

**Union Calendar No. 50**112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R. 2017****[Report No. 112-91]**

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

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IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. ADERHOLT introduced the following bill; which was referred to the Committee on Appropriations

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**A BILL**

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

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

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

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

1 paredness Goal and the National Preparedness System  
2 consistent with Presidential Policy Directive-8, and (2) the  
3 Secretary's determination on implementation of biometric  
4 air exit.

5 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

6 For necessary expenses of the Office of the Under  
7 Secretary for Management, as authorized by sections 701  
8 through 705 of the Homeland Security Act of 2002 (6  
9 U.S.C. 341 through 345), \$234,940,000, of which not to  
10 exceed \$3,000 shall be for official reception and represen-  
11 tation expenses: *Provided*, That of the total amount made  
12 available under this heading, \$5,000,000 shall remain  
13 available until September 30, 2016, solely for the alter-  
14 ation and improvement of facilities, tenant improvements,  
15 and relocation costs to consolidate Department head-  
16 quarters operations at the Nebraska Avenue Complex; and  
17 \$16,686,000 shall remain available until September 30,  
18 2014, for the Human Resources Information Technology  
19 program.

20 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

1 OFFICE OF THE CHIEF INFORMATION OFFICER

2 For necessary expenses of the Office of the Chief In-  
3 formation Officer, as authorized by section 103 of the  
4 Homeland Security Act of 2002 (6 U.S.C. 113), and De-  
5 partment-wide technology investments, \$261,300,000, of  
6 which \$105,500,000 shall be available for salaries and ex-  
7 penses; and of which \$155,800,000, 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 Chief  
12 Information Officer shall submit to the Committees on Ap-  
13 propriations of the Senate and the House of Representa-  
14 tives, not later than 60 days after the date of enactment  
15 of this Act, an expenditure plan for all information tech-  
16 nology acquisition projects that are funded under this  
17 heading or are funded by multiple components of the De-  
18 partment of Homeland Security through reimbursable  
19 agreements: *Provided further*, That such expenditure plan  
20 shall include, for each project funded, the name of the  
21 project, its key milestones, all funding sources, detailed  
22 annual and lifecycle costs, and projected cost savings or  
23 cost avoidance to be achieved: *Provided further*, That the  
24 Secretary of Homeland Security shall submit to the Com-  
25 mittees on Appropriations of the Senate and the House

1 of Representatives, at the time that the President’s budget  
2 is submitted each year under section 1105(a) of title 31,  
3 United States Code, a multi-year investment and manage-  
4 ment plan for all information technology acquisition  
5 projects that includes—

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

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

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

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

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

23 (B) aligns the acquisition programs cov-  
24 ered by the baseline to mission requirements by  
25 defining existing capabilities, identifying known

1 capability gaps between such existing capabili-  
2 ties and stated mission requirements, and ex-  
3 plaining how each increment will address such  
4 known capability gaps; and

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

7 ANALYSIS AND OPERATIONS

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

15 OFFICE OF INSPECTOR GENERAL

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

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

6 For necessary expenses for enforcement of laws relat-  
7 ing to border security, immigration, customs, agricultural  
8 inspections and regulatory activities related to plant and  
9 animal imports, and transportation of unaccompanied  
10 minor aliens; purchase and lease of up to 8,000 (7,000  
11 for replacement only) police-type vehicles; and contracting  
12 with individuals for personal services abroad;  
13 \$8,769,518,000, of which \$3,274,000 shall be derived  
14 from the Harbor Maintenance Trust Fund for administra-  
15 tive expenses related to the collection of the Harbor Main-  
16 tenance Fee pursuant to section 9505(c)(3) of the Internal  
17 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-  
18 withstanding section 1511(e)(1) of the Homeland Security  
19 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed  
20 \$45,000 shall be for official reception and representation  
21 expenses; of which not less than \$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 58c(f)(3)), shall be derived from that account; of which  
2 not to exceed \$150,000 shall be available for payment for  
3 rental space in connection with preclearance operations;  
4 and of which not to exceed \$1,000,000 shall be for awards  
5 of compensation to informants, to be accounted for solely  
6 under the certificate of the Secretary of Homeland 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 Sec-  
19 retary of Homeland Security shall submit to the Commit-  
20 tees on Appropriations of the Senate and the House of  
21 Representatives, at the time that the President's budget  
22 is submitted each year under section 1105(a) of title 31,  
23 United States Code, a multi-year investment and manage-  
24 ment plan for Inspection and Detection Technology that  
25 identifies for each technology—



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

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

7           (3) projected funding levels for procurement in  
8 quantity, deployment, and operations and maintenance  
9 for each of the next three fiscal years; and

10          (4) a current acquisition program baseline  
11 that—

12               (A) aligns the acquisition of each technology  
13 to mission requirements by defining existing capabilities  
14 of comparable legacy technology assets, identifying known  
15 capability gaps between such existing capabilities and stated  
16 mission requirements, and explaining how the  
17 acquisition of each technology will address such  
18 known capability gaps;

19               (B) defines life-cycle costs for each technology,  
20 including all associated costs of major  
21 acquisitions systems infrastructure and transition  
22 to operations, delineated by purpose and  
23 fiscal year for the projected service life of the  
24 technology; and  
25

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

5 AUTOMATION MODERNIZATION

6 For expenses for U.S. Customs and Border Protec-  
7 tion automated systems, \$334,275,000, to remain avail-  
8 able until September 30, 2014, of which not less than  
9 \$140,000,000 shall be for the development of the Auto-  
10 mated Commercial Environment: *Provided*, That the Com-  
11 missioner of U.S. Customs and Border Protection shall  
12 submit to the Committees on Appropriations of the Senate  
13 and the House of Representatives, not later than 60 days  
14 after the date of enactment of this Act, an expenditure  
15 plan for the Automated Commercial Environment pro-  
16 gram including results to date, plans for the program, and  
17 a list of projects with associated funding from prior appro-  
18 priations and provided by this Act: *Provided further*, That  
19 the Secretary of Homeland Security shall submit to the  
20 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 multi-year investment and  
24 management plan for the funds made available under this  
25 heading that includes—

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

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

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

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

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

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

1 (C) define life-cycle costs for these pro-  
2 grams.

3 BORDER SECURITY FENCING, INFRASTRUCTURE, AND  
4 TECHNOLOGY

5 For expenses for border security fencing, infrastruc-  
6 ture, and technology, \$500,000,000, to remain available  
7 until September 30, 2014: *Provided*, That of the total  
8 amount made available under this heading, \$150,000,000  
9 shall not be obligated until the Committees on Appropria-  
10 tions of the Senate and the House of Representatives re-  
11 ceive a detailed expenditure plan prepared by the Sec-  
12 retary of Homeland Security, and submitted not later than  
13 90 days after the date of enactment of this Act, for a pro-  
14 gram to establish and maintain a security barrier along  
15 the borders of the United States, of fencing and vehicle  
16 barriers where practicable, and of other forms of fencing,  
17 tactical infrastructure, and technology: *Provided further*,  
18 That the Secretary of Homeland Security shall submit to  
19 the Committees on Appropriations of the Senate and the  
20 House of Representatives, at the time that the President's  
21 budget is submitted each year under section 1105(a) of  
22 title 31, United States Code, a multi-year investment and  
23 management plan for the Border Security Fencing, Infra-  
24 structure, and Technology account, that includes for each  
25 tactical infrastructure and technology deployment—

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

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

13          (3) a current acquisition program baseline  
14          that—

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

21                (B) includes a phase-out and life-cycle re-  
22                capitalization schedule delineated by fiscal year  
23                for existing and new tactical infrastructure and  
24                technology deployments that each deployment is  
25                intended to replace or recapitalize; and

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

8 AIR AND MARINE INTERDICTION, OPERATIONS,  
9 MAINTENANCE, AND PROCUREMENT

10 For necessary expenses for the operations, mainte-  
11 nance, and procurement of marine vessels, aircraft, un-  
12 manned aircraft systems, and other related equipment of  
13 the air and marine program, including operational train-  
14 ing and mission-related travel, the operations of which in-  
15 clude the following: the interdiction of narcotics and other  
16 goods; the provision of support to Federal, State, and local  
17 agencies in the enforcement or administration of laws en-  
18 forced by the Department of Homeland Security; and at  
19 the discretion of the Secretary of Homeland Security, the  
20 provision of assistance to Federal, State, and local agen-  
21 cies in other law enforcement and emergency humani-  
22 tarian efforts, \$499,966,000, to remain available until  
23 September 30, 2014: *Provided*, That no aircraft or other  
24 related equipment, with the exception of aircraft that are  
25 one of a kind and have been identified as excess to U.S.

1 Customs and Border Protection requirements and aircraft  
2 that have been damaged beyond repair, shall be trans-  
3 ferred to any other Federal agency, department, or office  
4 outside of the Department of Homeland Security during  
5 fiscal year 2012 without the prior approval of the Commit-  
6 tees on Appropriations of the Senate and the House of  
7 Representatives: *Provided further*, That the Secretary of  
8 Homeland Security shall report to the Committees on Ap-  
9 propriations of the Senate and the House of Representa-  
10 tives, not later than 90 days after the date of enactment  
11 of this Act, on the update to the five-year strategic plan  
12 for the air and marine program directed in conference re-  
13 port 109–241 accompanying Public Law 109–90 that ad-  
14 dresses missions, structure, operations, equipment, facili-  
15 ties, and resources including deployment and command  
16 and control requirements, and includes a recapitalization  
17 plan with milestones and funding, and a detailed staffing  
18 plan with associated costs to achieve full staffing to meet  
19 all mission requirements.

20 CONSTRUCTION AND FACILITIES MANAGEMENT

21 For necessary expenses to plan, acquire, construct,  
22 renovate, equip, furnish, operate, manage, oversee, admin-  
23 ister, and maintain buildings and facilities and to provide  
24 facilities solutions and related infrastructure along with  
25 program management support necessary for the adminis-

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

19 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

20 SALARIES AND EXPENSES

21 For necessary expenses for enforcement of immigra-  
22 tion and customs laws, detention and removals, and inves-  
23 tigation; and purchase and lease of up to 3,790 (2,350  
24 for replacement only) police-type vehicles; \$5,522,474,000,  
25 of which not to exceed \$7,500,000 shall be available until



1 expended for conducting special operations under section  
2 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.  
3 2081); of which not to exceed \$15,000 shall be for official  
4 reception and representation expenses; of which not to ex-  
5 ceed \$2,000,000 shall be for awards of compensation to  
6 informants, to be accounted for solely under the certificate  
7 of the Secretary of Homeland Security; of which not less  
8 than \$305,000 shall be for promotion of public awareness  
9 of the child pornography tipline and activities to counter  
10 child exploitation; of which not less than \$5,400,000 shall  
11 be used to facilitate agreements consistent with section  
12 287(g) of the Immigration and Nationality Act (8 U.S.C.  
13 1357(g)); and of which not to exceed \$11,216,000 shall  
14 be available to fund or reimburse other Federal agencies  
15 for the costs associated with the care, maintenance, and  
16 repatriation of smuggled aliens unlawfully present in the  
17 United States: *Provided*, That none of the funds made  
18 available under this heading shall be available to com-  
19 pensate any employee for overtime in an annual amount  
20 in excess of \$35,000, except that the Secretary, or the des-  
21 ignee of the Secretary, may waive that amount as nec-  
22 essary for national security purposes and in cases of immi-  
23 gration emergencies: *Provided further*, That of the total  
24 amount provided, \$15,770,000 shall be for activities to en-  
25 force laws against forced child labor, of which not to ex-

1 ceed \$6,000,000 shall remain available until expended:  
2 *Provided further*, That of the total amount available, not  
3 less than \$1,600,000,000 shall be available to identify  
4 aliens convicted of a crime who may be deportable and  
5 aliens who may pose a serious risk to public safety or na-  
6 tional security who may be deportable, and to remove  
7 them from the United States once they are judged deport-  
8 able, of which \$194,064,000 shall remain available until  
9 September 30, 2013: *Provided further*, That the Assistant  
10 Secretary of Homeland Security for U.S. Immigration and  
11 Customs Enforcement shall report to the Committees on  
12 Appropriations of the Senate and the House of Represent-  
13 atives, not later than 45 days after the end of each quarter  
14 of the fiscal year, on progress in implementing the pre-  
15 ceding proviso and the funds obligated during that quarter  
16 to make such progress: *Provided further*, That the Sec-  
17 retary shall prioritize the identification and removal of  
18 aliens convicted of a crime by the severity of that crime:  
19 *Provided further*, That the funding made available under  
20 this heading shall maintain a level of not less than 34,000  
21 detention beds through September 30, 2012: *Provided fur-*  
22 *ther*, That of the total amount provided, not less than  
23 \$2,750,843,000 is for detention and removal operations,  
24 including transportation of unaccompanied minor aliens:  
25 *Provided further*, That of the total amount provided,

1 \$10,300,000 shall remain available until September 30,  
2 2013, for the Visa Security Program: *Provided further*,  
3 That none of the funds provided under this heading may  
4 be used to continue a delegation of law enforcement au-  
5 thority authorized under section 287(g) of the Immigra-  
6 tion and Nationality Act (8 U.S.C. 1357(g)) if the Depart-  
7 ment of Homeland Security Inspector General determines  
8 that the terms of the agreement governing the delegation  
9 of authority have been violated: *Provided further*, That  
10 none of the funds provided under this heading may be  
11 used to continue any contract for the provision of deten-  
12 tion services if the two most recent overall performance  
13 evaluations received by the contracted facility are less than  
14 “adequate” or the equivalent median score in any subse-  
15 quent performance evaluation system: *Provided further*,  
16 That nothing under this heading shall prevent U.S. Immi-  
17 gration and Customs Enforcement from exercising those  
18 authorities provided under immigration laws (as defined  
19 in section 101(a)(17) of the Immigration and Nationality  
20 Act (8 U.S.C. 1101(a)(17))) during priority operations  
21 pertaining to aliens convicted of a crime.

22 AUTOMATION MODERNIZATION

23 For expenses of immigration and customs enforce-  
24 ment automated systems, \$23,860,000, to remain avail-  
25 able until September 30, 2016: *Provided*, That the Sec-

1   retary of Homeland Security shall submit to the Commit-  
2   tees on Appropriations of the Senate and the House of  
3   Representatives, at the time that the President’s budget  
4   is submitted each year under section 1105(a) of title 31,  
5   United States Code, a multi-year investment and manage-  
6   ment plan for funds made available under this heading  
7   that includes—

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

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

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

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

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

1 (B) align these acquisition programs to  
2 mission requirements by defining existing capa-  
3 bilities, identifying known capability gaps be-  
4 tween such existing capabilities and stated mis-  
5 sion requirements, and explaining how each in-  
6 crement will address such known capability  
7 gaps; and

8 (C) define life-cycle costs for these pro-  
9 grams.

10 TRANSPORTATION SECURITY ADMINISTRATION

11 AVIATION SECURITY

12 For necessary expenses of the Transportation Secu-  
13 rity Administration related to providing civil aviation secu-  
14 rity services pursuant to the Aviation and Transportation  
15 Security Act (Public Law 107–71; 115 Stat. 597; 49  
16 U.S.C. 40101 note), \$5,224,556,000, of which  
17 \$1,692,000,000 shall be available until September 30,  
18 2013, and of which not to exceed \$10,000 shall be for  
19 official reception and representation expenses: *Provided,*  
20 That of the total amount made available under this head-  
21 ing, not to exceed \$4,155,813,000 shall be for screening  
22 operations, of which \$555,003,000 shall be for explosives  
23 detection systems; of which \$181,285,000 shall be for  
24 checkpoint support; and not to exceed \$1,068,743,000  
25 shall be for aviation security direction and enforcement:

1 *Provided further*, That of the amount made available in  
2 the preceding proviso for explosives detection systems,  
3 \$222,738,000 shall be available for the purchase and in-  
4 stallation of such systems, of which not less than 10 per-  
5 cent shall be available for the purchase and installation  
6 of certified explosives detection systems at medium- and  
7 small-sized airports: *Provided further*, That notwith-  
8 standing section 44923 of title 49, United States Code,  
9 for fiscal year 2012 any funds in the Aviation Security  
10 Capital Fund established by section 44923(h) of title 49,  
11 United States Code, may be used for the procurement and  
12 installation of explosives detection systems or for the  
13 issuance of other transaction agreements for the purpose  
14 of funding projects described in section 44923(a): *Pro-*  
15 *vided further*, That none of the funds made available in  
16 this Act may be used for any recruiting or hiring of per-  
17 sonnel into the Transportation Security Administration  
18 that would cause the agency to exceed a staffing level of  
19 46,000 full-time equivalent screeners: *Provided further*,  
20 That the preceding proviso shall not apply to personnel  
21 hired as part-time employees: *Provided further*, That not  
22 later than 90 days after the date of enactment of this Act,  
23 the Secretary of Homeland Security shall submit to the  
24 Committees on Appropriations of the Senate and the  
25 House of Representatives a detailed report on—

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

7           (2) how the Transportation Security Adminis-  
8           tration is deploying its existing passenger and bag-  
9           gage screener workforce in the most cost effective  
10          manner; and

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

16 *Provided further*, That any award to deploy explosives de-  
17 tection systems shall be based on risk, the airport's cur-  
18 rent reliance on other screening solutions, lobby conges-  
19 tion resulting in increased security concerns, high injury  
20 rates, airport readiness, and increased cost effectiveness:

21 *Provided further*, That security service fees authorized  
22 under section 44940 of title 49, United States Code, shall  
23 be credited to this appropriation as offsetting collections  
24 and shall be available only for aviation security: *Provided*  
25 *further*, That the sum appropriated under this heading

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

19

## 20 SURFACE TRANSPORTATION SECURITY

21 For necessary expenses of the Transportation Secu-  
22 rity Administration related to surface transportation secu-  
23 rity activities, \$129,748,000, to remain available until  
24 September 30, 2013.



1           TRANSPORTATION THREAT ASSESSMENT AND  
2   CREDENTIALING

3           For necessary expenses for the development and im-  
4 plementation of screening programs of the Office of  
5 Transportation Threat Assessment and Credentialing,  
6 \$183,954,000, to remain available until September 30,  
7 2013.

8                                TRANSPORTATION SECURITY SUPPORT

9           For necessary expenses of the Transportation Secu-  
10 rity Administration related to providing transportation se-  
11 curity support and intelligence pursuant to the Aviation  
12 and Transportation Security Act (Public Law 107-71;  
13 115 Stat. 597; 49 U.S.C. 40101 note), \$1,032,790,000,  
14 to remain available until September 30, 2013: *Provided,*  
15 That the Secretary of Homeland Security shall submit to  
16 the Committees on Appropriations of the Senate and the  
17 House of Representatives detailed expenditure plans for  
18 air cargo security, checkpoint support, and explosives de-  
19 tection systems procurement, refurbishment, and installa-  
20 tion on an airport-by-airport basis for fiscal year 2013:  
21 *Provided further,* That these plans shall be submitted not  
22 later than 60 days after the date of enactment of this Act.

23                                FEDERAL AIR MARSHALS

24           For necessary expenses of the Federal Air Marshals,  
25 \$961,375,000.

## 1 COAST GUARD

## 2 OPERATING EXPENSES

3 For necessary expenses for the operation and mainte-  
4 nance of the Coast Guard, not otherwise provided for, pur-  
5 chase or lease of not to exceed 25 passenger motor vehi-  
6 cles, which shall be for replacement only; purchase or lease  
7 of small boats for contingent and emergent requirements  
8 (at a unit cost of no more than \$700,000) and repairs  
9 and service-life replacements, not to exceed a total of  
10 \$28,000,000; purchase or lease of boats necessary for  
11 overseas deployments and activities; minor shore construc-  
12 tion projects not exceeding \$1,000,000 in total cost at any  
13 location; payments pursuant to section 156 of Public Law  
14 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-  
15 ation and welfare; \$7,071,061,000, of which \$598,278,000  
16 shall be for defense-related activities, of which  
17 \$258,278,000 is designated as being for the global war  
18 on terrorism pursuant to section 301 of H. Con. Res. 34  
19 (112th Congress); of which \$24,500,000 shall be derived  
20 from the Oil Spill Liability Trust Fund to carry out the  
21 purposes of section 1012(a)(5) of the Oil Pollution Act  
22 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-  
23 ceed \$20,000 shall be for official reception and representa-  
24 tion expenses: *Provided*, That none of the funds made  
25 available by this Act shall be for expenses incurred for rec-

1 reational vessels under section 12114 of title 46, United  
2 States Code, except to the extent fees are collected from  
3 owners of yachts and credited to this appropriation: *Pro-*  
4 *vided further*, That the Coast Guard shall comply with the  
5 requirements of section 527 of the National Defense Au-  
6 thorization Act for Fiscal Year 2004 (10 U.S.C. 4331  
7 note) with respect to the Coast Guard Academy: *Provided*  
8 *further*, That of the funds provided under this heading,  
9 \$75,000,000 shall be withheld from obligation for Coast  
10 Guard Headquarters Directorates until (1) a revised fu-  
11 ture-years capital investment plan for fiscal years 2012  
12 through 2016, as specified under the heading “Coast  
13 Guard, Acquisition, Construction, and Improvements” of  
14 this Act, that is reviewed by the Comptroller General of  
15 the United States; (2) the fiscal year 2012 second quarter  
16 acquisition report; and (3) the polar operations high lati-  
17 tude study are submitted to the Committees on Appropria-  
18 tions of the Senate and the House of Representatives: *Pro-*  
19 *vided further*, That funds made available under this head-  
20 ing designated as being for the global war on terrorism  
21 pursuant to section 301 of H. Con. Res. 34 (112th Con-  
22 gress) may be allocated by program, project, and activity,  
23 notwithstanding 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 \$10,198,000, to remain available until September 30,  
6 2016: *Provided*, That an expenditure plan that itemizes  
7 the costs associated with each project identified in the  
8 Coast Guard's Environmental Compliance and Restora-  
9 tion backlog report dated April 11, 2011, shall be included  
10 at the time that the President's budget is submitted each  
11 year under section 1105(a) of title 31, United States  
12 Code, to the Committees on Appropriations of the Senate  
13 and the House of Representatives.

## 14 RESERVE TRAINING

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

## 19 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of acquisition, construction,  
21 renovation, and improvement of aids to navigation, shore  
22 facilities, vessels, and aircraft, including equipment related  
23 thereto, and maintenance, rehabilitation, lease and oper-  
24 ation of facilities and equipment, as authorized by law,  
25 \$1,151,673,000, of which \$20,000,000 shall be derived

1 from the Oil Spill Liability Trust Fund to carry out the  
2 purposes of section 1012(a)(5) of the Oil Pollution Act  
3 of 1990 (33 U.S.C. 2712(a)(5)); of which \$427,691,000  
4 shall be available until September 30, 2016, to acquire,  
5 effect major repairs to, renovate, or improve vessels, small  
6 boats, and related equipment; of which \$328,900,000 shall  
7 be available until September 30, 2014, to acquire, effect  
8 major repairs to, renovate, or improve aircraft or increase  
9 aviation capability; of which \$171,140,000 shall be avail-  
10 able until September 30, 2014, for other equipment; of  
11 which \$116,000,000 shall be available until September 30,  
12 2016, for shore, infrastructure, military housing, and aids  
13 to navigation facilities, including waterfront facilities at  
14 Navy installations used by the Coast Guard, of which  
15 \$14,000,000 may be derived from the Coast Guard Hous-  
16 ing Fund, established under section 687 of title 14, United  
17 States Code; and of which \$107,942,000 shall be available  
18 for personnel compensation and benefits and related costs:  
19 *Provided*, That the Secretary of Homeland Security shall  
20 submit to the Committees on Appropriations of the Senate  
21 and the House of Representatives, at the time that the  
22 President's budget is submitted each year under section  
23 1105(a) of title 31, United States Code, a future-years  
24 capital investment plan for the Coast Guard that identifies  
25 for each 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 five 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 shall ensure  
15 that amounts specified in the future-years capital in-  
16 vestment plan are consistent, to the maximum extent  
17 practicable, with proposed appropriations necessary  
18 to support the programs, projects, and activities of  
19 the Coast Guard in the President's budget as sub-  
20 mitted under section 1105(a) of title 31, United  
21 States Code, for that fiscal year: *Provided further*,  
22 That any inconsistencies between the capital invest-  
23 ment plan and proposed appropriations shall be  
24 identified and justified: *Provided further*, That sub-  
25 sections (a) and (b) of section 6402 of Public Law



1 110–28 shall apply with respect to the amounts  
2 made 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; \$12,779,000, 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: *Provided further*, That a  
17 detailed expenditure plan for the amount requested under  
18 this heading shall be included with the President’s annual  
19 budget submission.

20 RETIRED PAY

21 For retired pay, including the payment of obligations  
22 otherwise chargeable to lapsed appropriations for this pur-  
23 pose, payments under the Retired Serviceman’s Family  
24 Protection and Survivor Benefits Plans, payment for ca-  
25 reer status bonuses, concurrent receipts and combat-re-

1 lated special compensation under the National Defense  
2 Authorization Act, and payments for medical care of re-  
3 tired personnel and their dependents under chapter 55 of  
4 title 10, United States Code, \$1,440,157,000, to remain  
5 available until expended.

6 UNITED STATES SECRET SERVICE

7 SALARIES AND EXPENSES

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

1 expenditures in this or any other Act if approval is ob-  
2 tained in advance from the Committees on Appropriations  
3 of the Senate and the House of Representatives; research  
4 and development; grants to conduct behavioral research in  
5 support of protective research and operations; and pay-  
6 ment in advance for commercial accommodations as may  
7 be necessary to perform protective functions;  
8 \$1,666,451,000, of which not to exceed \$25,000 shall be  
9 for official reception and representation expenses; of which  
10 not to exceed \$100,000 shall be to provide technical assist-  
11 ance and equipment to foreign law enforcement organiza-  
12 tions in counterfeit investigations; of which \$2,366,000  
13 shall be for forensic and related support of investigations  
14 of missing and exploited children; and of which  
15 \$6,000,000 shall be for a grant for activities related to  
16 investigations of missing and exploited children and shall  
17 remain available until September 30, 2013: *Provided*,  
18 That up to \$18,000,000 for protective travel shall remain  
19 available until September 30, 2013: *Provided further*, That  
20 up to \$12,307,000 for National Special Security Events  
21 shall remain available until September 30, 2013: *Provided*  
22 *further*, That the United States Secret Service is author-  
23 ized to obligate funds in anticipation of reimbursements  
24 from Federal agencies and entities, as defined in section  
25 105 of title 5, United States Code, for personnel receiving

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

1 on Appropriation of the Senate and the House of Rep-  
2 resentatives certifying that all plans for such integration  
3 and transformation are consistent with Department of  
4 Homeland Security enterprise architecture requirements:  
5 *Provided further*, That none of the funds made available  
6 to the United States Secret Service by this Act or by pre-  
7 vious appropriations Acts may be obligated for the pur-  
8 pose of opening a new permanent domestic or overseas of-  
9 fice or location unless the Committees on Appropriations  
10 of the Senate and the House of Representatives are noti-  
11 fied 15 days in advance of such obligation.

12 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND  
13 RELATED EXPENSES

14 For necessary expenses for acquisition, construction,  
15 repair, alteration, and improvement of facilities,  
16 \$6,780,000, to remain available until September 30, 2016.

17 TITLE III  
18 PROTECTION, PREPAREDNESS, RESPONSE, AND  
19 RECOVERY

20 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE  
21 MANAGEMENT AND ADMINISTRATION

22 For salaries and expenses of the Office of the Under  
23 Secretary for the National Protection and Programs Di-  
24 rectorate, support for operations, information technology,  
25 and the Office of Risk Management and Analysis,

1 \$42,511,000: *Provided*, That not to exceed \$5,000 shall  
2 be for official reception and representation expenses.

3       INFRASTRUCTURE PROTECTION AND INFORMATION

4                               SECURITY

5       For necessary expenses for infrastructure protection  
6 and information security programs and activities, as au-  
7 thorized by title II of the Homeland Security Act of 2002  
8 (6 U.S.C. 121 et seq.), \$891,243,000: *Provided*, That of  
9 the amount made available under this heading,  
10 \$219,420,500 may not be obligated for the National Cyber  
11 Security Division program and \$148,639,500 may not be  
12 obligated for the Office of Infrastructure Protection until  
13 the Committees on Appropriations of the Senate and the  
14 House of Representatives receive and approve a plan for  
15 expenditure for each of these programs that describes the  
16 strategic context of the programs, the specific goals and  
17 milestones set for the programs, and the funds allocated  
18 to achieving each of those goals and milestones: *Provided*  
19 *further*, That the Secretary of Homeland Security shall  
20 submit to the Committees on Appropriations of the Senate  
21 and the House of Representatives, at the time that the  
22 President's budget is submitted each year under section  
23 1105(a) of title 31, United States Code, (1) an expendi-  
24 ture plan for the Office of Infrastructure Protection and  
25 the National Cyber Security Division that describes the

1 strategic context of the programs, the specific goals and  
2 milestones set for the programs, and the funds allocated  
3 to achieving each of those goals and milestones for the  
4 fiscal year being appropriated; and (2) a multi-year invest-  
5 ment and management plan for the National Cybersecu-  
6 rity Protection System that identifies—

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

9 (2) the proposed appropriations included in that  
10 budget for each increment sub-divided by procure-  
11 ment, including quantity, deployment, and oper-  
12 ations and maintenance;

13 (3) projected funding levels for procurements  
14 including quantity, deployment, and operations and  
15 maintenance for each increment for each of the next  
16 five fiscal years; and

17 (4) a current acquisition program baseline  
18 that—

19 (A) aligns the acquisition to mission re-  
20 quirements by defining existing capabilities,  
21 identifying known capability gaps between such  
22 existing capabilities and stated mission require-  
23 ments, and explaining how the acquisition of  
24 each technology will address such known capa-  
25 bility gaps; and

1 (B) defines life-cycle costs for each tech-  
2 nology, including all associated costs of major  
3 acquisitions systems infrastructure and transi-  
4 tion to operations, delineated by purpose and  
5 fiscal year for the projected service life of the  
6 technology.

7 FEDERAL PROTECTIVE SERVICE

8 The revenues and collections of security fees credited  
9 to this account shall be available until expended for nec-  
10 essary expenses related to the protection of Federally-  
11 owned and leased buildings and for the operations of the  
12 Federal Protective Service: *Provided*, That the Director of  
13 the Federal Protective Service shall include with the sub-  
14 mission of the fiscal year 2013 budget a strategic human  
15 capital plan that aligns fee collection to personnel require-  
16 ments based on the current threat assessment; *Provided*  
17 *further*, That an expenditure plan for program, project,  
18 and activity and by objective for fiscal year 2012 shall be  
19 provided to the Committees on Appropriations of the Sen-  
20 ate and the House of Representatives not later than 60  
21 days after the date of enactment of this Act: *Provided fur-*  
22 *ther*, That an expenditure plan for program, project, and  
23 activity and by objective for fiscal year 2013 shall be sub-  
24 mitted at the time that the President's budget is sub-  
25 mitted each year under section 1105(a) of title 31, United



1 States Code, to the Committees on Appropriations of the  
2 Senate and the House of Representatives.

3 UNITED STATES VISITOR AND IMMIGRANT STATUS

4 INDICATOR TECHNOLOGY

5 For necessary expenses for the United States Visitor  
6 and Immigrant Status Indicator Technology program, as  
7 authorized by section 110 of the Illegal Immigration Re-  
8 form and Immigrant Responsibility Act of 1996 (8 U.S.C.  
9 1365a), \$297,402,000: *Provided*, That of the total amount  
10 made available under this heading, \$194,295,000 is to re-  
11 main available until September 30, 2014: *Provided further*,  
12 That of the total amount provided, \$50,000,000 may not  
13 be obligated for the United States Visitor and Immigrant  
14 Status Indicator Technology program until the Commit-  
15 tees on Appropriations of the Senate and the House of  
16 Representatives receive a plan for expenditure, prepared  
17 by the Secretary of Homeland Security, not later than 90  
18 days after the date of enactment of this Act, that meets  
19 the statutory conditions specified under this heading in  
20 Public Law 110–329: *Provided further*, That the Secretary  
21 of Homeland Security shall submit to the Committees on  
22 Appropriations of the Senate and the House of Represent-  
23 atives, at the time that the President’s budget is submitted  
24 each year under section 1105(a) of title 31, United States  
25 Code, a multi-year investment and management plan for

1 the United States Visitor and Immigrant Status Indicator  
2 Technology program that includes—

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

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

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

## 1 OFFICE OF HEALTH AFFAIRS

2 For necessary expenses of the Office of Health Af-  
3 fairs, \$165,949,000; of which \$30,171,000 is for salaries  
4 and expenses and \$115,164,000 is for BioWatch oper-  
5 ations: *Provided*, That \$45,615,000 shall remain available  
6 until September 30, 2013, for biosurveillance, BioWatch  
7 Generation 3, chemical defense, medical and health plan-  
8 ning and coordination, and workforce health protection:  
9 *Provided further*, That not to exceed \$3,000 shall be for  
10 official reception and representation expenses: *Provided*  
11 *further*, That an expenditure plan for program, project,  
12 and activity and by objective for fiscal year 2012 shall be  
13 provided to the Committees on Appropriations of the Sen-  
14 ate and the House of Representatives not later than 60  
15 days after the date of enactment of this Act: *Provided fur-*  
16 *ther*, That an expenditure plan for program, project, and  
17 activity and by objective for each fiscal year shall be sub-  
18 mitted at the time that the President's budget is sub-  
19 mitted each year under section 1105(a) of title 31, United  
20 States Code, to the Committees on Appropriations of the  
21 Senate and the House of Representatives.

22 FEDERAL EMERGENCY MANAGEMENT AGENCY  
23 MANAGEMENT AND ADMINISTRATION

24 For necessary expenses for management and admin-  
25 istration of the Federal Emergency Management Agency,

1 \$707,298,000, including activities authorized by the Na-  
2 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et  
3 seq.), the Robert T. Stafford Disaster Relief and Emer-  
4 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro  
5 Grande Fire Assistance Act of 2000 (division C, title I,  
6 114 Stat. 583), the Earthquake Hazards Reduction Act  
7 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production  
8 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107  
9 and 303 of the National Security Act of 1947 (50 U.S.C.  
10 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.  
11 App.), the Homeland Security Act of 2002 (6 U.S.C. 101  
12 et seq.), and the Post-Katrina Emergency Management  
13 Reform Act of 2006 (Public Law 109–295): *Provided*,  
14 That not to exceed \$3,000 shall be for official reception  
15 and representation expenses: *Provided further*, That the  
16 Secretary of Homeland Security shall submit an expendi-  
17 ture plan detailed by office for the Federal Emergency  
18 Management Agency to the Committees on Appropriations  
19 of the Senate and the House of Representatives at the  
20 time that the President’s budget is submitted each year  
21 under section 1105(a) of title 31, United States Code:  
22 *Provided further*, That of the total amount made available  
23 under this heading, not to exceed \$5,863,000 shall remain  
24 available until September 30, 2013, for capital improve-  
25 ments at the Mount Weather Emergency Operations Cen-

1 ter: *Provided further*, That of the total amount made avail-  
2 able under this heading, \$35,250,000 shall be for the  
3 Urban Search and Rescue Response System, of which not  
4 to exceed \$1,600,000 may be made available for adminis-  
5 trative costs; and \$5,493,000 shall be for the Office of  
6 National Capital Region Coordination: *Provided further*,  
7 That for purposes of planning, coordination, execution,  
8 and decision-making related to mass evacuation during a  
9 disaster, the Governors of the State of West Virginia and  
10 the Commonwealth of Pennsylvania, or their designees,  
11 shall be incorporated into efforts to integrate the activities  
12 of Federal, State, and local governments in the National  
13 Capital Region, as defined in section 882 of the Homeland  
14 Security Act of 2002 (Public Law 107–296).

15 STATE AND LOCAL PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For grants, contracts, cooperative agreements, and  
18 other activities, \$1,000,000,000, which shall be distributed  
19 at the discretion of the Secretary of Homeland Security  
20 based on the following authorities:

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

24 (2) The Urban Area Security Initiative under  
25 section 2003 of the Homeland Security Act of 2002

1 (6 U.S.C. 604), notwithstanding subsection (c)(1) of  
2 such section, funds provided under this paragraph  
3 may be used for grants to organizations (as de-  
4 scribed under section 501(c)(3) of the Internal Rev-  
5 enue Code of 1986 and exempt from tax section  
6 501(a) of such code) determined by the Secretary to  
7 be at high risk of a terrorist attack.

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

11 (4) The Citizen Corps Program, notwith-  
12 standing the requirements of subtitle A of title XX  
13 of the Homeland Security Act of 2002 (6 U.S.C.  
14 603 et seq.).

15 (5) The Public Transportation Security Assist-  
16 ance and Railroad Security Assistance, under sec-  
17 tions 1406 and 1513 of the Implementing Rec-  
18 ommendations of the 9/11 Commission Act of 2007  
19 (6 U.S.C. 1135 and 1163): *Provided*, That such  
20 public transportation security assistance shall be  
21 provided directly to public transportation agencies.

22 (6) Over-the-Road Bus Security Assistance  
23 under section 1532 of the Implementing Rec-  
24 ommendations of the 9/11 Commission Act of 2007  
25 (6 U.S.C. 1182).

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

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

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

9           *Provided*, That of the amount provided under this  
10          heading, \$55,000,000 shall be for Operation Stonegarden  
11          and \$192,663,000 shall be for training, exercises, tech-  
12          nical assistance, and other programs, of which  
13          \$107,000,000 shall be for training of State, local, and  
14          tribal emergency response providers: *Provided further*,  
15          That funds provided under section 2003 of the Homeland  
16          Security Act of 2002 (6 U.S.C. 604) shall only be provided  
17          to the top 10 highest risk urban areas: *Provided further*,  
18          That notwithstanding subsection (c)(4) of section 2004 of  
19          the Homeland Security Act of 2002 (6 U.S.C. 605), for  
20          fiscal year 2012, the Commonwealth of Puerto Rico shall  
21          make available to local and tribal governments amounts  
22          provided to the Commonwealth of Puerto Rico under the  
23          State Homeland Security Grant Program in accordance  
24          with subsection (c)(1) of such section 2004: *Provided fur-*  
25          *ther*, That 10 percent of the amounts provided under this

1 heading shall be transferred to “Federal Emergency Man-  
2 agement Agency, Management and Administration” for  
3 program administration, and the Secretary of Homeland  
4 Security shall provide an expenditure plan for program ad-  
5 ministration to the Committees on Appropriations of the  
6 Senate and the House of Representatives within 60 days  
7 after the date of enactment of this Act: *Provided further*,  
8 That the Secretary shall provide a detailed expenditure  
9 plan for program administration for each fiscal year to  
10 the Committees on Appropriations of the Senate and the  
11 House of Representatives at the time that the President’s  
12 budget is submitted each year under section 1105(a) of  
13 title 31, United States Code: *Provided further*, That not-  
14 withstanding section 2008(a)(11) of the Homeland Secu-  
15 rity Act of 2002 (6 U.S.C. 609(a)(11)), or any other pro-  
16 vision of law, a grantee may use not more than five per-  
17 cent of the amount of a grant made available under this  
18 heading for expenses directly related to administration of  
19 the grant: *Provided further*, That for grants under para-  
20 graphs (1) through (4), the applications for grants shall  
21 be made available to eligible applicants not later than 25  
22 days after the date of enactment of this Act, that eligible  
23 applicants shall submit applications not later than 90 days  
24 after the grant announcement, and that the Administrator  
25 of the Federal Emergency Management Agency shall act



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

1 sion of the Center to train State and local emergency re-  
2 sponse providers: *Provided further*, That not later than 60  
3 days after the date of enactment of this Act, the Adminis-  
4 trator of the Federal Emergency Management Agency  
5 shall submit to the Committees on Appropriations of the  
6 Senate and the House of Representatives a plan to expend  
7 by the end of fiscal year 2012 all unexpended balances  
8 of funds appropriated for fiscal years before fiscal year  
9 2008 under this heading.

10 FIREFIGHTER ASSISTANCE GRANTS

11 For necessary expenses for programs authorized by  
12 the Federal Fire Prevention and Control Act of 1974 (15  
13 U.S.C. 2201 et seq.), \$350,000,000, of which  
14 \$200,000,000 shall be available to carry out section 33  
15 of that Act (15 U.S.C. 2229) and \$150,000,000 shall be  
16 available to carry out section 34 of that Act (15 U.S.C.  
17 2229a), to remain available until September 30, 2013:  
18 *Provided*, That not to exceed 10 percent of the amount  
19 available under this heading shall be transferred to “Fed-  
20 eral Emergency Management Agency, Management and  
21 Administration” for program administration, and an ex-  
22 penditure plan for program administration shall be pro-  
23 vided to the Committees on Appropriations of the Senate  
24 and the House of Representatives not later than 60 days  
25 after the date of enactment of this Act: *Provided further*,

1 That an expenditure plan for program administration  
2 shall be submitted at the time that the President’s budget  
3 is submitted each year under section 1105(a) of title 31,  
4 United States Code, to the Committees on Appropriations  
5 of the Senate and the House of Representatives.

6 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

7 For necessary expenses for emergency management  
8 performance grants, as authorized by the National Flood  
9 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-  
10 ert T. Stafford Disaster Relief and Emergency Assistance  
11 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards  
12 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-  
13 organization Plan No. 3 of 1978 (5 U.S.C. App.),  
14 \$350,000,000: *Provided*, That not to exceed 10 percent  
15 of the amount available under this heading shall be trans-  
16 ferred to “Federal Emergency Management Agency, Man-  
17 agement and Administration” for program administration,  
18 and an expenditure plan for program administration shall  
19 be provided to the Committees on Appropriations of the  
20 Senate and the House of Representatives not later than  
21 60 days after the date of enactment of this Act: *Provided*  
22 *further*, That an expenditure plan for program administra-  
23 tion shall be submitted at the time that the President’s  
24 budget is submitted each year under section 1105(a) of

1 title 31, United States Code, to the Committees on Appro-  
2 priations of the Senate and the House of Representatives.

3 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

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

19 UNITED STATES FIRE ADMINISTRATION

20 For necessary expenses of the United States Fire Ad-  
21 ministration and for other purposes, as authorized by the  
22 Federal Fire Prevention and Control Act of 1974 (15  
23 U.S.C. 2201 et seq.) and the Homeland Security Act of  
24 2002 (6 U.S.C. 101 et seq.), \$42,538,000.

## DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

1 For necessary expenses in carrying out the Robert  
2 T. Stafford Disaster Relief and Emergency Assistance Act  
3 (42 U.S.C. 5121 et seq.), \$2,650,000,000, to remain avail-  
4 able until expended: *Provided*, That the Federal Emer-  
5 gency Management Agency shall submit an expenditure  
6 plan to the Committees on Appropriations of the Senate  
7 and the House of Representatives detailing the use of the  
8 funds for disaster readiness and support not later than  
9 60 days after the date of enactment of this Act: *Provided*  
10 *further*, That the Federal Emergency Management Agency  
11 shall submit to such Committees a quarterly report detail-  
12 ing obligations against the expenditure plan and a jus-  
13 tification for any changes in spending: *Provided further*,  
14 That of the total amount provided, \$16,000,000 shall be  
15 transferred to the Department of Homeland Security Of-  
16 fice of Inspector General for audits and investigations re-  
17 lated to disasters, subject to section 503 of this Act: *Pro-*  
18 *vided further*, That not later than 60 days after the date  
19 of enactment of this Act, \$105,600,000 shall be trans-  
20 ferred to “Federal Emergency Management Agency, Man-  
21 agement and Administration” for management and ad-  
22 ministration functions: *Provided further*, That the Admin-  
23 istrator of the Federal Emergency Management Agency  
24  
25

1 shall submit the monthly “Disaster Relief” report, as  
2 specified in Public Law 110–161, to the Committees on  
3 Appropriations of the Senate and the House of Represent-  
4 atives, and include the amounts provided to each Federal  
5 agency for mission assignments: *Provided further*, That  
6 the Administrator of the Federal Emergency Management  
7 Agency shall submit quarterly reports to the Committees  
8 on Appropriations of the Senate and the House of Rep-  
9 resentatives providing estimates of funding requirements  
10 for “Disaster Relief” for the current fiscal year and the  
11 succeeding three fiscal years which shall include—

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

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

17           (3) an estimate, by quarter, for the costs of cat-  
18           astrophic disasters excluded from the five-year aver-  
19           age subdivided by disaster and shall include the  
20           amount already obligated and the remaining esti-  
21           mated costs; and

22           (4) an estimate of the date on which the “Dis-  
23           aster Relief” balance will reach \$800,000,000: *Pro-*  
24           *vided further*, That the Administrator of the Federal  
25           Emergency Management Agency shall develop a pol-

1       icy and provide a report on such policy that defines  
2       the five-year average used to develop the budget esti-  
3       mates for disaster relief not later than 60 days after  
4       the date of enactment of this Act that shall include  
5       a clear and reproducible definition of the five-year  
6       average used as a basis for the request, the respon-  
7       sible official who develops the average, and the data  
8       source(s) used: *Provided further*, That the Adminis-  
9       trator of the Federal Emergency Management Agen-  
10      cy shall include in the fiscal year 2013 budget sub-  
11      mission for disaster relief a clear statement of the  
12      five-year average used as a basis for the request, the  
13      fiscal years included in the average, a list of the obli-  
14      gations for each of the five fiscal years, and all ad-  
15      justments made to the gross obligation total for each  
16      of the five fiscal years, including a record of which  
17      catastrophic disasters are excluded from each year's  
18      obligation total and the associated amount excluded;  
19      inflation adjustments; and the amount and source of  
20      recoveries applied against the obligation total: *Pro-*  
21      *vided further*, That the President shall submit an  
22      offset budget amendment from within discretionary  
23      funds not later than three months prior to the date  
24      that the Administrator of the Federal Emergency  
25      Management Agency estimates that the total amount

1 remaining unallocated in “Disaster Relief” will  
2 reach \$800,000,000, and that the request shall ac-  
3 count for all estimated funding requirements for  
4 that fiscal year: *Provided further*, That for any re-  
5 quest for reimbursement from a Federal agency to  
6 the Department of Homeland Security to cover ex-  
7 penditures under the Robert T. Stafford Disaster  
8 Relief and Emergency Assistance Act (42 U.S.C.  
9 5121 et seq.), or any mission assignment orders  
10 issued by the Department for such purposes, the  
11 Secretary of Homeland Security shall take appro-  
12 priate steps to ensure that each agency is periodi-  
13 cally reminded of the Department policies on—

14 (A) the detailed information required in  
15 supporting documentation for reimbursements;  
16 and

17 (B) the necessity for timeliness of agency  
18 billings.

19 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

20 For activities under section 319 of the Robert T.  
21 Stafford Disaster Relief and Emergency Assistance Act  
22 (42 U.S.C. 5162), \$296,000 is for the cost of direct loans:  
23 *Provided*, That gross obligations for the principal amount  
24 of direct loans shall not exceed \$25,000,000: *Provided fur-*  
25 *ther*, That the cost of modifying such loans shall be as



1 defined in section 502 of the Congressional Budget Act  
2 of 1974 (2 U.S.C. 661a).

3 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

4 For necessary expenses under section 1360 of the  
5 National Flood Insurance Act of 1968 (42 U.S.C. 4101),  
6 \$102,712,000, and such additional sums as may be pro-  
7 vided by State and local governments or other political  
8 subdivisions for cost-shared mapping activities under sec-  
9 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-  
10 main available until expended: *Provided*, That total admin-  
11 istrative costs shall not exceed three percent of the total  
12 amount appropriated under this heading.

13 NATIONAL FLOOD INSURANCE FUND

14 For activities under the National Flood Insurance  
15 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-  
16 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),  
17 \$171,000,000, which shall remain available until Sep-  
18 tember 30, 2013 and shall be derived from offsetting col-  
19 lections assessed and collected under section 1308(d) of  
20 the National Flood Insurance Act of 1968 (42 U.S.C.  
21 4015(d)), which is available for salaries and expenses as-  
22 sociated with flood mitigation and flood insurance oper-  
23 ations; and flood plain management and flood mapping:  
24 *Provided*, That not to exceed \$22,000,000 shall be avail-  
25 able for salaries and expenses associated with flood mitiga-

1 tion and flood insurance operations: *Provided further*,  
2 That not less than \$149,000,000 shall be available for  
3 flood plain management and flood mapping: *Provided fur-*  
4 *ther*, That any additional fees collected pursuant to section  
5 1308(d) of the National Flood Insurance Act of 1968 (42  
6 U.S.C. 4015(d)) shall be credited as an offsetting collec-  
7 tion to this account, to be available for flood plain manage-  
8 ment and flood mapping: *Provided further*, That in fiscal  
9 year 2012, no funds shall be available from the National  
10 Flood Insurance Fund under section 1310 of that Act (42  
11 U.S.C. 4017) in excess of: (1) \$132,000,000 for operating  
12 expenses; (2) \$1,007,571,000 for commissions and taxes  
13 of agents; (3) such sums as are necessary for interest on  
14 Treasury borrowings; and (4) \$50,000,000, which shall re-  
15 main available until expended for flood mitigation actions,  
16 of which \$10,000,000 is for repetitive insurance claims  
17 properties under section 1323 of the National Flood In-  
18 surance Act of 1968 (42 U.S.C. 4030), and of which  
19 \$40,000,000 is for flood mitigation assistance under sec-  
20 tion 1366 of the National Flood Insurance Act of 1968  
21 (42 U.S.C. 4104c), notwithstanding subparagraphs (B)  
22 and (C) of subsection (b)(3) and subsection (f) of section  
23 1366 of the National Flood Insurance Act of 1968 (42  
24 U.S.C. 4104c), and notwithstanding subsection (a)(7) of  
25 section 1310 of the National Flood Insurance Act of 1968

1 (42 U.S.C. 4017): *Provided further*, That amounts col-  
2 lected under section 102 of the Flood Disaster Protection  
3 Act of 1973 and section 1366(i) of the National Flood  
4 Insurance Act of 1968 shall be deposited in the National  
5 Flood Insurance Fund to supplement other amounts speci-  
6 fied as available for section 1366 of the National Flood  
7 Insurance Act of 1968, notwithstanding section 102(f)(8)  
8 of the Flood Disaster Protection Act of 1973, section  
9 1366(i) of the National Flood Insurance Act of 1968, and  
10 paragraphs (2) and (3) of section 1366(5) of the National  
11 Flood Insurance Act of 1968: *Provided further*, That total  
12 administrative costs shall not exceed four percent of the  
13 total appropriation.

14 NATIONAL PREDISASTER MITIGATION FUND

15 For the predisaster mitigation grant program under  
16 section 203 of the Robert T. Stafford Disaster Relief and  
17 Emergency Assistance Act (42 U.S.C. 5133),  
18 \$40,000,000, to remain available until expended: *Pro-*  
19 *vided*, That the total administrative costs associated with  
20 such grants shall not exceed three percent of the total  
21 amount made available under this heading.

22 EMERGENCY FOOD AND SHELTER

23 To carry out the emergency food and shelter program  
24 pursuant to title III of the McKinney-Vento Homeless As-  
25 sistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to

1 remain available until expended: *Provided*, That total ad-  
2 ministrative costs shall not exceed 3.5 percent of the total  
3 amount made available under this heading.

4 TITLE IV

5 RESEARCH AND DEVELOPMENT, TRAINING,  
6 AND SERVICES

7 UNITED STATES CITIZENSHIP AND IMMIGRATION  
8 SERVICES

9 For necessary expenses for citizenship and immigra-  
10 tion services, \$132,361,000 for immigration verification  
11 programs, including the E-Verify Program, as authorized  
12 by section 403(a) of the Illegal Immigration Reform and  
13 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a  
14 note), to assist United States employers with maintaining  
15 a legal workforce; and of which none of the funds may  
16 be used for grants for immigrant integration: *Provided*,  
17 That notwithstanding any other provision of law, funds  
18 available to United States Citizenship and Immigration  
19 Services may be used to acquire, operate, equip, and dis-  
20 pose of up to five vehicles, for replacement only, for areas  
21 where the Administrator of General Services does not pro-  
22 vide vehicles for lease: *Provided further*, That the Director  
23 of United States Citizenship and Immigration Services  
24 may authorize employees who are assigned to those areas

1 to use such vehicles to travel between the employees' resi-  
2 dences and places of employment.

3 FEDERAL LAW ENFORCEMENT TRAINING CENTER

4 SALARIES AND EXPENSES

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

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

1 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND  
2 RELATED EXPENSES

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

11 SCIENCE AND TECHNOLOGY

12 MANAGEMENT AND ADMINISTRATION

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

20 RESEARCH, DEVELOPMENT, ACQUISITION, AND

21 OPERATIONS

22 For necessary expenses for science and technology re-  
23 search, including advanced research projects, development,  
24 test and evaluation, acquisition, and operations as author-  
25 ized by title III of the Homeland Security Act of 2002

1 (6 U.S.C. 181 et seq.), and the purchase or lease of not  
2 to exceed five vehicles, \$398,213,000, of which  
3 \$196,713,000, to remain available until September 30,  
4 2014; and of which \$201,500,000, to remain available  
5 until September 30, 2016, solely for operation and con-  
6 struction of laboratory facilities.

#### 7 DOMESTIC NUCLEAR DETECTION OFFICE

##### 8 MANAGEMENT AND ADMINISTRATION

9 For salaries and expenses of the Domestic Nuclear  
10 Detection Office, as authorized by title XIX of the Home-  
11 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-  
12 agement and administration of programs and activities,  
13 \$40,000,000: *Provided*, That not to exceed \$3,000 shall  
14 be for official reception and representation expenses.

##### 15 RESEARCH, DEVELOPMENT, AND OPERATIONS

16 For necessary expenses for radiological and nuclear  
17 research, development, testing, evaluation, and operations,  
18 \$245,194,000, to remain available until September 30,  
19 2014.

##### 20 SYSTEMS ACQUISITION

21 For expenses for the Domestic Nuclear Detection Of-  
22 fice acquisition and deployment of radiological detection  
23 systems in accordance with the global nuclear detection  
24 architecture, \$52,000,000, to remain available until Sep-  
25 tember 30, 2014: *Provided*, That none of the funds appro-



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

## 19 TITLE V

### 20 GENERAL PROVISIONS

21 (INCLUDING RESCISSIONS OF FUNDS)

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

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

9        SEC. 503. (a) None of the funds provided by this Act,  
10 provided by previous appropriations Acts to the agencies  
11 in or transferred to the Department of Homeland Security  
12 that remain available for obligation or expenditure in fiscal  
13 year 2012, or provided from any accounts in the Treasury  
14 of the United States derived by the collection of fees avail-  
15 able to the agencies funded by this Act, shall be available  
16 for obligation or expenditure through a reprogramming of  
17 funds that: (1) creates a new program, project, office, or  
18 activity; (2) eliminates a program, project, office, or activ-  
19 ity; (3) increases funds for any program, project, or activ-  
20 ity for which funds have been denied or restricted by the  
21 Congress; (4) proposes to use funds directed for a specific  
22 activity by either of the Committees on Appropriations of  
23 the Senate or the House of Representatives for a different  
24 purpose; or (5) contracts out any function or activity for  
25 which funding levels were requested for Federal full-time

1 equivalents in the object classification tables contained in  
2 the fiscal year 2012 Budget Appendix for the Department  
3 of Homeland Security, as modified by the joint explana-  
4 tory statement accompanying this Act, unless the Commit-  
5 tees on Appropriations of the Senate and the House of  
6 Representatives are notified 15 days in advance of such  
7 reprogramming of funds.

8       (b) None of the funds provided by this Act, provided  
9 by previous appropriations Acts to the agencies in or  
10 transferred to the Department of Homeland Security that  
11 remain available for obligation or expenditure in fiscal  
12 year 2012, or provided from any accounts in the Treasury  
13 of the United States derived by the collection of fees or  
14 proceeds available to the agencies funded by this Act, shall  
15 be available for obligation or expenditure for programs,  
16 projects, or activities through a reprogramming of funds  
17 in excess of \$5,000,000 or 10 percent, whichever is less,  
18 that: (1) augments existing programs, projects, or activi-  
19 ties; (2) reduces by 10 percent funding for any existing  
20 program, project, or activity, or reduces the numbers of  
21 personnel by 10 percent as approved by the Congress; or  
22 (3) results from any general savings from a reduction in  
23 personnel that would result in a change in existing pro-  
24 grams, projects, or activities as approved by the Congress,  
25 unless the Committees on Appropriations of the Senate

1 and the House of Representatives are notified 15 days in  
2 advance of such reprogramming of funds.

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

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

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

24 SEC. 504. The Department of Homeland Security  
25 Working Capital Fund, established pursuant to section

1 403 of Public Law 103–356 (31 U.S.C. 501 note), shall  
2 continue operations as a permanent working capital fund  
3 for fiscal year 2012: *Provided*, That none of the funds ap-  
4 propriated or otherwise made available to the Department  
5 of Homeland Security may be used to make payments to  
6 the Working Capital Fund, except for the activities and  
7 amounts allowed in the President’s fiscal year 2012 budg-  
8 et: *Provided further*, That funds provided to the Working  
9 Capital Fund shall be available for obligation until ex-  
10 pended to carry out the purposes of the Working Capital  
11 Fund: *Provided further*, That all departmental components  
12 shall be charged only for direct usage of each Working  
13 Capital Fund service: *Provided further*, That funds pro-  
14 vided to the Working Capital Fund shall be used only for  
15 purposes consistent with the contributing component: *Pro-  
16 vided further*, That the Working Capital Fund shall be  
17 paid in advance or reimbursed at rates which will return  
18 the full cost of each service: *Provided further*, That the  
19 Working Capital Fund shall be subject to the require-  
20 ments of section 503 of this Act.

21 SEC. 505. Except as otherwise specifically provided  
22 by law, not to exceed 50 percent of unobligated balances  
23 remaining available at the end of fiscal year 2012 from  
24 appropriations for salaries and expenses for fiscal year  
25 2012 in this Act shall remain available through September

1 30, 2013, in the account and for the purposes for which  
2 the appropriations were provided: *Provided*, That prior to  
3 the obligation of such funds, a request shall be submitted  
4 to the Committees on Appropriations of the Senate and  
5 the House of Representatives for approval in accordance  
6 with section 503 of this Act.

7 SEC. 506. Funds made available by this Act for intel-  
8 ligence activities are deemed to be specifically authorized  
9 by the Congress for purposes of section 504 of the Na-  
10 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
11 year 2012 until the enactment of an Act authorizing intel-  
12 ligence activities for fiscal year 2012.

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

16 (1) make or award a grant allocation, grant, contract,  
17 other transaction agreement, task or delivery order on a  
18 Department of Homeland Security multiple award con-  
19 tract, or to issue a letter of intent totaling in excess of  
20 \$1,000,000;

21 (2) award a task order requiring an obligation of  
22 funds in an amount greater than \$25,000,000 from multi-  
23 year Department of Homeland Security funds or a task  
24 order that would cause cumulative obligations of multi-

1 year funds in a single account to exceed 50 percent of  
2 the total amount appropriated; or

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

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

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

19 (d) A notification under this section—

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

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

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

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

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



1       SEC. 510. Sections 520, 522, and 530 of the Depart-  
2       ment of Homeland Security Appropriations Act, 2008 (di-  
3       vision E of Public Law 110–161; 121 Stat. 2042 et seq.)  
4       shall apply with respect to funds made available in this  
5       Act in the same manner as such sections applied to funds  
6       made available in that Act.

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

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

17       SEC. 513. None of the funds made available in this  
18       Act may be used to amend the oath of allegiance required  
19       by section 337 of the Immigration and Nationality Act  
20       (8 U.S.C. 1448).

21       SEC. 514. None of the funds appropriated by this Act  
22       may be used to process or approve a competition under  
23       Office of Management and Budget Circular A-76 for serv-  
24       ices provided as of June 1, 2004, by employees (including  
25       employees serving on a temporary or term basis) of United

1 States Citizenship and Immigration Services of the De-  
2 partment of Homeland Security who are known as of that  
3 date as Immigration Information Officers, Contact Rep-  
4 resentatives, or Investigative Assistants.

5       SEC. 515. Within 45 days after the end of each  
6 month, the Chief Financial Officer of the Department of  
7 Homeland Security shall submit to the Committees on Ap-  
8 propriations of the Senate and the House of Representa-  
9 tives a monthly budget and staffing report for that month  
10 that includes total obligations, on-board versus funded  
11 full-time equivalent staffing levels, and the number of con-  
12 tract employees for each office of the Department.

13       SEC. 516. Except as provided in section 44945 of title  
14 49, United States Code, funds appropriated for or trans-  
15 ferred to “Transportation Security Administration, Avia-  
16 tion Security”, “Transportation Security Administration,  
17 Administration”, and “Transportation Security Adminis-  
18 tration, Transportation Security Support” for fiscal years  
19 2004, 2005, 2006, 2007, 2008, 2009, and 2010 that are  
20 recovered or deobligated shall be available only for the pro-  
21 curement or installation of explosives detection systems,  
22 air cargo, baggage, and checkpoint screening systems,  
23 subject to notification: *Provided*, That quarterly reports  
24 shall be submitted to the Committees on Appropriations

1 of the Senate and the House of Representatives on any  
2 funds that are so recovered or deobligated.

3       SEC. 517. Any funds appropriated to “Coast Guard,  
4 Acquisition, Construction, and Improvements” for fiscal  
5 years 2002, 2003, 2004, 2005, and 2006 for the 110–  
6 123 foot patrol boat conversion that are recovered, col-  
7 lected, or otherwise received as the result of negotiation,  
8 mediation, or litigation, shall be available until expended  
9 for the Fast Response Cutter program.

10       SEC. 518. Section 532(a) of Public Law 109–295  
11 (120 Stat. 1384) is amended by striking “2010” and in-  
12 serting “2012”.

13       SEC. 519. The functions of the Federal Law Enforce-  
14 ment Training Center instructor staff shall be classified  
15 as inherently governmental for the purpose of the Federal  
16 Activities Inventory Reform Act of 1998 (31 U.S.C. 501  
17 note).

18       SEC. 520. (a) Except as provided in subsection (b),  
19 none of the funds appropriated in this or any other Act  
20 to the Office of the Secretary and Executive Management,  
21 the Office of the Under Secretary for Management, or the  
22 Office of the Chief Financial Officer, may be obligated for  
23 a grant or contract funded under such headings by any  
24 means other than full and open competition.

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

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

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

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

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

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

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

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

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

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

3 SEC. 521. None of the funds provided in this Act or  
4 any previous appropriations Acts shall be used to fund any  
5 position designated as a Principal Federal Official, or suc-  
6 cessor position, for any event that is declared a major dis-  
7 aster or emergency under the Robert T. Stafford Disaster  
8 Relief and Emergency Assistance Act (42 U.S.C. et seq.).

9 SEC. 522. None of the funds made available in this  
10 or any other Act may be used to enforce section 4025(1)  
11 of the Intelligence Reform and Terrorism Prevention Act  
12 (Public Law 108–458; 118 Stat. 3724) unless the Assist-  
13 ant Secretary of Homeland Security (Transportation Se-  
14 curity Administration) reverses the determination of July  
15 19, 2007, that butane lighters are not a significant threat  
16 to civil aviation security.

17 SEC. 523. None of the funds made available in this  
18 Act may be used to carry out section 872 of the Homeland  
19 Security Act of 2002 (6 U.S.C. 452).

20 SEC. 524. None of the funds made available in this  
21 Act may be used by United States Citizenship and Immi-  
22 gration Services to grant an immigration benefit unless  
23 the results of background checks required by law to be  
24 completed prior to the granting of the benefit have been  
25 received by United States Citizenship and Immigration

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

3 SEC. 525. None of the funds made available in this  
4 or any other Act for fiscal year 2012 and hereafter may  
5 be used to destroy or put out to pasture any horse or other  
6 equine belonging to any component or agency of the De-  
7 partment of Homeland Security that has become unfit for  
8 service, unless the trainer or handler is first given the op-  
9 tion to take possession of the equine through an adoption  
10 program that has safeguards against slaughter and inhu-  
11 mane treatment.

12 SEC. 526. Section 831 of the Homeland Security Act  
13 of 2002 (6 U.S.C. 391) is amended—

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

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

19 SEC. 527. The Secretary of Homeland Security shall  
20 require that all contracts of the Department of Homeland  
21 Security that provide award fees link such fees to success-  
22 ful acquisition outcomes (which outcomes shall be speci-  
23 fied in terms of cost, schedule, and performance).

24 SEC. 528. None of the funds made available to the  
25 Office of the Secretary and Executive Management under

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

6 SEC. 529. None of the funds made available in this  
7 Act for U.S. Customs and Border Protection may be used  
8 to prevent an individual not in the business of importing  
9 a prescription drug (within the meaning of section 801(g)  
10 of the Federal Food, Drug, and Cosmetic Act) from im-  
11 porting a prescription drug from Canada that complies  
12 with the Federal Food, Drug, and Cosmetic Act: *Provided*,  
13 That this section shall apply only to individuals trans-  
14 porting on their person a personal-use quantity of the pre-  
15 scription drug, not to exceed a 90-day supply: *Provided*  
16 *further*, That the prescription drug may not be—

17 (1) a controlled substance, as defined in section  
18 102 of the Controlled Substances Act (21 U.S.C.  
19 802); or

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

23 SEC. 530. The Secretary of Homeland Security, in  
24 consultation with the Secretary of the Treasury, shall no-  
25 tify the Committees on Appropriations of the Senate and



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

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

13       SEC. 532. If the Assistant Secretary of Homeland Se-  
14 curity (Transportation Security Administration) deter-  
15 mines that an airport does not need to participate in the  
16 E-Verify Program established under section 403(a) of the  
17 Illegal Immigration Reform and Immigrant Responsibility  
18 Act of 1996 (8 U.S.C. 1324a note), the Assistant Sec-  
19 retary shall certify to the Committees on Appropriations  
20 of the Senate and the House of Representatives that no  
21 security risks will result from such non-participation.

22       SEC. 533. (a) Notwithstanding any other provision  
23 of this Act, except as provided in subsection (b), and 30  
24 days after the date on which the President determines  
25 whether to declare a major disaster because of an event

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

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

15 (c) In this section—

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

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

23 SEC. 534. (a) Notwithstanding any other provision  
24 of law during fiscal year 2012 or any subsequent fiscal  
25 year, if the Secretary of Homeland Security determines

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

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

21 SEC. 535. Any official that is required by this Act  
22 to report or certify to the Committees on Appropriations  
23 of the Senate and the House of Representatives may not  
24 delegate such authority to perform that act unless specifi-  
25 cally authorized herein.

1       SEC. 536. Section 550(b) of the Department of  
2 Homeland Security Appropriations Act, 2007 (Public Law  
3 109–295; 6 U.S.C. 121 note) is further amended by strik-  
4 ing “2011” and inserting “2012”.

5       SEC. 537. None of the funds appropriated or other-  
6 wise made available in this or any other Act may be used  
7 to transfer, release, or assist in the transfer or release to  
8 or within the United States, its territories, or possessions,  
9 including detaining, accepting custody of, or extending im-  
10 migration benefits to, Khalid Sheikh Mohammed or any  
11 other detainee who—

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

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

17       SEC. 538. None of the funds made available in this  
18 Act may be used for first-class travel by the employees  
19 of agencies funded by this Act in contravention of sections  
20 301–10.122 through 301.10–124 of title 41, Code of Fed-  
21 eral Regulations.

22       SEC. 539. None of the funds made available in this  
23 Act may be used to propose or effect a disciplinary or ad-  
24 verse action, with respect to any Department of Homeland  
25 Security employee who engages regularly with the public

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

9       SEC. 540. None of the funds made available in this  
10 Act may be used to employ workers described in section  
11 274A(h)(3) of the Immigration and Nationality Act (8  
12 U.S.C. 1324a(h)(3)).

13       SEC. 541. (a) Any company that collects or retains  
14 personal information directly from any individual who par-  
15 ticipates in the Registered Traveler program of the Trans-  
16 portation Security Administration shall safeguard and dis-  
17 pose of such information in accordance with the require-  
18 ments in—

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

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

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

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

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

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

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

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

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

6           SEC. 542. Notwithstanding any other provision of  
7           this Act, none of the funds appropriated or otherwise  
8           made available by this Act may be used to pay award or  
9           incentive fees for contractor performance that has been  
10          judged to be below satisfactory performance or perform-  
11          ance that does not meet the basic requirements of a con-  
12          tract.

13          SEC. 543. (a) Not later than 180 days after the date  
14          of enactment of this Act, the Assistant Secretary of Home-  
15          land Security (Transportation Security Administration)  
16          shall submit to the Committees on Appropriations of the  
17          Senate and the House of Representatives, a report that  
18          either—

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

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

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

8 (B) specification of—

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

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

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

18 SEC. 544. In developing any process to screen avia-  
19 tion passengers and crews for transportation or national  
20 security purposes, the Secretary of Homeland Security  
21 shall ensure that all such processes take into consideration  
22 such passengers' and crews' privacy and civil liberties con-  
23 sistent with applicable laws, regulations, and guidance.

24 SEC. 545. Sections 1309(a) and 1319 of the National  
25 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and



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

3 SEC. 546. (a) Notwithstanding section 1356(n) of  
4 title 8, United States Code, of the funds deposited into  
5 the Immigration Examinations Fee Account, \$8,500,000  
6 is available to United States Citizenship and Immigration  
7 Services in fiscal year 2012 for the purpose of providing  
8 an immigrant integration grants program.

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

14 SEC. 547. (a) The Secretary of Homeland Security  
15 may transfer to the Secretary of the Interior amounts  
16 available for environmental mitigation requirements for  
17 “U.S. Customs and Border Protection, Border Security  
18 Fencing, Infrastructure, and Technology” for fiscal years  
19 2009, 2010, 2011, and 2012, for use by the Secretary of  
20 the Interior under laws administered by such Secretary  
21 to mitigate adverse environmental impacts, resulting di-  
22 rectly from construction, operation, and maintenance ac-  
23 tivities by the Department of Homeland Security related  
24 to border security.

1 (b) Uses of funds authorized by this section include  
2 minimal, necessary acquisition of land or interests in land  
3 that will, in the judgment of the Secretary of the Interior,  
4 mitigate or offset such adverse impacts.

5 (c) Any funds transferred under this section shall be  
6 used in accordance with a written agreement between the  
7 Secretaries.

8 (d) The Secretary of the Interior, in consultation with  
9 the Secretary of Homeland Security, shall submit to the  
10 Committees on Appropriations of the Senate and the  
11 House of Representatives, by not later than 15 days before  
12 any proposed transfer under this section, an expenditure  
13 plan that describes in detail the actions proposed to be  
14 taken with amounts transferred under this section.

15 (e) Concurrent with submittal of the expenditure  
16 plan, the Secretary of Homeland Security shall submit a  
17 certification that the actions outlined in the expenditure  
18 plan cannot be legally executed under the authorities of  
19 U.S. Customs and Border Protection or any other compo-  
20 nent of the Department of Homeland Security and are de-  
21 termined to be necessary for mitigation of construction,  
22 operation, and maintenance activities related to border se-  
23 curity.

24 SEC. 548. Of the funds transferred to the Depart-  
25 ment of Homeland Security when it was created in 2003,

1 the following funds are hereby rescinded from the fol-  
2 lowing accounts and programs in the specified amounts:

- 3 (1) \$20,997,225 from “U.S. Immigration and  
4 Customs Enforcement, Salaries and Expenses”; and  
5 (2) \$594,945 from “Violent Crime Reduction  
6 Programs”.

7 SEC. 549. Of the following unobligated balances  
8 available for “Department of Homeland Security, U.S.  
9 Immigration and Customs Enforcement, Construction”,  
10 \$11,300,000 is rescinded.

## 11 TITLE VI

### 12 EMERGENCY SUPPLEMENTAL FUNDING FOR

### 13 DISASTER RELIEF

14 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

15 SEC. 601. Effective on the date of the enactment of  
16 this Act, of the unobligated balances remaining available  
17 to the Department of Energy pursuant to section 129 of  
18 the Continuing Appropriations Resolution, 2009 (division  
19 A of Public Law 110–329), \$500,000,000 is rescinded and  
20 \$1,000,000,000 is hereby transferred to and merged with  
21 “Department of Homeland Security—Federal Emergency  
22 Management Agency—Disaster Relief”: *Provided*, That  
23 the amount transferred by this section is designated as  
24 an emergency pursuant to section 3(c)(1) of H. Res. 5  
25 (112th Congress).

1 TITLE VII  
2 SPENDING REDUCTION ACCOUNT  
3 SEC. 701. The amount by which the applicable alloca-  
4 tion of new budget authority made by the Committee on  
5 Appropriations of the House of Representatives under sec-  
6 tion 302(b) of the Congressional Budget Act of 1974 ex-  
7 ceeds the amount of proposed new budget authority is \$0.  
8 This Act may be cited as the “Department of Home-  
9 land Security Appropriations Act, 2012”.



Union Calendar No. 50

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

**H. R. 2017**

[Report No. 112-91]

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**A BILL**

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

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MAY 26, 2011

Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed