committees on Appropriations of the
6 Senate and the House of Representatives a plan to expend
7 by the end of fiscal year 2012 all unexpended balances
8 of funds appropriated for fiscal years before fiscal year
9 2008 under this heading.

10 FIREFIGHTER ASSISTANCE GRANTS

11 For necessary expenses for programs authorized by
12 the Federal Fire Prevention and Control Act of 1974 (15
13 U.S.C. 2201 et seq.), \$350,000,000, of which
14 \$200,000,000 shall be available to carry out section 33
15 of that Act (15 U.S.C. 2229) and \$150,000,000 shall be
16 available to carry out section 34 of that Act (15 U.S.C.
17 2229a), to remain available until September 30, 2013:
18 *Provided*, That not to exceed 10 percent of the amount
19 available under this heading shall be transferred to “Fed-
20 eral Emergency Management Agency, Management and
21 Administration” for program administration, and an ex-
22 penditure plan for program administration shall be pro-
23 vided to the Committees on Appropriations of the Senate
24 and the House of Representatives not later than 60 days
25 after the date of enactment of this Act: *Provided further*,

1 That an expenditure plan for program administration
2 shall be submitted at the time that the President’s budget
3 is submitted each year under section 1105(a) of title 31,
4 United States Code, to the Committees on Appropriations
5 of the Senate and the House of Representatives.

6 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

7 For necessary expenses for emergency management
8 performance grants, as authorized by the National Flood
9 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
10 ert T. Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
12 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
13 organization Plan No. 3 of 1978 (5 U.S.C. App.),
14 \$350,000,000: *Provided*, That not to exceed 10 percent
15 of the amount available under this heading shall be trans-
16 ferred to “Federal Emergency Management Agency, Man-
17 agement and Administration” for program administration,
18 and an expenditure plan for program administration shall
19 be provided to the Committees on Appropriations of the
20 Senate and the House of Representatives not later than
21 60 days after the date of enactment of this Act: *Provided*
22 *further*, That an expenditure plan for program administra-
23 tion shall be submitted at the time that the President’s
24 budget is submitted each year under section 1105(a) of

1 title 31, United States Code, to the Committees on Appro-
2 priations of the Senate and the House of Representatives.

3 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

4 The aggregate charges assessed during fiscal year
5 2012, as authorized in title III of the Departments of Vet-
6 erans Affairs and Housing and Urban Development, and
7 Independent Agencies Appropriations Act, 1999 (42
8 U.S.C. 5196e), shall not be less than 100 percent of the
9 amounts anticipated by the Department of Homeland Se-
10 curity necessary for its radiological emergency prepared-
11 ness program for the next fiscal year: *Provided*, That the
12 methodology for assessment and collection of fees shall be
13 fair and equitable and shall reflect costs of providing such
14 services, including administrative costs of collecting such
15 fees: *Provided further*, That fees received under this head-
16 ing shall be deposited in this account as offsetting collec-
17 tions and will become available for authorized purposes on
18 October 1, 2012, and remain available until expended.

19 UNITED STATES FIRE ADMINISTRATION

20 For necessary expenses of the United States Fire Ad-
21 ministration and for other purposes, as authorized by the
22 Federal Fire Prevention and Control Act of 1974 (15
23 U.S.C. 2201 et seq.) and the Homeland Security Act of
24 2002 (6 U.S.C. 101 et seq.), \$42,538,000.

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

1 For necessary expenses in carrying out the Robert
2 T. Stafford Disaster Relief and Emergency Assistance Act
3 (42 U.S.C. 5121 et seq.), \$2,650,000,000, to remain avail-
4 able until expended: *Provided*, That the Federal Emer-
5 gency Management Agency shall submit an expenditure
6 plan to the Committees on Appropriations of the Senate
7 and the House of Representatives detailing the use of the
8 funds for disaster readiness and support not later than
9 60 days after the date of enactment of this Act: *Provided*
10 *further*, That the Federal Emergency Management Agency
11 shall submit to such Committees a quarterly report detail-
12 ing obligations against the expenditure plan and a jus-
13 tification for any changes in spending: *Provided further*,
14 That of the total amount provided, \$16,000,000 shall be
15 transferred to the Department of Homeland Security Of-
16 fice of Inspector General for audits and investigations re-
17 lated to disasters, subject to section 503 of this Act: *Pro-*
18 *vided further*, That not later than 60 days after the date
19 of enactment of this Act, \$105,600,000 shall be trans-
20 ferred to “Federal Emergency Management Agency, Man-
21 agement and Administration” for management and ad-
22 ministration functions: *Provided further*, That the Admin-
23 istrator of the Federal Emergency Management Agency
24
25

1 shall submit the monthly “Disaster Relief” report, as
2 specified in Public Law 110–161, to the Committees on
3 Appropriations of the Senate and the House of Represent-
4 atives, and include the amounts provided to each Federal
5 agency for mission assignments: *Provided further*, That
6 the Administrator of the Federal Emergency Management
7 Agency shall submit quarterly reports to the Committees
8 on Appropriations of the Senate and the House of Rep-
9 resentatives providing estimates of funding requirements
10 for “Disaster Relief” for the current fiscal year and the
11 succeeding three fiscal years which shall include—

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

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

17 (3) an estimate, by quarter, for the costs of cat-
18 astrophic disasters excluded from the five-year aver-
19 age subdivided by disaster and shall include the
20 amount already obligated and the remaining esti-
21 mated costs; and

22 (4) an estimate of the date on which the “Dis-
23 aster Relief” balance will reach \$800,000,000: *Pro-*
24 *vided further*, That the Administrator of the Federal
25 Emergency Management Agency shall develop a pol-

1 icy and provide a report on such policy that defines
2 the five-year average used to develop the budget esti-
3 mates for disaster relief not later than 60 days after
4 the date of enactment of this Act that shall include
5 a clear and reproducible definition of the five-year
6 average used as a basis for the request, the respon-
7 sible official who develops the average, and the data
8 source(s) used: *Provided further*, That the Adminis-
9 trator of the Federal Emergency Management Agen-
10 cy shall include in the fiscal year 2013 budget sub-
11 mission for disaster relief a clear statement of the
12 five-year average used as a basis for the request, the
13 fiscal years included in the average, a list of the obli-
14 gations for each of the five fiscal years, and all ad-
15 justments made to the gross obligation total for each
16 of the five fiscal years, including a record of which
17 catastrophic disasters are excluded from each year's
18 obligation total and the associated amount excluded;
19 inflation adjustments; and the amount and source of
20 recoveries applied against the obligation total: *Pro-*
21 *vided further*, That the President shall submit an
22 offset budget amendment from within discretionary
23 funds not later than three months prior to the date
24 that the Administrator of the Federal Emergency
25 Management Agency estimates that the total amount

1 remaining unallocated in “Disaster Relief” will
2 reach \$800,000,000, and that the request shall ac-
3 count for all estimated funding requirements for
4 that fiscal year: *Provided further*, That for any re-
5 quest for reimbursement from a Federal agency to
6 the Department of Homeland Security to cover ex-
7 penditures under the Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (42 U.S.C.
9 5121 et seq.), or any mission assignment orders
10 issued by the Department for such purposes, the
11 Secretary of Homeland Security shall take appro-
12 priate steps to ensure that each agency is periodi-
13 cally reminded of the Department policies on—

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

17 (B) the necessity for timeliness of agency
18 billings.

19 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

20 For activities under section 319 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5162), \$296,000 is for the cost of direct loans:
23 *Provided*, That gross obligations for the principal amount
24 of direct loans shall not exceed \$25,000,000: *Provided fur-*
25 *ther*, That the cost of modifying such loans shall be as

1 defined in section 502 of the Congressional Budget Act
2 of 1974 (2 U.S.C. 661a).

3 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

4 For necessary expenses under section 1360 of the
5 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
6 \$102,712,000, and such additional sums as may be pro-
7 vided by State and local governments or other political
8 subdivisions for cost-shared mapping activities under sec-
9 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
10 main available until expended: *Provided*, That total admin-
11 istrative costs shall not exceed three percent of the total
12 amount appropriated under this heading.

13 NATIONAL FLOOD INSURANCE FUND

14 For activities under the National Flood Insurance
15 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
16 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
17 \$171,000,000, which shall remain available until Sep-
18 tember 30, 2013 and shall be derived from offsetting col-
19 lections assessed and collected under section 1308(d) of
20 the National Flood Insurance Act of 1968 (42 U.S.C.
21 4015(d)), which is available for salaries and expenses as-
22 sociated with flood mitigation and flood insurance oper-
23 ations; and flood plain management and flood mapping:
24 *Provided*, That not to exceed \$22,000,000 shall be avail-
25 able for salaries and expenses associated with flood mitiga-

1 tion and flood insurance operations: *Provided further,*
2 That not less than \$149,000,000 shall be available for
3 flood plain management and flood mapping: *Provided fur-*
4 *ther,* That any additional fees collected pursuant to section
5 1308(d) of the National Flood Insurance Act of 1968 (42
6 U.S.C. 4015(d)) shall be credited as an offsetting collec-
7 tion to this account, to be available for flood plain manage-
8 ment and flood mapping: *Provided further,* That in fiscal
9 year 2012, no funds shall be available from the National
10 Flood Insurance Fund under section 1310 of that Act (42
11 U.S.C. 4017) in excess of: (1) \$132,000,000 for operating
12 expenses; (2) \$1,007,571,000 for commissions and taxes
13 of agents; (3) such sums as are necessary for interest on
14 Treasury borrowings; and (4) \$50,000,000, which shall re-
15 main available until expended for flood mitigation actions,
16 of which \$10,000,000 is for repetitive insurance claims
17 properties under section 1323 of the National Flood In-
18 surance Act of 1968 (42 U.S.C. 4030), and of which
19 \$40,000,000 is for flood mitigation assistance under sec-
20 tion 1366 of the National Flood Insurance Act of 1968
21 (42 U.S.C. 4104c), notwithstanding subparagraphs (B)
22 and (C) of subsection (b)(3) and subsection (f) of section
23 1366 of the National Flood Insurance Act of 1968 (42
24 U.S.C. 4104c), and notwithstanding subsection (a)(7) of
25 section 1310 of the National Flood Insurance Act of 1968

1 (42 U.S.C. 4017): *Provided further*, That amounts col-
2 lected under section 102 of the Flood Disaster Protection
3 Act of 1973 and section 1366(i) of the National Flood
4 Insurance Act of 1968 shall be deposited in the National
5 Flood Insurance Fund to supplement other amounts speci-
6 fied as available for section 1366 of the National Flood
7 Insurance Act of 1968, notwithstanding section 102(f)(8)
8 of the Flood Disaster Protection Act of 1973, section
9 1366(i) of the National Flood Insurance Act of 1968, and
10 paragraphs (2) and (3) of section 1366(5) of the National
11 Flood Insurance Act of 1968: *Provided further*, That total
12 administrative costs shall not exceed four percent of the
13 total appropriation.

14 NATIONAL PREDISASTER MITIGATION FUND

15 For the predisaster mitigation grant program under
16 section 203 of the Robert T. Stafford Disaster Relief and
17 Emergency Assistance Act (42 U.S.C. 5133),
18 \$40,000,000, to remain available until expended: *Pro-*
19 *vided*, That the total administrative costs associated with
20 such grants shall not exceed three percent of the total
21 amount made available under this heading.

22 EMERGENCY FOOD AND SHELTER

23 To carry out the emergency food and shelter program
24 pursuant to title III of the McKinney-Vento Homeless As-
25 sistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to

1 remain available until expended: *Provided*, That total ad-
2 ministrative costs shall not exceed 3.5 percent of the total
3 amount made available under this heading.

4 TITLE IV

5 RESEARCH AND DEVELOPMENT, TRAINING,
6 AND SERVICES

7 UNITED STATES CITIZENSHIP AND IMMIGRATION
8 SERVICES

9 For necessary expenses for citizenship and immigra-
10 tion services, \$132,361,000 for immigration verification
11 programs, including the E-Verify Program, as authorized
12 by section 403(a) of the Illegal Immigration Reform and
13 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
14 note), to assist United States employers with maintaining
15 a legal workforce; and of which none of the funds may
16 be used for grants for immigrant integration: *Provided*,
17 That notwithstanding any other provision of law, funds
18 available to United States Citizenship and Immigration
19 Services may be used to acquire, operate, equip, and dis-
20 pose of up to five vehicles, for replacement only, for areas
21 where the Administrator of General Services does not pro-
22 vide vehicles for lease: *Provided further*, That the Director
23 of United States Citizenship and Immigration Services
24 may authorize employees who are assigned to those areas

1 to use such vehicles to travel between the employees' resi-
2 dences and places of employment.

3 FEDERAL LAW ENFORCEMENT TRAINING CENTER

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Law Enforce-
6 ment Training Center, including materials and support
7 costs of Federal law enforcement basic training; the pur-
8 chase of not to exceed 117 vehicles for police-type use and
9 hire of passenger motor vehicles; expenses for student ath-
10 letic and related activities; the conduct of and participa-
11 tion in firearms matches and presentation of awards; pub-
12 lic awareness and enhancement of community support of
13 law enforcement training; room and board for student in-
14 terns; a flat monthly reimbursement to employees author-
15 ized to use personal mobile phones for official duties; and
16 services as authorized by section 3109 of title 5, United
17 States Code; \$238,957,000, of which up to \$48,978,000
18 shall remain available until September 30, 2013, for mate-
19 rials and support costs of Federal law enforcement basic
20 training; of which \$300,000 shall remain available until
21 expended to be distributed to Federal law enforcement
22 agencies for expenses incurred participating in training ac-
23 creditation; and of which not to exceed \$12,000 shall be
24 for official reception and representation expenses: *Pro-*
25 *vided*, That the Center is authorized to obligate funds in

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

1 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

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

11 SCIENCE AND TECHNOLOGY

12 MANAGEMENT AND ADMINISTRATION

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

20 RESEARCH, DEVELOPMENT, ACQUISITION, AND

21 OPERATIONS

22 For necessary expenses for science and technology re-
23 search, including advanced research projects, development,
24 test and evaluation, acquisition, and operations as author-
25 ized by title III of the Homeland Security Act of 2002

1 (6 U.S.C. 181 et seq.), and the purchase or lease of not
2 to exceed five vehicles, \$398,213,000, of which
3 \$196,713,000, to remain available until September 30,
4 2014; and of which \$201,500,000, to remain available
5 until September 30, 2016, solely for operation and con-
6 struction of laboratory facilities.

7 DOMESTIC NUCLEAR DETECTION OFFICE

8 MANAGEMENT AND ADMINISTRATION

9 For salaries and expenses of the Domestic Nuclear
10 Detection Office, as authorized by title XIX of the Home-
11 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
12 agement and administration of programs and activities,
13 \$40,000,000: *Provided*, That not to exceed \$3,000 shall
14 be for official reception and representation expenses.

15 RESEARCH, DEVELOPMENT, AND OPERATIONS

16 For necessary expenses for radiological and nuclear
17 research, development, testing, evaluation, and operations,
18 \$245,194,000, to remain available until September 30,
19 2014.

20 SYSTEMS ACQUISITION

21 For expenses for the Domestic Nuclear Detection Of-
22 fice acquisition and deployment of radiological detection
23 systems in accordance with the global nuclear detection
24 architecture, \$52,000,000, to remain available until Sep-
25 tember 30, 2014: *Provided*, That none of the funds appro-

1 priated under this heading in this Act or any other Act
2 shall be obligated for full-scale procurement of advanced
3 spectroscopic portal monitors until the Secretary of Home-
4 land Security submits to the Committees on Appropria-
5 tions of the Senate and the House of Representatives a
6 report certifying that a significant increase in operational
7 effectiveness will be achieved by such obligation: *Provided*
8 *further*, That the Secretary shall submit separate and dis-
9 tinct certifications prior to the procurement of advanced
10 spectroscopic portal monitors for primary and secondary
11 deployment that address the unique requirements for
12 operational effectiveness of each type of deployment: *Pro-*
13 *vided further*, That the Secretary shall continue to consult
14 with the National Academy of Sciences before making
15 such certifications: *Provided further*, That none of the
16 funds appropriated under this heading shall be used for
17 high-risk concurrent development and production of mutu-
18 ally dependent software and hardware.

19 TITLE V

20 GENERAL PROVISIONS

21 (INCLUDING RESCISSIONS OF FUNDS)

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

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

9 SEC. 503. (a) None of the funds provided by this Act,
10 provided by previous appropriations Acts to the agencies
11 in or transferred to the Department of Homeland Security
12 that remain available for obligation or expenditure in fiscal
13 year 2012, or provided from any accounts in the Treasury
14 of the United States derived by the collection of fees avail-
15 able to the agencies funded by this Act, shall be available
16 for obligation or expenditure through a reprogramming of
17 funds that: (1) creates a new program, project, office, or
18 activity; (2) eliminates a program, project, office, or activ-
19 ity; (3) increases funds for any program, project, or activ-
20 ity for which funds have been denied or restricted by the
21 Congress; (4) proposes to use funds directed for a specific
22 activity by either of the Committees on Appropriations of
23 the Senate or the House of Representatives for a different
24 purpose; or (5) contracts out any function or activity for
25 which funding levels were requested for Federal full-time

1 equivalents in the object classification tables contained in
2 the fiscal year 2012 Budget Appendix for the Department
3 of Homeland Security, as modified by the joint explana-
4 tory statement accompanying this Act, unless the Commit-
5 tees on Appropriations of the Senate and the House of
6 Representatives are notified 15 days in advance of such
7 reprogramming of funds.

8 (b) None of the funds provided by this Act, provided
9 by previous appropriations Acts to the agencies in or
10 transferred to the Department of Homeland Security that
11 remain available for obligation or expenditure in fiscal
12 year 2012, or provided from any accounts in the Treasury
13 of the United States derived by the collection of fees or
14 proceeds available to the agencies funded by this Act, shall
15 be available for obligation or expenditure for programs,
16 projects, or activities through a reprogramming of funds
17 in excess of \$5,000,000 or 10 percent, whichever is less,
18 that: (1) augments existing programs, projects, or activi-
19 ties; (2) reduces by 10 percent funding for any existing
20 program, project, or activity, or reduces the numbers of
21 personnel by 10 percent as approved by the Congress; or
22 (3) results from any general savings from a reduction in
23 personnel that would result in a change in existing pro-
24 grams, projects, or activities as approved by the Congress,
25 unless the Committees on Appropriations of the Senate

1 and the House of Representatives are notified 15 days in
2 advance of such reprogramming of funds.

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

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

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

24 SEC. 504. The Department of Homeland Security
25 Working Capital Fund, established pursuant to section

1 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
2 continue operations as a permanent working capital fund
3 for fiscal year 2012: *Provided*, That none of the funds ap-
4 propriated or otherwise made available to the Department
5 of Homeland Security may be used to make payments to
6 the Working Capital Fund, except for the activities and
7 amounts allowed in the President’s fiscal year 2012 budg-
8 et: *Provided further*, That funds provided to the Working
9 Capital Fund shall be available for obligation until ex-
10 pended to carry out the purposes of the Working Capital
11 Fund: *Provided further*, That all departmental components
12 shall be charged only for direct usage of each Working
13 Capital Fund service: *Provided further*, That funds pro-
14 vided to the Working Capital Fund shall be used only for
15 purposes consistent with the contributing component: *Pro-
16 vided further*, That the Working Capital Fund shall be
17 paid in advance or reimbursed at rates which will return
18 the full cost of each service: *Provided further*, That the
19 Working Capital Fund shall be subject to the require-
20 ments of section 503 of this Act.

21 SEC. 505. Except as otherwise specifically provided
22 by law, not to exceed 50 percent of unobligated balances
23 remaining available at the end of fiscal year 2012 from
24 appropriations for salaries and expenses for fiscal year
25 2012 in this Act shall remain available through September

1 30, 2013, in the account and for the purposes for which
2 the appropriations were provided: *Provided*, That prior to
3 the obligation of such funds, a request shall be submitted
4 to the Committees on Appropriations of the Senate and
5 the House of Representatives for approval in accordance
6 with section 503 of this Act.

7 SEC. 506. Funds made available by this Act for intel-
8 ligence activities are deemed to be specifically authorized
9 by the Congress for purposes of section 504 of the Na-
10 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
11 year 2012 until the enactment of an Act authorizing intel-
12 ligence activities for fiscal year 2012.

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

16 (1) make or award a grant allocation, grant, contract,
17 other transaction agreement, task or delivery order on a
18 Department of Homeland Security multiple award con-
19 tract, or to issue a letter of intent totaling in excess of
20 \$1,000,000;

21 (2) award a task order requiring an obligation of
22 funds in an amount greater than \$25,000,000 from multi-
23 year Department of Homeland Security funds or a task
24 order that would cause cumulative obligations of multi-

1 year funds in a single account to exceed 50 percent of
2 the total amount appropriated; or

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

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

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

19 (d) A notification under this section—

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

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

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

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

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

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

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

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

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

21 SEC. 514. None of the funds appropriated by this Act
22 may be used to process or approve a competition under
23 Office of Management and Budget Circular A-76 for serv-
24 ices provided as of June 1, 2004, by employees (including
25 employees serving on a temporary or term basis) of United

1 States Citizenship and Immigration Services of the De-
2 partment of Homeland Security who are known as of that
3 date as Immigration Information Officers, Contact Rep-
4 resentatives, or Investigative Assistants.

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

13 SEC. 516. Except as provided in section 44945 of title
14 49, United States Code, funds appropriated for or trans-
15 ferred to “Transportation Security Administration, Avia-
16 tion Security”, “Transportation Security Administration,
17 Administration”, and “Transportation Security Adminis-
18 tration, Transportation Security Support” for fiscal years
19 2004, 2005, 2006, 2007, 2008, 2009, and 2010 that are
20 recovered or deobligated shall be available only for the pro-
21 curement or installation of explosives detection systems,
22 air cargo, baggage, and checkpoint screening systems,
23 subject to notification: *Provided*, That quarterly reports
24 shall be submitted to the Committees on Appropriations

1 of the Senate and the House of Representatives on any
2 funds that are so recovered or deobligated.

3 SEC. 517. Any funds appropriated to “Coast Guard,
4 Acquisition, Construction, and Improvements” for fiscal
5 years 2002, 2003, 2004, 2005, and 2006 for the 110–
6 123 foot patrol boat conversion that are recovered, col-
7 lected, or otherwise received as the result of negotiation,
8 mediation, or litigation, shall be available until expended
9 for the Fast Response Cutter program.

10 SEC. 518. Section 532(a) of Public Law 109–295
11 (120 Stat. 1384) is amended by striking “2010” and in-
12 serting “2012”.

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

18 SEC. 520. (a) Except as provided in subsection (b),
19 none of the funds appropriated in this or any other Act
20 to the Office of the Secretary and Executive Management,
21 the Office of the Under Secretary for Management, or the
22 Office of the Chief Financial Officer, may be obligated for
23 a grant or contract funded under such headings by any
24 means other than full and open competition.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SEC. 524. None of the funds made available in this
21 Act may be used by United States Citizenship and Immi-
22 gration Services to grant an immigration benefit unless
23 the results of background checks required by law to be
24 completed prior to the granting of the benefit have been
25 received by United States Citizenship and Immigration

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

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

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

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

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

19 SEC. 527. The Secretary of Homeland Security shall
20 require that all contracts of the Department of Homeland
21 Security that provide award fees link such fees to success-
22 ful acquisition outcomes (which outcomes shall be speci-
23 fied in terms of cost, schedule, and performance).

24 SEC. 528. None of the funds made available to the
25 Office of the Secretary and Executive Management under

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

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

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

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

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

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

22 SEC. 533. (a) Notwithstanding any other provision
23 of this Act, except as provided in subsection (b), and 30
24 days after the date on which the President determines
25 whether to declare a major disaster because of an event

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

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

15 (c) In this section—

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

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

23 SEC. 534. (a) Notwithstanding any other provision
24 of law during fiscal year 2012 or any subsequent fiscal
25 year, if the Secretary of Homeland Security determines

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

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

21 SEC. 535. Any official that is required by this Act
22 to report or certify to the Committees on Appropriations
23 of the Senate and the House of Representatives may not
24 delegate such authority to perform that act unless specifi-
25 cally authorized herein.

1 SEC. 536. Section 550(b) of the Department of
2 Homeland Security Appropriations Act, 2007 (Public Law
3 109–295; 6 U.S.C. 121 note) is further amended by strik-
4 ing “2011” and inserting “2012”.

5 SEC. 537. None of the funds appropriated or other-
6 wise made available in this or any other Act may be used
7 to transfer, release, or assist in the transfer or release to
8 or within the United States, its territories, or possessions,
9 including detaining, accepting custody of, or extending im-
10 migration benefits to, Khalid Sheikh Mohammed or any
11 other detainee who—

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

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

17 SEC. 538. None of the funds made available in this
18 Act may be used for first-class travel by the employees
19 of agencies funded by this Act in contravention of sections
20 301–10.122 through 301.10–124 of title 41, Code of Fed-
21 eral Regulations.

22 SEC. 539. None of the funds made available in this
23 Act may be used to propose or effect a disciplinary or ad-
24 verse action, with respect to any Department of Homeland
25 Security employee who engages regularly with the public

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

9 SEC. 540. None of the funds made available in this
10 Act may be used to employ workers described in section
11 274A(h)(3) of the Immigration and Nationality Act (8
12 U.S.C. 1324a(h)(3)).

13 SEC. 541. (a) Any company that collects or retains
14 personal information directly from any individual who par-
15 ticipates in the Registered Traveler program of the Trans-
16 portation Security Administration shall safeguard and dis-
17 pose of such information in accordance with the require-
18 ments in—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (B) specification of—

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

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

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

18 SEC. 544. In developing any process to screen avia-
19 tion passengers and crews for transportation or national
20 security purposes, the Secretary of Homeland Security
21 shall ensure that all such processes take into consideration
22 such passengers' and crews' privacy and civil liberties con-
23 sistent with applicable laws, regulations, and guidance.

24 SEC. 545. Sections 1309(a) and 1319 of the National
25 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and

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

3 SEC. 546. (a) Notwithstanding section 1356(n) of
4 title 8, United States Code, of the funds deposited into
5 the Immigration Examinations Fee Account, \$8,500,000
6 is available to United States Citizenship and Immigration
7 Services in fiscal year 2012 for the purpose of providing
8 an immigrant integration grants program.

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

14 SEC. 547. (a) The Secretary of Homeland Security
15 may transfer to the Secretary of the Interior amounts
16 available for environmental mitigation requirements for
17 “U.S. Customs and Border Protection, Border Security
18 Fencing, Infrastructure, and Technology” for fiscal years
19 2009, 2010, 2011, and 2012, for use by the Secretary of
20 the Interior under laws administered by such Secretary
21 to mitigate adverse environmental impacts, resulting di-
22 rectly from construction, operation, and maintenance ac-
23 tivities by the Department of Homeland Security related
24 to border security.

1 (b) Uses of funds authorized by this section include
2 minimal, necessary acquisition of land or interests in land
3 that will, in the judgment of the Secretary of the Interior,
4 mitigate or offset such adverse impacts.

5 (c) Any funds transferred under this section shall be
6 used in accordance with a written agreement between the
7 Secretaries.

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

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

24 SEC. 548. Of the funds transferred to the Depart-
25 ment of Homeland Security when it was created in 2003,

1 TITLE VII
2 SPENDING REDUCTION ACCOUNT
3 SEC. 701. The amount by which the applicable alloca-
4 tion of new budget authority made by the Committee on
5 Appropriations of the House of Representatives under sec-
6 tion 302(b) of the Congressional Budget Act of 1974 ex-
7 ceeds the amount of proposed new budget authority is \$0.
8 This Act may be cited as the “Department of Home-
9 land Security Appropriations Act, 2012”.

Union Calendar No. 50

112TH CONGRESS
1ST Session

H. R. 2017

[Report No. 112-91]

A BILL

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

MAY 26, 2011

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