

112TH CONGRESS
2^D SESSION

H. R. 5855

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of Homeland Security for the fiscal year end-
4 ing September 30, 2013, and for other purposes, namely:

5 TITLE I

6 DEPARTMENTAL MANAGEMENT AND

7 OPERATIONS

8 DEPARTMENTAL OPERATIONS

9 OFFICE OF THE SECRETARY AND EXECUTIVE

10 MANAGEMENT

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

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

18 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

19 For necessary expenses of the Office of the Under
20 Secretary for Management, as authorized by sections 701
21 through 705 of the Homeland Security Act of 2002 (6
22 U.S.C. 341 through 345), \$213,128,000 (reduced by
23 \$7,667,000) (reduced by \$5,000,000) (reduced by
24 \$10,000,000) (reduced by \$10,000,000), of which not to
25 exceed \$2,500 shall be for official reception and represen-

1 tation expenses: *Provided*, That of the total amount made
2 available under this heading, \$5,448,000 shall remain
3 available until September 30, 2017, solely for the alter-
4 ation and improvement of facilities, tenant improvements,
5 and relocation costs to consolidate Department head-
6 quarters operations at the Nebraska Avenue Complex; and
7 \$9,689,000 shall remain available until September 30,
8 2015, for the Human Resources Information Technology
9 program: *Provided further*, That \$124,325,000 shall not
10 be available for obligation until the Secretary of Homeland
11 Security submits to the Committees on Appropriations of
12 the Senate and the House of Representatives all statu-
13 torily required reports and plans that are due with the
14 submission of the President’s budget proposal for fiscal
15 year 2014 pursuant to the requirements of section
16 1105(a) of title 31, United States Code: *Provided further*,
17 That the Under Secretary for Management shall, pursuant
18 to the requirements contained in House Report 112–331,
19 submit to the Committees on Appropriations of the Senate
20 and the House of Representatives a Comprehensive Acqui-
21 sition Status Report, including the information required
22 under the heading “Office of the Under Secretary for
23 Management” under title I of division D of the Consoli-
24 dated Appropriations Act, 2012 (Public Law 112–74),
25 with the President’s budget proposal for fiscal year 2014

1 submitted pursuant to the requirements of section 1105(a)
2 of title 31, United States Code, and quarterly updates to
3 such report not later than 45 days after the completion
4 of each quarter.

5 OFFICE OF THE CHIEF FINANCIAL OFFICER

6 For necessary expenses of the Office of the Chief Fi-
7 nancial Officer, as authorized by section 103 of the Home-
8 land Security Act of 2002 (6 U.S.C. 113), \$49,743,000,
9 of which \$6,700,000 shall remain available until Sep-
10 tember 30, 2014 for financial systems modernization ef-
11 forts: *Provided*, That \$29,017,000 shall not be available
12 for obligation until the Secretary of Homeland Security
13 submits to the Committees on Appropriations of the Sen-
14 ate and the House of Representatives all statutorily re-
15 quired reports and plans that are due with the submission
16 of the President's budget proposal for fiscal year 2014
17 pursuant to the requirements of section 1105(a) of title
18 31, United States Code.

19 OFFICE OF THE CHIEF INFORMATION OFFICER

20 For necessary expenses of the Office of the Chief In-
21 formation Officer, as authorized by section 103 of the
22 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
23 partment-wide technology investments, \$241,543,000; of
24 which \$116,870,000 shall be available for salaries and ex-
25 penses; and of which \$124,673,000, to remain available

1 until September 30, 2015, shall be available for develop-
2 ment and acquisition of information technology equip-
3 ment, software, services, and related activities for the De-
4 partment of Homeland Security.

5 ANALYSIS AND OPERATIONS

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

13 OFFICE OF INSPECTOR GENERAL

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

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

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 7,500 (6,500
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,366,024,000 (increased by \$43,000); of which
14 \$3,274,000 shall be derived from the Harbor Maintenance
15 Trust Fund for administrative expenses related to the col-
16 lection of the Harbor Maintenance Fee pursuant to section
17 9505(c)(3) of the Internal Revenue Code of 1986 (26
18 U.S.C. 9505(c)(3)) and notwithstanding section
19 1511(e)(1) of the Homeland Security Act of 2002 (6
20 U.S.C. 551(e)(1)); of which not to exceed \$38,250 shall
21 be for official reception and representation expenses; of
22 which not less than \$284,530,000 shall be for Air and Ma-
23 rine Operations; of which such sums as become available
24 in the Customs User Fee Account, except sums subject
25 to section 13031(f)(3) of the Consolidated Omnibus Budg-

1 et Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall
2 be derived from that account; of which not to exceed
3 \$150,000 shall be available for payment for rental space
4 in connection with preclearance operations; of which not
5 to exceed \$1,000,000 shall be for awards of compensation
6 to informants, to be accounted for solely under the certifi-
7 cate of the Secretary of Homeland Security: *Provided*,
8 That for fiscal year 2013, the overtime limitation pre-
9 scribed in section 5(c)(1) of the Act of February 13, 1911
10 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwith-
11 standing any other provision of law, none of the funds ap-
12 propriated by this Act may be available to compensate any
13 employee of U.S. Customs and Border Protection for over-
14 time, from whatever source, in an amount that exceeds
15 such limitation, except in individual cases determined by
16 the Secretary of Homeland Security, or the designee of
17 the Secretary, to be necessary for national security pur-
18 poses, to prevent excessive costs, or in cases of immigra-
19 tion emergencies: *Provided further*, That the Border Pa-
20 trol shall maintain an active duty presence of not less than
21 21,370 full-time equivalent agents protecting the borders
22 of the United States in the fiscal year: *Provided further*,
23 That \$836,600,000 shall not be available for obligation
24 until the Commissioner of U.S. Customs and Border Pro-
25 tection submits to the Committees on Appropriations of

1 the Senate and the House of Representatives the multi-
2 year investment and management plans that are due with
3 the submission of the President's budget proposal for fis-
4 cal year 2014 as submitted pursuant to the requirements
5 of section 1105(a) of title 31, United States Code.

6 AUTOMATION MODERNIZATION

7 For expenses for U.S. Customs and Border Protec-
8 tion automated systems, \$700,242,000 to remain available
9 until September 30, 2015, of which not less than
10 \$138,794,000 shall be for the development of the Auto-
11 mated Commercial Environment.

12 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
13 TECHNOLOGY

14 For expenses for border security fencing, infrastruc-
15 ture, and technology, \$327,099,000 (increased by
16 \$10,000,000) (reduced by \$3,000,000), to remain avail-
17 able until September 30, 2015.

18 AIR AND MARINE INTERDICTION, OPERATIONS,
19 MAINTENANCE, AND PROCUREMENT

20 For necessary expenses for the operations, mainte-
21 nance, and procurement of marine vessels, aircraft, un-
22 manned aircraft systems, and other related equipment of
23 the air and marine program, including operational train-
24 ing and mission-related travel, the operations of which in-
25 clude the following: the interdiction of narcotics and other

1 goods; the provision of support to Federal, State, and local
2 agencies in the enforcement or administration of laws en-
3 forced by the Department of Homeland Security; and, at
4 the discretion of the Secretary of Homeland Security, the
5 provision of assistance to Federal, State, and local agen-
6 cies in other law enforcement and emergency humani-
7 tarian efforts, \$518,469,000 (increased by \$624,000), to
8 remain available until September 30, 2015: *Provided*,
9 That no aircraft or other related equipment, with the ex-
10 ception of aircraft that are one of a kind and have been
11 identified as excess to U.S. Customs and Border Protec-
12 tion requirements and aircraft that have been damaged
13 beyond repair, shall be transferred to any other Federal
14 agency, department, or office outside of the Department
15 of Homeland Security during fiscal year 2013 without the
16 prior approval of the Committees on Appropriations of the
17 Senate and the House of Representatives: *Provided fur-*
18 *ther*, That the Secretary of Homeland Security shall report
19 to the Committees on Appropriations of the Senate and
20 the House of Representatives, not later than 90 days after
21 the date of enactment of this Act, on any changes to the
22 5-year strategic plan for the air and marine program re-
23 quired under this heading in Public Law 112–74.

1 CONSTRUCTION AND FACILITIES MANAGEMENT

2 For necessary expenses to plan, acquire, construct,
3 renovate, equip, furnish, operate, manage, and maintain
4 buildings, facilities, and related infrastructure necessary
5 for the administration and enforcement of the laws relat-
6 ing to customs, immigration, and border security,
7 \$252,567,000, to remain available until September 30,
8 2017: *Provided*, That the Commissioner of U.S. Customs
9 and Border Protection shall submit to the Committees on
10 Appropriations of the Senate and the House of Represent-
11 atives, at the time that the President's budget proposal
12 is submitted pursuant to the requirements of section
13 1105(a) of title 31, United States Code, an inventory of
14 the real property of U.S. Customs and Border Protection
15 and a plan for each activity and project proposed for fund-
16 ing under this heading that includes the full cost by fiscal
17 year of each activity and project proposed and underway
18 in fiscal year 2014.

19 IMMIGRATION AND CUSTOMS ENFORCEMENT

20 SALARIES AND EXPENSES

21 For necessary expenses for enforcement of immigra-
22 tion and customs laws, detention and removals, and inves-
23 tigation, including overseas vetted units operations; and
24 purchase and lease of up to 3,790 (2,350 for replacement
25 only) police-type vehicles; \$5,236,331,000 (reduced by

1 \$20,000,000) (increased by \$20,000,000); of which not to
2 exceed \$10,000,000 shall be available until expended for
3 conducting special operations under section 3131 of the
4 Customs Enforcement Act of 1986 (19 U.S.C. 2081); of
5 which not to exceed \$12,750 shall be for official reception
6 and representation expenses; of which not to exceed
7 \$2,000,000 shall be for awards of compensation to inform-
8 ants, to be accounted for solely under the certificate of
9 the Secretary of Homeland Security; of which not less
10 than \$305,000 shall be for promotion of public awareness
11 of the child pornography tipline and activities to counter
12 child exploitation; of which not less than \$68,321,000
13 shall be used to facilitate agreements consistent with sec-
14 tion 287(g) of the Immigration and Nationality Act (8
15 U.S.C. 1357(g)); and of which not to exceed \$11,216,000
16 shall be available to fund or reimburse other Federal agen-
17 cies for the costs associated with the care, maintenance,
18 and repatriation of smuggled aliens unlawfully present in
19 the United States: *Provided*, That none of the funds made
20 available under this heading shall be available to com-
21 pensate any employee for overtime in an annual amount
22 in excess of \$35,000, except that the Secretary of Home-
23 land Security, or the designee of the Secretary, may waive
24 that amount as necessary for national security purposes
25 and in cases of immigration emergencies: *Provided further*,

1 That of the total amount provided, \$15,770,000 shall be
2 for activities to enforce laws against forced child labor,
3 of which not to exceed \$6,000,000 shall remain available
4 until expended: *Provided further*, That not less than
5 \$10,000,000 shall be available for investigation of intellec-
6 tual property rights violations, including the National In-
7 tellectual Property Rights Coordination Center: *Provided*
8 *further*, That not less than \$134,626,000 shall be for
9 worksite enforcement investigations, audits, and activities:
10 *Provided further*, That of the total amount available, not
11 less than \$1,600,000,000 shall be available to identify
12 aliens convicted of a crime who may be deportable, and
13 to remove them from the United States once they are
14 judged deportable, of which \$138,249,000 shall be for
15 completion of Secure Communities deployment: *Provided*
16 *further*, That the Assistant Secretary of Homeland Secu-
17 rity for U.S. Immigration and Customs Enforcement shall
18 report to the Committees on Appropriations of the Senate
19 and the House of Representatives, not later than 45 days
20 after the end of each quarter of the fiscal year, on progress
21 in implementing the preceding proviso and the funds obli-
22 gated during that quarter to make such progress: *Provided*
23 *further*, That the Secretary of Homeland Security shall
24 prioritize the identification and removal of aliens convicted
25 of a crime by the severity of that crime: *Provided further*,

1 That funding made available under this heading shall
2 maintain a level of not less than 34,000 detention beds
3 through September 30, 2013: *Provided further*, That of
4 the total amount provided, not less than \$2,749,840,000
5 is for detention and removal operations, including trans-
6 portation of unaccompanied minor aliens, of which not less
7 than \$91,460,000 shall be for alternatives to detention:
8 *Provided further*, That of the total amount provided,
9 \$10,300,000 shall remain available until September 30,
10 2014, for the Visa Security Program: *Provided further*,
11 That none of the funds provided under this heading may
12 be used to continue a delegation of law enforcement au-
13 thority authorized under section 287(g) of the Immigra-
14 tion and Nationality Act (8 U.S.C. 1357(g)) if the Depart-
15 ment of Homeland Security Inspector General determines
16 that the terms of the agreement governing the delegation
17 of authority have been violated: *Provided further*, That
18 none of the funds provided under this heading may be
19 used to continue any contract for the provision of deten-
20 tion services if the two most recent overall performance
21 evaluations received by the contracted facility are less than
22 “adequate” or the equivalent median score in any subse-
23 quent performance evaluation system: *Provided further*,
24 That nothing under this heading shall prevent U.S. Immi-
25 gration and Customs Enforcement from exercising those

1 authorities provided under immigration laws (as defined
2 in section 101(a)(17) of the Immigration and Nationality
3 Act (8 U.S.C. 1101(a)(17))) during priority operations
4 pertaining to aliens convicted of a crime.

5 AUTOMATION MODERNIZATION

6 For expenses of immigration and customs enforce-
7 ment automated systems, \$232,006,000, to remain avail-
8 able until September 30, 2015: *Provided*, That, subject to
9 section 503 of this Act, the Secretary of Homeland Secu-
10 rity may transfer up to \$5,000,000 to the Office of Bio-
11 metric Identity Management to support the transition of
12 the Arrival and Departure System: *Provided further*, That
13 amounts transferred pursuant to the preceding provision
14 shall remain available until September 30, 2014.

15 CONSTRUCTION

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

21 TRANSPORTATION SECURITY ADMINISTRATION

22 AVIATION SECURITY

23 For necessary expenses of the Transportation Secu-
24 rity Administration related to providing civil aviation secu-
25 rity services pursuant to the Aviation and Transportation

1 Security Act (Public Law 107–71; 115 Stat. 597; 49
2 U.S.C. 40101 note), \$5,041,230,000 (increased by
3 \$10,000,000) (reduced by \$10,000,000), to remain avail-
4 able until September 30, 2014, of which not to exceed
5 \$8,500 shall be for official reception and representation
6 expenses: *Provided*, That of the total amount made avail-
7 able under this heading, not to exceed \$3,969,569,000
8 shall be for screening operations, of which \$409,000,000
9 shall be available for explosives detection systems;
10 \$120,239,000 shall be for checkpoint support; and not to
11 exceed \$1,071,661,000 shall be for aviation security direc-
12 tion and enforcement: *Provided further*, That of the
13 amount made available in the preceding proviso for explo-
14 sives detection systems, \$100,000,000 shall be available
15 for the purchase and installation of these systems, of
16 which not less than 9 percent shall be available for the
17 purchase and installation of certified explosives detection
18 systems at medium- and small-sized airports: *Provided*
19 *further*, That any award to deploy explosives detection sys-
20 tems shall be based on risk, the airport’s current reliance
21 on other screening solutions, lobby congestion resulting in
22 increased security concerns, high injury rates, airport
23 readiness, and increased cost effectiveness: *Provided fur-*
24 *ther*, That security service fees authorized under section
25 44940 of title 49, United States Code, shall be credited

1 to this appropriation as offsetting collections and shall be
2 available only for aviation security: *Provided further*, That
3 the sum appropriated under this heading from the general
4 fund shall be reduced on a dollar-for-dollar basis as such
5 offsetting collections are received during fiscal year 2013
6 so as to result in a final fiscal year appropriation from
7 the general fund estimated at not more than
8 \$2,971,230,000: *Provided further*, That any security serv-
9 ice fees collected in excess of the amount made available
10 under this heading shall become available during fiscal
11 year 2014: *Provided further*, That notwithstanding section
12 44923 of title 49, United States Code, for fiscal year
13 2013, any funds in the Aviation Security Capital Fund
14 established by section 44923(h) of title 49, United States
15 Code, may be used for the procurement and installation
16 of explosives detection systems or for the issuance of other
17 transaction agreements for the purpose of funding
18 projects described in section 44923(a) of such title: *Pro-*
19 *vided further*, That none of the funds made available in
20 this Act may be used for any recruiting or hiring of per-
21 sonnel into the Transportation Security Administration
22 that would cause the agency to exceed a staffing level of
23 46,000 full-time equivalent screeners: *Provided further*,
24 That the preceding proviso shall not apply to personnel
25 hired as part-time employees: *Provided further*, That not

1 later than 90 days after the date of enactment of this Act,
2 the Secretary of Homeland Security shall submit to the
3 Committees on Appropriations of the Senate and the
4 House of Representatives a detailed report on—

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

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

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

20 *Provided further*, That Members of the United States
21 House of Representatives and United States Senate, in-
22 cluding the leadership; the heads of Federal agencies and
23 commissions, including the Secretary, Deputy Secretary,
24 Under Secretaries, and Assistant Secretaries of the De-
25 partment of Homeland Security; the United States Attor-

1 ney General, Deputy Attorney General, Assistant Attor-
2 neys General, and the United States Attorneys; and senior
3 members of the Executive Office of the President, includ-
4 ing the Director of the Office of Management and Budget,
5 shall not be exempt from Federal passenger and baggage
6 screening.

7 SURFACE TRANSPORTATION SECURITY

8 For necessary expenses of the Transportation Secu-
9 rity Administration related to surface transportation secu-
10 rity activities, \$126,418,000, to remain available until
11 September 30, 2014.

12 TRANSPORTATION THREAT ASSESSMENT AND

13 CREDENTIALING

14 For necessary expenses for the development and im-
15 plementation of screening programs of the Office of
16 Transportation Threat Assessment and Credentialing,
17 \$192,424,000, to remain available until September 30,
18 2014.

19 TRANSPORTATION SECURITY SUPPORT

20 For necessary expenses of the Transportation Secu-
21 rity Administration related to transportation security sup-
22 port and intelligence pursuant to the Aviation and Trans-
23 portation Security Act (Public Law 107–71; 115 Stat.
24 597; 49 U.S.C. 40101 note), \$928,663,000, to remain
25 available until September 30, 2014: *Provided*, That the

1 Administrator of the Transportation Security Administra-
2 tion shall submit to the Committees on Appropriations of
3 the Senate and the House of Representatives detailed ex-
4 penditure plans for air cargo security; checkpoint support;
5 and explosives detection systems refurbishment, procure-
6 ment, and installations; on an airport-by-airport basis for
7 fiscal year 2013: *Provided further*, That these plans shall
8 be submitted not later than 60 days after the date of en-
9 actment of this Act.

10 FEDERAL AIR MARSHALS

11 For necessary expenses of the Federal Air Marshals,
12 \$879,600,000: *Provided*, That the Director, Federal Air
13 Marshal Service, shall submit to the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives not later than 90 days after the enactment of this
16 Act a detailed, classified expenditure and staffing plan for
17 ensuring optimal coverage of high risk flights.

18 UNITED STATES COAST GUARD

19 OPERATING EXPENSES

20 For necessary expenses for the operation and mainte-
21 nance of the Coast Guard, not otherwise provided for; pur-
22 chase or lease of not to exceed 25 passenger motor vehi-
23 cles, which shall be for replacement only; purchase or lease
24 of small boats for contingent and emergent requirements
25 (at a unit cost of no more than \$700,000) and repairs

1 and service-life replacements, not to exceed a total of
2 \$31,000,000; purchase or lease of boats necessary for
3 overseas deployments and activities; minor shore construc-
4 tion projects not exceeding \$1,000,000 in total cost at any
5 location; payments pursuant to section 156 of Public Law
6 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
7 ation and welfare; \$6,759,627,000 (increased by
8 \$5,200,000); of which \$340,000,000 shall be for defense-
9 related activities; of which \$24,500,000 shall be derived
10 from the Oil Spill Liability Trust Fund to carry out the
11 purposes of section 1012(a)(5) of the Oil Pollution Act
12 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
13 ceed \$17,000 shall be for official reception and representa-
14 tion expenses: *Provided*, That none of the funds made
15 available by this Act shall be for expenses incurred for rec-
16 reational vessels under section 12114 of title 46, United
17 States Code, except to the extent fees are collected from
18 owners of yachts and credited to this appropriation: *Pro-*
19 *vided further*, That the Coast Guard shall comply with the
20 requirements of section 527 of the National Defense Au-
21 thorization Act for Fiscal Year 2004 (10 U.S.C. 4331
22 note) with respect to the Coast Guard Academy: *Provided*
23 *further*, That of the funds provided under this heading,
24 \$75,000,000 shall be withheld from obligation for Coast
25 Guard Headquarters Directorates until a revised future-

1 years capital investment plan for fiscal years 2014
2 through 2018, as specified under the heading Coast Guard
3 “Acquisition, Construction, and Improvements” of this
4 Act, is submitted to the Committees on Appropriations of
5 the Senate and the House of Representatives: *Provided*
6 *further*, That of the funds made available under this head-
7 ing, such sums as may be necessary shall be available to
8 the Secretary of Homeland Security to comply with the
9 Coast Guard’s energy management requirements under
10 section 543(f)(7) of the National Energy Conservation
11 Policy Act (42 U.S.C. 8253(f)(7)).

12 ENVIRONMENTAL COMPLIANCE AND RESTORATION

13 For necessary expenses to carry out the environ-
14 mental compliance and restoration functions of the Coast
15 Guard under chapter 19 of title 14, United States Code,
16 \$12,151,000, to remain available until September 30,
17 2017.

18 RESERVE TRAINING

19 For necessary expenses of the Coast Guard Reserve,
20 as authorized by law; operations and maintenance of the
21 Coast Guard reserve program; personnel and training
22 costs; and equipment and services; \$115,528,000.

1 AUTOMATION MODERNIZATION

2 For expenses of the Coast Guard automated systems,
3 \$50,000,000 (reduced by \$5,200,000), to remain available
4 until September 30, 2015.

5 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

6 For necessary expenses of acquisition, construction,
7 renovation, and improvement of aids to navigation, shore
8 facilities, vessels, and aircraft, including equipment related
9 thereto; and maintenance, rehabilitation, lease, and oper-
10 ation of facilities and equipment; as authorized by law;
11 \$1,428,593,000, of which \$20,000,000 shall be derived
12 from the Oil Spill Liability Trust Fund to carry out the
13 purposes of section 1012(a)(5) of the Oil Pollution Act
14 of 1990 (33 U.S.C. 2712(a)(5)); of which \$938,000,000
15 shall be available until September 30, 2017, to acquire,
16 effect major repairs to, renovate, or improve vessels, small
17 boats, and related equipment; of which \$204,500,000 shall
18 be available until September 30, 2017, to acquire, effect
19 major repairs to, renovate, or improve aircraft or increase
20 aviation capability; of which \$59,000,000 shall be avail-
21 able until September 30, 2017, for other acquisition pro-
22 grams; of which \$109,911,000 shall be available until Sep-
23 tember 30, 2017, for shore facilities and aids to naviga-
24 tion, including waterfront facilities at Navy installations
25 used by the Coast Guard; of which \$117,182,000 shall be

1 available for personnel compensation and benefits and re-
2 lated costs: *Provided*, That of the funds provided under
3 this heading, \$66,000,000 shall be immediately appor-
4 tioned for contract for long lead-time materials, compo-
5 nents, and designs for the seventh National Security Cut-
6 ter notwithstanding the availability of funds for produc-
7 tion costs or post-production costs: *Provided further*, That
8 \$10,000,000 shall be available for infrastructure construc-
9 tion, to include design, engineering, and oversight required
10 to support the continued development of the Department
11 of Homeland Security consolidated headquarters; and all
12 projects using this funding, with all related obligations
13 and expenditures, shall be subject to the management re-
14 view, approval, and oversight of the Department of Home-
15 land Security, Office of the Under Secretary for Manage-
16 ment: *Provided further*, That the Secretary of Homeland
17 Security shall submit to the Committees on Appropria-
18 tions of the Senate and the House of Representatives, at
19 the time that the President's budget proposal is submitted
20 pursuant to the requirements of section 1105(a) of title
21 31, United States Code, a future-years capital investment
22 plan for the Coast Guard that identifies for each requested
23 capital asset—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

2 For necessary expenses for applied scientific re-
3 search, development, test, and evaluation; and for mainte-
4 nance, rehabilitation, lease, and operation of facilities and
5 equipment; as authorized by law; \$19,690,000, to remain
6 available until September 30, 2017, of which \$500,000
7 shall be derived from the Oil Spill Liability Trust Fund
8 to carry out the purposes of section 1012(a)(5) of the Oil
9 Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*,
10 That there may be credited to and used for the purposes
11 of this appropriation funds received from State and local
12 governments, other public authorities, private sources, and
13 foreign countries for expenses incurred for research, devel-
14 opment, testing, and evaluation.

15 RETIRED PAY

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

1 UNITED STATES SECRET SERVICE

2 SALARIES AND EXPENSES

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

1 ment in advance for commercial accommodations as may
2 be necessary to perform protective functions;
3 \$1,556,055,000, of which not to exceed \$21,250 shall be
4 for official reception and representation expenses; of which
5 not to exceed \$100,000 shall be to provide technical assist-
6 ance and equipment to foreign law enforcement organiza-
7 tions in counterfeit investigations; of which \$2,366,000
8 shall be for forensic and related support of investigations
9 of missing and exploited children; and of which
10 \$6,000,000 shall be for a grant for activities related to
11 investigations of missing and exploited children and shall
12 remain available until September 30, 2014: *Provided*,
13 That up to \$18,000,000 for protective travel shall remain
14 available until September 30, 2014: *Provided further*, That
15 up to \$4,500,000 for National Special Security Events
16 shall remain available until September 30, 2014: *Provided*
17 *further*, That the United States Secret Service is author-
18 ized to obligate funds in anticipation of reimbursements
19 from Federal agencies and entities, as defined in section
20 105 of title 5, United States Code, for personnel receiving
21 training sponsored by the James J. Rowley Training Cen-
22 ter, except that total obligations at the end of the fiscal
23 year shall not exceed total budgetary resources available
24 under this heading at the end of the fiscal year: *Provided*
25 *further*, That none of the funds made available under this

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

20 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses for acquisition, construction,
22 and improvement of physical and technological infrastruc-
23 ture, \$56,750,000, of which \$4,430,000, to remain avail-
24 able until September 30, 2017, shall be for acquisition,
25 construction, improvement, and maintenance of facilities,

1 and of which \$52,320,000, to remain available until Sep-
2 tember 30, 2015, shall be for information integration and
3 technology transformation project execution: *Provided*,
4 That the Director of the United States Secret Service shall
5 submit to the Committees on Appropriations of the Senate
6 and the House of Representatives at the time that the
7 President's budget proposal for fiscal year 2014 is sub-
8 mitted pursuant to the requirements of section 1105(a)
9 of title 31, United States Code, a multi-year investment
10 and management plan for its Information Integration and
11 Technology Transformation program that describes fund-
12 ing for the current fiscal year and the following 3 fiscal
13 years, with associated plans for systems acquisition and
14 technology deployment.

15 TITLE III

16 PROTECTION, PREPAREDNESS, RESPONSE, AND 17 RECOVERY

18 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

19 MANAGEMENT AND ADMINISTRATION

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

1 2015: *Provided further*, That, subject to section 503 of
2 this Act, the Secretary of Homeland Security may transfer
3 up to \$5,000,000 to U.S. Immigration and Customs En-
4 forcement to support the transition of the Arrival and De-
5 parture Information System: *Provided further*, That
6 amounts transferred pursuant to the preceding proviso
7 shall remain available until September 30, 2014: *Provided*
8 *further*, That the Secretary shall submit to the Committees
9 on Appropriations of the Senate and the House of Rep-
10 resentatives not later than 60 days after the date of enact-
11 ment of this Act, an expenditure plan for the Office of
12 Biometric Identity Management: *Provided further*, That of
13 the total amount made available under this heading,
14 \$25,000,000 may not be obligated for the Office of Bio-
15 metric Identity Management until the Secretary of Home-
16 land Security submits to the Committees on Appropria-
17 tions of the Senate and the House of Representatives, at
18 the time that the President's budget proposal for fiscal
19 year 2014 is submitted pursuant to the requirements of
20 section 1105(a) of title 31, United States Code, a multi-
21 year investment and management plan for the Office of
22 Biometric Identity Management: *Provided further*, That
23 such multi-year investment and management plan shall in-
24 clude, for the current fiscal year and the following 3 fiscal

1 years, for the Office of Biometric Identity Management
2 program, the following—

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

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

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

1 OFFICE OF HEALTH AFFAIRS

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

16 FEDERAL EMERGENCY MANAGEMENT AGENCY

17 SALARIES AND EXPENSES

18 For necessary expenses of the Federal Emergency
19 Management Agency, \$712,565,000 (increased by
20 \$7,667,000), including activities authorized by the Na-
21 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
22 seq.), the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
24 Grande Fire Assistance Act of 2000 (division C, title I,
25 114 Stat. 583), the Earthquake Hazards Reduction Act

1 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
2 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
3 and 303 of the National Security Act of 1947 (50 U.S.C.
4 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
5 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
6 et seq.), and the Post-Katrina Emergency Management
7 Reform Act of 2006 (Public Law 109–295; 120 Stat.
8 1394): *Provided*, That not to exceed \$2,500 shall be for
9 official reception and representation expenses: *Provided*
10 *further*, That for purposes of planning, coordination, exe-
11 cution, and decision making related to mass evacuation
12 during a disaster, the Governors of the State of West Vir-
13 ginia and the Commonwealth of Pennsylvania, or their
14 designees, shall be incorporated into efforts to integrate
15 the activities of Federal, State, and local governments in
16 the National Capital Region, as defined in section 882 of
17 the Homeland Security Act of 2002: *Provided further*,
18 That of the total amount made available under this head-
19 ing, \$27,513,000 (increased by \$7,667,000) shall be for
20 the Urban Search and Rescue Response System, of which
21 no funds may be used for administrative costs: *Provided*
22 *further*, That, of the total amount made available under
23 this heading, \$22,000,000 shall remain available until
24 September 30, 2014, for capital improvements and other

1 expenses related to continuity of operations at the Mount
2 Weather Emergency Operations Center.

3 AUTOMATION MODERNIZATION

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

7 STATE AND LOCAL PROGRAMS

8 (INCLUDING TRANSFER OF FUNDS)

9 For grants, contracts, cooperative agreements, and
10 other activities, \$1,762,589,000 (increased by
11 \$10,000,000), which shall be distributed, according to
12 threat, vulnerability, and consequence, at the discretion of
13 the Secretary of Homeland Security based on the following
14 authorities:

15 (1) The State Homeland Security Grant Pro-
16 gram under section 2004 of the Homeland Security
17 Act of 2002 (6 U.S.C. 605): *Provided*, That notwith-
18 standing subsection (c)(4) of such section 2004, for
19 fiscal year 2012, the Commonwealth of Puerto Rico
20 shall make available to local and tribal governments
21 amounts provided to the Commonwealth of Puerto
22 Rico under this paragraph in accordance with sub-
23 section (c)(1) of such section 2004.

1 (2) The Urban Area Security Initiative under
2 section 2003 of the Homeland Security Act of 2002
3 (6 U.S.C. 604).

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

7 (4) The Citizen Corps Program.

8 (5) Public Transportation Security Assistance
9 and Railroad Security Assistance, under sections
10 1406 and 1513 of the Implementing Recommenda-
11 tions of the 9/11 Commission Act of 2007 (6 U.S.C.
12 1135 and 1163), including Amtrak security: *Pro-*
13 *vided*, That such public transportation security as-
14 sistance shall be provided directly to public transpor-
15 tation agencies.

16 (6) Over-the-Road Bus Security Assistance
17 under section 1532 of the Implementing Rec-
18 ommendations of the 9/11 Commission Act of 2007
19 (6 U.S.C. 1182).

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

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

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

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

7 (11) Buffer Zone Protection Program grants.

8 (12) Organizations (as described under section
9 501(c)(3) of the Internal Revenue Code of 1986 and
10 exempt from tax section 501(a) of such code) deter-
11 mined by the Secretary to be at high risk of a ter-
12 rorist attack:

13 *Provided*, That of the amount provided under this head-
14 ing, \$55,000,000 shall be for Operation Stonegarden and
15 no less than \$150,000,000 shall be for areas at the highest
16 threat of a terrorist attack: *Provided further*, That
17 \$231,681,000 shall be to sustain current operations for
18 training, exercises, technical assistance, and other pro-
19 grams, of which \$155,500,000 shall be for training of
20 State, local, and tribal emergency response providers: *Pro-*
21 *vided further*, That for grants under paragraphs (1)
22 through (12), applications for grants shall be made avail-
23 able to eligible applicants not later than 60 days after the
24 date of enactment of this Act, that eligible applicants shall
25 submit applications not later than 80 days after the grant

1 announcement, and the Administrator of the Federal
2 Emergency Management Agency shall act within 65 days
3 after the receipt of an application: *Provided further*, That
4 notwithstanding section 2008(a)(11) of the Homeland Se-
5 curity Act of 2002 (6 U.S.C. 609(a)(11)), or any other
6 provision of law, a grantee may use not more than 5 per-
7 cent of the amount of a grant made available under this
8 heading for expenses directly related to administration of
9 the grant: *Provided further*, That 7.02 percent of the
10 amounts provided under this heading shall be transferred
11 to the Federal Emergency Management Agency “Salaries
12 and Expenses” account for program administration: *Pro-*
13 *vided further*, That for grants under paragraphs (1) and
14 (2), the installation of communication towers is not con-
15 sidered construction of a building or other physical facil-
16 ity: *Provided further*, That grantees shall provide reports
17 on their use of funds, as determined necessary by the Sec-
18 retary of Homeland Security: *Provided further*, That in fis-
19 cal year 2013: (a) the Center for Domestic Preparedness
20 may provide training to emergency response providers
21 from the Federal Government, foreign governments, or
22 private entities, if the Center for Domestic Preparedness
23 is reimbursed for the cost of such training, and any reim-
24 bursement under this subsection shall be credited to the
25 account from which the expenditure being reimbursed was

1 made and shall be available, without fiscal year limitation,
2 for the purposes for which amounts in the account may
3 be expended; (b) the head of the Center for Domestic Pre-
4 paredness shall ensure that any training provided under
5 (a) does not interfere with the primary mission of the Cen-
6 ter to train state and local emergency response providers;
7 and (c) subject to (b), nothing in (a) prohibits the Center
8 for Domestic Preparedness from providing training to em-
9 ployees of the Federal Emergency Management Agency in
10 existing chemical, biological, radiological, nuclear, explo-
11 sives, mass casualty, and medical surge courses pursuant
12 to section 4103 of title 5, United States Code, without
13 reimbursement for the cost of such training.

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.), \$670,000,000 (increased by
18 \$5,000,000), to remain available until September 30,
19 2014, of which \$335,000,000 (increased by \$2,500,000)
20 shall be available to carry out section 33 of that Act (15
21 U.S.C. 2229) and \$335,000,000 (increased by
22 \$2,500,000) shall be available to carry out section 34 of
23 that Act (15 U.S.C. 2229a): *Provided*, That in addition
24 to the purposes otherwise authorized for SAFER grants
25 in section 34 of that Act, the Secretary of Homeland Secu-

1 rity shall make such grants available for the retention of
2 firefighters: *Provided further*, That subsections (a)(1)(A),
3 (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of sec-
4 tion 34 of that Act shall not apply to amounts made avail-
5 able under this heading: *Provided further*, That not to ex-
6 ceed 4.7 percent of the amount available under this head-
7 ing shall be available for program administration.

8 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

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

19 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

20 The aggregate charges assessed during fiscal year
21 2013, as authorized in title III of the Departments of Vet-
22 erans Affairs and Housing and Urban Development, and
23 Independent Agencies Appropriations Act, 1999 (42
24 U.S.C. 5196e), shall not be less than 100 percent of the
25 amounts anticipated by the Department of Homeland Se-

1 curity necessary for its radiological emergency prepared-
2 ness program for the next fiscal year: *Provided*, That the
3 methodology for assessment and collection of fees shall be
4 fair and equitable and shall reflect costs of providing such
5 services, including administrative costs of collecting such
6 fees: *Provided further*, That fees received under this head-
7 ing shall be deposited in this account as offsetting collec-
8 tions and will become available for authorized purposes on
9 October 1, 2013, and remain available until September 30,
10 2015.

11 UNITED STATES FIRE ADMINISTRATION

12 For necessary expenses of the United States Fire Ad-
13 ministration and for other purposes, as authorized by the
14 Federal Fire Prevention and Control Act of 1974 (15
15 U.S.C. 2201 et seq.) and the Homeland Security Act of
16 2002 (6 U.S.C. 101 et seq.), \$42,460,000.

17 DISASTER RELIEF FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses in carrying out the Robert
20 T. Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5121 et seq.), \$6,088,926,000, to remain avail-
22 able until expended, of which \$5,481,000,000 is for major
23 disasters declared pursuant to the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.
25 5121 et seq.): *Provided*, That the latter amount is des-

1 igned by the Congress as being for disaster relief pursu-
2 ant to section 251(b)(2)(D) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985 (Public Law 99–
4 177, 2 U.S.C. 901(b)(2)(D)): *Provided further*, That of
5 which \$24,000,000 shall be transferred to the Department
6 of Homeland Security Office of Inspector General for au-
7 dits and investigations related to disasters: *Provided fur-*
8 *ther*, That the Administrator of the Federal Emergency
9 Management Agency shall submit an expenditure plan to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives detailing the use of the funds
12 made available in this or any other Act for disaster readi-
13 ness and support not later than 60 days after the date
14 of enactment of this Act: *Provided further*, That the Ad-
15 ministrator of the Federal Emergency Management Agen-
16 cy shall submit to such Committees a quarterly report de-
17 tailing obligations against the expenditure plan and a jus-
18 tification for any changes from the initial plan: *Provided*
19 *further*, That the Administrator of the Federal Emergency
20 Management Agency shall submit to the Committees on
21 Appropriations of the Senate and the House of Represent-
22 atives the following reports, including a specific descrip-
23 tion of the methodology and the source data used in devel-
24 oping such reports:

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

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

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

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

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

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

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

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

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

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

24 (A) a summary of the amount of appro-
25 priations made available by source, the trans-

1 fers executed, the previously allocated funds re-
2 covered, and the commitments, allocations, and
3 obligations made;

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

6 (i) the beginning and ending balances;

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

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

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

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

19 (D) the date on which funds appropriated
20 will be exhausted.

21 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

1 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

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

10 NATIONAL FLOOD INSURANCE FUND

11 For activities under the National Flood Insurance
12 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
13 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
14 \$171,000,000, which shall remain available until Sep-
15 tember 30, 2014, shall be derived from offsetting collec-
16 tions assessed and collected under section 1308(d) of the
17 National Flood Insurance Act of 1968 (42 U.S.C.
18 4015(d)), and shall be available for salaries and expenses
19 associated with flood mitigation and flood insurance oper-
20 ations; and floodplain management and flood mapping:
21 *Provided*, That not to exceed \$22,000,000 shall be avail-
22 able for salaries and expenses associated with flood mitiga-
23 tion and flood insurance operations; and not less than
24 \$149,000,000 shall be available for flood plain manage-
25 ment and flood mapping, which shall remain available

1 until September 30, 2014: *Provided further*, That any ad-
2 ditional fees collected pursuant to section 1308(d) of the
3 National Flood Insurance Act of 1968 (42 U.S.C.
4 4015(d)) shall be credited as an offsetting collection to
5 this account, to be available for flood plain management
6 and flood mapping: *Provided further*, That in fiscal year
7 2013, no funds shall be available from the National Flood
8 Insurance Fund under section 1310 of that Act (42
9 U.S.C. 4017) in excess of:

- 10 (1) \$132,000,000 for operating expenses;
- 11 (2) \$1,056,602,000 for commissions and taxes
12 of agents;
- 13 (3) such sums as are necessary for interest on
14 Treasury borrowings; and
- 15 (4) \$120,000,000, which shall remain available
16 until expended, for flood mitigation actions; for re-
17 petitive insurance claims properties under section
18 1323 of the National Flood Insurance Act of 1968
19 (42 U.S.C. 4030); and for flood mitigation assist-
20 ance under section 1366 of the National Flood In-
21 surance Act of 1968 (42 U.S.C. 4104c), notwith-
22 standing subparagraphs (B) and (C) of subsection
23 (b)(3) and subsection (f) of section 1366 of the Na-
24 tional Flood Insurance Act of 1968 (42 U.S.C.
25 4104c) and notwithstanding subsection (a)(7) of sec-

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

16 NATIONAL PREDISASTER MITIGATION FUND

17 For the predisaster mitigation grant program under
18 section 203 of the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5133),
20 \$14,331,000, to remain available until expended: *Pro-*
21 *vided*, That the total administrative costs associated with
22 such grants shall not exceed 3 percent of the total amount
23 made available under this heading.

1 authorize employees who are assigned to those areas to
2 use such vehicles to travel between the employees' resi-
3 dences and places of employment.

4 FEDERAL LAW ENFORCEMENT TRAINING CENTER
5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Law Enforce-
7 ment Training Center, including materials and support
8 costs of Federal law enforcement basic training; the pur-
9 chase of not to exceed 117 vehicles for police-type use and
10 hire of passenger motor vehicles; expenses for student ath-
11 letic and related activities; the conduct of and participa-
12 tion in firearms matches and presentation of awards; pub-
13 lic awareness and enhancement of community support of
14 law enforcement training; room and board for student in-
15 terns; a flat monthly reimbursement to employees author-
16 ized to use personal mobile phones for official duties; and
17 services as authorized by section 3109 of title 5, United
18 States Code; \$228,467,000; of which up to \$44,758,000
19 shall remain available until September 30, 2014, for mate-
20 rials and support costs of Federal law enforcement basic
21 training; of which \$300,000 shall remain available until
22 expended to be distributed to Federal law enforcement
23 agencies for expenses incurred participating in training ac-
24 creditation; and of which not to exceed \$10,200 shall be
25 for official reception and representation expenses: *Pro-*

1 *vided*, That the Center is authorized to obligate funds in
2 anticipation of reimbursements from agencies receiving
3 training sponsored by the Center, except that total obliga-
4 tions at the end of the fiscal year shall not exceed total
5 budgetary resources available at the end of the fiscal year:
6 *Provided further*, That the Director of the Federal Law
7 Enforcement Training Center shall schedule basic or ad-
8 vanced law enforcement training, or both, at all four train-
9 ing facilities under the control of the Federal Law En-
10 forcement Training Center to ensure that such training
11 facilities are operated at the highest capacity throughout
12 the fiscal year: *Provided further*, That the Federal Law
13 Enforcement Training Accreditation Board, including rep-
14 resentatives from the Federal law enforcement community
15 and non-Federal accreditation experts involved in law en-
16 forcement training, shall lead the Federal law enforcement
17 training accreditation process to continue the implementa-
18 tion of measuring and assessing the quality and effective-
19 ness of Federal law enforcement training programs, facili-
20 ties, and instructors.

21 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

22 RELATED EXPENSES

23 For acquisition of necessary additional real property
24 and facilities, construction, and ongoing maintenance, fa-
25 cility improvements, and related expenses of the Federal

1 Law Enforcement Training Center, \$27,385,000, to re-
2 main available until September 30, 2017: *Provided*, That
3 the Center is authorized to accept reimbursement to this
4 appropriation from government agencies requesting the
5 construction of special use facilities.

6 SCIENCE AND TECHNOLOGY

7 MANAGEMENT AND ADMINISTRATION

8 For salaries and expenses of the Office of the Under
9 Secretary for Science and Technology and for manage-
10 ment and administration of programs and activities, as
11 authorized by title III of the Homeland Security Act of
12 2002 (6 U.S.C. 181 et seq.), \$130,000,000: *Provided*,
13 That not to exceed \$8,500 shall be for official reception
14 and representation expenses.

15 RESEARCH, DEVELOPMENT, ACQUISITION, AND

16 OPERATIONS

17 For necessary expenses for science and technology re-
18 search, including advanced research projects, development,
19 test and evaluation, acquisition, and operations as author-
20 ized by title III of the Homeland Security Act of 2002
21 (6 U.S.C. 181 et seq.), and the purchase or lease of not
22 to exceed 5 vehicles, \$695,971,000, of which
23 \$493,539,000 shall remain available until September 30,
24 2015; and of which \$202,432,000 shall remain available
25 until September 30, 2017, solely for operation and con-

1 struction of laboratory facilities: *Provided*, That
2 \$20,000,000 shall not be available for obligation until the
3 Secretary of Homeland Security submits to the Commit-
4 tees on Appropriations of the Senate and the House of
5 Representatives an updated plan for the expenditure of
6 funds for construction of the National Bio- and Agro-de-
7 fense Facility.

8 DOMESTIC NUCLEAR DETECTION OFFICE

9 MANAGEMENT AND ADMINISTRATION

10 For salaries and expenses of the Domestic Nuclear
11 Detection Office, as authorized by title XIX of the Home-
12 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
13 agement and administration of programs and activities,
14 \$38,000,000: *Provided*, That not to exceed \$2,500 shall
15 be for official reception and representation expenses: *Pro-*
16 *vided further*, That the Secretary of Homeland Security
17 shall submit to the Committees on Appropriations of the
18 Senate and the House of Representatives at the time of
19 the submission of the President's budget proposal for fis-
20 cal year 2014 pursuant to the requirements of section
21 1105(a) of title 31, United States Code, a strategic plan
22 of investments necessary to implement the Department of
23 Homeland Security's responsibilities under the domestic
24 component of the global nuclear detection architecture
25 that shall—

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

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

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

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

20 RESEARCH, DEVELOPMENT, AND OPERATIONS

21 For necessary expenses for radiological and nuclear
22 research, development, testing, evaluation, and operations,
23 \$226,830,000, to remain available until September 30,
24 2014.

1 SYSTEMS ACQUISITION

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

7 TITLE V

8 GENERAL PROVISIONS

9 (INCLUDING RESCISSIONS OF FUNDS)

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

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

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

1 of the United States derived by the collection of fees avail-
2 able to the agencies funded by this Act, shall be available
3 for obligation or expenditure through a reprogramming of
4 funds that—

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

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

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

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

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

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

12 (1) augments existing programs, projects, or ac-
13 tivities;

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

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

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

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

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

22 SEC. 504. The Department of Homeland Security
23 Working Capital Fund, established pursuant to section
24 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
25 continue operations as a permanent working capital fund

1 for fiscal year 2013: *Provided*, That none of the funds ap-
2 propriated or otherwise made available to the Department
3 of Homeland Security may be used to make payments to
4 the Working Capital Fund, except for the activities and
5 amounts allowed in the President's fiscal year 2013 budg-
6 et: *Provided further*, That funds provided to the Working
7 Capital Fund shall be available for obligation until ex-
8 pended to carry out the purposes of the Working Capital
9 Fund: *Provided further*, That all departmental components
10 shall be charged only for direct usage of each Working
11 Capital Fund service: *Provided further*, That funds pro-
12 vided to the Working Capital Fund shall be used only for
13 purposes consistent with the contributing component: *Pro-*
14 *vided further*, That the Working Capital Fund shall be
15 paid in advance or reimbursed at rates which will return
16 the full cost of each service: *Provided further*, That the
17 Working Capital Fund shall be subject to the require-
18 ments of section 503 of this Act.

19 SEC. 505. Except as otherwise specifically provided
20 by law, not to exceed 50 percent of unobligated balances
21 remaining available at the end of fiscal year 2013 from
22 appropriations for salaries and expenses and operating ex-
23 penses for fiscal year 2013 in this Act shall remain avail-
24 able through September 30, 2014, in the account and for
25 the purposes for which the appropriations were provided:

1 *Provided*, That prior to the obligation of such funds, a
2 request shall be submitted to the Committees on Appro-
3 priations of the Senate and the House of Representatives
4 for approval in accordance with section 503 of this Act.

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

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

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

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

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

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

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

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

19 (d) A notification under this section—

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

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

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

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

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

1 SEC. 510. (a) Sections 520, 522, and 530, of the De-
2 partment of Homeland Security Appropriations Act, 2008
3 (division E of Public Law 110–161; 121 Stat. 2073 and
4 2074) shall apply with respect to funds made available in
5 this Act in the same manner as such sections applied to
6 funds made available in that Act.

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

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

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

23 SEC. 513. None of the funds made available in this
24 Act may be used to amend the oath of allegiance required

1 by section 337 of the Immigration and Nationality Act
2 (8 U.S.C. 1448).

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

11 SEC. 515. Except as provided in section 44945 of title
12 49, United States Code, funds appropriated or transferred
13 to Transportation Security Administration “Aviation Se-
14 curity”, “Administration”, and “Transportation Security
15 Support” for fiscal years 2004 and 2005 that are recov-
16 ered or deobligated shall be available only for the procure-
17 ment or installation of explosives detection systems, air
18 cargo, baggage, and checkpoint screening systems, subject
19 to notification: *Provided*, That quarterly reports shall be
20 submitted to the Committees on Appropriations of the
21 Senate and the House of Representatives on any funds
22 that are recovered or deobligated.

23 SEC. 516. Any funds appropriated to Coast Guard
24 “Acquisition, Construction, and Improvements” for fiscal
25 years 2002, 2003, 2004, 2005, and 2006 for the 110–

1 123 foot patrol boat conversion that are recovered, col-
2 lected, or otherwise received as the result of negotiation,
3 mediation, or litigation, shall be available until expended
4 for the Fast Response Cutter program.

5 SEC. 517. Section 532(a) of Public Law 109–295
6 (120 Stat. 1384) is amended by striking “2012” and in-
7 serting “2013”.

8 SEC. 518. The functions of the Federal Law Enforce-
9 ment Training Center instructor staff shall be classified
10 as inherently governmental for the purpose of the Federal
11 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
12 note).

13 SEC. 519. (a) Except as provided in subsection (b),
14 none of the funds appropriated in this or any other Act
15 to the “Office of the Secretary and Executive Manage-
16 ment”, the “Office of the Under Secretary for Manage-
17 ment”, or the “Office of the Chief Financial Officer”, may
18 be obligated for a grant or contract funded under such
19 headings by any means other than full and open competi-
20 tion.

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

23 (1) by a means that is required by a Federal
24 statute, including obligation for a purchase made
25 under a mandated preferential program, including

1 the AbilityOne Program, that is authorized under
2 chapter 85 of title 41, United States Code;

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

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

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

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

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

24 (d) In addition to the requirements established by
25 subsections (a), (b), and (c) of this section, the Inspector

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

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

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

10 (2) not later than 10 business days after the
11 latter of the date on which the Secretary of Home-
12 land Security appoints the Principal Federal Official
13 and the date on which the President issues a dec-
14 laration under section 401 or section 501 of the
15 Robert T. Stafford Disaster Relief and Emergency
16 Assistance Act (42 U.S.C. 5170 and 5191, respec-
17 tively), the Secretary of Homeland Security shall
18 submit a notification of the appointment of the Prin-
19 cipal Federal Official and a description of the re-
20 sponsibilities of such Official and how such respon-
21 sibilities are consistent with paragraph (1) to the
22 Committees on Appropriations of the Senate and the
23 House of Representatives, the Transportation and
24 Infrastructure Committee of the House of Rep-

1 representatives, and the Homeland Security and Gov-
2 ernmental Affairs Committee of the Senate; and

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

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

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

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

23 (1) in subsection (a), in the matter preceding
24 paragraph (1), by striking “September 30, 2012”
25 and inserting “September 30, 2013”; and

1 (2) in subsection (c)(1), in the matter preceding
2 subparagraph (A), by striking “September 30,
3 2012” and inserting “September 30, 2013”.

4 SEC. 524. The Secretary of Homeland Security shall
5 require that all contracts of the Department of Homeland
6 Security that provide award fees link such fees to success-
7 ful acquisition outcomes (which outcomes shall be speci-
8 fied in terms of cost, schedule, and performance).

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

16 SEC. 526. None of the funds made available in this
17 Act for U.S. Customs and Border Protection may be used
18 to prevent an individual not in the business of importing
19 a prescription drug (within the meaning of section 801(g)
20 of the Federal Food, Drug, and Cosmetic Act) from im-
21 porting a prescription drug from Canada that complies
22 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
23 That this section shall apply only to individuals trans-
24 porting on their person a personal-use quantity of the pre-

1 prescription drug, not to exceed a 90-day supply: *Provided*
2 *further*, That the prescription drug may not be—

3 (1) a controlled substance, as defined in section
4 102 of the Controlled Substances Act (21 U.S.C.
5 802); or

6 (2) a biological product, as defined in section
7 351 of the Public Health Service Act (42 U.S.C.
8 262).

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

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

24 SEC. 529. If the Administrator of the Transportation
25 Security Administration determines that an airport does

1 not need to participate in the E-Verify Program as de-
2 scribed in section 403(a) of the Illegal Immigration Re-
3 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
4 1324a note), the Administrator shall certify to the Com-
5 mittees on Appropriations of the Senate and the House
6 of Representatives that no security risks will result from
7 such non-participation.

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

17 (b) The proceeds of the sale described in subsection
18 (a) shall be deposited as offsetting collections into the De-
19 partment of Homeland Security — Science and Tech-
20 nology — “Research, Development, Acquisition, and Op-
21 erations” account and, subject to appropriation, shall be
22 available until expended, for site acquisition, construction,
23 and costs related to the construction of the National Bio-
24 and Agro-defense Facility, including the costs associated
25 with the sale, including due diligence requirements, nec-

1 essary environmental remediation at Plum Island, and re-
2 imbursement of expenses incurred by the General Services
3 Administration.

4 SEC. 531. Any official that is required by this Act
5 to report or to certify to the Committees on Appropria-
6 tions of the Senate and the House of Representatives may
7 not delegate such authority to perform that act unless spe-
8 cifically authorized herein.

9 SEC. 532. Section 550(b) of the Department of
10 Homeland Security Appropriations Act, 2007 (Public Law
11 109–295; 6 U.S.C. 121 note), as amended by section 550
12 of the Department of Homeland Security Appropriations
13 Act, 2010 (Public Law 111–83), is further amended by
14 striking “on October 4, 2012” and inserting “on October
15 4, 2013”.

16 SEC. 533. None of the funds appropriated or other-
17 wise made available in this or any other Act may be used
18 to transfer, release, or assist in the transfer or release to
19 or within the United States, its territories, or possessions
20 Khalid Sheikh Mohammed or any other detainee who—

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

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

1 SEC. 534. None of the funds made available in this
2 Act may be used for first-class travel by the employees
3 of agencies funded by this Act in contravention of sections
4 301–10.122 through 301.10–124 of title 41, Code of Fed-
5 eral Regulations.

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

18 SEC. 536. None of the funds made available in this
19 Act may be used to employ workers described in section
20 274A(h)(3) of the Immigration and Nationality Act (8
21 U.S.C. 1324a(h)(3)).

22 SEC. 537. (a) Any company that collects or retains
23 personal information directly from any individual who par-
24 ticipates in the Registered Traveler or successor program
25 of the Transportation Security Administration shall safe-

1 guard and dispose of such information in accordance with
2 the requirements in—

3 (1) the National Institute for Standards and
4 Technology Special Publication 800–30, entitled
5 “Risk Management Guide for Information Tech-
6 nology Systems”;

7 (2) the National Institute for Standards and
8 Technology Special Publication 800–53, Revision 3,
9 entitled “Recommended Security Controls for Fed-
10 eral Information Systems and Organizations,”; and

11 (3) any supplemental standards established by
12 the Administrator of the Transportation Security
13 Administration (referred to in this section as the
14 “Administrator”).

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

18 (c) The Administrator shall require any company cov-
19 ered by subsection (a) to provide, not later than 30 days
20 after the date of enactment of this Act, to the Sponsoring
21 Entity written certification that the procedures used by
22 the company to safeguard and dispose of information are
23 in compliance with the requirements under subsection (a).
24 Such certification shall include a description of the proce-

1 dures used by the company to comply with such require-
2 ments.

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

10 SEC. 539. (a) Not later than 90 days after the date
11 of enactment of this Act, the Administrator of the Trans-
12 portation Security Administration shall submit to the
13 Committees on Appropriations of the Senate and the
14 House of Representatives, a report that either—

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

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

22 (A) a plan to meet the requirement under
23 section 44901(g) of title 49, United States
24 Code, to screen 100 percent of air cargo trans-
25 ported on passenger aircraft arriving in the

1 United States in foreign air transportation (as
2 that term is defined in section 40102 of that
3 title); and

4 (B) specification of—

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

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

9 (b) The Administrator shall continue to submit re-
10 ports described in subsection (a)(2) every 90 days until
11 the Administrator certifies that the Transportation Secu-
12 rity Administration has achieved screening of 100 percent
13 of such air cargo.

14 SEC. 540. In developing any process to screen avia-
15 tion passengers and crews for transportation or national
16 security purposes, the Secretary of Homeland Security
17 shall ensure that all such processes take into consideration
18 such passengers' and crews' privacy and civil liberties con-
19 sistent with applicable laws, regulations, and guidance.

20 SEC. 541. (a) Notwithstanding section 286(n) of the
21 Immigration and Nationality Act (8 U.S.C. 1356(n)), of
22 the funds deposited into the Immigration Examinations
23 Fee Account, \$9,200,000 shall be available to United
24 States Citizenship and Immigration Services in fiscal year

1 2013 for the purpose of providing an immigrant integra-
2 tion grants program.

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

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

17 SEC. 543. Notwithstanding any other provision of
18 law, if the Secretary of Homeland Security determines
19 that specific U.S. Immigration and Customs Enforcement
20 Service Processing Centers or other U.S. Immigration and
21 Customs Enforcement owned detention facilities no longer
22 meet the mission need, the Secretary is authorized to dis-
23 pose of individual Service Processing Centers or other
24 U.S. Immigration and Customs Enforcement owned de-
25 tention facilities by directing the Administrator of General

1 Services to sell all real and related personal property which
2 support Service Processing Centers or other U.S. Immi-
3 gration and Customs Enforcement owned detention facili-
4 ties, subject to such terms and conditions as necessary to
5 protect Government interests and meet program require-
6 ments: *Provided*, That the proceeds, net of the costs of
7 sale incurred by the General Services Administration and
8 U.S. Immigration and Customs Enforcement, shall be de-
9 posited as offsetting collections into a separate account
10 that shall be available, subject to appropriation, until ex-
11 pended for other real property capital asset needs of exist-
12 ing U.S. Immigration and Customs Enforcement assets,
13 excluding daily operations and maintenance costs, as the
14 Secretary deems appropriate: *Provided further*, That any
15 sale or collocation of federally owned detention facilities
16 shall not result in the maintenance of fewer than 34,000
17 detention beds: *Provided further*, That the Committees on
18 Appropriations of the Senate and the House of Represent-
19 atives shall be notified 15 days prior to the announcement
20 of any proposed sale or collocation.

21 SEC. 544. None of the funds made available under
22 this Act or any prior appropriations Act may be provided
23 to the Association of Community Organizations for Re-
24 form Now (ACORN), or any of its affiliates, subsidiaries,
25 or allied organizations.

1 SEC. 545. The Department of Homeland Security
2 Chief Information Officer, the Commissioner of U.S. Cus-
3 toms and Border Protection, and the Assistant Secretary
4 of Homeland Security for U.S. Immigration and Customs
5 Enforcement shall, with respect to fiscal years 2013,
6 2014, 2015, and 2016, submit to the Committees on Ap-
7 propriations of the Senate and the House of Representa-
8 tives, at the time that the President’s budget proposal for
9 fiscal year 2014 is submitted pursuant to the require-
10 ments of section 1105(a) of title 31, United States Code,
11 the information required in the multi-year investment and
12 management plans required, respectively, under the head-
13 ings “Office of the Chief Information Officer” under title
14 I of division D of the Consolidated Appropriations Act,
15 2012 (Public Law 112–74), “U.S. Customs and Border
16 Protection — Salaries and Expenses” under title II of
17 such division, and “U.S. Customs and Border Protection
18 — Border Security Fencing, Infrastructure, and Tech-
19 nology” under such title, and section 568 of such Act.

20 SEC. 546. The Secretary of Homeland Security shall
21 ensure enforcement of immigration laws (as defined in sec-
22 tion 101(a)(17) of the Immigration and Nationality Act
23 (8 U.S.C. 1101(a)(17))).

24 SEC. 547. (a) The Secretary of Homeland Security
25 shall ensure by submitting proposals that the fees collected

1 pursuant to section 13031(b)(1)(A)(i) of the Consolidated
2 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
3 58c(b)(1)(A)(i)) and described in section 601 of the
4 United States-Colombia Trade Promotion Agreement Im-
5 plementation Act of 2011 (Public Law 112–42) shall be
6 available to U.S. Customs and Border Protection in fiscal
7 year 2014 and subsequent fiscal years.

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

11 SEC. 548. Section 401(b) of the Illegal Immigration
12 Reform and Immigrant Responsibility Act of 1996 (8
13 U.S.C. 1324a note) is amended by striking “September
14 30, 2012” and inserting “September 30, 2013”.

15 SEC. 549. (a) RESTRICTION.—Except as provided in
16 subsection (b), the Secretary and the Deputy Secretary
17 of Homeland Security and the Commandant and Vice
18 Commandant of the Coast Guard may not travel aboard
19 any Coast Guard owned or operated fixed-wing aircraft
20 after the date of the submission of the President’s budget
21 request for fiscal year 2014 if the Secretary has not pro-
22 vided the Committees on Appropriations of the House of
23 Representatives and the Senate the Comprehensive Acqui-
24 sition Strategy Report required in title I and the Com-
25 mandant has not provided the Capital Investment Plan,

1 required in Coast Guard Acquisition, Construction and
2 Improvement of title II.

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

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

10 (2) to respond to a discharge classified as a
11 spill of national significance under part 300.323 of
12 title 40, Code of Federal Regulations;

13 (3) for evacuation purposes, including for a
14 medical emergency; or

15 (4) to respond to emergent national security
16 issues as required by the President.

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

22 SEC. 550. Notwithstanding Office of Management
23 and Budget Circular A–11, in a budget submission of the
24 Coast Guard for Department of Homeland Security, Coast
25 Guard, “Acquisition, Construction, and Improvements”

1 for fiscal year 2014 or any fiscal year thereafter, costs
2 related to the construction or conversion of a cutter shall
3 be requested in accordance with the following guidelines:

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

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

15 (3) Costs of program management shall be re-
16 quested for each fiscal year, for the portion of pro-
17 gram management costs attributable to such fiscal
18 year.

19 (4) For purposes of the preceding paragraphs—

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

24 (B) the term “outfitting” means procure-
25 ment or installation of on board repair parts,

1 other secondary items, equipage, and recreation
2 items; precommissioning crew support; general
3 use consumables furnished to the shipbuilder;
4 the fitting out activity to fill a vessel's initial al-
5 lowances; and contractor-furnished spares;

6 (C) the term "post delivery activities" in-
7 cludes design, planning, Government furnished
8 material, and related labor for Government-re-
9 sponsible defects and deficiencies identified dur-
10 ing builders trials, acceptance trials, and testing
11 during the post-delivery period; costs of all
12 work required to correct defects or deficiencies
13 identified during the post-delivery period; and
14 costs of all work required to correct trial card
15 deficiencies on a vessel of a particular class, as
16 well as on subsequent vessels of that class
17 (whether or not delivered) until the corrective
18 action for that cutter class is completed; and

19 (D) the term "cutter end costs" includes
20 the cost of construction or conversion of a ves-
21 sel, deferred work identified prior to vessel de-
22 livery, and, when unrelated to a specific fix,
23 normal changes authorized prior to completion
24 of fitting out, advanced planning, and travel.

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

8 (b) The new procedures established under paragraph
9 (a) may include—

10 (1) making grants on the basis of fixed esti-
11 mates to provide financial incentives and disincen-
12 tives for the timely or cost effective completion of
13 projects under sections 403(a)(3)(A), 407, and
14 502(a)(5) of such Act if the State, local government,
15 or owner or operator of the private non-profit facility
16 agrees to be responsible to pay for any actual costs
17 that exceed the estimate;

18 (2) using a sliding scale for the Federal share
19 for removal of debris and wreckage based on the
20 time it takes to complete debris and wreckage re-
21 moval;

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

24 (4) reimbursing base and overtime wages for
25 employees and extra hires of a State, local govern-

1 ment, or owner or operator of a private non-profit
2 facility performing or administering debris and
3 wreckage removal; and

4 (5) notwithstanding any other provision of law,
5 if the actual costs of projects under subparagraph
6 (b)(1) are less than the estimated costs thereof, the
7 Administrator may permit a grantee or sub grantee
8 to use all or part of the excess funds for any of the
9 following purposes:

10 (A) Debris management planning.

11 (B) Acquisition of debris management
12 equipment for current or future use.

13 (C) Other activities to improve future de-
14 bris removal operations, as determined by the
15 Administrator.

16 SEC. 552. (a) Of the amounts made available by this
17 Act for “Department of Homeland Security—National
18 Protection and Programs Directorate—Infrastructure
19 Protection and Information Security—Federal Network
20 Security”, \$202,000,000 shall be used to deploy on Fed-
21 eral systems technology to improve the information secu-
22 rity of agency information systems covered by section
23 3543(a) of title 44, United States Code: *Provided*, That
24 funds made available under this section shall be used to
25 assist and support Government-wide and agency-specific

1 efforts to provide adequate, risk-based, and cost-effective
2 cybersecurity to address escalating and rapidly evolving
3 threats to information security, including the acquisition
4 by the Department of Homeland Security of an automated
5 and continuous monitoring program that includes equip-
6 ment, software, and Department of Homeland Security-
7 supplied services: *Provided further*, That not later than
8 January 1, 2013, and quarterly thereafter, the Under Sec-
9 retary of Homeland Security of the National Protection
10 and Programs Directorate shall submit to the Committees
11 on Appropriations of the Senate and House of Representa-
12 tives a report on the obligation and expenditure of funds
13 made available under this section: *Provided further*, That
14 automated and continuous monitoring software procured
15 by the funds made available by this section shall not col-
16 lect or store personally identifiable information, nor mon-
17 itor the content of network traffic: *Provided further*, That
18 such software shall be installed, maintained, and operated
19 in accordance with all applicable privacy laws and agency-
20 specific restrictions and standards on access to personally
21 identifiable information.

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

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

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

18 (e) This section shall not apply to the legislative and
19 judicial branches of the Federal Government and shall
20 apply to all Federal agencies within the executive branch
21 except for the Department of Defense, the Central Intel-
22 ligence Agency, and the Office of the Director of National
23 Intelligence.

24 SEC. 553. (a) None of the funds made available in
25 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

7 SEC. 554. None of the funds made available under
8 this Act may be used by a Federal law enforcement officer
9 to facilitate the transfer of an operable firearm to an indi-
10 vidual if the Federal law enforcement officer knows or sus-
11 pects that the individual is an agent of a drug cartel unless
12 law enforcement personnel of the United States continu-
13 ously monitor or control the firearm at all times.

14 SEC. 555. The Director of the Office of Management
15 and Budget shall instruct any department, agency, or in-
16 strumentality of the United States Government receiving
17 funds appropriated in this Act to track undisbursed bal-
18 ances in expired grant accounts and include in its annual
19 performance plan and performance and accountability re-
20 ports the following:

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

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

4 (3) Identification of undisbursed balances in ex-
5 pired grant accounts that may be returned to the
6 Treasury of the United States.

7 (4) In the preceding 3 fiscal years, details on
8 the total number of expired grant accounts with
9 undisbursed balances (on the first day of each fiscal
10 year) for the department, agency, or instrumentality
11 and the total finances that have not been obligated
12 to a specific project remaining in the accounts.

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

18 (1) such conference is a law enforcement training or
19 operational conference for law enforcement personnel and
20 the majority of Federal employees in attendance are law
21 enforcement personnel stationed outside the United
22 States; or

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

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

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

12 (1) a description of the subject of and number
13 of participants attending that event;

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

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

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

18 and

19 (C) a discussion of the methodology used
20 to determine which costs relate to that event;

21 and

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

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

1 (B) a discussion of any cost comparison
2 conducted by the agency in evaluating potential
3 contractors for that event.

4 (c) Not later than 30 days after the end of fiscal year
5 2013, the Inspector General shall submit a report to the
6 Committees on Appropriations of the Senate and the
7 House of Representatives on Department of Homeland Se-
8 curity spending on conferences, ceremonies, and similar
9 events in fiscal year 2013, as reported pursuant to sub-
10 sections (a) and (b). The report shall list the relevant
11 events, substantiate that the Department complied with
12 all applicable laws and regulations associated with spend-
13 ing on such events, and describe in detail the total costs
14 to the Government associated with those events, to include
15 the amount of funding obligated and expended by appro-
16 priation or other source of funding, including relevant
17 budget accounts.

18 SEC. 558. None of the funds made available by this
19 Act may be used to enter into a contract, memorandum
20 of understanding, or cooperative agreement with, make a
21 grant to, or provide a loan or loan guarantee to, any cor-
22 poration that was convicted of a felony criminal violation
23 under any Federal law within the preceding 24 months,
24 where the awarding agency is aware of the conviction, un-
25 less an agency has considered suspension or debarment

1 the grant is rescinded, and the overall unobligated balance
2 available under such heading in such Act is reduced ac-
3 cordingly.

4 (RESCISSIONS)

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

13 (1) \$42,500,000 from Coast Guard “Acquisi-
14 tion, Construction, and Improvements,” 2010/2014.

15 (2) \$91,100,000 from Coast Guard “Acquisi-
16 tion, Construction, and Improvements,” 2011/2015.

17 (3) \$40,412,000 from U.S. Customs and Bor-
18 der Protection “Border Security Fencing, Infra-
19 structure, and Technology,” 2012/2014.

20 (4) \$48,000,000 from Coast Guard “Acquisi-
21 tion, Construction, and Improvements,” 2012/2016.

22 (RESCISSION)

23 SEC. 562. From the unobligated balances made avail-
24 able in the Department of the Treasury Forfeiture Fund
25 established by section 9703.1 of title 31, United States

1 Code, which was added to such title by section 638 of Pub-
2 lic Law 102–393, \$60,000,000 shall be permanently re-
3 scinded.

4 (RESCISSIONS)

5 SEC. 563. Of the funds transferred to the Depart-
6 ment of Homeland Security when it was created in 2003,
7 the following funds are hereby rescinded from the fol-
8 lowing accounts and programs in the specified amounts:

9 (1) \$1,316,000 from Department of Homeland
10 Security “Office for Domestic Preparedness”; and

11 (2) \$2,831,000 from Federal Emergency Man-
12 agement Agency “National Predisaster Mitigation
13 Fund”.

14 SEC. 564. (a) Section 44945 of Title 49, United
15 States Code, is hereafter repealed.

16 (b) The table of sections at the beginning of chapter
17 449 of title 49, United States Code, is hereafter amended
18 by striking the item relating to such section.

19 SEC. 565. None of the funds made available by this
20 Act may be used to require a facility to employ or to not
21 employ a particular security measure for personnel surety
22 if the facility has adopted personnel measures designed
23 to—

24 (1) verify and validate individuals’ identifica-
25 tion;

- 1 (2) check individuals' criminal history;
- 2 (3) verify and validate individuals' legal author-
- 3 ization to work; and
- 4 (4) identify people with terrorist ties.

5 SEC. 566. None of the funds appropriated by this Act
6 for U.S. Immigration and Customs Enforcement shall be
7 available to pay for an abortion, except where the life of
8 the mother would be endangered if the fetus were carried
9 to term, or in the case of rape or incest: *Provided*, That
10 should this prohibition be declared unconstitutional by a
11 court of competent jurisdiction, this section shall be null
12 and void.

13 SEC. 567. None of the funds appropriated by this Act
14 for U.S. Immigration and Customs Enforcement shall be
15 used to require any person to perform, or facilitate in any
16 way the performance of, any abortion.

17 SEC. 568. Nothing in the preceding section shall re-
18 move the obligation of the Assistant Secretary of Home-
19 land Security for U.S. Immigration and Customs Enforce-
20 ment to provide escort services necessary for a female de-
21 tainee to receive such service outside the detention facility:
22 *Provided*, That nothing in this section in any way dimin-
23 ishes the effect of section 567 intended to address the phil-
24 osophical beliefs of individual employees of U.S. Immigra-
25 tion and Customs Enforcement.

1 SPENDING REDUCTION ACCOUNT

2 SEC. 569. The amount by which the applicable alloca-
3 tion of new budget authority made by the Committee on
4 Appropriations of the House of Representatives under sec-
5 tion 302(b) of the Congressional Budget Act of 1974 ex-
6 ceeds the amount of proposed new budget authority is \$0.

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

9 (1) The Fifth and Fourteenth Amendments to
10 the Constitution of the United States.

11 (2) Title VI of the Civil Rights Act of 1964 (re-
12 lating to nondiscrimination in federally assisted pro-
13 grams).

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

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

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

1 SEC. 572. None of the funds made available by this
2 Act may be used to provide funding for the position of
3 Public Advocate within U.S. Immigration and Customs
4 Enforcement.

5 SEC. 573. None of the funds made available by this
6 Act may be used to enforce section 526 of the Energy
7 Independence and Security Act of 2007 (Public Law 110–
8 140; 42 U.S.C. 17142).

9 SEC. 574. None of the funds made available by this
10 Act may be used to implement, administer, or enforce sec-
11 tion 1301(a) of title 31, United States Code (31 U.S.C.
12 1301(a)), with respect to the use of amounts made avail-
13 able by this Act for “Customs and Border Protection—
14 Salaries and Expenses” for the expenses authorized to be
15 paid in section 9 of the Jones Act (48 U.S.C. 795) and
16 for the collection of duties and taxes authorized to be lev-
17 ied, collected, and paid in Puerto Rico, as authorized in
18 section 4 of the Foraker Act (48 U.S.C. 740), in addition
19 to the more specific amounts available for such purposes
20 in the Puerto Rico Trust Fund pursuant to such provi-
21 sions of law.

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

1 SEC. 576. None of the funds made available by this
2 Act may be used by the Department of Homeland Security
3 any other Federal agency to lease or purchase new light
4 duty vehicles, for any executive fleet, or for an agency's
5 fleet inventory, except in accordance with Presidential
6 Memorandum-Federal Fleet Performance, dated May 24,
7 2011.

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

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

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

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

21 SEC. 581. (a) None of the funds made available in
22 this Act may be used to finalize, implement, administer,
23 or enforce the "Morton Memos" described in subsection
24 (b).

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

3 (1) Policy Number 10072.1, published on
4 March 2, 2011.

5 (2) Policy Number 10075.1, published on June
6 17, 2011.

7 (3) Policy Number 10076.1, published on June
8 17, 2011.

9 SEC. 582. None of the funds made available by this
10 Act may be used to terminate an agreement governing a
11 delegation of authority under section 287(g) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1357(g)) that is
13 in existence on the date of the enactment of this Act.

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

Passed the House of Representatives June 7, 2012.

Attest:

Clerk.

112TH CONGRESS
2^D SESSION

H. R. 5855

AN ACT

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