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IN THE SENATE OF THE UNITED STATES

JUNE 6, 2011

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 7, 2011

Reported by Ms. LANDRIEU, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**AN ACT**

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

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

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

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

1 the House of Representatives receive: (1) the National  
 2 Preparedness Goal and the National Preparedness System  
 3 consistent with Presidential Policy Directive-8; and (2) the  
 4 Secretary's determination on implementation of biometric  
 5 air exit.

6 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

7 For necessary expenses of the Office of the Under  
 8 Secretary for Management, as authorized by sections 701  
 9 through 705 of the Homeland Security Act of 2002 (6  
 10 U.S.C. ~~341~~ through ~~345~~), ~~\$234,940,000~~ (reduced by  
 11 ~~\$600,000~~) (reduced by ~~\$117,470,000~~) (reduced by  
 12 ~~\$10,000,000~~), of which not to exceed ~~\$3,000~~ shall be for  
 13 official reception and representation expenses: *Provided*,  
 14 That of the total amount made available under this head-  
 15 ing, ~~\$5,000,000~~ shall remain available until September 30,  
 16 2016, solely for the alteration and improvement of facili-  
 17 ties, tenant improvements, and relocation costs to consoli-  
 18 date Department headquarters operations at the Nebraska  
 19 Avenue Complex; and ~~\$16,686,000~~ shall remain available  
 20 until September 30, 2014, for the Human Resources In-  
 21 formation Technology program.

22 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

1 OFFICE OF THE CHIEF INFORMATION OFFICER

2 For necessary expenses of the Office of the Chief In-  
3 formation Officer, as authorized by section 103 of the  
4 Homeland Security Act of 2002 (6 U.S.C. 113), and De-  
5 partment-wide technology investments, \$261,300,000 (re-  
6 duced by \$139,180,000), of which \$105,500,000 (reduced  
7 by \$55,672,000) shall be available for salaries and ex-  
8 penses; and of which \$155,800,000 (reduced by  
9 \$83,508,000), to remain available until September 30,  
10 2014, shall be available for development and acquisition  
11 of information technology equipment, software, services,  
12 and related activities for the Department of Homeland Se-  
13 curity: *Provided*, That the Chief Information Officer shall  
14 submit to the Committees on Appropriations of the Senate  
15 and the House of Representatives, not later than 60 days  
16 after the date of enactment of this Act, an expenditure  
17 plan for all information technology acquisition projects  
18 that are funded under this heading or are funded by mul-  
19 tiple components of the Department of Homeland Security  
20 through reimbursable agreements: *Provided further*, That  
21 such expenditure plan shall include, for each project fund-  
22 ed, the name of the project, its key milestones, all funding  
23 sources, detailed annual and lifecycle costs, and projected  
24 cost savings or cost avoidance to be achieved: *Provided fur-*  
25 *ther*, That the Secretary of Homeland Security shall sub-

1 mit to the Committees on Appropriations of the Senate  
2 and the House of Representatives, at the time that the  
3 President's budget is submitted each year under section  
4 1105(a) of title 31, United States Code, a multi-year in-  
5 vestment and management plan for all information tech-  
6 nology acquisition projects that includes—

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

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

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

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

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

24                   (B) aligns the acquisition programs cov-  
25 ered by the baseline to mission requirements by

1 defining existing capabilities, identifying known  
2 capability gaps between such existing capabilities  
3 and stated mission requirements, and explaining  
4 how each increment will address such  
5 known capability gaps; and

6 (C) defines life-cycle costs for such programs.  
7

#### 8 ANALYSIS AND OPERATIONS

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

#### 16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector  
18 General in carrying out the provisions of the Inspector  
19 General Act of 1978 (5 U.S.C. App.), \$124,000,000, of  
20 which not to exceed \$300,000 may be used for certain con-  
21 fidential operational expenses, including the payment of  
22 informants, to be expended at the direction of the Inspec-  
23 tor General.

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

6 For necessary expenses for enforcement of laws relat-  
7 ing to border security, immigration, customs, agricultural  
8 inspections and regulatory activities related to plant and  
9 animal imports, and transportation of unaccompanied  
10 minor aliens; purchase and lease of up to 8,000 (7,000  
11 for replacement only) police-type vehicles; and contracting  
12 with individuals for personal services abroad;  
13 \$8,769,518,000 (reduced by \$1,000,000) (increased by  
14 \$1,000,000), of which \$3,274,000 shall be derived from  
15 the Harbor Maintenance Trust Fund for administrative  
16 expenses related to the collection of the Harbor Mainte-  
17 nance Fee pursuant to section 9505(e)(3) of the Internal  
18 Revenue Code of 1986 (26 U.S.C. 9505(e)(3)) and not-  
19 withstanding section 1511(e)(1) of the Homeland Security  
20 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed  
21 \$45,000 shall be for official reception and representation  
22 expenses; of which not less than \$287,901,000 shall be  
23 for Air and Marine Operations; of which such sums as  
24 become available in the Customs User Fee Account, except  
25 sums subject to section 13031(f)(3) of the Consolidated

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

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

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

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

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

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

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

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

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

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

7           AUTOMATION MODERNIZATION

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

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

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

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

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

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

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

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



1 the Border Security Fencing, Infrastructure, and Tech-  
2 nology account, that includes for each tactical infrastruc-  
3 ture and technology deployment—

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

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

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

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

24               (B) includes a phase-out and life-cycle re-  
25 capitalization schedule delineated by fiscal year

1 for existing and new tactical infrastructure and  
2 technology deployments that each deployment is  
3 intended to replace or recapitalize; and

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

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

13 For necessary expenses for the operations, mainte-  
14 nance, and procurement of marine vessels, aircraft, un-  
15 manned aircraft systems, and other related equipment of  
16 the air and marine program, including operational train-  
17 ing and mission-related travel, the operations of which in-  
18 clude the following: the interdiction of narcotics and other  
19 goods; the provision of support to Federal, State, and local  
20 agencies in the enforcement or administration of laws en-  
21 forced by the Department of Homeland Security; and at  
22 the discretion of the Secretary of Homeland Security, the  
23 provision of assistance to Federal, State, and local agen-  
24 cies in other law enforcement and emergency humani-  
25 tarian efforts, \$499,966,000, to remain available until

1 September 30, 2014: *Provided*, That no aircraft or other  
2 related equipment, with the exception of aircraft that are  
3 one of a kind and have been identified as excess to U.S.  
4 Customs and Border Protection requirements and aircraft  
5 that have been damaged beyond repair, shall be trans-  
6 ferred to any other Federal agency, department, or office  
7 outside of the Department of Homeland Security during  
8 fiscal year 2012 without the prior approval of the Commit-  
9 tees on Appropriations of the Senate and the House of  
10 Representatives: *Provided further*, That the Secretary of  
11 Homeland Security shall report to the Committees on Ap-  
12 propriations of the Senate and the House of Representa-  
13 tives, not later than 90 days after the date of enactment  
14 of this Act, on the update to the five-year strategic plan  
15 for the air and marine program directed in conference re-  
16 port 109-241 accompanying Public Law 109-90 that ad-  
17 dresses missions, structure, operations, equipment, facili-  
18 ties, and resources including deployment and command  
19 and control requirements, and includes a recapitalization  
20 plan with milestones and funding, and a detailed staffing  
21 plan with associated costs to achieve full staffing to meet  
22 all mission requirements.

23 CONSTRUCTION AND FACILITIES MANAGEMENT

24 For necessary expenses to plan, acquire, construct,  
25 renovate, equip, furnish, operate, manage, oversee, admin-

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

22 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

23 SALARIES AND EXPENSES

24 For necessary expenses for enforcement of immigra-  
 25 tion and customs laws, detention and removals, and inves-

1 tigungen; and purchase and lease of up to 3,790 (2,350  
2 for replacement only) police-type vehicles; \$5,522,474,000  
3 (increased by \$1,000,000) (reduced by \$1,000,000) (in-  
4 creased by \$1,000,000) (reduced by \$5,000,000) (in-  
5 creased by \$5,000,000); of which not to exceed  
6 \$7,500,000 shall be available until expended for con-  
7 ducting special operations under section 3131 of the Cus-  
8 toms Enforcement Act of 1986 (19 U.S.C. 2081); of which  
9 not to exceed \$15,000 shall be for official reception and  
10 representation expenses; of which not to exceed  
11 \$2,000,000 shall be for awards of compensation to inform-  
12 ants; to be accounted for solely under the certificate of  
13 the Secretary of Homeland Security; of which not less  
14 than \$305,000 shall be for promotion of public awareness  
15 of the child pornography tipline and activities to counter  
16 child exploitation; of which not less than \$5,400,000 (in-  
17 creased by \$1,000,000) shall be used to facilitate agree-  
18 ments consistent with section 287(g) of the Immigration  
19 and Nationality Act (8 U.S.C. 1357(g)); and of which not  
20 to exceed \$11,216,000 shall be available to fund or reim-  
21 burse other Federal agencies for the costs associated with  
22 the care, maintenance, and repatriation of smuggled aliens  
23 unlawfully present in the United States: *Provided*, That  
24 none of the funds made available under this heading shall  
25 be available to compensate any employee for overtime in

1 an annual amount in excess of \$35,000, except that the  
2 Secretary, or the designee of the Secretary, may waive  
3 that amount as necessary for national security purposes  
4 and in cases of immigration emergencies: *Provided further,*  
5 That of the total amount provided, \$15,770,000 shall be  
6 for activities to enforce laws against forced child labor,  
7 of which not to exceed \$6,000,000 shall remain available  
8 until expended: *Provided further,* That of the total amount  
9 available, not less than \$1,600,000,000 shall be available  
10 to identify aliens convicted of a crime who may be deport-  
11 able and aliens who may pose a serious risk to public safe-  
12 ty or national security who may be deportable, and to re-  
13 move them from the United States once they are judged  
14 deportable, of which \$194,064,000 shall remain available  
15 until September 30, 2013: *Provided further,* That the As-  
16 sistant Secretary of Homeland Security for U.S. Immigra-  
17 tion and Customs Enforcement shall report to the Com-  
18 mittees on Appropriations of the Senate and the House  
19 of Representatives, not later than 45 days after the end  
20 of each quarter of the fiscal year, on progress in imple-  
21 menting the preceding proviso and the funds obligated  
22 during that quarter to make such progress: *Provided fur-*  
23 *ther,* That the Secretary shall prioritize the identification  
24 and removal of aliens convicted of a crime by the severity  
25 of that crime: *Provided further,* That the funding made

1 available under this heading shall maintain a level of not  
2 less than 34,000 detention beds through September 30,  
3 2012: *Provided further*, That of the total amount provided,  
4 not less than \$2,750,843,000 is for detention and removal  
5 operations, including transportation of unaccompanied  
6 minor aliens: *Provided further*, That of the total amount  
7 provided, \$10,300,000 shall remain available until Sep-  
8 tember 30, 2013, for the Visa Security Program: *Provided*  
9 *further*, That none of the funds provided under this head-  
10 ing may be used to continue a delegation of law enforce-  
11 ment authority authorized under section 287(g) of the Im-  
12 migration and Nationality Act (8 U.S.C. 1357(g)) if the  
13 Department of Homeland Security Inspector General de-  
14 termines that the terms of the agreement governing the  
15 delegation of authority have been violated: *Provided fur-*  
16 *ther*, That none of the funds provided under this heading  
17 may be used to continue any contract for the provision  
18 of detention services if the two most recent overall per-  
19 formance evaluations received by the contracted facility  
20 are less than “adequate” or the equivalent median score  
21 in any subsequent performance evaluation system: *Pro-*  
22 *vided further*, That nothing under this heading shall pre-  
23 vent U.S. Immigration and Customs Enforcement from  
24 exercising those authorities provided under immigration  
25 laws (as defined in section 101(a)(17) of the Immigration

1 and Nationality Act (8 U.S.C. 1101(a)(17))) during pri-  
2 ority operations pertaining to aliens convicted of a crime.

3                                   AUTOMATION MODERNIZATION

4           For expenses of immigration and customs enforce-  
5 ment automated systems, \$23,860,000, to remain avail-  
6 able until September 30, 2016: *Provided*, That the Sec-  
7 retary of Homeland Security shall submit to the Commit-  
8 tees on Appropriations of the Senate and the House of  
9 Representatives, at the time that the President's budget  
10 is submitted each year under section 1105(a) of title 31,  
11 United States Code, a multi-year investment and manage-  
12 ment plan for funds made available under this heading  
13 that includes—

14                   (1) the proposed appropriations included for  
15 each project and activity tied to mission require-  
16 ments and outcomes, program management capabili-  
17 ties, performance levels, and specific capabilities and  
18 services to be delivered;

19                   (2) the total estimated cost and projected  
20 timeline of completion for all multi-year enhance-  
21 ments, modernizations, and new capabilities pro-  
22 posed in such budget or underway;

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

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

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

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

14                  (C) define life-cycle costs for these pro-  
15                  grams.

16           TRANSPORTATION SECURITY ADMINISTRATION

17                           AVIATION SECURITY

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

1 That of the total amount made available under this head-  
2 ing, not to exceed \$4,155,813,000 shall be for screening  
3 operations, of which \$555,003,000 shall be for explosives  
4 detection systems; of which \$181,285,000 shall be for  
5 checkpoint support; and not to exceed \$1,068,743,000  
6 shall be for aviation security direction and enforcement:  
7 *Provided further,* That of the amount made available in  
8 the preceding proviso for explosives detection systems,  
9 \$222,738,000 shall be available for the purchase and in-  
10 stallation of such systems; of which not less than 10 per-  
11 cent shall be available for the purchase and installation  
12 of certified explosives detection systems at medium- and  
13 small-sized airports: *Provided further,* That notwith-  
14 standing section 44923 of title 49, United States Code,  
15 for fiscal year 2012 any funds in the Aviation Security  
16 Capital Fund established by section 44923(h) of title 49,  
17 United States Code, may be used for the procurement and  
18 installation of explosives detection systems or for the  
19 issuance of other transaction agreements for the purpose  
20 of funding projects described in section 44923(a): *Pro-*  
21 *vided further,* That none of the funds made available in  
22 this Act may be used for any recruiting or hiring of per-  
23 sonnel into the Transportation Security Administration  
24 that would cause the agency to exceed a staffing level of  
25 46,000 full-time equivalent screeners: *Provided further,*

1 That the preceding proviso shall not apply to personnel  
2 hired as part-time employees: *Provided further*, That not  
3 later than 90 days after the date of enactment of this Act,  
4 the Secretary of Homeland Security shall submit to the  
5 Committees on Appropriations of the Senate and the  
6 House of Representatives a detailed report on—

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

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

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

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

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

25

## 1 SURFACE TRANSPORTATION SECURITY

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

6 TRANSPORTATION THREAT ASSESSMENT AND  
7 CREDENTIALING

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

## 13 TRANSPORTATION SECURITY SUPPORT

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

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

3 ~~FEDERAL AIR MARSHALS~~

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

6 ~~COAST GUARD~~

7 ~~OPERATING EXPENSES~~

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

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

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

4 ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

17 RESERVE TRAINING

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

22 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

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

1 thereto, and maintenance, rehabilitation, lease and oper-  
2 ation of facilities and equipment, as authorized by law,  
3 \$1,151,673,000, of which \$20,000,000 shall be derived  
4 from the Oil Spill Liability Trust Fund to carry out the  
5 purposes of section 1012(a)(5) of the Oil Pollution Act  
6 of 1990 (33 U.S.C. 2712(a)(5)); of which \$427,691,000  
7 shall be available until September 30, 2016, to acquire,  
8 effect major repairs to, renovate, or improve vessels, small  
9 boats, and related equipment; of which \$328,900,000 shall  
10 be available until September 30, 2014, to acquire, effect  
11 major repairs to, renovate, or improve aircraft or increase  
12 aviation capability; of which \$171,140,000 shall be avail-  
13 able until September 30, 2014, for other equipment; of  
14 which \$116,000,000 shall be available until September 30,  
15 2016, for shore, infrastructure, military housing, and aids  
16 to navigation facilities, including waterfront facilities at  
17 Navy installations used by the Coast Guard, of which  
18 \$14,000,000 may be derived from the Coast Guard Hous-  
19 ing Fund, established under section 687 of title 14, United  
20 States Code; and of which \$107,942,000 shall be available  
21 for personnel compensation and benefits and related costs:  
22 *Provided*, That the Secretary of Homeland Security shall  
23 submit to the Committees on Appropriations of the Senate  
24 and the House of Representatives, at the time that the  
25 President's budget is submitted each year under section

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

## 1 RETIRED PAY

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

## 12 UNITED STATES SECRET SERVICE

## 13 SALARIES AND EXPENSES

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

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

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

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

18 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

19 RELATED EXPENSES

20 For necessary expenses for acquisition, construction,  
21 repair, alteration, and improvement of facilities,  
22 \$6,780,000, to remain available until September 30, 2016.

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

6 For salaries and expenses of the Office of the Under  
7 Secretary for the National Protection and Programs Di-  
8 rectorate, support for operations, information technology,  
9 and the Office of Risk Management and Analysis,  
10 \$42,511,000: *Provided*, That not to exceed \$5,000 shall  
11 be for official reception and representation expenses.

12 INFRASTRUCTURE PROTECTION AND INFORMATION  
13 SECURITY

14 For necessary expenses for infrastructure protection  
15 and information security programs and activities, as au-  
16 thorized by title II of the Homeland Security Act of 2002  
17 (6 U.S.C. 121 et seq.), \$891,243,000: *Provided*, That of  
18 the amount made available under this heading,  
19 \$219,420,500 may not be obligated for the National Cyber  
20 Security Division program and \$148,639,500 may not be  
21 obligated for the Office of Infrastructure Protection until  
22 the Committees on Appropriations of the Senate and the  
23 House of Representatives receive and approve a plan for  
24 expenditure for each of these programs that describes the  
25 strategic context of the programs, the specific goals and

1 milestones set for the programs, and the funds allocated  
2 to achieving each of those goals and milestones: *Provided*  
3 *further*, That the Secretary of Homeland Security shall  
4 submit to the Committees on Appropriations of the Senate  
5 and the House of Representatives, at the time that the  
6 President's budget is submitted each year under section  
7 1105(a) of title 31, United States Code: (1) an expendi-  
8 ture plan for the Office of Infrastructure Protection and  
9 the National Cyber Security Division that describes the  
10 strategic context of the programs, the specific goals and  
11 milestones set for the programs, and the funds allocated  
12 to achieving each of those goals and milestones for the  
13 fiscal year being appropriated; and (2) a multi-year invest-  
14 ment and management plan for the National Cybersecu-  
15 rity Protection System that identifies—

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

18           (2) the proposed appropriations included in that  
19           budget for each increment sub-divided by procure-  
20           ment, including quantity, deployment, and oper-  
21           ations and maintenance;

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

1           (4) a current acquisition program baseline  
2           that—

3                   (A) aligns the acquisition to mission re-  
4                   quirements by defining existing capabilities;  
5                   identifying known capability gaps between such  
6                   existing capabilities and stated mission require-  
7                   ments; and explaining how the acquisition of  
8                   each technology will address such known capa-  
9                   bility gaps; and

10                   (B) defines life-cycle costs for each tech-  
11                   nology, including all associated costs of major  
12                   acquisitions systems infrastructure and transi-  
13                   tion to operations; delineated by purpose and  
14                   fiscal year for the projected service life of the  
15                   technology.

16                   FEDERAL PROTECTIVE SERVICE

17           The revenues and collections of security fees credited  
18 to this account shall be available until expended for nec-  
19 essary expenses related to the protection of Federally-  
20 owned and leased buildings and for the operations of the  
21 Federal Protective Service: *Provided*, That the Director of  
22 the Federal Protective Service shall include with the sub-  
23 mission of the fiscal year 2013 budget a strategic human  
24 capital plan that aligns fee collection to personnel require-  
25 ments based on the current threat assessment; *Provided*

1 *further*, That an expenditure plan for program, project,  
2 and activity and by objective for fiscal year 2012 shall be  
3 provided to the Committees on Appropriations of the Sen-  
4 ate and the House of Representatives not later than 60  
5 days after the date of enactment of this Act: *Provided fur-*  
6 *ther*, That an expenditure plan for program, project, and  
7 activity and by objective for fiscal year 2013 shall be sub-  
8 mitted at the time that the President's budget is sub-  
9 mitted each year under section 1105(a) of title 31, United  
10 States Code, to the Committees on Appropriations of the  
11 Senate and the House of Representatives.

12 UNITED STATES VISITOR AND IMMIGRANT STATUS

13 INDICATOR TECHNOLOGY

14 For necessary expenses for the United States Visitor  
15 and Immigrant Status Indicator Technology program, as  
16 authorized by section 110 of the Illegal Immigration Re-  
17 form and Immigrant Responsibility Act of 1996 (8 U.S.C.  
18 1365a), \$297,402,000: *Provided*, That of the total amount  
19 made available under this heading, \$194,295,000 is to re-  
20 main available until September 30, 2014: *Provided further*,  
21 That of the total amount provided, \$50,000,000 may not  
22 be obligated for the United States Visitor and Immigrant  
23 Status Indicator Technology program until the Commit-  
24 tees on Appropriations of the Senate and the House of  
25 Representatives receive a plan for expenditure, prepared

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

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

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

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

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

#### 8 OFFICE OF HEALTH AFFAIRS

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

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

FEDERAL EMERGENCY MANAGEMENT AGENCY  
MANAGEMENT AND ADMINISTRATION

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

1 of the Senate and the House of Representatives at the  
2 time that the President's budget is submitted each year  
3 under section 1105(a) of title 31, United States Code:  
4 *Provided further*, That of the total amount made available  
5 under this heading, not to exceed \$5,863,000 shall remain  
6 available until September 30, 2013, for capital improve-  
7 ments at the Mount Weather Emergency Operations Cen-  
8 ter: *Provided further*, That of the total amount made avail-  
9 able under this heading, \$35,250,000 shall be for the  
10 Urban Search and Rescue Response System, of which not  
11 to exceed \$1,600,000 may be made available for adminis-  
12 trative costs; and \$5,493,000 shall be for the Office of  
13 National Capital Region Coordination: *Provided further*,  
14 That for purposes of planning, coordination, execution,  
15 and decision-making related to mass evacuation during a  
16 disaster, the Governors of the State of West Virginia and  
17 the Commonwealth of Pennsylvania, or their designees,  
18 shall be incorporated into efforts to integrate the activities  
19 of Federal, State, and local governments in the National  
20 Capital Region, as defined in section 882 of the Homeland  
21 Security Act of 2002 (Public Law 107-296).

22 STATE AND LOCAL PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

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

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

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

6           (2) The Urban Area Security Initiative under  
7           section 2003 of the Homeland Security Act of 2002  
8           (6 U.S.C. 604), notwithstanding subsection (e)(1) of  
9           such section, funds provided under this paragraph  
10          may be used for grants to organizations (as de-  
11          scribed under section 501(e)(3) of the Internal Rev-  
12          enue Code of 1986 and exempt from tax section  
13          501(a) of such code) determined by the Secretary to  
14          be at high risk of a terrorist attack.

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

18          (4) The Citizen Corps Program, notwith-  
19          standing the requirements of subtitle A of title XX  
20          of the Homeland Security Act of 2002 (6 U.S.C.  
21          603 et seq.).

22          (5) The Public Transportation Security Assist-  
23          ance and Railroad Security Assistance, under sec-  
24          tions 1406 and 1513 of the Implementing Rec-  
25          ommendations of the 9/11 Commission Act of 2007

1       (~~6 U.S.C. 1135 and 1163~~): *Provided*, That such  
2       public transportation security assistance shall be  
3       provided directly to public transportation agencies.

4           (~~6~~) ~~Over-the-Road Bus Security Assistance~~  
5       under section ~~1532~~ of the Implementing Rec-  
6       ommendations of the 9/11 Commission Act of 2007  
7       (~~6 U.S.C. 1182~~).

8           (~~7~~) ~~Port Security Grants in accordance with 46~~  
9       U.S.C. ~~70107~~.

10          (~~8~~) ~~The Driver's License Security Grants Pro-~~  
11       gram in accordance with section ~~204~~ of the REAL  
12       ID Act of 2005 (~~49 U.S.C. 30301 note~~).

13          (~~9~~) ~~The Interoperable Emergency Communica-~~  
14       tions Grant Program under section ~~1809~~ of the  
15       Homeland Security Act of 2002 (~~6 U.S.C. 579~~).

16       *Provided*, That of the amount provided under this  
17       heading, \$55,000,000 shall be for Operation Stonegarden  
18       and \$192,663,000 shall be for training, exercises, tech-  
19       nical assistance, and other programs, of which  
20       \$107,000,000 shall be for training of State, local, and  
21       tribal emergency response providers: *Provided further*,  
22       That notwithstanding subsection (c)(4) of section 2004 of  
23       the Homeland Security Act of 2002 (~~6 U.S.C. 605~~), for  
24       fiscal year 2012, the Commonwealth of Puerto Rico shall  
25       make available to local and tribal governments amounts

1 provided to the Commonwealth of Puerto Rico under the  
2 State Homeland Security Grant Program in accordance  
3 with subsection (c)(1) of such section 2004: *Provided fur-*  
4 *ther*, That 10 percent of the amounts provided under this  
5 heading shall be transferred to “Federal Emergency Man-  
6 agement Agency, Management and Administration” for  
7 program administration, and the Secretary of Homeland  
8 Security shall provide an expenditure plan for program ad-  
9 ministration to the Committees on Appropriations of the  
10 Senate and the House of Representatives within 60 days  
11 after the date of enactment of this Act: *Provided further*,  
12 That the Secretary shall provide a detailed expenditure  
13 plan for program administration for each fiscal year to  
14 the Committees on Appropriations of the Senate and the  
15 House of Representatives at the time that the President’s  
16 budget is submitted each year under section 1105(a) of  
17 title 31, United States Code: *Provided further*, That not-  
18 withstanding section 2008(a)(11) of the Homeland Secu-  
19 rity Act of 2002 (6 U.S.C. 609(a)(11)), or any other pro-  
20 vision of law, a grantee may use not more than five per-  
21 cent of the amount of a grant made available under this  
22 heading for expenses directly related to administration of  
23 the grant: *Provided further*, That for grants under para-  
24 graphs (1) through (4), the applications for grants shall  
25 be made available to eligible applicants not later than 25

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

1 tion, for the purposes for which amounts in the account  
 2 may be expended, and (b) the head of the Center for Do-  
 3 mestic Preparedness shall ensure that any training pro-  
 4 vided under (a) does not interfere with the primary mis-  
 5 sion of the Center to train State and local emergency re-  
 6 sponse providers: *Provided further*, That not later than 60  
 7 days after the date of enactment of this Act, the Adminis-  
 8 trator of the Federal Emergency Management Agency  
 9 shall submit to the Committees on Appropriations of the  
 10 Senate and the House of Representatives a plan to expend  
 11 by the end of fiscal year 2012 all unexpended balances  
 12 of funds appropriated for fiscal years before fiscal year  
 13 2008 under this heading.

14 FIREFIGHTER ASSISTANCE GRANTS

15 For necessary expenses for programs authorized by  
 16 the Federal Fire Prevention and Control Act of 1974 (15  
 17 U.S.C. 2201 et seq.), \$350,000,000 (increased by  
 18 \$320,000,000), of which \$200,000,000 (increased by  
 19 \$135,000,000) shall be available to carry out section 33  
 20 of that Act (15 U.S.C. 2229) and \$150,000,000 (in-  
 21 creased by \$185,000,000) shall be available to carry out  
 22 section 34 of that Act (15 U.S.C. 2229a), to remain avail-  
 23 able until September 30, 2013: *Provided*, That not to ex-  
 24 ceed 10 percent of the amount available under this head-  
 25 ing shall be transferred to “Federal Emergency Manage-

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

12       EMERGENCY MANAGEMENT PERFORMANCE GRANTS

13       For necessary expenses for emergency management  
14 performance grants, as authorized by the National Flood  
15 Insurance Act of 1968 (42 U.S.C. 4001 et seq.); the Rob-  
16 ert T. Stafford Disaster Relief and Emergency Assistance  
17 Act (42 U.S.C. 5121 et seq.); the Earthquake Hazards  
18 Reduction Act of 1977 (42 U.S.C. 7701 et seq.); and Re-  
19 organization Plan No. 3 of 1978 (5 U.S.C. App.);  
20 \$350,000,000: *Provided*, That not to exceed 10 percent  
21 of the amount available under this heading shall be trans-  
22 ferred to “Federal Emergency Management Agency, Man-  
23 agement and Administration” for program administration,  
24 and an expenditure plan for program administration shall  
25 be provided to the Committees on Appropriations of the

1 Senate and the House of Representatives not later than  
2 60 days after the date of enactment of this Act: *Provided*  
3 *further*, That an expenditure plan for program administra-  
4 tion shall be submitted at the time that the President's  
5 budget is submitted each year under section 1105(a) of  
6 title 31, United States Code, to the Committees on Appro-  
7 priations of the Senate and the House of Representatives.

8 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

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

## 1 UNITED STATES FIRE ADMINISTRATION

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

## 7 DISASTER RELIEF

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses in carrying out the Robert  
10 T. Stafford Disaster Relief and Emergency Assistance Act  
11 (42 U.S.C. 5121 et seq.), \$2,650,000,000 (reduced by  
12 \$100,000,000) (increased by \$100,000,000), to remain  
13 available until expended: *Provided*, That the Federal  
14 Emergency Management Agency shall submit an expendi-  
15 ture plan to the Committees on Appropriations of the Sen-  
16 ate and the House of Representatives detailing the use of  
17 the funds for disaster readiness and support not later than  
18 60 days after the date of enactment of this Act: *Provided*  
19 *further*, That the Federal Emergency Management Agency  
20 shall submit to such Committees a quarterly report detail-  
21 ing obligations against the expenditure plan and a jus-  
22 tification for any changes in spending: *Provided further*,  
23 That of the total amount provided, \$16,000,000 shall be  
24 transferred to the Department of Homeland Security Of-  
25 fice of Inspector General for audits and investigations re-

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

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

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

24           (3) an estimate, by quarter, for the costs of cat-  
25           astrophic disasters excluded from the five-year aver-

1 age subdivided by disaster and shall include the  
2 amount already obligated and the remaining esti-  
3 mated costs; and

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

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

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

24 (B) the necessity for timeliness of agency  
25 billings.

## 1 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

## 10 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

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

## 20 NATIONAL FLOOD INSURANCE FUND

21 For activities under the National Flood Insurance  
22 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-  
23 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),  
24 \$171,000,000, which shall remain available until Sep-  
25 tember 30, 2013, and shall be derived from offsetting col-

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

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

21 NATIONAL PREDISASTER MITIGATION FUND

22 For the predisaster mitigation grant program under  
 23 section 203 of the Robert T. Stafford Disaster Relief and  
 24 Emergency Assistance Act (42 U.S.C. 5133),  
 25 \$40,000,000, to remain available until expended: *Pro-*

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

4                   EMERGENCY FOOD AND SHELTER

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

11                   TITLE IV

12           RESEARCH AND DEVELOPMENT, TRAINING,  
 13                   AND SERVICES

14           UNITED STATES CITIZENSHIP AND IMMIGRATION  
 15                   SERVICES

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

1 for replacement only, for areas where the Administrator  
2 of General Services does not provide vehicles for lease:  
3 *Provided further,* That the Director of United States Citi-  
4 zenship and Immigration Services may authorize employ-  
5 ees who are assigned to those areas to use such vehicles  
6 to travel between the employees' residences and places of  
7 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; \$238,957,000, of which up to \$48,978,000  
23 shall remain available until September 30, 2013, 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 \$12,000 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 section 1202(a) of Public Law  
11 107–206 (42 U.S.C. 3771 note), as amended by Public  
12 Law 111–83 (123 Stat. 2166), is further amended by  
13 striking “December 31, 2012” and inserting “December  
14 31, 2014”: *Provided further*, That the Director of the Fed-  
15 eral Law Enforcement Training Center shall schedule  
16 basic or advanced law enforcement training, or both, at  
17 all four training facilities under the control of the Federal  
18 Law Enforcement Training Center to ensure that such  
19 training facilities are operated at the highest capacity  
20 throughout the fiscal year: *Provided further*, That the Fed-  
21 eral Law Enforcement Training Accreditation Board, in-  
22 cluding representatives from the Federal law enforcement  
23 community and non-Federal accreditation experts involved  
24 in law enforcement training, shall lead the Federal law  
25 enforcement training accreditation process to continue the

1 implementation of measuring and assessing the quality  
2 and effectiveness of Federal law enforcement training pro-  
3 grams, facilities, and instructors.

4 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND  
5 RELATED EXPENSES

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

14 SCIENCE AND TECHNOLOGY

15 MANAGEMENT AND ADMINISTRATION

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



## SYSTEMS ACQUISITION

1  
2 For expenses for the Domestic Nuclear Detection Of-  
3 fice acquisition and deployment of radiological detection  
4 systems in accordance with the global nuclear detection  
5 architecture, \$52,000,000, to remain available until Sep-  
6 tember 30, 2014: *Provided*, That none of the funds appro-  
7 priated under this heading in this Act or any other Act  
8 shall be obligated for full-scale procurement of advanced  
9 spectroscopic portal monitors until the Secretary of Home-  
10 land Security submits to the Committees on Appropria-  
11 tions of the Senate and the House of Representatives a  
12 report certifying that a significant increase in operational  
13 effectiveness will be achieved by such obligation: *Provided*  
14 *further*, That the Secretary shall submit separate and dis-  
15 tinct certifications prior to the procurement of advanced  
16 spectroscopic portal monitors for primary and secondary  
17 deployment that address the unique requirements for  
18 operational effectiveness of each type of deployment: *Pro-*  
19 *vided further*, That the Secretary shall continue to consult  
20 with the National Academy of Sciences before making  
21 such certifications: *Provided further*, That none of the  
22 funds appropriated under this heading shall be used for  
23 high-risk concurrent development and production of mutu-  
24 ally dependent software and hardware.

## TITLE V

## GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

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

12           SEC. 503. (a) None of the funds provided by this Act,  
13 provided by previous appropriations Acts to the agencies  
14 in or transferred to the Department of Homeland Security  
15 that remain available for obligation or expenditure in fiscal  
16 year 2012, or provided from any accounts in the Treasury  
17 of the United States derived by the collection of fees avail-  
18 able to the agencies funded by this Act, shall be available  
19 for obligation or expenditure through a reprogramming of  
20 funds that: (1) creates a new program, project, office, or  
21 activity; (2) eliminates a program, project, office, or activ-  
22 ity; (3) increases funds for any program, project, or activ-

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

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

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

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

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

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

5 SEC. 504. The Department of Homeland Security  
6 Working Capital Fund, established pursuant to section  
7 403 of Public Law 103-356 (31 U.S.C. 501 note), shall  
8 continue operations as a permanent working capital fund  
9 for fiscal year 2012: *Provided*, That none of the funds ap-  
10 propriated or otherwise made available to the Department  
11 of Homeland Security may be used to make payments to  
12 the Working Capital Fund, except for the activities and  
13 amounts allowed in the President's fiscal year 2012 budg-  
14 et: *Provided further*, That funds provided to the Working  
15 Capital Fund shall be available for obligation until ex-  
16 pended to carry out the purposes of the Working Capital  
17 Fund: *Provided further*, That all departmental components  
18 shall be charged only for direct usage of each Working  
19 Capital Fund service: *Provided further*, That funds pro-  
20 vided to the Working Capital Fund shall be used only for  
21 purposes consistent with the contributing component: *Pro-*  
22 *vided further*, That the Working Capital Fund shall be  
23 paid in advance or reimbursed at rates which will return  
24 the full cost of each service: *Provided further*, That the

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

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

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

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

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

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

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

10 ~~(3)~~ announce publicly the intention to make or  
11 award items under paragraph (1) or (2), including  
12 a contract covered by the Federal Acquisition Regu-  
13 lation.

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

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

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

3 ~~(d) A notification under this section—~~

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

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

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

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

1 or other agreement for training that cannot be accommo-  
2 dated in existing Center facilities.

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

11       ~~SEC. 510.~~ Sections ~~520, 522, and 530~~ of the Depart-  
12 ment of Homeland Security Appropriations Act, 2008 (di-  
13 vision E of Public Law 110-161, 121 Stat. 2042 et seq.)  
14 shall apply with respect to funds made available in this  
15 Act in the same manner as such sections applied to funds  
16 made available in that Act.

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

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 for or trans-  
17 ferred to “Transportation Security Administration, Avia-  
18 tion Security”, “Transportation Security Administration,  
19 Administration”, and “Transportation Security Adminis-  
20 tration, Transportation Security Support” for fiscal years  
21 2004, 2005, 2006, 2007, 2008, 2009, and 2010 that are  
22 recovered or deobligated shall be available only for the pro-  
23 curement or installation of explosives detection systems,  
24 air cargo, baggage, and checkpoint screening systems,  
25 subject to notification. *Provided*, That quarterly reports

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

4       SEC. 516. Any funds appropriated to “Coast Guard,  
5 Acquisition, Construction, and Improvements” for fiscal  
6 years 2002, 2003, 2004, 2005, and 2006 for the 110–  
7 123 foot patrol boat conversion that are recovered, col-  
8 lected, or otherwise received as the result of negotiation,  
9 mediation, or litigation, shall be available until expended  
10 for the Fast Response Cutter program.

11       SEC. 517. Section 532(a) of Public Law 109–295  
12 (120 Stat. 1384) is amended by striking “2010” and in-  
13 serting “2012”.

14       SEC. 518. The functions of the Federal Law Enforce-  
15 ment Training Center instructor staff shall be classified  
16 as inherently governmental for the purpose of the Federal  
17 Activities Inventory Reform Act of 1998 (31 U.S.C. 501  
18 note).

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

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

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

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

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

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

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

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

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

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

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

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

9       SEC. 521. None of the funds made available in this  
10 or any other Act may be used to enforce section 4025(1)  
11 of the Intelligence Reform and Terrorism Prevention Act  
12 (Public Law 108-458; 118 Stat. 3724) unless the Assist-  
13 ant Secretary of Homeland Security (Transportation Se-  
14 curity Administration) reverses the determination of July  
15 19, 2007, that butane lighters are not a significant threat  
16 to civil aviation security.

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

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

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

3       SEC. 524. None of the funds made available in this  
4 or any other Act for fiscal year 2012 and hereafter may  
5 be used to destroy or put out to pasture any horse or other  
6 equine belonging to any component or agency of the De-  
7 partment of Homeland Security that has become unfit for  
8 service, unless the trainer or handler is first given the op-  
9 tion to take possession of the equine through an adoption  
10 program that has safeguards against slaughter and inhu-  
11 mane treatment.

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

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

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

19       SEC. 526. The Secretary of Homeland Security shall  
20 require that all contracts of the Department of Homeland  
21 Security that provide award fees link such fees to success-  
22 ful acquisition outcomes (which outcomes shall be speci-  
23 fied in terms of cost, schedule, and performance).

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

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

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

17           (1) a controlled substance, as defined in section  
18       402 of the Controlled Substances Act (21 U.S.C.  
19       802); or

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

23       SEC. 529. The Secretary of Homeland Security, in  
24 consultation with the Secretary of the Treasury, shall no-  
25 tify the Committees on Appropriations of the Senate and

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

10       SEC. 530. None of the funds made available in this  
11 Act may be used for planning, testing, piloting, or devel-  
12 oping a national identification card.

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

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

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

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

15 (c) In this section—

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

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

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

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

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

21       SEC. 534. Any official that is required by this Act  
22 to report or certify to the Committees on Appropriations  
23 of the Senate and the House of Representatives may not  
24 delegate such authority to perform that act unless specifi-  
25 cally authorized herein.

1        ~~SEC. 535.~~ Section 550(b) of the Department of  
2 Homeland Security Appropriations Act, 2007 (Public Law  
3 109–295; 6 U.S.C. 121 note) is further amended by strik-  
4 ing “2011” and inserting “2012”.

5        ~~SEC. 536.~~ None of the funds appropriated or other-  
6 wise made available in this or any other Act may be used  
7 to transfer, release, or assist in the transfer or release to  
8 or within the United States, its territories, or possessions,  
9 including detaining, accepting custody of, or extending im-  
10 migration benefits to, Khalid Sheikh Mohammed or any  
11 other detainee who—

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

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

17        ~~SEC. 537.~~ None of the funds made available in this  
18 Act may be used for first-class travel by the employees  
19 of agencies funded by this Act in contravention of sections  
20 301–10.122 through 301.10–124 of title 41, Code of Fed-  
21 eral Regulations.

22        ~~SEC. 538.~~ None of the funds made available in this  
23 Act may be used to propose or effect a disciplinary or ad-  
24 verse action, with respect to any Department of Homeland  
25 Security employee who engages regularly with the public

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

9       SEC. 539. None of the funds made available in this  
10 Act may be used to employ workers described in section  
11 274A(h)(3) of the Immigration and Nationality Act (8  
12 U.S.C. 1324a(h)(3)).

13       SEC. 540. (a) Any company that collects or retains  
14 personal information directly from any individual who par-  
15 ticipates in the Registered Traveler program of the Trans-  
16 portation Security Administration shall safeguard and dis-  
17 pose of such information in accordance with the require-  
18 ments in—

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

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

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

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

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

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

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

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

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

6           SEC. 541. Notwithstanding any other provision of  
7           this Act, none of the funds appropriated or otherwise  
8           made available by this Act may be used to pay award or  
9           incentive fees for contractor performance that has been  
10          judged to be below satisfactory performance or perform-  
11          ance that does not meet the basic requirements of a con-  
12          tract.

13          SEC. 542. (a) Not later than 180 days after the date  
14          of enactment of this Act, the Assistant Secretary of Home-  
15          land Security (Transportation Security Administration)  
16          shall submit to the Committees on Appropriations of the  
17          Senate and the House of Representatives, a report that  
18          either—

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

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

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

8           (B) specification of—

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

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

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

18          SEC. 543. In developing any process to screen avia-  
19          tion passengers and crews for transportation or national  
20          security purposes, the Secretary of Homeland Security  
21          shall ensure that all such processes take into consideration  
22          such passengers' and crews' privacy and civil liberties con-  
23          sistent with applicable laws, regulations, and guidance.

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

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

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

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

14       SEC. 546. Of the funds transferred to the Depart-  
15 ment of Homeland Security when it was created in 2003,  
16 the following funds are hereby rescinded from the fol-  
17 lowing accounts and programs in the specified amounts:

18               (1) \$20,997,225 from “U.S. Immigration and  
19 Customs Enforcement, Salaries and Expenses”.

20               (2) \$594,945 from “Violent Crime Reduction  
21 Programs”.

22       SEC. 547. Of the following unobligated balances  
23 available for “Department of Homeland Security, U.S.  
24 Immigration and Customs Enforcement, Construction”,  
25 \$11,300,000 is rescinded.

1 TITLE VI  
2 EMERGENCY SUPPLEMENTAL FUNDING FOR  
3 DISASTER RELIEF

4 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

5 SEC. 601. Effective on the date of the enactment of  
6 this Act, of the unobligated balances remaining available  
7 to the Department of Energy pursuant to section 129 of  
8 the Continuing Appropriations Resolution, 2009 (division  
9 A of Public Law 110-329), \$500,000,000 is rescinded and  
10 \$1,000,000,000 is hereby transferred to and merged with  
11 “Department of Homeland Security—Federal Emergency  
12 Management Agency—Disaster Relief”: *Provided*, That  
13 the amount transferred by this section is designated as  
14 an emergency pursuant to section 3(e)(1) of H. Res. 5  
15 (112th Congress).

16 TITLE VII  
17 SPENDING REDUCTION ACCOUNT

18 SEC. 701. The amount by which the applicable alloca-  
19 tion of new budget authority made by the Committee on  
20 Appropriations of the House of Representatives under sec-  
21 tion 302(b) of the Congressional Budget Act of 1974 ex-  
22 ceeds the amount of proposed new budget authority is \$0  
23 (increased by \$600,000).

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

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

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

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

13 ~~SEC. 705.~~ None of the funds made available by this  
14 Act may be used by the Department of Homeland Security  
15 to lease or purchase new light duty vehicles, for any execu-  
16 tive fleet, or for an agency's fleet inventory, except in ac-  
17 cordance with Presidential Memorandum-Federal Fleet  
18 Performance, dated May 24, 2011.

19 ~~SEC. 706.~~ None of the funds made available by this  
20 Act may be used in contravention of section 44917 of title  
21 49, United States Code.

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

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

3           (1) section 34(a)(1)(A) of the Federal Fire Pre-  
4 vention and Control Act of 1974 (15 U.S.C.  
5 2229(a)(1)(A));

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

7           (3) section 34(e)(1) of such Act;

8           (4) section 34(e)(2) of such Act;

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

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

11       SEC. 709. None of the funds made available by this  
12 Act shall be made available to the Association of Commu-  
13 nity Organizations for Reform Now, Acorn Beneficial  
14 Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn  
15 Children's Beneficial Assoc., Arkansas Community Hous-  
16 ing Corp., Acorn Community Land Assoc., Inc., Acorn  
17 Community Land Assoc. of Illinois, Acorn Community  
18 Land Association of Louisiana, Acorn Community Land  
19 Assoc. of Pennsylvania, ACORN COMMUNITY LABOR  
20 ORGANIZING CENTER, ACORN Beverly LLC,  
21 ACORN Canada, ACORN Center for Housing, ACORN  
22 Housing Affordable Loans LLC, Acorn Housing 1 Associ-  
23 ates, LP, Acorn Housing 2 Associates, LP, ACORN  
24 Housing 3 Associates LP, ACORN Housing 4 Associates,  
25 L.P., ACORN International, ACORN VOTES, Acorn

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

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

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

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

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

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



1 *as authorized by law, \$135,433,000: Provided, That not to*  
2 *exceed \$51,000 shall be for official reception and representa-*  
3 *tion expenses, of which \$20,000 shall be made available to*  
4 *the Office of Policy solely to host Visa Waiver Program ne-*  
5 *gotiations in Washington, D.C., and for other international*  
6 *activities: Provided further, That all official costs associated*  
7 *with the use of government aircraft by Department of*  
8 *Homeland Security personnel to support official travel of*  
9 *the Secretary and the Deputy Secretary shall be paid from*  
10 *amounts made available for the Immediate Office of the Sec-*  
11 *retary and the Immediate Office of the Deputy Secretary:*  
12 *Provided further, That consistent with the requirements*  
13 *specified within Presidential Policy Directive-8, dated*  
14 *March 30, 2011, the Secretary of Homeland Security shall*  
15 *submit to the Committees on Appropriations of the Senate*  
16 *and the House of Representatives not later than October 15,*  
17 *2011, the National Preparedness Goal and not later than*  
18 *January 15, 2012, the description of the National Pre-*  
19 *paredness System: Provided further, That \$35,000,000 shall*  
20 *not be available for obligation until the Secretary of Home-*  
21 *land Security submits to the Committees on Appropriations*  
22 *of the Senate and the House of Representatives a com-*  
23 *prehensive plan to initiate implementation of a biometric*  
24 *air exit capability in fiscal year 2012, or a written certifi-*  
25 *cation to the Congress that it is the position of the adminis-*

1 *tration that the statutory requirement for biometric air exit*  
2 *be repealed.*

3 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

4 *For necessary expenses of the Office of the Under Sec-*  
5 *retary for Management, as authorized by sections 701*  
6 *through 705 of the Homeland Security Act of 2002 (6*  
7 *U.S.C. 341 through 345), \$237,131,000, of which not to ex-*  
8 *ceed \$2,500 shall be for official reception and representation*  
9 *expenses: Provided, That of the total amount made available*  
10 *under this heading, \$5,000,000 shall remain available until*  
11 *expended solely for the alteration and improvement of fa-*  
12 *cilities, tenant improvements, and relocation costs to con-*  
13 *solidate Department headquarters operations at the Ne-*  
14 *braska Avenue Complex; and \$14,172,000 shall remain*  
15 *available until expended for the Human Resources Informa-*  
16 *tion Technology program.*

17 *OFFICE OF THE CHIEF FINANCIAL OFFICER*

18 *For necessary expenses of the Office of the Chief Finan-*  
19 *cial Officer, as authorized by section 103 of the Homeland*  
20 *Security Act of 2002 (6 U.S.C. 113), \$51,000,000.*

21 *OFFICE OF THE CHIEF INFORMATION OFFICER*

22 *For necessary expenses of the Office of the Chief Infor-*  
23 *mation Officer, as authorized by section 103 of the Home-*  
24 *land Security Act of 2002 (6 U.S.C. 113), and Department-*  
25 *wide technology investments, \$267,972,000; of which*

1 \$105,578,000 shall be available for salaries and expenses;  
2 and of which \$162,394,000, to remain available until Sep-  
3 tember 30, 2014, shall be available for development and ac-  
4 quisition of information technology equipment, software,  
5 services, and related activities for the Department of Home-  
6 land Security: Provided, That the Department of Homeland  
7 Security Chief Information Officer shall submit to the Com-  
8 mittees on Appropriations of the Senate and the House of  
9 Representatives, at the time that the President's budget is  
10 submitted each year under section 1105(a) of title 31,  
11 United States Code, a multi-year investment and manage-  
12 ment plan for all information technology acquisition  
13 projects funded under this heading or funded by multiple  
14 components of the Department of Homeland Security  
15 through reimbursable agreements, that includes—

16 (1) the proposed appropriations included for  
17 each project and activity tied to mission require-  
18 ments, program management capabilities, perform-  
19 ance levels, and specific capabilities and services to be  
20 delivered;

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

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

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

5                 (A) notes and explains any deviations in  
6 cost, performance parameters, schedule, or esti-  
7 mated date of completion from the original ac-  
8 quisition program baseline;

9                 (B) aligns the acquisition programs covered  
10 by the baseline to mission requirements by defin-  
11 ing existing capabilities, identifying known ca-  
12 pability gaps between such existing capabilities  
13 and stated mission requirements, and explaining  
14 how each increment will address such known ca-  
15 pability gaps; and

16                 (C) defines life-cycle costs for such pro-  
17 grams.

#### 18 ANALYSIS AND OPERATIONS

19           For necessary expenses for intelligence analysis and  
20 operations coordination activities, as authorized by title II  
21 of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),  
22 \$339,368,000; of which not to exceed \$4,250 shall be for offi-  
23 cial reception and representation expenses; and of which  
24 \$136,665,000 shall remain available until September 30,  
25 2013.

1                    *OFFICE OF INSPECTOR GENERAL*

2            *For necessary expenses of the Office of Inspector Gen-*  
3 *eral in carrying out the provisions of the Inspector General*  
4 *Act of 1978 (5 U.S.C. App.), \$125,000,000, of which not*  
5 *to exceed \$300,000 may be used for certain confidential*  
6 *operational expenses, including the payment of informants,*  
7 *to be expended at the direction of the Inspector General.*

8                    *TITLE II*9 *SECURITY, ENFORCEMENT, AND INVESTIGATIONS*10            *U.S. CUSTOMS AND BORDER PROTECTION*11                    *SALARIES AND EXPENSES*

12            *For necessary expenses for enforcement of laws relating*  
13 *to border security, immigration, customs, agricultural in-*  
14 *spections and regulatory activities related to plant and ani-*  
15 *mal imports, and transportation of unaccompanied minor*  
16 *aliens; purchase and lease of up to 7,500 (6,500 for replace-*  
17 *ment only) police-type vehicles; and contracting with indi-*  
18 *viduals for personal services abroad; \$8,762,103,000; of*  
19 *which \$3,274,000 shall be derived from the Harbor Mainte-*  
20 *nance Trust Fund for administrative expenses related to the*  
21 *collection of the Harbor Maintenance Fee pursuant to sec-*  
22 *tion 9505(c)(3) of the Internal Revenue Code of 1986 (26*  
23 *U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1)*  
24 *of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1));*  
25 *of which not to exceed \$38,250 shall be for official reception*

1 *and representation expenses; of which not less than*  
2 *\$287,901,000 shall be for Air and Marine Operations; of*  
3 *which such sums as become available in the Customs User*  
4 *Fee Account, except sums subject to section 13031(f)(3) of*  
5 *the Consolidated Omnibus Budget Reconciliation Act of*  
6 *1985 (19 U.S.C. 58c(f)(3)), shall be derived from that ac-*  
7 *count; of which not to exceed \$150,000 shall be available*  
8 *for payment for rental space in connection with*  
9 *preclearance operations; of which not to exceed \$1,000,000*  
10 *shall be for awards of compensation to informants, to be*  
11 *accounted for solely under the certificate of the Secretary*  
12 *of Homeland Security: Provided, That for fiscal year 2012,*  
13 *the overtime limitation prescribed in section 5(c)(1) of the*  
14 *Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be*  
15 *\$35,000; and notwithstanding any other provision of law,*  
16 *none of the funds appropriated by this Act may be available*  
17 *to compensate any employee of U.S. Customs and Border*  
18 *Protection for overtime, from whatever source, in an*  
19 *amount that exceeds such limitation, except in individual*  
20 *cases determined by the Secretary of Homeland Security,*  
21 *or the designee of the Secretary, to be necessary for national*  
22 *security purposes, to prevent excessive costs, or in cases of*  
23 *immigration emergencies: Provided further, That the Bor-*  
24 *der Patrol shall maintain an active duty presence of not*

1 *less than 21,370 full-time equivalent agents protecting the*  
2 *borders of the United States throughout the fiscal year.*

3 *AUTOMATION MODERNIZATION*

4 *For expenses for U.S. Customs and Border Protection*  
5 *automated systems, \$334,275,000, to remain available until*  
6 *September 30, 2014, of which not less than \$140,000,000*  
7 *shall be for the development of the Automated Commercial*  
8 *Environment: Provided, That of the total amount made*  
9 *available under this heading, \$50,000,000 may not be obli-*  
10 *gated for the Automated Commercial Environment program*  
11 *until 30 days after the Committees on Appropriations of*  
12 *the Senate and the House of Representatives receive a report*  
13 *on the results to date and plans for the program from the*  
14 *Department of Homeland Security.*

15 *BORDER SECURITY FENCING, INFRASTRUCTURE, AND*

16 *TECHNOLOGY*

17 *For expenses for border security fencing, infrastruc-*  
18 *ture, and technology, \$400,000,000, to remain available*  
19 *until September 30, 2014: Provided, That of the total*  
20 *amount made available under this heading, \$60,000,000*  
21 *shall not be obligated until the Committees on Appropria-*  
22 *tions of the Senate and the House of Representatives receive*  
23 *and approve a plan for expenditure, prepared by the Com-*  
24 *missioner, U.S. Customs and Border Protection, reviewed*  
25 *by the Government Accountability Office, and submitted not*

1 *later than 90 days after the date of the enactment of this*  
2 *Act, for a program to establish and maintain a security*  
3 *barrier along the borders of the United States of fencing*  
4 *and vehicle barriers, where practicable, and of other forms*  
5 *of tactical infrastructure and technology.*

6 *AIR AND MARINE INTERDICTION, OPERATIONS,*  
7 *MAINTENANCE, AND PROCUREMENT*

8 *For necessary expenses for the operations, mainte-*  
9 *nance, and procurement of marine vessels, aircraft, un-*  
10 *manned aircraft systems, and other related equipment of*  
11 *the air and marine program, including operational train-*  
12 *ing and mission-related travel, the operations of which in-*  
13 *clude the following: the interdiction of narcotics and other*  
14 *goods; the provision of support to Federal, State, and local*  
15 *agencies in the enforcement or administration of laws en-*  
16 *forced by the Department of Homeland Security; and, at*  
17 *the discretion of the Secretary of Homeland Security, the*  
18 *provision of assistance to Federal, State, and local agencies*  
19 *in other law enforcement and emergency humanitarian ef-*  
20 *forts, \$506,566,000, to remain available until September*  
21 *30, 2014: Provided, That no aircraft or other related equip-*  
22 *ment, with the exception of aircraft that are one of a kind*  
23 *and have been identified as excess to U.S. Customs and Bor-*  
24 *der Protection requirements and aircraft that have been*  
25 *damaged beyond repair, shall be transferred to any other*

1 *Federal agency, department, or office outside of the Depart-*  
2 *ment of Homeland Security during fiscal year 2012 without*  
3 *the prior approval of the Committees on Appropriations of*  
4 *the Senate and the House of Representatives.*

5 *CONSTRUCTION AND FACILITIES MANAGEMENT*

6 *For necessary expenses to plan, acquire, construct, ren-*  
7 *ovate, equip, furnish, operate, manage, and maintain build-*  
8 *ings and facilities necessary for the administration and en-*  
9 *forcement of the laws relating to customs, immigration, and*  
10 *border security, \$239,096,000, to remain available until*  
11 *September 30, 2016: Provided, That for fiscal year 2012*  
12 *and thereafter, the annual budget submission of U.S. Cus-*  
13 *toms and Border Protection for “Construction and Facili-*  
14 *ties Management” shall, in consultation with the General*  
15 *Services Administration, include a detailed 5-year plan for*  
16 *all Federal land border port of entry projects with a yearly*  
17 *update of total projected future funding needs delineated by*  
18 *land port of entry.*

19 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

20 *SALARIES AND EXPENSES*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses for enforcement of immigration*  
23 *and customs laws, detention and removals, and investiga-*  
24 *tions, including overseas vetted units operations; and pur-*  
25 *chase and lease of up to 3,790 (2,350 for replacement only)*

1 *police-type vehicles; \$5,512,856,000; of which not to exceed*  
2 *\$10,000,000 shall be available until expended for con-*  
3 *ducting special operations under section 3131 of the Cus-*  
4 *toms Enforcement Act of 1986 (19 U.S.C. 2081); of which*  
5 *not to exceed \$12,750 shall be for official reception and rep-*  
6 *resentation expenses; of which not to exceed \$2,000,000 shall*  
7 *be for awards of compensation to informants, to be ac-*  
8 *counted for solely under the certificate of the Secretary of*  
9 *Homeland Security; of which not less than \$305,000 shall*  
10 *be for promotion of public awareness of the child pornog-*  
11 *raphy tipline and anti-child exploitation activities; of*  
12 *which not less than \$5,400,000 shall be used to facilitate*  
13 *agreements consistent with section 287(g) of the Immigra-*  
14 *tion and Nationality Act (8 U.S.C. 1357(g)); and of which*  
15 *not to exceed \$11,216,000 shall be available to fund or reim-*  
16 *burse other Federal agencies for the costs associated with*  
17 *the care, maintenance, and repatriation of smuggled aliens*  
18 *unlawfully present in the United States: Provided, That*  
19 *none of the funds made available under this heading shall*  
20 *be available to compensate any employee for overtime in*  
21 *an annual amount in excess of \$35,000, except that the Sec-*  
22 *retary of Homeland Security, or the designee of the Sec-*  
23 *retary, may waive that amount as necessary for national*  
24 *security purposes and in cases of immigration emergencies:*  
25 *Provided further, That of the total amount provided,*

1 \$15,770,000 shall be for activities in fiscal year 2012 to  
2 enforce laws against forced child labor, of which not to ex-  
3 ceed \$6,000,000 shall remain available until expended: Pro-  
4 vided further, That of the total amount available, not less  
5 than \$1,500,000,000 shall be available to identify aliens  
6 convicted of a crime who may be deportable, and to remove  
7 them from the United States once they are judged deport-  
8 able, of which \$184,064,000 shall remain available until  
9 September 30, 2013: Provided further, That the Assistant  
10 Secretary of U.S. Immigration and Customs Enforcement  
11 shall report to the Committees on Appropriations of the  
12 Senate and the House of Representatives, not later than 45  
13 days after the end of each quarter of the fiscal year, on  
14 progress in implementing the preceding proviso and the  
15 funds obligated during that quarter to make that progress:  
16 Provided further, That the Secretary of Homeland Security  
17 shall prioritize the identification and removal of aliens con-  
18 victed of a crime by the severity of that crime: Provided  
19 further, That funding made available under this heading  
20 shall maintain a level of not less than 33,400 detention beds  
21 through September 30, 2012: Provided further, That of the  
22 total amount provided, not less than \$2,724,125,000 is for  
23 detention and removal operations, including transportation  
24 of unaccompanied minor aliens: Provided further, That of  
25 the total amount provided, \$7,300,000 shall remain avail-

1 able until September 30, 2013, for the Visa Security Pro-  
2 gram: Provided further, That of the total amount provided  
3 under this heading, up to \$5,000,000 may be transferred  
4 to United States Visitor and Immigrant Status Indicator  
5 Technology to address the visa overstay backlog: Provided  
6 further, That none of the funds provided under this heading  
7 may be used to continue a delegation of law enforcement  
8 authority authorized under section 287(g) of the Immigra-  
9 tion and Nationality Act (8 U.S.C. 1357(g)) if the Depart-  
10 ment of Homeland Security Inspector General determines  
11 that the terms of the agreement governing the delegation of  
12 authority have been violated: Provided further, That none  
13 of the funds provided under this heading may be used to  
14 continue any contract for the provision of detention services  
15 if the two most recent overall performance evaluations re-  
16 ceived by the contracted facility are less than “adequate”  
17 or the equivalent median score in any subsequent perform-  
18 ance evaluation system: Provided further, That nothing  
19 under this heading shall prevent U.S. Immigration and  
20 Customs Enforcement from exercising those authorities pro-  
21 vided under immigration laws (as defined in section  
22 101(a)(17) of the Immigration and Nationality Act (8  
23 U.S.C. 1101(a)(17))) during priority operations pertaining  
24 to aliens convicted of a crime.



1 *sulting in increased security concerns, high injury rates,*  
2 *airport readiness, and increased cost effectiveness: Provided*  
3 *further, That security service fees authorized under section*  
4 *44940 of title 49, United States Code, shall be credited to*  
5 *this appropriation as offsetting collections and shall be*  
6 *available only for aviation security: Provided further, That*  
7 *the sum appropriated under this heading from the general*  
8 *fund shall be reduced on a dollar-for-dollar basis as such*  
9 *offsetting collections are received during fiscal year 2012*  
10 *so as to result in a final fiscal year appropriation from*  
11 *the general fund estimated at not more than*  
12 *\$2,983,566,000: Provided further, That any security service*  
13 *fees collected in excess of the amount made available under*  
14 *this heading shall become available during fiscal year 2013:*  
15 *Provided further, That notwithstanding section 44923 of*  
16 *title 49, United States Code, for fiscal year 2012, any funds*  
17 *in the Aviation Security Capital Fund established by sec-*  
18 *tion 44923(h) of title 49, United States Code, may be used*  
19 *for the procurement and installation of explosives detection*  
20 *systems or for the issuance of other transaction agreements*  
21 *for the purpose of funding projects described in section*  
22 *44923(a): Provided further, That Members of the United*  
23 *States House of Representatives and United States Senate,*  
24 *including the leadership; the heads of Federal agencies and*  
25 *commissions, including the Secretary, Deputy Secretary,*

1 *Under Secretaries, and Assistant Secretaries of the Depart-*  
2 *ment of Homeland Security; the United States Attorney*  
3 *General and Assistant Attorneys General and the United*  
4 *States Attorneys; and senior members of the Executive Of-*  
5 *fice of the President, including the Director of the Office*  
6 *of Management and Budget; shall not be exempt from Fed-*  
7 *eral passenger and baggage screening.*

8 *SURFACE TRANSPORTATION SECURITY*

9 *For necessary expenses of the Transportation Security*  
10 *Administration related to providing surface transportation*  
11 *security activities, \$134,748,000, to remain available until*  
12 *September 30, 2013.*

13 *TRANSPORTATION THREAT ASSESSMENT AND*

14 *CREDENTIALING*

15 *For necessary expenses for the development and imple-*  
16 *mentation of screening programs of the Office of Transpor-*  
17 *tation Threat Assessment and Credentialing, \$163,954,000,*  
18 *to remain available until September 30, 2013.*

19 *TRANSPORTATION SECURITY SUPPORT*

20 *For necessary expenses of the Transportation Security*  
21 *Administration related to providing transportation secu-*  
22 *rity support and intelligence pursuant to the Aviation and*  
23 *Transportation Security Act (Public Law 107–71; 115*  
24 *Stat. 597; 49 U.S.C. 40101 note), \$1,042,066,000, to remain*  
25 *available until September 30, 2013: Provided, That of the*

1 *funds appropriated under this heading, \$25,000,000 may*  
2 *not be obligated for headquarters administration until the*  
3 *Secretary of Homeland Security submits to the Committees*  
4 *on Appropriations of the Senate and the House of Rep-*  
5 *resentatives detailed expenditure plans for air cargo secu-*  
6 *rity, and for checkpoint support and explosives detection*  
7 *systems refurbishment, procurement, and installations on*  
8 *an airport-by-airport basis for fiscal year 2012: Provided*  
9 *further, That these plans shall be submitted no later than*  
10 *60 days after the date of enactment of this Act.*

11 *FEDERAL AIR MARSHALS*

12 *For necessary expenses of the Federal Air Marshals,*  
13 *\$981,115,000.*

14 *COAST GUARD*

15 *OPERATING EXPENSES*

16 *For necessary expenses for the operation and mainte-*  
17 *nance of the Coast Guard, not otherwise provided for; pur-*  
18 *chase or lease of not to exceed 25 passenger motor vehicles,*  
19 *which shall be for replacement only; purchase or lease of*  
20 *small boats for contingent and emergent requirements (at*  
21 *a unit cost of no more than \$700,000) and repairs and serv-*  
22 *ice-life replacements, not to exceed a total of \$28,000,000;*  
23 *purchases or lease of boats necessary for overseas deploy-*  
24 *ment activities; minor shore construction projects not ex-*  
25 *ceeding \$1,000,000 in total cost at any location; payments*

1 *pursuant to section 156 of Public Law 97–377 (42 U.S.C.*  
2 *402 note; 96 Stat. 1920); and recreation and welfare;*  
3 *\$7,078,054,000; of which \$598,000,000 shall be for defense-*  
4 *related activities, of which \$258,000,000 is designated by*  
5 *Congress as being for overseas contingency operations pur-*  
6 *suant to section 251(b)(2)(A)(ii) of the Balanced Budget*  
7 *and Emergency Deficit Control Act of 1985 (Public Law*  
8 *99–177), as amended; of which \$24,500,000 shall be derived*  
9 *from the Oil Spill Liability Trust Fund to carry out the*  
10 *purposes of section 1012(a)(5) of the Oil Pollution Act of*  
11 *1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$17,000*  
12 *shall be for official reception and representation expenses:*  
13 *Provided, That none of the funds made available by this*  
14 *Act shall be for expenses incurred for recreational vessels*  
15 *under section 12114 of title 46, United States Code, except*  
16 *to the extent fees are collected from owners of yachts and*  
17 *credited to this appropriation: Provided further, That the*  
18 *Coast Guard shall comply with the requirements of section*  
19 *527 of the National Defense Authorization Act for Fiscal*  
20 *Year 2004 (10 U.S.C. 4331 note) with respect to the Coast*  
21 *Guard Academy: Provided further, That of the funds pro-*  
22 *vided under this heading, \$75,000,000 shall be withheld*  
23 *from obligation for Headquarters Directorates until:*  
24 *(1) the fiscal year 2012 second quarter acquisi-*  
25 *tion report; and*

1           (2) *the future-years capital investment plan for*  
2           *fiscal years 2013–2017, as specified under the heading*  
3           *Coast Guard, “Acquisition, Construction, and Im-*  
4           *provements” of this Act, are received by the Commit-*  
5           *tees on Appropriations of the Senate and the House*  
6           *of Representatives:*

7           *Provided further, That funds made available under this*  
8           *heading for overseas contingency operations may be allo-*  
9           *cated by program, project, and activity, notwithstanding*  
10          *section 503 of this Act.*

11           ENVIRONMENTAL COMPLIANCE AND RESTORATION

12          *For necessary expenses to carry out the environmental*  
13          *compliance and restoration functions of the Coast Guard*  
14          *under chapter 19 of title 14, United States Code,*  
15          *\$16,699,000, to remain available until expended.*

16           RESERVE TRAINING

17          *For necessary expenses of the Coast Guard Reserve, as*  
18          *authorized by law; operations and maintenance of the re-*  
19          *serve program; personnel and training costs; and equipment*  
20          *and services; \$134,278,000.*

21           ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

22          *For necessary expenses of acquisition, construction,*  
23          *renovation, and improvement of aids to navigation, shore*  
24          *facilities, vessels, and aircraft, including equipment related*  
25          *thereto; and maintenance, rehabilitation, lease and oper-*

1 *ation of facilities and equipment, as authorized by law;*  
2 *\$1,391,924,000, of which \$20,000,000 shall be derived from*  
3 *the Oil Spill Liability Trust Fund to carry out the purposes*  
4 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*  
5 *U.S.C. 2712(a)(5)); of which \$20,000,000 shall remain*  
6 *available until September 16, 2016, for military family*  
7 *housing, of which not more than \$14,000,000 shall be de-*  
8 *rived from the Coast Guard Housing Fund, established pur-*  
9 *suant to 14 U.S.C. 687; of which \$642,000,000 shall be*  
10 *available until September 30, 2016, to acquire, effect major*  
11 *repairs, renovate, or improve vessels, small boats, and re-*  
12 *lated equipment; of which \$264,900,000 shall be available*  
13 *until September 30, 2016, to acquire, effect major repairs,*  
14 *renovate, or improve aircraft or increase aviation capa-*  
15 *bility; of which \$161,140,000 shall be available until Sep-*  
16 *tember 30, 2016, for other equipment; of which*  
17 *\$193,692,000 shall be available until September 30, 2016,*  
18 *for shore facilities and aids to navigation, including water-*  
19 *front facilities at Navy installations used by the Coast*  
20 *Guard; of which \$110,192,000 shall be available for per-*  
21 *sonnel compensation and benefits and related costs: Pro-*  
22 *vided, That the funds provided by this Act shall be imme-*  
23 *diately available and allotted to contract for long lead time*  
24 *materials, components, and designs for the sixth National*  
25 *Security Cutter notwithstanding the availability of funds*

1 *for production costs or post-production costs: Provided fur-*  
2 *ther, That the Secretary of Homeland Security shall submit*  
3 *to the Committees on Appropriations of the Senate and the*  
4 *House of Representatives, at the time that the President's*  
5 *budget is submitted each year under section 1105(a) of title*  
6 *31, United States Code, a future-years capital investment*  
7 *plan for the Coast Guard that identifies for each requested*  
8 *capital asset—*

9           (1) *the proposed appropriations included in that*  
10 *budget;*

11           (2) *the total estimated cost of completion, includ-*  
12 *ing and clearly delineating the costs of associated*  
13 *major acquisition systems infrastructure and transi-*  
14 *tion to operations;*

15           (3) *projected funding levels for each fiscal year*  
16 *for the next 5 fiscal years or until acquisition pro-*  
17 *gram baseline or project completion, whichever is ear-*  
18 *lier;*

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

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

23                   (A) *includes the total acquisition cost of*  
24 *each asset, subdivided by fiscal year and includ-*  
25 *ing a detailed description of the purpose of the*

1        *proposed funding levels for each fiscal year, in-*  
2        *cluding for each fiscal year funds requested for*  
3        *design, pre-acquisition activities, production,*  
4        *structural modifications, missionization, post-de-*  
5        *livery, and transition to operations costs;*

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

9                    *(i) quantities planned for each fiscal*  
10                  *year; and*

11                  *(ii) major acquisition and project*  
12                  *events, including development of operational*  
13                  *requirements, contracting actions, design re-*  
14                  *views, production, delivery, test and evalua-*  
15                  *tion, and transition to operations, includ-*  
16                  *ing necessary training, shore infrastructure,*  
17                  *and logistics;*

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

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

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

14           (F) includes the earned value management  
15 system summary schedule performance index and  
16 cost performance index for each asset, if applica-  
17 ble; and

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

22 *Provided further, That the Secretary of Homeland Security*  
23 *shall ensure that amounts specified in the future-years cap-*  
24 *ital investment plan are consistent, to the maximum extent*  
25 *practicable, with proposed appropriations necessary to sup-*

1 port the programs, projects, and activities of the Coast  
2 Guard in the President's budget as submitted under section  
3 1105(a) of title 31, United States Code, for that fiscal year:  
4 Provided further, That any inconsistencies between the cap-  
5 ital investment plan and proposed appropriations shall be  
6 identified and justified: Provided further, That subsections  
7 (a) and (b) of section 6402 of Public Law 110-28 shall  
8 apply with respect to the amounts made available under  
9 this heading.

10 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

11 For necessary expenses for applied scientific research,  
12 development, test, and evaluation; and for maintenance, re-  
13 habilitation, lease, and operation of facilities and equip-  
14 ment; as authorized by law; \$27,779,000, to remain avail-  
15 able until September 30, 2016, of which \$500,000 shall be  
16 derived from the Oil Spill Liability Trust Fund to carry  
17 out the purposes of section 1012(a)(5) of the Oil Pollution  
18 Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there  
19 may be credited to and used for the purposes of this appro-  
20 priation funds received from State and local governments,  
21 other public authorities, private sources, and foreign coun-  
22 tries for expenses incurred for research, development, test-  
23 ing, and evaluation.

1 *RETIREED PAY*

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

12 *UNITED STATES SECRET SERVICE*13 *SALARIES AND EXPENSES*

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

1 *days of the visit of a protectee requires an employee to work*  
2 *16 hours per day or to remain overnight at a post of duty;*  
3 *conduct of and participation in firearms matches; presen-*  
4 *tation of awards; travel of United States Secret Service em-*  
5 *ployees on protective missions without regard to the limita-*  
6 *tions on such expenditures in this or any other Act if ap-*  
7 *proval is obtained in advance from the Committees on Ap-*  
8 *propriations of the Senate and the House of Representa-*  
9 *tives; research and development; grants to conduct behav-*  
10 *ioral research in support of protective research and oper-*  
11 *ations; and payment in advance for commercial accom-*  
12 *modations as may be necessary to perform protective func-*  
13 *tions; \$1,670,237,000; of which not to exceed \$21,250 shall*  
14 *be for official reception and representation expenses; of*  
15 *which not to exceed \$100,000 shall be to provide technical*  
16 *assistance and equipment to foreign law enforcement orga-*  
17 *nizations in counterfeit investigations; of which \$2,366,000*  
18 *shall be for forensic and related support of investigations*  
19 *of missing and exploited children; and of which \$6,000,000*  
20 *shall be for a grant for activities related to the investiga-*  
21 *tions of missing and exploited children and shall remain*  
22 *available until September 30, 2013: Provided, That up to*  
23 *\$18,000,000 for protective travel shall remain available*  
24 *until September 30, 2013: Provided further, That up to*  
25 *\$19,307,000 for National Special Security Events shall re-*

1 *main available until expended: Provided further, That the*  
2 *United States Secret Service is authorized to obligate funds*  
3 *in anticipation of reimbursements from Federal agencies*  
4 *and entities, as defined in section 105 of title 5, United*  
5 *States Code, receiving training sponsored by the James J.*  
6 *Rowley Training Center, except that total obligations at the*  
7 *end of the fiscal year shall not exceed total budgetary re-*  
8 *sources available under this heading at the end of the fiscal*  
9 *year: Provided further, That none of the funds made avail-*  
10 *able under this heading shall be available to compensate*  
11 *any employee for overtime in an annual amount in excess*  
12 *of \$35,000, except that the Secretary of Homeland Security,*  
13 *or the designee of the Secretary, may waive that amount*  
14 *as necessary for national security purposes: Provided fur-*  
15 *ther, That none of the funds made available to the United*  
16 *States Secret Service by this Act or by previous appropria-*  
17 *tions Acts may be made available for the protection of the*  
18 *head of a Federal agency other than the Secretary of Home-*  
19 *land Security: Provided further, That the Director of the*  
20 *United States Secret Service may enter into an agreement*  
21 *to perform such service on a fully reimbursable basis: Pro-*  
22 *vided further, That of the total amount made available*  
23 *under this heading, \$43,843,000, to remain available until*  
24 *September 30, 2014, is for information integration and*  
25 *technology transformation: Provided further, That*

1 \$20,000,000 made available in the preceding proviso shall  
2 not be obligated to purchase or install information tech-  
3 nology equipment until the Chief Information Officer of the  
4 Department of Homeland Security submits a report to the  
5 Committees on Appropriations of the Senate and the House  
6 of Representatives certifying that all plans for integration  
7 and transformation are consistent with Department of  
8 Homeland Security data center migration and enterprise  
9 architecture requirements: Provided further, That none of  
10 the funds made available to the United States Secret Service  
11 by this Act or by previous appropriations Acts may be obli-  
12 gated for the purpose of opening a new permanent domestic  
13 or overseas office or location unless the Committees on Ap-  
14 propriations of the Senate and the House of Representatives  
15 are notified 15 days in advance of such obligation.

16 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND  
17 RELATED EXPENSES

18 For necessary expenses for acquisition, construction,  
19 repair, alteration, and improvement of facilities,  
20 \$5,380,000, to remain available until September 30, 2016.

1 *TITLE III*  
2 *PROTECTION, PREPAREDNESS, RESPONSE, AND*  
3 *RECOVERY*

4 *NATIONAL PROTECTION AND PROGRAMS DIRECTORATE*  
5 *MANAGEMENT AND ADMINISTRATION*

6 *For salaries and expenses of the Office of the Under*  
7 *Secretary for the National Protection and Programs Direc-*  
8 *torate, support for operations, information technology, and*  
9 *the Office of Risk Management and Analysis, \$37,875,000:*  
10 *Provided, That not to exceed \$4,250 shall be for official re-*  
11 *ception and representation expenses: Provided further, That*  
12 *\$9,000,000 shall not be available for obligation until the*  
13 *Secretary of Homeland Security submits to the Committees*  
14 *on Appropriations of the Senate and the House of Rep-*  
15 *resentatives a comprehensive plan to initiate implementa-*  
16 *tion of a biometric air exit capability in fiscal year 2012,*  
17 *or a written certification to the Congress that it is the posi-*  
18 *tion of the administration that the statutory requirements*  
19 *for biometric air exit be repealed.*

20 *INFRASTRUCTURE PROTECTION AND INFORMATION*  
21 *SECURITY*

22 *For necessary expenses for infrastructure protection*  
23 *and information security programs and activities, as au-*  
24 *thorized by title II of the Homeland Security Act of 2002*

1 (6 U.S.C. 121 et seq.), \$918,283,000, of which \$773,473,000  
2 shall remain available until September 30, 2013.

3 *FEDERAL PROTECTIVE SERVICE*

4 *The revenues and collections of security fees credited*  
5 *to this account shall be available until expended for nec-*  
6 *essary expenses related to the protection of federally owned*  
7 *and leased buildings and for the operations of the Federal*  
8 *Protective Service: Provided, That the Secretary of Home-*  
9 *land Security and the Director of the Office of Management*  
10 *and Budget shall certify in writing to the Committees on*  
11 *Appropriations of the Senate and the House of Representa-*  
12 *tives no later than December 31, 2011, that the operations*  
13 *of the Federal Protective Service will be fully funded in fis-*  
14 *cal year 2012 through revenues and collection of security*  
15 *fees, and shall adjust the fees to ensure fee collections are*  
16 *sufficient to ensure that the Federal Protective Service*  
17 *maintains not fewer than 1,371 full-time equivalent staff*  
18 *and 1,007 full-time equivalent Police Officers, Inspectors,*  
19 *Area Commanders, and Special Agents who, while working,*  
20 *are directly engaged on a daily basis protecting and enforce-*  
21 *ing laws at Federal buildings (referred to as “in-service*  
22 *field staff”): Provided further, That the Director of the Fed-*  
23 *eral Protective Service shall include with the submission of*  
24 *the President’s fiscal year 2013 budget a strategic human*

1 *capital plan that aligns fee collections to personnel require-*  
2 *ments based on a current threat assessment.*

3 *UNITED STATES VISITOR AND IMMIGRANT STATUS*

4 *INDICATOR TECHNOLOGY*

5 *For necessary expenses for the development of the*  
6 *United States Visitor and Immigrant Status Indicator*  
7 *Technology program, as authorized by section 110 of the*  
8 *Illegal Immigration Reform and Immigrant Responsibility*  
9 *Act of 1996 (8 U.S.C. 1365a), \$297,402,000, to remain*  
10 *available until September 30, 2014: Provided, That of the*  
11 *total amount made available under this heading,*  
12 *\$75,000,000 may not be obligated for the United States Vis-*  
13 *itor and Immigrant Status Indicator Technology project*  
14 *until the Committees on Appropriations of the Senate and*  
15 *the House of Representatives receive a plan for expenditure,*  
16 *prepared by the Secretary of Homeland Security, not later*  
17 *than 90 days after the date of enactment of this Act, that*  
18 *meets the statutory conditions specified under this heading*  
19 *in Public Law 110–329: Provided further, That not less*  
20 *than \$18,000,000 of unobligated balances of prior year ap-*  
21 *propriations shall remain available and be obligated solely*  
22 *for implementation of a biometric air exit capability.*

23 *OFFICE OF HEALTH AFFAIRS*

24 *For necessary expenses of the Office of Health Affairs,*  
25 *\$159,450,000; of which \$29,171,000 is for salaries and ex-*

1 *penses and \$90,164,000 is for BioWatch operations: Pro-*  
2 *vided, That \$40,115,000 shall remain available until Sep-*  
3 *tember 30, 2013, for biosurveillance, BioWatch Generation*  
4 *3, chemical defense, medical and health planning and co-*  
5 *ordination, and workforce health protection: Provided fur-*  
6 *ther, That not to exceed \$2,500 shall be for official reception*  
7 *and representation expenses.*

8 *FEDERAL EMERGENCY MANAGEMENT AGENCY*  
9 *OPERATING EXPENSES*

10 *For necessary expenses for management and adminis-*  
11 *tration of the Federal Emergency Management Agency,*  
12 *\$904,550,000, including activities authorized by the Na-*  
13 *tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.),*  
14 *the Robert T. Stafford Disaster Relief and Emergency As-*  
15 *sistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire*  
16 *Assistance Act of 2000 (division C, title I, 114 Stat. 583),*  
17 *the Earthquake Hazards Reduction Act of 1977 (42 U.S.C.*  
18 *7701 et seq.), the Defense Production Act of 1950 (50 U.S.C.*  
19 *App. 2061 et seq.), sections 107 and 303 of the National*  
20 *Security Act of 1947 (50 U.S.C. 404, 405), Reorganization*  
21 *Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security*  
22 *Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina*  
23 *Emergency Management Reform Act of 2006 (Public Law*  
24 *109–295; 120 Stat. 1394): Provided, That not to exceed*  
25 *\$2,500 shall be for official reception and representation ex-*

1 *penses: Provided further, That the Administrator of the*  
2 *Federal Emergency Management Agency is authorized to*  
3 *reprogram funds made available under this heading be-*  
4 *tween programs, projects, and activities, subject to the limi-*  
5 *tations in section 503, by notifying the Committees on Ap-*  
6 *propriations of the Senate and the House of Representatives*  
7 *15 days in advance of such reprogramming, but without*  
8 *prior written approval from such Committees: Provided*  
9 *further, That the authority in the preceding proviso shall*  
10 *expire on September 30, 2012: Provided further, That the*  
11 *President's budget submitted under section 1105(a) of title*  
12 *31, United States Code, shall be detailed by office for the*  
13 *Federal Emergency Management Agency: Provided further,*  
14 *That of the total amount made available under this head-*  
15 *ing, not to exceed \$12,000,000 shall remain available until*  
16 *September 30, 2013, for capital improvements at the Mount*  
17 *Weather Emergency Operations Center: Provided further,*  
18 *That of the total amount made available under this head-*  
19 *ing, \$41,250,000 shall be for the Urban Search and Rescue*  
20 *Response System, of which not to exceed \$1,600,000 may*  
21 *be made available for administrative costs; and \$6,981,000*  
22 *shall be for the Office of National Capital Region Coordina-*  
23 *tion: Provided further, That \$1,400,000 of the funds avail-*  
24 *able for the Office of the Administrator shall not be avail-*  
25 *able for obligation until the Administrator submits to the*

1 *Committees on Appropriations of the Senate and the House*  
2 *of Representatives the National Preparedness Report re-*  
3 *quired by Public Law 109–295 and a comprehensive plan*  
4 *to implement a system to measure the effectiveness of grants*  
5 *to State and local communities in fiscal year 2012: Pro-*  
6 *vided further, That for purposes of planning, coordination,*  
7 *execution, and decisionmaking related to mass evacuation*  
8 *during a disaster, the Governors of the State of West Vir-*  
9 *ginia and the Commonwealth of Pennsylvania, or their des-*  
10 *ignees, shall be incorporated into efforts to integrate the ac-*  
11 *tivities of Federal, State, and local governments in the Na-*  
12 *tional Capital Region, as defined in section 882 of Public*  
13 *Law 107–296, the Homeland Security Act of 2002.*

14 *STATE AND LOCAL PROGRAMS*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For grants, contracts, cooperative agreements, and*  
17 *other activities, \$1,476,681,000 shall be allocated as follows:*

18 *(1) \$430,000,000 shall be for the State Homeland*  
19 *Security Grant Program under section 2004 of the*  
20 *Homeland Security Act of 2002 (6 U.S.C. 605): Pro-*  
21 *vided, That of the amount provided by this para-*  
22 *graph, \$50,000,000 shall be for Operation*  
23 *Stonegarden: Provided further, That notwithstanding*  
24 *subsection (c)(4) of such section 2004, for fiscal year*  
25 *2012, the Commonwealth of Puerto Rico shall make*

1     *available to local and tribal governments amounts*  
2     *provided to the Commonwealth of Puerto Rico under*  
3     *this paragraph in accordance with subsection (c)(1)*  
4     *of such section 2004.*

5             (2) *\$400,000,000 shall be for the Urban Area Se-*  
6     *curity Initiative under section 2003 of the Homeland*  
7     *Security Act of 2002 (6 U.S.C. 604), of which, not-*  
8     *withstanding subsection (c)(1) of such section,*  
9     *\$10,000,000 shall be for grants to organizations (as*  
10    *described under section 501(c)(3) of the Internal Rev-*  
11    *enue Code of 1986 and exempt from tax section*  
12    *501(a) of such code) determined by the Secretary of*  
13    *Homeland Security to be at high risk of a terrorist*  
14    *attack.*

15            (3) *\$200,000,000 shall be for Public Transpor-*  
16    *tation Security Assistance, Railroad Security Assist-*  
17    *ance, and Over-the-Road Bus Security Assistance*  
18    *under sections 1406, 1513, and 1532 of the Imple-*  
19    *menting Recommendations of the 9/11 Commission*  
20    *Act of 2007 (Public Law 110–53; 6 U.S.C. 1135,*  
21    *1163, and 1182), of which not less than \$20,000,000*  
22    *shall be for Amtrak security: Provided, That such*  
23    *public transportation security assistance shall be pro-*  
24    *vided directly to public transportation agencies.*

1           (4) \$200,000,000 shall be for Port Security  
2           Grants in accordance with 46 U.S.C. 70107.

3           (5) \$15,000,000 shall be for grants for Emer-  
4           gency Operations Centers under section 614 of the  
5           Robert T. Stafford Disaster Relief and Emergency As-  
6           sistance Act (42 U.S.C. 5196c) to remain available  
7           until expended.

8           (6) \$231,681,000 shall be for training, exercises,  
9           technical assistance, and other programs, of which  
10          \$155,500,000 shall be for training of State, local, and  
11          tribal emergency response providers:

12          *Provided, That 5.8 percent of the amounts provided*  
13          *under this heading shall be transferred to the Federal*  
14          *Emergency Management Agency “Operating Ex-*  
15          *penditures” account for program administration, and an*  
16          *expenditure plan for program administration shall be*  
17          *provided to the Committees on Appropriations of the*  
18          *Senate and the House of Representatives within 60*  
19          *days after the date of enactment of this Act: Provided*  
20          *further, That notwithstanding section 2008(a)(11) of*  
21          *the Homeland Security Act of 2002 (6 U.S.C.*  
22          *609(a)(11)), or any other provision of law, a grantee*  
23          *may use not more than 5 percent of the amount of*  
24          *a grant made available under this heading for ex-*  
25          *penditures directly related to administration of the grant:*

1       *Provided further, That for grants under paragraphs*  
2       *(1) through (5), the applications for grants shall be*  
3       *made available to eligible applicants not later than*  
4       *25 days after the date of enactment of this Act, that*  
5       *eligible applicants shall submit applications not later*  
6       *than 90 days after the grant announcement, and that*  
7       *the Administrator of the Federal Emergency Manage-*  
8       *ment Agency shall act within 90 days after receipt of*  
9       *an application: Provided further, That for grants*  
10      *under paragraphs (1) and (2), the installation of*  
11      *communications towers is not considered construction*  
12      *of a building or other physical facility: Provided fur-*  
13      *ther, That grantees shall provide reports on their use*  
14      *of funds, as determined necessary by the Secretary of*  
15      *Homeland Security: Provided further, That in fiscal*  
16      *year 2012 and thereafter: (a) the Center for Domestic*  
17      *Preparedness may provide training to emergency re-*  
18      *sponse providers from the Federal Government, for-*  
19      *oreign governments, or private entities, if the Center for*  
20      *Domestic Preparedness is reimbursed for the cost of*  
21      *such training, and any reimbursement under this*  
22      *subsection shall be credited to the account from which*  
23      *the expenditure being reimbursed was made and shall*  
24      *be available, without fiscal year limitation, for the*  
25      *purposes for which amounts in the account may be*



1 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*  
2 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*  
3 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000: Pro-*  
4 *vided, That total administrative costs shall not exceed 3*  
5 *percent of the total amount appropriated under this head-*  
6 *ing.*

7 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

8 *The aggregate charges assessed during fiscal year 2012,*  
9 *as authorized in title III of the Departments of Veterans*  
10 *Affairs and Housing and Urban Development, and Inde-*  
11 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*  
12 *5196e), shall not be less than 100 percent of the amounts*  
13 *anticipated by the Department of Homeland Security nec-*  
14 *essary for its radiological emergency preparedness program*  
15 *for the next fiscal year: Provided, That the methodology for*  
16 *assessment and collection of fees shall be fair and equitable*  
17 *and shall reflect costs of providing such services, including*  
18 *administrative costs of collecting such fees: Provided fur-*  
19 *ther, That fees received under this heading shall be deposited*  
20 *in this account as offsetting collections and will become*  
21 *available for authorized purposes on October 1, 2012, and*  
22 *remain available until expended.*

23 *UNITED STATES FIRE ADMINISTRATION*

24 *For necessary expenses of the United States Fire Ad-*  
25 *ministration and for other purposes, as authorized by the*

1 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*  
2 *2201 et seq.) and the Homeland Security Act of 2002 (6*  
3 *U.S.C. 101 et seq.), \$45,038,000.*

4 *DISASTER RELIEF FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses in carrying out the Robert T.*  
7 *Stafford Disaster Relief and Emergency Assistance Act (42*  
8 *U.S.C. 5121 et seq.), \$1,800,000,000, to remain available*  
9 *until expended, of which \$16,000,000 shall be transferred*  
10 *to the Department of Homeland Security Office of Inspector*  
11 *General for audits and investigations related to disasters,*  
12 *subject to section 503 of this Act: Provided, That the Admin-*  
13 *istrator of the Federal Emergency Management Agency*  
14 *shall submit quarterly reports to the Committees on Appro-*  
15 *priations of the Senate and the House of Representatives*  
16 *providing estimates of funding requirements for the “Dis-*  
17 *aster Relief Fund” for the current fiscal year and the suc-*  
18 *ceeding three fiscal years: Provided further, That the report*  
19 *shall provide: (a) an estimate, by quarter, for the costs of*  
20 *all previously designated disasters; (b) an estimate, by*  
21 *quarter, for the cost of future disasters based on a 10-year*  
22 *average, excluding catastrophic disasters; (c) an estimate,*  
23 *by quarter, for the costs of catastrophic disasters excluded*  
24 *from the 10-year average subdivided by disaster and the*  
25 *amount already obligated, and the remaining estimated*

1 costs; and (d) an estimate of the date on which the “Disaster  
2 Relief Fund” balance will reach \$800,000,000: Provided  
3 further, That the Federal Emergency Management Agency  
4 shall submit an expenditure plan to the Committees on Ap-  
5 propriations of the Senate and the House of Representatives  
6 detailing the use of the funds for disaster readiness and sup-  
7 port within 60 days after the date of enactment of this Act:  
8 Provided further, That the Federal Emergency Management  
9 Agency shall submit to such Committees a quarterly report  
10 detailing obligations against the expenditure plan and a  
11 justification for any changes from the initial plan: Provided  
12 further, That the Federal Emergency Management Agency  
13 shall submit the monthly “Disaster Relief Fund” report, as  
14 specified in Public Law 110–161, to the Committees on Ap-  
15 propriations of the Senate and the House of Representa-  
16 tives, and include the amounts provided to each Federal  
17 agency for mission assignments: Provided further, That for  
18 any request for reimbursement from a Federal agency to  
19 the Department of Homeland Security to cover expenditures  
20 under the Robert T. Stafford Disaster Relief and Emer-  
21 gency Assistance Act (42 U.S.C. 5121 et seq.), or any mis-  
22 sion assignment orders issued by the Department of Home-  
23 land Security for such purposes, the Secretary of Homeland  
24 Security shall take appropriate steps to ensure that each

1 *agency is periodically reminded of Department policies*  
2 *on—*

3 *(1) the detailed information required in sup-*  
4 *porting documentation for reimbursements; and*

5 *(2) the necessity for timeliness of agency billings.*

6 *For an additional amount for the “Disaster Relief*  
7 *Fund” for expenses resulting from a major disaster designa-*  
8 *tion pursuant to the Robert T. Stafford Disaster Relief and*  
9 *Emergency Assistance Act (42 U.S.C. 5122(2)),*  
10 *\$4,200,000,000, to remain available until expended: Pro-*  
11 *vided, That such amount is designated by Congress as being*  
12 *for disaster relief pursuant to section 251(b)(2)(D) of the*  
13 *Balanced Budget and Emergency Deficit Control Act of*  
14 *1985 (Public Law 99–177), as amended.*

15 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

16 *For activities under section 319 of the Robert T. Staf-*  
17 *ford Disaster Relief and Emergency Assistance Act (42*  
18 *U.S.C. 5162), \$295,000 is for the cost of direct loans: Pro-*  
19 *vided, That gross obligations for the principal amount of*  
20 *direct loans shall not exceed \$25,000,000: Provided further,*  
21 *That the cost of modifying such loans shall be as defined*  
22 *in section 502 of the Congressional Budget Act of 1974 (2*  
23 *U.S.C. 661a).*

1 *FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM*

2 *For necessary expenses, including administrative costs,*  
3 *under section 1360 of the National Flood Insurance Act of*  
4 *1968 (42 U.S.C. 4101), \$92,712,000, and such additional*  
5 *sums as may be provided by State and local governments*  
6 *or other political subdivisions for cost-shared mapping ac-*  
7 *tivities under section 1360(f)(2) of such Act (42 U.S.C.*  
8 *4101(f)(2)), to remain available until expended.*

9 *NATIONAL FLOOD INSURANCE FUND*

10 *For activities under the National Flood Insurance Act*  
11 *of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster*  
12 *Protection Act of 1973 (42 U.S.C. 4001 et seq.),*  
13 *\$171,000,000, which shall be derived from offsetting collec-*  
14 *tions assessed and collected under section 1308(d) of the Na-*  
15 *tional Flood Insurance Act of 1968 (42 U.S.C. 4015(d));*  
16 *of which not to exceed \$22,000,000 shall be available for*  
17 *salaries and expenses associated with flood mitigation and*  
18 *flood insurance operations; and not less than \$149,000,000*  
19 *shall be available for flood plain management and flood*  
20 *mapping, which shall remain available until September 30,*  
21 *2013: Provided, That any additional fees collected pursuant*  
22 *to section 1308(d) of the National Flood Insurance Act of*  
23 *1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting*  
24 *collection to this account, to be available for flood plain*  
25 *management and flood mapping: Provided further, That in*

1 *fiscal year 2012, no funds shall be available from the Na-*  
2 *tional Flood Insurance Fund under section 1310 of that Act*  
3 *(42 U.S.C. 4017) in excess of:*

4 (1) *\$132,000,000 for operating expenses;*

5 (2) *\$1,007,571,000 for commissions and taxes of*  
6 *agents;*

7 (3) *such sums as are necessary for interest on*  
8 *Treasury borrowings; and*

9 (4) *\$60,000,000, which shall remain available*  
10 *until expended for flood mitigation actions; of which*  
11 *not less than \$10,000,000 is for severe repetitive loss*  
12 *properties under section 1361A of the National Flood*  
13 *Insurance Act of 1968 (42 U.S.C. 4102a); of which*  
14 *\$10,000,000 shall be for repetitive insurance claims*  
15 *properties under section 1323 of the National Flood*  
16 *Insurance Act of 1968 (42 U.S.C. 4030); and of which*  
17 *\$40,000,000 shall be for flood mitigation assistance*  
18 *under section 1366 of the National Flood Insurance*  
19 *Act of 1968 (42 U.S.C. 4104c), notwithstanding sub-*  
20 *paragraphs (B) and (C) of subsection (b)(3) and sub-*  
21 *section (f) of section 1366 of the National Flood In-*  
22 *surance Act of 1968 (42 U.S.C. 4104c) and notwith-*  
23 *standing subsection (a)(7) of section 1310 of the Na-*  
24 *tional Flood Insurance Act of 1968 (42 U.S.C. 4017):*

1 *Provided further, That the amounts collected under section*  
2 *102 of the Flood Disaster Protection Act of 1973 (42 U.S.C.*  
3 *4012a) and section 1366(i) of the National Flood Insurance*  
4 *Act of 1968 shall be deposited in the National Flood Insur-*  
5 *ance Fund to supplement other amounts specified as avail-*  
6 *able for section 1366 of the National Insurance Act of 1968,*  
7 *notwithstanding subsection (f)(8) of such section 102 (42*  
8 *U.S.C. 4012a(f)(8) and subsection 1366(i) and paragraphs*  
9 *(2) and (3) of section 1367(b) of the National Flood Insur-*  
10 *ance Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)):*  
11 *Provided further, That total administrative costs shall not*  
12 *exceed 4 percent of the total appropriation.*

13 *NATIONAL PREDISASTER MITIGATION FUND*

14 *For the predisaster mitigation grant program under*  
15 *section 203 of the Robert T. Stafford Disaster Relief and*  
16 *Emergency Assistance Act (42 U.S.C. 5133), including ad-*  
17 *ministrative costs, \$42,500,000, to remain available until*  
18 *expended: Provided, That the total administrative costs as-*  
19 *sociated with such grants shall not exceed \$3,000,000 of the*  
20 *total amount made available under this heading.*

21 *EMERGENCY FOOD AND SHELTER*

22 *To carry out the emergency food and shelter program*  
23 *pursuant to title III of the McKinney-Vento Homeless As-*  
24 *sistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to re-*  
25 *main available until expended: Provided, That total admin-*

1 *istrative costs shall not exceed 3.5 percent of the total*  
2 *amount made available under this heading.*

3 *TITLE IV*

4 *RESEARCH AND DEVELOPMENT, TRAINING, AND*  
5 *SERVICES*

6 *UNITED STATES CITIZENSHIP AND IMMIGRATION*

7 *SERVICES*

8 *For necessary expenses for citizenship and immigra-*  
9 *tion services, \$120,924,000, of which \$102,424,000 is for*  
10 *immigration verification programs, including the E-Verify*  
11 *Program, as authorized by section 402 of the Illegal Immi-*  
12 *gration Reform and Immigrant Responsibility Act of 1996*  
13 *(8 U.S.C. 1324a note), to assist United States employers*  
14 *with maintaining a legal workforce: Provided, That not-*  
15 *withstanding any other provision of law, funds available*  
16 *to United States Citizenship and Immigration Services*  
17 *may be used to acquire, operate, equip, and dispose of up*  
18 *to five vehicles, for replacement only, for areas where the*  
19 *Administrator of General Services does not provide vehicles*  
20 *for lease: Provided further, That the Director of United*  
21 *States Citizenship and Immigration Services may author-*  
22 *ize employees who are assigned to those areas to use such*  
23 *vehicles to travel between the employees' residences and*  
24 *places of employment: Provided further, That none of the*  
25 *funds made available in this Act for grants for immigrant*

1 *integration may be used to provide services to aliens who*  
2 *have not been lawfully admitted for permanent residence.*

3 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Federal Law Enforce-*  
6 *ment Training Center, including materials and support*  
7 *costs of Federal law enforcement basic training; the pur-*  
8 *chase of not to exceed 117 vehicles for police-type use and*  
9 *hire of passenger motor vehicles; expenses for student ath-*  
10 *letic and related activities; the conduct of and participation*  
11 *in firearms matches and presentation of awards; public*  
12 *awareness and enhancement of community support of law*  
13 *enforcement training; room and board for student interns;*  
14 *a flat monthly reimbursement to employees authorized to*  
15 *use personal mobile phones for official duties; and services*  
16 *as authorized by section 3109 of title 5, United States Code;*  
17 *\$238,957,000; of which up to \$48,978,000 shall remain*  
18 *available until September 30, 2013, for materials and sup-*  
19 *port costs of Federal law enforcement basic training; of*  
20 *which \$300,000 shall remain available until expended to*  
21 *be distributed to Federal law enforcement agencies for ex-*  
22 *penses incurred participating in training accreditation;*  
23 *and of which not to exceed \$10,200 shall be for official re-*  
24 *ception and representation expenses: Provided, That the*  
25 *Center is authorized to obligate funds in anticipation of*

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



1 *ceed five vehicles, \$657,000,000; of which \$638,800,000 shall*  
2 *remain available until September 30, 2014, of which not*  
3 *less than \$36,563,000 shall be for university programs; and*  
4 *of which \$18,200,000, shall remain available until Sep-*  
5 *tember 30, 2016, for infrastructure upgrades at the Trans-*  
6 *portation Security Laboratory.*

7 *DOMESTIC NUCLEAR DETECTION OFFICE*

8 *MANAGEMENT AND ADMINISTRATION*

9 *For salaries and expenses of the Domestic Nuclear De-*  
10 *tection Office as authorized by title XIX of the Homeland*  
11 *Security Act of 2002 (6 U.S.C. 591 et seq.), for management*  
12 *and administration of programs and activities,*  
13 *\$37,000,000: Provided, That not to exceed \$2,500 shall be*  
14 *for official reception and representation expenses: Provided*  
15 *further, That not later than 180 days after the date of enact-*  
16 *ment of this Act, the Secretary of Homeland Security shall*  
17 *submit to the Committees on Appropriations of the Senate*  
18 *and the House of Representatives a strategic plan of invest-*  
19 *ments necessary to implement the Department of Homeland*  
20 *Security's responsibilities under the domestic component of*  
21 *the global nuclear detection architecture that shall:*

22 *(1) define each Departmental entity's roles and*  
23 *responsibilities in support of the domestic detection*  
24 *architecture, including any existing or planned pro-*  
25 *grams to pre-screen cargo or conveyances overseas;*

1           (2) *identify and describe the specific investments*  
2           *being made by Departmental organizations in fiscal*  
3           *year 2012, and planned for fiscal year 2013, to sup-*  
4           *port the domestic architecture and the security of sea,*  
5           *land, and air pathways into the United States;*

6           (3) *describe the investments necessary to close*  
7           *known vulnerabilities and gaps, including associated*  
8           *costs and timeframes, and estimates of feasibility and*  
9           *cost effectiveness; and*

10          (4) *explain how the Department's research and*  
11          *development funding is furthering the implementation*  
12          *of the domestic nuclear detection architecture, includ-*  
13          *ing specific investments planned for each of fiscal*  
14          *years 2012 and 2013.*

15                    *RESEARCH, DEVELOPMENT, AND OPERATIONS*

16          *For necessary expenses for radiological and nuclear de-*  
17          *tection related development, testing, evaluation, and oper-*  
18          *ations, \$191,000,000, to remain available until September*  
19          *30, 2014.*

20                    *SYSTEMS ACQUISITION*

21          *For expenses for the Domestic Nuclear Detection Office*  
22          *acquisition and deployment of radiological detection sys-*  
23          *tems in accordance with the global nuclear detection archi-*  
24          *itecture, \$40,000,000, to remain available until September*  
25          *30, 2014: Provided, That none of the funds appropriated*

1 *under this heading in this Act or any other Act shall be*  
2 *obligated for full-scale procurement of Advanced*  
3 *Spectroscopic Portal monitors until the Secretary of Home-*  
4 *land Security submits to the Committees on Appropriations*  
5 *of the Senate and the House of Representatives a report cer-*  
6 *tifying that a significant increase in operational effective-*  
7 *ness will be achieved by such obligation: Provided further,*  
8 *That the Secretary of Homeland Security shall submit sepa-*  
9 *rate and distinct certifications prior to the procurement of*  
10 *Advanced Spectroscopic Portal monitors for primary and*  
11 *secondary deployment that address the unique requirements*  
12 *for operational effectiveness of each type of deployment:*  
13 *Provided further, That the Secretary shall continue to con-*  
14 *sult with the National Academy of Sciences before making*  
15 *such certifications: Provided further, That none of the funds*  
16 *appropriated under this heading shall be used for high-risk*  
17 *concurrent development and production of mutually de-*  
18 *pendent software and hardware.*

19

*TITLE V*

20

*GENERAL PROVISIONS*

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

24 *SEC. 502. Subject to the requirements of section 503*  
25 *of this Act, the unexpended balances of prior appropriations*

1 *provided for activities in this Act may be transferred to*  
2 *appropriation accounts for such activities established pur-*  
3 *suant to this Act, may be merged with funds in the applica-*  
4 *ble established accounts, and thereafter may be accounted*  
5 *for as one fund for the same time period as originally en-*  
6 *acted.*

7       *SEC. 503. (a) None of the funds provided by this Act,*  
8 *provided by previous appropriations Acts to the agencies*  
9 *in or transferred to the Department of Homeland Security*  
10 *that remain available for obligation or expenditure in fiscal*  
11 *year 2012, or provided from any accounts in the Treasury*  
12 *of the United States derived by the collection of fees avail-*  
13 *able to the agencies funded by this Act, shall be available*  
14 *for obligation or expenditure through a reprogramming of*  
15 *funds that:*

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

17           (2) *eliminates a program, project, office, or ac-*  
18 *tivity;*

19           (3) *increases funds for any program, project, or*  
20 *activity for which funds have been denied or restricted*  
21 *by the Congress;*

22           (4) *proposes to use funds directed for a specific*  
23 *activity by either of the Committees on Appropria-*  
24 *tions of the Senate or the House of Representatives for*  
25 *a different purpose; or*

1           (5) contracts out any function or activity for  
2           which funding levels were requested for Federal full-  
3           time equivalents in the object classification tables con-  
4           tained in the fiscal year 2012 Budget Appendix for  
5           the Department of Homeland Security, as modified  
6           by the joint explanatory statement accompanying this  
7           Act, unless the Committees on Appropriations of the  
8           Senate and the House of Representatives are notified  
9           15 days in advance of such reprogramming of funds.

10          (b) None of the funds provided by this Act, provided  
11          by previous appropriations Acts to the agencies in or trans-  
12          ferred to the Department of Homeland Security that remain  
13          available for obligation or expenditure in fiscal year 2012,  
14          or provided from any accounts in the Treasury of the  
15          United States derived by the collection of fees or proceeds  
16          available to the agencies funded by this Act, shall be avail-  
17          able for obligation or expenditure for programs, projects,  
18          or activities through a reprogramming of funds in excess  
19          of \$5,000,000 or 10 percent, whichever is less, that:

20               (1) augments existing programs, projects, or ac-  
21               tivities;

22               (2) reduces by 10 percent funding for any exist-  
23               ing program, project, or activity, or reduces the num-  
24               bers of personnel by 10 percent as approved by the  
25               Congress; or

1           (3) results from any general savings from a re-  
2           duction in personnel that would result in a change in  
3           existing programs, projects, or activities as approved  
4           by the Congress, unless the Committees on Appropria-  
5           tions of the Senate and the House of Representatives  
6           are notified 15 days in advance of such reprogram-  
7           ming of funds.

8           (c) Not to exceed 5 percent of any appropriation made  
9           available for the current fiscal year for the Department of  
10          Homeland Security by this Act or provided by previous ap-  
11          propriations Acts may be transferred between such appro-  
12          priations, but no such appropriation, except as otherwise  
13          specifically provided, shall be increased by more than 10  
14          percent by such transfers: Provided, That any transfer  
15          under this section shall be treated as a reprogramming of  
16          funds under subsection (b) and shall not be available for  
17          obligation unless the Committees on Appropriations of the  
18          Senate and the House of Representatives are notified 15  
19          days in advance of such transfer.

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

1           (e) *The notification thresholds and procedures set forth*  
2 *in this section shall apply to any use of deobligated balances*  
3 *of funds provided in previous Department of Homeland Se-*  
4 *curity Appropriations Acts.*

5           *SEC. 504. The Department of Homeland Security*  
6 *Working Capital Fund, established pursuant to section 403*  
7 *of Public Law 103–356 (31 U.S.C. 501 note), shall continue*  
8 *operations as a permanent working capital fund for fiscal*  
9 *year 2012: Provided, That none of the funds appropriated*  
10 *or otherwise made available to the Department of Home-*  
11 *land Security may be used to make payments to the Work-*  
12 *ing Capital Fund, except for the activities and amounts al-*  
13 *lowed in the President’s fiscal year 2012 budget: Provided*  
14 *further, That funds provided to the Working Capital Fund*  
15 *shall be available for obligation until expended to carry out*  
16 *the purposes of the Working Capital Fund: Provided fur-*  
17 *ther, That all departmental components shall be charged*  
18 *only for direct usage of each Working Capital Fund service:*  
19 *Provided further, That funds provided to the Working Cap-*  
20 *ital Fund shall be used only for purposes consistent with*  
21 *the contributing component: Provided further, That the*  
22 *Working Capital Fund shall be paid in advance or reim-*  
23 *bursed at rates which will return the full cost of each serv-*  
24 *ice: Provided further, That the Working Capital Fund shall*  
25 *be subject to the requirements of section 503 of this Act.*

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

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

18        *SEC. 507. None of the funds made available by this*  
19 *Act may be used to make a grant allocation, grant award,*  
20 *contract award, Other Transaction Agreement, a task or de-*  
21 *livery order on a Department of Homeland Security mul-*  
22 *tiple award contract, or to issue a letter of intent totaling*  
23 *in excess of \$1,000,000, or to announce publicly the inten-*  
24 *tion to make such an award, including a contract covered*  
25 *by the Federal Acquisition Regulation, unless the Secretary*

1 of Homeland Security notifies the Committees on Appro-  
2 priations of the Senate and the House of Representatives  
3 at least 3 full business days in advance of making such an  
4 award or issuing such a letter: Provided, That if the Sec-  
5 retary of Homeland Security determines that compliance  
6 with this section would pose a substantial risk to human  
7 life, health, or safety, an award may be made without noti-  
8 fication and the Committees on Appropriations of the Sen-  
9 ate and the House of Representatives shall be notified not  
10 later than 5 full business days after such an award is made  
11 or letter issued: Provided further, That no notification shall  
12 involve funds that are not available for obligation: Provided  
13 further, That the notification shall include the amount of  
14 the award, the fiscal year for which the funds for the award  
15 were appropriated, and the account from which the funds  
16 are being drawn: Provided further, That the Federal Emer-  
17 gency Management Agency shall brief the Committees on  
18 Appropriations of the Senate and the House of Representa-  
19 tives 5 full business days in advance of announcing publicly  
20 the intention of making an award under “State and Local  
21 Programs”.

22       SEC. 508. Notwithstanding any other provision of law,  
23 no agency shall purchase, construct, or lease any additional  
24 facilities, except within or contiguous to existing locations,  
25 to be used for the purpose of conducting Federal law enforce-

1 *ment training without the advance approval of the Commit-*  
2 *tees on Appropriations of the Senate and the House of Rep-*  
3 *resentatives, except that the Federal Law Enforcement*  
4 *Training Center is authorized to obtain the temporary use*  
5 *of additional facilities by lease, contract, or other agreement*  
6 *for training that cannot be accommodated in existing Cen-*  
7 *ter facilities.*

8       *SEC. 509. None of the funds appropriated or otherwise*  
9 *made available by this Act may be used for expenses for*  
10 *any construction, repair, alteration, or acquisition project*  
11 *for which a prospectus otherwise required under chapter 33*  
12 *of title 40, United States Code, has not been approved, ex-*  
13 *cept that necessary funds may be expended for each project*  
14 *for required expenses for the development of a proposed pro-*  
15 *spectus.*

16       *SEC. 510. Sections 520, 522, 528, and 530, of the De-*  
17 *partment of Homeland Security Appropriations Act, 2008*  
18 *(division E of Public Law 110–161; 121 Stat. 2073 and*  
19 *2074) shall apply with respect to funds made available in*  
20 *this Act in the same manner as such sections applied to*  
21 *funds made available in that Act.*

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

1       *SEC. 512. None of the funds made available in this*  
2 *Act may be used by any person other than the Privacy Offi-*  
3 *cer appointed under subsection (a) of section 222 of the*  
4 *Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter,*  
5 *direct that changes be made to, delay, or prohibit the trans-*  
6 *mission to Congress of any report prepared under para-*  
7 *graph (6) of such subsection.*

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

12       *SEC. 514. For fiscal year 2012 and thereafter, none*  
13 *of the funds appropriated by this Act may be used to process*  
14 *or approve a competition under Office of Management and*  
15 *Budget Circular A-76 for services provided as of June 1,*  
16 *2004, by employees (including employees serving on a tem-*  
17 *porary or term basis) of United States Citizenship and Im-*  
18 *migration Services of the Department of Homeland Secu-*  
19 *rity who are known as of that date as Immigration Infor-*  
20 *mation Officers, Contact Representatives, or Investigative*  
21 *Assistants.*

22       *SEC. 515. Within 45 days after the end of each month,*  
23 *the Chief Financial Officer of the Department of Homeland*  
24 *Security shall submit to the Committees on Appropriations*  
25 *of the Senate and the House of Representatives a monthly*

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

5       *SEC. 516. Except as provided in section 44945 of title*  
6 *49, United States Code, funds appropriated or transferred*  
7 *to Transportation Security Administration “Aviation Se-*  
8 *curity”, “Administration” and “Transportation Security*  
9 *Support” for fiscal years 2004 and 2005 that are recovered*  
10 *or deobligated shall be available only for the procurement*  
11 *or installation of explosives detection systems, air cargo,*  
12 *baggage, and checkpoint screening systems, subject to notifi-*  
13 *cation: Provided, That quarterly reports shall be submitted*  
14 *to the Committees on Appropriations of the Senate and the*  
15 *House of Representatives on any funds that are recovered*  
16 *or deobligated.*

17       *SEC. 517. Any funds appropriated to Coast Guard*  
18 *“Acquisition, Construction, and Improvements” for fiscal*  
19 *years 2002, 2003, 2004, 2005, and 2006 for the 110–123*  
20 *foot patrol boat conversion that are recovered, collected, or*  
21 *otherwise received as the result of negotiation, mediation,*  
22 *or litigation, shall be available until expended for the Fast*  
23 *Response Cutter program.*

1        *SEC. 518. Section 532(a) of Public Law 109–295 (120*  
2 *Stat. 1384) is amended by striking “2011” and inserting*  
3 *“2012 and thereafter”.*

4        *SEC. 519. The functions of the Federal Law Enforce-*  
5 *ment Training Center instructor staff shall be classified as*  
6 *inherently governmental for the purpose of the Federal Ac-*  
7 *tivities Inventory Reform Act of 1998 (31 U.S.C. 501 note).*

8        *SEC. 520. (a) Except as provided in subsection (b),*  
9 *none of the funds appropriated in this or any other Act*  
10 *to the Office of the Secretary and Executive Management,*  
11 *the Office of the Under Secretary for Management, or the*  
12 *Office of the Chief Financial Officer, may be obligated for*  
13 *a grant or contract funded under such headings by any*  
14 *means other than full and open competition.*

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

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

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

24            *(3) in an amount less than the simplified acqui-*  
25 *sition threshold described under section 302A(a) of the*

1       *Federal Property and Administrative Services Act of*  
2       *1949 (41 U.S.C. 252a(a)); or*

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

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

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

18       *(d) In addition to the requirements established by sub-*  
19       *sections (a), (b), and (c) of this section, the Inspector Gen-*  
20       *eral of the Department of Homeland Security shall review*  
21       *departmental contracts awarded through means other than*  
22       *a full and open competition to assess departmental compli-*  
23       *ance with applicable laws and regulations: Provided, That*  
24       *the Inspector General shall review selected contracts award-*  
25       *ed in the previous fiscal year through means other than a*

1 *full and open competition: Provided further, That in select-*  
2 *ing which contracts to review, the Inspector General shall*  
3 *consider the cost and complexity of the goods and services*  
4 *to be provided under the contract, the criticality of the con-*  
5 *tract to fulfilling Department missions, past performance*  
6 *problems on similar contracts or by the selected vendor,*  
7 *complaints received about the award process or contractor*  
8 *performance, and such other factors as the Inspector Gen-*  
9 *eral deems relevant: Provided further, That the Inspector*  
10 *General shall report the results of the reviews to the Com-*  
11 *mittees on Appropriations of the Senate and the House of*  
12 *Representatives no later than February 6, 2012.*

13       *SEC. 521. None of the funds made available in this*  
14 *or any other Act for fiscal years 2012 and thereafter, may*  
15 *be used to enforce section 4025(1) of Public Law 108–458*  
16 *unless the Assistant Secretary of Homeland Security*  
17 *(Transportation Security Administration) reverses the de-*  
18 *termination of July 19, 2007, that butane lighters are not*  
19 *a significant threat to civil aviation security.*

20       *SEC. 522. Funds made available in this Act may be*  
21 *used to alter operations within the Civil Engineering Pro-*  
22 *gram of the Coast Guard nationwide, including civil engi-*  
23 *neering units, facilities design and construction centers,*  
24 *maintenance and logistics commands, and the Coast Guard*  
25 *Academy, except that none of the funds provided in this*

1 *Act may be used to reduce operations within any Civil En-*  
2 *gineering Unit unless specifically authorized by a statute*  
3 *enacted after the date of the enactment of this Act.*

4 *SEC. 523. None of the funds provided in this Act shall*  
5 *be available to carry out section 872 of the Homeland Secu-*  
6 *rity Act of 2002 (6 U.S.C. 452).*

7 *SEC. 524. None of the funds made available in this*  
8 *Act may be used by United States Citizenship and Immi-*  
9 *gration Services to grant an immigration benefit unless the*  
10 *results of background checks required by law to be completed*  
11 *prior to the granting of the benefit have been received by*  
12 *United States Citizenship and Immigration Services, and*  
13 *the results do not preclude the granting of the benefit.*

14 *SEC. 525. None of the funds made available in this*  
15 *Act may be used to destroy or put out to pasture any horse*  
16 *or other equine belonging to the Federal Government that*  
17 *has become unfit for service, unless the trainer or handler*  
18 *is first given the option to take possession of the equine*  
19 *through an adoption program that has safeguards against*  
20 *slaughter and inhumane treatment.*

21 *SEC. 526. Notwithstanding any other provision of law,*  
22 *none of the funds provided in this or any other Act shall*  
23 *hereafter be used to approve a waiver of the navigation and*  
24 *vessel-inspection laws pursuant to 46 U.S.C. 501 for the*  
25 *transportation of crude oil distributed from the Strategic*

1 *Petroleum Reserve until the Secretary of Homeland Secu-*  
2 *rity, after consultation with the Secretaries of the Depart-*  
3 *ments of Energy and Transportation and representatives*  
4 *from the United States flag maritime industry, takes ade-*  
5 *quate measures to ensure the use of United States flag ves-*  
6 *sels: Provided, That the Secretary shall notify the Commit-*  
7 *tees on Appropriations of the Senate and the House of Rep-*  
8 *resentatives, the Committee on Commerce, Science, and*  
9 *Transportation of the Senate, and the Committee on Trans-*  
10 *portation and Infrastructure of the House of Representa-*  
11 *tives within 48 hours of any request for waivers of naviga-*  
12 *tion and vessel-inspection laws pursuant to 46 U.S.C. 501.*

13       *SEC. 527. None of the funds in this Act shall be used*  
14 *to reduce the United States Coast Guard's Operations Sys-*  
15 *tems Center mission or its government-employed or contract*  
16 *staff levels.*

17       *SEC. 528. None of the funds appropriated by this Act*  
18 *may be used to conduct, or to implement the results of, a*  
19 *competition under Office of Management and Budget Cir-*  
20 *cular A-76 for activities performed with respect to the Coast*  
21 *Guard National Vessel Documentation Center.*

22       *SEC. 529. Section 831 of the Homeland Security Act*  
23 *of 2002 (6 U.S.C. 391) is amended—*

1           (1) in subsection (a), by striking “Until Sep-  
2           tember 30, 2011,” and inserting “Until September 30,  
3           2012,”;

4           (2) by striking subsection (b);

5           (3) by redesignating subsections (c), (d), and (e)  
6           as subsections (b), (c), and (d), respectively; and

7           (4) in subsection (c)(1) (as redesignated by para-  
8           graph (3) of this section), by striking “September 30,  
9           2011,” and inserting “September 30, 2012,”.

10        *SEC. 530. The Secretary of Homeland Security shall*  
11 *require that all contracts of the Department of Homeland*  
12 *Security that provide award fees link such fees to successful*  
13 *acquisition outcomes (which outcomes shall be specified in*  
14 *terms of cost, schedule, and performance).*

15        *SEC. 531. None of the funds made available to the Of-*  
16 *fice of the Secretary and Executive Management under this*  
17 *Act may be expended for any new hires by the Department*  
18 *of Homeland Security that are not verified through the E-*  
19 *Verify Program under section 401 of the Illegal Immigra-*  
20 *tion Reform and Immigrant Responsibility Act of 1996 (8*  
21 *U.S.C. 1324a note).*

22        *SEC. 532. None of the funds made available in this*  
23 *Act for U.S. Customs and Border Protection may be used*  
24 *to prevent an individual not in the business of importing*  
25 *a prescription drug (within the meaning of section 801(g)*

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

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

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

13          *SEC. 533. The Secretary of Homeland Security, in*  
14 *consultation with the Secretary of the Treasury, shall notify*  
15 *the Committees on Appropriations of the Senate and the*  
16 *House of Representatives of any proposed transfers of funds*  
17 *available under section 9703.1 (g)(4)(B) of title 31, United*  
18 *States Code (as added by Public Law 102–393) from the*  
19 *Department of the Treasury Forfeiture Fund to any agency*  
20 *within the Department of Homeland Security: Provided,*  
21 *That none of the funds identified for such a transfer may*  
22 *be obligated until the Committees on Appropriations of the*  
23 *Senate and the House of Representatives approve the pro-*  
24 *posed transfers.*

1       *SEC. 534 None of the funds made available in this Act*  
2 *may be used for planning, testing, piloting, or developing*  
3 *a national identification card.*

4       *SEC. 535 (a) Notwithstanding any other provision of*  
5 *this Act, except as provided in subsection (b), and 30 days*  
6 *after the date that the President determines whether to de-*  
7 *clare a major disaster because of an event and any appeal*  
8 *is completed, the Administrator shall submit to the Com-*  
9 *mittee on Homeland Security and Governmental Affairs of*  
10 *the Senate, the Committee on Homeland Security of the*  
11 *House of Representatives, the Committee on Transportation*  
12 *and Infrastructure of the House of Representatives, the*  
13 *Committees on Appropriations of the Senate and the House*  
14 *of Representatives, and publish on the website of the Federal*  
15 *Emergency Management Agency, a report regarding that*  
16 *decision, which shall summarize damage assessment infor-*  
17 *mation used to determine whether to declare a major dis-*  
18 *aster.*

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

22       *(c) In this section—*

23             *(1) the term “Administrator” means the Admin-*  
24             *istrator of the Federal Emergency Management Agen-*  
25             *cy; and*

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

5           *SEC. 536. (a) Notwithstanding any other provision of*  
6           *law, if the Secretary of Homeland Security determines that*  
7           *the National Bio- and Agro-defense Facility should be lo-*  
8           *cated at a site other than Plum Island, New York, the Sec-*  
9           *retary shall ensure that the Administrator of General Serv-*  
10          *ices sells through public sale all real and related personal*  
11          *property and transportation assets which support Plum Is-*  
12          *land operations, subject to such terms and conditions as*  
13          *may be necessary to protect Government interests and meet*  
14          *program requirements.*

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

1        *SEC. 537. Any official that is required by this Act to*  
2 *report or to certify to the Committees on Appropriations*  
3 *of the Senate and the House of Representatives may not*  
4 *delegate such authority to perform that act unless specifi-*  
5 *cally authorized herein.*

6        *SEC. 538. Section 550(b) of the Department of Home-*  
7 *land Security Appropriations Act, 2007 (Public Law 109–*  
8 *295; 6 U.S.C. 121 note), as amended by section 550 of the*  
9 *Department of Homeland Security Appropriations Act,*  
10 *2010 (Public Law 111–83), is further amended by striking*  
11 *“on October 4, 2011” and inserting “on October 4, 2012”.*

12        *SEC. 539. None of the funds appropriated or otherwise*  
13 *made available in this or any other Act may be used to*  
14 *transfer, release, or assist in the transfer or release to or*  
15 *within the United States, its territories, or possessions*  
16 *Khalid Sheikh Mohammed or any other detainee who—*

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

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

22        *SEC. 540. For fiscal year 2012 and thereafter, for pur-*  
23 *poses of section 210C of the Homeland Security Act of 2002*  
24 *(6 U.S.C. 124j), a rural area shall also include any area*  
25 *that is located in a metropolitan statistical area and a*

1 county, borough, parish, or area under the jurisdiction of  
2 an Indian tribe with a population of not more than 50,000.

3       *SEC. 541. None of the funds made available in this*  
4 *Act may be used for first-class travel by the employees of*  
5 *agencies funded by this Act in contravention of sections*  
6 *301–10.122 through 301.10–124 of title 41, Code of Federal*  
7 *Regulations.*

8       *SEC. 542. None of the funds made available in this*  
9 *Act may be used to propose or effect a disciplinary or ad-*  
10 *verse action, with respect to any Department of Homeland*  
11 *Security employee who engages regularly with the public*  
12 *in the performance of his or her official duties solely because*  
13 *that employee elects to utilize protective equipment or meas-*  
14 *ures, including but not limited to surgical masks, N95 res-*  
15 *pirators, gloves, or hand-sanitizers, where use of such equip-*  
16 *ment or measures is in accord with Department of Home-*  
17 *land Security policy, and Centers for Disease Control and*  
18 *Prevention and Office of Personnel Management guidance.*

19       *SEC. 543. None of the funds made available in this*  
20 *Act may be used to employ workers described in section*  
21 *274A(h)(3) of the Immigration and Nationality Act (8*  
22 *U.S.C. 1324a(h)(3)).*

23       *SEC. 544. (a) Section 1647(b) of Public Law 112–10*  
24 *is amended by striking “provided in this division” and in-*  
25 *serting “made available in this or any other Act”.*

1       **(b)** *The amendment made by subsection (a) shall apply*  
2 *to the fiscal year ending September 30, 2012.*

3       **SEC. 545.** *For an additional amount for necessary ex-*  
4 *penses for reimbursement of the actual costs to State and*  
5 *local governments for providing emergency management,*  
6 *public safety, and security at events, as determined by the*  
7 *Administrator of the Federal Emergency Management*  
8 *Agency, related to the presence of a National Special Secu-*  
9 *rity Event, \$10,000,000, to remain available until Sep-*  
10 *tember 30, 2013.*

11       **SEC. 546.** *Notwithstanding the 10 percent limitation*  
12 *contained in section 503(c) of this Act, the Secretary of*  
13 *Homeland Security may transfer to the fund established by*  
14 *8 U.S.C. 1101 note, up to \$20,000,000 from appropriations*  
15 *available to the Department of Homeland Security: Pro-*  
16 *vided, That the Secretary shall notify the Committees on*  
17 *Appropriations of the Senate and House of Representatives*  
18 *5 days in advance of such transfer.*

19       **SEC. 547.** *The administrative law judge annuitants*  
20 *participating in the Senior Administrative Law Judge Pro-*  
21 *gram managed by the Director of the Office of Personnel*  
22 *Management under section 3323 of title 5, United States*  
23 *Code, shall be available on a temporary re-employment*  
24 *basis to conduct arbitrations of disputes as part of the arbi-*  
25 *tration panel established by the President under section 601*

1 *of division A of the American Recovery and Reinvestment*  
2 *Act of 2009 (Public Law 111–5; 123 Stat. 164).*

3 *SEC. 548. (a) Any company that collects or retains*  
4 *personal information directly from any individual who*  
5 *participates in the Registered Traveler program of the*  
6 *Transportation Security Administration shall safeguard*  
7 *and dispose of such information in accordance with the re-*  
8 *quirements in—*

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

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

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

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 Assistant Secretary shall require any company*  
25 *covered by subsection (a) to provide, not later than 30 days*

1 *after the date of the enactment of this Act, to the Sponsoring*  
2 *Entity written certification that the procedures used by the*  
3 *company to safeguard and dispose of information are in*  
4 *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. 549. Notwithstanding any other provision of this*  
9 *Act, none of the funds appropriated or otherwise made*  
10 *available by this Act may be used to pay award or incentive*  
11 *fees for contractor performance that has been judged to be*  
12 *below satisfactory performance or performance that does not*  
13 *meet the basic requirements of a contract.*

14 *SEC. 550. (a) Not later than 180 days after the date*  
15 *of enactment of this Act, the Assistant Secretary of Home-*  
16 *land Security (Transportation Security Administration)*  
17 *shall submit to the Committees on Appropriations of the*  
18 *Senate and the House of Representatives, a report that ei-*  
19 *ther—*

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 Code,  
6                   to screen 100 percent of air cargo transported on  
7                   passenger aircraft arriving in the United States  
8                   in foreign air transportation (as that term is de-  
9                   fined in section 40102 of that title); and

10                   (B) specification of—

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

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

15           (b) The Assistant Secretary shall continue to submit  
16           reports described in subsection (a)(2) every 180 days there-  
17           after until the Assistant Secretary certifies that the Trans-  
18           portation Security Administration has achieved screening  
19           of 100 percent of such air cargo.

20           SEC. 551. In developing any process to screen aviation  
21           passengers and crews for transportation or national secu-  
22           rity purposes, the Secretary of Homeland Security shall en-  
23           sure that any processes developed take into consideration  
24           such passengers' and crews' privacy and civil liberties con-  
25           sistent with applicable laws, regulations, and guidance.

1        *SEC. 552. None of the funds appropriated or otherwise*  
2 *made available by this Act may be used by the Department*  
3 *of Homeland Security to enter into any federal contract un-*  
4 *less such contract is entered into in accordance with the*  
5 *requirements of the Federal Property and Administrative*  
6 *Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of*  
7 *title 10, United States Code, and the Federal Acquisition*  
8 *Regulation, unless such contract is otherwise authorized by*  
9 *statute to be entered into without regard to the above ref-*  
10 *erenced statutes.*

11        *SEC. 553. (a) Funds made available by this Act solely*  
12 *for data center migration may be transferred by the Sec-*  
13 *retary of Homeland Security between appropriations for*  
14 *the same purpose, notwithstanding section 503 of this Act.*

15        *(b) No transfer described in (a) shall occur until 15*  
16 *days after the Committees on Appropriations of the Senate*  
17 *and the House and Representatives are notified of such*  
18 *transfer.*

19        *(c) In addition to amounts made available in this Act*  
20 *for data center migration, \$15,000,000, is available to the*  
21 *Secretary of Homeland Security for data center migration*  
22 *activities.*

23        *SEC. 554. For fiscal year 2012 and thereafter, U.S.*  
24 *Customs and Border Protection's Advanced Training Cen-*  
25 *ter is authorized to charge fees for any service and/or thing*

1 of value it provides to Federal Government or non-govern-  
2 ment entities or individuals, so long as the fees charged do  
3 not exceed the full costs associated with the service or thing  
4 of value provided: Provided, That notwithstanding 31  
5 U.S.C. 3302(b), fees collected by the Advanced Training  
6 Center are to be deposited into a separate account entitled  
7 “Advanced Training Center Revolving Fund”, and be  
8 available, without further appropriations, for necessary ex-  
9 penses of the Advanced Training Center program, and are  
10 to remain available until expended.

11 SEC. 555. Section 559(e) of Public Law 111–83 is  
12 amended—

13 (a) in the matter preceding the first proviso, by strik-  
14 ing “law, sell” and inserting “law, hereafter sell”; and

15 (b) in the first proviso—

16 (1) by striking “shall be deposited” and inserting  
17 “shall hereafter be deposited”; and

18 (2) by striking “subject to appropriation,” and  
19 inserting “without further appropriations,”.

20 SEC. 556. Notwithstanding any other provision of law,  
21 should the Secretary of Homeland Security determine that  
22 specific U.S. Immigration and Customs Enforcement Serv-  
23 ice Processing Centers or other U.S. Immigration and Cus-  
24 toms Enforcement owned detention facilities no longer meet  
25 the mission need, the Secretary is authorized to dispose of

1 *individual Service Processing Centers or other U.S. Immi-*  
2 *gration and Customs Enforcement owned detention facili-*  
3 *ties by directing the Administrator of General Services to*  
4 *sell all real and related personal property which support*  
5 *Service Processing Centers or other U.S. Immigration and*  
6 *Customs Enforcement owned detention facilities, subject to*  
7 *such terms and conditions as necessary to protect Govern-*  
8 *ment interests and meet program requirements: Provided,*  
9 *That the proceeds, net of the costs of sale incurred by the*  
10 *General Services Administration and U.S. Immigration*  
11 *and Customs Enforcement, shall be deposited as offsetting*  
12 *collections into a separate account that shall be available,*  
13 *subject to appropriation, until expended for other real prop-*  
14 *erty capital asset needs of existing U.S. Immigration and*  
15 *Customs Enforcement assets, excluding daily operations*  
16 *and maintenance costs, as the Secretary deems appropriate:*  
17 *Provided further, That any sale or collocation of federally*  
18 *owned detention facilities shall not result in the mainte-*  
19 *nance of fewer than 33,400 detention beds: Provided further,*  
20 *That the Committees on Appropriations of the Senate and*  
21 *the House of Representatives shall be notified 15 days prior*  
22 *to the announcement of any proposed sale or collocation.*  
23       *SEC. 557. For an additional amount for the “Office*  
24 *of the Under Secretary for Management”, \$55,979,000, to*  
25 *remain available until expended, for necessary expenses to*

1 *plan, acquire, construct, renovate, remediate, equip, fur-*  
2 *nish, and occupy buildings and facilities for the consolida-*  
3 *tion of department headquarters at St. Elizabeths and asso-*  
4 *ciated mission support consolidation: Provided, That the*  
5 *Committees on Appropriations of the Senate and House of*  
6 *Representatives shall receive an expenditure plan no later*  
7 *than 60 days after the date of enactment of this Act detail-*  
8 *ing the allocation of these funds.*

9       *SEC. 558. Notwithstanding section 44940(c) of title 49,*  
10 *United States Code, the limitation on fees imposed under*  
11 *subsection (a)(1) of such section 44940 may not exceed*  
12 *\$4.00 per enplanement in air transportation or intrastate*  
13 *air transportation that originates at an airport in the*  
14 *United States, except that the total amount of such fees may*  
15 *not exceed \$8 per one-way trip.*

16       *SEC. 559. None of the funds made available by this*  
17 *Act may be used to enforce the requirements in—*

18               *(1) section 34(a)(1)(A) of the Federal Fire Pre-*  
19 *vention and Control Act of 1974 (15 U.S.C.*  
20 *2229(a)(1)(A));*

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

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

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

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

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

1        *SEC. 560. For fiscal year 2012 and thereafter, notwith-*  
2 *standing section 1012(a)(5) of the Oil Pollution Act of 1990*  
3 *(33 U.S.C. 2712(a)(5)) and 31 U.S.C. 3302, in the event*  
4 *that a spill of national significance occurs, any payment*  
5 *of amounts from the Oil Spill Liability Trust Fund pursu-*  
6 *ant to section 1012(a)(1) of the Oil Pollution Act of 1990*  
7 *(33 U.S.C. 2712(a)(1)) for the removal costs incurred by*  
8 *the Coast Guard for such spill, shall be credited directly*  
9 *to the accounts of the Coast Guard that bore the expense*  
10 *or current at the time: Provided, That such amounts shall*  
11 *be merged with and, without further appropriations, made*  
12 *available for the same time period and the same purpose*  
13 *as the appropriation to which it is credited.*

14        *SEC. 561. (a) CIVIL PENALTIES.—Section*  
15 *46301(a)(5)(A)(i) of title 49, United States Code, is amend-*  
16 *ed—*

17            *(1) by striking “or chapter 449” and inserting*  
18            *“chapter 449”; and*

19            *(2) by inserting “, or section 46314(a)” after*  
20            *“44909”.*

21        *(b) CRIMINAL PENALTIES.—Section 46314(b) of title*  
22 *49, United States Code, is amended to read as follows:*

23            *“(b) CRIMINAL PENALTY.—A person violating sub-*  
24 *section (a) of this section shall be fined under title 18, im-*  
25 *prisoned for not more than 10 years, or both.”.*

1       (c) *NOTICE OF PENALTIES.*—Section 46314 of title 49,  
2 *United States Code*, is amended by adding at the end the  
3 *following new subsection:*

4       “(c) *NOTICE OF PENALTIES.*—

5           “(1) *IN GENERAL.*—Each operator of an airport  
6 *in the United States that is required to establish an*  
7 *air transportation security program pursuant to sec-*  
8 *tion 44903(c) shall ensure that signs that meet such*  
9 *requirements as the Secretary of Homeland Security*  
10 *may prescribe providing notice of the penalties im-*  
11 *posed under sections 46301(a)(5)(A)(i) and subsection*  
12 *(b) of this section, are displayed near all screening lo-*  
13 *cations, all locations where passengers exit the sterile*  
14 *area, and such other locations at the airport as the*  
15 *Secretary of Homeland Security determines appro-*  
16 *priate.*

17           “(2) *EFFECT OF SIGNS ON PENALTIES.*—An in-  
18 *dividual shall be subject to the penalty provided for*  
19 *under section 46301(a)(5)(A)(i) and subsection (b) of*  
20 *this section without regard to whether signs are dis-*  
21 *played at an airport as required by paragraph (1).”.*

22       *SEC. 562. (a) SHORT TITLE.*—This section may be  
23 *cited as the “Disaster Assistance Recoupment Fairness Act*  
24 *of 2011”.*

25       (b) *DEBTS SINCE 2005.*—

1           (1) *DEFINITION.*—*In this section, the term “covered assistance” means assistance provided—*

2  
3                   (A) *under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and*

4  
5  
6                   (B) *in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005, and ending on December 31, 2010.*

7  
8  
9  
10  
11           (2) *WAIVER AUTHORITY.*—*The Administrator of the Federal Emergency Management Agency—*

12  
13                   (A) *subject to subparagraph (B), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—*

14  
15                           (i) *the covered assistance was distributed based on an error by the Federal Emergency Management Agency;*

16  
17                           (ii) *there was no fault on behalf of the debtor; and*

18  
19                           (iii) *the collection of the debt would be against equity and good conscience; and*

1           (B) may not waive a debt under subpara-  
2           graph (A) if the debt involves fraud, the presen-  
3           tation of a false claim, or misrepresentation by  
4           the debtor or any party having an interest in the  
5           claim.

6           (3) *REPORTING.*—Not later than 3 months after  
7           the date of enactment of this Act, and every 3 months  
8           thereafter until the date that is 18 months after the  
9           date of enactment of this Act, the Inspector General  
10          of the Department of Homeland Security shall submit  
11          a report that assesses the cost-effectiveness of the ef-  
12          forts of the Federal Emergency Management Agency  
13          to recoup improper payments under the Individuals  
14          and Household Program under section 408 of the  
15          Robert T. Stafford Disaster Relief and Emergency As-  
16          sistance Act (42 U.S.C. 5174) to—

17               (A) the Committee on Homeland Security  
18               and Governmental Affairs and the Subcommittee  
19               on Homeland Security of the Committee on Ap-  
20               propriations of the Senate; and

21               (B) the Committee on Homeland Security,  
22               the Committee on Transportation and Infra-  
23               structure, and the Subcommittee on Homeland  
24               Security of the Committee on Appropriations of  
25               the House of Representatives.

1        *SEC. 563. (a) Notwithstanding section 312 of the Rob-*  
2 *ert T. Stafford Disaster Relief and Emergency Assistance*  
3 *Act and subject to subsection (b), recipients of Small Busi-*  
4 *ness Administration Disaster loans for disaster-related*  
5 *damage to their homes may be eligible for reimbursement*  
6 *at the discretion of the state, under Section 404 of that Act,*  
7 *for documented and eligible mitigation work performed on*  
8 *their home.*

9        *(b) LIMITATIONS.—*

10            *(1) Any reimbursement provided to or on behalf*  
11 *of a homeowner pursuant to subsection (a) shall not*  
12 *exceed the amount of the disaster loan that may be*  
13 *used and was used for disaster mitigation activities;*  
14 *and*

15            *(2) Subsection (a) shall only apply if the dis-*  
16 *aster loan and assistance provided under section 404*  
17 *were made available in response to the same disaster*  
18 *declaration.*

19            *(3) Shall be applicable only to disasters declared*  
20 *by the President under section 401 of the Robert T.*  
21 *Stafford Disaster Relief and Emergency Assistance*  
22 *Act (42 U.S.C. 5170) during the period beginning on*  
23 *August 28, 2005 and ending on August 28, 2006.*

1       (c) *If a state chooses to use funds under section 404*  
2 *to reimburse homeowners as provided in subsection (a), it*  
3 *shall make payments in the following order:*

4           (1) *First, to the Small Business Administration*  
5 *on behalf of the eligible homeowner for the purpose of*  
6 *reducing, but not below zero, the homeowner's out-*  
7 *standing debt obligation to the Small Business Ad-*  
8 *ministration for the disaster loan; and*

9           (2) *Second, any remaining reimbursement shall*  
10 *be paid directly to the homeowner.*

11       *SEC. 564. Notwithstanding the requirement under sec-*  
12 *tion 34(a)(1)(A) of the Federal Fire Prevention and Control*  
13 *Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that grants must*  
14 *be used to increase the number of firefighters in fire depart-*  
15 *ments, the Secretary of Homeland Security, in making*  
16 *grants under section 34 of such Act using the funds appro-*  
17 *priated for fiscal year 2011, shall grant waivers from the*  
18 *requirements of subsections (a)(1)(B), (c)(1), (c)(2), and*  
19 *(c)(4)(A) of such section: Provided, That section 34(a)(1)(E)*  
20 *of such Act shall not apply with respect to funds appro-*  
21 *priated for fiscal year 2011 for grants under section 34 of*  
22 *such Act: Provided further, That the Secretary of Homeland*  
23 *Security, in making grants under section 34 of such Act,*  
24 *shall ensure that funds appropriated for fiscal year 2011*

1 *are made available for the hiring, rehiring, or retention of*  
2 *firefighters.*

3 *(INCLUDING RESCISSIONS)*

4 *SEC. 565. (a) For an additional amount for Coast*  
5 *Guard “Acquisition, Construction, and Improvements”,*  
6 *\$18,300,000, to remain available until September 30, 2014,*  
7 *for aircraft replacement.*

8 *(b) The following amounts are rescinded:*

9 *(1) \$7,300,000 from unobligated balances made*  
10 *available for Coast Guard “Acquisition, Construction,*  
11 *and Improvements” in chapter 5 of title I of division*  
12 *B of Public Law 110–329.*

13 *(2) \$7,000,000 from unobligated balances made*  
14 *available for “United States Citizenship and Immi-*  
15 *gration Services” in chapter 6 of title I of Public Law*  
16 *111–212.*

17 *(3) \$4,000,000 from unobligated balances made*  
18 *available for Transportation Security Administration*  
19 *“Aviation Security” in chapter 5 of title III of Public*  
20 *Law 110–28.*

21 *(c) The amount made available in subsection (a) is*  
22 *designated by Congress as being for an emergency require-*  
23 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*  
24 *Budget and Emergency Deficit Control Act of 1985 (Public*  
25 *Law 99–177), as amended.*

(RESCISSIONS)

1  
2       *SEC. 566. Of the funds transferred to the Department*  
3 *of Homeland Security when it was created in 2003, the fol-*  
4 *lowing funds are hereby rescinded from the following ac-*  
5 *counts and programs in the specified amounts:*

6           (1) \$2,577,000 from Coast Guard, “Acquisition,  
7       *Construction, and Improvements”.*

8           (2) \$4,000,000 from U.S. Immigration and Cus-  
9       *toms Enforcement, “Salaries and Expenses”.*

10          (3) \$407,000 from “Violent Crime Reduction  
11       *Programs”.*

12          (4) \$7,101,000 from U.S. Customs and Border  
13       *Protection, “Salaries and Expenses”.*

14          (5) \$3,121,348 from Department of Homeland  
15       *Security, “Office for Domestic Preparedness”.*

16          (6) \$678,213 from Federal Emergency Manage-  
17       *ment Agency, “National Predisaster Mitigation*  
18       *Fund”.*

(RESCISSION)

20       *SEC. 567. Of the unobligated, prior year balances*  
21 *available for U.S. Immigration and Customs Enforcement,*  
22 *“Salaries and Expenses”, \$7,000,000 are rescinded.*

1 (RESCISSION)

2 SEC. 568. Of the unobligated, prior year balances  
3 available for U.S. Immigration and Customs Enforcement,  
4 “Automation Modernization”, \$10,000,000 are rescinded.

5 (RESCISSION)

6 SEC. 569. Of the unobligated balances available for De-  
7 partment of Homeland Security, “Transportation Security  
8 Administration” in “Aviation Security” account 70x0550,  
9 \$48,503,000 are rescinded.

10 (RESCISSION)

11 SEC. 570. Of the unobligated, prior year balances  
12 available for Science and Technology, “Research, Develop-  
13 ment, Acquisition, and Operations”, \$20,000,000 are re-  
14 scinded.

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



Calendar No. 156

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2017**

[Report No. 112-74]

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## **AN ACT**

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

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JUNE 6, 2011

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 7, 2011

Reported with an amendment