

Calendar No. 426

112TH CONGRESS
2^D SESSION

H. R. 5855

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2012

Received; read twice and placed on the calendar

AN ACT

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

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

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

7 For necessary expenses of the Office of the Secretary
8 of Homeland Security, as authorized by section 102 of the
9 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
10 tive management of the Department of Homeland Secu-
11 rity, as authorized by law, \$121,850,000 (reduced by
12 \$50,000): *Provided*, That not to exceed \$45,000 shall be
13 for official reception and representation expenses, of which
14 \$17,000 shall be made available to the Office of Policy
15 for Visa Waiver Program negotiations in Washington, DC,
16 and for other international activities: *Provided further*,
17 That all official costs associated with the use of govern-
18 ment aircraft by Department of Homeland Security per-
19 sonnel to support official travel of the Secretary and the
20 Deputy Secretary shall be paid from amounts made avail-
21 able for the Immediate Office of the Secretary and the
22 Immediate Office of the Deputy Secretary: *Provided fur-*
23 *ther*, That \$5,000,000 shall not be available for obligation
24 by the Office of General Counsel until a final rule for air-
25 craft repair station security has been published: *Provided*

1 *further*, That \$71,079,000 shall not be available for obliga-
2 tion until the Secretary of Homeland Security submits to
3 the Committees on Appropriations of the Senate and the
4 House of Representatives all statutorily required reports
5 and plans that are due with the submission of the Presi-
6 dent's budget proposal for fiscal year 2014 pursuant to
7 the requirements of section 1105(a) of title 31, United
8 States Code: *Provided further*, That the Secretary of
9 Homeland Security shall submit the consolidation plan, as
10 directed under the heading "Consolidation of Weapons of
11 Mass Destruction Defense Programs" in the accom-
12 panying report, not later than 180 days after the date of
13 enactment of this Act.

14 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

15 For necessary expenses of the Office of the Under
16 Secretary for Management, as authorized by sections 701
17 through 705 of the Homeland Security Act of 2002 (6
18 U.S.C. 341 through 345), \$213,128,000 (reduced by
19 \$7,667,000) (reduced by \$5,000,000) (reduced by
20 \$10,000,000) (reduced by \$10,000,000), of which not to
21 exceed \$2,500 shall be for official reception and represen-
22 tation expenses: *Provided*, That of the total amount made
23 available under this heading, \$5,448,000 shall remain
24 available until September 30, 2017, solely for the alter-
25 ation and improvement of facilities, tenant improvements,

1 and relocation costs to consolidate Department head-
2 quarters operations at the Nebraska Avenue Complex; and
3 \$9,689,000 shall remain available until September 30,
4 2015, for the Human Resources Information Technology
5 program: *Provided further*, That \$124,325,000 shall not
6 be available for obligation until the Secretary of Homeland
7 Security submits to the Committees on Appropriations of
8 the Senate and the House of Representatives all statu-
9 torily required reports and plans that are due with the
10 submission of the President’s budget proposal for fiscal
11 year 2014 pursuant to the requirements of section
12 1105(a) of title 31, United States Code: *Provided further*,
13 That the Under Secretary for Management shall, pursuant
14 to the requirements contained in House Report 112–331,
15 submit to the Committees on Appropriations of the Senate
16 and the House of Representatives a Comprehensive Acqui-
17 sition Status Report, including the information required
18 under the heading “Office of the Under Secretary for
19 Management” under title I of division D of the Consoli-
20 dated Appropriations Act, 2012 (Public Law 112–74),
21 with the President’s budget proposal for fiscal year 2014
22 submitted pursuant to the requirements of section 1105(a)
23 of title 31, United States Code, and quarterly updates to
24 such report not later than 45 days after the completion
25 of each quarter.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-
3 nancial Officer, as authorized by section 103 of the Home-
4 land Security Act of 2002 (6 U.S.C. 113), \$49,743,000,
5 of which \$6,700,000 shall remain available until Sep-
6 tember 30, 2014 for financial systems modernization ef-
7 forts: *Provided*, That \$29,017,000 shall not be available
8 for obligation until the Secretary of Homeland Security
9 submits to the Committees on Appropriations of the Sen-
10 ate and the House of Representatives all statutorily re-
11 quired reports and plans that are due with the submission
12 of the President's budget proposal for fiscal year 2014
13 pursuant to the requirements of section 1105(a) of title
14 31, United States Code.

15 OFFICE OF THE CHIEF INFORMATION OFFICER

16 For necessary expenses of the Office of the Chief In-
17 formation Officer, as authorized by section 103 of the
18 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
19 partment-wide technology investments, \$241,543,000; of
20 which \$116,870,000 shall be available for salaries and ex-
21 penses; and of which \$124,673,000, to remain available
22 until September 30, 2015, shall be available for develop-
23 ment and acquisition of information technology equip-
24 ment, software, services, and related activities for the De-
25 partment of Homeland Security.

1 ANALYSIS AND OPERATIONS

2 For necessary expenses for intelligence analysis and
3 operations coordination activities, as authorized by title II
4 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
5 seq.), \$317,400,000; of which not to exceed \$4,250 shall
6 be for official reception and representation expenses; and
7 of which \$93,764,000 shall remain available until Sep-
8 tember 30, 2014.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978 (5 U.S.C. App.), \$109,264,000, of
13 which not to exceed \$300,000 may be used for certain con-
14 fidential operational expenses, including the payment of
15 informants, to be expended at the direction of the Inspec-
16 tor General.

17 TITLE II

18 SECURITY, ENFORCEMENT, AND

19 INVESTIGATIONS

20 U.S. CUSTOMS AND BORDER PROTECTION

21 SALARIES AND EXPENSES

22 For necessary expenses for enforcement of laws relat-
23 ing to border security, immigration, customs, agricultural
24 inspections and regulatory activities related to plant and
25 animal imports, and transportation of unaccompanied

1 minor aliens; purchase and lease of up to 7,500 (6,500
2 for replacement only) police-type vehicles; and contracting
3 with individuals for personal services abroad;
4 \$8,366,024,000 (increased by \$43,000); of which
5 \$3,274,000 shall be derived from the Harbor Maintenance
6 Trust Fund for administrative expenses related to the col-
7 lection of the Harbor Maintenance Fee pursuant to section
8 9505(c)(3) of the Internal Revenue Code of 1986 (26
9 U.S.C. 9505(c)(3)) and notwithstanding section
10 1511(e)(1) of the Homeland Security Act of 2002 (6
11 U.S.C. 551(e)(1)); of which not to exceed \$38,250 shall
12 be for official reception and representation expenses; of
13 which not less than \$284,530,000 shall be for Air and Ma-
14 rine Operations; of which such sums as become available
15 in the Customs User Fee Account, except sums subject
16 to section 13031(f)(3) of the Consolidated Omnibus Budg-
17 et Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall
18 be derived from that account; of which not to exceed
19 \$150,000 shall be available for payment for rental space
20 in connection with preclearance operations; of which not
21 to exceed \$1,000,000 shall be for awards of compensation
22 to informants, to be accounted for solely under the certifi-
23 cate of the Secretary of Homeland Security: *Provided*,
24 That for fiscal year 2013, the overtime limitation pre-
25 scribed in section 5(c)(1) of the Act of February 13, 1911

1 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwith-
2 standing any other provision of law, none of the funds ap-
3 propriated by this Act may be available to compensate any
4 employee of U.S. Customs and Border Protection for over-
5 time, from whatever source, in an amount that exceeds
6 such limitation, except in individual cases determined by
7 the Secretary of Homeland Security, or the designee of
8 the Secretary, to be necessary for national security pur-
9 poses, to prevent excessive costs, or in cases of immigra-
10 tion emergencies: *Provided further*, That the Border Pa-
11 trol shall maintain an active duty presence of not less than
12 21,370 full-time equivalent agents protecting the borders
13 of the United States in the fiscal year: *Provided further*,
14 That \$836,600,000 shall not be available for obligation
15 until the Commissioner of U.S. Customs and Border Pro-
16 tection submits to the Committees on Appropriations of
17 the Senate and the House of Representatives the multi-
18 year investment and management plans that are due with
19 the submission of the President's budget proposal for fis-
20 cal year 2014 as submitted pursuant to the requirements
21 of section 1105(a) of title 31, United States Code.

22 AUTOMATION MODERNIZATION

23 For expenses for U.S. Customs and Border Protec-
24 tion automated systems, \$700,242,000 to remain available
25 until September 30, 2015, of which not less than

1 \$138,794,000 shall be for the development of the Auto-
2 mated Commercial Environment.

3 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
4 TECHNOLOGY

5 For expenses for border security fencing, infrastruc-
6 ture, and technology, \$327,099,000 (increased by
7 \$10,000,000) (reduced by \$3,000,000), to remain avail-
8 able until September 30, 2015.

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

11 For necessary expenses for the operations, mainte-
12 nance, and procurement of marine vessels, aircraft, un-
13 manned aircraft systems, and other related equipment of
14 the air and marine program, including operational train-
15 ing and mission-related travel, the operations of which in-
16 clude the following: the interdiction of narcotics and other
17 goods; the provision of support to Federal, State, and local
18 agencies in the enforcement or administration of laws en-
19 forced by the Department of Homeland Security; and, at
20 the discretion of the Secretary of Homeland Security, the
21 provision of assistance to Federal, State, and local agen-
22 cies in other law enforcement and emergency humani-
23 tarian efforts, \$518,469,000 (increased by \$624,000), to
24 remain available until September 30, 2015: *Provided,*
25 That no aircraft or other related equipment, with the ex-

1 ception of aircraft that are one of a kind and have been
2 identified as excess to U.S. Customs and Border Protec-
3 tion requirements and aircraft that have been damaged
4 beyond repair, shall be transferred to any other Federal
5 agency, department, or office outside of the Department
6 of Homeland Security during fiscal year 2013 without the
7 prior approval of the Committees on Appropriations of the
8 Senate and the House of Representatives: *Provided fur-*
9 *ther*, That the Secretary of Homeland Security shall report
10 to the Committees on Appropriations of the Senate and
11 the House of Representatives, not later than 90 days after
12 the date of enactment of this Act, on any changes to the
13 5-year strategic plan for the air and marine program re-
14 quired under this heading in Public Law 112-74.

15 CONSTRUCTION AND FACILITIES MANAGEMENT

16 For necessary expenses to plan, acquire, construct,
17 renovate, equip, furnish, operate, manage, and maintain
18 buildings, facilities, and related infrastructure necessary
19 for the administration and enforcement of the laws relat-
20 ing to customs, immigration, and border security,
21 \$252,567,000, to remain available until September 30,
22 2017: *Provided*, That the Commissioner of U.S. Customs
23 and Border Protection shall submit to the Committees on
24 Appropriations of the Senate and the House of Represent-
25 atives, at the time that the President's budget proposal

1 is submitted pursuant to the requirements of section
2 1105(a) of title 31, United States Code, an inventory of
3 the real property of U.S. Customs and Border Protection
4 and a plan for each activity and project proposed for fund-
5 ing under this heading that includes the full cost by fiscal
6 year of each activity and project proposed and underway
7 in fiscal year 2014.

8 IMMIGRATION AND CUSTOMS ENFORCEMENT

9 SALARIES AND EXPENSES

10 For necessary expenses for enforcement of immigra-
11 tion and customs laws, detention and removals, and inves-
12 tigation, including overseas vetted units operations; and
13 purchase and lease of up to 3,790 (2,350 for replacement
14 only) police-type vehicles; \$5,236,331,000 (reduced by
15 \$20,000,000) (increased by \$20,000,000); of which not to
16 exceed \$10,000,000 shall be available until expended for
17 conducting special operations under section 3131 of the
18 Customs Enforcement Act of 1986 (19 U.S.C. 2081); of
19 which not to exceed \$12,750 shall be for official reception
20 and representation expenses; of which not to exceed
21 \$2,000,000 shall be for awards of compensation to inform-
22 ants, to be accounted for solely under the certificate of
23 the Secretary of Homeland Security; of which not less
24 than \$305,000 shall be for promotion of public awareness
25 of the child pornography tipline and activities to counter

1 child exploitation; of which not less than \$68,321,000
2 shall be used to facilitate agreements consistent with sec-
3 tion 287(g) of the Immigration and Nationality Act (8
4 U.S.C. 1357(g)); and of which not to exceed \$11,216,000
5 shall be available to fund or reimburse other Federal agen-
6 cies for the costs associated with the care, maintenance,
7 and repatriation of smuggled aliens unlawfully present in
8 the United States: *Provided*, That none of the funds made
9 available under this heading shall be available to com-
10 pensate any employee for overtime in an annual amount
11 in excess of \$35,000, except that the Secretary of Home-
12 land Security, or the designee of the Secretary, may waive
13 that amount as necessary for national security purposes
14 and in cases of immigration emergencies: *Provided further*,
15 That of the total amount provided, \$15,770,000 shall be
16 for activities to enforce laws against forced child labor,
17 of which not to exceed \$6,000,000 shall remain available
18 until expended: *Provided further*, That not less than
19 \$10,000,000 shall be available for investigation of intellec-
20 tual property rights violations, including the National In-
21 tellectual Property Rights Coordination Center: *Provided*
22 *further*, That not less than \$134,626,000 shall be for
23 worksite enforcement investigations, audits, and activities:
24 *Provided further*, That of the total amount available, not
25 less than \$1,600,000,000 shall be available to identify

1 aliens convicted of a crime who may be deportable, and
2 to remove them from the United States once they are
3 judged deportable, of which \$138,249,000 shall be for
4 completion of Secure Communities deployment: *Provided*
5 *further*, That the Assistant Secretary of Homeland Secu-
6 rity for U.S. Immigration and Customs Enforcement shall
7 report to the Committees on Appropriations of the Senate
8 and the House of Representatives, not later than 45 days
9 after the end of each quarter of the fiscal year, on progress
10 in implementing the preceding proviso and the funds obli-
11 gated during that quarter to make such progress: *Provided*
12 *further*, That the Secretary of Homeland Security shall
13 prioritize the identification and removal of aliens convicted
14 of a crime by the severity of that crime: *Provided further*,
15 That funding made available under this heading shall
16 maintain a level of not less than 34,000 detention beds
17 through September 30, 2013: *Provided further*, That of
18 the total amount provided, not less than \$2,749,840,000
19 is for detention and removal operations, including trans-
20 portation of unaccompanied minor aliens, of which not less
21 than \$91,460,000 shall be for alternatives to detention:
22 *Provided further*, That of the total amount provided,
23 \$10,300,000 shall remain available until September 30,
24 2014, for the Visa Security Program: *Provided further*,
25 That none of the funds provided under this heading may

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

19 AUTOMATION MODERNIZATION

20 For expenses of immigration and customs enforce-
21 ment automated systems, \$232,006,000, to remain avail-
22 able until September 30, 2015: *Provided*, That, subject to
23 section 503 of this Act, the Secretary of Homeland Secu-
24 rity may transfer up to \$5,000,000 to the Office of Bio-
25 metric Identity Management to support the transition of

1 the Arrival and Departure System: *Provided further*, That
2 amounts transferred pursuant to the preceding provision
3 shall remain available until September 30, 2014.

4 CONSTRUCTION

5 For necessary expenses to plan, construct, renovate,
6 equip, and maintain buildings and facilities necessary for
7 the administration and enforcement of the laws relating
8 to customs and immigration, \$5,450,000, to remain avail-
9 able until September 30, 2016.

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), \$5,041,230,000 (increased by
17 \$10,000,000) (reduced by \$10,000,000), to remain avail-
18 able until September 30, 2014, of which not to exceed
19 \$8,500 shall be for official reception and representation
20 expenses: *Provided*, That of the total amount made avail-
21 able under this heading, not to exceed \$3,969,569,000
22 shall be for screening operations, of which \$409,000,000
23 shall be available for explosives detection systems;
24 \$120,239,000 shall be for checkpoint support; and not to
25 exceed \$1,071,661,000 shall be for aviation security direc-

1 tion and enforcement: *Provided further*, That of the
2 amount made available in the preceding proviso for explo-
3 sives detection systems, \$100,000,000 shall be available
4 for the purchase and installation of these systems, of
5 which not less than 9 percent shall be available for the
6 purchase and installation of certified explosives detection
7 systems at medium- and small-sized airports: *Provided*
8 *further*, That any award to deploy explosives detection sys-
9 tems shall be based on risk, the airport's current reliance
10 on other screening solutions, lobby congestion resulting in
11 increased security concerns, high injury rates, airport
12 readiness, and increased cost effectiveness: *Provided fur-*
13 *ther*, That security service fees authorized under section
14 44940 of title 49, United States Code, shall be credited
15 to this appropriation as offsetting collections and shall be
16 available only for aviation security: *Provided further*, That
17 the sum appropriated under this heading from the general
18 fund shall be reduced on a dollar-for-dollar basis as such
19 offsetting collections are received during fiscal year 2013
20 so as to result in a final fiscal year appropriation from
21 the general fund estimated at not more than
22 \$2,971,230,000: *Provided further*, That any security serv-
23 ice fees collected in excess of the amount made available
24 under this heading shall become available during fiscal
25 year 2014: *Provided further*, That notwithstanding section

1 44923 of title 49, United States Code, for fiscal year
2 2013, any funds in the Aviation Security Capital Fund
3 established by section 44923(h) of title 49, United States
4 Code, may be used for the procurement and installation
5 of explosives detection systems or for the issuance of other
6 transaction agreements for the purpose of funding
7 projects described in section 44923(a) of such title: *Pro-*
8 *vided further*, That none of the funds made available in
9 this Act may be used for any recruiting or hiring of per-
10 sonnel into the Transportation Security Administration
11 that would cause the agency to exceed a staffing level of
12 46,000 full-time equivalent screeners: *Provided further*,
13 That the preceding proviso shall not apply to personnel
14 hired as part-time employees: *Provided further*, That not
15 later than 90 days after the date of enactment of this Act,
16 the Secretary of Homeland Security shall submit to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives a detailed report on—

19 (1) the Department of Homeland Security ef-
20 forts and resources being devoted to develop more
21 advanced integrated passenger screening tech-
22 nologies for the most effective security of passengers
23 and baggage at the lowest possible operating and ac-
24 quisition costs;

1 (2) how the Transportation Security Adminis-
2 tration is deploying its existing passenger and bag-
3 gage screener workforce in the most cost effective
4 manner; and

5 (3) labor savings from the deployment of im-
6 proved technologies for passenger and baggage
7 screening and how those savings are being used to
8 offset security costs or reinvested to address security
9 vulnerabilities:

10 *Provided further*, That Members of the United States
11 House of Representatives and United States Senate, in-
12 cluding the leadership; the heads of Federal agencies and
13 commissions, including the Secretary, Deputy Secretary,
14 Under Secretaries, and Assistant Secretaries of the De-
15 partment of Homeland Security; the United States Attor-
16 ney General, Deputy Attorney General, Assistant Attor-
17 neys General, and the United States Attorneys; and senior
18 members of the Executive Office of the President, includ-
19 ing the Director of the Office of Management and Budget,
20 shall not be exempt from Federal passenger and baggage
21 screening.

22 SURFACE TRANSPORTATION SECURITY

23 For necessary expenses of the Transportation Secu-
24 rity Administration related to surface transportation secu-

FEDERAL AIR MARSHALS

1
2 For necessary expenses of the Federal Air Marshals,
3 \$879,600,000: *Provided*, That the Director, Federal Air
4 Marshal Service, shall submit to the Committees on Ap-
5 propriations of the Senate and the House of Representa-
6 tives not later than 90 days after the enactment of this
7 Act a detailed, classified expenditure and staffing plan for
8 ensuring optimal coverage of high risk flights.

UNITED STATES COAST GUARD

OPERATING EXPENSES

10
11 For necessary expenses for the operation and mainte-
12 nance of the Coast Guard, not otherwise provided for; pur-
13 chase or lease of not to exceed 25 passenger motor vehi-
14 cles, which shall be for replacement only; purchase or lease
15 of small boats for contingent and emergent requirements
16 (at a unit cost of no more than \$700,000) and repairs
17 and service-life replacements, not to exceed a total of
18 \$31,000,000; purchase or lease of boats necessary for
19 overseas deployments and activities; minor shore construc-
20 tion projects not exceeding \$1,000,000 in total cost at any
21 location; payments pursuant to section 156 of Public Law
22 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
23 ation and welfare; \$6,759,627,000 (increased by
24 \$5,200,000); of which \$340,000,000 shall be for defense-
25 related activities; of which \$24,500,000 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)); and of which not to ex-
4 ceed \$17,000 shall be for official reception and representa-
5 tion expenses: *Provided*, That none of the funds made
6 available by this Act shall be for expenses incurred for rec-
7 reational vessels under section 12114 of title 46, United
8 States Code, except to the extent fees are collected from
9 owners of yachts and credited to this appropriation: *Pro-*
10 *vided further*, That the Coast Guard shall comply with the
11 requirements of section 527 of the National Defense Au-
12 thorization Act for Fiscal Year 2004 (10 U.S.C. 4331
13 note) with respect to the Coast Guard Academy: *Provided*
14 *further*, That of the funds provided under this heading,
15 \$75,000,000 shall be withheld from obligation for Coast
16 Guard Headquarters Directorates until a revised future-
17 years capital investment plan for fiscal years 2014
18 through 2018, as specified under the heading Coast Guard
19 “Acquisition, Construction, and Improvements” of this
20 Act, is submitted to the Committees on Appropriations of
21 the Senate and the House of Representatives: *Provided*
22 *further*, That of the funds made available under this head-
23 ing, such sums as may be necessary shall be available to
24 the Secretary of Homeland Security to comply with the
25 Coast Guard’s energy management requirements under

1 section 543(f)(7) of the National Energy Conservation
2 Policy Act (42 U.S.C. 8253(f)(7)).

3 ENVIRONMENTAL COMPLIANCE AND RESTORATION

4 For necessary expenses to carry out the environ-
5 mental compliance and restoration functions of the Coast
6 Guard under chapter 19 of title 14, United States Code,
7 \$12,151,000, to remain available until September 30,
8 2017.

9 RESERVE TRAINING

10 For necessary expenses of the Coast Guard Reserve,
11 as authorized by law; operations and maintenance of the
12 Coast Guard reserve program; personnel and training
13 costs; and equipment and services; \$115,528,000.

14 AUTOMATION MODERNIZATION

15 For expenses of the Coast Guard automated systems,
16 \$50,000,000 (reduced by \$5,200,000), to remain available
17 until September 30, 2015.

18 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of acquisition, construction,
20 renovation, and improvement of aids to navigation, shore
21 facilities, vessels, and aircraft, including equipment related
22 thereto; and maintenance, rehabilitation, lease, and oper-
23 ation of facilities and equipment; as authorized by law;
24 \$1,428,593,000, of which \$20,000,000 shall be derived
25 from the Oil Spill Liability Trust Fund to carry out the

1 purposes of section 1012(a)(5) of the Oil Pollution Act
2 of 1990 (33 U.S.C. 2712(a)(5)); of which \$938,000,000
3 shall be available until September 30, 2017, to acquire,
4 effect major repairs to, renovate, or improve vessels, small
5 boats, and related equipment; of which \$204,500,000 shall
6 be available until September 30, 2017, to acquire, effect
7 major repairs to, renovate, or improve aircraft or increase
8 aviation capability; of which \$59,000,000 shall be avail-
9 able until September 30, 2017, for other acquisition pro-
10 grams; of which \$109,911,000 shall be available until Sep-
11 tember 30, 2017, for shore facilities and aids to naviga-
12 tion, including waterfront facilities at Navy installations
13 used by the Coast Guard; of which \$117,182,000 shall be
14 available for personnel compensation and benefits and re-
15 lated costs: *Provided*, That of the funds provided under
16 this heading, \$66,000,000 shall be immediately appor-
17 tioned for contract for long lead-time materials, compo-
18 nents, and designs for the seventh National Security Cut-
19 ter notwithstanding the availability of funds for produc-
20 tion costs or post-production costs: *Provided further*, That
21 \$10,000,000 shall be available for infrastructure construc-
22 tion, to include design, engineering, and oversight required
23 to support the continued development of the Department
24 of Homeland Security consolidated headquarters; and all
25 projects using this funding, with all related obligations

1 and expenditures, shall be subject to the management re-
2 view, approval, and oversight of the Department of Home-
3 land Security, Office of the Under Secretary for Manage-
4 ment: *Provided further*, That the Secretary of Homeland
5 Security shall submit to the Committees on Appropria-
6 tions of the Senate and the House of Representatives, at
7 the time that the President’s budget proposal is submitted
8 pursuant to the requirements of section 1105(a) of title
9 31, United States Code, a future-years capital investment
10 plan for the Coast Guard that identifies for each requested
11 capital asset—

12 (1) the proposed appropriations included in that
13 budget;

14 (2) the total estimated cost of completion, in-
15 cluding and clearly delineating the costs of associ-
16 ated major acquisition systems infrastructure and
17 transition to operations;

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

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

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

1 (A) includes the total acquisition cost of
2 each asset, subdivided by fiscal year and includ-
3 ing a detailed description of the purpose of the
4 proposed funding levels for each fiscal year, in-
5 cluding for each fiscal year funds requested for
6 design, pre-acquisition activities, production,
7 structural modifications, missionization, post-
8 delivery, and transition to operations costs;

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

12 (i) quantities planned for each fiscal
13 year; and

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

21 (C) notes and explains any deviations in
22 cost, performance parameters, schedule, or esti-
23 mated date of completion from the original ac-
24 quisition program baseline and the most recent
25 baseline approved by the Department of Home-

1 land Security's Investment Review Board, if ap-
2 plicable;

3 (D) aligns the acquisition of each asset to
4 mission requirements by defining existing capa-
5 bilities of comparable legacy assets, identifying
6 known capability gaps between such existing ca-
7 pabilities and stated mission requirements, and
8 explaining how the acquisition of each asset will
9 address such known capability gaps;

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

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

21 (G) includes a phase-out and decommis-
22 sioning schedule delineated by fiscal year for
23 each existing legacy asset that each asset is in-
24 tended to replace or recapitalize:

1 *Provided further*, That the Secretary of Homeland Security shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget proposal as submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall apply with respect to the amounts made available under this heading.

15 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

16 For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$19,690,000, to remain available until September 30, 2017, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local

1 governments, other public authorities, private sources, and
2 foreign countries for expenses incurred for research, devel-
3 opment, testing, and evaluation.

4 RETIRED PAY

5 For retired pay, including the payment of obligations
6 otherwise chargeable to lapsed appropriations for this pur-
7 pose, payments under the Retired Serviceman's Family
8 Protection and Survivor Benefits Plans, payment for ca-
9 reer status bonuses, concurrent receipts and combat-re-
10 lated special compensation under the National Defense
11 Authorization Act, and payments for medical care of re-
12 tired personnel and their dependents under chapter 55 of
13 title 10, United States Code, \$1,423,000,000 to remain
14 available until expended.

15 UNITED STATES SECRET SERVICE

16 SALARIES AND EXPENSES

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

1 ownership or control, as may be necessary to perform pro-
2 tective functions; payment of per diem or subsistence al-
3 lowances to employees in cases in which a protective as-
4 signment on the actual day or days of the visit of a
5 protectee requires an employee to work 16 hours per day
6 or to remain overnight at a post of duty; conduct of and
7 participation in firearms matches; presentation of awards;
8 travel of United States Secret Service employees on pro-
9 tective missions without regard to the limitations on such
10 expenditures in this or any other Act if approval is ob-
11 tained in advance from the Committees on Appropriations
12 of the Senate and the House of Representatives; research
13 and development; grants to conduct behavioral research in
14 support of protective research and operations; and pay-
15 ment in advance for commercial accommodations as may
16 be necessary to perform protective functions;
17 \$1,556,055,000, of which not to exceed \$21,250 shall be
18 for official reception and representation expenses; of which
19 not to exceed \$100,000 shall be to provide technical assist-
20 ance and equipment to foreign law enforcement organiza-
21 tions in counterfeit investigations; of which \$2,366,000
22 shall be for forensic and related support of investigations
23 of missing and exploited children; and of which
24 \$6,000,000 shall be for a grant for activities related to
25 investigations of missing and exploited children and shall

1 remain available until September 30, 2014: *Provided*,
2 That up to \$18,000,000 for protective travel shall remain
3 available until September 30, 2014: *Provided further*, That
4 up to \$4,500,000 for National Special Security Events
5 shall remain available until September 30, 2014: *Provided*
6 *further*, That the United States Secret Service is author-
7 ized to obligate funds in anticipation of reimbursements
8 from Federal agencies and entities, as defined in section
9 105 of title 5, United States Code, for personnel receiving
10 training sponsored by the James J. Rowley Training Cen-
11 ter, except that total obligations at the end of the fiscal
12 year shall not exceed total budgetary resources available
13 under this heading at the end of the fiscal year: *Provided*
14 *further*, That none of the funds made available under this
15 heading shall be available to compensate any employee for
16 overtime in an annual amount in excess of \$35,000, except
17 that the Secretary of Homeland Security, or the designee
18 of the Secretary, may waive that amount as necessary for
19 national security purposes: *Provided further*, That none of
20 the funds made available to the United States Secret Serv-
21 ice by this Act or by previous appropriations Acts may
22 be made available for the protection of the head of a Fed-
23 eral agency other than the Secretary of Homeland Secu-
24 rity: *Provided further*, That the Director of the United
25 States Secret Service may enter into an agreement to pro-

1 vide such protection on a fully reimbursable basis: *Pro-*
2 *vided further*, That none of the funds made available to
3 the United States Secret Service by this Act or by previous
4 appropriations Acts may be obligated for the purpose of
5 opening a new permanent domestic or overseas office or
6 location unless the Committees on Appropriations of the
7 Senate and the House of Representatives are notified 15
8 days in advance of such obligation.

9 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses for acquisition, construction,
11 and improvement of physical and technological infrastruc-
12 ture, \$56,750,000, of which \$4,430,000, to remain avail-
13 able until September 30, 2017, shall be for acquisition,
14 construction, improvement, and maintenance of facilities,
15 and of which \$52,320,000, to remain available until Sep-
16 tember 30, 2015, shall be for information integration and
17 technology transformation project execution: *Provided*,
18 That the Director of the United States Secret Service shall
19 submit to the Committees on Appropriations of the Senate
20 and the House of Representatives at the time that the
21 President's budget proposal for fiscal year 2014 is sub-
22 mitted pursuant to the requirements of section 1105(a)
23 of title 31, United States Code, a multi-year investment
24 and management plan for its Information Integration and
25 Technology Transformation program that describes fund-

1 ing for the current fiscal year and the following 3 fiscal
2 years, with associated plans for systems acquisition and
3 technology deployment.

4 TITLE III

5 PROTECTION, PREPAREDNESS, RESPONSE, AND
6 RECOVERY

7 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
8 MANAGEMENT AND ADMINISTRATION

9 For salaries and expenses of the Office of the Under
10 Secretary for the National Protection and Programs Di-
11 rectorate, support for operations, and information tech-
12 nology, \$45,321,000: *Provided*, That not to exceed \$4,250
13 shall be for official reception and representation expenses.

14 INFRASTRUCTURE PROTECTION AND INFORMATION
15 SECURITY

16 For necessary expenses for infrastructure protection
17 and information security programs and activities, as au-
18 thorized by title II of the Homeland Security Act of 2002
19 (6 U.S.C. 121 et seq.), \$1,110,430,000, of which
20 \$200,000,000, shall remain available until September 30,
21 2014.

22 FEDERAL PROTECTIVE SERVICE

23 The revenues and collections of security fees credited
24 to this account shall be available until expended for nec-
25 essary expenses related to the protection of federally

1 owned and leased buildings and for the operations of the
2 Federal Protective Service: *Provided*, That the Director of
3 the Federal Protective Service shall include with the sub-
4 mission of the President's fiscal year 2014 budget a stra-
5 tegic human capital plan that aligns fee collections to per-
6 sonnel requirements based on a current threat assessment.

7 OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

8 For necessary expenses for the Office of Biometric
9 Identity Management, as authorized by section 7208 of
10 the Intelligence Reform and Terrorism Prevention Act of
11 2004 (8 U.S.C. 1365b), \$191,380,000: *Provided*, That of
12 the total amount made available under this heading,
13 \$156,486,000 shall remain available until September 30,
14 2015: *Provided further*, That, subject to section 503 of
15 this Act, the Secretary of Homeland Security may transfer
16 up to \$5,000,000 to U.S. Immigration and Customs En-
17 forcement to support the transition of the Arrival and De-
18 parture Information System: *Provided further*, That
19 amounts transferred pursuant to the preceding proviso
20 shall remain available until September 30, 2014: *Provided*
21 *further*, That the Secretary shall submit to the Committees
22 on Appropriations of the Senate and the House of Rep-
23 resentatives not later than 60 days after the date of enact-
24 ment of this Act, an expenditure plan for the Office of
25 Biometric Identity Management: *Provided further*, That of

1 the total amount made available under this heading,
2 \$25,000,000 may not be obligated for the Office of Bio-
3 metric Identity Management until the Secretary of Home-
4 land Security submits to the Committees on Appropria-
5 tions of the Senate and the House of Representatives, at
6 the time that the President's budget proposal for fiscal
7 year 2014 is submitted pursuant to the requirements of
8 section 1105(a) of title 31, United States Code, a multi-
9 year investment and management plan for the Office of
10 Biometric Identity Management: *Provided further*, That
11 such multi-year investment and management plan shall in-
12 clude, for the current fiscal year and the following 3 fiscal
13 years, for the Office of Biometric Identity Management
14 program, the following—

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

22 (2) the total estimated cost, projected funding
23 by fiscal year, and projected timeline of completion
24 for all enhancements, modernizations, and new capa-
25 bilities proposed in such budget and underway, in-

1 including and clearly delineating associated efforts and
2 funds requested by other agencies within the De-
3 partment of Homeland Security and in the Federal
4 Government, and detailing any deviations in cost,
5 performance, schedule, or estimated date of comple-
6 tion provided in the prior fiscal year expenditure or
7 investment and management plan; and

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

11 OFFICE OF HEALTH AFFAIRS

12 For necessary expenses of the Office of Health Af-
13 fairs, \$132,003,000; of which \$27,702,000 is for salaries
14 and expenses and \$85,394,000 is for BioWatch oper-
15 ations: *Provided*, That \$18,907,000 shall remain available
16 until September 30, 2014, for biosurveillance, chemical de-
17 fense, medical and health planning and coordination, and
18 workforce health protection: *Provided further*, That not to
19 exceed \$2,500 shall be for official reception and represen-
20 tation expenses: *Provided further*, That the Assistant Sec-
21 retary for the Office of Health Affairs shall submit an ex-
22 penditure plan for fiscal year 2013 to the Committees on
23 Appropriations of the Senate and the House of Represent-
24 atives not later than 45 days after the date of enactment
25 of this Act.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Emergency
4 Management Agency, \$712,565,000 (increased by
5 \$7,667,000), including activities authorized by the Na-
6 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
7 seq.), the Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
9 Grande Fire Assistance Act of 2000 (division C, title I,
10 114 Stat. 583), the Earthquake Hazards Reduction Act
11 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
12 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
13 and 303 of the National Security Act of 1947 (50 U.S.C.
14 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
15 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
16 et seq.), and the Post-Katrina Emergency Management
17 Reform Act of 2006 (Public Law 109–295; 120 Stat.
18 1394): *Provided*, That not to exceed \$2,500 shall be for
19 official reception and representation expenses: *Provided*
20 *further*, That for purposes of planning, coordination, exe-
21 cution, and decision making related to mass evacuation
22 during a disaster, the Governors of the State of West Vir-
23 ginia and the Commonwealth of Pennsylvania, or their
24 designees, shall be incorporated into efforts to integrate
25 the activities of Federal, State, and local governments in

1 the National Capital Region, as defined in section 882 of
2 the Homeland Security Act of 2002: *Provided further*,
3 That of the total amount made available under this head-
4 ing, \$27,513,000 (increased by \$7,667,000) shall be for
5 the Urban Search and Rescue Response System, of which
6 no funds may be used for administrative costs: *Provided*
7 *further*, That, of the total amount made available under
8 this heading, \$22,000,000 shall remain available until
9 September 30, 2014, for capital improvements and other
10 expenses related to continuity of operations at the Mount
11 Weather Emergency Operations Center.

12 AUTOMATION MODERNIZATION

13 For necessary expenses for automated systems of the
14 Federal Emergency Management Agency, \$58,048,000 to
15 remain available until September 30, 2015.

16 STATE AND LOCAL PROGRAMS

17 (INCLUDING TRANSFER OF FUNDS)

18 For grants, contracts, cooperative agreements, and
19 other activities, \$1,762,589,000 (increased by
20 \$10,000,000), which shall be distributed, according to
21 threat, vulnerability, and consequence, at the discretion of
22 the Secretary of Homeland Security based on the following
23 authorities:

24 (1) The State Homeland Security Grant Pro-
25 gram under section 2004 of the Homeland Security

1 Act of 2002 (6 U.S.C. 605): *Provided*, That notwith-
2 standing subsection (c)(4) of such section 2004, for
3 fiscal year 2012, the Commonwealth of Puerto Rico
4 shall make available to local and tribal governments
5 amounts provided to the Commonwealth of Puerto
6 Rico under this paragraph in accordance with sub-
7 section (c)(1) of such section 2004.

8 (2) The Urban Area Security Initiative under
9 section 2003 of the Homeland Security Act of 2002
10 (6 U.S.C. 604).

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

14 (4) The Citizen Corps Program.

15 (5) Public Transportation Security Assistance
16 and Railroad Security Assistance, under sections
17 1406 and 1513 of the Implementing Recommenda-
18 tions of the 9/11 Commission Act of 2007 (6 U.S.C.
19 1135 and 1163), including Amtrak security: *Pro-*
20 *vided*, That such public transportation security as-
21 sistance shall be provided directly to public transpor-
22 tation agencies.

23 (6) Over-the-Road Bus Security Assistance
24 under section 1532 of the Implementing Rec-

1 ommendations of the 9/11 Commission Act of 2007
2 (6 U.S.C. 1182).

3 (7) Port Security Grants in accordance with
4 section 70107 of title 46, United States Code.

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

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

11 (10) Emergency Operations Centers under sec-
12 tion 614 of the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act (42 U.S.C. 5196c).

14 (11) Buffer Zone Protection Program grants.

15 (12) Organizations (as described under section
16 501(c)(3) of the Internal Revenue Code of 1986 and
17 exempt from tax section 501(a) of such code) deter-
18 mined by the Secretary to be at high risk of a ter-
19 rorist attack:

20 *Provided*, That of the amount provided under this head-
21 ing, \$55,000,000 shall be for Operation Stonegarden and
22 no less than \$150,000,000 shall be for areas at the highest
23 threat of a terrorist attack: *Provided further*, That
24 \$231,681,000 shall be to sustain current operations for
25 training, exercises, technical assistance, and other pro-

1 grams, of which \$155,500,000 shall be for training of
2 State, local, and tribal emergency response providers: *Pro-*
3 *vided further*, That for grants under paragraphs (1)
4 through (12), applications for grants shall be made avail-
5 able to eligible applicants not later than 60 days after the
6 date of enactment of this Act, that eligible applicants shall
7 submit applications not later than 80 days after the grant
8 announcement, and the Administrator of the Federal
9 Emergency Management Agency shall act within 65 days
10 after the receipt of an application: *Provided further*, That
11 notwithstanding section 2008(a)(11) of the Homeland Se-
12 curity Act of 2002 (6 U.S.C. 609(a)(11)), or any other
13 provision of law, a grantee may use not more than 5 per-
14 cent of the amount of a grant made available under this
15 heading for expenses directly related to administration of
16 the grant: *Provided further*, That 7.02 percent of the
17 amounts provided under this heading shall be transferred
18 to the Federal Emergency Management Agency “Salaries
19 and Expenses” account for program administration: *Pro-*
20 *vided further*, That for grants under paragraphs (1) and
21 (2), the installation of communication towers is not con-
22 sidered construction of a building or other physical facil-
23 ity: *Provided further*, That grantees shall provide reports
24 on their use of funds, as determined necessary by the Sec-
25 retary of Homeland Security: *Provided further*, That in fis-

1 cal year 2013: (a) the Center for Domestic Preparedness
2 may provide training to emergency response providers
3 from the Federal Government, foreign governments, or
4 private entities, if the Center for Domestic Preparedness
5 is reimbursed for the cost of such training, and any reim-
6 bursement under this subsection shall be credited to the
7 account from which the expenditure being reimbursed was
8 made and shall be available, without fiscal year limitation,
9 for the purposes for which amounts in the account may
10 be expended; (b) the head of the Center for Domestic Pre-
11 paredness shall ensure that any training provided under
12 (a) does not interfere with the primary mission of the Cen-
13 ter to train state and local emergency response providers;
14 and (c) subject to (b), nothing in (a) prohibits the Center
15 for Domestic Preparedness from providing training to em-
16 ployees of the Federal Emergency Management Agency in
17 existing chemical, biological, radiological, nuclear, explo-
18 sives, mass casualty, and medical surge courses pursuant
19 to section 4103 of title 5, United States Code, without
20 reimbursement for the cost of such training.

21 FIREFIGHTER ASSISTANCE GRANTS

22 For necessary expenses for programs authorized by
23 the Federal Fire Prevention and Control Act of 1974 (15
24 U.S.C. 2201 et seq.), \$670,000,000 (increased by
25 \$5,000,000), to remain available until September 30,

1 2014, of which \$335,000,000 (increased by \$2,500,000)
2 shall be available to carry out section 33 of that Act (15
3 U.S.C. 2229) and \$335,000,000 (increased by
4 \$2,500,000) shall be available to carry out section 34 of
5 that Act (15 U.S.C. 2229a): *Provided*, That in addition
6 to the purposes otherwise authorized for SAFER grants
7 in section 34 of that Act, the Secretary of Homeland Secu-
8 rity shall make such grants available for the retention of
9 firefighters: *Provided further*, That subsections (a)(1)(A),
10 (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of sec-
11 tion 34 of that Act shall not apply to amounts made avail-
12 able under this heading: *Provided further*, That not to ex-
13 ceed 4.7 percent of the amount available under this head-
14 ing shall be available for program administration.

15 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

16 For necessary expenses for emergency management
17 performance grants, as authorized by the National Flood
18 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
19 ert T. Stafford Disaster Relief and Emergency Assistance
20 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
21 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
22 organization Plan No. 3 of 1978 (5 U.S.C. App.),
23 \$350,000,000: *Provided*, That total administrative costs
24 shall not exceed 2.7 percent of the total amount appro-
25 priated under this heading.

1 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

2 The aggregate charges assessed during fiscal year
3 2013, as authorized in title III of the Departments of Vet-
4 erans Affairs and Housing and Urban Development, and
5 Independent Agencies Appropriations Act, 1999 (42
6 U.S.C. 5196e), shall not be less than 100 percent of the
7 amounts anticipated by the Department of Homeland Se-
8 curity necessary for its radiological emergency prepared-
9 ness program for the next fiscal year: *Provided*, That the
10 methodology for assessment and collection of fees shall be
11 fair and equitable and shall reflect costs of providing such
12 services, including administrative costs of collecting such
13 fees: *Provided further*, That fees received under this head-
14 ing shall be deposited in this account as offsetting collec-
15 tions and will become available for authorized purposes on
16 October 1, 2013, and remain available until September 30,
17 2015.

18 UNITED STATES FIRE ADMINISTRATION

19 For necessary expenses of the United States Fire Ad-
20 ministration and for other purposes, as authorized by the
21 Federal Fire Prevention and Control Act of 1974 (15
22 U.S.C. 2201 et seq.) and the Homeland Security Act of
23 2002 (6 U.S.C. 101 et seq.), \$42,460,000.

1 DISASTER RELIEF FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses in carrying out the Robert
4 T. Stafford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5121 et seq.), \$6,088,926,000, to remain avail-
6 able until expended, of which \$5,481,000,000 is for major
7 disasters declared pursuant to the Robert T. Stafford Dis-
8 aster Relief and Emergency Assistance Act (42 U.S.C.
9 5121 et seq.): *Provided*, That the latter amount is des-
10 ignated by the Congress as being for disaster relief pursu-
11 ant to section 251(b)(2)(D) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985 (Public Law 99-
13 177, 2 U.S.C. 901(b)(2)(D)): *Provided further*, That of
14 which \$24,000,000 shall be transferred to the Department
15 of Homeland Security Office of Inspector General for au-
16 dits and investigations related to disasters: *Provided fur-*
17 *ther*, That the Administrator of the Federal Emergency
18 Management Agency shall submit an expenditure plan to
19 the Committees on Appropriations of the Senate and the
20 House of Representatives detailing the use of the funds
21 made available in this or any other Act for disaster readi-
22 ness and support not later than 60 days after the date
23 of enactment of this Act: *Provided further*, That the Ad-
24 ministrator of the Federal Emergency Management Agen-
25 cy shall submit to such Committees a quarterly report de-

1 tailing obligations against the expenditure plan and a jus-
2 tification for any changes from the initial plan: *Provided*
3 *further*, That the Administrator of the Federal Emergency
4 Management Agency shall submit to the Committees on
5 Appropriations of the Senate and the House of Represent-
6 atives the following reports, including a specific descrip-
7 tion of the methodology and the source data used in devel-
8 oping such reports:

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

13 (A) the unobligated balance of funds to be
14 carried over from the prior fiscal year to the
15 budget year;

16 (B) the unobligated balance of funds to be
17 carried over from the budget year to the budget
18 year plus 1;

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

21 (D) the amount of obligations for the
22 budget year for catastrophic events delineated
23 by event and by State;

24 (E) the total amount that has been pre-
25 viously obligated or will be required for cata-

1 strophic events delineated by event and by State
2 for all prior years, the current year, the budget
3 year, the budget year plus 1, the budget year
4 plus 2, and the budget year plus 3 and beyond;

5 (F) the amount of previously obligated
6 funds that will be recovered for the budget
7 year;

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

21 (H) the amount required for activities not
22 covered under section 251(b)(2)(D)(iii) of the
23 Balanced Budget and Emergency Deficit Con-
24 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii);
25 Public Law 99–177);

1 (2) an estimate or actual amounts, if available,
2 of the following for the current fiscal year shall be
3 submitted not later than the fifth day of each month
4 beginning with the first full month after the date of
5 enactment of this Act:

6 (A) a summary of the amount of appro-
7 priations made available by source, the trans-
8 fers executed, the previously allocated funds re-
9 covered, and the commitments, allocations, and
10 obligations made;

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

13 (i) the beginning and ending balances;

14 (ii) the total obligations to include
15 amounts obligated for fire assistance,
16 emergencies, surge, and disaster support
17 activities;

18 (iii) the obligations for catastrophic
19 events delineated by event and by State;
20 and

21 (iv) the amount of previously obli-
22 gated funds that are recovered;

23 (C) a summary of allocations, obligations,
24 and expenditures for catastrophic events delin-
25 eated by event; and

1 (D) the date on which funds appropriated
2 will be exhausted.

3 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

4 Subject to section 502 of the Congressional Budget
5 Act of 1974, gross obligations for the principal amount
6 of direct loans shall not exceed \$25,000,000.

7 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

8 For necessary expenses, including administrative
9 costs, under section 1360 of the National Flood Insurance
10 Act of 1968 (42 U.S.C. 4101), \$92,145,000, and such ad-
11 ditional sums as may be provided by State and local gov-
12 ernments or other political subdivisions for cost-shared
13 mapping activities under section 1360(f)(2) of such Act
14 (42 U.S.C. 4101(f)(2)), to remain available until ex-
15 pended.

16 NATIONAL FLOOD INSURANCE FUND

17 For activities under the National Flood Insurance
18 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
19 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
20 \$171,000,000, which shall remain available until Sep-
21 tember 30, 2014, shall be derived from offsetting collec-
22 tions assessed and collected under section 1308(d) of the
23 National Flood Insurance Act of 1968 (42 U.S.C.
24 4015(d)), and shall be available for salaries and expenses
25 associated with flood mitigation and flood insurance oper-

1 ations; and floodplain management and flood mapping:
2 *Provided*, That not to exceed \$22,000,000 shall be avail-
3 able for salaries and expenses associated with flood mitiga-
4 tion and flood insurance operations; and not less than
5 \$149,000,000 shall be available for flood plain manage-
6 ment and flood mapping, which shall remain available
7 until September 30, 2014: *Provided further*, That any ad-
8 ditional fees collected pursuant to section 1308(d) of the
9 National Flood Insurance Act of 1968 (42 U.S.C.
10 4015(d)) shall be credited as an offsetting collection to
11 this account, to be available for flood plain management
12 and flood mapping: *Provided further*, That in fiscal year
13 2013, no funds shall be available from the National Flood
14 Insurance Fund under section 1310 of that Act (42
15 U.S.C. 4017) in excess of:

- 16 (1) \$132,000,000 for operating expenses;
- 17 (2) \$1,056,602,000 for commissions and taxes
18 of agents;
- 19 (3) such sums as are necessary for interest on
20 Treasury borrowings; and
- 21 (4) \$120,000,000, which shall remain available
22 until expended, for flood mitigation actions; for re-
23 petitive insurance claims properties under section
24 1323 of the National Flood Insurance Act of 1968
25 (42 U.S.C. 4030); and for flood mitigation assist-

1 ance under section 1366 of the National Flood In-
2 surance Act of 1968 (42 U.S.C. 4104e), notwith-
3 standing subparagraphs (B) and (C) of subsection
4 (b)(3) and subsection (f) of section 1366 of the Na-
5 tional Flood Insurance Act of 1968 (42 U.S.C.
6 4104e) and notwithstanding subsection (a)(7) of sec-
7 tion 1310 of the National Flood Insurance Act of
8 1968 (42 U.S.C. 4017):

9 *Provided further*, That the amounts collected under section
10 102 of the Flood Disaster Protection Act of 1973 (42
11 U.S.C. 4012a) and section 1366(i) of the National Flood
12 Insurance Act of 1968 shall be deposited in the National
13 Flood Insurance Fund to supplement other amounts speci-
14 fied as available for section 1366 of the National Flood
15 Insurance Act of 1968, notwithstanding subsection (f)(8)
16 of such section 102 (42 U.S.C. 4012a(f)(8)), and section
17 1366(i) and paragraphs (2) and (3) of section 1367(b)
18 of the National Flood Insurance Act of 1968 (42 U.S.C.
19 4104c(i), 4104d(b)(2)–(3)): *Provided further*, That total
20 administrative costs shall not exceed 4 percent of the total
21 appropriation.

22 NATIONAL PREDISASTER MITIGATION FUND

23 For the predisaster mitigation grant program under
24 section 203 of the Robert T. Stafford Disaster Relief and
25 Emergency Assistance Act (42 U.S.C. 5133),

1 \$14,331,000, to remain available until expended: *Pro-*
2 *vided*, That the total administrative costs associated with
3 such grants shall not exceed 3 percent of the total amount
4 made available under this heading.

5 EMERGENCY FOOD AND SHELTER

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

12 TITLE IV

13 RESEARCH AND DEVELOPMENT, TRAINING,
14 AND SERVICES

15 UNITED STATES CITIZENSHIP AND IMMIGRATION

16 SERVICES

17 For necessary expenses for citizenship and immigra-
18 tion services, \$111,924,000 for the E-Verify Program, as
19 described in section 403(a) of the Illegal Immigration Re-
20 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
21 1324a note), to assist United States employers with main-
22 taining a legal workforce: *Provided*, That, notwithstanding
23 any other provision of law, funds otherwise made available
24 to United States Citizenship and Immigration Services
25 may be used to acquire, operate, equip, and dispose of up

1 to 5 vehicles, for replacement only, for areas where the
2 Administrator of General Services does not provide vehi-
3 cles for lease: *Provided further*, That the Director of
4 United States Citizenship and Immigration Services may
5 authorize employees who are assigned to those areas to
6 use such vehicles to travel between the employees' resi-
7 dences and places of employment.

8 FEDERAL LAW ENFORCEMENT TRAINING CENTER
9 SALARIES AND EXPENSES

10 For necessary expenses of the Federal Law Enforce-
11 ment Training Center, including materials and support
12 costs of Federal law enforcement basic training; the pur-
13 chase of not to exceed 117 vehicles for police-type use and
14 hire of passenger motor vehicles; expenses for student ath-
15 letic and related activities; the conduct of and participa-
16 tion in firearms matches and presentation of awards; pub-
17 lic awareness and enhancement of community support of
18 law enforcement training; room and board for student in-
19 terns; a flat monthly reimbursement to employees author-
20 ized to use personal mobile phones for official duties; and
21 services as authorized by section 3109 of title 5, United
22 States Code; \$228,467,000; of which up to \$44,758,000
23 shall remain available until September 30, 2014, for mate-
24 rials and support costs of Federal law enforcement basic
25 training; of which \$300,000 shall remain available until

1 expended to be distributed to Federal law enforcement
2 agencies for expenses incurred participating in training ac-
3 creditation; and of which not to exceed \$10,200 shall be
4 for official reception and representation expenses: *Pro-*
5 *vided*, That the Center is authorized to obligate funds in
6 anticipation of reimbursements from agencies receiving
7 training sponsored by the Center, except that total obliga-
8 tions at the end of the fiscal year shall not exceed total
9 budgetary resources available at the end of the fiscal year:
10 *Provided further*, That the Director of the Federal Law
11 Enforcement Training Center shall schedule basic or ad-
12 vanced law enforcement training, or both, at all four train-
13 ing facilities under the control of the Federal Law En-
14 forcement Training Center to ensure that such training
15 facilities are operated at the highest capacity throughout
16 the fiscal year: *Provided further*, That the Federal Law
17 Enforcement Training Accreditation Board, including rep-
18 resentatives from the Federal law enforcement community
19 and non-Federal accreditation experts involved in law en-
20 forcement training, shall lead the Federal law enforcement
21 training accreditation process to continue the implementa-
22 tion of measuring and assessing the quality and effective-
23 ness of Federal law enforcement training programs, facili-
24 ties, 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, \$27,385,000, to re-
7 main available until September 30, 2017: *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.), \$130,000,000: *Provided*,
18 That not to exceed \$8,500 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 5 vehicles, \$695,971,000, of which
3 \$493,539,000 shall remain available until September 30,
4 2015; and of which \$202,432,000 shall remain available
5 until September 30, 2017, solely for operation and con-
6 struction of laboratory facilities: *Provided*, That
7 \$20,000,000 shall not be available for obligation until the
8 Secretary of Homeland Security submits to the Commit-
9 tees on Appropriations of the Senate and the House of
10 Representatives an updated plan for the expenditure of
11 funds for construction of the National Bio- and Agro-de-
12 fense Facility.

13 DOMESTIC NUCLEAR DETECTION OFFICE

14 MANAGEMENT AND ADMINISTRATION

15 For salaries and expenses of the Domestic Nuclear
16 Detection Office, as authorized by title XIX of the Home-
17 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
18 agement and administration of programs and activities,
19 \$38,000,000: *Provided*, That not to exceed \$2,500 shall
20 be for official reception and representation expenses: *Pro-*
21 *vided further*, That the Secretary of Homeland Security
22 shall submit to the Committees on Appropriations of the
23 Senate and the House of Representatives at the time of
24 the submission of the President's budget proposal for fis-
25 cal year 2014 pursuant to the requirements of section

1 1105(a) of title 31, United States Code, a strategic plan
2 of investments necessary to implement the Department of
3 Homeland Security's responsibilities under the domestic
4 component of the global nuclear detection architecture
5 that shall—

6 (1) define each departmental entity's roles and
7 responsibilities in support of the domestic detection
8 architecture, including any existing or planned pro-
9 grams to pre-screen cargo or conveyances overseas;

10 (2) identify and describe the specific invest-
11 ments being made by departmental components in
12 fiscal year 2013, and planned for fiscal year 2014,
13 to support the domestic architecture and the secu-
14 rity of sea, land, and air pathways into the United
15 States;

16 (3) describe the investments necessary to close
17 known vulnerabilities and gaps, including associated
18 costs and timeframes, and estimates of feasibility
19 and cost effectiveness; and

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

1 RESEARCH, DEVELOPMENT, AND OPERATIONS

2 For necessary expenses for radiological and nuclear
3 research, development, testing, evaluation, and operations,
4 \$226,830,000, to remain available until September 30,
5 2014.

6 SYSTEMS ACQUISITION

7 For expenses for the Domestic Nuclear Detection Of-
8 fice acquisition and deployment of radiological detection
9 systems in accordance with the global nuclear detection
10 architecture, \$51,455,000, to remain available until Sep-
11 tember 30, 2015.

12 TITLE V

13 GENERAL PROVISIONS

14 (INCLUDING RESCISSIONS OF FUNDS)

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

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

1 SEC. 503. (a) None of the funds provided by this Act,
2 provided by previous appropriations Acts to the agencies
3 in or transferred to the Department of Homeland Security
4 that remain available for obligation or expenditure in fiscal
5 year 2013, or provided from any accounts in the Treasury
6 of the United States derived by the collection of fees avail-
7 able to the agencies funded by this Act, shall be available
8 for obligation or expenditure through a reprogramming of
9 funds that—

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

11 (2) eliminates a program, project, office, or ac-
12 tivity;

13 (3) increases funds for any program, project, or
14 activity for which funds have been denied or re-
15 stricted by the Congress;

16 (4) proposes to use funds directed for a specific
17 activity by either of the Committees on Appropria-
18 tions of the Senate or the House of Representatives
19 for a different purpose; or

20 (5) contracts out any function or activity for
21 which funding levels were requested for Federal full-
22 time equivalents in the object classification tables
23 contained in the fiscal year 2013 Budget Appendix
24 for the Department of Homeland Security, as modi-
25 fied by the joint explanatory statement accom-

1 panying this Act, unless the Committees on Appro-
2 priations of the Senate and the House of Represent-
3 atives are notified 15 days in advance of such re-
4 programming of funds.

5 (b) None of the funds provided by this Act, provided
6 by previous appropriations Acts to the agencies in or
7 transferred to the Department of Homeland Security that
8 remain available for obligation or expenditure in fiscal
9 year 2013, or provided from any accounts in the Treasury
10 of the United States derived by the collection of fees or
11 proceeds available to the agencies funded by this Act, shall
12 be available for obligation or expenditure for programs,
13 projects, or activities through a reprogramming of funds
14 in excess of \$5,000,000 or 10 percent, whichever is less,
15 that:

16 (1) augments existing programs, projects, or ac-
17 tivities;

18 (2) reduces by 10 percent funding for any exist-
19 ing program, project, or activity, or reduces the
20 numbers of personnel by 10 percent as approved by
21 the Congress; or

22 (3) results from any general savings from a re-
23 duction in personnel that would result in a change
24 in existing programs, projects, or activities as ap-
25 proved by the Congress, unless the Committees on

1 Appropriations of the Senate and the House of Rep-
2 resentatives are notified 15 days in advance of such
3 reprogramming of funds.

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

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

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

1 SEC. 504. The Department of Homeland Security
2 Working Capital Fund, established pursuant to section
3 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
4 continue operations as a permanent working capital fund
5 for fiscal year 2013: *Provided*, That none of the funds ap-
6 propriated or otherwise made available to the Department
7 of Homeland Security may be used to make payments to
8 the Working Capital Fund, except for the activities and
9 amounts allowed in the President’s fiscal year 2013 budg-
10 et: *Provided further*, That funds provided to the Working
11 Capital Fund shall be available for obligation until ex-
12 pended to carry out the purposes of the Working Capital
13 Fund: *Provided further*, That all departmental components
14 shall be charged only for direct usage of each Working
15 Capital Fund service: *Provided further*, That funds pro-
16 vided to the Working Capital Fund shall be used only for
17 purposes consistent with the contributing component: *Pro-*
18 *vided further*, That the Working Capital Fund shall be
19 paid in advance or reimbursed at rates which will return
20 the full cost of each service: *Provided further*, That the
21 Working Capital Fund shall be subject to the require-
22 ments of section 503 of this Act.

23 SEC. 505. Except as otherwise specifically provided
24 by law, not to exceed 50 percent of unobligated balances
25 remaining available at the end of fiscal year 2013 from

1 appropriations for salaries and expenses and operating ex-
2 penses for fiscal year 2013 in this Act shall remain avail-
3 able through September 30, 2014, in the account and for
4 the purposes for which the appropriations were provided:
5 *Provided*, That prior to the obligation of such funds, a
6 request shall be submitted to the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 for approval in accordance with section 503 of this Act.

9 SEC. 506. Funds made available by this Act for intel-
10 ligence activities are deemed to be specifically authorized
11 by the Congress for purposes of section 504 of the Na-
12 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
13 year 2013 until the enactment of an Act authorizing intel-
14 ligence activities for fiscal year 2013.

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

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

23 (2) award a task or delivery order requiring an
24 obligation of funds in an amount greater than
25 \$10,000,000 from multi-year Department of Home-

1 land Security funds or a task or delivery order that
2 would cause cumulative obligations of multi-year
3 funds in a single account to exceed 50 percent of the
4 total amount appropriated;

5 (3) make a sole-source grant award; or

6 (4) announce publicly the intention to make or
7 award items under paragraph (1), (2), or (3) includ-
8 ing a contract covered by the Federal Acquisition
9 Regulation.

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

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

23 (d) A notification under this section—

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

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

5 (e) The Administrator of the Federal Emergency
6 Management Agency shall brief the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 5 full business days in advance of announcing publicly the
9 intention of making an award under “State and Local
10 Programs”.

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

22 SEC. 509. None of the funds appropriated or other-
23 wise made available by this Act may be used for expenses
24 for any construction, repair, alteration, or acquisition
25 project for which a prospectus otherwise required under

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

5 SEC. 510. (a) Sections 520, 522, and 530, of the De-
6 partment of Homeland Security Appropriations Act, 2008
7 (division E of Public Law 110–161; 121 Stat. 2073 and
8 2074) shall apply with respect to funds made available in
9 this Act in the same manner as such sections applied to
10 funds made available in that Act.

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

15 SEC. 511. None of the funds made available in this
16 Act may be used in contravention of the applicable provi-
17 sions of the Buy American Act. For purposes of the pre-
18 ceding sentence, the term “Buy American Act” means
19 chapter 83 of title 41, United States Code.

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

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

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

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

15 SEC. 515. Except as provided in section 44945 of title
16 49, United States Code, funds appropriated or transferred
17 to Transportation Security Administration “Aviation Se-
18 curity”, “Administration”, and “Transportation Security
19 Support” for fiscal years 2004 and 2005 that are recov-
20 ered or deobligated shall be available only for the procure-
21 ment or installation of explosives detection systems, air
22 cargo, baggage, and checkpoint screening systems, subject
23 to notification: *Provided*, That quarterly reports shall be
24 submitted to the Committees on Appropriations of the

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

3 SEC. 516. 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. 517. Section 532(a) of Public Law 109–295
11 (120 Stat. 1384) is amended by striking “2012” and in-
12 serting “2013”.

13 SEC. 518. 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. 519. (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 Manage-
21 ment”, the “Office of the Under Secretary for Manage-
22 ment”, or the “Office of the Chief Financial Officer”, may
23 be obligated for a grant or contract funded under such
24 headings by any means other than full and open competi-
25 tion.

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 chapter 85 of title 41, United States Code;

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

10 (3) in an amount less than the simplified acqui-
11 sition threshold described under section 3101 (b) of
12 title 41, United States Code; or

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

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

20 (2) Not later than 5 days after the date on which
21 the Secretary of Homeland Security issues a waiver under
22 this subsection, the Secretary shall submit notification of
23 that waiver to the Committees on Appropriations of the
24 Senate and the House of Representatives, including a de-
25 scription of the applicable contract to which the waiver

1 applies and an explanation of why the waiver authority
2 was used: *Provided*, That the Secretary may not delegate
3 the authority to grant such a waiver.

4 (d) In addition to the requirements established by
5 subsections (a), (b), and (c) of this section, the Inspector
6 General of the Department of Homeland Security shall re-
7 view departmental contracts awarded through means other
8 than a full and open competition to assess departmental
9 compliance with applicable laws and regulations: *Provided*,
10 That the Inspector General shall review selected contracts
11 awarded in the previous fiscal year through means other
12 than a full and open competition: *Provided further*, That
13 in selecting which contracts to review, the Inspector Gen-
14 eral shall consider the cost and complexity of the goods
15 and services to be provided under the contract, the criti-
16 cality of the contract to fulfilling Department missions,
17 past performance problems on similar contracts or by the
18 selected vendor, complaints received about the award proc-
19 ess or contractor performance, and such other factors as
20 the Inspector General deems relevant: *Provided further*,
21 That the Inspector General shall report the results of the
22 reviews to the Committees on Appropriations of the Sen-
23 ate and the House of Representatives no later than Feb-
24 ruary 4, 2013.

1 SEC. 520. None of the funds provided by this or pre-
2 vious appropriations Acts shall be used to fund any posi-
3 tion designated as a Principal Federal Official (or the suc-
4 cessor thereto) for any Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
6 declared disasters or emergencies unless—

7 (1) the responsibilities of the Principal Federal
8 Official do not include operational functions related
9 to incident management, including coordination of
10 operations, and are consistent with the requirements
11 of section 509(c) and sections 503(c)(3) and
12 503(c)(4)(A) of the Homeland Security Act of 2002
13 (6 U.S.C. 319(c) and 313(c)(3) and 313(c)(4)(A))
14 and section 302 of the Robert T. Stafford Disaster
15 Relief and Assistance Act (42 U.S.C. 5143);

16 (2) not later than 10 business days after the
17 latter of the date on which the Secretary of Home-
18 land Security appoints the Principal Federal Official
19 and the date on which the President issues a dec-
20 laration under section 401 or section 501 of the
21 Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5170 and 5191, respec-
23 tively), the Secretary of Homeland Security shall
24 submit a notification of the appointment of the Prin-
25 cipal Federal Official and a description of the re-

1 responsibilities of such Official and how such respon-
2 sibilities are consistent with paragraph (1) to the
3 Committees on Appropriations of the Senate and the
4 House of Representatives, the Transportation and
5 Infrastructure Committee of the House of Rep-
6 resentatives, and the Homeland Security and Gov-
7 ernmental Affairs Committee of the Senate; and

8 (3) not later than 60 days after the date of en-
9 actment of this Act, the Secretary shall provide a re-
10 report specifying timeframes and milestones regarding
11 the update of operations, planning and policy docu-
12 ments, and training and exercise protocols, to ensure
13 consistency with paragraph (1) of this section.

14 SEC. 521. None of the funds provided or otherwise
15 made available in this Act shall be available to carry out
16 section 872 of the Homeland Security Act of 2002 (6
17 U.S.C. 452).

18 SEC. 522. None of the funds made available in this
19 Act may be used by United States Citizenship and Immi-
20 gration Services to grant an immigration benefit unless
21 the results of background checks required by law to be
22 completed prior to the granting of the benefit have been
23 received by United States Citizenship and Immigration
24 Services, and the results do not preclude the granting of
25 the benefit.

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

3 (1) in subsection (a), in the matter preceding
4 paragraph (1), by striking “September 30, 2012”
5 and inserting “September 30, 2013”; and

6 (2) in subsection (c)(1), in the matter preceding
7 subparagraph (A), by striking “September 30,
8 2012” and inserting “September 30, 2013”.

9 SEC. 524. The Secretary of Homeland Security shall
10 require that all contracts of the Department of Homeland
11 Security that provide award fees link such fees to success-
12 ful acquisition outcomes (which outcomes shall be speci-
13 fied in terms of cost, schedule, and performance).

14 SEC. 525. None of the funds made available to the
15 Office of the Secretary and Executive Management under
16 this Act may be expended for any new hires by the Depart-
17 ment of Homeland Security that are not verified through
18 the E-Verify Program as described in section 403(a) of
19 the Illegal Immigration Reform and Immigrant Responsi-
20 bility Act of 1996 (8 U.S.C. 1324a note).

21 SEC. 526. None of the funds made available in this
22 Act for U.S. Customs and Border Protection may be used
23 to prevent an individual not in the business of importing
24 a prescription drug (within the meaning of section 801(g)
25 of the Federal Food, Drug, and Cosmetic Act) from im-

1 porting a prescription drug from Canada that complies
2 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
3 That this section shall apply only to individuals trans-
4 porting on their person a personal-use quantity of the pre-
5 scription drug, not to exceed a 90-day supply: *Provided*
6 *further*, That the prescription drug may not be—

7 (1) a controlled substance, as defined in section
8 102 of the Controlled Substances Act (21 U.S.C.
9 802); or

10 (2) a biological product, as defined in section
11 351 of the Public Health Service Act (42 U.S.C.
12 262).

13 SEC. 527. The Secretary of Homeland Security, in
14 consultation with the Secretary of the Treasury, shall no-
15 tify the Committees on Appropriations of the Senate and
16 the House of Representatives of any proposed transfers
17 of funds available under section 9703.1(g)(4)(B) of title
18 31, United States Code (as added by Public Law 102–
19 393) from the Department of the Treasury Forfeiture
20 Fund to any agency within the Department of Homeland
21 Security: *Provided*, That none of the funds identified for
22 such a transfer may be obligated until the Committees on
23 Appropriations of the Senate and the House of Represent-
24 atives approve the proposed transfers.

1 SEC. 528. None of the funds made available in this
2 Act may be used for planning, testing, piloting, or devel-
3 oping a national identification card.

4 SEC. 529. If the Administrator of the Transportation
5 Security Administration determines that an airport does
6 not need to participate in the E-Verify Program as de-
7 scribed in section 403(a) of the Illegal Immigration Re-
8 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
9 1324a note), the Administrator shall certify to the Com-
10 mittees on Appropriations of the Senate and the House
11 of Representatives that no security risks will result from
12 such non-participation.

13 SEC. 530. (a) Notwithstanding any other provision
14 of law during fiscal year 2013 or any subsequent fiscal
15 year, the Secretary of Homeland Security shall ensure
16 that the Administrator of General Services sells through
17 public sale all real and related personal property and
18 transportation assets which support Plum Island oper-
19 ations, subject to such terms and conditions as may be
20 necessary to protect Government interests and meet pro-
21 gram requirements.

22 (b) The proceeds of the sale described in subsection
23 (a) shall be deposited as offsetting collections into the De-
24 partment of Homeland Security — Science and Tech-
25 nology — “Research, Development, Acquisition, and Op-

1 erations” account and, subject to appropriation, shall be
2 available until expended, for site acquisition, construction,
3 and costs related to the construction of the National Bio-
4 and Agro-defense Facility, including the costs associated
5 with the sale, including due diligence requirements, nec-
6 essary environmental remediation at Plum Island, and re-
7 imbursement of expenses incurred by the General Services
8 Administration.

9 SEC. 531. Any official that is required by this Act
10 to report or to certify to the Committees on Appropria-
11 tions of the Senate and the House of Representatives may
12 not delegate such authority to perform that act unless spe-
13 cifically authorized herein.

14 SEC. 532. Section 550(b) of the Department of
15 Homeland Security Appropriations Act, 2007 (Public Law
16 109–295; 6 U.S.C. 121 note), as amended by section 550
17 of the Department of Homeland Security Appropriations
18 Act, 2010 (Public Law 111–83), is further amended by
19 striking “on October 4, 2012” and inserting “on October
20 4, 2013”.

21 SEC. 533. None of the funds appropriated or other-
22 wise made available in this or any other Act may be used
23 to transfer, release, or assist in the transfer or release to
24 or within the United States, its territories, or possessions
25 Khalid Sheikh Mohammed or any other detainee who—

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

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

6 SEC. 534. None of the funds made available in this
7 Act may be used for first-class travel by the employees
8 of agencies funded by this Act in contravention of sections
9 301–10.122 through 301.10–124 of title 41, Code of Fed-
10 eral Regulations.

11 SEC. 535. None of the funds made available in this
12 Act may be used to propose or effect a disciplinary or ad-
13 verse action, with respect to any Department of Homeland
14 Security employee who engages regularly with the public
15 in the performance of his or her official duties solely be-
16 cause that employee elects to utilize protective equipment
17 or measures, including but not limited to surgical masks,
18 N95 respirators, gloves, or hand-sanitizers, where use of
19 such equipment or measures is in accord with Department
20 of Homeland Security policy, and Centers for Disease
21 Control and Prevention and Office of Personnel Manage-
22 ment guidance.

23 SEC. 536. None of the funds made available in this
24 Act may be used to employ workers described in section

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

3 SEC. 537. (a) Any company that collects or retains
4 personal information directly from any individual who par-
5 ticipates in the Registered Traveler or successor program
6 of the Transportation Security Administration shall safe-
7 guard and dispose of such information in accordance with
8 the requirements in—

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

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

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

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

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

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

8 SEC. 538. Notwithstanding any other provision of
9 this Act, none of the funds appropriated or otherwise
10 made available by this Act may be used to pay award or
11 incentive fees for contractor performance that has been
12 judged to be below satisfactory performance or perform-
13 ance that does not meet the basic requirements of a con-
14 tract.

15 SEC. 539. (a) Not later than 90 days after the date
16 of enactment of this Act, the Administrator of the Trans-
17 portation Security Administration shall submit to the
18 Committees on Appropriations of the Senate and the
19 House of Representatives, a report that either—

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

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

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

11 (B) specification of—

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

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

16 (b) The Administrator shall continue to submit re-
17 ports described in subsection (a)(2) every 90 days until
18 the Administrator certifies that the Transportation Secu-
19 rity Administration has achieved screening of 100 percent
20 of such air cargo.

21 SEC. 540. In developing any process to screen avia-
22 tion passengers and crews for transportation or national
23 security purposes, the Secretary of Homeland Security
24 shall ensure that all such processes take into consideration

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

3 SEC. 541. (a) Notwithstanding section 286(n) of the
4 Immigration and Nationality Act (8 U.S.C. 1356(n)), of
5 the funds deposited into the Immigration Examinations
6 Fee Account, \$9,200,000 shall be available to United
7 States Citizenship and Immigration Services in fiscal year
8 2013 for the purpose of providing an immigrant integra-
9 tion grants program.

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

15 SEC. 542. None of the funds appropriated or other-
16 wise made available by this Act may be used by the De-
17 partment of Homeland Security to enter into any Federal
18 contract unless such contract is entered into in accordance
19 with the requirements of subtitle I of title 41, United
20 States Code or chapter 137 of title 10, United States
21 Code, and the Federal Acquisition Regulation, unless such
22 contract is otherwise authorized by statute to be entered
23 into without regard to the above referenced statutes.

24 SEC. 543. Notwithstanding any other provision of
25 law, if the Secretary of Homeland Security determines

1 that specific U.S. Immigration and Customs Enforcement
2 Service Processing Centers or other U.S. Immigration and
3 Customs Enforcement owned detention facilities no longer
4 meet the mission need, the Secretary is authorized to dis-
5 pose of individual Service Processing Centers or other
6 U.S. Immigration and Customs Enforcement owned de-
7 tention facilities by directing the Administrator of General
8 Services to sell all real and related personal property which
9 support Service Processing Centers or other U.S. Immi-
10 gration and Customs Enforcement owned detention facili-
11 ties, subject to such terms and conditions as necessary to
12 protect Government interests and meet program require-
13 ments: *Provided*, That the proceeds, net of the costs of
14 sale incurred by the General Services Administration and
15 U.S. Immigration and Customs Enforcement, shall be de-
16 posited as offsetting collections into a separate account
17 that shall be available, subject to appropriation, until ex-
18 pended for other real property capital asset needs of exist-
19 ing U.S. Immigration and Customs Enforcement assets,
20 excluding daily operations and maintenance costs, as the
21 Secretary deems appropriate: *Provided further*, That any
22 sale or collocation of federally owned detention facilities
23 shall not result in the maintenance of fewer than 34,000
24 detention beds: *Provided further*, That the Committees on
25 Appropriations of the Senate and the House of Represent-

1 atives shall be notified 15 days prior to the announcement
2 of any proposed sale or collocation.

3 SEC. 544. None of the funds made available under
4 this Act or any prior appropriations Act may be provided
5 to the Association of Community Organizations for Re-
6 form Now (ACORN), or any of its affiliates, subsidiaries,
7 or allied organizations.

8 SEC. 545. The Department of Homeland Security
9 Chief Information Officer, the Commissioner of U.S. Cus-
10 toms and Border Protection, and the Assistant Secretary
11 of Homeland Security for U.S. Immigration and Customs
12 Enforcement shall, with respect to fiscal years 2013,
13 2014, 2015, and 2016, submit to the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives, at the time that the President’s budget proposal for
16 fiscal year 2014 is submitted pursuant to the require-
17 ments of section 1105(a) of title 31, United States Code,
18 the information required in the multi-year investment and
19 management plans required, respectively, under the head-
20 ings “Office of the Chief Information Officer” under title
21 I of division D of the Consolidated Appropriations Act,
22 2012 (Public Law 112–74), “U.S. Customs and Border
23 Protection — Salaries and Expenses” under title II of
24 such division, and “U.S. Customs and Border Protection

1 — Border Security Fencing, Infrastructure, and Tech-
2 nology” under such title, and section 568 of such Act.

3 SEC. 546. The Secretary of Homeland Security shall
4 ensure enforcement of immigration laws (as defined in sec-
5 tion 101(a)(17) of the Immigration and Nationality Act
6 (8 U.S.C. 1101(a)(17))).

7 SEC. 547. (a) The Secretary of Homeland Security
8 shall ensure by submitting proposals that the fees collected
9 pursuant to section 13031(b)(1)(A)(i) of the Consolidated
10 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
11 58c(b)(1)(A)(i)) and described in section 601 of the
12 United States-Colombia Trade Promotion Agreement Im-
13 plementation Act of 2011 (Public Law 112–42) shall be
14 available to U.S. Customs and Border Protection in fiscal
15 year 2014 and subsequent fiscal years.

16 (b) The President’s budget request shall include pro-
17 posals to completely offset any budgetary cost associated
18 with the provisions of subsection (a).

19 SEC. 548. Section 401(b) of the Illegal Immigration
20 Reform and Immigrant Responsibility Act of 1996 (8
21 U.S.C. 1324a note) is amended by striking “September
22 30, 2012” and inserting “September 30, 2013”.

23 SEC. 549. (a) RESTRICTION.—Except as provided in
24 subsection (b), the Secretary and the Deputy Secretary
25 of Homeland Security and the Commandant and Vice

1 Commandant of the Coast Guard may not travel aboard
2 any Coast Guard owned or operated fixed-wing aircraft
3 after the date of the submission of the President's budget
4 request for fiscal year 2014 if the Secretary has not pro-
5 vided the Committees on Appropriations of the House of
6 Representatives and the Senate the Comprehensive Acqui-
7 sition Strategy Report required in title I and the Com-
8 mandant has not provided the Capital Investment Plan,
9 required in Coast Guard Acquisition, Construction and
10 Improvement of title II.

11 (b) EXCEPTION.—Subsection (a) shall not apply in
12 the case of travel aboard an aircraft described in such sub-
13 section—

14 (1) to respond to a major disaster or emergency
15 declared under section 401 of the Robert T. Stafford
16 Disaster Relief and Emergency Assistance Act (42
17 U.S.C. 5170);

18 (2) to respond to a discharge classified as a
19 spill of national significance under part 300.323 of
20 title 40, Code of Federal Regulations;

21 (3) for evacuation purposes, including for a
22 medical emergency; or

23 (4) to respond to emergent national security
24 issues as required by the President.

1 (c) NOTIFICATION.—The Secretary shall notify the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate in writing not later than 5 days
4 after engaging in travel prohibited in subsection (a) under
5 an exception provided in subsection (b).

6 SEC. 550. Notwithstanding Office of Management
7 and Budget Circular A–11, in a budget submission of the
8 Coast Guard for Department of Homeland Security, Coast
9 Guard, “Acquisition, Construction, and Improvements”
10 for fiscal year 2014 or any fiscal year thereafter, costs
11 related to the construction or conversion of a cutter shall
12 be requested in accordance with the following guidelines:

13 (1) Costs of outfitting and post-delivery activi-
14 ties and spare or repair parts shall be requested not
15 earlier than for the first fiscal year in which it is
16 necessary to incur such costs to maintain a planned
17 production schedule, which may be subsequent to the
18 fiscal year for which cutter end costs are requested.

19 (2) Costs of long lead time items shall be re-
20 quested for the fiscal year in which it is necessary
21 to incur such costs to maintain a planned production
22 schedule, which may be in advance of the fiscal year
23 for which cutter end costs are requested.

24 (3) Costs of program management shall be re-
25 quested for each fiscal year, for the portion of pro-

1 gram management costs attributable to such fiscal
2 year.

3 (4) For purposes of the preceding paragraphs—

4 (A) the term “long lead time items” means
5 components, parts, material, or effort with sig-
6 nificantly longer lead times than other elements
7 of an end item;

8 (B) the term “outfitting” means procure-
9 ment or installation of on board repair parts,
10 other secondary items, equipage, and recreation
11 items; precommissioning crew support; general
12 use consumables furnished to the shipbuilder;
13 the fitting out activity to fill a vessel’s initial al-
14 lowances; and contractor-furnished spares;

15 (C) the term “post delivery activities” in-
16 cludes design, planning, Government furnished
17 material, and related labor for Government-re-
18 sponsible defects and deficiencies identified dur-
19 ing builders trials, acceptance trials, and testing
20 during the post-delivery period; costs of all
21 work required to correct defects or deficiencies
22 identified during the post-delivery period; and
23 costs of all work required to correct trial card
24 deficiencies on a vessel of a particular class, as
25 well as on subsequent vessels of that class

1 (whether or not delivered) until the corrective
2 action for that cutter class is completed; and

3 (D) the term “cutter end costs” includes
4 the cost of construction or conversion of a ves-
5 sel, deferred work identified prior to vessel de-
6 livery, and, when unrelated to a specific fix,
7 normal changes authorized prior to completion
8 of fitting out, advanced planning, and travel.

9 SEC. 551. (a) The President, acting through the Ad-
10 ministrator of the Federal Emergency Management Agen-
11 cy, shall establish new procedures to administer assistance
12 for debris and wreckage removal provided under sections
13 403(a)(3)(A), 407, and 502(a)(5) of the Robert T. Staf-
14 ford Disaster Relief and Emergency Assistance Act (42
15 U.S.C. 5170b(a)(3)(A), 5173, and 5192(a)(5)).

16 (b) The new procedures established under paragraph
17 (a) may include—

18 (1) making grants on the basis of fixed esti-
19 mates to provide financial incentives and disincen-
20 tives for the timely or cost effective completion of
21 projects under sections 403(a)(3)(A), 407, and
22 502(a)(5) of such Act if the State, local government,
23 or owner or operator of the private non-profit facility
24 agrees to be responsible to pay for any actual costs
25 that exceed the estimate;

1 (2) using a sliding scale for the Federal share
2 for removal of debris and wreckage based on the
3 time it takes to complete debris and wreckage re-
4 moval;

5 (3) allowing utilization of program income from
6 recycled debris without offset to grant amount;

7 (4) reimbursing base and overtime wages for
8 employees and extra hires of a State, local govern-
9 ment, or owner or operator of a private non-profit
10 facility performing or administering debris and
11 wreckage removal; and

12 (5) notwithstanding any other provision of law,
13 if the actual costs of projects under subparagraph
14 (b)(1) are less than the estimated costs thereof, the
15 Administrator may permit a grantee or sub grantee
16 to use all or part of the excess funds for any of the
17 following purposes:

18 (A) Debris management planning.

19 (B) Acquisition of debris management
20 equipment for current or future use.

21 (C) Other activities to improve future de-
22bris removal operations, as determined by the
23 Administrator.

24 SEC. 552. (a) Of the amounts made available by this
25 Act for “Department of Homeland Security—National

1 Protection and Programs Directorate—Infrastructure
2 Protection and Information Security—Federal Network
3 Security”, \$202,000,000 shall be used to deploy on Fed-
4 eral systems technology to improve the information secu-
5 rity of agency information systems covered by section
6 3543(a) of title 44, United States Code: *Provided*, That
7 funds made available under this section shall be used to
8 assist and support Government-wide and agency-specific
9 efforts to provide adequate, risk-based, and cost-effective
10 cybersecurity to address escalating and rapidly evolving
11 threats to information security, including the acquisition
12 by the Department of Homeland Security of an automated
13 and continuous monitoring program that includes equip-
14 ment, software, and Department of Homeland Security-
15 supplied services: *Provided further*, That not later than
16 January 1, 2013, and quarterly thereafter, the Under Sec-
17 retary of Homeland Security of the National Protection
18 and Programs Directorate shall submit to the Committees
19 on Appropriations of the Senate and House of Representa-
20 tives a report on the obligation and expenditure of funds
21 made available under this section: *Provided further*, That
22 automated and continuous monitoring software procured
23 by the funds made available by this section shall not col-
24 lect or store personally identifiable information, nor mon-
25 itor the content of network traffic: *Provided further*, That

1 such software shall be installed, maintained, and operated
2 in accordance with all applicable privacy laws and agency-
3 specific restrictions and standards on access to personally
4 identifiable information.

5 (b) Funds made available under this section may not
6 be used to supplant funds provided for any such system
7 within an agency budget.

8 (c) Not later than April 1, 2013, the heads of all Fed-
9 eral agencies shall submit to the Committees on Appro-
10 priations of the Senate and House of Representatives ex-
11 penditure plans for necessary cybersecurity improvements
12 to address known vulnerabilities to information systems
13 described in subsection (a).

14 (d) Not later July 1, 2013, and quarterly thereafter,
15 the head of each Federal agency shall submit to the Direc-
16 tor of the Office of Management and Budget a report on
17 the execution of the expenditure plan for that agency re-
18 quired by subsection (c): *Provided*, That the Director of
19 the Office of Management and Budget shall summarize
20 such execution reports and annually submit such sum-
21 maries to Congress in conjunction with the annual
22 progress report on implementation of the E-Government
23 Act of 2002 (Public Law 107–347), as required by section
24 3606 of title 44, United States Code.

1 (e) This section shall not apply to the legislative and
2 judicial branches of the Federal Government and shall
3 apply to all Federal agencies within the executive branch
4 except for the Department of Defense, the Central Intel-
5 ligence Agency, and the Office of the Director of National
6 Intelligence.

7 SEC. 553. (a) None of the funds made available in
8 this Act may be used to maintain or establish a computer
9 network unless such network blocks the viewing,
10 downloading, and exchanging of pornography.

11 (b) Nothing in subsection (a) shall limit the use of
12 funds necessary for any Federal, State, tribal, or local law
13 enforcement agency or any other entity carrying out crimi-
14 nal investigations, prosecution, or adjudication activities.

15 SEC. 554. None of the funds made available under
16 this Act may be used by a Federal law enforcement officer
17 to facilitate the transfer of an operable firearm to an indi-
18 vidual if the Federal law enforcement officer knows or sus-
19 pects that the individual is an agent of a drug cartel unless
20 law enforcement personnel of the United States continu-
21 ously monitor or control the firearm at all times.

22 SEC. 555. The Director of the Office of Management
23 and Budget shall instruct any department, agency, or in-
24 strumentality of the United States Government receiving
25 funds appropriated in this Act to track undisbursed bal-

1 ances in expired grant accounts and include in its annual
2 performance plan and performance and accountability re-
3 ports the following:

4 (1) Details on future action the department,
5 agency, or instrumentality will take to resolve
6 undisbursed balances in expired grant accounts.

7 (2) The method that the department, agency, or
8 instrumentality uses to track undisbursed balances
9 in expired grant accounts.

10 (3) Identification of undisbursed balances in ex-
11 pired grant accounts that may be returned to the
12 Treasury of the United States.

13 (4) In the preceding 3 fiscal years, details on
14 the total number of expired grant accounts with
15 undisbursed balances (on the first day of each fiscal
16 year) for the department, agency, or instrumentality
17 and the total finances that have not been obligated
18 to a specific project remaining in the accounts.

19 SEC. 556. (a) None of the funds made available in
20 this Act may be used to send or otherwise pay for the
21 attendance of more than 50 employees from a Federal de-
22 partment or agency at any single conference occurring
23 outside the United States, unless—

24 (1) such conference is a law enforcement training or
25 operational conference for law enforcement personnel and

1 the majority of Federal employees in attendance are law
2 enforcement personnel stationed outside the United
3 States; or

4 (2) such attendance is pursuant to law enforcement,
5 security, or military operations.

6 SEC. 557. (a) The head of any agency, office, or com-
7 ponent funded by this Act shall submit quarterly reports
8 to the Inspector General regarding the costs and con-
9 tracting procedures relating to each conference, ceremony,
10 and similar event, to include commissioning, de-commis-
11 sioning, change of command, and other ceremonies, held
12 by the agency during fiscal year 2013 for which the cost
13 to the Government was more than \$20,000.

14 (b) Each report submitted under subsection (a) shall
15 include, for each event described in that subsection held
16 during the applicable quarter—

17 (1) a description of the subject of and number
18 of participants attending that event;

19 (2) a detailed statement of the costs to the Gov-
20 ernment relating to that event, including—

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

22 (B) the cost of any audio-visual services;

23 and

1 (C) a discussion of the methodology used
2 to determine which costs relate to that event;
3 and

4 (3) a description of the contracting procedures
5 relating to that event, including—

6 (A) whether contracts were awarded on a
7 competitive basis for that event; and

8 (B) a discussion of any cost comparison
9 conducted by the agency in evaluating potential
10 contractors for that event.

11 (c) Not later than 30 days after the end of fiscal year
12 2013, the Inspector General shall submit a report to the
13 Committees on Appropriations of the Senate and the
14 House of Representatives on Department of Homeland Se-
15 curity spending on conferences, ceremonies, and similar
16 events in fiscal year 2013, as reported pursuant to sub-
17 sections (a) and (b). The report shall list the relevant
18 events, substantiate that the Department complied with
19 all applicable laws and regulations associated with spend-
20 ing on such events, and describe in detail the total costs
21 to the Government associated with those events, to include
22 the amount of funding obligated and expended by appro-
23 priation or other source of funding, including relevant
24 budget accounts.

1 SEC. 558. None of the funds made available by this
2 Act may be used to enter into a contract, memorandum
3 of understanding, or cooperative agreement with, make a
4 grant to, or provide a loan or loan guarantee to, any cor-
5 poration that was convicted of a felony criminal violation
6 under any Federal law within the preceding 24 months,
7 where the awarding agency is aware of the conviction, un-
8 less an agency has considered suspension or debarment
9 of the corporation and has made a determination that this
10 further action is not necessary to protect the interests of
11 the Government.

12 SEC. 559. None of the funds made available by this
13 Act may be used to enter into a contract, memorandum
14 of understanding, or cooperative agreement with, make a
15 grant to, or provide a loan or loan guarantee to, any cor-
16 poration that has any unpaid Federal tax liability that has
17 been assessed, for which all judicial and administrative
18 remedies have been exhausted or have lapsed, and that
19 is not being paid in a timely manner pursuant to an agree-
20 ment with the authority responsible for collecting the tax
21 liability, where the awarding agency is aware of the unpaid
22 tax liability, unless an agency has considered suspension
23 or debarment of the corporation and has made a deter-
24 mination that this further action is not necessary to pro-
25 tect the interests of the Government.

(RESCISSIONS)

1
2 SEC. 560. The unobligated balance of each amount
3 specified for a project or activity under the heading “Fed-
4 eral Emergency Management Agency—National
5 Predisaster Mitigation Fund” in the explanatory state-
6 ment accompanying Public Law 110–161 where the Fed-
7 eral Emergency Management Agency has received written
8 notification of the intent by the recipient to not apply for
9 the grant is rescinded, and the overall unobligated balance
10 available under such heading in such Act is reduced ac-
11 cordingly.

(RESCISSIONS)

12
13 SEC. 561. Of the funds appropriated in Department
14 of Homeland Security Acts the following funds are hereby
15 rescinded from the following accounts and programs in the
16 specified amounts: *Provided*, That no amounts may be re-
17 scinded from amounts that were designated by the Con-
18 gress as an emergency requirement pursuant to a concur-
19 rent resolution on the budget or the Balanced Budget and
20 Emergency Deficit Control Act of 1985, as amended:

21 (1) \$42,500,000 from Coast Guard “Acquisi-
22 tion, Construction, and Improvements,” 2010/2014.

23 (2) \$91,100,000 from Coast Guard “Acquisi-
24 tion, Construction, and Improvements,” 2011/2015.

1 (b) The table of sections at the beginning of chapter
2 449 of title 49, United States Code, is hereafter amended
3 by striking the item relating to such section.

4 SEC. 565. None of the funds made available by this
5 Act may be used to require a facility to employ or to not
6 employ a particular security measure for personnel surety
7 if the facility has adopted personnel measures designed
8 to—

9 (1) verify and validate individuals' identifica-
10 tion;

11 (2) check individuals' criminal history;

12 (3) verify and validate individuals' legal author-
13 ization to work; and

14 (4) identify people with terrorist ties.

15 SEC. 566. None of the funds appropriated by this Act
16 for U.S. Immigration and Customs Enforcement shall be
17 available to pay for an abortion, except where the life of
18 the mother would be endangered if the fetus were carried
19 to term, or in the case of rape or incest: *Provided*, That
20 should this prohibition be declared unconstitutional by a
21 court of competent jurisdiction, this section shall be null
22 and void.

23 SEC. 567. None of the funds appropriated by this Act
24 for U.S. Immigration and Customs Enforcement shall be

1 used to require any person to perform, or facilitate in any
2 way the performance of, any abortion.

3 SEC. 568. Nothing in the preceding section shall re-
4 move the obligation of the Assistant Secretary of Home-
5 land Security for U.S. Immigration and Customs Enforce-
6 ment to provide escort services necessary for a female de-
7 tainee to receive such service outside the detention facility:
8 *Provided*, That nothing in this section in any way dimin-
9 ishes the effect of section 567 intended to address the phil-
10 osophical beliefs of individual employees of U.S. Immigra-
11 tion and Customs Enforcement.

12 SPENDING REDUCTION ACCOUNT

13 SEC. 569. The amount by which the applicable alloca-
14 tion of new budget authority made by the Committee on
15 Appropriations of the House of Representatives under sec-
16 tion 302(b) of the Congressional Budget Act of 1974 ex-
17 ceeds the amount of proposed new budget authority is \$0.

18 SEC. 570. None of the funds made available in this
19 Act may be used in contravention of any of the following:

20 (1) The Fifth and Fourteenth Amendments to
21 the Constitution of the United States.

22 (2) Title VI of the Civil Rights Act of 1964 (re-
23 lating to nondiscrimination in federally assisted pro-
24 grams).

1 (3) Section 809(c)(1) of the Omnibus Crime
2 Control and Safe Streets Act of 1968 (relating to
3 prohibition of discrimination).

4 (4) Section 210401(a) of the Violent Crime and
5 Law Enforcement Act of 1994 (relating to unlawful
6 police pattern or practice).

7 SEC. 571. None of the funds made available by this
8 Act may be used to finalize, implement, administer, or en-
9 force the rule entitled “Provisional Unlawful Presence
10 Waivers of Inadmissibility for Certain Immediate Rel-
11 atives” published by the Department of Homeland Secu-
12 rity on April 2, 2012 (77 Fed. Reg. 19902).

13 SEC. 572. None of the funds made available by this
14 Act may be used to provide funding for the position of
15 Public Advocate within U.S. Immigration and Customs
16 Enforcement.

17 SEC. 573. None of the funds made available by this
18 Act may be used to enforce section 526 of the Energy
19 Independence and Security Act of 2007 (Public Law 110–
20 140; 42 U.S.C. 17142).

21 SEC. 574. None of the funds made available by this
22 Act may be used to implement, administer, or enforce sec-
23 tion 1301(a) of title 31, United States Code (31 U.S.C.
24 1301(a)), with respect to the use of amounts made avail-
25 able by this Act for “Customs and Border Protection—

1 Salaries and Expenses” for the expenses authorized to be
2 paid in section 9 of the Jones Act (48 U.S.C. 795) and
3 for the collection of duties and taxes authorized to be lev-
4 ied, collected, and paid in Puerto Rico, as authorized in
5 section 4 of the Foraker Act (48 U.S.C. 740), in addition
6 to the more specific amounts available for such purposes
7 in the Puerto Rico Trust Fund pursuant to such provi-
8 sions of law.

9 SEC. 575. None of the funds made available by this
10 Act may be used in contravention of section 642(a) of the
11 Illegal Immigration Reform and Immigrant Responsibility
12 Act of 1996 (8 U.S.C. 1373(a)).

13 SEC. 576. None of the funds made available by this
14 Act may be used by the Department of Homeland Security
15 any other Federal agency to lease or purchase new light
16 duty vehicles, for any executive fleet, or for an agency’s
17 fleet inventory, except in accordance with Presidential
18 Memorandum-Federal Fleet Performance, dated May 24,
19 2011.

20 SEC. 577. None of the funds made available under
21 this Act may be used in contravention of immigration laws
22 (as defined in section 101(a)(17) of the Immigration and
23 Nationality Act (8 U.S.C. 1101(a)(17))).

1 SEC. 578. None of the funds made available by this
2 Act may be used for the purchase, operation, or mainte-
3 nance of armed unmanned aerial vehicles.

4 SEC. 579. None of the funds made available by this
5 Act may be used in contravention of section 236(c) of the
6 Immigration and Nationality Act (8 U.S.C. 1226(c)).

7 SEC. 580. None of the funds made available in this
8 Act may be used to enforce Executive Order 13166 (Au-
9 gust 16, 2000; 65 Fed. Reg. 50121).

10 SEC. 581. (a) None of the funds made available in
11 this Act may be used to finalize, implement, administer,
12 or enforce the “Morton Memos” described in subsection
13 (b).

14 (b) For purposes of this section, the term “Morton
15 Memos” refers to the following documents:

16 (1) Policy Number 10072.1, published on
17 March 2, 2011.

18 (2) Policy Number 10075.1, published on June
19 17, 2011.

20 (3) Policy Number 10076.1, published on June
21 17, 2011.

22 SEC. 582. None of the funds made available by this
23 Act may be used to terminate an agreement governing a
24 delegation of authority under section 287(g) of the Immi-

1 gration and Nationality Act (8 U.S.C. 1357(g)) that is
2 in existence on the date of the enactment of this Act.

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

Passed the House of Representatives June 7, 2012.

Attest: KAREN L. HAAS,
Clerk.

Calendar No. 426

112TH CONGRESS
2^D SESSION

H. R. 5855

AN ACT

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

JUNE 11, 2012

Received; read twice and placed on the calendar