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DIVISION D - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of Homeland Security for the fiscal year end-
4 ing September 30, 2012, and for other purposes, namely:

5 TITLE I

6 DEPARTMENTAL MANAGEMENT AND

7 OPERATIONS

8 OFFICE OF THE SECRETARY AND EXECUTIVE

9 MANAGEMENT

10 For necessary expenses of the Office of the Secretary
11 of Homeland Security, as authorized by section 102 of the
12 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
13 tive management of the Department of Homeland Secu-
14 rity, as authorized by law, \$133,159,000: *Provided*, That
15 not to exceed \$51,000 shall be for official reception and
16 representation expenses, of which \$17,000 shall be made
17 available to the Office of Policy for Visa Waiver Program
18 negotiations in Washington, DC, and for other inter-
19 national activities: *Provided further*, That all official costs
20 associated with the use of government aircraft by Depart-
21 ment of Homeland Security personnel to support official
22 travel of the Secretary and the Deputy Secretary shall be
23 paid from amounts made available for the Immediate Of-
24 fice of the Secretary and the Immediate Office of the Dep-

1 uty Secretary: *Provided further*, That of the total amount
2 made available under this heading, \$1,800,000 shall re-
3 main available until March 30, 2012, for the Office of
4 Counternarcotics Enforcement, of which up to \$1,800,000
5 may, notwithstanding section 503 of this Act, be trans-
6 ferred to the Office of Policy: *Provided further*, That
7 amounts transferred pursuant to the preceding proviso
8 shall remain available until September 30, 2012: *Provided*
9 *further*, That the Assistant Secretary for Policy shall sub-
10 mit to the Committees on Appropriations of the Senate
11 and the House of Representatives not later than March
12 30, 2012, an expenditure plan for the Office of Policy
13 which includes a detailed description of any funds trans-
14 ferred to the Office for counternarcotics enforcement and
15 activities related to risk management and analysis: *Pro-*
16 *vided further*, That \$30,000,000 shall not be available for
17 obligation until the Secretary of Homeland Security sub-
18 mits to the Committees on Appropriations of the Senate
19 and the House of Representatives a comprehensive plan
20 for implementation of the biometric air exit system, as
21 mandated in Public Law 110-53, including the estimated
22 costs of implementation.

23 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

24 For necessary expenses of the Office of the Under
25 Secretary for Management, as authorized by sections 701

1 through 705 of the Homeland Security Act of 2002 (6
2 U.S.C. 341 through 345), \$235,587,000, of which not to
3 exceed \$2,500 shall be for official reception and represen-
4 tation expenses: *Provided*, That of the total amount made
5 available under this heading, \$5,000,000 shall remain
6 available until September 30, 2016, solely for the alter-
7 ation and improvement of facilities, tenant improvements,
8 and relocation costs to consolidate Department head-
9 quarters operations at the Nebraska Avenue Complex; and
10 \$14,172,000 shall remain available until September 30,
11 2014, for the Human Resources Information Technology
12 program: *Provided further*, That the Under Secretary for
13 Management shall, pursuant to the requirements con-
14 tained in the joint statement of managers accompanying
15 this Act, provide to the Committees on Appropriations of
16 the Senate and the House of Representatives a Com-
17 prehensive Acquisition Status Report with the President's
18 budget for fiscal year 2013 as submitted under section
19 1105(a) of title 31, United States Code, and quarterly up-
20 dates to such report not later than 30 days after the com-
21 pletion of each quarter.

22 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

1 OFFICE OF THE CHIEF INFORMATION OFFICER

2 For necessary expenses of the Office of the Chief In-
3 formation Officer, as authorized by section 103 of the
4 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
5 partment-wide technology investments, \$257,300,000; of
6 which \$105,500,000 shall be available for salaries and ex-
7 penses; and of which \$151,800,000, to remain available
8 until September 30, 2014, shall be available for develop-
9 ment and acquisition of information technology equip-
10 ment, software, services, and related activities for the De-
11 partment of Homeland Security: *Provided*, That the De-
12 partment of Homeland Security Chief Information Officer
13 shall submit to the Committees on Appropriations of the
14 Senate and the House of Representatives, at the time that
15 the President's budget is submitted each year under sec-
16 tion 1105(a) of title 31, United States Code, a multi-year
17 investment and management plan, to include each of fiscal
18 years 2012 through 2015, for all information technology
19 acquisition projects funded under this heading or funded
20 by multiple components of the Department of Homeland
21 Security through reimbursable agreements, that in-
22 cludes—

23 (1) the proposed appropriations included for
24 each project and activity tied to mission require-
25 ments, program management capabilities, perform-

1 ance levels, and specific capabilities and services to
2 be delivered;

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

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

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

11 (A) notes and explains any deviations in
12 cost, performance parameters, schedule, or esti-
13 mated date of completion from the original ac-
14 quisition program baseline;

15 (B) aligns the acquisition programs cov-
16 ered by the baseline to mission requirements by
17 defining existing capabilities, identifying known
18 capability gaps between such existing capabili-
19 ties and stated mission requirements, and ex-
20 plaining how each increment will address such
21 known capability gaps; and

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

1 ANALYSIS AND OPERATIONS

2 For necessary expenses for intelligence analysis and
3 operations coordination activities, as authorized by title II
4 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
5 seq.), \$338,068,000; of which not to exceed \$4,250 shall
6 be for official reception and representation expenses; and
7 of which \$141,521,000 shall remain available until Sep-
8 tember 30, 2013.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978 (5 U.S.C. App.), \$117,000,000, of
13 which not to exceed \$300,000 may be used for certain con-
14 fidential operational expenses, including the payment of
15 informants, to be expended at the direction of the Inspec-
16 tor General.

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

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 7,500 (6,500
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,680,118,000; 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 \$38,250 shall be for official reception and representation
21 expenses; of which not less than \$287,901,000 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 58e(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 of which not to exceed \$1,000,000 shall be for awards of
5 compensation to informants, to be accounted for solely
6 under the certificate of the Secretary of Homeland Secu-
7 rity: *Provided*, That for fiscal year 2012, the overtime lim-
8 itation 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 not-
10 withstanding 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 ex-
14 ceeds such limitation, except in individual cases deter-
15 mined by the Secretary of Homeland Security, or the des-
16 ignee of the Secretary, to be necessary for national secu-
17 rity purposes, to prevent excessive costs, or in cases of
18 immigration emergencies: *Provided further*, That the Bor-
19 der Patrol shall maintain an active duty presence of not
20 less than 21,370 full-time equivalent agents protecting the
21 borders of the United States in the fiscal year: *Provided*
22 *further*, That the Commissioner of U.S. Customs and Bor-
23 der Protection shall submit to the Committees on Appro-
24 priations of the Senate and the House of Representatives,
25 with the congressional budget justification, a multi-year

1 investment and management plan, to include each fiscal
2 year starting with the current fiscal year and the 3 subse-
3 quent fiscal years, for inspection and detection technology
4 supporting operations under this heading, including all
5 non-intrusive inspection and radiation detection tech-
6 nology, that provides—

7 (1) the funding level for all inspection and de-
8 tection technology equipment by source;

9 (2) the inventory of inspection and detection
10 technology equipment by type and age;

11 (3) the proposed appropriations for procure-
12 ment of inspection and detection technology equip-
13 ment by type, including quantity, for deployment,
14 and for operations and maintenance;

15 (4) projected funding levels for procurement of
16 inspection and detection technology equipment by
17 type, including quantity, for deployment, and for op-
18 erations and maintenance for each of the 3 subse-
19 quent fiscal years; and

20 (5) a current acquisition program baseline
21 that—

22 (A) aligns the acquisition of each tech-
23 nology to mission requirements by defining ex-
24 isting capabilities of comparable legacy tech-
25 nology assets, identifying known capability gaps

1 between such existing capabilities and stated
2 mission requirements, and explaining how the
3 acquisition of each technology will address such
4 known capability gaps;

5 (B) defines life-cycle costs for each tech-
6 nology, including all associated costs of major
7 acquisitions systems infrastructure and transi-
8 tion to operations, delineated by purpose and
9 fiscal year for the projected service life of the
10 technology; and

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

15 AUTOMATION MODERNIZATION

16 For expenses for U.S. Customs and Border Protec-
17 tion automated systems, \$334,275,000, to remain avail-
18 able until September 30, 2014, of which not less than
19 \$140,000,000 shall be for the development of the Auto-
20 mated Commercial Environment: *Provided*, That of the
21 total amount made available under this heading,
22 \$25,000,000 may not be obligated for the Automated
23 Commercial Environment program until the Commissioner
24 of U.S. Customs and Border Protection submits to the
25 Committees on Appropriations of the Senate and the

1 House of Representatives, not later than 60 days after the
2 date of enactment of this Act, an expenditure plan for the
3 Automated Commercial Environment program including
4 results to date, plans for the program, and a list of
5 projects with associated funding from prior appropriations
6 and provided by this Act.

7 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
8 TECHNOLOGY

9 For expenses for border security fencing, infrastruc-
10 ture, and technology, \$400,000,000, to remain available
11 until September 30, 2014: *Provided*, That of the total
12 amount made available under this heading, \$60,000,000
13 shall not be obligated until the Committees on Appropria-
14 tions of the Senate and the House of Representatives re-
15 ceive a detailed plan for expenditure, prepared by the
16 Commissioner of U.S. Customs and Border Protection,
17 and submitted not later than 90 days after the date of
18 enactment of this Act, for a program to establish and
19 maintain a security barrier along the borders of the
20 United States of fencing and vehicle barriers, where prac-
21 ticable, and of other forms of tactical infrastructure and
22 technology: *Provided further*, That the Commissioner of
23 U.S. Customs and Border Protection shall submit to the
24 Committees on Appropriations of the Senate and the
25 House of Representatives, at the time that the President's

1 budget is submitted each year under section 1105(a) of
2 title 31, United States Code, a multi-year investment and
3 management plan for the Border Security Fencing, Infra-
4 structure, and Technology account, that includes for each
5 tactical infrastructure and technology deployment—

6 (1) the funding level in that budget and pro-
7 jected funding levels for each of the next 3 fiscal
8 years, including a description of the purpose of such
9 funds;

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

18 (3) a current acquisition program baseline
19 that—

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

1 (B) includes a phase-out and life-cycle re-
2 capitalization schedule delineated by fiscal year
3 for existing and new tactical infrastructure and
4 technology deployments that each deployment is
5 intended to replace or recapitalize; and

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

13 AIR AND MARINE INTERDICTION, OPERATIONS,
14 MAINTENANCE, AND PROCUREMENT

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

1 cies in other law enforcement and emergency humani-
2 tarian efforts, \$503,966,000, to remain available until
3 September 30, 2014: *Provided*, That no aircraft or other
4 related equipment, with the exception of aircraft that are
5 one of a kind and have been identified as excess to U.S.
6 Customs and Border Protection requirements and aircraft
7 that have been damaged beyond repair, shall be trans-
8 ferred to any other Federal agency, department, or office
9 outside of the Department of Homeland Security during
10 fiscal year 2012 without the prior approval of the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives: *Provided further*, That the Secretary of
13 Homeland Security shall report to the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives, not later than 90 days after the date of enactment
16 of this Act, on the update to the 5-year strategic plan for
17 the air and marine program directed in conference report
18 109–241 accompanying Public Law 109–90 that address-
19 es missions, structure, operations, equipment, facilities,
20 and resources including deployment and command and
21 control requirements, and includes a recapitalization plan
22 with milestones and funding, and a detailed staffing plan
23 with associated costs to achieve full staffing to meet all
24 mission requirements.

1 CONSTRUCTION AND FACILITIES MANAGEMENT

2 For necessary expenses to plan, acquire, construct,
3 renovate, equip, furnish, operate, manage, and maintain
4 buildings, facilities, and related infrastructure necessary
5 for the administration and enforcement of the laws relat-
6 ing to customs, immigration, and border security,
7 \$236,596,000, to remain available until September 30,
8 2016: *Provided*, That for fiscal year 2012 and thereafter,
9 the annual budget submission of U.S. Customs and Bor-
10 der Protection for "Construction and Facilities Manage-
11 ment" shall, in consultation with the General Services Ad-
12 ministration, include a detailed 5-year plan for all Federal
13 land border port of entry projects with a yearly update
14 of total projected future funding needs delineated by land
15 port of entry: *Provided further*, That the Commissioner of
16 U.S. Customs and Border Protection shall submit to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives, at the time that the President's
19 budget is submitted each year under section 1105(a) of
20 title 31, United States Code, an inventory of the real prop-
21 erty of U.S. Customs and Border Protection and a plan
22 for each activity and project proposed for funding under
23 this heading that includes the full cost by fiscal year of
24 each activity and project proposed and underway in fiscal
25 year 2013.

1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

2 SALARIES AND EXPENSES

3 For necessary expenses for enforcement of immigra-
4 tion and customs laws, detention and removals, and inves-
5 tigation, including overseas vetted units operations; and
6 purchase and lease of up to 3,790 (2,350 for replacement
7 only) police-type vehicles; \$5,528,874,000; of which not to
8 exceed \$10,000,000 shall be available until expended for
9 conducting special operations under section 3131 of the
10 Customs Enforcement Act of 1986 (19 U.S.C. 2081); of
11 which not to exceed \$12,750 shall be for official reception
12 and representation expenses; of which not to exceed
13 \$2,000,000 shall be for awards of compensation to inform-
14 ants, to be accounted for solely under the certificate of
15 the Secretary of Homeland Security; of which not less
16 than \$305,000 shall be for promotion of public awareness
17 of the child pornography tipline and activities to counter
18 child exploitation; of which not less than \$5,400,000 shall
19 be used to facilitate agreements consistent with section
20 287(g) of the Immigration and Nationality Act (8 U.S.C.
21 1357(g)); and of which not to exceed \$11,216,000 shall
22 be available to fund or reimburse other Federal agencies
23 for the costs associated with the care, maintenance, and
24 repatriation of smuggled aliens unlawfully present in the
25 United States: *Provided*, That none of the funds made

1 available under this heading shall be available to com-
2 pensate any employee for overtime in an annual amount
3 in excess of \$35,000, except that the Secretary of Home-
4 land Security, or the designee of the Secretary, may waive
5 that amount as necessary for national security purposes
6 and in cases of immigration emergencies: *Provided further,*
7 That of the total amount provided, \$15,770,000 shall be
8 for activities to enforce laws against forced child labor,
9 of which not to exceed \$6,000,000 shall remain available
10 until expended: *Provided further,* That of the total amount
11 available, not less than \$1,600,000,000 shall be available
12 to identify aliens convicted of a crime who may be deport-
13 able, and to remove them from the United States once
14 they are judged deportable, of which \$189,064,000 shall
15 remain available until September 30, 2013: *Provided fur-*
16 *ther,* That the Assistant Secretary of Homeland Security
17 for U.S. Immigration and Customs Enforcement shall re-
18 port to the Committees on Appropriations of the Senate
19 and the House of Representatives, not later than 45 days
20 after the end of each quarter of the fiscal year, on progress
21 in implementing the preceding proviso and the funds obli-
22 gated during that quarter to make such progress: *Provided*
23 *further,* That the Secretary of Homeland Security shall
24 prioritize the identification and removal of aliens convicted
25 of a crime by the severity of that crime: *Provided further,*

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

1 of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(17))) during priority operations pertaining to
3 aliens convicted of a crime.

4 AUTOMATION MODERNIZATION

5 For expenses of immigration and customs enforce-
6 ment automated systems, \$21,710,000, to remain avail-
7 able until September 30, 2016.

8 TRANSPORTATION SECURITY ADMINISTRATION

9 AVIATION SECURITY

10 For necessary expenses of the Transportation Secu-
11 rity Administration related to providing civil aviation secu-
12 rity services pursuant to the Aviation and Transportation
13 Security Act (Public Law 107-71; 115 Stat. 597; 49
14 U.S.C. 40101 note), \$5,253,956,000, to remain available
15 until September 30, 2013, of which not to exceed \$8,500
16 shall be for official reception and representation expenses:
17 *Provided*, That of the total amount made available under
18 this heading, not to exceed \$4,167,631,000 shall be for
19 screening operations, of which \$543,103,000 shall be
20 available for explosives detection systems; \$204,768,000
21 shall be for checkpoint support; and not to exceed
22 \$1,086,325,000 shall be for aviation security direction and
23 enforcement: *Provided further*, That of the amount made
24 available in the preceding proviso for explosives detection
25 systems, \$222,738,000 shall be available for the purchase

1 and installation of these systems, of which not less than
2 10 percent shall be available for the purchase and installa-
3 tion of certified explosives detection systems at medium-
4 and small-sized airports: *Provided further*, That any award
5 to deploy explosives detection systems shall be based on
6 risk, the airport's current reliance on other screening solu-
7 tions, lobby congestion resulting in increased security con-
8 cerns, high injury rates, airport readiness, and increased
9 cost effectiveness: *Provided further*, That security service
10 fees authorized under section 44940 of title 49, United
11 States Code, shall be credited to this appropriation as off-
12 setting collections and shall be available only for aviation
13 security: *Provided further*, That the sum appropriated
14 under this heading from the general fund shall be reduced
15 on a dollar-for-dollar basis as such offsetting collections
16 are received during fiscal year 2012 so as to result in a
17 final fiscal year appropriation from the general fund esti-
18 mated at not more than \$3,223,956,000: *Provided further*,
19 That any security service fees collected in excess of the
20 amount made available under this heading shall become
21 available during fiscal year 2013: *Provided further*, That
22 notwithstanding section 44923 of title 49, United States
23 Code, for fiscal year 2012, any funds in the Aviation Secu-
24 rity Capital Fund established by section 44923(h) of title
25 49, United States Code, may be used for the procurement

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

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

21 (2) how the Transportation Security Adminis-
22 tration is deploying its existing passenger and bag-
23 gage screener workforce in the most cost effective
24 manner; and

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

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

18 SURFACE TRANSPORTATION SECURITY

19 For necessary expenses of the Transportation Secu-
20 rity Administration related to surface transportation secu-
21 rity activities, \$134,748,000, to remain available until
22 September 30, 2013.

1 FEDERAL AIR MARSHALS

2 For necessary expenses of the Federal Air Marshals,
3 \$966,115,000.

4 COAST GUARD

5 OPERATING EXPENSES

6 For necessary expenses for the operation and mainte-
7 nance of the Coast Guard, not otherwise provided for; pur-
8 chase or lease of not to exceed 25 passenger motor vehi-
9 cles, which shall be for replacement only; purchase or lease
10 of small boats for contingent and emergent requirements
11 (at a unit cost of no more than \$700,000) and repairs
12 and service-life replacements, not to exceed a total of
13 \$31,000,000; purchase or lease of boats necessary for
14 overseas deployments and activities; minor shore construc-
15 tion projects not exceeding \$1,000,000 in total cost at any
16 location; payments pursuant to section 156 of Public Law
17 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
18 ation and welfare; \$7,051,054,000, of which \$598,000,000
19 shall be for defense-related activities, of which
20 \$258,000,000 is designated by the Congress for Overseas
21 Contingency Operations/Global War on Terrorism pursu-
22 ant to section 251(b)(2)(A) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985; of which
24 \$24,500,000 shall be derived from the Oil Spill Liability
25 Trust Fund to carry out the purposes of section

1 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
2 2712(a)(5)); and of which not to exceed \$17,000 shall be
3 for official reception and representation expenses: *Pro-*
4 *vided*, That none of the funds made available by this Act
5 shall be for expenses incurred for recreational vessels
6 under section 12114 of title 46, United States Code, ex-
7 cept to the extent fees are collected from owners of yachts
8 and credited to this appropriation: *Provided further*, That
9 the Coast Guard shall comply with the requirements of
10 section 527 of the National Defense Authorization Act for
11 Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to
12 the Coast Guard Academy: *Provided further*, That of the
13 funds provided under this heading, \$75,000,000 shall be
14 withheld from obligation for Coast Guard Headquarters
15 Directorates until a revised future-years capital invest-
16 ment plan for fiscal years 2013 through 2017, as specified
17 under the heading Coast Guard “Acquisition, Construc-
18 tion, and Improvements” of this Act is submitted to the
19 Committees on Appropriations of the Senate and the
20 House of Representatives: *Provided further*, That funds
21 made available under this heading for Overseas Contin-
22 gency Operations/Global War on Terrorism may be allo-
23 cated by program, project, and activity, notwithstanding
24 section 503 of this Act.

1 ENVIRONMENTAL COMPLIANCE AND RESTORATION

2 For necessary expenses to carry out the environ-
3 mental compliance and restoration functions of the Coast
4 Guard under chapter 19 of title 14, United States Code,
5 \$13,500,000, to remain available until September 30,
6 2016.

7 RESERVE TRAINING

8 For necessary expenses of the Coast Guard Reserve,
9 as authorized by law; operations and maintenance of the
10 Coast Guard reserve program; personnel and training
11 costs; and equipment and services; \$134,278,000.

12 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of acquisition, construction,
14 renovation, and improvement of aids to navigation, shore
15 facilities, vessels, and aircraft, including equipment related
16 thereto; and maintenance, rehabilitation, lease and oper-
17 ation of facilities and equipment; as authorized by law;
18 \$1,403,924,000, of which \$20,000,000 shall be derived
19 from the Oil Spill Liability Trust Fund to carry out the
20 purposes of section 1012(a)(5) of the Oil Pollution Act
21 of 1990 (33 U.S.C. 2712(a)(5)); of which \$20,000,000
22 shall remain available until September 30, 2016, for mili-
23 tary family housing, of which not more than \$14,000,000
24 shall be derived from the Coast Guard Housing Fund, es-
25 tablished pursuant to 14 U.S.C. 687; of which

1 \$642,000,000 shall be available until September 30, 2016,
2 to acquire, effect major repairs to, renovate, or improve
3 vessels, small boats, and related equipment; of which
4 \$289,900,000 shall be available until September 30, 2016,
5 to acquire, effect major repairs to, renovate, or improve
6 aircraft or increase aviation capability; of which
7 \$161,140,000 shall be available until September 30, 2016,
8 for other acquisition programs; of which \$180,692,000
9 shall be available until September 30, 2016, for shore fa-
10 cilities and aids to navigation, including waterfront facili-
11 ties at Navy installations used by the Coast Guard; of
12 which \$110,192,000 shall be available for personnel com-
13 pensation and benefits and related costs: *Provided*, That
14 the funds provided by this Act shall be immediately avail-
15 able and allotted to contract for long lead time materials,
16 components, and designs for the sixth National Security
17 Cutter notwithstanding the availability of funds for pro-
18 duction costs or post-production costs: *Provided further*,
19 That the Secretary of Homeland Security shall submit to
20 the Committees on Appropriations of the Senate and the
21 House of Representatives, at the time that the President's
22 budget is submitted each year under section 1105(a) of
23 title 31, United States Code, a future-years capital invest-
24 ment plan for the Coast Guard that identifies for each
25 requested capital asset—

1 (1) the proposed appropriations included in that
2 budget;

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

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

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

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

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

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

1 (i) quantities planned for each fiscal
2 year; and

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

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

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

24 (E) defines life-cycle costs for each asset
25 and the date of the estimate on which such

1 costs are based, including all associated costs of
2 major acquisitions systems infrastructure and
3 transition to operations, delineated by purpose
4 and fiscal year for the projected service life of
5 the asset;

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

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

14 *Provided further*, That the Secretary of Homeland Secu-
15 rity shall ensure that amounts specified in the future-years
16 capital investment plan are consistent, to the maximum
17 extent practicable, with proposed appropriations necessary
18 to support the programs, projects, and activities of the
19 Coast Guard in the President's budget as submitted under
20 section 1105(a) of title 31, United States Code, for that
21 fiscal year: *Provided further*, That any inconsistencies be-
22 tween the capital investment plan and proposed appropria-
23 tions shall be identified and justified: *Provided further*,
24 That subsections (a) and (b) of section 6402 of Public

1 Law 110–28 shall apply with respect to the amounts made
2 available under this heading.

3 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

4 For necessary expenses for applied scientific re-
5 search, development, test, and evaluation; and for mainte-
6 nance, rehabilitation, lease, and operation of facilities and
7 equipment; as authorized by law; \$27,779,000, to remain
8 available until September 30, 2016, of which \$500,000
9 shall be derived from the Oil Spill Liability Trust Fund
10 to carry out the purposes of section 1012(a)(5) of the Oil
11 Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided,*
12 That there may be credited to and used for the purposes
13 of this appropriation funds received from State and local
14 governments, other public authorities, private sources, and
15 foreign countries for expenses incurred for research, devel-
16 opment, testing, and evaluation.

17 RETIRED PAY

18 For retired pay, including the payment of obligations
19 otherwise chargeable to lapsed appropriations for this pur-
20 pose, payments under the Retired Serviceman's Family
21 Protection and Survivor Benefits Plans, payment for ca-
22 reer status bonuses, concurrent receipts and combat-re-
23 lated special compensation under the National Defense
24 Authorization Act, and payments for medical care of re-
25 tired personnel and their dependents under chapter 55 of

1 title 10, United States Code, \$1,440,157,000, to remain
2 available until expended.

3 UNITED STATES SECRET SERVICE

4 SALARIES AND EXPENSES

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

1 and development; grants to conduct behavioral research in
2 support of protective research and operations; and pay-
3 ment in advance for commercial accommodations as may
4 be necessary to perform protective functions;
5 \$1,661,237,000, of which not to exceed \$21,250 shall be
6 for official reception and representation expenses; of which
7 not to exceed \$100,000 shall be to provide technical assist-
8 ance and equipment to foreign law enforcement organiza-
9 tions in counterfeit investigations; of which \$2,366,000
10 shall be for forensic and related support of investigations
11 of missing and exploited children; and of which
12 \$6,000,000 shall be for a grant for activities related to
13 investigations of missing and exploited children and shall
14 remain available until September 30, 2013: *Provided,*
15 That up to \$18,000,000 for protective travel shall remain
16 available until September 30, 2013: *Provided further,* That
17 up to \$19,307,000 for National Special Security Events
18 shall remain available until September 30, 2013: *Provided*
19 *further,* That the United States Secret Service is author-
20 ized to obligate funds in anticipation of reimbursements
21 from Federal agencies and entities, as defined in section
22 105 of title 5, United States Code, for personnel receiving
23 training sponsored by the James J. Rowley Training Cen-
24 ter, except that total obligations at the end of the fiscal
25 year shall not exceed total budgetary resources available

1 under this heading at the end of the fiscal year: *Provided*
2 *further*, That none of the funds made available under this
3 heading shall be available to compensate any employee for
4 overtime in an annual amount in excess of \$35,000, except
5 that the Secretary of Homeland Security, or the designee
6 of the Secretary, may waive that amount as necessary for
7 national security purposes: *Provided further*, That none of
8 the funds made available to the United States Secret Serv-
9 ice by this Act or by previous appropriations Acts may
10 be made available for the protection of the head of a Fed-
11 eral agency other than the Secretary of Homeland Secu-
12 rity: *Provided further*, That the Director of the United
13 States Secret Service may enter into an agreement to pro-
14 vide such protection on a fully reimbursable basis: *Pro-*
15 *vided further*, That of the total amount made available
16 under this heading, \$43,843,000, to remain available until
17 September 30, 2014, is for information integration and
18 technology transformation: *Provided further*, That
19 \$20,000,000 made available in the preceding proviso shall
20 not be obligated to purchase or install information tech-
21 nology equipment until the Department of Homeland Se-
22 curity Chief Information Officer submits a report to the
23 Committees on Appropriations of the Senate and the
24 House of Representatives certifying that all plans for inte-
25 gration and transformation are consistent with Depart-

1 ment of Homeland Security data center migration and en-
2 terprise architecture requirements: *Provided further*, That
3 none of the funds made available to the United States Se-
4 cret Service by this Act or by previous appropriations Acts
5 may be obligated for the purpose of opening a new perma-
6 nent domestic or overseas office or location unless the
7 Committees on Appropriations of the Senate and the
8 House of Representatives are notified 15 days in advance
9 of such obligation.

10 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
11 RELATED EXPENSES

12 For necessary expenses for acquisition, construction,
13 repair, alteration, and improvement of facilities,
14 \$5,380,000, to remain available until September 30, 2016.

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

6 For salaries and expenses of the Office of the Under
7 Secretary for the National Protection and Programs Di-
8 rectorate, support for operations, information technology,
9 and the Office of Risk Management and Analysis,
10 \$50,695,000: *Provided*, That not to exceed \$4,250 shall
11 be for official reception and representation expenses: *Pro-*
12 *vided further*, That, subject to section 503 of this Act, the
13 Secretary of Homeland Security may transfer up to
14 \$4,241,000 to the Office of Policy under the heading De-
15 partmental Management and Operations “Office of the
16 Secretary and Executive Management” for activities re-
17 lated to risk management and analysis: *Provided further*,
18 That in the preceding proviso notification shall take place
19 not later than 90 days after the date of enactment of this
20 Act: *Provided further*, That any funds not transferred pur-
21 suant to the penultimate proviso shall be available solely
22 to close out the Office of Risk Management and Analysis
23 not later than September 30, 2012, and shall not be avail-
24 able for further transfer or reprogramming pursuant to
25 section 503 of this Act.

1 will be fully funded in fiscal year 2012 through revenues
2 and collection of security fees, and shall adjust the fees
3 to ensure fee collections are sufficient to ensure that the
4 Federal Protective Service maintains not fewer than 1,371
5 full-time equivalent staff and 1,007 full-time equivalent
6 Police Officers, Inspectors, Area Commanders, and Spe-
7 cial Agents who, while working, are directly engaged on
8 a daily basis protecting and enforcing laws at Federal
9 buildings (referred to as “in-service field staff”): *Provided*
10 *further*, That an expenditure plan for fiscal year 2012
11 shall be provided to the Committees on Appropriations of
12 the Senate and the House of Representatives not later
13 than 60 days after the date of enactment of this Act: *Pro-*
14 *vided further*, That the Director of the Federal Protective
15 Service shall include with the submission of the Presi-
16 dent’s fiscal year 2013 budget a strategic human capital
17 plan that aligns fee collections to personnel requirements
18 based on a current threat assessment.

19 UNITED STATES VISITOR AND IMMIGRANT STATUS

20 INDICATOR TECHNOLOGY

21 For necessary expenses for the United States Visitor
22 and Immigrant Status Indicator Technology program, as
23 authorized by section 110 of the Illegal Immigration Re-
24 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
25 1365a), \$306,802,000, of which \$9,400,000 is for develop-

1 ment of a comprehensive plan for implementation of bio-
2 metric air exit and improvements to biographic entry-exit
3 capabilities: *Provided*, That of the total amount made
4 available under this heading, \$194,295,000 is to remain
5 available until September 30, 2014: *Provided further*, That
6 of the total amount provided, \$50,000,000 may not be ob-
7 ligated for the United States Visitor and Immigrant Sta-
8 tus Indicator Technology program until the Secretary of
9 Homeland Security submits to the Committees on Appro-
10 priations of the Senate and the House of Representatives
11 at the time that the President's budget is submitted each
12 year under section 1105(a) of title 31, United States
13 Code, a multi-year investment and management plan, to
14 include each fiscal year starting with the current fiscal
15 year, and the following 3 fiscal years, for the United
16 States Visitor and Immigrant Status Indicator Technology
17 program that includes—

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

1 Health Affairs shall submit an expenditure plan for fiscal
2 year 2012 to the Committees on Appropriations of the
3 Senate and the House of Representatives not later than
4 60 days after the date of enactment of this Act.

5 **FEDERAL EMERGENCY MANAGEMENT AGENCY**

6 **SALARIES AND EXPENSES**

7 For necessary expenses of the Federal Emergency
8 Management Agency, \$895,350,000, including activities
9 authorized by the National Flood Insurance Act of 1968
10 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
11 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
12 seq.), the Cerro Grande Fire Assistance Act of 2000 (divi-
13 sion C, title I, 114 Stat. 583), the Earthquake Hazards
14 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the De-
15 fense Production Act of 1950 (50 U.S.C. App. 2061 et
16 seq.), sections 107 and 303 of the National Security Act
17 of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.
18 3 of 1978 (5 U.S.C. App.), the Homeland Security Act
19 of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina
20 Emergency Management Reform Act of 2006 (Public Law
21 109–295; 120 Stat. 1394): *Provided*, That not to exceed
22 \$2,500 shall be for official reception and representation
23 expenses: *Provided further*, That the Administrator of the
24 Federal Emergency Management Agency may reprogram
25 funds made available under this heading between pro-

1 grams, projects, and activities prior to April 16, 2012, not-
2 withstanding section 503 of this Act: *Provided further*,
3 That \$1,400,000 of the funds available for the Office of
4 the Administrator of the Federal Emergency Management
5 Agency shall not be available for obligation until the Ad-
6 ministrator of the Federal Emergency Management Agen-
7 cy submits to the Committees on Appropriations of the
8 Senate and the House of Representatives the National
9 Preparedness Report required by Public Law 109–295
10 and a comprehensive plan to implement a system to meas-
11 ure the effectiveness of grants to State and local commu-
12 nities in fiscal year 2012: *Provided further*, That for pur-
13 poses of planning, coordination, execution, and decision
14 making related to mass evacuation during a disaster, the
15 Governors of the State of West Virginia and the Common-
16 wealth of Pennsylvania, or their designees, shall be incor-
17 porated into efforts to integrate the activities of Federal,
18 State, and local governments in the National Capital Re-
19 gion, as defined in section 882 of the Homeland Security
20 Act of 2002 (Public Law 107–296): *Provided further*, That
21 of the total amount made available under this heading,
22 \$41,250,000 shall be for the Urban Search and Rescue
23 Response System, of which not to exceed \$1,600,000 may
24 be made available for administrative costs; \$5,493,000
25 shall be for the Office of National Capital Region Coordi-

1 nation; not to exceed \$12,000,000 shall remain available
2 until September 30, 2013, for capital improvements at the
3 Mount Weather Emergency Operations Center; and not
4 less than \$13,662,000 shall be for expenses related to
5 modernization of automated systems: *Provided further,*
6 That the Administrator of the Federal Emergency Man-
7 agement Agency, in consultation with the Department of
8 Homeland Security Chief Information Officer, shall sub-
9 mit to the Committees on Appropriations of the Senate
10 and the House of Representatives a strategic plan, not
11 later than 180 days after the date of enactment of this
12 Act, for the funds specified in the preceding proviso re-
13 lated to modernization of automated systems, that in-
14 cludes—

15 (1) a comprehensive plan to automate and mod-
16 ernize information systems to resolve current ineffi-
17 ciencies, integrate data, and aid in better perform-
18 ance of executing the Agency-wide mission;

19 (2) a description of the appropriations for each
20 project and activity tied to mission requirements and
21 outcomes, program management capabilities, per-
22 formance levels, and specific capabilities and services
23 to be delivered;

24 (3) the total estimated cost and projected
25 timeline of completion for all multi-year enhance-

1 ments, modernizations, and new capabilities pro-
2 posed and underway covering a period of no less
3 than 3 years;

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

6 (5) the current or planned acquisition programs
7 including—

8 (A) how the programs align to mission re-
9 quirements by defining existing capabilities,
10 identifying known capability gaps between such
11 existing capabilities and stated mission require-
12 ments, and explaining how each increment will
13 address a known capability gap;

14 (B) how programs provide quantifiable in-
15 formation that aids in understanding national
16 emergency management capabilities;

17 (C) how programs ensure information
18 sharing among homeland security partners; and

19 (D) life-cycle costs for all acquisitions.

20 STATE AND LOCAL PROGRAMS

21 (INCLUDING TRANSFER OF FUNDS)

22 For grants, contracts, cooperative agreements, and
23 other activities, \$1,349,681,000, which shall be distrib-
24 uted, according to threat, vulnerability, and consequence,

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

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

12 (2) The Urban Area Security Initiative under
13 section 2003 of the Homeland Security Act of 2002
14 (6 U.S.C. 604).

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

18 (4) The Citizen Corps Program.

19 (5) Public Transportation Security Assistance
20 and Railroad Security Assistance, under sections
21 1406 and 1513 of the Implementing Recommenda-
22 tions of the 9/11 Commission Act of 2007 (6 U.S.C.
23 1135 and 1163), including Amtrak security: *Pro-*
24 *vided*, That such public transportation security as-

1 sistance shall be provided directly to public transpor-
2 tation agencies.

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

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

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

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

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

18 (11) Buffer Zone Protection Program Grants.

19 (12) Organizations (as described under section
20 501(e)(3) of the Internal Revenue Code of 1986 and
21 exempt from tax section 501(a) of such code) deter-
22 mined by the Secretary to be at high risk of a ter-
23 rorist attack:

24 *Provided*, That of the amount provided under this heading,
25 \$50,000,000 shall be for Operation Stonegarden and no

1 less than \$100,000,000 shall be for areas at the highest
2 threat of a terrorist attack: *Provided further*, That
3 \$231,681,000 shall be for training, exercises, technical as-
4 sistance, and other programs, of which \$155,500,000 shall
5 be for training of State, local, and tribal emergency re-
6 sponse providers: *Provided further*, That for grants under
7 paragraphs (1) through (12), applications for grants shall
8 be made available to eligible applicants not later than 60
9 days after the date of enactment of this Act, that eligible
10 applicants shall submit applications not later than 80 days
11 after the grant announcement, and the Administrator of
12 the Federal Emergency Management Agency shall act
13 within 65 days after the receipt of an application: *Provided*
14 *further*, That notwithstanding section 2008(a)(11) of the
15 Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)),
16 or any other provision of law, a grantee may use not more
17 than 5 percent of the amount of a grant made available
18 under this heading for expenses directly related to admin-
19 istration of the grant: *Provided further*, That 6.8 percent
20 of the amounts provided under this heading shall be trans-
21 ferred to the Federal Emergency Management Agency
22 “Salaries and Expenses” account for program administra-
23 tion: *Provided further*, That for grants under paragraphs
24 (1) and (2), the installation of communication towers is
25 not considered construction of a building or other physical

1 facility: *Provided further*, That grantees shall provide re-
2 ports on their use of funds, as determined necessary by
3 the Secretary of Homeland Security: *Provided further*,
4 That in fiscal year 2012: (a) the Center for Domestic Pre-
5 paredness may provide training to emergency response
6 providers from the Federal Government, foreign govern-
7 ments, or private entities, if the Center for Domestic Pre-
8 paredness is reimbursed for the cost of such training, and
9 any reimbursement under this subsection shall be credited
10 to the account from which the expenditure being reim-
11 bursed was made and shall be available, without fiscal year
12 limitation, for the purposes for which amounts in the ac-
13 count may be expended; (b) the head of the Center for
14 Domestic Preparedness shall ensure that any training pro-
15 vided under (a) does not interfere with the primary mis-
16 sion of the Center to train state and local emergency re-
17 sponse providers; and (c) subject to (b), nothing in (a)
18 prohibits the Center for Domestic Preparedness from pro-
19 viding training to employees of the Federal Emergency
20 Management Agency in existing chemical, biological, radi-
21 ological, nuclear, explosives, mass casualty, and medical
22 surge courses pursuant to 5 U.S.C. 4103 without reim-
23 bursement 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.), \$675,000,000, to remain available
5 until September 30, 2013, of which \$337,500,000 shall
6 be available to carry out section 33 of that Act (15 U.S.C.
7 2229) and \$337,500,000 shall be available to carry out
8 section 34 of that Act (15 U.S.C. 2229a): *Provided*, That
9 not to exceed 5 percent of the amount available under this
10 heading shall be available for program administration.

11 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

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

22 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

23 The aggregate charges assessed during fiscal year
24 2012, as authorized in title III of the Departments of Vet-
25 erans Affairs and Housing and Urban Development, and

1 Independent Agencies Appropriations Act, 1999 (42
2 U.S.C. 5196e), shall not be less than 100 percent of the
3 amounts anticipated by the Department of Homeland Se-
4 curity necessary for its radiological emergency prepared-
5 ness program for the next fiscal year: *Provided*, That the
6 methodology for assessment and collection of fees shall be
7 fair and equitable and shall reflect costs of providing such
8 services, including administrative costs of collecting such
9 fees: *Provided further*, That fees received under this head-
10 ing shall be deposited in this account as offsetting collec-
11 tions and will become available for authorized purposes on
12 October 1, 2012, and remain available until expended.

13 UNITED STATES FIRE ADMINISTRATION

14 For necessary expenses of the United States Fire Ad-
15 ministration and for other purposes, as authorized by the
16 Federal Fire Prevention and Control Act of 1974 (15
17 U.S.C. 2201 et seq.) and the Homeland Security Act of
18 2002 (6 U.S.C. 101 et seq.), \$44,038,000.

19 DISASTER RELIEF FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses in carrying out the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5121 et seq.), \$700,000,000, to remain avail-
24 able until expended, of which \$24,000,000 shall be trans-
25 ferred to the Department of Homeland Security Office of

1 Inspector General for audits and investigations related to
2 disasters: *Provided further*, That the Administrator of the
3 Federal Emergency Management Agency shall submit an
4 expenditure plan to the Committees on Appropriations of
5 the Senate and the House of Representatives detailing the
6 use of the funds made available in this or any other Act
7 for disaster readiness and support not later than 60 days
8 after the date of enactment of this Act: *Provided further*,
9 That the Administrator of the Federal Emergency Man-
10 agement Agency shall submit to such Committees a quar-
11 terly report detailing obligations against the expenditure
12 plan and a justification for any changes from the initial
13 plan: *Provided further*, That the matter under this heading
14 in title III of division E of Public Law 110-161 is amend-
15 ed by striking the fourth proviso: *Provided further*, That
16 the Administrator of the Federal Emergency Management
17 Agency shall submit to the Committees on Appropriations
18 of the Senate and the House of Representatives the fol-
19 lowing reports, including a specific description of the
20 methodology and the source data used in developing such
21 reports:

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

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

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

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

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

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

18 (F) the amount of previously obligated
19 funds that will be recovered for the budget
20 year;

21 (G) the amount that will be required for
22 obligations for emergencies, as described in sec-
23 tion 102(1) of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42
25 U.S.C. 5122(1)), major disasters, as described

1 in section 102(2) of the Robert T. Stafford Dis-
 2 aster Relief and Emergency Assistance Act (42
 3 U.S.C. 5122(2)), fire management assistance
 4 grants, as described in section 420 of the Rob-
 5 ert T. Stafford Disaster Relief and Emergency
 6 Assistance Act (42 U.S.C. 5187), surge activi-
 7 ties, and disaster readiness and support activi-
 8 ties;

9 (H) the amount required for activities not
 10 covered under section 251(b)(2)(D)(iii) of the
 11 Balanced Budget and Emergency Deficit Con-
 12 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii);
 13 Public Law 99-177);

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

19 (A) a summary of the amount of appro-
 20 priations made available by source, the trans-
 21 fers executed, the previously allocated funds re-
 22 covered, and the commitments, allocations, and
 23 obligations made;

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

1 (i) the beginning and ending balances;

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

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

9 (iv) the amount of previously obli-
10 gated funds that are recovered;

11 (C) a summary of allocations, obligations,
12 and expenditures for catastrophic events delin-
13 eated by event; and

14 (D) the date on which funds appropriated
15 will be exhausted.

16 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

1 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

2 For necessary expenses, including administrative
3 costs, under section 1360 of the National Flood Insurance
4 Act of 1968 (42 U.S.C. 4101), \$97,712,000, and such ad-
5 ditional sums as may be provided by State and local gov-
6 ernments or other political subdivisions for cost-shared
7 mapping activities under section 1360(f)(2) of such Act
8 (42 U.S.C. 4101(f)(2)), to remain available until ex-
9 pended.

10 NATIONAL FLOOD INSURANCE FUND

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

1 be available for flood plain management and flood map-
2 ping: *Provided further*, That in fiscal year 2012, no funds
3 shall be available from the National Flood Insurance Fund
4 under section 1310 of that Act (42 U.S.C. 4017) in excess
5 of:

6 (1) \$132,000,000 for operating expenses;

7 (2) \$1,007,571,000 for commissions and taxes
8 of agents;

9 (3) such sums as are necessary for interest on
10 Treasury borrowings; and

11 (4) \$60,000,000, which shall remain available
12 until expended for flood mitigation actions; of which
13 not less than \$10,000,000 is for severe repetitive
14 loss properties under section 1361A of the National
15 Flood Insurance Act of 1968 (42 U.S.C. 4102a); of
16 which \$10,000,000 shall be for repetitive insurance
17 claims properties under section 1323 of the National
18 Flood Insurance Act of 1968 (42 U.S.C. 4030); and
19 of which \$40,000,000 shall be for flood mitigation
20 assistance under section 1366 of the National Flood
21 Insurance Act of 1968 (42 U.S.C. 4104c), notwith-
22 standing subparagraphs (B) and (C) of subsection
23 (b)(3) and subsection (f) of section 1366 of the Na-
24 tional Flood Insurance Act of 1968 (42 U.S.C.
25 4104c) and notwithstanding subsection (a)(7) of sec-

1 tion 1310 of the National Flood Insurance Act of
2 1968 (42 U.S.C. 4017):

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

16 NATIONAL PREDISASTER MITIGATION FUND

17 For the predisaster mitigation grant program under
18 section 203 of the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5133),
20 \$35,500,000, to remain available until expended: *Pro-*
21 *vided*, That the total administrative costs associated with
22 such grants shall not exceed \$3,000,000 of the total
23 amount made available under this heading.

1 EMERGENCY FOOD AND SHELTER

2 To carry out the emergency food and shelter program
3 pursuant to title III of the McKinney-Vento Homeless As-
4 sistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to
5 remain available until expended: *Provided*, That total ad-
6 ministrative costs shall not exceed 3.5 percent of the total
7 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, \$102,424,000 for the E-Verify Program, as
8 described in section 403(a) of the Illegal Immigration Re-
9 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
10 1324a note), to assist United States employers with main-
11 taining a legal workforce: *Provided*, That notwithstanding
12 any other provision of law, funds otherwise made available
13 to United States Citizenship and Immigration Services
14 may be used to acquire, operate, equip, and dispose of up
15 to 5 vehicles, for replacement only, for areas where the
16 Administrator of General Services does not provide vehi-
17 cles for lease: *Provided further*, That the Director of
18 United States Citizenship and Immigration Services may
19 authorize employees who are assigned to those areas to
20 use such vehicles to travel between the employees' resi-
21 dences and places of employment.

22 FEDERAL LAW ENFORCEMENT TRAINING CENTER
23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Law Enforce-
25 ment Training Center, including materials and support

1 costs of Federal law enforcement basic training; the pur-
2 chase of not to exceed 117 vehicles for police-type use and
3 hire of passenger motor vehicles; expenses for student ath-
4 letic and related activities; the conduct of and participa-
5 tion in firearms matches and presentation of awards; pub-
6 lic awareness and enhancement of community support of
7 law enforcement training; room and board for student in-
8 terns; a flat monthly reimbursement to employees author-
9 ized to use personal mobile phones for official duties; and
10 services as authorized by section 3109 of title 5, United
11 States Code; \$238,957,000; of which up to \$48,978,000
12 shall remain available until September 30, 2013, for mate-
13 rials and support costs of Federal law enforcement basic
14 training; of which \$300,000 shall remain available until
15 expended to be distributed to Federal law enforcement
16 agencies for expenses incurred participating in training ac-
17 creditation; and of which not to exceed \$10,200 shall be
18 for official reception and representation expenses: *Pro-*
19 *vided*, That the Center is authorized to obligate funds in
20 anticipation of reimbursements from agencies receiving
21 training sponsored by the Center, except that total obliga-
22 tions at the end of the fiscal year shall not exceed total
23 budgetary resources available at the end of the fiscal year:
24 *Provided further*, That section 1202(a) of Public Law
25 107–206 (42 U.S.C. 3771 note), as amended by Public

1 Law 111–83 (123 Stat. 2166), is further amended by
2 striking “December 31, 2012” and inserting “December
3 31, 2014”: *Provided further*, That the Director of the Fed-
4 eral Law Enforcement Training Center shall schedule
5 basic or advanced law enforcement training, or both, at
6 all four training facilities under the control of the Federal
7 Law Enforcement Training Center to ensure that such
8 training facilities are operated at the highest capacity
9 throughout the fiscal year: *Provided further*, That the Fed-
10 eral Law Enforcement Training Accreditation Board, in-
11 cluding representatives from the Federal law enforcement
12 community and non-Federal accreditation experts involved
13 in law enforcement training, shall lead the Federal law
14 enforcement training accreditation process to continue the
15 implementation of measuring and assessing the quality
16 and effectiveness of Federal law enforcement training pro-
17 grams, facilities, and instructors.

18 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

19 RELATED EXPENSES

20 For acquisition of necessary additional real property
21 and facilities, construction, and ongoing maintenance, fa-
22 cility improvements, and related expenses of the Federal
23 Law Enforcement Training Center, \$32,456,000, to re-
24 main available until September 30, 2016: *Provided*, That
25 the Center is authorized to accept reimbursement to this

1 appropriation from government agencies requesting the
2 construction of special use facilities.

3 SCIENCE AND TECHNOLOGY

4 MANAGEMENT AND ADMINISTRATION

5 For salaries and expenses of the Office of the Under
6 Secretary for Science and Technology and for manage-
7 ment and administration of programs and activities, as
8 authorized by title III of the Homeland Security Act of
9 2002 (6 U.S.C. 181 et seq.), \$135,000,000: *Provided*,
10 That not to exceed \$8,500 shall be for official reception
11 and representation expenses.

12 RESEARCH, DEVELOPMENT, ACQUISITION, AND

13 OPERATIONS

14 For necessary expenses for science and technology re-
15 search, including advanced research projects, development,
16 test and evaluation, acquisition, and operations as author-
17 ized by title III of the Homeland Security Act of 2002
18 (6 U.S.C. 181 et seq.), and the purchase or lease of not
19 to exceed 5 vehicles, \$533,000,000, of which
20 \$356,500,000, to remain available until September 30,
21 2014; and of which \$176,500,000, to remain available
22 until September 30, 2016, solely for operation and con-
23 struction of laboratory facilities.

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 \$38,000,000: *Provided*, That not to exceed \$2,500 shall
8 be for official reception and representation expenses: *Pro-*
9 *vided further*, That not later than 180 days after the date
10 of enactment of this Act, the Secretary of Homeland Secu-
11 rity shall submit to the Committees on Appropriations of
12 the Senate and the House of Representatives a strategic
13 plan of investments necessary to implement the Depart-
14 ment of Homeland Security's responsibilities under the do-
15 mestic component of the global nuclear detection architec-
16 ture that shall:

17 (1) define each Departmental entity's roles and
18 responsibilities in support of the domestic detection
19 architecture, including any existing or planned pro-
20 grams to pre-screen cargo or conveyances overseas;

21 (2) identify and describe the specific invest-
22 ments being made by Departmental organizations in
23 fiscal year 2012, and planned for fiscal year 2013,
24 to support the domestic architecture and the secu-

1 rity of sea, land, and air pathways into the United
2 States;

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

7 (4) explain how the Department's research and
8 development funding is furthering the implementa-
9 tion of the domestic nuclear detection architecture,
10 including specific investments planned for each of
11 fiscal years 2012 and 2013.

12 RESEARCH, DEVELOPMENT, AND OPERATIONS

13 For necessary expenses for radiological and nuclear
14 research, development, testing, evaluation, and operations,
15 \$215,000,000, to remain available until September 30,
16 2014.

17 SYSTEMS ACQUISITION

18 For expenses for the Domestic Nuclear Detection Of-
19 fice acquisition and deployment of radiological detection
20 systems in accordance with the global nuclear detection
21 architecture, \$37,000,000, to remain available until Sep-
22 tember 30, 2014.

1

TITLE V

2

GENERAL PROVISIONS

3

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

6

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

14

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

23

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

24

(2) eliminates a program, project, office, or ac-

25

tivity;

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

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

8 (5) contracts out any function or activity for
9 which funding levels were requested for Federal full-
10 time equivalents in the object classification tables
11 contained in the fiscal year 2012 Budget Appendix
12 for the Department of Homeland Security, as modi-
13 fied by the joint explanatory statement accom-
14 panying this Act, unless the Committees on Appro-
15 priations of the Senate and the House of Represent-
16 atives are notified 15 days in advance of such re-
17 programming of funds.

18 (b) None of the funds provided by this Act, provided
19 by previous appropriations Acts to the agencies in or
20 transferred to the Department of Homeland Security that
21 remain available for obligation or expenditure in fiscal
22 year 2012, or provided from any accounts in the Treasury
23 of the United States derived by the collection of fees or
24 proceeds available to the agencies funded by this Act, shall
25 be available for obligation or expenditure for programs,

1 projects, or activities through a reprogramming of funds
2 in excess of \$5,000,000 or 10 percent, whichever is less,
3 that:

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

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

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

17 (e) Not to exceed 5 percent of any appropriation
18 made available for the current fiscal year for the Depart-
19 ment of Homeland Security by this Act or provided by
20 previous appropriations Acts may be transferred between
21 such appropriations, but no such appropriation, except as
22 otherwise specifically provided, shall be increased by more
23 than 10 percent by such transfers: *Provided*, That any
24 transfer under this section shall be treated as a re-
25 programming of funds under subsection (b) and shall not

1 be available for obligation unless the Committees on Ap-
2 propriations of the Senate and the House of Representa-
3 tives are notified 15 days in advance of such transfer.

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

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

13 SEC. 504. The Department of Homeland Security
14 Working Capital Fund, established pursuant to section
15 403 of Public Law 103-356 (31 U.S.C. 501 note), shall
16 continue operations as a permanent working capital fund
17 for fiscal year 2012: *Provided*, That none of the funds ap-
18 propriated or otherwise made available to the Department
19 of Homeland Security may be used to make payments to
20 the Working Capital Fund, except for the activities and
21 amounts allowed in the President's fiscal year 2012 budg-
22 et: *Provided further*, That funds provided to the Working
23 Capital Fund shall be available for obligation until ex-
24 pended to carry out the purposes of the Working Capital
25 Fund: *Provided further*, That all departmental components

1 shall be charged only for direct usage of each Working
2 Capital Fund service: *Provided further*, That funds pro-
3 vided to the Working Capital Fund shall be used only for
4 purposes consistent with the contributing component: *Pro-*
5 *vided further*, That the Working Capital Fund shall be
6 paid in advance or reimbursed at rates which will return
7 the full cost of each service: *Provided further*, That the
8 Working Capital Fund shall be subject to the require-
9 ments of section 503 of this Act.

10 SEC. 505. Except as otherwise specifically provided
11 by law, not to exceed 50 percent of unobligated balances
12 remaining available at the end of fiscal year 2012 from
13 appropriations for salaries and expenses for fiscal year
14 2012 in this Act shall remain available through September
15 30, 2013, in the account and for the purposes for which
16 the appropriations were provided: *Provided*, That prior to
17 the obligation of such funds, a request shall be submitted
18 to the Committees on Appropriations of the Senate and
19 the House of Representatives for approval in accordance
20 with section 503 of this Act.

21 SEC. 506. Funds made available by this Act for intel-
22 ligence activities are deemed to be specifically authorized
23 by the Congress for purposes of section 504 of the Na-
24 tional Security Act of 1947 (50 U.S.C. 414) during fiscal

1 year 2012 until the enactment of an Act authorizing intel-
2 ligence activities for fiscal year 2012.

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

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

11 (2) award a task or delivery order requiring an
12 obligation of funds in an amount greater than
13 \$10,000,000 from multi-year Department of Home-
14 land Security funds or a task or delivery order that
15 would cause cumulative obligations of multi-year
16 funds in a single account to exceed 50 percent of the
17 total amount appropriated; or

18 (3) announce publicly the intention to make or
19 award items under paragraph (1) or (2), including
20 a contract covered by the Federal Acquisition Regu-
21 lation.

22 (b) The Secretary of Homeland Security may waive
23 the prohibition under subsection (a) if the Secretary noti-
24 fies the Committees on Appropriations of the Senate and
25 the House of Representatives at least 3 full business days

1 in advance of making an award or issuing a letter as de-
 2 scribed in that subsection.

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

10 (d) A notification under this section—

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

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

17 (e) The Administrator of the Federal Emergency
 18 Management Agency shall brief the Committees on Appro-
 19 priations of the Senate and the House of Representatives
 20 5 full business days in advance of announcing publicly the
 21 intention of making an award under “State and Local
 22 Programs”.

23 SEC. 508. Notwithstanding any other provision of
 24 law, no agency shall purchase, construct, or lease any ad-
 25 ditional facilities, except within or contiguous to existing

1 locations, to be used for the purpose of conducting Federal
2 law enforcement training without the advance approval of
3 the Committees on Appropriations of the Senate and the
4 House of Representatives, except that the Federal Law
5 Enforcement Training Center is authorized to obtain the
6 temporary use of additional facilities by lease, contract,
7 or other agreement for training that cannot be accommo-
8 dated in existing Center facilities.

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

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

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

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

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

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

20 SEC. 515. None of the funds appropriated by this Act
21 may be used to process or approve a competition under
22 Office of Management and Budget Circular A-76 for serv-
23 ices provided as of June 1, 2004, by employees (including
24 employees serving on a temporary or term basis) of United
25 States Citizenship and Immigration Services of the De-

1 partment of Homeland Security who are known as of that
2 date as Immigration Information Officers, Contact Rep-
3 resentatives, or Investigative Assistants.

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

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

23 SEC. 518. Section 532(a) of Public Law 109-295
24 (120 Stat. 1384) is amended by striking “2011” and in-
25 serting “2012”.

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

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

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

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

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

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

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

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

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

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

19 (d) In addition to the requirements established by
20 subsections (a), (b), and (c) of this section, the Inspector
21 General of the Department of Homeland Security shall re-
22 view departmental contracts awarded through means other
23 than a full and open competition to assess departmental
24 compliance with applicable laws and regulations: *Provided*,
25 That the Inspector General shall review selected contracts

1 awarded in the previous fiscal year through means other
2 than a full and open competition: *Provided further*, That
3 in selecting which contracts to review, the Inspector Gen-
4 eral shall consider the cost and complexity of the goods
5 and services to be provided under the contract, the criti-
6 cality of the contract to fulfilling Department missions,
7 past performance problems on similar contracts or by the
8 selected vendor, complaints received about the award proc-
9 ess or contractor performance, and such other factors as
10 the Inspector General deems relevant: *Provided further*,
11 That the Inspector General shall report the results of the
12 reviews to the Committees on Appropriations of the Sen-
13 ate and the House of Representatives no later than Feb-
14 ruary 6, 2012.

15 SEC. 521. None of the funds provided by this or pre-
16 vious appropriations Acts shall be used to fund any posi-
17 tion designated as a Principal Federal Official (or the suc-
18 cessor thereto) for any Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
20 declared disasters or emergencies unless—

21 (1) The responsibilities of the Principal Federal
22 Official do not include operational functions related
23 to incident management, including coordination of
24 operations, and are consistent with the requirements
25 of subsection 509(c) and subsections 503(c)(3) and

1 (c)(4)(A) of the Homeland Security Act of 2002 (6
2 U.S.C. 319(e) and 313(c)(3) and (c)(4)(A)) and sec-
3 tion 302 of the Robert T. Stafford Disaster Relief
4 and Assistance Act (42 U.S.C. 5143);

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

22 (3) Not later than 60 days after the date of en-
23 actment of this Act, the Secretary shall provide a re-
24 port specifying timeframes and milestones regarding
25 the update of operations, planning and policy docu-

1 ments, and training and exercise protocols, to ensure
2 consistency with paragraph (1) of this section.

3 SEC. 522. None of the funds made available in this
4 or any other Act for fiscal years 2012 and thereafter may
5 be used to enforce section 4025(1) of Public Law 108–
6 458 unless the Administrator of the Transportation Secu-
7 rity Administration reverses the determination of July 19,
8 2007, that butane lighters are not a significant threat to
9 civil aviation security.

10 SEC. 523. None of the funds provided or otherwise
11 made available in this Act shall be available to carry out
12 section 872 of the Homeland Security Act of 2002 (6
13 U.S.C. 452).

14 SEC. 524. Funds made available in this Act may be
15 used to alter operations within the Civil Engineering Pro-
16 gram of the Coast Guard nationwide, including civil engi-
17 neering units, facilities design and construction centers,
18 maintenance and logistics commands, and the Coast
19 Guard Academy, except that none of the funds provided
20 in this Act may be used to reduce operations within any
21 Civil Engineering Unit unless specifically authorized by a
22 statute enacted after the date of enactment of this Act.

23 SEC. 525. None of the funds made available in this
24 Act may be used by United States Citizenship and Immi-
25 gration Services to grant an immigration benefit unless

1 the results of background checks required by law to be
2 completed prior to the granting of the benefit have been
3 received by United States Citizenship and Immigration
4 Services, and the results do not preclude the granting of
5 the benefit.

6 SEC. 526. None of the funds made available in this
7 or any other Act for fiscal year 2012 and thereafter may
8 be used to destroy or put out to pasture any horse or other
9 equine belonging to any component or agency of the De-
10 partment of Homeland Security that has become unfit for
11 service, unless the trainer or handler is first given the op-
12 tion to take possession of the equine through an adoption
13 program that has safeguards against slaughter and inhu-
14 mane treatment.

15 SEC. 527. Section 831 of the Homeland Security Act
16 of 2002 (6 U.S.C. 391) is amended—

17 (1) in subsection (a), by striking “Until Sep-
18 tember 30, 2011,” and inserting “Until September
19 30, 2012,”;

20 (2) by striking subsection (b);

21 (3) by redesignating subsections (c), (d), and
22 (e) as subsections (b), (c), and (d), respectively; and

23 (4) in subsection (c)(1) (as redesignated by
24 paragraph (3) of this section), by striking “Sep-

1 tember 30, 2011,” and inserting “September 30,
2 2012,”.

3 SEC. 528. The Secretary of Homeland Security shall
4 require that all contracts of the Department of Homeland
5 Security that provide award fees link such fees to success-
6 ful acquisition outcomes (which outcomes shall be speci-
7 fied in terms of cost, schedule, and performance).

8 SEC. 529. Notwithstanding any other provision of
9 law, none of the funds provided in this or any other Act
10 shall be used to approve a waiver of the navigation and
11 vessel-inspection laws pursuant to 46 U.S.C. 501(b) for
12 the transportation of crude oil distributed from the Stra-
13 tegic Petroleum Reserve until the Secretary of Homeland
14 Security, after consultation with the Secretaries of the De-
15 partments of Energy and Transportation and representa-
16 tives from the United States flag maritime industry, takes
17 adequate measures to ensure the use of United States flag
18 vessels: *Provided*, That the Secretary shall notify the Com-
19 mittees on Appropriations of the Senate and the House
20 of Representatives, the Committee on Commerce, Science,
21 and Transportation of the Senate, and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives within 48 hours of any request for waivers
24 of navigation and vessel-inspection laws pursuant to 46
25 U.S.C. 501(b).

1 SEC. 530. None of the funds made available to the
2 Office of the Secretary and Executive Management under
3 this Act may be expended for any new hires by the Depart-
4 ment of Homeland Security that are not verified through
5 the E-Verify Program as described in section 403(a) of
6 the Illegal Immigration Reform and Immigrant Responsi-
7 bility Act of 1996 (8 U.S.C. 1324a note).

8 SEC. 531. None of the funds in this Act shall be used
9 to reduce the United States Coast Guard's Operations
10 Systems Center mission or its government-employed or
11 contract staff levels.

12 SEC. 532. None of the funds made available in this
13 Act for U.S. Customs and Border Protection may be used
14 to prevent an individual not in the business of importing
15 a prescription drug (within the meaning of section 801(g)
16 of the Federal Food, Drug, and Cosmetic Act) from im-
17 porting a prescription drug from Canada that complies
18 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
19 That this section shall apply only to individuals trans-
20 porting on their person a personal-use quantity of the pre-
21 scription drug, not to exceed a 90-day supply: *Provided*
22 *further*, That the prescription drug may not be—

23 (1) a controlled substance, as defined in section
24 102 of the Controlled Substances Act (21 U.S.C.
25 802); or

1 (2) a biological product, as defined in section
2 351 of the Public Health Service Act (42 U.S.C.
3 262).

4 SEC. 533. None of the funds appropriated by this Act
5 may be used to conduct, or to implement the results of,
6 a competition under Office of Management and Budget
7 Circular A-76 for activities performed with respect to the
8 Coast Guard National Vessel Documentation Center.

9 SEC. 534. The Secretary of Homeland Security, in
10 consultation with the Secretary of the Treasury, shall no-
11 tify the Committees on Appropriations of the Senate and
12 the House of Representatives of any proposed transfers
13 of funds available under section 9703.1 (g)(4)(B) of title
14 31, United States Code (as added by Public Law 102-
15 393) from the Department of the Treasury Forfeiture
16 Fund to any agency within the Department of Homeland
17 Security: *Provided*, That none of the funds identified for
18 such a transfer may be obligated until the Committees on
19 Appropriations of the Senate and the House of Represent-
20 atives approve the proposed transfers.

21 SEC. 535. None of the funds made available in this
22 Act may be used for planning, testing, piloting, or devel-
23 oping a national identification card.

24 SEC. 536. If the Administrator of the Transportation
25 Security Administration determines that an airport does

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

8 SEC. 537. (a) Notwithstanding any other provision
9 of this Act, except as provided in subsection (b), and 30
10 days after the date on which the President determines
11 whether to declare a major disaster because of an event
12 and any appeal is completed, the Administrator shall pub-
13 lish on the Web site of the Federal Emergency Manage-
14 ment Agency a report regarding that decision that shall
15 summarize damage assessment information used to deter-
16 mine whether to declare a major disaster.

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

20 (c) In this section—

21 (1) the term “Administrator” means the Ad-
22 ministrator of the Federal Emergency Management
23 Agency; and

24 (2) the term “major disaster” has the meaning
25 given that term in section 102 of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5122).

3 SEC. 538. (a) Notwithstanding any other provision
4 of law during fiscal year 2012 or any subsequent fiscal
5 year, if the Secretary of Homeland Security determines
6 that the National Bio- and Agro-defense Facility should
7 be located at a site other than Plum Island, New York,
8 the Secretary shall ensure that the Administrator of Gen-
9 eral Services sells through public sale all real and related
10 personal property and transportation assets which support
11 Plum Island operations, subject to such terms and condi-
12 tions as may be necessary to protect Government interests
13 and meet program requirements.

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

1 SEC. 539. Any official that is required by this Act
2 to report or to certify to the Committees on Appropria-
3 tions of the Senate and the House of Representatives may
4 not delegate such authority to perform that act unless spe-
5 cifically authorized herein.

6 SEC. 540. Section 550(b) of the Department of
7 Homeland Security Appropriations Act, 2007 (Public Law
8 109–295; 6 U.S.C. 121 note), as amended by section 550
9 of the Department of Homeland Security Appropriations
10 Act, 2010 (Public Law 111–83), is further amended by
11 striking “on October 4, 2011” and inserting “on October
12 4, 2012”.

13 SEC. 541. None of the funds appropriated or other-
14 wise made available in this or any other Act may be used
15 to transfer, release, or assist in the transfer or release to
16 or within the United States, its territories, or possessions
17 Khalid Sheikh Mohammed or any other detainee who—

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

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

23 SEC. 542. None of the funds made available in this
24 Act may be used for first-class travel by the employees
25 of agencies funded by this Act in contravention of sections

1 301–10.122 through 301.10–124 of title 41, Code of Fed-
2 eral Regulations.

3 SEC. 543. None of the funds made available in this
4 Act may be used to propose or effect a disciplinary or ad-
5 verse action, with respect to any Department of Homeland
6 Security employee who engages regularly with the public
7 in the performance of his or her official duties solely be-
8 cause that employee elects to utilize protective equipment
9 or measures, including but not limited to surgical masks,
10 N95 respirators, gloves, or hand-sanitizers, where use of
11 such equipment or measures is in accord with Department
12 of Homeland Security policy, and Centers for Disease
13 Control and Prevention and Office of Personnel Manage-
14 ment guidance.

15 SEC. 544. None of the funds made available in this
16 Act may be used to employ workers described in section
17 274A(h)(3) of the Immigration and Nationality Act (8
18 U.S.C. 1324a(h)(3)).

19 SEC. 545. (a) Any company that collects or retains
20 personal information directly from any individual who par-
21 ticipates in the Registered Traveler program of the Trans-
22 portation Security Administration shall safeguard and dis-
23 pose of such information in accordance with the require-
24 ments in—

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

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

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

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

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

1 SEC. 546. For fiscal year 2012 and thereafter, for
2 purposes of section 210C of the Homeland Security Act
3 of 2002 (6 U.S.C. 124j), a rural area shall also include
4 any area that is located in a metropolitan statistical area
5 and a county, borough, parish, or area under the jurisdic-
6 tion of an Indian tribe with a population of not more than
7 50,000.

8 SEC. 547. Notwithstanding any other provision of
9 this Act, none of the funds appropriated or otherwise
10 made available by this Act may be used to pay award or
11 incentive fees for contractor performance that has been
12 judged to be below satisfactory performance or perform-
13 ance that does not meet the basic requirements of a con-
14 tract.

15 SEC. 548. (a) Not later than 180 days after the date
16 of enactment of this Act, the Administrator of the Trans-
17 portation Security Administration shall submit to the
18 Committees on Appropriations of the Senate and the
19 House of Representatives, a report that either—

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

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

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

11 (B) specification of—

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

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

16 (b) The Administrator shall continue to submit re-
17 ports described in subsection (a)(2) every 180 days there-
18 after until the Administrator certifies that the Transpor-
19 tation Security Administration has achieved screening of
20 100 percent of such air cargo.

21 SEC. 549. In developing any process to screen avia-
22 tion passengers and crews for transportation or national
23 security purposes, the Secretary of Homeland Security
24 shall ensure that all such processes take into consideration

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

3 SEC. 550. (a) None of the funds made available in
4 this Act may be obligated for construction of the National
5 Bio- and Agro-defense Facility until the Department of
6 Homeland Security—

7 (1) completes 50 percent of design planning for
8 the National Bio- and Agro-defense Facility;

9 (2) submits to the Committees on Appropria-
10 tions of the Senate and the House of Representa-
11 tives a revised site-specific biosafety and biosecurity
12 mitigation risk assessment that describes how to sig-
13 nificantly reduce risks of conducting essential re-
14 search and diagnostic testing at the National Bio-
15 and Agro-defense Facility and addresses short-
16 comings identified in the National Academy of
17 Sciences' evaluation of the initial site-specific bio-
18 safety and biosecurity mitigation risk assessment;
19 and

20 (3) submits to the Committees on Appropria-
21 tions of the Senate and the House of Representa-
22 tives the results of the National Academy of
23 Sciences' review of the risk assessment as described
24 in subsection (c).

1 (b) The revised site-specific biosafety and biosecurity
2 mitigation risk assessment required by subsection (a)
3 shall—

4 (1) include a quantitative risk assessment for
5 foot-and-mouth disease virus, in particular epidemio-
6 logical and economic impact modeling to determine
7 the overall risk of operating the facility for its ex-
8 pected 50-year life span, taking into account strate-
9 gies to mitigate risk of foot-and-mouth disease virus
10 release from the laboratory and ensure safe oper-
11 ations at the approved National Bio- and Agro-de-
12 fense Facility site;

13 (2) address the impact of surveillance, response,
14 and mitigation plans (developed in consultation with
15 local, State, and Federal authorities and appropriate
16 stakeholders) if a release occurs, to detect and con-
17 trol the spread of disease; and

18 (3) include overall risks of the most dangerous
19 pathogens the Department of Homeland Security ex-
20 pects to hold in the National Bio- and Agro-defense
21 Facility's biosafety level 4 facility, and effectiveness
22 of mitigation strategies to reduce those risks.

23 (c) The Department of Homeland Security shall enter
24 into a contract with the National Academy of Sciences to
25 evaluate the adequacy and validity of the risk assessment

1 required by subsection (a). The National Academy of
2 Sciences shall submit a report on such evaluation within
3 four months after the date the Department of Homeland
4 Security concludes its risk assessment.

5 SEC. 551. (a) Notwithstanding section 1356(n) of
6 title 8, United States Code, of the funds deposited into
7 the Immigration Examinations Fee Account, \$10,000,000
8 shall be available to United States Citizenship and Immi-
9 gration Services in fiscal year 2012 for the purpose of pro-
10 viding an immigrant integration grants program.

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

16 SEC. 552. For an additional amount for necessary ex-
17 penses for reimbursement of the actual costs to State and
18 local governments for providing emergency management,
19 public safety, and security at events, as determined by the
20 Administrator of the Federal Emergency Management
21 Agency, related to the presence of a National Special Se-
22 curity Event, \$7,500,000, to remain available until Sep-
23 tember 30, 2013.

24 SEC. 553. Notwithstanding the 10 percent limitation
25 contained in section 503(c) of this Act, the Secretary of

1 Homeland Security may transfer to the fund established
2 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
3 priations available to the Department of Homeland Secu-
4 rity: *Provided*, That the Secretary shall notify the Commit-
5 tees on Appropriations of the Senate and the House of
6 Representatives 5 days in advance of such transfer.

7 SEC. 554. The administrative law judge annuitants
8 participating in the Senior Administrative Law Judge
9 Program managed by the Director of the Office of Per-
10 sonnel Management under section 3323 of title 5, United
11 States Code, shall be available on a temporary re-employ-
12 ment basis to conduct arbitrations of disputes as part of
13 the arbitration panel established by the President under
14 section 601 of division A of the American Recovery and
15 Reinvestment Act of 2009 (Public Law 111-5; 123 Stat.
16 164).

17 SEC. 555. None of the funds appropriated or other-
18 wise made available by this Act may be used by the De-
19 partment of Homeland Security to enter into any federal
20 contract unless such contract is entered into in accordance
21 with the requirements of the Federal Property and Admin-
22 istrative Services Act of 1949 (41 U.S.C. 253) or Chapter
23 137 of title 10, United States Code, and the Federal Ac-
24 quisition Regulation, unless such contract is otherwise au-

1 thORIZED by statute to be entered into without regard to
2 the above referenced statutes.

3 SEC. 556. (a) For an additional amount for data cen-
4 ter migration, \$70,000,000.

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

9 (c) No transfer described in subsection (b) shall occur
10 until 15 days after the Committees on Appropriations of
11 the Senate and the House of Representatives are notified
12 of such transfer.

13 SEC. 557. For fiscal year 2012 and thereafter, U.S.
14 Customs and Border Protection's Advanced Training Cen-
15 ter is authorized to charge fees for any service and/or
16 thing of value it provides to Federal Government or non-
17 government entities or individuals, so long as the fees
18 charged do not exceed the full costs associated with the
19 service or thing of value provided: *Provided*, That notwith-
20 standing 31 U.S.C. 3302(b), fees collected by the Ad-
21 vanced Training Center are to be deposited into a separate
22 account entitled "Advanced Training Center Revolving
23 Fund", and be available, without further appropriations,
24 for necessary expenses of the Advanced Training Center
25 program, and are to remain available until expended.

1 SEC. 558. Section 559(e) of Public Law 111–83 is
2 amended—

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

5 (b) in the first proviso—

6 (1) by striking “shall be deposited” and insert-
7 ing “shall hereafter be deposited”; and

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

10 SEC. 559. Notwithstanding any other provision of
11 law, should the Secretary of Homeland Security determine
12 that specific U.S. Immigration and Customs Enforcement
13 Service Processing Centers or other U.S. Immigration and
14 Customs Enforcement owned detention facilities no longer
15 meet the mission need, the Secretary is authorized to dis-
16 pose of individual Service Processing Centers or other
17 U.S. Immigration and Customs Enforcement owned de-
18 tention facilities by directing the Administrator of General
19 Services to sell all real and related personal property which
20 support Service Processing Centers or other U.S. Immi-
21 gration and Customs Enforcement owned detention faaili-
22 ties, subject to such terms and conditions as necessary to
23 protect Government interests and meet program require-
24 ments: *Provided*, That the proceeds, net of the costs of
25 sale incurred by the General Services Administration and

1 U.S. Immigration and Customs Enforcement, shall be de-
2 posited as offsetting collections into a separate account
3 that shall be available, subject to appropriation, until ex-
4 pended for other real property capital asset needs of exist-
5 ing U.S. Immigration and Customs Enforcement assets,
6 excluding daily operations and maintenance costs, as the
7 Secretary deems appropriate: *Provided further*, That any
8 sale or collocation of federally owned detention facilities
9 shall not result in the maintenance of fewer than 34,000
10 detention beds: *Provided further*, That the Committees on
11 Appropriations of the Senate and the House of Represent-
12 atives shall be notified 15 days prior to the announcement
13 of any proposed sale or collocation.

14 SEC. 560. For an additional amount for the "Office
15 of the Under Secretary for Management", \$55,979,000,
16 to remain available until expended, for necessary expenses
17 to plan, acquire, construct, renovate, remediate, equip,
18 furnish, and occupy buildings and facilities for the consoli-
19 dation of department headquarters at St. Elizabeths and
20 associated mission support consolidation: *Provided*, That
21 the Committees on Appropriations of the Senate and the
22 House of Representatives shall receive an expenditure plan
23 not later than 90 days after the date of enactment of this
24 Act detailing the allocation of these funds.

1 SEC. 561. None of the funds made available by this
2 Act may be used to enforce the requirements in—

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

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

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

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

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

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

11 SEC. 562. Notwithstanding the requirement under
12 section 34(a)(1)(A) of the Federal Fire Prevention and
13 Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that
14 grants must be used to increase the number of firefighters
15 in fire departments, the Secretary of Homeland Security,
16 in making grants under section 34 of such Act using the
17 funds appropriated for fiscal year 2011, shall grant waiv-
18 ers from the requirements of subsections (a)(1)(B), (c)(1),
19 (c)(2), and (c)(4)(A) of such section: *Provided*, That sec-
20 tion 34(a)(1)(E) of such Act shall not apply with respect
21 to funds appropriated for fiscal year 2011 for grants
22 under section 34 of such Act: *Provided further*, That the
23 Secretary of Homeland Security, in making grants under
24 section 34 of such Act, shall ensure that funds appro-

1 priated for fiscal year 2011 are made available for the hir-
2 ing, rehiring, or retention of firefighters.

3 SEC. 563. For fiscal year 2012 and thereafter, not-
4 withstanding section 1012(a)(5) of the Oil Pollution Act
5 of 1990 (33 U.S.C. 2712(a)(5)) and 31 U.S.C. 3302, in
6 the event that a spill of national significance occurs, any
7 payment of amounts from the Oil Spill Liability Trust
8 Fund pursuant to section 1012(a)(1) of the Oil Pollution
9 Act of 1990 (33 U.S.C. 2712(a)(1)) for the removal costs
10 incurred by the Coast Guard for such spill, shall be cred-
11 ited directly to the accounts of the Coast Guard current
12 at the time such removal costs were incurred or when re-
13 imbursement is received: *Provided*, That such amounts
14 shall be merged with and, without further appropriations,
15 made available for the same time period and the same pur-
16 pose as the appropriation to which it is credited.

17 SEC. 564. (a) CIVIL PENALTIES FOR CIRCUM-
18 VENTING SECURITY SCREENING.—Section
19 46301(a)(5)(A)(i) of title 49, United States Code, is
20 amended—

21 (1) by striking “or chapter 449” and inserting
22 “chapter 449”; and

23 (2) by inserting “, or section 46314(a)” after
24 “44909”).

1 (b) CRIMINAL PENALTIES FOR CIRCUMVENTING SE-
2 CURITY SCREENING.—Section 46314(b)(2) of title 49,
3 United States Code, is amended by inserting “with intent
4 to evade security procedures or restrictions or” after “of
5 this section”.

6 (e) NOTICE OF PENALTIES.—Section 46314 of title
7 49, United States Code, is amended by adding at the end
8 the following new subsection:

9 “(e) NOTICE OF PENALTIES.—

10 “(1) IN GENERAL.—Each operator of an air-
11 port in the United States that is required to estab-
12 lish an air transportation security program pursuant
13 to section 44903(e) shall ensure that signs that meet
14 such requirements as the Secretary of Homeland Se-
15 curity may prescribe providing notice of the pen-
16 alties imposed under section 46301(a)(5)(A)(i) and
17 subsection (b) of this section are displayed near all
18 screening locations, all locations where passengers
19 exit the sterile area, and such other locations at the
20 airport as the Secretary of Homeland Security deter-
21 mines appropriate.

22 “(2) EFFECT OF SIGNS ON PENALTIES.—An in-
23 dividual shall be subject to a penalty imposed under
24 section 46301(a)(5)(A)(i) or subsection (b) of this

1 section without regard to whether signs are dis-
2 played at an airport as required by paragraph (1).”.

3 SEC. 565. (a) SHORT TITLE.—This section may be
4 cited as the “Disaster Assistance Recoupment Fairness
5 Act of 2011”.

6 (b) DEBTS SINCE 2005.—

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

9 (A) under section 408 of the Robert T.
10 Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5174); and

12 (B) in relation to a major disaster declared
13 by the President under section 401 of the Rob-
14 ert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5170) during the pe-
16 riod beginning on August 28, 2005, and ending
17 on December 31, 2010.

18 (2) WAIVER AUTHORITY.—The Administrator
19 of the Federal Emergency Management Agency—

20 (A) subject to subparagraph (B) and para-
21 graph (3), may waive a debt owed to the United
22 States related to covered assistance provided to
23 an individual or household if—

1 (i) the covered assistance was distrib-
2 uted based on an error by the Federal
3 Emergency Management Agency;

4 (ii) there was no fault on behalf of the
5 debtor; and

6 (iii) the collection of the debt would be
7 against equity and good conscience; and

8 (B) may not waive a debt under subpara-
9 graph (A) if the debt involves fraud, the presen-
10 tation of a false claim, or misrepresentation by
11 the debtor or any party having an interest in
12 the claim.

13 (3) PRESUMPTION OF REPAYMENT.—In deter-
14 mining whether to waive a debt under paragraph
15 (2), the Administrator of the Federal Emergency
16 Management Agency shall presume that, if the ad-
17 justed gross income (as defined under section 62 of
18 the Internal Revenue Code of 1986) of the house-
19 hold of the debtor for the last taxable year ending
20 in or with the calendar year preceding the date on
21 which the income is determined exceeds \$90,000, the
22 debtor should be required to make at least a partial
23 payment on the debt.

24 (4) REPORTING.—Not later than 3 months
25 after the date of enactment of this Act, and every

1 3 months thereafter until the date that is 18 months
2 after the date of enactment of this Act, the Inspec-
3 tor General of the Department of Homeland Secu-
4 rity shall submit a report that assesses the cost-ef-
5 fectiveness of the efforts of the Federal Emergency
6 Management Agency to recoup improper payments
7 under the Individuals and Household Program under
8 section 408 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act (42 U.S.C. 5174)
10 to—

11 (A) the Committee on Homeland Security
12 and Governmental Affairs and the Sub-
13 committee on Homeland Security of the Com-
14 mittee on Appropriations of the Senate; and

15 (B) the Committee on Homeland Security,
16 the Committee on Transportation and Infra-
17 structure, and the Subcommittee on Homeland
18 Security of the Committee on Appropriations of
19 the House of Representatives.

20 SEC. 566. (a) Notwithstanding section 312 of the
21 Robert T. Stafford Disaster Relief and Emergency Assist-
22 ance Act and subject to subsection (b), recipients of Small
23 Business Administration Disaster loans for disaster-re-
24 lated damage to their homes may be eligible for reimburse-
25 ment at the discretion of the state, under Section 404 of

1 that Act, for documented and eligible mitigation work per-
2 formed on their home.

3 (b) LIMITATIONS.—

4 (1) Any reimbursement provided to or on behalf
5 of a homeowner pursuant to subsection (a) shall not
6 exceed the amount of the disaster loan that may be
7 used and was used for disaster mitigation activities;
8 and

9 (2) Subsection (a) shall only apply if the dis-
10 aster loan and assistance provided under section 404
11 were made available in response to the same disaster
12 declaration.

13 (3) Shall be applicable only to disasters de-
14 clared by the President under section 401 of the
15 Robert T. Stafford Disaster Relief and Emergency
16 Assistance Act (42 U.S.C. 5170) during the period
17 beginning on August 28, 2005 and ending on Au-
18 gust 28, 2006.

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

22 (1) First, to the Small Business Administration
23 on behalf of the eligible homeowner for the purpose
24 of reducing, but not below zero, the homeowner's

1 outstanding debt obligation to the Small Business
2 Administration for the disaster loan; and

3 (2) Second, any remaining reimbursement shall
4 be paid directly to the homeowner.

5 SEC. 567. None of the funds made available under
6 this Act or any prior appropriations Act may be provided
7 to the Association of Community Organizations for Re-
8 form Now (ACORN), or any of its affiliates, subsidiaries,
9 or allied organizations.

10 SEC. 568. The Commissioner of U.S. Customs and
11 Border Protection and the Assistant Secretary of Home-
12 land Security for U.S. Immigration and Customs Enforce-
13 ment each shall submit to the Committees on Appropria-
14 tions of the Senate and the House of Representatives with
15 the congressional budget justification, a multi-year invest-
16 ment and management plan, to include each year starting
17 with the current fiscal year and the 3 subsequent fiscal
18 years, for their respective Offices of Information Tech-
19 nology to include for that office—

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

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

1 ances are hereby rescinded from the following accounts
 2 and programs in the specified amounts:

3 (1) \$10,000,000 from U.S. Immigration and
 4 Customs Enforcement “Salaries and Expenses”;

5 (2) \$10,000,000 from U.S. Immigration and
 6 Customs Enforcement “Automation Modernization”;

7 (3) \$5,000,000 from U.S. Customs and Border
 8 Protection “Automation Modernization”: *Provided,*
 9 That no funds shall be rescinded from prior year ap-
 10 propriations provided for the TECS modernization
 11 program;

12 (4) \$71,300,000 from Transportation Security
 13 Administration “Aviation Security” account
 14 70x0550;

15 (5) \$7,000,000 from U.S. Customs and Border
 16 Protection “Border Security Fencing, Infrastruc-
 17 ture, and Technology”;

18 (6) \$2,427,336 from Coast Guard “Acquisition,
 19 Construction, and Improvements”;

20 (7) \$5,000,000 from the “Office of the Chief
 21 Information Officer” related to Emerge2; and

22 (8) \$27,400,000 from National Protection and
 23 Programs Directorate “United States Visitor and
 24 Immigrant Indicator Technology”.

1 SEC. 573. Sections 1309(a) and 1319 of the National
2 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and
3 4026) are each amended by striking “September 30,
4 2011” and inserting “the earlier of the date of the enact-
5 ment into law of an Act that specifically amends the date
6 specified in this section or May 31, 2012”.

7 This division may be cited as the “Department of
8 Homeland Security Appropriations Act, 2012”.