

Union Calendar No. 345

112TH CONGRESS
2^D SESSION

H. R. 5855

[Report No. 112-492]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2012

Mr. ADERHOLT from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 paid from amounts made available for the Immediate Of-
2 fice of the Secretary and the Immediate Office of the Dep-
3 uty Secretary: *Provided further*, That \$5,000,000 shall not
4 be available for obligation by the Office of General Counsel
5 until a final rule for aircraft repair station security has
6 been published: *Provided further*, That \$71,079,000 shall
7 not be available for obligation until the Secretary of
8 Homeland Security submits to the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 all statutorily required reports and plans that are due with
11 the submission of the President’s budget proposal for fis-
12 cal year 2014 pursuant to the requirements of section
13 1105(a) of title 31, United States Code: *Provided further*,
14 That the Secretary of Homeland Security shall submit the
15 consolidation plan, as directed under the heading “Con-
16 solidation of Weapons of Mass Destruction Defense Pro-
17 grams” in the accompanying report, not later than 180
18 days after the date of enactment of this Act.

19 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

20 For necessary expenses of the Office of the Under
21 Secretary for Management, as authorized by sections 701
22 through 705 of the Homeland Security Act of 2002 (6
23 U.S.C. 341 through 345), \$213,128,000, of which not to
24 exceed \$2,500 shall be for official reception and represen-
25 tation expenses: *Provided*, That of the total amount made

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

1 of title 31, United States Code, and quarterly updates to
2 such report not later than 45 days after the completion
3 of each quarter.

4 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

18 OFFICE OF THE CHIEF INFORMATION OFFICER

19 For necessary expenses of the Office of the Chief In-
20 formation Officer, as authorized by section 103 of the
21 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
22 partment-wide technology investments, \$241,543,000; of
23 which \$116,870,000 shall be available for salaries and ex-
24 penses; and of which \$124,673,000, to remain available
25 until September 30, 2015, shall be available for develop-

1 ment and acquisition of information technology equip-
2 ment, software, services, and related activities for the De-
3 partment of Homeland Security.

4 ANALYSIS AND OPERATIONS

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

12 OFFICE OF INSPECTOR GENERAL

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

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

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 7,500 (6,500
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,366,024,000; of which \$3,274,000 shall be derived
14 from the Harbor Maintenance Trust Fund for administra-
15 tive expenses related to the collection of the Harbor Main-
16 tenance Fee pursuant to section 9505(c)(3) of the Internal
17 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
18 withstanding section 1511(e)(1) of the Homeland Security
19 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
20 \$38,250 shall be for official reception and representation
21 expenses; of which not less than \$284,530,000 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 of which not to exceed \$1,000,000 shall be for awards of
5 compensation to informants, to be accounted for solely
6 under the certificate of the Secretary of Homeland Secu-
7 rity: *Provided*, That for fiscal year 2013, the overtime lim-
8 itation prescribed in section 5(c)(1) of the Act of February
9 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
10 withstanding any other provision of law, none of the funds
11 appropriated by this Act may be available to compensate
12 any employee of U.S. Customs and Border Protection for
13 overtime, from whatever source, in an amount that ex-
14 ceeds such limitation, except in individual cases deter-
15 mined by the Secretary of Homeland Security, or the des-
16 ignee of the Secretary, to be necessary for national secu-
17 rity purposes, to prevent excessive costs, or in cases of
18 immigration emergencies: *Provided further*, That the Bor-
19 der Patrol shall maintain an active duty presence of not
20 less than 21,370 full-time equivalent agents protecting the
21 borders of the United States in the fiscal year: *Provided*
22 *further*, That \$836,600,000 shall not be available for obli-
23 gation until the Commissioner of U.S. Customs and Bor-
24 der Protection submits to the Committees on Appropria-
25 tions of the Senate and the House of Representatives the

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

5 AUTOMATION MODERNIZATION

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

11 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
12 TECHNOLOGY

13 For expenses for border security fencing, infrastruc-
14 ture, and technology, \$327,099,000, to remain available
15 until September 30, 2015.

16 AIR AND MARINE INTERDICTION, OPERATIONS,
17 MAINTENANCE, AND PROCUREMENT

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

1 forced by the Department of Homeland Security; and, at
2 the discretion of the Secretary of Homeland Security, the
3 provision of assistance to Federal, State, and local agen-
4 cies in other law enforcement and emergency humani-
5 tarian efforts, \$518,469,000, to remain available until
6 September 30, 2015: *Provided*, That no aircraft or other
7 related equipment, with the exception of aircraft that are
8 one of a kind and have been identified as excess to U.S.
9 Customs and Border Protection requirements and aircraft
10 that have been damaged beyond repair, shall be trans-
11 ferred to any other Federal agency, department, or office
12 outside of the Department of Homeland Security during
13 fiscal year 2013 without the prior approval of the Commit-
14 tees on Appropriations of the Senate and the House of
15 Representatives: *Provided further*, That the Secretary of
16 Homeland Security shall report to the Committees on Ap-
17 propriations of the Senate and the House of Representa-
18 tives, not later than 90 days after the date of enactment
19 of this Act, on any changes to the 5-year strategic plan
20 for the air and marine program required under this head-
21 ing in Public Law 112–74.

22 CONSTRUCTION AND FACILITIES MANAGEMENT

23 For necessary expenses to plan, acquire, construct,
24 renovate, equip, furnish, operate, manage, and maintain
25 buildings, facilities, and related infrastructure necessary

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

15 IMMIGRATION AND CUSTOMS ENFORCEMENT

16 SALARIES AND EXPENSES

17 For necessary expenses for enforcement of immigra-
18 tion and customs laws, detention and removals, and inves-
19 tigation, including overseas vetted units operations; and
20 purchase and lease of up to 3,790 (2,350 for replacement
21 only) police-type vehicles; \$5,236,331,000; of which not to
22 exceed \$10,000,000 shall be available until expended for
23 conducting special operations under section 3131 of the
24 Customs Enforcement Act of 1986 (19 U.S.C. 2081); of
25 which not to exceed \$12,750 shall be for official reception

1 and representation expenses; of which not to exceed
2 \$2,000,000 shall be for awards of compensation to inform-
3 ants, to be accounted for solely under the certificate of
4 the Secretary of Homeland Security; of which not less
5 than \$305,000 shall be for promotion of public awareness
6 of the child pornography tipline and activities to counter
7 child exploitation; of which not less than \$68,321,000
8 shall be used to facilitate agreements consistent with sec-
9 tion 287(g) of the Immigration and Nationality Act (8
10 U.S.C. 1357(g)); and of which not to exceed \$11,216,000
11 shall be available to fund or reimburse other Federal agen-
12 cies for the costs associated with the care, maintenance,
13 and repatriation of smuggled aliens unlawfully present in
14 the United States: *Provided*, That none of the funds made
15 available under this heading shall be available to com-
16 pensate any employee for overtime in an annual amount
17 in excess of \$35,000, except that the Secretary of Home-
18 land Security, or the designee of the Secretary, may waive
19 that amount as necessary for national security purposes
20 and in cases of immigration emergencies: *Provided further*,
21 That of the total amount provided, \$15,770,000 shall be
22 for activities to enforce laws against forced child labor,
23 of which not to exceed \$6,000,000 shall remain available
24 until expended: *Provided further*, That not less than
25 \$10,000,000 shall be available for investigation of intellec-

1 tual property rights violations, including the National In-
2 tellectual Property Rights Coordination Center: *Provided*
3 *further*, That not less than \$134,626,000 shall be for
4 worksite enforcement investigations, audits, and activities:
5 *Provided further*, That of the total amount available, not
6 less than \$1,600,000,000 shall be available to identify
7 aliens convicted of a crime who may be deportable, and
8 to remove them from the United States once they are
9 judged deportable, of which \$138,249,000 shall be for
10 completion of Secure Communities deployment: *Provided*
11 *further*, That the Assistant Secretary of Homeland Secu-
12 rity for U.S. Immigration and Customs Enforcement shall
13 report to the Committees on Appropriations of the Senate
14 and the House of Representatives, not later than 45 days
15 after the end of each quarter of the fiscal year, on progress
16 in implementing the preceding proviso and the funds obli-
17 gated during that quarter to make such progress: *Provided*
18 *further*, That the Secretary of Homeland Security shall
19 prioritize the identification and removal of aliens convicted
20 of a crime by the severity of that crime: *Provided further*,
21 That funding made available under this heading shall
22 maintain a level of not less than 34,000 detention beds
23 through September 30, 2013: *Provided further*, That of
24 the total amount provided, not less than \$2,749,840,000
25 is for detention and removal operations, including trans-

1 portation of unaccompanied minor aliens, of which not less
2 than \$91,460,000 shall be for alternatives to detention:
3 *Provided further*, That of the total amount provided,
4 \$10,300,000 shall remain available until September 30,
5 2014, for the Visa Security Program: *Provided further*,
6 That none of the funds provided under this heading may
7 be used to continue a delegation of law enforcement au-
8 thority authorized under section 287(g) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1357(g)) if the Depart-
10 ment of Homeland Security Inspector General determines
11 that the terms of the agreement governing the delegation
12 of authority have been violated: *Provided further*, That
13 none of the funds provided under this heading may be
14 used to continue any contract for the provision of deten-
15 tion services if the two most recent overall performance
16 evaluations received by the contracted facility are less than
17 “adequate” or the equivalent median score in any subse-
18 quent performance evaluation system: *Provided further*,
19 That nothing under this heading shall prevent U.S. Immi-
20 gration and Customs Enforcement from exercising those
21 authorities provided under immigration laws (as defined
22 in section 101(a)(17) of the Immigration and Nationality
23 Act (8 U.S.C. 1101(a)(17))) during priority operations
24 pertaining to aliens convicted of a crime.

1 *Provided*, That of the total amount made available under
2 this heading, not to exceed \$3,969,569,000 shall be for
3 screening operations, of which \$409,000,000 shall be
4 available for explosives detection systems; \$120,239,000
5 shall be for checkpoint support; and not to exceed
6 \$1,071,661,000 shall be for aviation security direction and
7 enforcement: *Provided further*, That of the amount made
8 available in the preceding proviso for explosives detection
9 systems, \$100,000,000 shall be available for the purchase
10 and installation of these systems, of which not less than
11 9 percent shall be available for the purchase and installa-
12 tion of certified explosives detection systems at medium-
13 and small-sized airports: *Provided further*, That any award
14 to deploy explosives detection systems shall be based on
15 risk, the airport's current reliance on other screening solu-
16 tions, lobby congestion resulting in increased security con-
17 cerns, high injury rates, airport readiness, and increased
18 cost effectiveness: *Provided further*, That security service
19 fees authorized under section 44940 of title 49, United
20 States Code, shall be credited to this appropriation as off-
21 setting collections and shall be available only for aviation
22 security: *Provided further*, That the sum appropriated
23 under this heading from the general fund shall be reduced
24 on a dollar-for-dollar basis as such offsetting collections
25 are received during fiscal year 2013 so as to result in a

1 final fiscal year appropriation from the general fund esti-
2 mated at not more than \$2,971,230,000: *Provided further*,
3 That any security service fees collected in excess of the
4 amount made available under this heading shall become
5 available during fiscal year 2014: *Provided further*, That
6 notwithstanding section 44923 of title 49, United States
7 Code, for fiscal year 2013, any funds in the Aviation Secu-
8 rity Capital Fund established by section 44923(h) of title
9 49, United States Code, may be used for the procurement
10 and installation of explosives detection systems or for the
11 issuance of other transaction agreements for the purpose
12 of funding projects described in section 44923(a) of such
13 title: *Provided further*, That none of the funds made avail-
14 able in this Act may be used for any recruiting or hiring
15 of personnel into the Transportation Security Administra-
16 tion that would cause the agency to exceed a staffing level
17 of 46,000 full-time equivalent screeners: *Provided further*,
18 That the preceding proviso shall not apply to personnel
19 hired as part-time employees: *Provided further*, That not
20 later than 90 days after the date of enactment of this Act,
21 the Secretary of Homeland Security shall submit to the
22 Committees on Appropriations of the Senate and the
23 House of Representatives a detailed report on—

24 (1) the Department of Homeland Security ef-
25 forts and resources being devoted to develop more

1 advanced integrated passenger screening tech-
2 nologies for the most effective security of passengers
3 and baggage at the lowest possible operating and ac-
4 quisition costs;

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

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

14 *Provided further*, That Members of the United States
15 House of Representatives and United States Senate, in-
16 cluding the leadership; the heads of Federal agencies and
17 commissions, including the Secretary, Deputy Secretary,
18 Under Secretaries, and Assistant Secretaries of the De-
19 partment of Homeland Security; the United States Attor-
20 ney General, Deputy Attorney General, Assistant Attor-
21 neys General, and the United States Attorneys; and senior
22 members of the Executive Office of the President, includ-
23 ing the Director of the Office of Management and Budget,
24 shall not be exempt from Federal passenger and baggage
25 screening.

1 SURFACE TRANSPORTATION SECURITY

2 For necessary expenses of the Transportation Secu-
3 rity Administration related to surface transportation secu-
4 rity activities, \$126,418,000, to remain available until
5 September 30, 2014.

6 TRANSPORTATION THREAT ASSESSMENT AND
7 CREDENTIALING

8 For necessary expenses for the development and im-
9 plementation of screening programs of the Office of
10 Transportation Threat Assessment and Credentialing,
11 \$192,424,000, to remain available until September 30,
12 2014.

13 TRANSPORTATION SECURITY SUPPORT

14 For necessary expenses of the Transportation Secu-
15 rity Administration related to transportation security sup-
16 port and intelligence pursuant to the Aviation and Trans-
17 portation Security Act (Public Law 107–71; 115 Stat.
18 597; 49 U.S.C. 40101 note), \$928,663,000, to remain
19 available until September 30, 2014: *Provided*, That the
20 Administrator of the Transportation Security Administra-
21 tion shall submit to the Committees on Appropriations of
22 the Senate and the House of Representatives detailed ex-
23 penditure plans for air cargo security; checkpoint support;
24 and explosives detection systems refurbishment, procure-
25 ment, and installations; on an airport-by-airport basis for

1 fiscal year 2013: *Provided further*, That these plans shall
2 be submitted not later than 60 days after the date of en-
3 actment of this Act.

4 FEDERAL AIR MARSHALS

5 For necessary expenses of the Federal Air Marshals,
6 \$879,600,000: *Provided*, That the Director, Federal Air
7 Marshal Service, shall submit to the Committees on Ap-
8 propriations of the Senate and the House of Representa-
9 tives not later than 90 days after the enactment of this
10 Act a detailed, classified expenditure and staffing plan for
11 ensuring optimal coverage of high risk flights.

12 UNITED STATES COAST GUARD

13 OPERATING EXPENSES

14 For necessary expenses for the operation and mainte-
15 nance of the Coast Guard, not otherwise provided for; pur-
16 chase or lease of not to exceed 25 passenger motor vehi-
17 cles, which shall be for replacement only; purchase or lease
18 of small boats for contingent and emergent requirements
19 (at a unit cost of no more than \$700,000) and repairs
20 and service-life replacements, not to exceed a total of
21 \$31,000,000; purchase or lease of boats necessary for
22 overseas deployments and activities; minor shore construc-
23 tion projects not exceeding \$1,000,000 in total cost at any
24 location; payments pursuant to section 156 of Public Law
25 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-

1 ation and welfare; \$6,759,627,000; of which \$340,000,000
2 shall be for defense-related activities; of which
3 \$24,500,000 shall be derived from the Oil Spill Liability
4 Trust Fund to carry out the purposes of section
5 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
6 2712(a)(5)); and of which not to exceed \$17,000 shall be
7 for official reception and representation expenses: *Pro-*
8 *vided*, That none of the funds made available by this Act
9 shall be for expenses incurred for recreational vessels
10 under section 12114 of title 46, United States Code, ex-
11 cept to the extent fees are collected from owners of yachts
12 and credited to this appropriation: *Provided further*, That
13 the Coast Guard shall comply with the requirements of
14 section 527 of the National Defense Authorization Act for
15 Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to
16 the Coast Guard Academy: *Provided further*, That of the
17 funds provided under this heading, \$75,000,000 shall be
18 withheld from obligation for Coast Guard Headquarters
19 Directorates until a revised future-years capital invest-
20 ment plan for fiscal years 2014 through 2018, as specified
21 under the heading Coast Guard “Acquisition, Construc-
22 tion, and Improvements” of this Act, is submitted to the
23 Committees on Appropriations of the Senate and the
24 House of Representatives.

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 \$12,151,000, to remain available until September 30,
6 2017.

7 RESERVE TRAINING

8 For necessary expenses of the Coast Guard Reserve,
9 as authorized by law; operations and maintenance of the
10 Coast Guard reserve program; personnel and training
11 costs; and equipment and services; \$115,528,000.

12 AUTOMATION MODERNIZATION

13 For expenses of the Coast Guard automated systems,
14 \$50,000,000, to remain available until September 30,
15 2015.

16 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of acquisition, construction,
18 renovation, and improvement of aids to navigation, shore
19 facilities, vessels, and aircraft, including equipment related
20 thereto; and maintenance, rehabilitation, lease, and oper-
21 ation of facilities and equipment; as authorized by law;
22 \$1,428,593,000, of which \$20,000,000 shall be derived
23 from the Oil Spill Liability Trust Fund to carry out the
24 purposes of section 1012(a)(5) of the Oil Pollution Act
25 of 1990 (33 U.S.C. 2712(a)(5)); of which \$938,000,000

1 shall be available until September 30, 2017, to acquire,
2 effect major repairs to, renovate, or improve vessels, small
3 boats, and related equipment; of which \$204,500,000 shall
4 be available until September 30, 2017, to acquire, effect
5 major repairs to, renovate, or improve aircraft or increase
6 aviation capability; of which \$59,000,000 shall be avail-
7 able until September 30, 2017, for other acquisition pro-
8 grams; of which \$109,911,000 shall be available until Sep-
9 tember 30, 2017, for shore facilities and aids to naviga-
10 tion, including waterfront facilities at Navy installations
11 used by the Coast Guard; of which \$117,182,000 shall be
12 available for personnel compensation and benefits and re-
13 lated costs: *Provided*, That of the funds provided under
14 this heading, \$66,000,000 shall be immediately appor-
15 tioned for contract for long lead-time materials, compo-
16 nents, and designs for the seventh National Security Cut-
17 ter notwithstanding the availability of funds for produc-
18 tion costs or post-production costs: *Provided further*, That
19 \$10,000,000 shall be available for infrastructure construc-
20 tion, to include design, engineering, and oversight required
21 to support the continued development of the Department
22 of Homeland Security consolidated headquarters; and all
23 projects using this funding, with all related obligations
24 and expenditures, shall be subject to the management re-
25 view, approval, and oversight of the Department of Home-

1 land Security, Office of the Under Secretary for Manage-
2 ment: *Provided further*, That the Secretary of Homeland
3 Security shall submit to the Committees on Appropria-
4 tions of the Senate and the House of Representatives, at
5 the time that the President's budget proposal is submitted
6 pursuant to the requirements of section 1105(a) of title
7 31, United States Code, a future-years capital investment
8 plan for the Coast Guard that identifies for each requested
9 capital asset—

10 (1) the proposed appropriations included in that
11 budget;

12 (2) the total estimated cost of completion, in-
13 cluding and clearly delineating the costs of associ-
14 ated major acquisition systems infrastructure and
15 transition to operations;

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

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

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

24 (A) includes the total acquisition cost of
25 each asset, subdivided by fiscal year and includ-

1 ing a detailed description of the purpose of the
2 proposed funding levels for each fiscal year, in-
3 cluding for each fiscal year funds requested for
4 design, pre-acquisition activities, production,
5 structural modifications, missionization, post-
6 delivery, and transition to operations costs;

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

10 (i) quantities planned for each fiscal
11 year; and

12 (ii) major acquisition and project
13 events, including development of oper-
14 ational requirements, contracting actions,
15 design reviews, production, delivery, test
16 and evaluation, and transition to oper-
17 ations, including necessary training, shore
18 infrastructure, and logistics;

19 (C) 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 and the most recent
23 baseline approved by the Department of Home-
24 land Security's Investment Review Board, if ap-
25 plicable;

1 (D) aligns the acquisition of each asset to
2 mission requirements by defining existing capa-
3 bilities of comparable legacy assets, identifying
4 known capability gaps between such existing ca-
5 pabilities and stated mission requirements, and
6 explaining how the acquisition of each asset will
7 address such known capability gaps;

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

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

19 (G) includes a phase-out and decommis-
20 sioning schedule delineated by fiscal year for
21 each existing legacy asset that each asset is in-
22 tended to replace or recapitalize:

23 *Provided further*, That the Secretary of Homeland Secu-
24 rity shall ensure that amounts specified in the future-years
25 capital investment plan are consistent, to the maximum

1 extent practicable, with proposed appropriations necessary
2 to support the programs, projects, and activities of the
3 Coast Guard in the President's budget proposal as sub-
4 mitted pursuant to the requirements of section 1105(a)
5 of title 31, United States Code, for that fiscal year: *Pro-*
6 *vided further*, That any inconsistencies between the capital
7 investment plan and proposed appropriations shall be
8 identified and justified: *Provided further*, That subsections
9 (a) and (b) of section 6402 of Public Law 110–28 shall
10 apply with respect to the amounts made available under
11 this heading.

12 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

1 RETIRED PAY

2 For retired pay, including the payment of obligations
3 otherwise chargeable to lapsed appropriations for this pur-
4 pose, payments under the Retired Serviceman's Family
5 Protection and Survivor Benefits Plans, payment for ca-
6 reer status bonuses, concurrent receipts and combat-re-
7 lated special compensation under the National Defense
8 Authorization Act, and payments for medical care of re-
9 tired personnel and their dependents under chapter 55 of
10 title 10, United States Code, \$1,423,000,000 to remain
11 available until expended.

12 UNITED STATES SECRET SERVICE

13 SALARIES AND EXPENSES

14 For necessary expenses of the United States Secret
15 Service, including purchase of not to exceed 652 vehicles
16 for police-type use for replacement only; hire of passenger
17 motor vehicles; purchase of motorcycles made in the
18 United States; hire of aircraft; services of expert witnesses
19 at such rates as may be determined by the Director of
20 the Secret Service; rental of buildings in the District of
21 Columbia, and fencing, lighting, guard booths, and other
22 facilities on private or other property not in Government
23 ownership or control, as may be necessary to perform pro-
24 tective functions; payment of per diem or subsistence al-
25 lowances to employees in cases in which a protective as-

1 signment on the actual day or days of the visit of a
2 protectee requires an employee to work 16 hours per day
3 or to remain overnight at a post of duty; conduct of and
4 participation in firearms matches; presentation of awards;
5 travel of United States Secret Service employees on pro-
6 tective missions without regard to the limitations on such
7 expenditures in this or any other Act if approval is ob-
8 tained in advance from the Committees on Appropriations
9 of the Senate and the House of Representatives; research
10 and development; grants to conduct behavioral research in
11 support of protective research and operations; and pay-
12 ment in advance for commercial accommodations as may
13 be necessary to perform protective functions;
14 \$1,556,055,000, of which not to exceed \$21,250 shall be
15 for official reception and representation expenses; of which
16 not to exceed \$100,000 shall be to provide technical assist-
17 ance and equipment to foreign law enforcement organiza-
18 tions in counterfeit investigations; of which \$2,366,000
19 shall be for forensic and related support of investigations
20 of missing and exploited children; and of which
21 \$6,000,000 shall be for a grant for activities related to
22 investigations of missing and exploited children and shall
23 remain available until September 30, 2014: *Provided*,
24 That up to \$18,000,000 for protective travel shall remain
25 available until September 30, 2014: *Provided further*, That

1 up to \$4,500,000 for National Special Security Events
2 shall remain available until September 30, 2014: *Provided*
3 *further*, That the United States Secret Service is author-
4 ized to obligate funds in anticipation of reimbursements
5 from Federal agencies and entities, as defined in section
6 105 of title 5, United States Code, for personnel receiving
7 training sponsored by the James J. Rowley Training Cen-
8 ter, except that total obligations at the end of the fiscal
9 year shall not exceed total budgetary resources available
10 under this heading at the end of the fiscal year: *Provided*
11 *further*, That none of the funds made available under this
12 heading shall be available to compensate any employee for
13 overtime in an annual amount in excess of \$35,000, except
14 that the Secretary of Homeland Security, or the designee
15 of the Secretary, may waive that amount as necessary for
16 national security purposes: *Provided further*, That none of
17 the funds made available to the United States Secret Serv-
18 ice by this Act or by previous appropriations Acts may
19 be made available for the protection of the head of a Fed-
20 eral agency other than the Secretary of Homeland Secu-
21 rity: *Provided further*, That the Director of the United
22 States Secret Service may enter into an agreement to pro-
23 vide such protection on a fully reimbursable basis: *Pro-*
24 *vided further*, That none of the funds made available to
25 the United States Secret Service by this Act or by previous

1 appropriations Acts may be obligated for the purpose of
2 opening a new permanent domestic or overseas office or
3 location unless the Committees on Appropriations of the
4 Senate and the House of Representatives are notified 15
5 days in advance of such obligation.

6 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses for acquisition, construction,
8 and improvement of physical and technological infrastruc-
9 ture, \$56,750,000, of which \$4,430,000, to remain avail-
10 able until September 30, 2017, shall be for acquisition,
11 construction, improvement, and maintenance of facilities,
12 and of which \$52,320,000, to remain available until Sep-
13 tember 30, 2015, shall be for information integration and
14 technology transformation project execution: *Provided*,
15 That the Director of the United States Secret Service shall
16 submit to the Committees on Appropriations of the Senate
17 and the House of Representatives at the time that the
18 President's budget proposal for fiscal year 2014 is sub-
19 mitted pursuant to the requirements of section 1105(a)
20 of title 31, United States Code, a multi-year investment
21 and management plan for its Information Integration and
22 Technology Transformation program that describes fund-
23 ing for the current fiscal year and the following 3 fiscal
24 years, with associated plans for systems acquisition and
25 technology deployment.

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

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

11 INFRASTRUCTURE PROTECTION AND INFORMATION
12 SECURITY

13 For necessary expenses for infrastructure protection
14 and information security programs and activities, as au-
15 thorized by title II of the Homeland Security Act of 2002
16 (6 U.S.C. 121 et seq.), \$1,110,430,000, of which
17 \$200,000,000, shall remain available until September 30,
18 2014.

19 FEDERAL PROTECTIVE SERVICE

20 The revenues and collections of security fees credited
21 to this account shall be available until expended for nec-
22 essary expenses related to the protection of federally
23 owned and leased buildings and for the operations of the
24 Federal Protective Service: *Provided*, That the Director of
25 the Federal Protective Service shall include with the sub-

1 mission of the President's fiscal year 2014 budget a stra-
2 tegic human capital plan that aligns fee collections to per-
3 sonnel requirements based on a current threat assessment.

4 OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

5 For necessary expenses for the Office of Biometric
6 Identity Management, as authorized by section 7208 of
7 the Intelligence Reform and Terrorism Prevention Act of
8 2004 (8 U.S.C. 1365b), \$191,380,000: *Provided*, That of
9 the total amount made available under this heading,
10 \$156,486,000 shall remain available until September 30,
11 2015: *Provided further*, That, subject to section 503 of
12 this Act, the Secretary of Homeland Security may transfer
13 up to \$5,000,000 to U.S. Immigration and Customs En-
14 forcement to support the transition of the Arrival and De-
15 parture Information System: *Provided further*, That
16 amounts transferred pursuant to the preceding proviso
17 shall remain available until September 30, 2014: *Provided*
18 *further*, That the Secretary shall submit to the Committees
19 on Appropriations of the Senate and the House of Rep-
20 resentatives not later than 60 days after the date of enact-
21 ment of this Act, an expenditure plan for the Office of
22 Biometric Identity Management: *Provided further*, That of
23 the total amount made available under this heading,
24 \$25,000,000 may not be obligated for the Office of Bio-
25 metric Identity Management until the Secretary of Home-

1 land Security submits to the Committees on Appropria-
2 tions of the Senate and the House of Representatives, at
3 the time that the President's budget proposal for fiscal
4 year 2014 is submitted pursuant to the requirements of
5 section 1105(a) of title 31, United States Code, a multi-
6 year investment and management plan for the Office of
7 Biometric Identity Management: *Provided further*, That
8 such multi-year investment and management plan shall in-
9 clude, for the current fiscal year and the following 3 fiscal
10 years, for the Office of Biometric Identity Management
11 program, the following—

12 (1) the proposed appropriations for each activ-
13 ity tied to mission requirements and outcomes, pro-
14 gram management capabilities, performance levels,
15 and specific capabilities and services to be delivered,
16 noting any deviations in cost or performance from
17 the prior fiscal year expenditure or investment and
18 management plan;

19 (2) the total estimated cost, projected funding
20 by fiscal year, and projected timeline of completion
21 for all enhancements, modernizations, and new capa-
22 bilities proposed in such budget and underway, in-
23 cluding and clearly delineating associated efforts and
24 funds requested by other agencies within the De-
25 partment of Homeland Security and in the Federal

1 Government, and detailing any deviations in cost,
2 performance, schedule, or estimated date of comple-
3 tion provided in the prior fiscal year expenditure or
4 investment and management plan; and

5 (3) a detailed accounting of operations and
6 maintenance, contractor services, and program costs
7 associated with the management of identity services.

8 OFFICE OF HEALTH AFFAIRS

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

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Emergency
4 Management Agency, \$712,565,000, including activities
5 authorized by the National Flood Insurance Act of 1968
6 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
8 seq.), the Cerro Grande Fire Assistance Act of 2000 (divi-
9 sion C, title I, 114 Stat. 583), the Earthquake Hazards
10 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the De-
11 fense Production Act of 1950 (50 U.S.C. App. 2061 et
12 seq.), sections 107 and 303 of the National Security Act
13 of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.
14 3 of 1978 (5 U.S.C. App.), the Homeland Security Act
15 of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina
16 Emergency Management Reform Act of 2006 (Public Law
17 109–295; 120 Stat. 1394): *Provided*, That not to exceed
18 \$2,500 shall be for official reception and representation
19 expenses: *Provided further*, That for purposes of planning,
20 coordination, execution, and decision making related to
21 mass evacuation during a disaster, the Governors of the
22 State of West Virginia and the Commonwealth of Pennsyl-
23 vania, or their designees, shall be incorporated into efforts
24 to integrate the activities of Federal, State, and local gov-
25 ernments in the National Capital Region, as defined in

1 section 882 of the Homeland Security Act of 2002: *Pro-*
2 *vided further*, That of the total amount made available
3 under this heading, \$27,513,000 shall be for the Urban
4 Search and Rescue Response System, of which no funds
5 may be used for administrative costs: *Provided further*,
6 That, of the total amount made available under this head-
7 ing, \$22,000,000 shall remain available until September
8 30, 2014, for capital improvements and other expenses re-
9 lated to continuity of operations at the Mount Weather
10 Emergency Operations Center.

11 AUTOMATION MODERNIZATION

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

15 STATE AND LOCAL PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For grants, contracts, cooperative agreements, and
18 other activities, \$1,762,589,000, which shall be distrib-
19 uted, according to threat, vulnerability, and consequence,
20 at the discretion of the Secretary of Homeland Security
21 based on the following authorities:

22 (1) The State Homeland Security Grant Pro-
23 gram under section 2004 of the Homeland Security
24 Act of 2002 (6 U.S.C. 605): *Provided*, That notwith-
25 standing subsection (c)(4) of such section 2004, for

1 fiscal year 2012, the Commonwealth of Puerto Rico
2 shall make available to local and tribal governments
3 amounts provided to the Commonwealth of Puerto
4 Rico under this paragraph in accordance with sub-
5 section (c)(1) of such section 2004.

6 (2) The Urban Area Security Initiative under
7 section 2003 of the Homeland Security Act of 2002
8 (6 U.S.C. 604).

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

12 (4) The Citizen Corps Program.

13 (5) Public Transportation Security Assistance
14 and Railroad Security Assistance, under sections
15 1406 and 1513 of the Implementing Recommenda-
16 tions of the 9/11 Commission Act of 2007 (6 U.S.C.
17 1135 and 1163), including Amtrak security: *Pro-*
18 *vided*, That such public transportation security as-
19 sistance shall be provided directly to public transpor-
20 tation agencies.

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

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

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

12 (11) Buffer Zone Protection Program grants.

13 (12) Organizations (as described under section
14 501(c)(3) of the Internal Revenue Code of 1986 and
15 exempt from tax section 501(a) of such code) deter-
16 mined by the Secretary to be at high risk of a ter-
17 rorist attack:

18 *Provided*, That of the amount provided under this head-
19 ing, \$55,000,000 shall be for Operation Stonegarden and
20 no less than \$150,000,000 shall be for areas at the highest
21 threat of a terrorist attack: *Provided further*, That
22 \$231,681,000 shall be to sustain current operations for
23 training, exercises, technical assistance, and other pro-
24 grams, of which \$155,500,000 shall be for training of
25 State, local, and tribal emergency response providers: *Pro-*

1 *vided further*, That for grants under paragraphs (1)
2 through (12), applications for grants shall be made avail-
3 able to eligible applicants not later than 60 days after the
4 date of enactment of this Act, that eligible applicants shall
5 submit applications not later than 80 days after the grant
6 announcement, and the Administrator of the Federal
7 Emergency Management Agency shall act within 65 days
8 after the receipt of an application: *Provided further*, That
9 notwithstanding section 2008(a)(11) of the Homeland Se-
10 curity Act of 2002 (6 U.S.C. 609(a)(11)), or any other
11 provision of law, a grantee may use not more than 5 per-
12 cent of the amount of a grant made available under this
13 heading for expenses directly related to administration of
14 the grant: *Provided further*, That 7.02 percent of the
15 amounts provided under this heading shall be transferred
16 to the Federal Emergency Management Agency “Salaries
17 and Expenses” account for program administration: *Pro-*
18 *vided further*, That for grants under paragraphs (1) and
19 (2), the installation of communication towers is not con-
20 sidered construction of a building or other physical facil-
21 ity: *Provided further*, That grantees shall provide reports
22 on their use of funds, as determined necessary by the Sec-
23 retary of Homeland Security: *Provided further*, That in fis-
24 cal year 2013: (a) the Center for Domestic Preparedness
25 may provide training to emergency response providers

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

19 FIREFIGHTER ASSISTANCE GRANTS

20 For necessary expenses for programs authorized by
21 the Federal Fire Prevention and Control Act of 1974 (15
22 U.S.C. 2201 et seq.), \$670,000,000, to remain available
23 until September 30, 2014, of which \$335,000,000 shall
24 be available to carry out section 33 of that Act (15 U.S.C.
25 2229) and \$335,000,000 shall be available to carry out

1 section 34 of that Act (15 U.S.C. 2229a): *Provided*, That
2 in addition to the purposes otherwise authorized for
3 SAFER grants in section 34 of that Act, the Secretary
4 of Homeland Security shall make such grants available for
5 the retention of firefighters: *Provided further*, That sub-
6 sections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and
7 (c)(4)(A) of section 34 of that Act shall not apply to
8 amounts made available under this heading: *Provided fur-*
9 *ther*, That not to exceed 4.7 percent of the amount avail-
10 able under this heading shall be available for program ad-
11 ministration.

12 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

13 For necessary expenses for emergency management
14 performance grants, as authorized by the National Flood
15 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
16 ert T. Stafford Disaster Relief and Emergency Assistance
17 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
18 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
19 organization Plan No. 3 of 1978 (5 U.S.C. App.),
20 \$350,000,000: *Provided*, That total administrative costs
21 shall not exceed 2.7 percent of the total amount appro-
22 priated under this heading.

23 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

24 The aggregate charges assessed during fiscal year
25 2013, as authorized in title III of the Departments of Vet-

1 erans Affairs and Housing and Urban Development, and
2 Independent Agencies Appropriations Act, 1999 (42
3 U.S.C. 5196e), shall not be less than 100 percent of the
4 amounts anticipated by the Department of Homeland Se-
5 curity necessary for its radiological emergency prepared-
6 ness program for the next fiscal year: *Provided*, That the
7 methodology for assessment and collection of fees shall be
8 fair and equitable and shall reflect costs of providing such
9 services, including administrative costs of collecting such
10 fees: *Provided further*, That fees received under this head-
11 ing shall be deposited in this account as offsetting collec-
12 tions and will become available for authorized purposes on
13 October 1, 2013, and remain available until September 30,
14 2015.

15 UNITED STATES FIRE ADMINISTRATION

16 For necessary expenses of the United States Fire Ad-
17 ministration and for other purposes, as authorized by the
18 Federal Fire Prevention and Control Act of 1974 (15
19 U.S.C. 2201 et seq.) and the Homeland Security Act of
20 2002 (6 U.S.C. 101 et seq.), \$42,460,000.

21 DISASTER RELIEF FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses in carrying out the Robert
24 T. Stafford Disaster Relief and Emergency Assistance Act
25 (42 U.S.C. 5121 et seq.), \$6,088,926,000, to remain avail-

1 able until expended, of which \$5,481,000,000 is for major
2 disasters declared pursuant to the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act (42 U.S.C.
4 5121 et seq.): *Provided*, That the latter amount is des-
5 ignated by the Congress as being for disaster relief pursu-
6 ant to section 251(b)(2)(D) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985 (Public Law 99-
8 177, 2 U.S.C. 901(b)(2)(D)): *Provided further*, That of
9 which \$24,000,000 shall be transferred to the Department
10 of Homeland Security Office of Inspector General for au-
11 dits and investigations related to disasters: *Provided fur-*
12 *ther*, That the Administrator of the Federal Emergency
13 Management Agency shall submit an expenditure plan to
14 the Committees on Appropriations of the Senate and the
15 House of Representatives detailing the use of the funds
16 made available in this or any other Act for disaster readi-
17 ness and support not later than 60 days after the date
18 of enactment of this Act: *Provided further*, That the Ad-
19 ministrator of the Federal Emergency Management Agen-
20 cy shall submit to such Committees a quarterly report de-
21 tailing obligations against the expenditure plan and a jus-
22 tification for any changes from the initial plan: *Provided*
23 *further*, That the Administrator of the Federal Emergency
24 Management Agency shall submit to the Committees on
25 Appropriations of the Senate and the House of Represent-

1 atives the following reports, including a specific descrip-
2 tion of the methodology and the source data used in devel-
3 oping such reports:

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

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

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

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

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

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

1 (F) the amount of previously obligated
2 funds that will be recovered for the budget
3 year;

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

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

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

1 beginning with the first full month after the date of
2 enactment of this Act:

3 (A) a summary of the amount of appro-
4 priations made available by source, the trans-
5 fers executed, the previously allocated funds re-
6 covered, and the commitments, allocations, and
7 obligations made;

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

10 (i) the beginning and ending balances;

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

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

18 (iv) the amount of previously obli-
19 gated funds that are recovered;

20 (C) a summary of allocations, obligations,
21 and expenditures for catastrophic events delin-
22 eated by event; and

23 (D) the date on which funds appropriated
24 will be exhausted.

1 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

5 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

6 For necessary expenses, including administrative
7 costs, under section 1360 of the National Flood Insurance
8 Act of 1968 (42 U.S.C. 4101), \$92,145,000, and such ad-
9 ditional sums as may be provided by State and local gov-
10 ernments or other political subdivisions for cost-shared
11 mapping activities under section 1360(f)(2) of such Act
12 (42 U.S.C. 4101(f)(2)), to remain available until ex-
13 pended.

14 NATIONAL FLOOD INSURANCE FUND

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

1 able for salaries and expenses associated with flood mitiga-
2 tion and flood insurance operations; and not less than
3 \$149,000,000 shall be available for flood plain manage-
4 ment and flood mapping, which shall remain available
5 until September 30, 2014: *Provided further*, That any ad-
6 ditional fees collected pursuant to section 1308(d) of the
7 National Flood Insurance Act of 1968 (42 U.S.C.
8 4015(d)) shall be credited as an offsetting collection to
9 this account, to be available for flood plain management
10 and flood mapping: *Provided further*, That in fiscal year
11 2013, no funds shall be available from the National Flood
12 Insurance Fund under section 1310 of that Act (42
13 U.S.C. 4017) in excess of:

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

1 standing subparagraphs (B) and (C) of subsection
2 (b)(3) and subsection (f) of section 1366 of the Na-
3 tional Flood Insurance Act of 1968 (42 U.S.C.
4 4104c) and notwithstanding subsection (a)(7) of sec-
5 tion 1310 of the National Flood Insurance Act of
6 1968 (42 U.S.C. 4017):

7 *Provided further*, That the amounts collected under section
8 102 of the Flood Disaster Protection Act of 1973 (42
9 U.S.C. 4012a) and section 1366(i) of the National Flood
10 Insurance Act of 1968 shall be deposited in the National
11 Flood Insurance Fund to supplement other amounts speci-
12 fied as available for section 1366 of the National Flood
13 Insurance Act of 1968, notwithstanding subsection (f)(8)
14 of such section 102 (42 U.S.C. 4012a(f)(8), and section
15 1366(i) and paragraphs (2) and (3) of section 1367(b)
16 of the National Flood Insurance Act of 1968 (42 U.S.C.
17 4104c(i), 4104d(b)(2)–(3)): *Provided further*, That total
18 administrative costs shall not exceed 4 percent of the total
19 appropriation.

20 NATIONAL PREDISASTER MITIGATION FUND

21 For the predisaster mitigation grant program under
22 section 203 of the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (42 U.S.C. 5133),
24 \$14,331,000, to remain available until expended: *Pro-*
25 *vided*, That the total administrative costs associated with

1 such grants shall not exceed 3 percent of the total amount
2 made available under this heading.

3 EMERGENCY FOOD AND SHELTER

4 To carry out the emergency food and shelter program
5 pursuant to title III of the McKinney-Vento Homeless As-
6 sistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to
7 remain available until expended: *Provided*, That total ad-
8 ministrative costs shall not exceed 3.5 percent of the total
9 amount made available under this heading.

10 TITLE IV

11 RESEARCH AND DEVELOPMENT, TRAINING,
12 AND SERVICES

13 UNITED STATES CITIZENSHIP AND IMMIGRATION

14 SERVICES

15 For necessary expenses for citizenship and immigra-
16 tion services, \$111,924,000 for the E-Verify Program, as
17 described in section 403(a) of the Illegal Immigration Re-
18 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
19 1324a note), to assist United States employers with main-
20 taining a legal workforce: *Provided*, That, notwithstanding
21 any other provision of law, funds otherwise made available
22 to United States Citizenship and Immigration Services
23 may be used to acquire, operate, equip, and dispose of up
24 to 5 vehicles, for replacement only, for areas where the
25 Administrator of General Services does not provide vehi-

1 cles for lease: *Provided further*, That the Director of
2 United States Citizenship and Immigration Services may
3 authorize employees who are assigned to those areas to
4 use such vehicles to travel between the employees' resi-
5 dences and places of employment.

6 FEDERAL LAW ENFORCEMENT TRAINING CENTER

7 SALARIES AND EXPENSES

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

1 creditation; and of which not to exceed \$10,200 shall be
2 for official reception and representation expenses: *Pro-*
3 *vided*, That the Center is authorized to obligate funds in
4 anticipation of reimbursements from agencies receiving
5 training sponsored by the Center, except that total obliga-
6 tions at the end of the fiscal year shall not exceed total
7 budgetary resources available at the end of the fiscal year:
8 *Provided further*, That the Director of the Federal Law
9 Enforcement Training Center shall schedule basic or ad-
10 vanced law enforcement training, or both, at all four train-
11 ing facilities under the control of the Federal Law En-
12 forcement Training Center to ensure that such training
13 facilities are operated at the highest capacity throughout
14 the fiscal year: *Provided further*, That the Federal Law
15 Enforcement Training Accreditation Board, including rep-
16 resentatives from the Federal law enforcement community
17 and non-Federal accreditation experts involved in law en-
18 forcement training, shall lead the Federal law enforcement
19 training accreditation process to continue the implementa-
20 tion of measuring and assessing the quality and effective-
21 ness of Federal law enforcement training programs, facili-
22 ties, 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, \$27,385,000, to re-
7 main available until September 30, 2017: *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.), \$130,000,000: *Provided*,
18 That not to exceed \$8,500 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 5 vehicles, \$695,971,000, of which
3 \$493,539,000 shall remain available until September 30,
4 2015; and of which \$202,432,000 shall remain available
5 until September 30, 2017, solely for operation and con-
6 struction of laboratory facilities: *Provided*, That
7 \$20,000,000 shall not be available for obligation until the
8 Secretary of Homeland Security submits to the Commit-
9 tees on Appropriations of the Senate and the House of
10 Representatives an updated plan for the expenditure of
11 funds for construction of the National Bio- and Agro-de-
12 fense Facility.

13 DOMESTIC NUCLEAR DETECTION OFFICE

14 MANAGEMENT AND ADMINISTRATION

15 For salaries and expenses of the Domestic Nuclear
16 Detection Office, as authorized by title XIX of the Home-
17 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
18 agement and administration of programs and activities,
19 \$38,000,000: *Provided*, That not to exceed \$2,500 shall
20 be for official reception and representation expenses: *Pro-*
21 *vided further*, That the Secretary of Homeland Security
22 shall submit to the Committees on Appropriations of the
23 Senate and the House of Representatives at the time of
24 the submission of the President's budget proposal for fis-
25 cal year 2014 pursuant to the requirements of section

1 1105(a) of title 31, United States Code, a strategic plan
2 of investments necessary to implement the Department of
3 Homeland Security's responsibilities under the domestic
4 component of the global nuclear detection architecture
5 that shall—

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

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

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

20 (4) explain how the Department's research and
21 development funding is furthering the implementa-
22 tion of the domestic nuclear detection architecture,
23 including specific investments planned for each of
24 fiscal years 2013 and 2014.

1 RESEARCH, DEVELOPMENT, AND OPERATIONS

2 For necessary expenses for radiological and nuclear
3 research, development, testing, evaluation, and operations,
4 \$226,830,000, to remain available until September 30,
5 2014.

6 SYSTEMS ACQUISITION

7 For expenses for the Domestic Nuclear Detection Of-
8 fice acquisition and deployment of radiological detection
9 systems in accordance with the global nuclear detection
10 architecture, \$51,455,000, to remain available until Sep-
11 tember 30, 2015.

12 TITLE V

13 GENERAL PROVISIONS

14 (INCLUDING RESCISSIONS OF FUNDS)

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

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

1 SEC. 503. (a) None of the funds provided by this Act,
2 provided by previous appropriations Acts to the agencies
3 in or transferred to the Department of Homeland Security
4 that remain available for obligation or expenditure in fiscal
5 year 2013, or provided from any accounts in the Treasury
6 of the United States derived by the collection of fees avail-
7 able to the agencies funded by this Act, shall be available
8 for obligation or expenditure through a reprogramming of
9 funds that—

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

11 (2) eliminates a program, project, office, or ac-
12 tivity;

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

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

20 (5) contracts out any function or activity for
21 which funding levels were requested for Federal full-
22 time equivalents in the object classification tables
23 contained in the fiscal year 2013 Budget Appendix
24 for the Department of Homeland Security, as modi-
25 fied by the joint explanatory statement accom-

1 panying this Act, unless the Committees on Appro-
2 priations of the Senate and the House of Represent-
3 atives are notified 15 days in advance of such re-
4 programming of funds.

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

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

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

22 (3) results from any general savings from a re-
23 duction in personnel that would result in a change
24 in existing programs, projects, or activities as ap-
25 proved by the Congress, unless the Committees on

1 Appropriations of the Senate and the House of Rep-
2 resentatives are notified 15 days in advance of such
3 reprogramming of funds.

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

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

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

1 SEC. 504. The Department of Homeland Security
2 Working Capital Fund, established pursuant to section
3 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
4 continue operations as a permanent working capital fund
5 for fiscal year 2013: *Provided*, That none of the funds ap-
6 propriated or otherwise made available to the Department
7 of Homeland Security may be used to make payments to
8 the Working Capital Fund, except for the activities and
9 amounts allowed in the President’s fiscal year 2013 budg-
10 et: *Provided further*, That funds provided to the Working
11 Capital Fund shall be available for obligation until ex-
12 pended to carry out the purposes of the Working Capital
13 Fund: *Provided further*, That all departmental components
14 shall be charged only for direct usage of each Working
15 Capital Fund service: *Provided further*, That funds pro-
16 vided to the Working Capital Fund shall be used only for
17 purposes consistent with the contributing component: *Pro-*
18 *vided further*, That the Working Capital Fund shall be
19 paid in advance or reimbursed at rates which will return
20 the full cost of each service: *Provided further*, That the
21 Working Capital Fund shall be subject to the require-
22 ments of section 503 of this Act.

23 SEC. 505. Except as otherwise specifically provided
24 by law, not to exceed 50 percent of unobligated balances
25 remaining available at the end of fiscal year 2013 from

1 appropriations for salaries and expenses and operating ex-
2 penses for fiscal year 2013 in this Act shall remain avail-
3 able through September 30, 2014, in the account and for
4 the purposes for which the appropriations were provided:
5 *Provided*, That prior to the obligation of such funds, a
6 request shall be submitted to the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 for approval in accordance with section 503 of this Act.

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

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

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

23 (2) award a task or delivery order requiring an
24 obligation of funds in an amount greater than
25 \$10,000,000 from multi-year Department of Home-

1 land Security funds or a task or delivery order that
2 would cause cumulative obligations of multi-year
3 funds in a single account to exceed 50 percent of the
4 total amount appropriated;

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

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

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

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

23 (d) A notification under this section—

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

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

5 (e) The Administrator of the Federal Emergency
6 Management Agency shall brief the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 5 full business days in advance of announcing publicly the
9 intention of making an award under “State and Local
10 Programs”.

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

22 SEC. 509. None of the funds appropriated or other-
23 wise made available by this Act may be used for expenses
24 for any construction, repair, alteration, or acquisition
25 project for which a prospectus otherwise required under

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

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

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

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

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

1 the transmission to Congress of any report prepared under
2 paragraph (6) of such subsection.

3 SEC. 513. None of the funds made available in this
4 Act may be used to amend the oath of allegiance required
5 by section 337 of the Immigration and Nationality Act
6 (8 U.S.C. 1448).

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

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

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

3 SEC. 516. 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. 517. Section 532(a) of Public Law 109–295
11 (120 Stat. 1384) is amended by striking “2012” and in-
12 serting “2013”.

13 SEC. 518. 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. 519. (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 Manage-
21 ment”, the “Office of the Under Secretary for Manage-
22 ment”, or the “Office of the Chief Financial Officer”, may
23 be obligated for a grant or contract funded under such
24 headings by any means other than full and open competi-
25 tion.

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 chapter 85 of title 41, United States Code;

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

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

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

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

20 (2) Not later than 5 days after the date on which
21 the Secretary of Homeland Security issues a waiver under
22 this subsection, the Secretary shall submit notification of
23 that waiver to the Committees on Appropriations of the
24 Senate and the House of Representatives, including a de-
25 scription of the applicable contract to which the waiver

1 applies and an explanation of why the waiver authority
2 was used: *Provided*, That the Secretary may not delegate
3 the authority to grant such a waiver.

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

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

7 (1) the responsibilities of the Principal Federal
8 Official do not include operational functions related
9 to incident management, including coordination of
10 operations, and are consistent with the requirements
11 of section 509(c) and sections 503(c)(3) and
12 503(c)(4)(A) of the Homeland Security Act of 2002
13 (6 U.S.C. 319(c) and 313(c)(3) and 313(c)(4)(A))
14 and section 302 of the Robert T. Stafford Disaster
15 Relief and Assistance Act (42 U.S.C. 5143);

16 (2) not later than 10 business days after the
17 latter of the date on which the Secretary of Home-
18 land Security appoints the Principal Federal Official
19 and the date on which the President issues a dec-
20 laration under section 401 or section 501 of the
21 Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5170 and 5191, respec-
23 tively), the Secretary of Homeland Security shall
24 submit a notification of the appointment of the Prin-
25 cipal Federal Official and a description of the re-

1 sponsibilities of such Official and how such respon-
2 sibilities are consistent with paragraph (1) to the
3 Committees on Appropriations of the Senate and the
4 House of Representatives, the Transportation and
5 Infrastructure Committee of the House of Rep-
6 resentatives, and the Homeland Security and Gov-
7 ernmental Affairs Committee of the Senate; and

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

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

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

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

3 (1) in subsection (a), in the matter preceding
4 paragraph (1), by striking “September 30, 2012”
5 and inserting “September 30, 2013”; and

6 (2) in subsection (c)(1), in the matter preceding
7 subparagraph (A), by striking “September 30,
8 2012” and inserting “September 30, 2013”.

9 SEC. 524. The Secretary of Homeland Security shall
10 require that all contracts of the Department of Homeland
11 Security that provide award fees link such fees to success-
12 ful acquisition outcomes (which outcomes shall be speci-
13 fied in terms of cost, schedule, and performance).

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

21 SEC. 526. None of the funds made available in this
22 Act for U.S. Customs and Border Protection may be used
23 to prevent an individual not in the business of importing
24 a prescription drug (within the meaning of section 801(g)
25 of the Federal Food, Drug, and Cosmetic Act) from im-

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

7 (1) a controlled substance, as defined in section
8 102 of the Controlled Substances Act (21 U.S.C.
9 802); or

10 (2) a biological product, as defined in section
11 351 of the Public Health Service Act (42 U.S.C.
12 262).

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

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

4 SEC. 529. If the Administrator of the Transportation
5 Security Administration determines that an airport does
6 not need to participate in the E-Verify Program as de-
7 scribed in section 403(a) of the Illegal Immigration Re-
8 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
9 1324a note), the Administrator shall certify to the Com-
10 mittees on Appropriations of the Senate and the House
11 of Representatives that no security risks will result from
12 such non-participation.

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

22 (b) The proceeds of the sale described in subsection
23 (a) shall be deposited as offsetting collections into the De-
24 partment of Homeland Security — Science and Tech-
25 nology — “Research, Development, Acquisition, and Op-

1 erations” account and, subject to appropriation, shall be
2 available until expended, for site acquisition, construction,
3 and costs related to the construction of the National Bio-
4 and Agro-defense Facility, including the costs associated
5 with the sale, including due diligence requirements, nec-
6 essary environmental remediation at Plum Island, and re-
7 imbursement of expenses incurred by the General Services
8 Administration.

9 SEC. 531. Any official that is required by this Act
10 to report or to certify to the Committees on Appropria-
11 tions of the Senate and the House of Representatives may
12 not delegate such authority to perform that act unless spe-
13 cifically authorized herein.

14 SEC. 532. Section 550(b) of the Department of
15 Homeland Security Appropriations Act, 2007 (Public Law
16 109–295; 6 U.S.C. 121 note), as amended by section 550
17 of the Department of Homeland Security Appropriations
18 Act, 2010 (Public Law 111–83), is further amended by
19 striking “on October 4, 2012” and inserting “on October
20 4, 2013”.

21 SEC. 533. None of the funds appropriated or other-
22 wise made available in this or any other Act may be used
23 to transfer, release, or assist in the transfer or release to
24 or within the United States, its territories, or possessions
25 Khalid Sheikh Mohammed or any other detainee who—

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

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

6 SEC. 534. None of the funds made available in this
7 Act may be used for first-class travel by the employees
8 of agencies funded by this Act in contravention of sections
9 301–10.122 through 301.10–124 of title 41, Code of Fed-
10 eral Regulations.

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

23 SEC. 536. None of the funds made available in this
24 Act may be used to employ workers described in section

1 274A(h)(3) of the Immigration and Nationality Act (8
2 U.S.C. 1324a(h)(3)).

3 SEC. 537. (a) Any company that collects or retains
4 personal information directly from any individual who par-
5 ticipates in the Registered Traveler or successor program
6 of the Transportation Security Administration shall safe-
7 guard and dispose of such information in accordance with
8 the requirements in—

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

13 (2) the National Institute for Standards and
14 Technology Special Publication 800–53, Revision 3,
15 entitled “Recommended Security Controls for Fed-
16 eral Information Systems and Organizations,”; and

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

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

24 (c) The Administrator shall require any company cov-
25 ered by subsection (a) to provide, not later than 30 days

1 after the date of enactment of this Act, to the Sponsoring
2 Entity written certification that the procedures used by
3 the company to safeguard and dispose of information are
4 in compliance with the requirements under subsection (a).
5 Such certification shall include a description of the proce-
6 dures used by the company to comply with such require-
7 ments.

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

15 SEC. 539. (a) Not later than 90 days after the date
16 of enactment of this Act, the Administrator of the Trans-
17 portation Security Administration shall submit to the
18 Committees on Appropriations of the Senate and the
19 House of Representatives, a report that either—

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

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

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

11 (B) specification of—

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

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

16 (b) The Administrator shall continue to submit re-
17 ports described in subsection (a)(2) every 90 days until
18 the Administrator certifies that the Transportation Secu-
19 rity Administration has achieved screening of 100 percent
20 of such air cargo.

21 SEC. 540. In developing any process to screen avia-
22 tion passengers and crews for transportation or national
23 security purposes, the Secretary of Homeland Security
24 shall ensure that all such processes take into consideration

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

3 SEC. 541. (a) Notwithstanding section 286(n) of the
4 Immigration and Nationality Act (8 U.S.C. 1356(n)), of
5 the funds deposited into the Immigration Examinations
6 Fee Account, \$9,200,000 shall be available to United
7 States Citizenship and Immigration Services in fiscal year
8 2013 for the purpose of providing an immigrant integra-
9 tion grants program.

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

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

24 SEC. 543. Notwithstanding any other provision of
25 law, if the Secretary of Homeland Security determines

1 that specific U.S. Immigration and Customs Enforcement
2 Service Processing Centers or other U.S. Immigration and
3 Customs Enforcement owned detention facilities no longer
4 meet the mission need, the Secretary is authorized to dis-
5 pose of individual Service Processing Centers or other
6 U.S. Immigration and Customs Enforcement owned de-
7 tention facilities by directing the Administrator of General
8 Services to sell all real and related personal property which
9 support Service Processing Centers or other U.S. Immi-
10 gration and Customs Enforcement owned detention facili-
11 ties, subject to such terms and conditions as necessary to
12 protect Government interests and meet program require-
13 ments: *Provided*, That the proceeds, net of the costs of
14 sale incurred by the General Services Administration and
15 U.S. Immigration and Customs Enforcement, shall be de-
16 posited as offsetting collections into a separate account
17 that shall be available, subject to appropriation, until ex-
18 pended for other real property capital asset needs of exist-
19 ing U.S. Immigration and Customs Enforcement assets,
20 excluding daily operations and maintenance costs, as the
21 Secretary deems appropriate: *Provided further*, That any
22 sale or collocation of federally owned detention facilities
23 shall not result in the maintenance of fewer than 34,000
24 detention beds: *Provided further*, That the Committees on
25 Appropriations of the Senate and the House of Represent-

1 atives shall be notified 15 days prior to the announcement
2 of any proposed sale or collocation.

3 SEC. 544. None of the funds made available under
4 this Act or any prior appropriations Act may be provided
5 to the Association of Community Organizations for Re-
6 form Now (ACORN), or any of its affiliates, subsidiaries,
7 or allied organizations.

8 SEC. 545. The Department of Homeland Security
9 Chief Information Officer, the Commissioner of U.S. Cus-
10 toms and Border Protection, and the Assistant Secretary
11 of Homeland Security for U.S. Immigration and Customs
12 Enforcement shall, with respect to fiscal years 2013,
13 2014, 2015, and 2016, submit to the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives, at the time that the President’s budget proposal for
16 fiscal year 2014 is submitted pursuant to the require-
17 ments of section 1105(a) of title 31, United States Code,
18 the information required in the multi-year investment and
19 management plans required, respectively, under the head-
20 ings “Office of the Chief Information Officer” under title
21 I of division D of the Consolidated Appropriations Act,
22 2012 (Public Law 112–74), “U.S. Customs and Border
23 Protection — Salaries and Expenses” under title II of
24 such division, and “U.S. Customs and Border Protection

1 — Border Security Fencing, Infrastructure, and Tech-
2 nology” under such title, and section 568 of such Act.

3 SEC. 546. The Secretary of Homeland Security shall
4 ensure enforcement of immigration laws (as defined in sec-
5 tion 101(a)(17) of the Immigration and Nationality Act
6 (8 U.S.C. 1101(a)(17))).

7 SEC. 547. (a) The Secretary of Homeland Security
8 shall ensure by submitting proposals that the fees collected
9 pursuant to section 13031(b)(1)(A)(i) of the Consolidated
10 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
11 58c(b)(1)(A)(i)) and described in section 601 of the
12 United States-Colombia Trade Promotion Agreement Im-
13 plementation Act of 2011 (Public Law 112—42) shall be
14 available to U.S. Customs and Border Protection in fiscal
15 year 2014 and subsequent fiscal years.

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

19 SEC. 548. Section 401(b) of the Illegal Immigration
20 Reform and Immigrant Responsibility Act of 1996 (8
21 U.S.C. 1324a note) is amended by striking “September
22 30, 2012” and inserting “September 30, 2013”.

23 SEC. 549. (a) RESTRICTION.—Except as provided in
24 subsection (b), the Secretary and the Deputy Secretary
25 of Homeland Security and the Commandant and Vice

1 Commandant of the Coast Guard may not travel aboard
2 any Coast Guard owned or operated fixed-wing aircraft
3 after the date of the submission of the President's budget
4 request for fiscal year 2014 if the Secretary has not pro-
5 vided the Committees on Appropriations of the House of
6 Representatives and the Senate the Comprehensive Acqui-
7 sition Strategy Report required in title I and the Com-
8 mandant has not provided the Capital Investment Plan,
9 required in Coast Guard Acquisition, Construction and
10 Improvement of title II.

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

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

18 (2) to respond to a discharge classified as a
19 spill of national significance under part 300.323 of
20 title 40, Code of Federal Regulations;

21 (3) for evacuation purposes, including for a
22 medical emergency; or

23 (4) to respond to emergent national security
24 issues as required by the President.

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

6 SEC. 550. Notwithstanding Office of Management
7 and Budget Circular A-11, in a budget submission of the
8 Coast Guard for Department of Homeland Security, Coast
9 Guard, “Acquisition, Construction, and Improvements”
10 for fiscal year 2014 or any fiscal year thereafter, costs
11 related to the construction or conversion of a cutter shall
12 be requested in accordance with the following guidelines:

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

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

24 (3) Costs of program management shall be re-
25 quested for each fiscal year, for the portion of pro-

1 gram management costs attributable to such fiscal
2 year.

3 (4) For purposes of the preceding paragraphs—

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

8 (B) the term “outfitting” means procure-
9 ment or installation of on board repair parts,
10 other secondary items, equipage, and recreation
11 items; precommissioning crew support; general
12 use consumables furnished to the shipbuilder;
13 the fitting out activity to fill a vessel’s initial al-
14 lowances; and contractor-furnished spares;

15 (C) the term “post delivery activities” in-
16 cludes design, planning, Government furnished
17 material, and related labor for Government-re-
18 sponsible defects and deficiencies identified dur-
19 ing builders trials, acceptance trials, and testing
20 during the post-delivery period; costs of all
21 work required to correct defects or deficiencies
22 identified during the post-delivery period; and
23 costs of all work required to correct trial card
24 deficiencies on a vessel of a particular class, as
25 well as on subsequent vessels of that class

1 (whether or not delivered) until the corrective
2 action for that cutter class is completed; and

3 (D) the term “cutter end costs” includes
4 the cost of construction or conversion of a ves-
5 sel, deferred work identified prior to vessel de-
6 livery, and, when unrelated to a specific fix,
7 normal changes authorized prior to completion
8 of fitting out, advanced planning, and travel.

9 SEC. 551. (a) The President, acting through the Ad-
10 ministrator of the Federal Emergency Management Agen-
11 cy, shall establish new procedures to administer assistance
12 for debris and wreckage removal provided under sections
13 403(a)(3)(A), 407, and 502(a)(5) of the Robert T. Staf-
14 ford Disaster Relief and Emergency Assistance Act (42
15 U.S.C. 5170b(a)(3)(A), 5173, and 5192(a)(5)).

16 (b) The new procedures established under paragraph
17 (a) may include—

18 (1) making grants on the basis of fixed esti-
19 mates to provide financial incentives and disincen-
20 tives for the timely or cost effective completion of
21 projects under sections 403(a)(3)(A), 407, and
22 502(a)(5) of such Act if the State, local government,
23 or owner or operator of the private non-profit facility
24 agrees to be responsible to pay for any actual costs
25 that exceed the estimate;

1 (2) using a sliding scale for the Federal share
2 for removal of debris and wreckage based on the
3 time it takes to complete debris and wreckage re-
4 moval;

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

7 (4) reimbursing base and overtime wages for
8 employees and extra hires of a State, local govern-
9 ment, or owner or operator of a private non-profit
10 facility performing or administering debris and
11 wreckage removal; and

12 (5) notwithstanding any other provision of law,
13 if the actual costs of projects under subparagraph
14 (b)(1) are less than the estimated costs thereof, the
15 Administrator may permit a grantee or sub grantee
16 to use all or part of the excess funds for any of the
17 following purposes:

18 (A) Debris management planning.

19 (B) Acquisition of debris management
20 equipment for current or future use.

21 (C) Other activities to improve future de-
22bris removal operations, as determined by the
23 Administrator.

24 SEC. 552. (a) Of the amounts made available by this
25 Act for “Department of Homeland Security—National

1 Protection and Programs Directorate—Infrastructure
2 Protection and Information Security—Federal Network
3 Security”, \$202,000,000 shall be used to deploy on Fed-
4 eral systems technology to improve the information secu-
5 rity of agency information systems covered by section
6 3543(a) of title 44, United States Code: *Provided*, That
7 funds made available under this section shall be used to
8 assist and support Government-wide and agency-specific
9 efforts to provide adequate, risk-based, and cost-effective
10 cybersecurity to address escalating and rapidly evolving
11 threats to information security, including the acquisition
12 by the Department of Homeland Security of an automated
13 and continuous monitoring program that includes equip-
14 ment, software, and Department of Homeland Security-
15 supplied services: *Provided further*, That not later than
16 January 1, 2013, and quarterly thereafter, the Under Sec-
17 retary of Homeland Security of the National Protection
18 and Programs Directorate shall submit to the Committees
19 on Appropriations of the Senate and House of Representa-
20 tives a report on the obligation and expenditure of funds
21 made available under this section: *Provided further*, That
22 automated and continuous monitoring software procured
23 by the funds made available by this section shall not col-
24 lect or store personally identifiable information, nor mon-
25 itor the content of network traffic: *Provided further*, That

1 such software shall be installed, maintained, and operated
2 in accordance with all applicable privacy laws and agency-
3 specific restrictions and standards on access to personally
4 identifiable information.

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

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

14 (d) Not later July 1, 2013, and quarterly thereafter,
15 the head of each Federal agency shall submit to the Direc-
16 tor of the Office of Management and Budget a report on
17 the execution of the expenditure plan for that agency re-
18 quired by subsection (c): *Provided*, That the Director of
19 the Office of Management and Budget shall summarize
20 such execution reports and annually submit such sum-
21 maries to Congress in conjunction with the annual
22 progress report on implementation of the E-Government
23 Act of 2002 (Public Law 107–347), as required by section
24 3606 of title 44, United States Code.

1 (e) This section shall not apply to the legislative and
2 judicial branches of the Federal Government and shall
3 apply to all Federal agencies within the executive branch
4 except for the Department of Defense, the Central Intel-
5 ligence Agency, and the Office of the Director of National
6 Intelligence.

7 SEC. 553. (a) None of the funds made available in
8 this Act may be used to maintain or establish a computer
9 network unless such network blocks the viewing,
10 downloading, and exchanging of pornography.

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

15 SEC. 554. None of the funds made available under
16 this Act may be used by a Federal law enforcement officer
17 to facilitate the transfer of an operable firearm to an indi-
18 vidual if the Federal law enforcement officer knows or sus-
19 pects that the individual is an agent of a drug cartel unless
20 law enforcement personnel of the United States continu-
21 ously monitor or control the firearm at all times.

22 SEC. 555. The Director of the Office of Management
23 and Budget shall instruct any department, agency, or in-
24 strumentality of the United States Government receiving
25 funds appropriated in this Act to track undisbursed bal-

1 ances in expired grant accounts and include in its annual
2 performance plan and performance and accountability re-
3 ports the following:

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

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

10 (3) Identification of undisbursed balances in ex-
11 pired grant accounts that may be returned to the
12 Treasury of the United States.

13 (4) In the preceding 3 fiscal years, details on
14 the total number of expired grant accounts with
15 undisbursed balances (on the first day of each fiscal
16 year) for the department, agency, or instrumentality
17 and the total finances that have not been obligated
18 to a specific project remaining in the accounts.

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

24 (1) such conference is a law enforcement training or
25 operational conference for law enforcement personnel and

1 the majority of Federal employees in attendance are law
2 enforcement personnel stationed outside the United
3 States; or

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

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

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

17 (1) a description of the subject of and number
18 of participants attending that event;

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

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

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

23 and

1 (C) a discussion of the methodology used
2 to determine which costs relate to that event;
3 and

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

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

8 (B) a discussion of any cost comparison
9 conducted by the agency in evaluating potential
10 contractors for that event.

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

1 SEC. 558. None of the funds made available by this
2 Act may be used to enter into a contract, memorandum
3 of understanding, or cooperative agreement with, make a
4 grant to, or provide a loan or loan guarantee to, any cor-
5 poration that was convicted of a felony criminal violation
6 under any Federal law within the preceding 24 months,
7 where the awarding agency is aware of the conviction, un-
8 less an agency has considered suspension or debarment
9 of the corporation and has made a determination that this
10 further action is not necessary to protect the interests of
11 the Government.

12 SEC. 559. None of the funds made available by this
13 Act may be used to enter into a contract, memorandum
14 of understanding, or cooperative agreement with, make a
15 grant to, or provide a loan or loan guarantee to, any cor-
16 poration that has any unpaid Federal tax liability that has
17 been assessed, for which all judicial and administrative
18 remedies have been exhausted or have lapsed, and that
19 is not being paid in a timely manner pursuant to an agree-
20 ment with the authority responsible for collecting the tax
21 liability, where the awarding agency is aware of the unpaid
22 tax liability, unless an agency has considered suspension
23 or debarment of the corporation and has made a deter-
24 mination that this further action is not necessary to pro-
25 tect the interests of the Government.

(RESCISSIONS)

1
2 SEC. 560. The unobligated balance of each amount
3 specified for a project or activity under the heading “Fed-
4 eral Emergency Management Agency—National
5 Predisaster Mitigation Fund” in the explanatory state-
6 ment accompanying Public Law 110–161 where the Fed-
7 eral Emergency Management Agency has received written
8 notification of the intent by the recipient to not apply for
9 the grant is rescinded, and the overall unobligated balance
10 available under such heading in such Act is reduced ac-
11 cordingly.

(RESCISSIONS)

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

21 (1) \$42,500,000 from Coast Guard “Acquisi-
22 tion, Construction, and Improvements,” 2010/2014.

23 (2) \$91,100,000 from Coast Guard “Acquisi-
24 tion, Construction, and Improvements,” 2011/2015.

1 (b) The table of sections at the beginning of chapter
2 449 of title 49, United States Code, is hereafter amended
3 by striking the item relating to such section.

4 SEC. 565. None of the funds made available by this
5 Act may be used to require a facility to employ or to not
6 employ a particular security measure for personnel surety
7 if the facility has adopted personnel measures designed
8 to—

9 (1) verify and validate individuals' identifica-
10 tion;

11 (2) check individuals' criminal history;

12 (3) verify and validate individuals' legal author-
13 ization to work; and

14 (4) identify people with terrorist ties.

15 SEC. 566. None of the funds appropriated by this Act
16 for U.S. Immigration and Customs Enforcement shall be
17 available to pay for an abortion, except where the life of
18 the mother would be endangered if the fetus were carried
19 to term, or in the case of rape or incest: *Provided*, That
20 should this prohibition be declared unconstitutional by a
21 court of competent jurisdiction, this section shall be null
22 and void.

23 SEC. 567. None of the funds appropriated by this Act
24 for U.S. Immigration and Customs Enforcement shall be

1 used to require any person to perform, or facilitate in any
2 way the performance of, any abortion.

3 SEC. 568. Nothing in the preceding section shall re-
4 move the obligation of the Assistant Secretary of Home-
5 land Security for U.S. Immigration and Customs Enforce-
6 ment to provide escort services necessary for a female de-
7 tainee to receive such service outside the detention facility:
8 *Provided*, That nothing in this section in any way dimin-
9 ishes the effect of section 567 intended to address the phil-
10 osophical beliefs of individual employees of U.S. Immigra-
11 tion and Customs Enforcement.

12 SPENDING REDUCTION ACCOUNT

13 SEC. 569. The amount by which the applicable alloca-
14 tion of new budget authority made by the Committee on
15 Appropriations of the House of Representatives under sec-
16 tion 302(b) of the Congressional Budget Act of 1974 ex-
17 ceeds the amount of proposed new budget authority is \$0.

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

Union Calendar No. 345

112TH CONGRESS
2D SESSION

H. R. 5855

[Report No. 112-492]

A BILL

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

MAY 23, 2012

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