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

IN THE SENATE OF THE UNITED STATES

MAY 22, 2012

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

A BILL

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

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

DEPARTMENTAL OPERATIONS

Office of the Secretary and Executive Management

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $133,351,000: Provided, That not to exceed $45,900 shall be for official reception and representation expenses: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: Provided further, That the Assistant Secretary for Policy shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than 90 days after the date of enactment of this Act, an expenditure plan for the Office of Policy.
For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $220,270,000, of which not to exceed $2,250 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, $5,448,000 shall remain available until September 30, 2017, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $9,689,000 shall remain available until September 30, 2015, for the Human Resources Information Technology program: Provided further, That the Under Secretary for Management shall, pursuant to the requirements contained in the joint statement of managers accompanying Public Law 112–74, provide to the Committees on Appropriations of the Senate and the House of Representatives a Comprehensive Acquisition Status Report with the President’s budget for fiscal year 2014 as submitted under section 1105(a) of title 31, United States Code, and quarterly updates to such report not later than 30 days after the completion of each quarter.
Office of the Chief Financial Officer

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $53,714,000, of which $5,000,000 shall remain available until expended for financial systems modernization efforts.

Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $247,846,000; of which $120,670,000 shall be available for salaries and expenses; and of which $127,176,000, to remain available until September 30, 2015, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That the Department of Homeland Security Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President’s budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan, to include each of fiscal years 2013 through 2016, for all information technology acquisition projects funded under this heading or funded
by multiple components of the Department of Homeland Security through reimbursable agreements, that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

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

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

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

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and ex-
plaining how each increment will address such
known capability gaps; and

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

**ANALYSIS AND OPERATIONS**

For necessary expenses for intelligence analysis and
operations coordination activities, as authorized by title II
seq.), $323,782,000; of which not to exceed $3,825 shall
be for official reception and representation expenses; and
of which $43,822,000 shall remain available until Sep-
tember 30, 2014.

**OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector
General in carrying out the provisions of the Inspector
General Act of 1978 (5 U.S.C. App.), $122,664,000 of
which not to exceed $300,000 may be used for certain con-
fidential operational expenses, including the payment of
informants, to be expended at the direction of the Inspect-
tor General.
TITLE II
SECURITY, ENFORCEMENT, AND
INVESTIGATIONS
U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,769,870,000; of which $3,285,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $34,425 shall be for official reception and representation expenses; of which not less than $287,849,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
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58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2013, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $327,526,000, to remain available until September 30, 2015, of which not less than
$140,794,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $25,000,000 shall not be obligated for the Automated Commercial Environment program until the Commissioner of U.S. Customs and Border Protection submits to the Committees on Appropriations of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for the Automated Commercial Environment program including results to date, plans for the program, and a list of projects with associated funding from prior appropriations and provided by this Act.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $327,099,000, to remain available until September 30, 2015: Provided, That of the total amount made available under this heading, $60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a detailed plan for expenditure, prepared by the Commissioner of U.S. Customs and Border Protection, and submitted not later than 90 days after the date of enactment of this Act, for a program to establish and
maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and of other forms of tactical infrastructure and technology.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $506,766,000, to remain available until September 30, 2015: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office...
outside of the Department of Homeland Security during fiscal year 2013 without the prior notice to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on the update to the 5-year strategic plan for the air and marine program directed in the conference report accompanying Public Law 109–90 that addresses missions, structure, operations, equipment, facilities, and resources including deployment and command and control requirements, and includes a recapitalization plan with milestones and funding, and a detailed staffing plan with associated costs to achieve full staffing to meet all mission requirements.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $243,666,000, to remain available until September 30, 2017.
UNITED STATES VISITOR AND IMMIGRANT STATUS
INDICATOR TECHNOLOGY
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $279,133,000: Provided, That of the total made available under this heading, $161,110,000 shall remain available until September 30, 2014: Provided further, That $18,000,000 of the total amount made available under this heading shall be transferred to U.S. Immigration and Customs Enforcement “Salaries and Expenses” solely for visa overstay analysis, and the remaining funds made available under this heading shall not be available for transfer or reprogramming pursuant to section 503 of this Act: Provided further, That the United States Visitor and Immigrant Status Indicator Technology Executive Stakeholder Board, which was in existence on October 1, 2011, shall continue to provide guidance and advice during the transition of the program.
Immigration and Customs Enforcement

Salaries and Expenses

(Including Transfer of Funds)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,294,734,000; of which not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $11,475 shall be for official reception and representation expenses; of which not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the
United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than $1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $138,713,000 shall remain available until September 30, 2014: Provided further, That the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make such progress: Provided further, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted
of a crime by the severity of that crime: Provided further,
That funding made available under this heading shall
maintain a level of not less than 33,400 detention beds
through September 30, 2013: Provided further, That of
the total amount provided, not less than $2,695,644,000
is for detention and removal operations, including trans-
portation of unaccompanied minor aliens: Provided fur-
ther, That of the total amount provided, $10,300,000 shall
remain available until September 30, 2014, for the Visa
Security Program: Provided further, That not less than
$10,000,000 shall be available for investigation of intellec-
tual property rights violations, including the National In-
tellectual Property Rights Coordination Center: Provided
further, That none of the funds provided under this head-
ing may be used to continue a delegation of law enforce-
ment authority authorized under section 287(g) of the Im-
migration and Nationality Act (8 U.S.C. 1357(g)) if the
Department of Homeland Security Inspector General de-
determines that the terms of the agreement governing the
delegation of authority have been violated: Provided fur-
ther, That none of the funds provided under this heading
may be used to continue any contract for the provision
of detention services if the two most recent overall per-
formance evaluations received by the contracted facility
are less than “adequate” or the equivalent median score
in any subsequent performance evaluation system: *Provided further*, That of the total amount provided, up to $5,000,000 may be transferred to the Department of Justice, Executive Office for Immigration Review, to increase the efficiency of the immigration court process and reduce the nondetained docket: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

**AUTOMATION MODERNIZATION**

For expenses of immigration and customs enforcement automated systems, $30,500,000, to remain available until September 30, 2017.

**CONSTRUCTION**

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $5,000,000, to remain available until September 30, 2014.
TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,087,490,000, to remain available until September 30, 2014, of which not to exceed $7,650 shall be for official reception and representation expenses:

Provided, That of the total amount made available under this heading, not to exceed $3,999,790,000 shall be for screening operations, of which $416,349,000 shall be available for explosives detection systems; $115,239,000 shall be for checkpoint support; and not to exceed $1,087,700,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, $107,349,000 shall be available for the purchase and installation of these systems: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport’s current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That security service fees authorized under section 44940 of title

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49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2013 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $2,702,490,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2014: Provided further, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2013, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): Provided further, That the Administrator of the Transportation Security Administration shall, within 270 days of the date of enactment of this Act, establish procedures allowing members of cabin flight crew of air carriers to participate in the Known Crewmember pilot program, unless the Administrator determines that meeting the requirement within this timeline is not practicable.
and informs the Committees on Appropriations of the Senate and House of Representatives of the basis for that determination and the new timeline for implementing the requirement: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, $124,276,000, to remain available until September 30, 2014.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing,
$192,631,000, to remain available until September 30, 2014.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $969,709,000, to remain available until September 30, 2014: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Administrator of the Transportation Security Administration submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, checkpoint support, and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2013: Provided further, That these plans shall be submitted not later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $929,610,000.
For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding $1,000,000 in total cost on any asset; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,073,479,000, of which $535,000,000 shall be for defense-related activities, of which $254,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $15,300 shall be for official reception and representation expenses: Pro-
vided, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: Provided further, That of the funds provided under this heading, $75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a revised future-years capital investment plan for fiscal years 2014 through 2018, as specified under the heading Coast Guard “Acquisition, Construction, and Improvements” of this Act is submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,162,000, to remain available until September 30, 2017.
RESERVE TRAINING

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

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment; as authorized by law; $1,470,609,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $10,000,000 shall remain available until September 30, 2017, for military family housing, of which not more than $3,900,000 shall be derived from the Coast Guard Housing Fund, established pursuant to 14 U.S.C. 687; of which $1,122,800,000 shall be available until September 30, 2017, to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; of which $74,500,000 shall be available until September 30, 2017, to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; of which
$76,500,000 shall be available until September 30, 2017, for other acquisition programs; of which $69,411,000 shall be available until September 30, 2017, for shore facilities and aids to navigation, including waterfront facilities at Navy installations used by the Coast Guard; of which $117,398,000 shall be available for personnel compensation and benefits and related costs: Provided, That the funds provided by this Act shall be immediately available and allotted to contract for the production of the sixth National Security Cutter notwithstanding the availability of funds for post-production costs: Provided further, That the funds provided by this Act shall be immediately available and allotted to contract for long lead time materials, components, and designs for the seventh National Security Cutter notwithstanding the availability of funds for production costs or post-production costs: Provided further, That the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President’s budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;
(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

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

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

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

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

(i) quantities planned for each fiscal year; and
(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security’s Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

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

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

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

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

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $19,728,000, to remain available until September 30, 2017, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,423,000,000, to remain available until expended.
For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and pay-
ment in advance for commercial accommodations as may be necessary to perform protective functions; $1,555,913,000, of which not to exceed $19,125 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2014: Provided, That up to $18,000,000 for protective travel shall remain available until September 30, 2014: Provided further, That $4,500,000 for National Special Security Events shall remain available until September 30, 2014: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading
shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation: Provided further, That for purposes of section 503(b) of this Act, $15,000,000 or 10 percent, whichever is less, may be transferred between “protection of persons and facilities” and “domestic field operations”.

S 3216 PCS
ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities and technology infrastructure, $56,750,000; of which $4,430,000, to remain available until September 30, 2017, shall be for acquisition, construction, improvement, and maintenance of facilities; and of which $52,320,000, to remain available until September 30, 2015, shall be for information integration and technology transformation: Provided, That $20,000,000 of the funds made available in the preceding proviso for information integration and technology transformation shall not be obligated to purchase or install information technology equipment until the Department of Homeland Security Chief Information Officer submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for integration and transformation are consistent with Department of Homeland Security data center migration and enterprise architecture requirements.
TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, and information technology, $50,321,000: Provided, That not to exceed $3,825 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $1,169,583,000, of which $200,000,000 shall remain available until September 30, 2014: Provided, That of the funds made available under this heading, not to exceed $183,638,000 is for cybersecurity capability improvements related to continuous monitoring of civil Federal computer networks: Provided further, That of the amount provided in the preceding proviso, $120,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a detailed expenditure
plan and timeframe for implementation for the program
from the Under Secretary for the National Protection and
Programs Directorate: Provided further, That the Under
Secretary for the National Protection and Programs Di-
rectorate shall submit an expenditure plan for the Office
of Cybersecurity and Communications and an expenditure
plan for the Office of Infrastructure Protection to the
Committees on Appropriations of the Senate and the
House of Representatives not later than 90 days after the
date of enactment of this Act.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited
to this account shall be available until expended for nec-
essary expenses related to the protection of federally
owned and leased buildings and for the operations of the
Federal Protective Service: Provided, That the Secretary
of Homeland Security and the Director of the Office of
Management and Budget shall certify in writing to the
Committees on Appropriations of the Senate and the
House of Representatives not later than December 31,
2012, that the operations of the Federal Protective Service
will be fully funded in fiscal year 2013 through revenues
and collection of security fees, and shall adjust the fees
to ensure fee collections are sufficient to ensure that the
Federal Protective Service maintains not fewer than 1,371
full-time equivalent staff and 1,007 full-time equivalent
Police Officers, Inspectors, Area Commanders, and Spe-
cial Agents who, while working, are directly engaged on
a daily basis protecting and enforcing laws at Federal
buildings (referred to as “in-service field staff”): Provided
further, That an expenditure plan for fiscal year 2013
shall be provided to the Committees on Appropriations of
the Senate and the House of Representatives not later
than 90 days after the date of enactment of this Act: Pro-
vided further, That the Director of the Federal Protective
Service shall include with the submission of the Presi-
dent’s fiscal year 2014 budget a strategic human capital
plan that aligns fee collections to personnel requirements
based on a current threat assessment.

Office of Health Affairs

For necessary expenses of the Office of Health Af-
fairs, $168,300,000; of which $27,757,000 is for salaries
and expenses and $85,390,000 is for BioWatch oper-
ations: Provided, That of the amount made available under
this heading, $55,153,000 shall remain available until
September 30, 2014, for biosurveillance, BioWatch Gen-
eration 3, chemical defense, medical and health planning
and coordination, and workforce health protection: Pro-
vided further, That of the funds made available under this
heading, no more than $39,904,000 shall be for BioWatch
Generation 3, of which $28,500,000 shall not be obligated until the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives that the science used to develop the technology is sound and warrants operational testing and evaluation: Provided further, That none of the funds provided under this heading shall be used for pilot programs for the National Biosurveillance Integration Center until the Committees on Appropriations of the Senate and the House of Representatives have received a strategic plan for the Center and a report that describes how each pilot program furthers implementation of the plan from the Assistant Secretary for Health Affairs: Provided further, That not to exceed $2,250 shall be for official reception and representation expenses: Provided further, That the Assistant Secretary for Health Affairs shall submit an expenditure plan for fiscal year 2013 to the Committees on Appropriations of the Senate and the House of Representatives not later than 90 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, $979,402,000, including activities authorized by the National Flood Insurance Act of 1968
for the Urban Search and Rescue Response System, of which none is available for Federal Emergency Management Agency administrative costs; and $5,099,000 shall be for the Office of National Capital Region Coordination: Provided further, That of the total amount made available under this heading, $22,000,000 shall remain available until September 30, 2014, for capital improvements and other expenses related to continuity of operations at the Mount Weather Emergency Operations Center: Provided further, That of the total amount made available under this heading, $14,689,000 shall remain available until September 30, 2014, for expenses related to modernization of automated systems: Provided further, That the Administrator of the Federal Emergency Management Agency, in consultation with the Department of Homeland Security Chief Information Officer, shall submit to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan including results to date, plans for the program, and a list of projects with associated funding provided from prior appropriations and provided by this Act for modernization of automated systems.
STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, $1,645,082,000 shall be allocated as follows:

(1) $470,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That of the amount provided by this paragraph, $55,000,000 shall be for Operation Stonegarden: Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2013, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $676,908,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $13,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of
Homeland Security to be at high risk of a terrorist attack.

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

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

(5) $234,174,000 shall be for training, exercises, technical assistance, and other programs, of which $157,991,000 shall be for training of State, local, and tribal emergency response providers: Provided, That for grants under paragraphs (1) through (4), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emer-
gency Management Agency shall act within 65 days after the receipt of an application: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That for grants under paragraphs (1) and (2), the installation of communication towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That in fiscal year 2013 and thereafter: (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with
the primary mission of the Center to train State and local
emergency response providers; and (e) subject to (b), noth-
ing in (a) prohibits the Center for Domestic Preparedness
from providing training to employees of the Federal Emer-
gency Management Agency in existing chemical, biological,
radiological, nuclear, explosives, mass casualty, and med-
ical surge courses pursuant to 5 U.S.C. 4103 without re-
imbursement for the cost of such training.

FIREFIGHTER ASSISTANCE GRANTS

For grants for programs authorized by the Federal
et seq.), $675,000,000, to remain available until Sep-
tember 30, 2014, of which $337,500,000 shall be available
to carry out section 33 of that Act (15 U.S.C. 2229) and
$337,500,000 shall be available to carry out section 34

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For emergency management performance grants, as
authorized by the National Flood Insurance Act of 1968
(42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
Relief and Emergency Assistance Act (42 U.S.C. 5121 et
seq.), the Earthquake Hazards Reduction Act of 1977 (42
U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of
RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2013, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2013, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $6,088,926,000, to remain available until expended, of which $24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: Provided, That the Administrator of the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds made available in this or any other Act for disaster readiness and support not later than 60 days after the date of enactment of this Act: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes from the initial plan: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:
(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President’s budget is submitted each year under section 1105(a) of title 31, United States Code:

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

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

(C) the amount of obligations for non-catastrophic events for the budget year;

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

(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;

(F) the amount of previously obligated funds that will be recovered for the budget year;
(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities;

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

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

(A) a summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds re-
covered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

(i) the beginning and ending balances;

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

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

(iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event; and

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

Provided further, That of the amount provided under this heading, $5,481,000,000 is for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That the amount in the preceding proviso is designated by the Congress as being for disaster relief
pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $97,329,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $171,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which not to exceed $22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $149,000,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2014: Provided, That any additional fees collected pursuant to section 1308(d) of the National
1 Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2013, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of:

1. $132,000,000 for operating expenses;
2. $1,056,602,000 for commissions and taxes of agents;
3. such sums as are necessary for interest on Treasury borrowings; and
4. $120,000,000, which shall remain available until expended, for flood mitigation actions; of which not less than $10,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a); of which $10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030); and of which $40,000,000 shall be for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the Na-
tional Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8)) and subsection 1366(i) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104e(i), 4104d(b)(2)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

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

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless As-
sistance Act (42 U.S.C. 11331 et seq.), $150,000,000, to
remain available until expended: Provided, That total ad-
ministrative costs shall not exceed 3.5 percent of the total
amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING,
AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION
SERVICES

For necessary expenses for citizenship and immigra-
tion services, $116,924,000; of which $111,924,000 is for
the E-Verify Program, as described in section 403(a) of
the Illegal Immigration Reform and Immigrant Responsi-
bility Act of 1996 (8 U.S.C. 1324a note), to assist United
States employers with maintaining a legal workforce and
of which $5,000,000 is for immigrant integration grants:
Provided, That notwithstanding any other provision of
law, funds otherwise made available to United States Citi-
zension and Immigration Services may be used to acquire,
operate, equip, and dispose of up to five vehicles, for re-
placement only, for areas where the Administrator of Gen-
eral Services does not provide vehicles for lease: Provided
further, That the Director of United States Citizenship
and Immigration Services may authorize employees who
are assigned to those areas to use such vehicles to travel
between the employees’ residences and places of employ-
ment: Provided further, That none of the funds made
available in this Act for grants for immigrant integration
may be used to provide services to aliens who have not
been lawfully admitted for permanent residence.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforce-
ment Training Center, including materials and support
costs of Federal law enforcement basic training; the pur-
chase of not to exceed 117 vehicles for police-type use and
hire of passenger motor vehicles; expenses for student ath-
etic and related activities; the conduct of and participa-
tion in firearms matches and presentation of awards; pub-
lic awareness and enhancement of community support of
law enforcement training; room and board for student in-
terns; a flat monthly reimbursement to employees author-
ized to use personal mobile phones for official duties; and
services as authorized by section 3109 of title 5, United
States Code; $228,939,000; of which up to $44,758,000
shall remain available until September 30, 2014, for mate-
rials and support costs of Federal law enforcement basic
training; of which $300,000 shall remain available until
expended to be distributed to Federal law enforcement
agencies for expenses incurred participating in training ac-
creditation; and of which not to exceed $9,180 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 112–74, is further amended by striking “December 31, 2014” and inserting “December 31, 2015”: Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of
Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $29,385,000, to remain available until September 30, 2017: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

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

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development,
test and evaluation, acquisition, and operations as author-
ized by title III of the Homeland Security Act of 2002
(6 U.S.C. 181 et seq.), and the purchase or lease of not
to exceed 5 vehicles, $693,464,000; of which
$566,032,000 shall remain available until September 30,
2015; and of which $127,432,000 shall remain available
until September 30, 2017, solely for operation and con-
struction of laboratory facilities.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear
Detection Office, as authorized by title XIX of the Home-
land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
agement and administration of programs and activities,
$39,692,000: Provided, That not to exceed $2,250 shall
be for official reception and representation expenses: Pro-
vided further, That not later than 60 days after the date
of enactment of this Act, the Secretary of Homeland Secu-
rity shall submit to the Committees on Appropriations of
the Senate and the House of Representatives a strategic
plan of investments necessary to implement the Depart-
ment of Homeland Security’s responsibilities under the do-
mestic component of the global nuclear detection architec-
ture that shall:
(1) define the role and responsibilities of each Departmental component in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas;

(2) identify and describe the specific investments being made by each Departmental component in fiscal year 2013 and planned for fiscal year 2014 to support the domestic architecture and the security of sea, land, and air pathways into the United States;

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

(4) explain how the Department’s research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for each of fiscal years 2013 and 2014.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $236,830,000, to remain available until September 30, 2015.
SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $51,455,000, to remain available until September 30, 2015.

TITLE V

GENERAL PROVISIONS

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

Sec. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

Sec. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury of the United States derived by the collection of fees avail-
able to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

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

(2) eliminates a program, project, office, or activity;

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

(4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2013 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

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

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

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

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

(e) Not to exceed 5 percent of any appropriation
made available for the current fiscal year for the Depart-
ment of Homeland Security by this Act or provided by
previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

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

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

Sec. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2013: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to
the Working Capital Fund, except for the activities and amounts allowed in the President’s fiscal year 2013 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

Sec. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2013 from appropriations for salaries and expenses for fiscal year 2013 in this Act shall remain available through September 30, 2014, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and
the House of Representatives for approval in accordance
with section 503 of this Act.

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

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

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

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

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

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

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

(d) A notification under this section—

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

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

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

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

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

SEC. 510. (a) Sections 520 and 530 of the Depart-
ment of Homeland Security Appropriations Act, 2008 (di-
vision E of Public Law 110–161; 121 Stat. 2073 and
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1 2074) shall apply with respect to funds made available in
2 this Act in the same manner as such sections applied to
3 funds made available in that Act.
4
5 (b) The third proviso of section 537 of the Depart-
6 ment of Homeland Security Appropriations Act, 2006 (6
7 U.S.C. 114), shall not apply with respect to funds made
8 available in this Act.
9
10 SEC. 511. None of the funds made available in this
11 Act may be used in contravention of the applicable provi-
12 sions of the Buy American Act (41 U.S.C. 10a et seq.).
13
14 SEC. 512. None of the funds made available in this
15 Act may be used by any person other than the Privacy
16 Officer appointed under subsection (a) of section 222 of
17 the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to
18 alter, direct that changes be made to, delay, or prohibit
19 the transmission to Congress of any report prepared under
20 paragraph (6) of such subsection.
21
22 SEC. 513. None of the funds made available in this
23 Act may be used to amend the oath of allegiance required
24 by section 337 of the Immigration and Nationality Act
26
27 SEC. 514. Within 45 days after the end of each
28 month, the Chief Financial Officer of the Department of
29 Homeland Security shall submit to the Committees on Ap-
30 propriations of the Senate and the House of Representa-
tives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

Sec. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

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

Sec. 517. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking “2012” and inserting “2013”.

Sec. 518. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified

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

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

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

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

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or
(4) by another Federal agency using funds provided through an interagency agreement.

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

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract to which the waiver applies and an explanation of why the waiver authority was used: Provided, That the Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous 3 fiscal years through means other than a full and open competition: Provided further,
That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 4, 2015, and every 3 years thereafter.

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

Sec. 521. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of enactment of this Act.
Sec. 522. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.


(1) in subsection (a), by striking “Until September 30, 2012,” and inserting “Until September 30, 2013,”;

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

Sec. 524. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

Sec. 525. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Stra-
tegic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

Sec. 526. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Sec. 527. None of the funds in this Act shall be used to reduce the United States Coast Guard’s Operations Systems Center mission or its government-employed or contract staff levels.
Sec. 528. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

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

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

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

Sec. 530. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and
the House of Representatives of any proposed transfers
of funds available under section 9703.1(g)(4)(B) of title
31, United States Code (as added by Public Law 102–
393) from the Department of the Treasury Forfeiture
Fund to any agency within the Department of Homeland
Security. Provided, That none of the funds identified for
such a transfer may be obligated until the Committees on
Appropriations of the Senate and the House of Represent-
atives approve the proposed transfers.

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

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

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

(c) In this section—
(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

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

SEC. 533. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.


SEC. 535. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—
(1) is not a United States citizen or a member of the Armed Forces of the United States; and

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

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

SEC. 537. None of the funds made available in this or any other Act for fiscal year 2013 and thereafter may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 538. None of the funds made available in this Act may be used to employ workers described in section
274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

Sec. 539. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

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

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

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

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Administrator shall require any company covered by subsection (a) to provide, not later than 30 days
after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

Sec. 540. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

Sec. 541. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or
(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

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

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

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

Sec. 542. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration
such passengers’ and crews’ privacy and civil liberties consistent with applicable laws, regulations, and guidance.

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

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

SEC. 544. For an additional amount for necessary expenses for reimbursement of the actual costs to State and local governments for providing emergency management, public safety, and security at events, as determined by the Administrator of the Federal Emergency Management Agency, related to the presence of a National Special Security Event, $7,500,000, to remain available until September 30, 2014.

SEC. 545. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appro-
appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

Sec. 546. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

Sec. 547. (a) For an additional amount for data center migration, $64,797,000.

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

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.
Sec. 548. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: Provided, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: Provided further, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 33,400
detention beds: Provided further, That the Committees on Appropriations of the Senate and the House of Represent-atives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

Sec. 549. For an additional amount for the “Office of the Under Secretary for Management”, $89,000,000, to remain available until expended, for necessary expenses to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the department headquarters consolidation project and associated mission support consolidation: Provided, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of this Act detailing the allocation of these funds.

Sec. 550. In making grants under the heading “Firefighter Assistance Grants”, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

Sec. 551. The Commissioner of U.S. Customs and Border Protection and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforce-
ment each shall submit to the Committees on Appropria-
tions of the Senate and the House of Representatives with
the congressional budget justification, a multi-year invest-
ment and management plan, to include each year starting
with the current fiscal year and the 3 subsequent fiscal
years, for their respective Offices of Information Tech-
ology to include for that office—

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

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

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

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

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

Sec. 553. Notwithstanding subsection (c) of section
44940 of title 49, United States Code, for the fiscal year
ending September 30, 2013, fees imposed under sub-
section (a)(1) of such section shall be $5.00 per one-way 
trip in air transportation or intrastate air transportation 
that originates at an airport in the United States.

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

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

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

SEC. 555. (a) Notwithstanding section 58c(e) of title 
19, United States Code, upon the request of any persons, 
the Commissioner of U.S. Customs and Border Protection 
may enter into reimbursable fee agreements for a period 
of up to 10 years with such persons for the provision of 
U.S. Customs and Border Protection services and any 
other costs incurred by U.S. Customs and Border Protec-
tion relating to such services. Such requests may include 
additional U.S. Customs and Border Protection services 
at existing U.S. Customs and Border Protection-serviced 
facilities, the provision of U.S. Customs and Border Pro-
tection services at new facilities and preclearance loca-
tions, and expanded U.S. Customs and Border Protection
services at land border facilities. The Commissioner shall
not enter into such an agreement if it would negatively
impact or alter services funded in this or any other appro-
priations Acts, or provided from any accounts in the
Treasury of the United States derived by the collection
of fees.

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

(c) The amount of the fee to be charged pursuant
to an agreement authorized under subsection (a) of this
section shall be paid by each person requesting U.S. Cus-
toms and Border Protection services and shall include, but
shall not be limited to, the salaries and expenses of indi-
viduals employed by U.S. Customs and Border Protection
to provide such U.S. Customs and Border Protection ser-
dices and other costs incurred by U.S. Customs and Border
Protection relating to those services, such as temporary placement or permanent relocation of those individuals.

(d) Failure to Pay Fee.—Any person who, after notice and demand for payment of any fee charged under subsection (a) of this section, fails to pay such fee in a timely manner shall—

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

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

Any amount collected pursuant to any agreement entered into under this subsection shall be deposited into the account specified under subsection (b) of this section and shall be available as described therein.

(e) Provision of Facilities and Equipment.—Each facility at which such U.S. Customs and Border Protection services are performed shall provide, maintain, and equip, without cost to the Government, facilities in accordance with U.S. Customs and Border Protection specifications.

(f) Definitions.—For purposes of this section the terms:

(1) U.S. Customs and Border Protection services means any activities of any employee or con-
tractor of U.S. Customs and Border Protection related to customs and immigration matters.

(2) Person means any natural person or any corporation, partnership, trust, association, or any other public or private entity, including any foreign government or transit authority, or any officer, employee, or agent thereof.

Sec. 556. (a) The Secretary of Homeland Security shall submit quarterly reports to the Department of Homeland Security Inspector General regarding the costs and contracting procedures related to each conference held by any departmental component or office during fiscal year 2013 for which the cost to the United States Government was more than $20,000.

(b) Each report submitted shall include, for each conference held during the applicable quarter—

(1) a description of the purpose of that conference;

(2) the number of participants attending that conference;

(3) a detailed statement of the costs to the United States Government relating to that conference, including—

(A) the cost of any food or beverages;
(B) the cost of any audio-visual services;
and

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

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

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

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

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

d) None of the funds made available in this Act may
be used for travel and conference activities that are not
in compliance with Office of Management and Budget
SEC. 557. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States at any single international conference unless the Secretary of Homeland Security reports to the Committees on Appropriations of the Senate and the House of Representatives at least 5 days in advance that such attendance is important to the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 558. Not less than 59 percent from each of the following appropriations shall be withheld from obligation until all expenditure plans, investment plans, and acquisition plans required by this Act are submitted to the Committees on Appropriations of the Senate and the House of Representatives: “Office of the Secretary and Executive Management”, “Office of the Under Secretary for Management”, and the “Office of the Chief Financial Officer”.

SEC. 559. Notwithstanding any other provision of this Act or any other provision of law, during the period
beginning on the date of enactment of this Act and ending on September 30, 2013, section 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)) is amended by adding at the end the following:

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

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

SEC. 560. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncancelled or partially cancelled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109–88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234), as amended by section 4502 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law
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110–28) to the extent that revenues of the local govern-
ment during the period following the major disaster are
insufficient to meet the budget of the local government,
including additional disaster-related expenses of a munic-
ipal character. In calculating a community’s revenues
while determining cancellation, the Administrator shall ex-
clude revenues for special districts and any other revenues
that are required by law to be disbursed to other units
of local government or used for specific purposes more lim-
ited than the scope allowed by the General Fund. In calcu-
lating a community’s expenses, the Administrator shall in-
clude disaster-related capital expenses for which the com-
munity has not been reimbursed by Federal or insurance
proceeds, debt service expenses, and accrued but unpaid
uncompensated absences (vacation and sick pay). In calcu-
lating the operating deficit of the local government, the
Administrator shall also consider all interfund transfers.
When considering the period following the disaster, the
Administrator may consider a period of 3, 5, or 7 full fis-
cal years after the disaster, beginning on the date of the
declaration, in determining eligibility for cancellation. The
criteria for cancellation do not apply to those loans already
cancelled in full. Applicants shall submit supplemental
documentation in support of their applications for can-
cellation on or before April 30, 2014, and the Adminis-

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

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

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

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

“(b) USE OF FUNDS.—The Fund shall be available
to the Secretary of Homeland Security (referred to in this
section as ‘the Secretary’), without fiscal year limitation,
with respect to seizures and forfeitures made pursuant to
any law enforced or administered by the Department, for the following law enforcement and other purposes:

“(1)(A) Payment of all proper expenses of seizure (including investigative costs incurred by a Department of Homeland Security law enforcement organization leading to seizure) or the proceedings of forfeiture and sale, including the expenses of detention, inventory, security, maintenance, advertisement, or disposal of the property, and if condemned by a court and a bond for such costs was not given, the costs as taxed by the court.

“(B) Payment for—

“(i) contract services;

“(ii) the employment of outside contractors to operate and manage properties or to provide other specialized services necessary to dispose of such properties in an effort to maximize the return from such properties; and

“(iii) reimbursing any Federal, State, or local agency for any expenditures made to perform the functions described in this subparagraph.

“(D) Satisfaction of—

“(i) liens for freight, charges, and contributions in general average, notice of which has been filed with the appropriate Customs officer according to law; and

“(ii) subject to the discretion of the Secretary, other valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by a Department of Homeland Security law enforcement organization. To determine the validity of any such lien or mortgage, the amount of payment to be made, and to carry out the functions described in this subparagraph, the Secretary may employ and compensate attorneys and other personnel skilled in State real estate law.

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

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

“(G) Equitable sharing payments made to other Federal agencies, State and local law enforcement
agencies, and foreign countries pursuant to section 616(e) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)), section 981 of title 18, or subsection (h) of this section, and all costs related thereto.

“(H) Payment for services of experts and consultants needed by a Department of Homeland Security law enforcement organization to carry out the organization’s duties relating to seizure and forfeiture.

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

“(J) Payment made pursuant to guidelines promulgated by the Secretary, if such payment is necessary and directly related to seizure and forfeiture program expenses for—

“(i) the purchase or lease of automatic data processing systems (not less than a majority of which use will be related to such program);

“(ii) training;

“(iii) printing; and
“(iv) services, including contracting for services, directly related to—

“(I) the identification of forfeitable assets;

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

“(III) the storage, maintenance, protection, and destruction of controlled substances.

“(K) Payment for equipment for any vessel, vehicle, or aircraft available for official use by the United States Coast Guard to enable the vessel, vehicle, or aircraft to assist in law enforcement functions.

“(L) Payment for any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency to enable the vessel, vehicle or aircraft to assist in law enforcement functions if the vessel, vehicle or aircraft will be used in joint law enforcement operations with the United States Coast Guard.

“(M) Payment for overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement operations with the United States Coast Guard.
“(N) Payment for expenses incurred in bringing vessels into compliance with applicable environmental laws prior to disposal by sinking.

“(2) At the discretion of the Secretary—

“(A) payment of awards for information or assistance leading to a civil or criminal forfeiture involving any Department of Homeland Security law enforcement organization participating in the Fund;

“(B) purchases of evidence or information by a Department of Homeland Security law enforcement organization with respect to violations of any law enforced or administered by a Department of Homeland Security law enforcement organization;

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

“(D) payment for equipment for any vessel, vehicle, or aircraft available for official use by a Department of Homeland Security law enforcement organization to enable the vessel, vehicle, or aircraft to assist in law enforcement functions, and for other equipment directly related to seizure or forfeiture, including labora-
itory equipment, protective equipment, commun-
ications equipment, and the operation and
maintenance costs of such equipment;

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

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

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

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

“(c) LIMITATIONS.—
“(1) Any payment made under subparagraph (D) or (E) of subsection (b)(1) with respect to a seizure or a forfeiture of property shall not exceed the value of the property at the time of the seizure.

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

“(3) The Secretary may exempt the procurement of contract services under the Fund from section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal investigations.

“(4) The Secretary shall assure that any equitable sharing payment made to a State or local law enforcement agency pursuant to subsection (b)(1)(G) and any property transferred to a State or local law enforcement agency pursuant to subsection (i)—

“(A) has a value that bears a reasonable relationship to the degree of participation of the State or local agency in the law enforcement ef-
fort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based; and

“(B) will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.

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

“(1) all currency forfeited during fiscal year 2014 and thereafter, and all proceeds from forfeitures during fiscal year 2014 and thereafter, under any law enforced or administered by the Department of Homeland Security law enforcement organizations;

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

“(3) all amounts representing the equitable share of the Department of Homeland Security law enforcement organizations from the forfeiture of property under any Federal, State, local, or foreign law.
“(e) INVESTMENTS.—Amounts in the Fund, and in any holding accounts associated with the Fund, which are not currently needed for the purposes of this section may be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

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

“(g) ADMINISTRATION.—The Fund shall be administered on behalf of the Secretary by the Department of Homeland Security, Chief Financial Officer who is authorized to enter into an agreement with any Federal agency to manage the operations of the Fund on behalf of the Department. Payments may be made to the managing agency from the proceeds of the Fund, not to exceed 1 percent of funds managed on behalf of the Department.

“(h) APPROPRIATIONS.—

“(1) There are hereby appropriated from the Fund such sums as may be necessary to carry out the purposes described in this section.
“(2) There are authorized to be appropriated from the Fund to carry out the purposes set forth in this section not to exceed $50,000,000 for each fiscal year.

“(3)(A) The Secretary of the Treasury, in coordination with the Secretary of Homeland Security, shall reserve from the unobligated balances remaining in the Treasury Forfeiture Fund on September 30, 2013, an amount equal to balances resulting from actions carried out by the Department of Homeland Security, and such amount shall be transferred to the Fund on October 1, 2013. Such amount shall be available for any expenses or activities authorized under this section. At the end of fiscal year 2013, and at the end of each fiscal year thereafter, the Secretary shall reserve any amounts that are required to be retained in the Fund to ensure the availability of amounts in the subsequent fiscal year for purposes authorized under subsection (a). Unobligated balances remaining pursuant to section 3(B) shall also be carried forward.

“(B) Super Surplus: Any unobligated balances in the Fund on October 1, 2013, and on September 30 of each fiscal year thereafter, shall be made available to the Secretary, without fiscal year limitation,
for obligation or expenditure in connection with the
law enforcement activities of any Federal agency, in-
cluding a Department of Homeland Security law en-
forcement organization: Provided, That none of the
funds transferred shall be available for obligation
unless the Committees on Appropriations of the Sen-
ate and the House of Representatives are notified at
least 15 days in advance of such transfer.

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

“(i) RETENTION OR TRANSFER OF PROPERTY.—

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

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

“(B) transfer any of the property to—

“(i) any other Federal agency; or

“(ii) any State or local law enforce-
ment agency that participated directly or
indirectly in the seizure or forfeiture of the property.

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

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

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

“(C) is made to a country which, if applicable, has been certified under section 481(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)).

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

“(j) REGULATIONS.—The Secretary may prescribe such rules and regulations as may be necessary to carry out this section.
“(k) CUSTOMS AND TREASURY FORFEITURE FUNDS.—Notwithstanding any other provision of law during any period when forfeited currency and proceeds from forfeitures under any law enforced or administered by the Department of Homeland Security, are required to be deposited in the Fund pursuant to this section—

“(1) all moneys required to be deposited in the Customs Forfeiture Fund or the Treasury Forfeiture Fund pursuant to section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) shall instead be deposited in the Fund; and

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

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

“(m) AUTHORITY TO WARRANT TITLE.—Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department of Homeland Security, the Secretary is authorized, at the Secretary’s discretion, to warrant clear title
to any subsequent purchaser or transferee of such forfeited property.

“(n) FORFEITED PROPERTY.—For purposes of this section and notwithstanding section 524(c)(11) of title 28, United States Code, or any other law, property and currency shall be deemed to be forfeited pursuant to a law enforced or administered by a Department of Homeland Security law enforcement organization if it is forfeited pursuant to—

“(1) a judicial forfeiture proceeding when the underlying seizure was made by an officer of a Department of Homeland Security law enforcement organization or the property was maintained by a Department of Homeland Security law enforcement organization; or

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

“(o) TRANSFERS TO ATTORNEY GENERAL, SECRETARY OF THE TREASURY, AND POSTMASTER GENERAL.—

“(1) The Secretary shall transfer from the Fund to the Attorney General for deposit in the Department of Justice Assets Forfeiture Fund or the Secretary of the Treasury for deposit in the Treas-
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ury Forfeiture Fund amounts appropriate to reflect
the degree of participation of participating Federal
agencies in the law enforcement effort resulting in
the forfeiture pursuant to laws enforced or adminis-
tered by a Department of Homeland Security law
enforcement organization. For purposes of the pre-
ceding sentence, a ‘participating Federal agency’ is
an agency that participates in the Department of
Justice Assets Forfeiture Fund or the Treasury For-
feiture Fund.

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

“(p) DEFINITION.—For purposes of this section the
term ‘Department of Homeland Security law enforcement
organization’ means U.S. Customs and Border Protection,
U.S. Immigration and Customs Enforcement, the United
States Secret Service, the Federal Law Enforcement
Training Center, the United States Coast Guard, and any
other law enforcement component of the Department of the Homeland Security so designated by the Secretary.”.

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

VISA WAIVER PROGRAM ENHANCED SECURITY AND REFORM

SEC. 562. (a) Definitions.—

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

“(1) Authority to designate; definitions.—

“(A) Authority to designate.—The Secretary of Homeland Security, in consultation with the Secretary of State, may designate any country as a program country if that country meets the requirements under paragraph (2).

“(B) Definitions.—In this subsection:

“(i) Appropriate congressional committees.—The term ‘appropriate congressional committees’ means—

“(I) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Home-
land Security and Governmental Af-
fairs, and the Committee on the Judi-
ciary of the Senate; and

“(II) the Committee on Appro-
priations, the Committee on Foreign
Affairs, the Committee on Homeland
Security, and the Committee on the
Judiciary of the House of Representa-
tives.

“(ii) OVERSTAY RATE.—

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

“(aa) the number of nation-
als of that country who were ad-
mitted to the United States on
the basis of a nonimmigrant visa
under section 101(a)(15)(B)
whose periods of authorized stay
ended during a fiscal year but
who remained unlawfully in the
United States beyond such peri-
ods; to
“(bb) the number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa under section 101(a)(15)(B) whose periods of authorized stay ended during that fiscal year.

“(II) CONTINUING DESIGNATION.—The term ‘overstay rate’ means, for each fiscal year after initial designation under this section with respect to a country, the ratio of—

“(aa) the number of nationals of that country who were admitted to the United States under this section or on the basis of a nonimmigrant visa under section 101(a)(15)(B) whose periods of authorized stay ended during a fiscal year but who remained unlawfully in the United States beyond such periods; to

“(bb) the number of nationals of that country who were ad-
mitted to the United States under this section or on the basis of a nonimmigrant visa under section 101(a)(15)(B) whose periods of authorized stay ended during that fiscal year.

“(III) COMPUTATION OF OVERSTAY RATE.—In determining the overstay rate for a country, the Secretary of Homeland Security may utilize information from any available databases to ensure the accuracy of such rate.

“(iii) PROGRAM COUNTRY.—The term ‘program country’ means a country designated as a program country under subparagraph (A).”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) by striking “Attorney General” each place the term appears (except in subsection (c)(11)(B)) and inserting “Secretary of Homeland Security”; and

(B) in subsection (e)—
(i) in paragraph (2)(C)(iii), by striking “Committee on the Judiciary and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate” and inserting “appropriate congressional committees”;

(ii) in paragraph (5)(A)(i)(III), by striking “Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Homeland Security, of the House of Representatives and the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs of the Senate” and inserting “appropriate congressional committees”; and

(iii) in paragraph (7), by striking subparagraph (E).

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

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

“(i) Low Nonimmigrant Visa Refusal Rate.—The percentage of nationals of that country refused nonimmigrant visas under section 101(a)(15)(B) during the previous full fiscal year was not more than 3 percent of the total number of nationals of that country who were granted or refused nonimmigrant visas under such section during such year.

“(ii) Low Nonimmigrant Overstay Rate.—The overstay rate for that country was not more than 3 percent during the previous fiscal year.”.

(2) Qualification Criteria.—Section 217(c)(3) of such Act (8 U.S.C. 1187(c)(3)) is amended to read as follows:

“(3) Qualification Criteria.—After designation as a program country under paragraph (2), a country may not continue to be designated as a program country unless the Secretary of Homeland Security, in consultation with the Secretary of State, determines, pursuant to the requirements under
paragraph (5), that the designation will be continued.

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

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

“(II) shall determine, based upon the evaluation in subclause (I), whether any such designation under subsection (d) or (f), or probation under subsection (f), ought to be continued or terminated.”

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

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

“(A) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are
otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation.

“(B) JUDICIAL REVIEW.—No court shall have jurisdiction under this section to review any visa refusal, the Secretary of State’s computation of a visa refusal rate, the Secretary of Homeland Security’s computation of an overstay rate, or the designation or nondesignation of a country as a program country.”

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

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

(B) by striking “waiver information” and all that follows through “In refusing” and inserting “waiver information.—In refusing”.

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

“(8) WAIVER AUTHORITY.—The Secretary of Homeland Security, in consultation with the Sec-
Secretary of State, may waive the application of paragraph (2)(A)(i) for a country if—

“(A) the country meets all other requirements of paragraph (2);

“(B) the Secretary of Homeland Security determines that the totality of the country’s security risk mitigation measures provide assurance that the country’s participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

“(C) there has been a general downward trend in the percentage of nationals of the country refused nonimmigrant visas under section 101(a)(15)(B);

“(D) the country consistently cooperated with the Government of the United States on counterterrorism initiatives, information sharing, preventing terrorist travel, and extradition to the United States of individuals (including the country’s own nationals) who commit crimes that violate United States law before the date of its designation as a program country, and the Secretary of Homeland Security and
the Secretary of State assess that such cooperation is likely to continue;

“(E) the percentage of nationals of the country refused a nonimmigrant visa under section 101(a)(15)(B) during the previous full fiscal year was not more than 10 percent of the total number of nationals of that country who were granted or refused such nonimmigrant visas; and

“(F) EFFECTIVE PERIOD.—The amendments made by this subsection shall be in effect during the period beginning on the date of enactment of this Act and ending on September 30, 2014.”.

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

“(f) TERMINATION OF DESIGNATION; PROBATION.—

“(1) DEFINITIONS.—In this subsection:

“(A) PROBATIONARY PERIOD.—The term ‘probationary period’ means the fiscal year in which a probationary country is placed in probationary status under this subsection.
“(B) Program country.—The term ‘program country’ has the meaning given that term in subsection (c)(1)(B).

“(2) Determination, notice, and initial probationary period.—

“(A) Determination of probationary status and notice of noncompliance.—As part of each program country’s periodic evaluation required by subsection (c)(5)(A), the Secretary of Homeland Security shall determine whether a program country is in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2).

“(B) Initial probationary period.—If the Secretary of Homeland Security determines that a program country visa is not in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2), the Secretary of Homeland Security shall place the program country in probationary status for the fiscal year following the fiscal year in which the periodic evaluation is completed.

“(3) Actions at the end of the initial probationary period.—At the end of the initial
probationary period of a country under paragraph
(2)(B), the Secretary of Homeland Security shall
take one of the following actions:

“(A) **Compliance during initial probationary period.**—If the Secretary determines
that all instances of noncompliance with the
program requirements under subparagraphs
(A)(ii) through (F) of subsection (c)(2) that
were identified in the latest periodic evaluation
have been remedied by the end of the initial
probationary period, the Secretary shall end the
country’s probationary period.

“(B) **Noncompliance during initial probationary period.**—If the Secretary de-
termines that any instance of noncompliance
with the program requirements under subpara-
graphs (A)(ii) through (F) of subsection (c)(2)
that were identified in the latest periodic eval-
uation has not been remedied by the end of the
initial probationary period—

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

“(ii) on an annual basis, the Secretary
may continue the country’s probationary
status if the Secretary, in consultation
with the Secretary of State, determines that the country’s continued participation in the program is in the national interest of the United States.

“(4) Actions at the end of additional probationary periods.—At the end of all probationary periods granted to a country pursuant to paragraph (3)(B)(ii), the Secretary shall take 1 of the following actions:

“(A) Compliance during additional period.—The Secretary shall end the country’s probationary status if the Secretary determines during the latest periodic evaluation required by subsection (c)(5)(A) that the country is in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2).

“(B) Noncompliance during additional periods.—The Secretary shall terminate the country’s participation in the program if the Secretary determines during the latest periodic evaluation required by subsection (c)(5)(A) that the program country continues to be in noncompliance with the program require-
ments under subparagraphs (A)(ii) through (F) of subsection (c)(2).

“(5) EFFECTIVE DATE.—The termination of a country’s participation in the program under paragraph (3)(B) or (4)(B) shall take effect on the first day of the first fiscal year following the fiscal year in which the Secretary determines that such participation shall be terminated. Until such date, nationals of the country shall remain eligible for a waiver under subsection (a).

“(6) TREATMENT OF NATIONALS AFTER TERMINATION.—For purposes of this subsection and subsection (d)—

“(A) nationals of a country whose designation is terminated under paragraph (3) or (4) shall remain eligible for a waiver under subsection (a) until the effective date of such termination; and

“(B) a waiver under this section that is provided to such a national for a period described in subsection (a)(1) shall not, by such termination, be deemed to have been rescinded or otherwise rendered invalid, if the waiver is granted prior to such termination.
“(7) Consultative role of the Secretary of State.—In this subsection, references to subparagraphs (A)(ii) through (F) of subsection (c)(2) and subsection (c)(5)(A) carry with them the consultative role of the Secretary of State as provided in those provisions.”.

(d) Review of Overstay Tracking Methodology.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the methods used by the Secretary of Homeland Security—

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

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

(e) Evaluation of Electronic System for Travel Authorization.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress—

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

(2) a description of any improvements needed to minimize the number of aliens who enter the
United States without the verification described in paragraph (1).

(f) Sense of Congress on Priority for Review of Program Countries.—It is the sense of Congress that the Secretary of Homeland Security, in the process of conducting evaluations of countries participating in the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), should prioritize the reviews of countries in which circumstances indicate that such a review is necessary or desirable.

Sec. 563. None of the funds made available under this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

Sec. 564. The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds $10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR–1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management
Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency determination on the application for assistance: Provided, That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant’s claim: Provided further, That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111–5 not later than 15 days after the date of issuance of the Inspector General’s finding in the previous proviso: Provided further, That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

(RESCISSIONS)

Sec. 565. Of the funds appropriated or transferred to the Department of Homeland Security, the following unobligated balances are hereby rescinded from the following accounts and programs in the specified amounts:
(1) $1,800,000 from “Analysis and Operations”;

(2) $92,000,000 from funds made available in Public Law 112–10 and Public Law 112–74 under the heading U.S. Customs and Border Protection, “Border Security Fencing, Infrastructure, and Technology”;

(3) $25,000,000 from Public Law 111–83 under the heading Coast Guard “Acquisition, Construction, and Improvements”;

(4) $34,000,000 from Public Law 112–10 under the heading Coast Guard “Acquisition, Construction, and Improvements”;

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

(6) $995,654 from the Working Capital Fund from funds transferred to the Department of Homeland Security when it was created in 2003.

Sec. 566. Of the funds provided in Public Law 110–161, Public Law 110–329, and Public Law 111–83, under the heading “National Predisaster Mitigation Fund” for congressionally directed spending items, $12,000,000 are rescinded from projects for which no applications were
submitted or from projects which were completed for an
amount less than that appropriated.

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

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

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

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

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

May 22, 2012

Read twice and placed on the calendar