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111TH CONGRESS
2^D SESSION

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[Report No. 111–222]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2011, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2010

Mr. LAUTENBERG, 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, 2011, 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, 2011, and for other purposes, namely:

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

6 For necessary expenses of the Office of the Secretary
7 of Homeland Security, as authorized by section 102 of the
8 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
9 tive management of the Department of Homeland Secu-
10 rity, as authorized by law, \$150,605,000: *Provided*, That
11 not to exceed \$60,000 shall be for official reception and
12 representation expenses, of which \$20,000 shall be made
13 available to the Office of Policy solely to host Visa Waiver
14 Program negotiations in Washington, DC: *Provided fur-*
15 *ther*, That all official costs associated with the use of Gov-
16 ernment aircraft by Department of Homeland Security
17 personnel to support official travel of the Secretary and
18 the Deputy Secretary shall be paid from amounts made
19 available for the Immediate Office of the Secretary and
20 the Immediate Office of the Deputy Secretary: *Provided*
21 *further*, That \$50,000,000 shall not be available for obliga-
22 tion until the Secretary submits: a comprehensive risk as-
23 sessment and national security strategy for the railroad
24 sector as required by the Implementing Recommendations
25 of the 9/11 Commission Act (Public Law 110–53); a de-

1 tailed timeline for meeting all remaining congressional re-
2 quirements for surface transportation security included in
3 Public Law 110–53; and a comprehensive plan on how the
4 Department will meet the recommendations outlined in
5 the Surface Transportation Security Priority Assessment
6 by the National Security Council: *Provided further*, That
7 \$25,000,000 shall not be available for obligation until the
8 Secretary submits a comprehensive plan to implement a
9 biometric air exit capability in fiscal year 2011 to the
10 Committees on Appropriations of the Senate and the
11 House of Representatives.

12 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

13 For necessary expenses of the Office of the Under
14 Secretary for Management, as authorized by sections 701
15 through 705 of the Homeland Security Act of 2002 (6
16 U.S.C. 341 through 345), \$239,933,000, of which not to
17 exceed \$3,000 shall be for official reception and represen-
18 tation expenses: *Provided*, That of the total amount made
19 available under this heading, \$5,000,000 shall remain
20 available until expended solely for the alteration and im-
21 provement of facilities, tenant improvements, and reloca-
22 tion costs to consolidate Department headquarters oper-
23 ations at the Nebraska Avenue Complex; and \$14,641,000
24 shall remain available until expended for the Human Re-
25 sources Information Technology program.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-
 3 nancial Officer, as authorized by section 103 of the Home-
 4 land Security Act of 2002 (6 U.S.C. 113), \$64,480,000,
 5 of which \$11,000,000 shall remain available until ex-
 6 pended for financial systems consolidation efforts.

7 OFFICE OF THE CHIEF INFORMATION OFFICER

8 For necessary expenses of the Office of the Chief In-
 9 formation Officer, as authorized by section 103 of the
 10 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
 11 partment-wide technology investments, \$382,459,000; of
 12 which \$82,727,000 shall be available for salaries and ex-
 13 penses; and of which \$299,732,000, to remain available
 14 until expended, shall be available for development and ac-
 15 quisition of information technology equipment, software,
 16 services, and related activities for the Department of
 17 Homeland Security: *Provided*, That of the total amount
 18 appropriated, not less than \$83,948,000 shall be available
 19 for data center development, of which not less than
 20 \$27,730,000 shall be available for power capabilities up-
 21 grades and facility construction projects at Data Center
 22 One (National Center for Critical Information Processing
 23 and Storage): *Provided further*, That the Chief Informa-
 24 tion Officer shall submit to the Committees on Appropria-
 25 tions of the Senate and the House of Representatives, not

1 more than 60 days after the date of enactment of this
2 Act, an expenditure plan for all information technology ac-
3 quisition projects that: (1) are funded under this heading;
4 or (2) are funded by multiple components of the Depart-
5 ment of Homeland Security through reimbursable agree-
6 ments: *Provided further*, That such expenditure plan shall
7 include each specific project funded, key milestones, all
8 funding sources for each project, details of annual and
9 lifecycle costs, and projected cost savings or cost avoidance
10 to be achieved by the project: *Provided further*, That
11 \$75,000,000 shall not be available for obligation until the
12 submission of the expenditure plan to the Committees on
13 Appropriations of the Senate and the House of Represent-
14 atives.

15 ANALYSIS AND OPERATIONS

16 For necessary expenses for intelligence analysis and
17 operations coordination activities, as authorized by title II
18 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
19 seq.), \$340,000,000, of which not to exceed \$5,000 shall
20 be for official reception and representation expenses; and
21 of which \$53,975,000 shall remain available until Sep-
22 tember 30, 2012: *Provided*, That \$20,000,000 shall be
23 withheld from obligation until an expenditure plan for the
24 Office of Intelligence and Analysis is received by the Com-
25 mittees on Appropriations of the Senate and House of

1 Representatives: *Provided further*, That none of the funds
 2 provided in this or any other Act shall be available to com-
 3 mence operations of the National Immigration Informa-
 4 tion Sharing Operation or any follow-on entity until the
 5 Secretary certifies that such program complies with all ex-
 6 isting laws, including all applicable privacy and civil lib-
 7 erties standards, the Comptroller General of the United
 8 States notifies the Committees on Appropriations of the
 9 Senate and the House of Representatives and the Sec-
 10 retary that the Comptroller has reviewed such certifi-
 11 cation, and the Secretary notifies the Committees on Ap-
 12 propriations of the Senate and the House of Representa-
 13 tives of all funds to be expended on operations of the Na-
 14 tional Immigration Information Sharing Operation or any
 15 follow-on entity pursuant to section 503 of this Act.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
 18 General in carrying out the provisions of the Inspector
 19 General Act of 1978 (5 U.S.C. App.), \$116,806,000, of
 20 which not to exceed \$300,000 may be used for certain con-
 21 fidential operational expenses, including the payment of
 22 informants, to be expended at the direction of the Inspec-
 23 tor General.

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

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 8,000 (7,000
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,290,986,000, of which \$3,274,000 shall be derived
14 from the Harbor Maintenance Trust Fund for administra-
15 tive expenses related to the collection of the Harbor Main-
16 tenance Fee pursuant to section 9505(c)(3) of the Internal
17 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
18 withstanding section 1511(e)(1) of the Homeland Security
19 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
20 \$45,000 shall be for official reception and representation
21 expenses; of which not less than \$314,052,000 shall be
22 for Air and Marine Operations; of which such sums as
23 become available in the Customs User Fee Account, except
24 sums subject to section 13031(f)(3) of the Consolidated
25 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.

1 58c(f)(3)), shall be derived from that account; of which
2 not to exceed \$150,000 shall be available for payment for
3 rental space in connection with preclearance operations;
4 and of which not to exceed \$1,000,000 shall be for awards
5 of compensation to informants, to be accounted for solely
6 under the certificate of the Secretary of Homeland Security:
7 *Provided*, That for fiscal year 2011, the overtime limitation
8 prescribed in section 5(c)(1) of the Act of February
9 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000, and notwithstanding
10 any other provision of law, none of the funds
11 appropriated by this Act may be available to compensate
12 any employee of U.S. Customs and Border Protection for
13 overtime, from whatever source, in an amount that exceeds
14 such limitation, except in individual cases determined
15 by the Secretary of Homeland Security, or the designee
16 of the Secretary, to be necessary for national security
17 purposes, to prevent excessive costs, or in cases of
18 immigration emergencies: *Provided further*, That of the
19 total amount provided, \$1,700,000 shall remain available
20 until September 30, 2012, for the Global Advanced Passenger
21 Information/Passenger Name Record Program:
22 *Provided further*, That the Border Patrol shall maintain
23 an active duty presence of not less than 20,370 agents
24 protecting the borders of the United States throughout the
25 fiscal year.

1 AUTOMATION MODERNIZATION

2 For expenses for U.S. Customs and Border Protec-
3 tion automated systems, \$347,575,000, to remain avail-
4 able until expended, of which not less than \$153,090,000
5 shall be for the development of the Automated Commercial
6 Environment: *Provided*, That of the total amount made
7 available under this heading, \$50,000,000 may not be obli-
8 gated for the Automated Commercial Environment pro-
9 gram until 30 days after the Committees on Appropria-
10 tions of the Senate and the House of Representatives re-
11 ceive a report on the results to date and a detailed expend-
12 iture plan for the program from the Department of Home-
13 land Security.

14 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
15 TECHNOLOGY

16 For expenses for border security fencing, infrastruc-
17 ture, and technology, \$574,173,000, to remain available
18 until expended: *Provided*, That of the total amount made
19 available under this heading, \$75,000,000 shall not be ob-
20 ligated until the Committees on Appropriations of the Sen-
21 ate and the House of Representatives receive and approve
22 a plan for expenditure, prepared by the Secretary of
23 Homeland Security, reviewed by the Government Account-
24 ability Office, and submitted not later than 90 days after
25 the date of the enactment of this Act, for a program to

1 establish and maintain a security barrier along the borders
2 of the United States, of fencing and vehicle barriers where
3 practicable, and of other forms of tactical infrastructure
4 and technology.

5 AIR AND MARINE INTERDICTION, OPERATIONS,
6 MAINTENANCE, AND PROCUREMENT

7 For necessary expenses for the operations, mainte-
8 nance, and procurement of marine vessels, aircraft, un-
9 manned aircraft systems, and other related equipment of
10 the air and marine program, including operational train-
11 ing and mission-related travel; the interdiction of narcotics
12 and other goods; the provision of support to Federal,
13 State, and local agencies in the enforcement or adminis-
14 tration of laws enforced by the Department; and at the
15 discretion of the Secretary of Homeland Security, the pro-
16 vision of assistance to Federal, State, and local agencies
17 in other law enforcement and emergency humanitarian ef-
18 forts, \$523,751,000, to remain available until expended:
19 *Provided*, That no aircraft or other related equipment,
20 with the exception of aircraft that are one of a kind and
21 have been identified as excess to U.S. Customs and Border
22 Protection requirements and aircraft that have been dam-
23 aged beyond repair, shall be transferred to any other Fed-
24 eral agency, department, or office outside of the Depart-
25 ment in fiscal year 2011 without the prior approval of the

1 Committees on Appropriations of the Senate and the
2 House of Representatives.

3 CONSTRUCTION AND FACILITIES MANAGEMENT

4 (INCLUDING RESCISSION OF FUNDS)

5 For necessary expenses to plan, acquire, construct,
6 renovate, equip, and maintain buildings and facilities nec-
7 essary for the administration and enforcement of the laws
8 relating to customs, immigration, and border security,
9 \$279,740,000, to remain available until expended; of
10 which \$4,000,000 shall be for constructing and equipping
11 the Advanced Training Center: *Provided*, That for fiscal
12 year 2012 and hereafter, the annual budget submission
13 of U.S. Customs and Border Protection for “Construction
14 and Facilities Management” shall, in consultation with the
15 General Services Administration, include a detailed 5-year
16 plan for all Federal land border port of entry projects with
17 a yearly update of total projected future funding needs
18 delineated by land port of entry.

19 Of the unobligated balances available under the head-
20 ings “Construction” and “Construction and Facilities
21 Management” of prior year appropriations for construc-
22 tion projects, \$99,772,000 are rescinded: *Provided*, That
23 amounts rescinded shall be limited to Border Patrol
24 projects and facilities: *Provided further*, That no amounts
25 may be rescinded from amounts that were designated by

1 the Congress as an emergency requirement pursuant to
 2 the Concurrent Resolution on the Budget or the Balanced
 3 Budget and Emergency Deficit Control Act of 1985, as
 4 amended.

5 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

6 SALARIES AND EXPENSES

7 For necessary expenses for enforcement of immigra-
 8 tion and customs laws, detention and removals, and inves-
 9 tigation; and purchase and lease of up to 3,790 (2,350
 10 for replacement only) police-type vehicles; \$5,466,462,000,
 11 of which not to exceed \$10,000,000 shall be available until
 12 expended for conducting special operations under section
 13 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
 14 2081); of which not to exceed \$15,000 shall be for official
 15 reception and representation expenses; of which not to ex-
 16 ceed \$2,000,000 shall be for awards of compensation to
 17 informants, to be accounted for solely under the certificate
 18 of the Secretary of Homeland Security; of which not less
 19 than \$305,000 shall be for promotion of public awareness
 20 of the child pornography tipline and anti-child exploitation
 21 activities; of which not less than \$5,400,000 shall be used
 22 to facilitate agreements consistent with section 287(g) of
 23 the Immigration and Nationality Act (8 U.S.C. 1357(g));
 24 and of which not to exceed \$11,216,000 shall be available
 25 to fund or reimburse other Federal agencies for the costs

1 associated with the care, maintenance, and repatriation of
2 smuggled aliens unlawfully present in the United States:
3 *Provided*, That none of the funds made available under
4 this heading shall be available to compensate any employee
5 for overtime in an annual amount in excess of \$35,000,
6 except that the Secretary, or the designee of the Secretary,
7 may waive that amount as necessary for national security
8 purposes and in cases of immigration emergencies: *Pro-*
9 *vided further*, That of the total amount provided,
10 \$15,770,000 shall be for activities in fiscal year 2011 to
11 enforce laws against forced child labor, of which not to
12 exceed \$6,000,000 shall remain available until expended:
13 *Provided further*, That the Secretary shall prioritize the
14 identification and removal of aliens convicted of a crime
15 by the severity of that crime: *Provided further*, That noth-
16 ing under this heading shall prevent U.S. Immigration and
17 Customs Enforcement from exercising those authorities
18 provided under immigration laws (as defined in section
19 101(a)(17) of the Immigration and Nationality Act (8
20 U.S.C. 1101(a)(17))) during priority operations per-
21 taining to aliens convicted of a crime: *Provided further*,
22 That funding made available under this heading shall
23 maintain a level of not less than 33,400 detention beds
24 through September 30, 2011: *Provided further*, That of
25 the total amount provided, not less than \$2,618,237,000

1 is for detention and removal operations, including trans-
2 portation of unaccompanied minor aliens: *Provided fur-*
3 *ther*, That of the total amount provided, \$7,300,000 shall
4 remain available until September 30, 2012, for the Visa
5 Security Program: *Provided further*, That none of the
6 funds provided under this heading may be used to con-
7 tinue a delegation of law enforcement authority authorized
8 under section 287(g) of the Immigration and Nationality
9 Act (8 U.S.C. 1357(g)) if the Department of Homeland
10 Security Inspector General determines that the terms of
11 the agreement governing the delegation of authority have
12 been violated: *Provided further*, That none of the funds
13 provided under this heading may be used to continue any
14 contract for the provision of detention services if the two
15 most recent overall performance evaluations received by
16 the contracted facility are less than adequate or the equiv-
17 alent median score in any subsequent performance evalua-
18 tion system: *Provided further*, That any sale or collocation
19 of federally owned detention facilities shall not result in
20 the maintenance of fewer than 33,400 detention beds: *Pro-*
21 *vided further*, That the Committees on Appropriations
22 shall be notified 15 days prior to the announcement of
23 any proposed sale or collocation of a federally owned de-
24 tention facility.

1 AUTOMATION MODERNIZATION

2 For expenses of immigration and customs enforce-
 3 ment automated systems, \$84,700,000, to remain avail-
 4 able until expended: *Provided*, That of the funds made
 5 available under this heading, \$10,000,000 shall not be ob-
 6 ligated until the Committees on Appropriations of the Sen-
 7 ate and the House of Representatives receive an expendi-
 8 ture plan prepared by the Assistant Secretary of U.S. Im-
 9 migration and Customs Enforcement.

10 TRANSPORTATION SECURITY ADMINISTRATION

11 AVIATION SECURITY

12 For necessary expenses of the Transportation Secu-
 13 rity Administration related to providing civil aviation secu-
 14 rity services pursuant to the Aviation and Transportation
 15 Security Act (Public Law 107-71), \$5,490,549,000, to re-
 16 main available until September 30, 2012, of which not to
 17 exceed \$10,000 shall be for official reception and represen-
 18 tation expenses: *Provided*, That of the total amount made
 19 available under this heading, not to exceed
 20 \$4,400,012,000 shall be for screening operations, of which
 21 \$678,325,000 shall be available for explosives detection
 22 systems; and not to exceed \$1,090,537,000 shall be for
 23 aviation security direction and enforcement: *Provided fur-*
 24 *ther*, That of the amount made available in the preceding
 25 proviso for explosives detection systems, \$355,000,000

1 shall be available for the purchase and installation of these
2 systems, of which not less than 8 percent shall be available
3 for the purchase and installation of certified explosives de-
4 tection systems at medium- and small-sized airports: *Pro-*
5 *vided further*, That any award to deploy explosives detec-
6 tion systems shall be based on risk, the airport's current
7 reliance on other screening solutions, lobby congestion re-
8 sulting in increased security concerns, high injury rates,
9 airport readiness, and increased cost effectiveness: *Pro-*
10 *vided further*, That security service fees authorized under
11 section 44940 of title 49, United States Code, shall be
12 credited to this appropriation as offsetting collections and
13 shall be available only for aviation security: *Provided fur-*
14 *ther*, That the sum appropriated under this heading from
15 the general fund shall be reduced on a dollar-for-dollar
16 basis as such offsetting collections are received in fiscal
17 year 2011, so as to result in a final fiscal year appropria-
18 tion from the general fund of not more than
19 \$3,390,549,000: *Provided further*, That any security serv-
20 ice fees collected in excess of the amount made available
21 under this heading shall be available for fiscal year 2012:
22 *Provided further*, That Members of the House of Rep-
23 resentatives and Senate, including the leadership; the
24 heads of Federal agencies and commissions, including the
25 Secretary, Deputy Secretary, Under Secretaries, and As-

1 sistant Secretaries of the Department of Homeland Secu-
 2 rity; the Attorney General, or Assistant Attorneys Gen-
 3 eral, or the United States attorneys; and senior members
 4 of the Executive Office of the President, including the Di-
 5 rector of the Office of Management and Budget; shall not
 6 be exempt from Federal passenger and baggage screening.

7 SURFACE TRANSPORTATION SECURITY

8 For necessary expenses of the Transportation Secu-
 9 rity Administration related to surface transportation secu-
 10 rity activities, \$137,558,000, to remain available until
 11 September 30, 2012.

12 TRANSPORTATION THREAT ASSESSMENT AND

13 CREDENTIALING

14 For necessary expenses for the development and im-
 15 plementation of screening programs of the Office of
 16 Transportation Threat Assessment and Credentialing,
 17 \$147,224,000, to remain available until September 30,
 18 2012: *Provided*, That if the Assistant Secretary of Home-
 19 land Security (Transportation Security Administration)
 20 determines that the Secure Flight program does not need
 21 to check airline passenger names against the full terrorist
 22 watchlist, the Assistant Secretary shall certify to the Com-
 23 mittees on Appropriations of the Senate and the House
 24 of Representatives not later than December 31, 2010, that
 25 no significant security risks are raised by screening airline

1 passenger names only against a subset of the full terrorist
2 watchlist.

3 TRANSPORTATION SECURITY SUPPORT

4 For necessary expenses of the Transportation Secu-
5 rity Administration related to providing transportation se-
6 curity support and intelligence pursuant to the Aviation
7 and Transportation Security Act (Public Law 107–71),
8 \$1,047,929,000, to remain available until September 30,
9 2012: *Provided*, That of the funds appropriated under this
10 heading, \$50,000,000 may not be obligated for head-
11 quarters administration until the Assistant Secretary of
12 Homeland Security (Transportation Security Administra-
13 tion) submits to the Committees on Appropriations of the
14 Senate and the House of Representatives detailed expendi-
15 ture plans for air cargo security, and for checkpoint sup-
16 port and explosives detection systems refurbishment, pro-
17 curement, and installations on an airport-by-airport basis
18 for fiscal year 2011: *Provided further*, That such plans
19 shall be submitted no later than 60 days after the date
20 of enactment of this Act.

21 FEDERAL AIR MARSHALS

22 For necessary expenses of the Federal Air Marshals,
23 \$950,015,000.

1 COAST GUARD

2 OPERATING EXPENSES

3 For necessary expenses for the operation and mainte-
4 nance of the Coast Guard, not otherwise provided for; pur-
5 chase or lease of not to exceed 25 passenger motor vehi-
6 cles, which shall be for replacement only; purchase or lease
7 of small boats for contingent and emergent requirements
8 (at a unit cost of no more than \$700,000) and repairs
9 and service-life replacements, not to exceed a total of
10 \$26,000,000; minor shore construction projects not ex-
11 ceeding \$1,000,000 in total cost at any location; payments
12 pursuant to section 156 of Public Law 97-377 (42 U.S.C.
13 402 note; 96 Stat. 1920); and recreation and welfare;
14 \$6,970,681,000, of which \$594,461,000 shall be for de-
15 fense-related activities, of which \$254,461,000 is for over-
16 seas deployments and other activities; of which
17 \$24,500,000 shall be derived from the Oil Spill Liability
18 Trust Fund to carry out the purposes of section
19 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
20 2712(a)(5)); of which not to exceed \$20,000 shall be for
21 official reception and representation expenses: *Provided*,
22 That none of the funds made available by this or any other
23 Act shall be available for administrative expenses in con-
24 nection with shipping commissioners in the United States:
25 *Provided further*, That none of the funds made available

1 by this Act shall be for expenses incurred for recreational
2 vessels under section 12114 of title 46, United States
3 Code, except to the extent fees are collected from yacht
4 owners and credited to this appropriation: *Provided fur-*
5 *ther*, That the Coast Guard shall comply with the require-
6 ments of section 527 of the National Defense Authoriza-
7 tion Act for 2004 (10 U.S.C. 4331 note) with respect to
8 the Coast Guard Academy: *Provided further*, That of the
9 funds made available under this heading, \$75,000,000
10 shall be withheld from obligation for Headquarters Direc-
11 torates until: (1) the fiscal year 2011 second quarter ac-
12 quisition report; (2) the annual review of the Revised
13 Deepwater Implementation Plan; and (3) the future-years
14 capital investment plan for fiscal years 2012–2016 are re-
15 ceived by the Committees on Appropriations of the Senate
16 and the House of Representatives: *Provided further*, That
17 funds made available under this heading for overseas de-
18 ployments and other activities may be allocated by pro-
19 gram, project, and activity, notwithstanding section 503
20 of this Act.

21 ENVIRONMENTAL COMPLIANCE AND RESTORATION

22 For necessary expenses to carry out the environ-
23 mental compliance and restoration functions of the Coast
24 Guard under chapter 19 of title 14, United States Code,
25 \$13,329,000, to remain available until expended.

1 RESERVE TRAINING

2 For necessary expenses of the Coast Guard Reserve,
3 as authorized by law; operations and maintenance of the
4 reserve program; personnel and training costs; and equip-
5 ment and services; \$135,675,000.

6 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses of acquisition, construction,
8 renovation, and improvement of aids to navigation, shore
9 facilities, vessels, and aircraft, including equipment related
10 thereto; and maintenance, rehabilitation, lease and oper-
11 ation of facilities and equipment, as authorized by law;
12 \$1,582,578,000, of which \$20,000,000 shall be derived
13 from the Oil Spill Liability Trust Fund to carry out the
14 purposes of section 1012(a)(5) of the Oil Pollution Act
15 of 1990 (33 U.S.C. 2712(a)(5)); of which \$13,965,000
16 shall be derived from the Coast Guard Housing Fund, es-
17 tablished pursuant to 14 U.S.C. 687, and shall remain
18 available until expended for military family housing; of
19 which \$62,000,000 shall be available until September 30,
20 2015, to acquire, effect major repairs, renovate, or im-
21 prove vessels, small boats, and related equipment; of which
22 \$36,000,000 shall be available until September 30, 2013,
23 for other equipment; of which \$108,350,000 shall be avail-
24 able until September 30, 2013, for shore facilities and aids
25 to navigation facilities, including not less than

1 \$23,500,000 for waterfront improvements and support fa-
2 cilities for buoy tender operations at Naval Station New-
3 port, not less than \$18,100,000 for the Coast Guard Sec-
4 tor Honolulu Command and Interagency Operations Cen-
5 ter, and not less than \$21,050,000 for Coast Guard Sta-
6 tion Cleveland Harbor; of which \$107,561,000 shall be
7 available for personnel compensation and benefits and re-
8 lated costs; and of which \$1,233,502,000 shall be available
9 until September 30, 2015, for the Integrated Deepwater
10 Systems program: *Provided*, That of the funds made avail-
11 able for the Integrated Deepwater Systems program,
12 \$112,000,000 is for aircraft and \$966,002,000 is for sur-
13 face ships: *Provided further*, That the Commandant of the
14 Coast Guard shall submit to the Committees on Appro-
15 priations of the Senate and the House of Representatives,
16 in conjunction with the President's fiscal year 2012 budg-
17 et, a review of the Revised Deepwater Implementation
18 Plan that identifies any changes to the plan for the fiscal
19 year; an annual performance comparison of Integrated
20 Deepwater Systems program assets to pre-Deepwater leg-
21 acy assets; a status report of such legacy assets; a detailed
22 explanation of how the costs of such legacy assets are
23 being accounted for within the Integrated Deepwater Sys-
24 tems program; and the earned value management system
25 gold card data for each Integrated Deepwater Systems

1 program asset: *Provided further*, That the Commandant
 2 of the Coast Guard shall submit to the Committees on Ap-
 3 propriations of the Senate and the House of Representa-
 4 tives, in conjunction with the fiscal year 2016 budget re-
 5 quest, and every 5 years thereafter, a comprehensive re-
 6 view of the Revised Deepwater Implementation Plan, that
 7 includes a complete projection of the acquisition costs and
 8 schedule for the duration of the plan: *Provided further*,
 9 That the Commandant of the Coast Guard shall annually
 10 submit to the Committees on Appropriations of the Senate
 11 and the House of Representatives, at the time that the
 12 President's budget is submitted under section 1105(a) of
 13 title 31, United States Code, a future-years capital invest-
 14 ment plan for the Coast Guard that identifies for each
 15 capital budget line item—

16 (1) the proposed appropriation included in that
 17 budget;

18 (2) the total estimated cost of completion;

19 (3) projected funding levels for each fiscal year
 20 for the next 5 fiscal years or until project comple-
 21 tion, whichever is earlier;

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

24 (5) changes, if any, in the total estimated cost
 25 of completion or estimated completion date from

1 previous future-years capital investment plans sub-
2 mitted to the Committees on Appropriations of the
3 Senate and the House of Representatives:

4 *Provided further*, That the Commandant of the Coast
5 Guard shall ensure that amounts specified in the future-
6 years capital investment plan are consistent, to the max-
7 imum extent practicable, with proposed appropriations
8 necessary to support the programs, projects, and activities
9 of the Coast Guard in the President's budget as submitted
10 under section 1105(a) of title 31, United States Code, for
11 that fiscal year: *Provided further*, That any inconsistencies
12 between the capital investment plan and proposed appro-
13 priations shall be identified and justified: *Provided further*,
14 That subsections (a) and (b) of section 6402 of the U.S.
15 Troop Readiness, Veterans' Care, Katrina Recovery, and
16 Iraq Accountability Appropriations Act, 2007 (Public Law
17 110–28) shall apply to fiscal year 2011.

18 ALTERATION OF BRIDGES

19 For necessary expenses for alteration or removal of
20 obstructive bridges, as authorized by section 6 of the Tru-
21 man-Hobbs Act (33 U.S.C. 516), \$4,000,000, to remain
22 available until expended: *Provided*, That of the amounts
23 made available under this heading, \$4,000,000 shall be
24 for the Union Pacific Railroad Bridge in Clinton, Iowa.

1 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

2 For necessary expenses for applied scientific re-
3 search, development, test, and evaluation; and for mainte-
4 nance, rehabilitation, lease, and operation of facilities and
5 equipment; as authorized by law; \$28,034,000, to remain
6 available until expended, of which \$500,000 shall be de-
7 rived from the Oil Spill Liability Trust Fund to carry out
8 the purposes of section 1012(a)(5) of the Oil Pollution Act
9 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
10 be credited to and used for the purposes of this appropria-
11 tion funds received from State and local governments,
12 other public authorities, private sources, and foreign coun-
13 tries for expenses incurred for research, development, test-
14 ing, and evaluation.

15 RETIRED PAY

16 For retired pay, including the payment of obligations
17 otherwise chargeable to lapsed appropriations for this pur-
18 pose, payments under the Retired Serviceman's Family
19 Protection and Survivor Benefits Plans, payment for ca-
20 reer status bonuses, concurrent receipts and combat-re-
21 lated special compensation under the National Defense
22 Authorization Act, and payments for medical care of re-
23 tired personnel and their dependents under chapter 55 of
24 title 10, United States Code, \$1,400,700,000, to remain
25 available until expended.

1 UNITED STATES SECRET SERVICE

2 SALARIES AND EXPENSES

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

1 in advance for commercial accommodations as may be nec-
2 essary to perform protective functions; \$1,571,642,000, of
3 which not to exceed \$25,000 shall be for official reception
4 and representation expenses; of which not to exceed
5 \$100,000 shall be to provide technical assistance and
6 equipment to foreign law enforcement organizations in
7 counterfeit investigations; of which \$2,366,000 shall be for
8 forensic and related support of investigations of missing
9 and exploited children; and of which \$6,000,000 shall be
10 for a grant for activities related to the investigations of
11 missing and exploited children and shall remain available
12 until expended: *Provided*, That up to \$18,000,000 for pro-
13 tective travel shall remain available until September 30,
14 2012: *Provided further*, That up to \$1,000,000 for Na-
15 tional Special Security Events shall remain available until
16 expended: *Provided further*, That the United States Secret
17 Service is authorized to obligate funds in anticipation of
18 reimbursements from Federal agencies and entities, as de-
19 fined in section 105 of title 5, United States Code, receiv-
20 ing training sponsored by the James J. Rowley Training
21 Center, except that total obligations at the end of the fis-
22 cal year shall not exceed total budgetary resources avail-
23 able under this heading at the end of the fiscal year: *Pro-*
24 *vided further*, That none of the funds made available under
25 this heading shall be available to compensate any employee

1 for overtime in an annual amount in excess of \$35,000,
2 except that the Secretary of Homeland Security, or the
3 designee of the Secretary, may waive that amount as nec-
4 essary for national security purposes: *Provided further,*
5 That none of the funds made available to the United
6 States Secret Service by this Act or by previous appropria-
7 tions Acts may be made available for the protection of the
8 head of a Federal agency other than the Secretary of
9 Homeland Security: *Provided further,* That the Director
10 of the United States Secret Service may enter into an
11 agreement to perform such service on a fully reimbursable
12 basis: *Provided further,* That of the total amount made
13 available under this heading, \$69,960,000, to remain
14 available until expended, is for information technology
15 modernization: *Provided further,* That \$20,000,000 is un-
16 available for obligation to purchase or install information
17 technology equipment until the Chief Information Officer
18 of the Department of Homeland Security submits a report
19 to the Committees on Appropriations of the Senate and
20 the House of Representatives certifying that all plans for
21 such modernization are consistent with Department of
22 Homeland Security data center migration and enterprise
23 architecture requirements: *Provided further,* That
24 \$8,000,000 shall not be made available for obligation until
25 enactment into law of authorizing legislation that incor-

1 porates the authorities of the United States Secret Service
 2 Uniformed Division into the United States Code, including
 3 restructuring the United States Secret Service Uniformed
 4 Division's pay chart.

5 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
 6 RELATED EXPENSES

7 For necessary expenses for acquisition, construction,
 8 repair, alteration, and improvement of facilities,
 9 \$3,975,000, to remain available until expended.

10 TITLE III
 11 PROTECTION, PREPAREDNESS, RESPONSE, AND
 12 RECOVERY

13 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
 14 MANAGEMENT AND ADMINISTRATION

15 For salaries and expenses of the Office of the Under
 16 Secretary for the National Protection and Programs Di-
 17 rectorate, support for operations, information technology,
 18 and the Office of Risk Management and Analysis,
 19 \$45,137,000: *Provided*, That not to exceed \$5,000 shall
 20 be for official reception and representation expenses.

21 INFRASTRUCTURE PROTECTION AND INFORMATION
 22 SECURITY

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

1 (6 U.S.C. 121 et seq.), \$880,423,000, of which
 2 \$720,884,000 shall remain available until September 30,
 3 2012: *Provided*, That of the total amount provided, not
 4 less than \$18,000,000 shall be for the National Infra-
 5 structure Simulation and Analysis Center.

6 FEDERAL PROTECTIVE SERVICE

7 The revenues and collections of security fees credited
 8 to this account shall be available until expended for nec-
 9 essary expenses related to the protection of federally-
 10 owned and leased buildings and for the operations of the
 11 Federal Protective Service: *Provided*, That the Secretary
 12 of Homeland Security and the Director of the Office of
 13 Management and Budget shall certify in writing to the
 14 Committees on Appropriations of the Senate and the
 15 House of Representatives not later than December 31,
 16 2010, that the operations of the Federal Protective Service
 17 will be fully funded in fiscal year 2011 through revenues
 18 and collection of security fees, and shall adjust the fees
 19 to ensure fee collections are sufficient to ensure that the
 20 Federal Protective Service maintains not fewer than 1,348
 21 full-time equivalent staff and 1,011 full-time equivalent
 22 Police Officers, Inspectors, Area Commanders, and Spe-
 23 cial Agents who, while working, are directly engaged on
 24 a daily basis protecting and enforcing laws at Federal
 25 buildings (referred to as “in-service field staff”).

1 UNITED STATES VISITOR AND IMMIGRANT STATUS
2 INDICATOR TECHNOLOGY

3 For necessary expenses for the development of the
4 United States Visitor and Immigrant Status Indicator
5 Technology project, as authorized by section 110 of the
6 Illegal Immigration Reform and Immigrant Responsibility
7 Act of 1996 (8 U.S.C. 1365a), \$334,613,000, of which
8 \$50,000,000 shall remain available until September 30,
9 2012: *Provided*, That of the total amount made available
10 under this heading, \$167,307,000 shall not be obligated
11 for the United States Visitor and Immigrant Status Indi-
12 cator Technology project until the Committees on Appro-
13 priations of the Senate and the House of Representatives
14 receive a plan for expenditure, prepared by the Secretary
15 of Homeland Security, not later than 90 days after the
16 date of enactment of this Act that meets the statutory con-
17 ditions specified under this heading in Public Law 110–
18 329: *Provided further*, That not less than \$50,000,000 of
19 unobligated balances of prior year appropriations shall re-
20 main available and be obligated solely for implementation
21 of a biometric air exit capability.

22 OFFICE OF HEALTH AFFAIRS

23 For necessary expenses of the Office of Health Af-
24 fairs, \$155,459,000, of which \$27,553,000 is for salaries
25 and expenses: *Provided*, That \$127,906,000 shall remain

1 available until September 30, 2012, for biosurveillance,
 2 BioWatch, medical readiness planning, chemical response,
 3 and other activities: *Provided further*, That not to exceed
 4 \$3,000 shall be for official reception and representation
 5 expenses.

6 FEDERAL EMERGENCY MANAGEMENT AGENCY

7 MANAGEMENT AND ADMINISTRATION

8 For necessary expenses for management and admin-
 9 istration of the Federal Emergency Management Agency,
 10 \$696,236,000, including activities authorized by the Na-
 11 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
 12 seq.), the Robert T. Stafford Disaster Relief and Emer-
 13 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
 14 Grande Fire Assistance Act of 2000 (division C, title I,
 15 114 Stat. 583), the Earthquake Hazards Reduction Act
 16 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
 17 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
 18 and 303 of the National Security Act of 1947 (50 U.S.C.
 19 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
 20 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
 21 et seq.), and the Post-Katrina Emergency Management
 22 Reform Act of 2006 (Public Law 109–295; 120 Stat.
 23 1394): *Provided*, That not to exceed \$3,000 shall be for
 24 official reception and representation expenses: *Provided*
 25 *further*, That the President’s budget submitted under sec-

tion 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall provide to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan for all funds made available in this Act for Federal Emergency Management Agency “Management and Administration”, not later than 90 days after the date of enactment of this Act: *Provided further*, That of the total amount made available under this heading, not to exceed \$12,000,000 shall remain available until September 30, 2012, for capital improvements at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available under this heading, \$38,000,000 shall be for the Urban Search and Rescue Response System, of which not to exceed \$1,600,000 may be made available for administrative costs; and \$7,049,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, for fiscal year 2011 and hereafter, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and

1 local governments in the National Capital Region, as de-
 2 fined in section 882 of Public Law 107–296, the Home-
 3 land Security Act of 2002.

4 STATE AND LOCAL PROGRAMS

5 (INCLUDING TRANSFER OF FUNDS)

6 For grants, contracts, cooperative agreements, and
 7 other activities, \$3,078,970,000 shall be allocated as fol-
 8 lows:

9 (1) \$950,000,000 shall be for the State Home-
 10 land Security Grant Program under section 2004 of
 11 the Homeland Security Act of 2002 (6 U.S.C. 605):
 12 *Provided*, That of the amount provided by this para-
 13 graph, \$60,000,000 shall be for Operation
 14 Stonegarden.

15 (2) \$950,000,000 shall be for the Urban Area
 16 Security Initiative under section 2003 of the Home-
 17 land Security Act of 2002 (6 U.S.C. 604), of which,
 18 notwithstanding subsection (c)(1) of such section,
 19 \$20,000,000 shall be for grants to organizations (as
 20 described under section 501(c)(3) of the Internal
 21 Revenue Code of 1986 and exempt from tax section
 22 501(a) of such code) determined by the Secretary of
 23 Homeland Security to be at high risk of a terrorist
 24 attack.

1 (3) \$35,000,000 shall be for Regional Cata-
2 strophic Preparedness Grants.

3 (4) \$38,000,000 shall be for the Metropolitan
4 Medical Response System under section 635 of the
5 Post-Katrina Emergency Management Reform Act
6 of 2006 (6 U.S.C. 723).

7 (5) \$11,500,000 shall be for the Citizen Corps
8 Program.

9 (6) \$350,000,000 shall be for Public Transpor-
10 tation Security Assistance, Railroad Security Assist-
11 ance, and Over-the-Road Bus Security Assistance
12 under section 1406, 1513, and 1532 of the Imple-
13 menting Recommendations of the 9/11 Commission
14 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135,
15 1163, and 1182); of which not less than
16 \$25,000,000 shall be for Amtrak security; and not
17 less than \$6,000,000 shall be for Over-the-Road Bus
18 Security Assistance.

19 (7) \$350,000,000 shall be for Port Security
20 Grants in accordance with 46 U.S.C. 70107.

21 (8) \$50,000,000 shall be for Buffer Zone Pro-
22 tection Program Grants.

23 (9) \$50,000,000 shall be for the Interoperable
24 Emergency Communications Grant Program under

1 section 1809 of the Homeland Security Act of 2002
2 (6 U.S.C. 579).

3 (10) \$31,520,000 shall be for grants for Emer-
4 gency Operations Centers under section 614 of the
5 Robert T. Stafford Disaster Relief and Emergency
6 Assistance Act (42 U.S.C. 5196c) to remain avail-
7 able until expended, of which not less than the
8 amount specified for each Emergency Operations
9 Center shall be provided as follows: \$500,000, City
10 of Compton, California; \$500,000, City of Pasadena,
11 California; \$1,000,000, State of Illinois, Springfield,
12 Illinois; \$610,000, Polk County, Iowa; \$750,000,
13 Louisiana Sheriffs' Association, Baton Rouge, Lou-
14 isiana; \$250,000, City of Baton Rouge, Louisiana;
15 \$250,000, State of Michigan, Lansing, Michigan;
16 \$771,000, Missoula County, Montana; \$129,000,
17 Park County, Montana; \$950,000, City of Passaic,
18 New Jersey; \$3,450,000, Hudson County, New Jer-
19 sey; \$600,000, City of Orange Township, New Jer-
20 sey; \$1,000,000, Rhode Island Emergency Manage-
21 ment Agency, East Greenwich, Rhode Island; and
22 \$5,000,000, State of West Virginia, Charleston,
23 West Virginia.

1 (11) \$262,950,000 shall be for training, exer-
2 cises, technical assistance, and other programs, of
3 which—

4 (A) \$159,500,000 shall be for the National
5 Domestic Preparedness Consortium in accord-
6 ance with section 1204 of the Implementing
7 Recommendations of the 9/11 Commission Act
8 of 2007 (6 U.S.C. 1102), of which \$62,500,000
9 shall be for the Center for Domestic Prepared-
10 ness; \$23,000,000 shall be for the National En-
11 ergetic Materials Research and Testing Center,
12 New Mexico Institute of Mining and Tech-
13 nology; \$23,000,000 shall be for the National
14 Center for Biomedical Research and Training,
15 Louisiana State University; \$23,000,000 shall
16 be for the National Emergency Response and
17 Rescue Training Center, Texas A&M Univer-
18 sity; \$23,000,000 shall be for the National Ex-
19 ercise, Test, and Training Center, Nevada Test
20 Site; and \$5,000,000 shall be for the National
21 Disaster Preparedness Training Center, Univer-
22 sity of Hawaii, Honolulu, Hawaii; and

23 (B) \$2,450,000 shall be for the Center for
24 Counterterrorism and Cybercrime, Norwich
25 University, Northfield, Vermont:

1 *Provided*, That not to exceed 5 percent of the amounts
2 provided under this heading shall be transferred to the
3 Federal Emergency Management Agency “Management
4 and Administration” account for program administration:
5 *Provided further*, That notwithstanding section
6 2008(a)(11) of the Homeland Security Act of 2002 (6
7 U.S.C. 609(a)(11)), or any other provision of law, a grant-
8 ee may use not more than 5 percent of the amount of
9 a grant made available under this heading for expenses
10 directly related to administration of the grant: *Provided*
11 *further*, That for grants under paragraphs (1) through (5),
12 the applications for grants shall be made available to eligi-
13 ble applicants not later than 25 days after the date of en-
14 actment of this Act, that eligible applicants shall submit
15 applications not later than 90 days after the grant an-
16 nouncement, and that the Administrator of the Federal
17 Emergency Management Agency shall act within 90 days
18 after receipt of an application: *Provided further*, That for
19 grants under paragraphs (6) through (9), the applications
20 for grants shall be made available to eligible applicants
21 not later than 30 days after the date of enactment of this
22 Act, that eligible applicants shall submit applications with-
23 in 45 days after the grant announcement, and that the
24 Administrator of the Federal Emergency Management
25 Agency shall act not later than 60 days after receipt of

1 an application: *Provided further*, That for grants under
2 paragraphs (1) and (2), the installation of communica-
3 tions towers is not considered construction of a building
4 or other physical facility: *Provided further*, That in fiscal
5 year 2011 and hereafter, (a) the Center for Domestic Pre-
6 paredness may provide training to emergency response
7 providers from the Federal Government, foreign govern-
8 ments, or private entities, if the Center for Domestic Pre-
9 paredness is reimbursed for the cost of such training, and
10 any reimbursement under this subsection shall be credited
11 to the account from which the expenditure being reim-
12 bursed was made and shall be available, without fiscal year
13 limitation, for the purposes for which amounts in the ac-
14 count may be expended; (b) the head of the Center for
15 Domestic Preparedness shall ensure that any training pro-
16 vided under (a) does not interfere with the primary mis-
17 sion of the Center to train state and local emergency re-
18 sponse providers; (c) subject to (b), nothing in (a) pro-
19 hibits the Center for Domestic Preparedness from pro-
20 viding training to employees of the Federal Emergency
21 Management Agency for the professional development of
22 those employees pursuant to 5 U.S.C. § 4103 without re-
23 imbursement for the cost of such training.

1 FIREFIGHTER ASSISTANCE GRANTS

2 For necessary expenses for programs authorized by
3 the Federal Fire Prevention and Control Act of 1974 (15
4 U.S.C. 2201 et seq.), \$810,000,000, of which
5 \$390,000,000 shall be available to carry out section 33
6 of that Act (15 U.S.C. 2229) and \$420,000,000 shall be
7 available to carry out section 34 of that Act (15 U.S.C.
8 2229a), to remain available until September 30, 2011:
9 *Provided*, That not to exceed 5 percent of the amount
10 available under this heading shall be available for program
11 administration.

12 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

13 For necessary expenses for emergency management
14 performance grants, as authorized by the National Flood
15 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
16 ert T. Stafford Disaster Relief and Emergency Assistance
17 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
18 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
19 organization Plan No. 3 of 1978 (5 U.S.C. App.),
20 \$345,000,000: *Provided*, That total administrative costs
21 shall not exceed 3 percent of the total amount appro-
22 priated under this heading.

23 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

24 The aggregate charges assessed during fiscal year
25 2011, as authorized in title III of the Departments of Vet-

1 erans Affairs and Housing and Urban Development, and
 2 Independent Agencies Appropriations Act, 1999 (42
 3 U.S.C. 5196e), shall not be less than 100 percent of the
 4 amounts anticipated by the Department of Homeland Se-
 5 curity necessary for its radiological emergency prepared-
 6 ness program for the next fiscal year: *Provided*, That the
 7 methodology for assessment and collection of fees shall be
 8 fair and equitable and shall reflect costs of providing such
 9 services, including administrative costs of collecting such
 10 fees: *Provided further*, That fees received under this head-
 11 ing shall be deposited in this account as offsetting collec-
 12 tions and will become available for authorized purposes on
 13 October 1, 2011, and remain available until expended.

14 UNITED STATES FIRE ADMINISTRATION

15 For necessary expenses of the United States Fire Ad-
 16 ministration and for other purposes, as authorized by the
 17 Federal Fire Prevention and Control Act of 1974 (15
 18 U.S.C. 2201 et seq.) and the Homeland Security Act of
 19 2002 (6 U.S.C. 101 et seq.), \$45,930,000.

20 DISASTER RELIEF

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses in carrying out the Robert
 23 T. Stafford Disaster Relief and Emergency Assistance Act
 24 (42 U.S.C. 5121 et seq.), \$1,950,000,000, to remain avail-
 25 able until expended: *Provided*, That the Federal Emer-

1 gency Management Agency shall submit an expenditure
2 plan to the Committees on Appropriations of the Senate
3 and the House of Representatives detailing the use of the
4 funds for disaster readiness and support within 60 days
5 after the date of enactment of this Act: *Provided further*,
6 That the Federal Emergency Management Agency shall
7 submit to such Committees a quarterly report detailing
8 obligations against the expenditure plan and a justifica-
9 tion for any changes in spending: *Provided further*, That
10 of the total amount provided, \$16,000,000 shall be trans-
11 ferred to the Department of Homeland Security Office of
12 Inspector General for audits and investigations related to
13 disasters, subject to section 503 of this Act: *Provided fur-*
14 *ther*, That, not later than 60 days after enactment of this
15 Act, \$216,760,000 shall be transferred to Federal Emer-
16 gency Management Agency “Management and Adminis-
17 tration” for management and administration functions:
18 *Provided further*, That the Federal Emergency Manage-
19 ment Agency shall submit the monthly “Disaster Relief”
20 report, as specified in Public Law 110–161, to the Com-
21 mittees on Appropriations of the Senate and the House
22 of Representatives, and include the amounts provided to
23 each Federal agency for mission assignments: *Provided*
24 *further*, That for any request for reimbursement from a
25 Federal agency to the Department of Homeland Security

1 to cover expenditures under the Robert T. Stafford Dis-
 2 aster Relief and Emergency Assistance Act (42 U.S.C.
 3 5121 et seq.), or any mission assignment orders issued
 4 by the Department for such purposes, the Secretary of
 5 Homeland Security shall take appropriate steps to ensure
 6 that each agency is periodically reminded of Department
 7 policies on—

8 (1) the detailed information required in sup-
 9 porting documentation for reimbursements; and

10 (2) the necessity for timeliness of agency bil-
 11 lings.

12 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

13 For activities under section 319 of the Robert T.
 14 Stafford Disaster Relief and Emergency Assistance Act
 15 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
 16 *Provided*, That gross obligations for the principal amount
 17 of direct loans shall not exceed \$25,000,000: *Provided fur-*
 18 *ther*, That the cost of modifying such loans shall be as
 19 defined in section 502 of the Congressional Budget Act
 20 of 1974 (2 U.S.C. 661a).

21 FLOOD HAZARD MAPPING AND RISK ANALYSIS

22 For necessary expenses under section 1360 of the
 23 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
 24 \$194,000,000, and such additional sums as may be pro-
 25 vided by State and local governments or other political

1 subdivisions for cost-shared mapping activities under sec-
 2 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
 3 main available until expended: *Provided*, That total admin-
 4 istrative costs shall not exceed 5 percent of the total
 5 amount appropriated under this heading.

6 NATIONAL FLOOD INSURANCE FUND

7 For activities under the National Flood Insurance
 8 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
 9 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
 10 \$169,000,000, which shall remain available until Sep-
 11 tember 30, 2012 and shall be derived from offsetting col-
 12 lections assessed and collected under section 1308(d) of
 13 the National Flood Insurance Act of 1968 (42 U.S.C.
 14 4015(d)), which is available for salaries and expenses as-
 15 sociated with flood mitigation and flood insurance oper-
 16 ations; and flood plain management and flood mapping:
 17 *Provided*, That not to exceed \$22,145,000 shall be avail-
 18 able for salaries and expenses associated with flood mitiga-
 19 tion and flood insurance operations: *Provided further*,
 20 That any additional fees collected pursuant to section
 21 1308(d) of the National Flood Insurance Act of 1968 (42
 22 U.S.C. 4015(d)) shall be credited as an offsetting collec-
 23 tion to this account, to be available for flood plain manage-
 24 ment and flood mapping: *Provided further*, That in fiscal
 25 year 2011, no funds shall be available from the National

1 Flood Insurance Fund under section 1310 of that Act (42
2 U.S.C. 4017) in excess of: (1) \$85,000,000 for operating
3 expenses; (2) \$1,035,105,000 for commissions and taxes
4 of agents; (3) such sums as are necessary for interest on
5 Treasury borrowings; and (4) \$120,000,000, which shall
6 remain available until expended for flood mitigation ac-
7 tions, of which not less than \$40,000,000 is for severe re-
8 petitive loss properties under section 1361A of the Na-
9 tional Flood Insurance Act of 1968 (42 U.S.C. 4102a),
10 of which \$10,000,000 is for repetitive insurance claims
11 properties under section 1323 of the National Flood In-
12 surance Act of 1968 (42 U.S.C. 4030), and of which
13 \$40,000,000 is for flood mitigation assistance under sec-
14 tion 1366 of the National Flood Insurance Act of 1968
15 (42 U.S.C. 4104c) notwithstanding subparagraphs (B)
16 and (C) of subsection (b)(3) and subsection (f) of section
17 1366 of the National Flood Insurance Act of 1968 (42
18 U.S.C. 4104c) and notwithstanding subsection (a)(7) of
19 section 1310 of the National Flood Insurance Act of 1968
20 (42 U.S.C. 4017): *Provided further*, That amounts col-
21 lected under section 102 of the Flood Disaster Protection
22 Act of 1973 and section 1366(i) of the National Flood
23 Insurance Act of 1968 shall be deposited in the National
24 Flood Insurance Fund to supplement other amounts speci-
25 fied as available for section 1366 of the National Flood

1 Insurance Act of 1968, notwithstanding 42 U.S.C.
 2 4012a(f)(8), 4104c(i), and 4104d(b)(2)–(3): *Provided fur-*
 3 *ther*, That total administrative costs shall not exceed 4
 4 percent of the total appropriation.

5 NATIONAL PREDISASTER MITIGATION FUND

6 For the predisaster mitigation grant program under
 7 section 203 of the Robert T. Stafford Disaster Relief and
 8 Emergency Assistance Act (42 U.S.C. 5133),
 9 \$75,000,000, to remain available until expended: *Pro-*
 10 *vided*, That the total administrative costs associated with
 11 such grants shall not exceed 3 percent of the total amount
 12 made available under this heading.

13 EMERGENCY FOOD AND SHELTER

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

1 TITLE IV
2 RESEARCH AND DEVELOPMENT, TRAINING,
3 AND SERVICES
4 UNITED STATES CITIZENSHIP AND IMMIGRATION
5 SERVICES

6 For necessary expenses for citizenship and immigra-
7 tion services, \$171,593,000, of which \$50,000,000 is for
8 processing applications for asylum or refugee status; and
9 of which \$103,400,000 is for immigration verification pro-
10 grams, including the E-Verify Program, as authorized by
11 section 402 of the Illegal Immigration Reform and Immi-
12 grant Responsibility Act of 1996 (8 U.S.C. 1324a note),
13 to assist United States employers with maintaining a legal
14 workforce: *Provided*, That notwithstanding any other pro-
15 vision of law, funds available to United States Citizenship
16 and Immigration Services may be used to acquire, operate,
17 equip, and dispose of up to five vehicles, for replacement
18 only, for areas where the Administrator of General Serv-
19 ices does not provide vehicles for lease: *Provided further*,
20 That the Director of United States Citizenship and Immi-
21 gration Services may authorize employees who are as-
22 signed to those areas to use such vehicles to travel between
23 the employees' residences and places of employment: *Pro-*
24 *vided further*, That none of the funds made available under
25 this heading may be obligated for development of the

1 “REAL ID hub” until the Committees on Appropriations
 2 of the Senate and the House of Representatives receive
 3 a plan for expenditure for that program that describes the
 4 strategic context of the program, the specific goals and
 5 milestones set for the program, and the funds allocated
 6 for achieving each of these goals and milestones: *Provided*
 7 *further*, That none of the funds made available in this Act
 8 for grants for immigrant integration may be used to pro-
 9 vide services to aliens who have not been lawfully admitted
 10 for permanent residence.

11 FEDERAL LAW ENFORCEMENT TRAINING CENTER

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Law Enforce-
 14 ment Training Center as authorized under section 884 of
 15 the Homeland Security Act of 2002 (6 U.S.C. 464), in-
 16 cluding materials and support costs of Federal law en-
 17 forcement basic training; the purchase of not to exceed
 18 117 vehicles for police-type use and hire of passenger
 19 motor vehicles; expenses for student athletic and related
 20 activities; the conduct of and participation in firearms
 21 matches and presentation of awards; public awareness and
 22 enhancement of community support of law enforcement
 23 training; room and board for student interns; a flat
 24 monthly reimbursement to employees authorized to use
 25 personal mobile phones for official duties; and services as

1 authorized by section 3109 of title 5, United States Code,
 2 \$234,500,000, of which up to \$48,420,000 shall remain
 3 available until September 30, 2012, for materials and sup-
 4 port costs of Federal law enforcement basic training; and
 5 of which not to exceed \$12,000 shall be for official recep-
 6 tion and representation expenses: *Provided*, That the Cen-
 7 ter is authorized to obligate funds in anticipation of reim-
 8 bursements from agencies receiving training sponsored by
 9 the Center, except that total obligations at the end of the
 10 fiscal year shall not exceed total budgetary resources avail-
 11 able at the end of the fiscal year: *Provided further*, That
 12 section 1202(a) of Public Law 107–206 (42 U.S.C. 3771
 13 note), as amended by Public Law 111–83 (123 Stat.
 14 2166), is further amended by striking “December 31,
 15 2012” and inserting “December 31, 2013”: *Provided fur-*
 16 *ther*, That the Director of the Federal Law Enforcement
 17 Training Center shall schedule basic or advanced law en-
 18 forcement training, or both, at all four training facilities
 19 under the control of the Federal Law Enforcement Train-
 20 ing Center to ensure that such training facilities are oper-
 21 ated at the highest capacity throughout the fiscal year.

22 ACCREDITATION

23 For necessary expenses of Federal Law Enforcement
 24 Training Accreditation activities, \$1,419,000, of which
 25 \$300,000 shall remain available until expended to be dis-

1 tributed to Federal law enforcement agencies for expenses
 2 incurred participating in training accreditation: *Provided*,
 3 That the Federal Law Enforcement Training Accredita-
 4 tion Board, including representatives from the Federal law
 5 enforcement community and non-Federal accreditation ex-
 6 perts involved in law enforcement training, shall lead the
 7 Federal law enforcement training accreditation process to
 8 continue the implementation of measuring and assessing
 9 the quality and effectiveness of Federal law enforcement
 10 training programs, facilities, and instructors.

11 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
 12 RELATED EXPENSES

13 For acquisition of necessary additional real property
 14 and facilities, construction, and ongoing maintenance, fa-
 15 cility improvements, and related expenses of the Federal
 16 Law Enforcement Training Center, \$38,456,000, to re-
 17 main available until expended: *Provided*, That the Center
 18 is authorized to accept reimbursement to this appropria-
 19 tion from Government agencies requesting the construc-
 20 tion of special use facilities.

21 SCIENCE AND TECHNOLOGY

22 MANAGEMENT AND ADMINISTRATION

23 For salaries and expenses of the Office of the Under
 24 Secretary for Science and Technology and for manage-
 25 ment and administration of programs and activities, as

1 authorized by title III of the Homeland Security Act of
 2 2002 (6 U.S.C. 181 et seq.), \$146,918,000: *Provided*,
 3 That not to exceed \$10,000 shall be for official reception
 4 and representation expenses.

5 RESEARCH, DEVELOPMENT, ACQUISITION, AND
 6 OPERATIONS

7 For necessary expenses for science and technology re-
 8 search, including advanced research projects; development;
 9 test and evaluation; acquisition; and operations, as author-
 10 ized by title III of the Homeland Security Act of 2002
 11 (6 U.S.C. 181 et seq.); \$863,420,000 and the purchase or
 12 lease of not to exceed five vehicles, of which \$741,420,000
 13 is to remain available until September 30, 2013; and of
 14 which not less than \$122,000,000 is to remain available
 15 until September 30, 2015, solely for laboratory facilities:
 16 *Provided*, That not less than \$50,000,000 shall be avail-
 17 able for university programs: *Provided further*, That not
 18 less than \$20,865,000 shall be available for the Southeast
 19 Region Research Initiative at the United States Army
 20 Corps of Engineers' Engineer Research and Development
 21 Center: *Provided further*, That not less than \$2,250,000
 22 shall be available for Distributed Environment for Critical
 23 Infrastructure Decisionmaking Exercises.

1 DOMESTIC NUCLEAR DETECTION OFFICE

2 MANAGEMENT AND ADMINISTRATION

3 For salaries and expenses of the Domestic Nuclear
4 Detection Office as authorized by title XIX of the Home-
5 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
6 agement and administration of programs and activities,
7 \$36,992,000: *Provided*, That not to exceed \$3,000 shall
8 be for official reception and representation expenses.

9 RESEARCH, DEVELOPMENT, AND OPERATIONS

10 For necessary expenses for radiological and nuclear
11 detection, development, testing, evaluation, and oper-
12 ations, \$207,828,000, to remain available until September
13 30, 2013: *Provided*, That not later than 60 days after the
14 date of enactment of this Act, all prior year balances avail-
15 able for transformational research and development shall
16 be transferred to Science and Technology “Research, De-
17 velopment, Acquisition, and Operations”.

18 SYSTEMS ACQUISITION

19 For expenses for the Domestic Nuclear Detection Of-
20 fice acquisition and deployment of radiological detection
21 systems in accordance with the global nuclear detection
22 architecture, \$78,000,000, to remain available until Sep-
23 tember 30, 2013: *Provided*, That none of the funds appro-
24 priated under this heading in this Act or any other Act
25 shall be obligated for full-scale procurement of advanced

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

17 TITLE V

18 GENERAL PROVISIONS

19 (INCLUDING RESCISSIONS OF FUNDS)

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

23 SEC. 502. Subject to the requirements of section 503
 24 of this Act, the unexpended balances of prior appropria-
 25 tions provided for activities in this Act may be transferred

1 to appropriation accounts for such activities established
2 pursuant to this Act, may be merged with funds in the
3 applicable established accounts, and thereafter may be ac-
4 counted for as one fund for the same time period as origi-
5 nally enacted.

6 SEC. 503. (a) None of the funds provided by this Act,
7 provided by previous appropriations Acts to the agencies
8 in or transferred to the Department of Homeland Security
9 that remain available for obligation or expenditure in fiscal
10 year 2011, or provided from any accounts in the Treasury
11 of the United States derived by the collection of fees avail-
12 able to the agencies funded by this Act, shall be available
13 for obligation or expenditure through a reprogramming of
14 funds that: (1) creates a new program, project, or activity;
15 (2) eliminates a program, project, office, or activity; or
16 (3) increases funds for any program, project, or activity
17 for which funds have been denied or restricted by the Con-
18 gress; (4) proposes to use funds directed for a specific ac-
19 tivity by either of the Committees on Appropriations of
20 the Senate or the House of Representatives for a different
21 purpose; or (5) contracts out any function or activity for
22 which funding levels were requested for Federal full-time
23 equivalents in the object classification tables contained in
24 the fiscal year 2011 Budget Appendix for the Department
25 of Homeland Security, as modified by the joint explana-

1 tory statement accompanying this Act, unless the Commit-
2 tees on Appropriations of the Senate and the House of
3 Representatives are notified 15 days in advance of such
4 reprogramming of funds.

5 (b) None of the funds provided by this Act, provided
6 by previous appropriations Acts to the agencies in or
7 transferred to the Department of Homeland Security that
8 remain available for obligation or expenditure in fiscal
9 year 2011, or provided from any accounts in the Treasury
10 of the United States derived by the collection of fees or
11 proceeds available to the agencies funded by this Act, shall
12 be available for obligation or expenditure for programs,
13 projects, or activities through a reprogramming of funds
14 in excess of \$5,000,000 or 10 percent, whichever is less,
15 that: (1) augments existing programs, projects, or activi-
16 ties; (2) reduces by 10 percent funding for any existing
17 program, project, or activity, or numbers of personnel by
18 10 percent as approved by the Congress; or (3) results
19 from any general savings from a reduction in personnel
20 that would result in a change in existing programs,
21 projects, or activities as approved by the Congress, unless
22 the Committees on Appropriations of the Senate and the
23 House of Representatives are notified 15 days in advance
24 of such reprogramming of funds.

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

13 (d) Notwithstanding subsections (a), (b), and (c) of
14 this section, no funds shall be reprogrammed within or
15 transferred between appropriations after May 31, except
16 in extraordinary circumstances that imminently threaten
17 the safety of human life or the protection of property.

18 SEC. 504. The Department of Homeland Security
19 Working Capital Fund, established pursuant to section
20 403 of the Federal Financial Management Act of 1994
21 (Public Law 103–356, 31 U.S.C. 501 note), shall continue
22 operations as a permanent working capital fund for fiscal
23 year 2011: *Provided*, That none of the funds appropriated
24 or otherwise made available to the Department of Home-
25 land Security may be used to make payments to the Work-

1 ing Capital Fund, except for the activities and amounts
2 allowed in the President's fiscal year 2011 budget: *Pro-*
3 *vided further*, That funds provided to the Working Capital
4 Fund shall be available for obligation until expended to
5 carry out the purposes of the Working Capital Fund: *Pro-*
6 *vided further*, That all departmental components shall be
7 charged only for direct usage of each Working Capital
8 Fund service: *Provided further*, That funds provided to the
9 Working Capital Fund shall be used only for purposes con-
10 sistent with the contributing component: *Provided further*,
11 That such fund shall be paid in advance or reimbursed
12 at rates which will return the full cost of each service: *Pro-*
13 *vided further*, That the Working Capital Fund shall be
14 subject to the requirements of section 503 of this Act.

15 SEC. 505. Except as otherwise specifically provided
16 by law, not to exceed 50 percent of the amount of any
17 unobligated balances remaining available at the end of fis-
18 cal year 2011 from appropriations for salaries and ex-
19 penses for fiscal year 2011 under this Act shall remain
20 available through September 30, 2013, in the account and
21 for the purposes for which the appropriations were pro-
22 vided: *Provided*, That prior to the obligation of such funds,
23 a request shall be submitted to the Committees on Appro-
24 priations of the Senate and the House of Representatives
25 for approval in accordance with section 503 of this Act.

1 SEC. 506. Funds made available by this Act for intel-
2 ligence activities are deemed to be specifically authorized
3 by the Congress for purposes of section 504 of the Na-
4 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
5 year 2011 until the enactment of an Act authorizing intel-
6 ligence activities for fiscal year 2011.

7 SEC. 507. None of the funds made available by this
8 Act may be used to make a grant allocation, grant award,
9 contract award, other transaction agreement, a task or de-
10 livery order on a Department of Homeland Security mul-
11 tiple award contract, or to issue a letter of intent totaling
12 in excess of \$1,000,000, or to announce publicly the inten-
13 tion to make such an award, including a contract covered
14 by the Federal Acquisition Regulation, unless the Sec-
15 retary of Homeland Security notifies the Committees on
16 Appropriations of the Senate and the House of Represent-
17 atives at least 3 full business days in advance of making
18 such an award or issuing such a letter: *Provided*, That
19 if the Secretary of Homeland Security determines that
20 compliance with this section would pose a substantial risk
21 to human life, health, or safety, an award may be made
22 without such notification and the Committees on Appro-
23 priations of the Senate and the House of Representatives
24 shall be notified not later than 5 full business days after
25 such an award is made or letter issued: *Provided further*,

1 That no notification shall involve funds that are not avail-
2 able for obligation: *Provided further*, That a notification
3 under this section shall include the amount of the award,
4 the fiscal year for which the funds for the award were ap-
5 propriated, and the account from which the funds are
6 being drawn: *Provided further*, That the Federal Emer-
7 gency Management Agency shall brief the Committees on
8 Appropriations of the Senate and the House of Represent-
9 atives 5 full business days in advance of announcing pub-
10 licly the intention of making an award under “State and
11 Local Programs”.

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

23 SEC. 509. None of the funds appropriated or other-
24 wise made available by this Act may be used for expenses
25 for any construction, repair, alteration, or acquisition

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

6 SEC. 510. Sections 520, 522, 528, 530, and 531 of
7 the Department of Homeland Security Appropriations
8 Act, 2008 (division E of Public Law 110–161; 121 Stat.
9 2072, 2073, 2074, 2082) shall apply with respect to funds
10 made available in this Act in the same manner as such
11 sections applied to funds made available in that Act.

12 SEC. 511. None of the funds made available in this
13 Act may be used by any person other than the Privacy
14 Officer appointed under subsection (a) of section 222 of
15 the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to
16 alter, direct that changes be made to, delay, or prohibit
17 the transmission to Congress of any report prepared under
18 paragraph (6) of such subsection.

19 SEC. 512. None of the funds made available in this
20 Act may be used in contravention of the applicable provi-
21 sions of the Buy American Act (41 U.S.C. 10a et seq.).

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
25 (8 U.S.C. 1448).

1 SEC. 514. None of the funds appropriated by this Act
2 may be used to process or approve a competition under
3 Office of Management and Budget Circular A–76 for serv-
4 ices provided as of June 1, 2004, by employees (including
5 employees serving on a temporary or term basis) of United
6 States Citizenship and Immigration Services of the De-
7 partment of Homeland Security who are known as of that
8 date as Immigration Information Officers, Contact Rep-
9 resentatives, or Investigative Assistants.

10 SEC. 515. (a) The Assistant Secretary of Homeland
11 Security (Transportation Security Administration) shall
12 work with air carriers and airports to ensure that the
13 screening of cargo carried on passenger aircraft, as de-
14 fined in section 44901(g)(5) of title 49, United States
15 Code, increases incrementally each quarter until the re-
16 quirement under section 44901(g)(2)(B) of such title is
17 met.

18 (b) Not later than 45 days after the end of each fiscal
19 quarter, the Assistant Secretary shall submit to the Com-
20 mittees on Appropriations of the Senate and the House
21 of Representatives a report on air cargo inspection statis-
22 tics, by airport and air carrier, detailing the incremental
23 progress being made to meet the requirement under sec-
24 tion 44901(g)(2)(B) of title 49, United States Code.

1 (c) Not later than 90 days after the date of the enact-
2 ment of this Act, the Assistant Secretary shall submit to
3 the Committees on Appropriations of the Senate and the
4 House of Representatives, a report that either: (1) cer-
5 tifies that the requirement for screening all air cargo on
6 passenger aircraft by the deadline under section 44901(g)
7 of title 49, United States Code has been met; or (2) in-
8 cludes a strategy to comply with the requirements under
9 section 44901(g) of title 49, United States Code.

10 SEC. 516. Not later than 45 days after the last day
11 of each month, the Chief Financial Officer of the Depart-
12 ment of Homeland Security shall submit to the Commit-
13 tees on Appropriations of the Senate and the House of
14 Representatives a monthly budget and staffing report for
15 that month that includes total obligations, on-board versus
16 funded full-time equivalent staffing levels, and the number
17 of contract employees for each office of the Department.

18 SEC. 517. Except as provided in section 44945 of title
19 49, United States Code, funds appropriated or transferred
20 to Transportation Security Administration “Aviation Se-
21 curity”, “Administration” and “Transportation Security
22 Support” for fiscal years 2004, 2005, 2006, 2007, 2008,
23 and 2009 that are recovered or deobligated shall be avail-
24 able only for the procurement or installation of explosives
25 detection systems, air cargo, baggage, and checkpoint

1 screening systems, subject to notification: *Provided*, That
2 quarterly reports shall be submitted to the Committees on
3 Appropriations of the Senate and the House of Represent-
4 atives on any funds that are recovered or deobligated.

5 SEC. 518. Any funds appropriated to Coast Guard
6 “Acquisition, Construction, and Improvements” for fiscal
7 years 2002, 2003, 2004, 2005, and 2006 for the 110–
8 123 foot patrol boat conversion that are recovered, col-
9 lected, or otherwise received as the result of negotiation,
10 mediation, or litigation, shall be available until expended
11 for the Fast Response Cutter program.

12 SEC. 519. (a) None of the funds provided by this or
13 any other Act may be obligated for the development, test-
14 ing, deployment, or operation of any portion of a human
15 resources management system authorized by section
16 9701(a) of title 5, United States Code, or by regulations
17 prescribed pursuant to such section, for an employee, as
18 that term is defined in section 7103(a)(2) of such title.

19 (b) The Secretary of Homeland Security shall col-
20 laborate with employee representatives in the manner pre-
21 scribed in section 9701(e) of title 5, United States Code,
22 in the planning, testing, and development of any portion
23 of a human resources management system that is devel-
24 oped, tested, or deployed for persons excluded from the

1 definition of employee as that term is defined in section
2 7103(a)(2) of such title.

3 SEC. 520. Section 532(a) of the Department of
4 Homeland Security Appropriations Act, 2007 (Public Law
5 109–295; 120 Stat. 1384) is amended by striking “2010”
6 and inserting “2011”.

7 SEC. 521. The functions of the Federal Law Enforce-
8 ment Training Center instructor staff shall be classified
9 as inherently governmental for the purpose of the Federal
10 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
11 note).

12 SEC. 522. (a) Except as provided in subsection (b),
13 none of the funds appropriated in this or any other Act
14 to the Office of the Secretary and Executive Management,
15 the Office of the Under Secretary for Management, or the
16 Office of the Chief Financial Officer, may be obligated for
17 a grant or contract funded under any such heading by any
18 means other than full and open competition.

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

21 (1) by a means that is required by a Federal
22 statute, including obligation for a purchase made
23 under a mandated preferential program, including
24 the AbilityOne Program, that is authorized under

1 the Javits-Wagner-O'Day Act (41 U.S.C. 46 et
2 seq.);

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

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

9 (4) by a Federal agency other than the Depart-
10 ment of Homeland Security using funds provided
11 through an interagency agreement.

12 (c)(1) Subject to paragraph (2), the Secretary of
13 Homeland Security may waive the applicability of this sec-
14 tion with respect to the award of a contract if such a waiv-
15 er is in the interest of national security or if failure to
16 waive such applicability would pose a substantial risk to
17 human health or welfare.

18 (2) Not later than 5 days after the date on which
19 the Secretary of Homeland Security issues a waiver under
20 this subsection, the Secretary shall submit notification of
21 that waiver to the Committees on Appropriations of the
22 Senate and the House of Representatives, including a de-
23 scription of the contract to which the waiver applies and
24 an explanation of why the waiver authority was used. The

1 Secretary may not delegate the authority to grant such
2 a waiver.

3 (d) In addition to the requirements established by
4 subsections (a), (b), and (c) of this section, the Inspector
5 General of the Department of Homeland Security shall re-
6 view departmental contracts awarded through means other
7 than a full and open competition to assess departmental
8 compliance with applicable laws and regulations: *Provided*,
9 That the Inspector General shall review selected contracts
10 awarded in the previous fiscal year through means other
11 than a full and open competition: *Provided further*, That
12 in selecting which contracts to review, the Inspector Gen-
13 eral shall consider the cost and complexity of the goods
14 and services to be provided under the contract, the criti-
15 cality of the contract to fulfilling Department missions,
16 past performance problems on similar contracts or by the
17 selected vendor, complaints received about the award proc-
18 ess or contractor performance, and such other factors as
19 the Inspector General deems relevant: *Provided further*,
20 That no later than February 7, 2011, the Inspector Gen-
21 eral shall submit to the Committees on Appropriations of
22 the Senate and the House of Representatives a report on
23 the reviews conducted under this section.

24 SEC. 523. None of the funds made available in this
25 or any other Act may be used to enforce section 4025(1)

1 of the Intelligence Reform and Terrorism Prevention Act
2 of 2004 (Public Law 108–458; 118 Stat. 3724) unless the
3 Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination
4 of July 19, 2007, that butane lighters are not a significant
5 threat to civil aviation security.
6

7 SEC. 524. Funds made available in this Act may be
8 used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers,
9 maintenance and logistics commands, and the Coast
10 Guard Academy, except that none of the funds provided
11 in this Act may be used to reduce operations within any
12 Civil Engineering Unit unless specifically authorized by a
13 statute enacted after the date of the enactment of this
14 Act.
15

16 SEC. 525. None of the funds made available in this
17 Act shall be available to carry out section 872 of the
18 Homeland Security Act of 2002 (6 U.S.C. 452).
19

20 SEC. 526. None of the funds made available in this
21 Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless
22 the results of background checks required by law to be
23 completed prior to the granting of the benefit have been
24 received by United States Citizenship and Immigration
25

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

3 SEC. 527. None of the funds made available in this
4 or any other Act for fiscal year 2011 and hereafter may
5 be used to destroy or put out to pasture any horse or other
6 equine belonging to the Federal Government that has be-
7 come unfit for service, unless the trainer or handler is first
8 given the option to take possession of the equine through
9 an adoption program that has safeguards against slaugh-
10 ter and inhumane treatment.

11 SEC. 528. None of the funds provided in this Act
12 under the heading “Office of the Chief Information Offi-
13 cer” shall be used for data center development other than
14 for Data Center One (National Center for Critical Infor-
15 mation Processing and Storage) until the Chief Informa-
16 tion Officer certifies that Data Center One is fully utilized
17 as the Department’s primary data storage center at the
18 highest capacity throughout the fiscal year.

19 SEC. 529. None of the funds in this Act shall be used
20 to reduce the United States Coast Guard’s Operations
21 Systems Center mission or its Government-employed or
22 contract staff levels.

23 SEC. 530. None of the funds appropriated by this Act
24 may be used to conduct, or to implement the results of,
25 a competition under Office of Management and Budget

1 Circular A–76 for activities performed with respect to the
2 Coast Guard National Vessel Documentation Center.

3 SEC. 531. Section 831 of the Homeland Security Act
4 of 2002 (6 U.S.C. 391) is amended—

5 (1) in subsection (a), by striking “Until Sep-
6 tember 30, 2010” and inserting “Until September
7 30, 2011,”; and

8 (2) in subsection (d)(1), by striking “September
9 30, 2010,” and inserting “September 30, 2011,”.

10 SEC. 532. The Secretary of Homeland Security shall
11 require that all contracts entered into by the Department
12 of Homeland Security that provide award fees link such
13 fees to successful acquisition outcomes (which outcomes
14 shall be specified in terms of cost, schedule, and perform-
15 ance).

16 SEC. 533. None of the funds made available to the
17 “Office of the Secretary and Executive Management”
18 under this Act may be expended to hire any new employees
19 of the Department of Homeland Security who are not
20 verified through the E-Verify Program established under
21 title IV of the Illegal Immigration Reform and Immigrant
22 Responsibility Act of 1996 (8 U.S.C. 1324a note).

23 SEC. 534. None of the funds made available in this
24 Act for U.S. Customs and Border Protection may be used
25 to prevent an individual not in the business of importing

1 a prescription drug (within the meaning of section 801(g)
2 of the Federal Food, Drug, and Cosmetic Act) from im-
3 porting a prescription drug from Canada that complies
4 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
5 That this section shall apply only to individuals trans-
6 porting on their person a personal-use quantity of the pre-
7 scription drug, not to exceed a 90-day supply: *Provided*
8 *further*, That the prescription drug may not be—

9 (1) a controlled substance, as defined in section
10 102(6) of the Controlled Substances Act (21 U.S.C.
11 802(b)); or

12 (2) a biological product, as defined in section
13 351(i)(1) of the Public Health Service Act (42
14 U.S.C. 262(i)(1)).

15 SEC. 535. None of the funds made available in this
16 Act may be used by the Secretary of Homeland Security
17 or any delegate of the Secretary to issue any rule or regu-
18 lation which implements the Notice of Proposed Rule-
19 making related to Petitions for Aliens To Perform Tem-
20 porary Nonagricultural Services or Labor (H-2B) set out
21 beginning on 70 Fed. Reg. 3984 (January 27, 2005).

22 SEC. 536. The Secretary of Homeland Security, in
23 consultation with the Secretary of the Treasury, shall no-
24 tify the Committees on Appropriations of the Senate and
25 the House of Representatives of any proposed transfers

1 of funds available under section 9703(g)(4)(B) of title 31,
2 Unites States Code (as added by Public Law 102–393)
3 from the Department of the Treasury Forfeiture Fund to
4 any agency within the Department of Homeland Security:
5 *Provided*, That none of the funds identified for such a
6 transfer may be obligated until the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 approve the proposed transfers.

9 SEC. 537. None of the funds made available in this
10 Act may be used for planning, testing, piloting, or devel-
11 oping a national identification card.

12 SEC. 538. If the Assistant Secretary of Homeland Se-
13 curity (Transportation Security Administration) deter-
14 mines that an airport does not need to participate in the
15 E-Verify Program under section 402 of the Illegal Immi-
16 gration Reform and Immigrant Responsibility Act of 1996
17 (8 U.S.C. 1324a note), the Assistant Secretary shall cer-
18 tify to the Committees on Appropriations of the Senate
19 and the House of Representatives that no security risks
20 will result from such nonparticipation.

21 SEC. 539. (a) Notwithstanding any other provision
22 of this Act, except as provided in subsection (b), and 30
23 days after the date that the President determines whether
24 to declare a major disaster because of an event and any
25 appeal is completed, the Administrator shall submit to the

1 Committee on Homeland Security and Governmental Af-
2 fairs of the Senate, the Committee on Homeland Security
3 of the House of Representatives, the Committee on Trans-
4 portation and Infrastructure of the House of Representa-
5 tives, the Committees on Appropriations of the Senate and
6 the House of Representatives, and publish on the website
7 of the Federal Emergency Management Agency, a report
8 regarding that decision, which shall summarize damage
9 assessment information used to determine whether to de-
10 clare a major disaster.

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

14 (c) In this section—

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

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

22 SEC. 540. Notwithstanding any other provision of
23 law, in the current fiscal year or a subsequent fiscal year,
24 should the Secretary of Homeland Security determine that
25 the National Bio- and Agro-defense Facility be located at

1 a site other than Plum Island, New York, the Secretary
2 shall have the Administrator of General Services sell
3 through public sale all real and related personal property
4 and transportation assets which support Plum Island op-
5 erations, subject to such terms and conditions as nec-
6 essary to protect Government interests and meet program
7 requirements: *Provided*, That the proceeds of such sale
8 shall be deposited as offsetting collections into the Depart-
9 ment of Homeland Security Science and Technology “Re-
10 search, Development, Acquisition, and Operations” ac-
11 count and, subject to appropriation, shall be available until
12 expended, for site acquisition, construction, and costs re-
13 lated to the construction of the National Bio- and Agro-
14 defense Facility, including the costs associated with the
15 sale, including due diligence requirements, necessary envi-
16 ronmental remediation at Plum Island, and reimburse-
17 ment of expenses incurred by the General Services Admin-
18 istration.

19 SEC. 541. Any official who is required by this Act
20 to report or certify to the Committees on Appropriations
21 of the Senate and the House of Representatives may not
22 delegate such authority to perform that act unless specifi-
23 cally authorized herein.

24 SEC. 542. Sections 1309(a) and 1319 of the National
25 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and

1 4026) shall each be applied by substituting “September
2 30, 2011” for the date specified in each such section.

3 SEC. 543. Section 550(b) of the Department of
4 Homeland Security Appropriations Act, 2007 (Public Law
5 109–295; 6 U.S.C. 121 note), is amended by striking “on
6 October 4, 2010” and inserting “on October 4, 2011”.

7 SEC. 544. (a) None of the funds made available in
8 this or any other Act may be used to release an individual
9 who is detained, as of June 24, 2009, at Naval Station,
10 Guantanamo Bay, Cuba, into the continental United
11 States, Alaska, Hawaii, or the District of Columbia, into
12 any of the United States territories of Guam, American
13 Samoa (AS), the United States Virgin Islands (USVI), the
14 Commonwealth of Puerto Rico and the Commonwealth of
15 the Northern Mariana Islands (CNMI).

16 (b) None of the funds made available in this or any
17 other Act may be used to transfer an individual who is
18 detained, as of June 24, 2009, at Naval Station, Guanta-
19 namo Bay, Cuba, into the continental United States, Alas-
20 ka, Hawaii, or the District of Columbia, into any of the
21 United States territories of Guam, American Samoa (AS),
22 the United States Virgin Islands (USVI), the Common-
23 wealth of Puerto Rico and the Commonwealth of the
24 Northern Mariana Islands (CNMI), for the purpose of de-
25 tention, except as provided in subsection (c).

1 (c) None of the funds made available in this or any
2 other Act may be used to transfer an individual who is
3 detained, as of June 24, 2009, at Naval Station, Guanta-
4 namo Bay, Cuba, into the continental United States, Alas-
5 ka, Hawaii, or the District of Columbia, into any of the
6 United States territories of Guam, American Samoa (AS),
7 the United States Virgin Islands (USVI), the Common-
8 wealth of Puerto Rico and the Commonwealth of the
9 Northern Mariana Islands (CNMI), for the purposes of
10 prosecuting such individual, or detaining such individual
11 during legal proceedings, until 45 days after the plan de-
12 scribed in subsection (d) is received.

13 (d) The President shall submit to Congress, in classi-
14 fied form, a plan regarding the proposed disposition of any
15 individual covered by subsection (c) who is detained as of
16 June 24, 2009. Such plan shall include, at a minimum,
17 each of the following for each such individual:

18 (1) A determination of the risk that the indi-
19 vidual might instigate an act of terrorism within the
20 continental United States, Alaska, Hawaii, the Dis-
21 trict of Columbia, or the United States territories if
22 the individual were so transferred.

23 (2) A determination of the risk that the indi-
24 vidual might advocate, coerce, or incite violent extre-
25 mism, ideologically motivated criminal activity, or

1 acts of terrorism, among inmate populations at in-
2 carceration facilities within the continental United
3 States, Alaska, Hawaii, the District of Columbia, or
4 the United States territories if the individual were
5 transferred to such a facility.

6 (3) The costs associated with transferring the
7 individual in question.

8 (4) The legal rationale and associated court de-
9 mands for transfer.

10 (5) A plan for mitigation of any risks described
11 in paragraphs (1), (2), and (7).

12 (6) A copy of a notification to the Governor of
13 the State to which the individual will be transferred,
14 to the Mayor of the District of Columbia if the indi-
15 vidual will be transferred to the District of Colum-
16 bia, or to any United States territories with a certifi-
17 cation by the Attorney General of the United States
18 in classified form at least 14 days prior to such
19 transfer (together with supporting documentation
20 and justification) that the individual poses little or
21 no security risk to the United States.

22 (7) An assessment of any risk to the national
23 security of the United States or its citizens, includ-
24 ing members of the Armed Services of the United

1 States, that is posed by such transfer and the ac-
2 tions taken to mitigate such risk.

3 (e) None of the funds made available in this or any
4 other Act may be used to transfer or release an individual
5 detained at Naval Station, Guantanamo Bay, Cuba, as of
6 June 24, 2009, to the country of such individual's nation-
7 ality or last habitual residence or to any other country
8 other than the United States or to a freely associated
9 State, unless the President submits to the Congress, in
10 classified form, at least 15 days prior to such transfer or
11 release, the following information:

12 (1) The name of any individual to be trans-
13 ferred or released and the country or the freely asso-
14 ciated State to which such individual is to be trans-
15 ferred or released.

16 (2) An assessment of any risk to the national
17 security of the United States or its citizens, includ-
18 ing members of the Armed Services of the United
19 States, that is posed by such transfer or release and
20 the actions taken to mitigate such risk.

21 (3) The terms of any agreement with the coun-
22 try or the freely associated State for the acceptance
23 of such individual, including the amount of any fi-
24 nancial assistance related to such agreement.

1 (f) None of the funds made available in this Act may
2 be used to provide any immigration benefit (including a
3 visa, admission into the United States or any of the
4 United States territories, parole into the United States or
5 any of the United States territories (other than parole for
6 the purposes of prosecution and related detention), or clas-
7 sification as a refugee or applicant for asylum) to any indi-
8 vidual who is detained, as of June 24, 2009, at Naval Sta-
9 tion, Guantanamo Bay, Cuba.

10 (g) In this section, the term “freely associated
11 States” means the Federated States of Micronesia (FSM),
12 the Republic of the Marshall Islands (RMI), and the Re-
13 public of Palau.

14 (h) Prior to the termination of detention operations
15 at Naval Station, Guantanamo Bay, Cuba, the President
16 shall submit to the Congress a report in classified form
17 describing the disposition or legal status of each individual
18 detained at the facility as of the date of enactment of this
19 Act.

20 SEC. 545. For purposes of section 210C of the Home-
21 land Security Act of 2002 (6 U.S.C. 124j), for fiscal year
22 2011 and hereafter, a rural area shall also include any
23 area that is located in a metropolitan statistical area and
24 a county, borough, parish, or area under the jurisdiction

1 of an Indian tribe with a population of not more than
2 50,000.

3 SEC. 546. None of the funds made available in this
4 Act may be used for first-class travel by the employees
5 of agencies funded by this Act in contravention of sections
6 301–10.122 through 301.10–124 of title 41, Code of Fed-
7 eral Regulations.

8 SEC. 547. None of the funds made available in this
9 Act may be used to propose or effect a disciplinary or ad-
10 verse action with respect to any Department of Homeland
11 Security employee who engages regularly with the public
12 in the performance of his or her official duties solely be-
13 cause that employee elects to utilize protective equipment
14 or measures, including surgical masks, N95 respirators,
15 gloves, or hand-sanitizers, where use of such equipment
16 or measures is in accordance with Department of Home-
17 land Security policy, and Centers for Disease Control and
18 Prevention and Office of Personnel Management guidance.

19 SEC. 548. None of the funds made available in this
20 Act may be used to employ workers described in section
21 274A(h)(3) of the Immigration and Nationality Act (8
22 U.S.C. 1324a(h)(3)).

23 SEC. 549. The Secretary of Homeland Security, act-
24 ing through the Commandant of the Coast Guard, may,
25 notwithstanding any other provision of law, for fiscal year

1 2011 and hereafter sell any real and personal property
2 under the administrative control of the Coast Guard and
3 used for the LORAN system, by directing the Adminis-
4 trator of General Services to sell such real and personal
5 property, subject to such terms and conditions that the
6 Secretary believes to be necessary to protect Government
7 interests and program requirements of the Coast Guard:
8 *Provided*, That the proceeds, less the costs of sale incurred
9 by the General Services Administration, shall hereafter be
10 deposited as offsetting collections into the Coast Guard
11 “Environmental Compliance and Restoration” account
12 and, without further appropriation, shall be available until
13 expended for environmental compliance and restoration
14 purposes associated with the LORAN system, for the costs
15 of securing and maintaining equipment that may be used
16 as a backup to the Global Positioning System or to meet
17 any other Federal navigation requirement, for the demoli-
18 tion of improvements on such real property, and for the
19 costs associated with the sale of such real and personal
20 property, including due diligence requirements, necessary
21 environmental remediation, and reimbursement of ex-
22 penses incurred by the General Services Administration:
23 *Provided further*, That after the completion of such activi-
24 ties, any unexpended balances shall hereafter be available

1 for any other environmental compliance and restoration
2 activities of the Coast Guard.

3 SEC. 550. The administrative law judge annuitants
4 participating in the Senior Administrative Law Judge
5 Program managed by the Director of the Office of Per-
6 sonnel Management under section 3323 of title 5, United
7 States Code, shall be available on a temporary re-employ-
8 ment basis to conduct arbitrations of disputes as part of
9 the arbitration panel established by the President under
10 section 601 of division A of the American Recovery and
11 Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.
12 164).

13 SEC. 551. (a) Any company that collects or retains
14 personal information directly from any individual who par-
15 ticipates in the Registered Traveler program of the Trans-
16 portation Security Administration shall safeguard and dis-
17 pose of such information in accordance with the require-
18 ments in—

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

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

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

3 (3) any supplemental standards established by
4 the Assistant Secretary, Transportation Security Ad-
5 ministration (referred to in this section as the “As-
6 sistant Secretary”).

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

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

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

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

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

6 SEC. 552. Notwithstanding any other provision of
7 this Act, none of the funds appropriated or otherwise
8 made available by this Act may be used to pay award or
9 incentive fees for contractor performance that has been
10 judged to be below satisfactory performance or perform-
11 ance that does not meet the basic requirements of a con-
12 tract.

13 SEC. 553. None of the funds appropriated or other-
14 wise made available by this Act may be used by the De-
15 partment of Homeland Security to enter into any federal
16 contract unless such contract is entered into in accordance
17 with the requirements of the Federal Property and Admin-
18 istrative Services Act of 1949 (41 U.S.C. 253) or Chapter
19 137 of title 10, United States Code, and the Federal Ac-
20 quisition Regulation, unless such contract is otherwise au-
21 thorized by statute to be entered into without regard to
22 the above referenced statutes.

23 SEC. 554. (a) Funds made available by this Act solely
24 for data center migration may be transferred by the Sec-

1 retary between appropriations for the same purpose, not-
2 withstanding section 503 of this Act.

3 (b) No transfer described in (a) shall occur until 15
4 days after the Committees on Appropriations of the Sen-
5 ate and the House of Representatives are notified of such
6 transfer.

7 SEC. 555. For an additional amount for the “Office
8 of the Under Secretary for Management”, \$18,000,000,
9 to increase the Department’s acquisition workforce capac-
10 ity and capabilities: *Provided*, That such funds may be
11 transferred by the Under Secretary for Management to
12 any other account in the Department to carry out the pur-
13 poses provided herein: *Provided further*, That such trans-
14 fer authority is in addition to any other transfer authority
15 provided in this Act, but no transfer shall occur until 15
16 days after the Committees on Appropriations of the Sen-
17 ate and the House of Representatives are notified of such
18 transfer: *Provided further*, That such funds shall be avail-
19 able only to supplement and not to supplant existing ac-
20 quisition workforce activities: *Provided further*, That such
21 funds shall be available for training, recruitment, reten-
22 tion, and hiring additional members of the acquisition
23 workforce as defined by the Office of Federal Procurement
24 Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided*
25 *further*, That such funds shall be available for information

1 technology in support of acquisition workforce effective-
2 ness or for management solutions to improve acquisition
3 management.

4 SEC. 556. For an additional amount for the “Office
5 of the Under Secretary for Management”, \$342,100,000,
6 of which not to exceed \$287,800,000 shall remain avail-
7 able until expended for necessary expenses to plan, ac-
8 quire, construct, renovate, remediate, equip, furnish, and
9 occupy buildings and facilities to consolidate the Depart-
10 ment of Homeland Security headquarters at St. Eliza-
11 beths; and of which \$54,300,000 shall remain available
12 until expended for associated mission support lease con-
13 solidation.

14 SEC. 557. Notwithstanding any other provision of
15 law, should the Secretary of Homeland Security determine
16 that specific U.S. Immigration and Customs Enforcement
17 Service Processing Centers, or other U.S. Immigration
18 and Customs Enforcement owned detention facilities, no
19 longer meet the mission need, the Secretary is authorized
20 to dispose of individual Service Processing Centers, or
21 other U.S. Immigration and Customs Enforcement owned
22 detention facilities, by directing the Administrator of Gen-
23 eral Services to sell all real and related personal property
24 which support Service Processing Centers, or other U.S.
25 Immigration and Customs Enforcement owned detention

1 facilities, operations, subject to such terms and conditions
2 as necessary to protect Government interests and meet
3 program requirements: *Provided*, That the proceeds, net
4 of the costs of sale incurred by the General Services Ad-
5 ministration and U.S. Immigration and Customs Enforce-
6 ment shall be deposited as offsetting collections into a sep-
7 arate account that shall be available, subject to appropria-
8 tion, until expended for other real property capital asset
9 needs of existing U.S. Immigration and Customs Enforce-
10 ment assets, excluding daily operations and maintenance
11 costs, as the Secretary deems appropriate: *Provided fur-*
12 *ther*, That any sale or collocation of federally owned deten-
13 tion facilities shall not result in the maintenance of fewer
14 than 33,400 detention beds: *Provided further*, That the
15 Committees on Appropriations of the Senate and the
16 House of Representatives shall be notified 15 days prior
17 to the announcement of any proposed collocation.

18 SEC. 558. The Department of Homeland Security
19 shall report to Congress no later than February 7, 2011,
20 with recommendations for savings from the identification
21 of excess and surplus property as described in the June
22 10, 2010, Presidential Memorandum entitled “Disposing
23 of Unneeded Federal Real Estate”.

1 SEC. 559. (a) CIVIL PENALTIES.—Section
 2 46301(a)(5)(A)(i) of title 49, United States Code, is
 3 amended—

4 (1) by striking “or chapter 449” and inserting
 5 “chapter 449”; and

6 (2) by inserting “, or section 46314(a)” after
 7 “44909”).

8 (b) CRIMINAL PENALTIES.—Section 46314(b) of title
 9 49, United States Code, is amended to read as follows:
 10 “(b) CRIMINAL PENALTY.—A person violating sub-
 11 section (a) of this section shall be fined under title 18,
 12 imprisoned for not more than 10 years, or both.”.

13 (c) NOTICE OF PENALTIES.—Section 46314 of title
 14 49, United States Code, is amended by adding at the end
 15 the following new subsection:

16 “(c) NOTICE OF PENALTIES.—

17 “(1) IN GENERAL.—Each operator of an air-
 18 port in the United States that is required to estab-
 19 lish an air transportation security program pursuant
 20 to section 44903(c) shall ensure that signs that meet
 21 such requirements as the Secretary of Homeland Se-
 22 curity may prescribe providing notice of the pen-
 23 alties imposed under sections 46301(a)(5)(A)(i) and
 24 subsection (b) of this section, are displayed near all
 25 screening locations, all locations where passengers

1 exit the sterile area, and such other locations at the
 2 airport as the Secretary of Homeland Security deter-
 3 mines appropriate.

4 “(2) EFFECT OF SIGNS ON PENALTIES.—An in-
 5 dividual shall be subject to the penalty provided for
 6 under section 46301(a)(5)(A)(i) and subsection (b)
 7 of this section without regard to whether signs are
 8 displayed at an airport as required by paragraph
 9 (1).”.

10 SEC. 560. Section 421 of the Coast Guard and Mari-
 11 time Transportation Act of 2006 (Public Law 109–241;
 12 120 Stat. 547) is amended—

13 (1) by striking “in the 48-month period begin-
 14 ning on the date of enactment of this Act if,” in
 15 subsection (a) and inserting “until the date of expi-
 16 ration of this section if,”;

17 (2) by striking “Subsection (a)(1)” in sub-
 18 section (b) and inserting “Subsection (a)”; and

19 (3) by striking “48 months after the date of en-
 20 actment of this Act.” in subsection (d) and inserting
 21 “on July 11, 2012.”

22 SEC. 561. Lot 1 of the Morning Heights Subdivision,
 23 Lot 2 and PT ST of the Morning Heights Subdivision,
 24 Lot 1 and PT ST of the Bayless Addition, and Lot 24
 25 of the Bayless Addition in Findlay, Ohio, shall be available

1 for construction and operation of portions of a flood con-
2 trol levee if a feasibility study completed by the Chief of
3 Engineers, of the civil works program, of the United
4 States Army Corps of Engineers indicates that such con-
5 struction is the most appropriate and cost-effective flood
6 risk management project for the area: *Provided*, That
7 those portions of the properties identified by the Chief of
8 Engineers for construction and operation of portions of
9 the flood control levee pursuant to the preceding proviso
10 shall be excepted from section 404(b)(2)(B) of the Robert
11 T. Stafford Disaster Relief and Emergency Assistance
12 Act, and those portions of the named properties that are
13 not used to construct and operate portions of said flood
14 control levee shall remain deeded as open space in per-
15 petuity, in accordance with section 404(b)(2)(B).

16 SEC. 562. None of the funds appropriated or other-
17 wise made available by this Act may be obligated by any
18 covered executive agency in contravention of the certifi-
19 cation requirement of section 6(b) of the Iran Sanctions
20 Act of 1996, as included in the revisions to the Federal
21 Acquisition Regulation pursuant to such section.

22 SEC. 563. Of the unobligated balances available in
23 the fund codified under title 31 U.S.C. § 9703,
24 \$22,600,000 are permanently rescinded.

1 SEC. 564. From the unobligated balances of prior
2 year appropriations made available for U.S. Customs and
3 Border Protection “Automation Modernization”,
4 \$10,000,000 are rescinded.

5 SEC. 565. From the unobligated balances of prior
6 year appropriations made available for U.S. Customs and
7 Border Protection “Border Security Fencing, Infrastruc-
8 ture, and Technology”, \$25,000,000 are rescinded.

9 SEC. 566. From the unobligated balances of prior
10 year appropriations made available for Transportation Se-
11 curity Administration, \$15,000,000 are rescinded: *Pro-*
12 *vided*, That the Transportation Security Administration
13 shall not rescind any unobligated balances from the fol-
14 lowing programs: screener partnership program; explosives
15 detection systems; checkpoint support; aviation regulation
16 and other enforcement; and air cargo.

17 SEC. 567. From the unobligated balances of prior
18 year appropriations made available for Domestic Nuclear
19 Detection Office “Research, Development, and Oper-
20 ations”, \$27,000,000 are rescinded.

21 SEC. 568. From the unobligated balances of prior
22 year appropriations made available for National Protec-
23 tion and Programs Directorate “Infrastructure Protection
24 and Information Security”, \$6,000,000 are rescinded.

1 SEC. 569. From the unobligated balances of funds
2 for the “Office for Domestic Preparedness” transferred to
3 the Department of Homeland Security when it was estab-
4 lished in 2003,\$5,000,000 are rescinded.

5 SEC. 570. From the unobligated balances of prior
6 year appropriations made available for U.S. Customs and
7 Border Protection, “Salaries and Expenses”, Head-
8 quarters Management and Administration program,
9 project, and activity, \$14,500,000 are rescinded.

10 SEC. 571. From the unobligated balances of funds
11 for the “Violent Crime Reduction Program” transferred
12 to the Department of Homeland Security when it was es-
13 tablished in 2003, \$4,800,000 are rescinded.

14 SEC. 572. From the unobligated balances of prior
15 year appropriations made available for “United States
16 Citizenship and Immigration Services” in Public Law
17 111–83 for activities related to REAL ID Act implementa-
18 tion, \$10,000,000 are rescinded.

19 SEC. 573. For fiscal year 2011 and hereafter, U.S.
20 Customs and Border Protection’s Advanced Training Cen-
21 ter is authorized to charge fees for any service and/or
22 thing of value it provides to Federal Government or non-
23 government entities or individuals, so long as the fees
24 charged do not exceed the full costs associated with the
25 service or thing of value provided: *Provided*, That notwith-

1 standing 31 U.S.C. 3302(b), fees collected by the Ad-
2 vanced Training Center, are to be deposited into a sepa-
3 rate account entitled the “Advanced Training Center Re-
4 volving Fund”, and be available, without further appro-
5 priations, for necessary expenses of the Advanced Train-
6 ing Center program, and are to remain available until ex-
7 pended.

8 SEC. 574. For an additional amount for the Federal
9 Emergency Management Agency, “State and Local Pro-
10 grams”, \$20,000,000, to remain available until expended,
11 for necessary expenses for reimbursement of the actual
12 costs to State and local governments for providing emer-
13 gency management, public safety, and security at events,
14 as determined by the Administrator of the Federal Emer-
15 gency Management Agency related to the presence of Na-
16 tional Special Security Event.

17 SEC. 575. The Administrator of the Federal Emer-
18 gency Management Agency shall consider satisfied for
19 Hurricane Katrina the non-Federal match requirement for
20 assistance provided by the Federal Emergency Manage-
21 ment Agency pursuant to section 404(a) of the Robert T.
22 Stafford Disaster Relief and Emergency Assistance Act,
23 42 U.S.C. 5170c(a).

24 SEC. 576. Notwithstanding any other provision of
25 law, including any agreement, the Federal share of assist-

1 ance, including direct Federal assistance provided under
2 sections 403, 406, and 407 of the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act (42 U.S.C.
4 5140b, 5172, and 5173), for damages resulting from
5 FEMA-3311-EM-RI, FEMA-1894-DR, FEMA-1867-
6 DR, FEMA-1873-DR, FEMA-1889-DR, FEMA-1897-
7 DR, FEMA-1906-DR, FEMA-1909-DR, and FEMA-
8 1916-DR shall not be less than 90 percent of the eligible
9 costs under such sections.

10 SEC. 577. The Administrator of the Federal Emer-
11 gency Management Agency shall consider as non-discre-
12 tionary the decision to award grants for the construction
13 and equipping of any interoperable communications sys-
14 tem for which construction was initiated before June 1,
15 2009, for which grant applications were made under sec-
16 tion 573 of division E of the Consolidated Appropriations
17 Act, 2008 (Public Law 110-161), section 10501 of divi-
18 sion B of the Consolidated Security, Disaster Assistance,
19 and Continuing Appropriations Act, 2009 (Public Law
20 110-329), or section 603 of the Supplemental Appropria-
21 tions Act, 2009 (Public Law 111-32).

22 This Act may be cited as the “Department of Home-
23 land Security Appropriations Act, 2011”.

Calendar No. 466

11TH CONGRESS
2^D Session

S. 3607

[Report No. 111-222]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2011, and for other purposes.

JULY 19, 2010

Read twice and placed on the calendar