

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

(no.) _____

(title) _____

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT In the Nature of a Substitute intended to be
proposed by _____

Viz:

1 In lieu of the matter proposed to be inserted, insert
2 the following:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consolidated Appro-
5 priations Act, 2011”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Emergency designation.
- Sec. 6. Statement of appropriations.
- Sec. 7. Federal civilian pay freeze.
- Sec. 8. Transfer authority.
- Sec. 9. Rescission of certain Federal expenses.
- Sec. 10. Limitation on award of certain specific projects.
- Sec. 11. Iran sanctions.

Sec. 12. Detainee transfer restrictions.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Food and Drug Administration and Farm Credit Administration
Title VII—General provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related agencies
Title V—General provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
2011

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related agencies
Title VIII—General provisions
Title IX—Overseas contingency operations

DIVISION D—ENERGY AND WATER DEVELOPMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent agencies
Title V—General provisions

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2011

Title I—Department of the Treasury
Title II—Executive Office of the President and funds appropriated to the President
Title III—The judiciary
Title IV—District of Columbia
Title V—Independent agencies
Title VI—General provisions—This Act
Title VII—General provisions—Government-wide
Title VIII—General provisions—District of Columbia

DIVISION F—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2011

Title I—Departmental management and operations
Title II—Security, enforcement, and investigations
Title III—Protection, preparedness, response, and recovery
Title IV—Research and development, training, and services
Title V—General provisions

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related agencies
Title IV—General provisions
Title V—Sacramento-San Joaquin Delta National Heritage Area
Title VI—National Women’s History Museum Act of 2009
Title VII—Montana forests

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND RELATED AGENCIES APPRO-
PRIATIONS ACT, 2011

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related agencies
Title V—General provisions

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2011

Title I—Legislative branch
Title II—General provisions

DIVISION J—MILITARY CONSTRUCTION AND VETERANS AFFAIRS,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related agencies
Title IV—Overseas contingency operations
Title V—General provisions

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS,
AND RELATED PROGRAMS APPROPRIATIONS ACT, 2011

Title I—Department of State and related agency
Title II—United States Agency for International Development
Title III—Bilateral economic assistance
Title IV—International security assistance
Title V—Multilateral assistance
Title VI—Export and investment assistance

Title VII—General provisions

DIVISION L—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related agencies

Title IV—General provisions—This Act

Title V—Extension of current surface transportation programs

Title VI—Extension of aviation programs

DIVISION M—FOOD SAFETY

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **SEC. 4. EXPLANATORY STATEMENT.**

7 The explanatory statement regarding this legislation,
8 printed in the Senate section of the Congressional Record
9 on or about December ____, 2010 by the Chairman of
10 the Committee on Appropriations of the Senate, shall have
11 the same effect with respect to the allocation of funds and
12 implementation of this Act as if it were a joint explanatory
13 statement of a committee of conference.

14 **SEC. 5. EMERGENCY DESIGNATION.**

15 Any designation in any division of this Act referring
16 to this section is a designation of an amount as an emer-
17 gency requirement and necessary to meet emergency needs
18 pursuant to sections 403(a) and 423(b) of S. Con. Res.

1 (3) in subsection (a), by striking “States.” and
2 inserting “States every five years.”; and

3 (4) in subsection (b)(6), by striking “2” and in-
4 serting “5”.

5 SEC. 820. Except as expressly provided otherwise,
6 any reference to “this Act” contained in this title or in
7 title IV shall be treated as referring only to the provisions
8 of this title or of title IV.

9 This division may be cited as the “Financial Services
10 and General Government Appropriations Act, 2011”.

11 **DIVISION F—DEPARTMENT OF HOME-**
12 **LAND SECURITY APPROPRIATIONS**
13 **ACT, 2011**

14 TITLE I

15 DEPARTMENTAL MANAGEMENT AND

16 OPERATIONS

17 OFFICE OF THE SECRETARY AND EXECUTIVE

18 MANAGEMENT

19 For necessary expenses of the Office of the Secretary
20 of Homeland Security, as authorized by section 102 of the
21 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
22 tive management of the Department of Homeland Secu-
23 rity, as authorized by law, \$150,126,000: *Provided*, That
24 not to exceed \$55,000 shall be for official reception and
25 representation expenses, of which \$15,000 shall be made

1 available to the Office of Policy for Visa Waiver Program
2 negotiations in Washington, DC, and for other inter-
3 national activities: *Provided further*, That all official costs
4 associated with the use of Government aircraft by Depart-
5 ment of Homeland Security personnel to support official
6 travel of the Secretary and the Deputy Secretary shall be
7 paid from amounts made available for the Immediate Of-
8 fice of the Secretary and the Immediate Office of the Dep-
9 uty Secretary: *Provided further*, That \$25,000,000 shall
10 not be available for obligation until the Secretary submits
11 to the Committees on Appropriations of the Senate and
12 the House of Representatives: (1) an expenditure plan for
13 the Office of Policy for fiscal year 2011; and (2) a com-
14 prehensive plan to initiate implementation of a biometric
15 air exit capability in fiscal year 2011, or a written certifi-
16 cation to the Congress that it is the position of the Admin-
17 istration that the statutory requirements for biometric air
18 exit be repealed.

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), \$242,233,000, of which not less
24 than \$500,000 shall be for logistics training; and of which
25 not to exceed \$3,000 shall be for official reception and

1 representation expenses: *Provided*, That of the total
2 amount made available under this heading, \$5,000,000
3 shall remain available until expended solely for the alter-
4 ation and improvement of facilities, tenant improvements,
5 and relocation costs to consolidate Department head-
6 quarters operations at the Nebraska Avenue Complex; and
7 \$14,641,000 shall remain available until expended for the
8 Human Resources Information Technology program.

9 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

15 OFFICE OF THE CHIEF INFORMATION OFFICER

16 For necessary expenses of the Office of the Chief In-
17 formation Officer, as authorized by section 103 of the
18 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
19 partment-wide technology investments, \$375,359,000; of
20 which \$82,727,000 shall be available for salaries and ex-
21 penses; and of which \$292,632,000, to remain available
22 until expended, shall be available for development and ac-
23 quisition of information technology equipment, software,
24 services, and related activities for the Department of
25 Homeland Security: *Provided*, That of the total amount

1 appropriated, not less than \$83,948,000 shall be available
2 for data center development, of which not less than
3 \$27,730,000 shall be available for power capabilities up-
4 grades and facility construction projects at Data Center
5 One (National Center for Critical Information Processing
6 and Storage): *Provided further*, That the Chief Informa-
7 tion Officer shall submit to the Committees on Appropria-
8 tions of the Senate and the House of Representatives, not
9 more than 60 days after the date of enactment of this
10 Act, an expenditure plan for all information technology ac-
11 quisition projects that: (1) are funded under this heading;
12 or (2) are funded by multiple components of the Depart-
13 ment of Homeland Security through reimbursable agree-
14 ments: *Provided further*, That such expenditure plan shall
15 include each specific project funded, key milestones, all
16 funding sources for each project, details of annual and
17 lifecycle costs, and projected cost savings or cost avoidance
18 to be achieved by the project: *Provided further*, That
19 \$75,000,000 shall not be available for obligation until the
20 submission of the expenditure plan to the Committees on
21 Appropriations of the Senate and the House of Represent-
22 atives.

23 ANALYSIS AND OPERATIONS

24 For necessary expenses for intelligence analysis and
25 operations coordination activities, as authorized by title II

1 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
2 seq.), \$340,000,000, of which not to exceed \$5,000 shall
3 be for official reception and representation expenses; and
4 of which \$53,975,000 shall remain available until Sep-
5 tember 30, 2012: *Provided*, That \$20,000,000 shall be
6 withheld from obligation until an expenditure plan for the
7 Office of Intelligence and Analysis is received by the Com-
8 mittees on Appropriations of the Senate and House of
9 Representatives: *Provided further*, That none of the funds
10 provided in this or any other Act shall be available to com-
11 mence operations of the National Immigration Informa-
12 tion Sharing Operation or any follow-on entity until the
13 Secretary certifies that such program complies with all ex-
14 isting laws, including all applicable privacy and civil lib-
15 erties standards; the Comptroller General of the United
16 States notifies the Committees on Appropriations of the
17 Senate and the House of Representatives and the Sec-
18 retary that the Comptroller has reviewed such certifi-
19 cation; and the Secretary notifies the Committees on Ap-
20 propriations of the Senate and the House of Representa-
21 tives of all funds to be expended on operations of the Na-
22 tional Immigration Information Sharing Operation or any
23 follow-on entity pursuant to section 503 of this Act: *Pro-*
24 *vided further*, That none of the funds provided under this
25 heading may be obligated to create or operate a new pro-

1 gram management office or similar organization or entity
2 to oversee the State and Local Fusion Center program
3 until the Committees on Appropriations of the Senate and
4 House of Representatives receive a notification pursuant
5 to section 503 of this Act that describes the purpose, man-
6 agement goals, implementation timeline, budget, and
7 funding sources for any proposed new office, organization,
8 or entity.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978 (5 U.S.C. App.), \$115,806,000, of
13 which not to exceed \$300,000 may be used for certain con-
14 fidential operational expenses, including the payment of
15 informants, to be expended at the direction of the Inspec-
16 tor General.

17 TITLE II

18 SECURITY, ENFORCEMENT, AND

19 INVESTIGATIONS

20 U.S. CUSTOMS AND BORDER PROTECTION

21 SALARIES AND EXPENSES

22 For necessary expenses for enforcement of laws relat-
23 ing to border security, immigration, customs, agricultural
24 inspections and regulatory activities related to plant and
25 animal imports, and transportation of unaccompanied

1 minor aliens; purchase and lease of up to 8,000 (7,000
2 for replacement only) police-type vehicles; and contracting
3 with individuals for personal services abroad;
4 \$8,239,377,000, of which \$3,274,000 shall be derived
5 from the Harbor Maintenance Trust Fund for administra-
6 tive expenses related to the collection of the Harbor Main-
7 tenance Fee pursuant to section 9505(c)(3) of the Internal
8 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
9 withstanding section 1511(e)(1) of the Homeland Security
10 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
11 \$45,000 shall be for official reception and representation
12 expenses; of which not less than \$311,052,000 shall be
13 for Air and Marine Operations; of which such sums as
14 become available in the Customs User Fee Account, except
15 sums subject to section 13031(f)(3) of the Consolidated
16 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
17 58c(f)(3)), shall be derived from that account; of which
18 not to exceed \$150,000 shall be available for payment for
19 rental space in connection with preclearance operations;
20 and of which not to exceed \$1,000,000 shall be for awards
21 of compensation to informants, to be accounted for solely
22 under the certificate of the Secretary of Homeland Secu-
23 rity: *Provided*, That for fiscal year 2011, the overtime lim-
24 itation prescribed in section 5(c)(1) of the Act of February
25 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000, and not-

1 withstanding any other provision of law, none of the funds
2 appropriated by this Act may be available to compensate
3 any employee of U.S. Customs and Border Protection for
4 overtime, from whatever source, in an amount that ex-
5 ceeds such limitation, except in individual cases deter-
6 mined by the Secretary of Homeland Security, or the des-
7 ignee of the Secretary, to be necessary for national secu-
8 rity purposes, to prevent excessive costs, or in cases of
9 immigration emergencies: *Provided further*, That of the
10 total amount provided, \$1,700,000 shall remain available
11 until September 30, 2012, for the Global Advanced Pas-
12 senger Information/Passenger Name Record Program:
13 *Provided further*, That the Border Patrol shall maintain
14 an active duty presence of not less than 20,500 full-time
15 equivalent agents protecting the borders of the United
16 States throughout the fiscal year.

17 AUTOMATION MODERNIZATION

18 For expenses for U.S. Customs and Border Protec-
19 tion automated systems, \$347,575,000, to remain avail-
20 able until expended, of which not less than \$153,090,000
21 shall be for the development of the Automated Commercial
22 Environment: *Provided*, That not later than 30 days after
23 the date of enactment of this Act, the Commissioner of
24 U.S. Customs and Border Protection shall submit to the
25 Committees on Appropriations of the Senate and the

1 House of Representatives a report on the results to date
2 of, and plans for completing, the Automated Commercial
3 Environment program.

4 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
5 TECHNOLOGY

6 For expenses for border security fencing, infrastruc-
7 ture, and technology, \$574,173,000, to remain available
8 until expended: *Provided*, That of the total amount made
9 available under this heading, \$75,000,000 shall not be ob-
10 ligated until the Committees on Appropriations of the Sen-
11 ate and the House of Representatives receive and approve
12 a plan for expenditure, prepared by the Commissioner of
13 U.S. Customs and Border Protection, reviewed by the
14 Government Accountability Office, and submitted not later
15 than 90 days after the date of the enactment of this Act,
16 for a program to establish and maintain a security barrier
17 along the borders of the United States, of fencing and ve-
18 hicle barriers where practicable, and of other forms of tac-
19 tical infrastructure and technology, that meets the statu-
20 tory conditions specified under this heading in Public Law
21 111–83 and which may cite by reference previous expendi-
22 ture plans and supporting documentation previously sub-
23 mitted to the Committees: *Provided further*, That at least
24 15 days before the award of any task order requiring an
25 obligation of funds in an amount greater than

1 \$25,000,000 and before the award of a task order that
2 would cause cumulative obligations of funds to exceed 50
3 percent of the total amount appropriated under this head-
4 ing, the Commissioner of U.S. Customs and Border Pro-
5 tection shall report to the Committees on Appropriations
6 of the Senate and the House of Representatives on the
7 progress of the program, and obligations and expenditures
8 for all outstanding task orders awarded under the pro-
9 gram, and specific objectives to be achieved through the
10 award of current and remaining task orders planned for
11 the balance of available appropriations for the program:
12 *Provided further*, That none of the funds made available
13 under this heading may be obligated unless the Depart-
14 ment has complied with section 102(b)(1)(C)(i) of the Ille-
15 gal Immigration Reform and Immigrant Responsibility
16 Act of 1996 (8 U.S.C. 1103 note), and the Secretary cer-
17 tifies such to the Committees on Appropriations of the
18 Senate and the House of Representatives: *Provided fur-*
19 *ther*, That none of the funds made available under this
20 heading may be obligated for any project or activity for
21 which the Secretary has exercised waiver authority pursu-
22 ant to section 102(c) of the Illegal Immigration Reform
23 and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103
24 note) until 15 days have elapsed from the date of the pub-

1 lication in the Federal Register of the decision to exercise
2 that authority.

3 AIR AND MARINE INTERDICTION, OPERATIONS,
4 MAINTENANCE, AND PROCUREMENT

5 For necessary expenses for the operations, mainte-
6 nance, and procurement of marine vessels, aircraft, un-
7 manned aircraft systems, and other related equipment of
8 the air and marine program, including operational train-
9 ing and mission-related travel; the interdiction of narcotics
10 and other goods; the provision of support to Federal,
11 State, and local agencies in the enforcement or adminis-
12 tration of laws enforced by the Department; and at the
13 discretion of the Secretary of Homeland Security, the pro-
14 vision of assistance to Federal, State, and local agencies
15 in other law enforcement and emergency humanitarian ef-
16 forts, \$511,751,000, to remain available until expended:
17 *Provided*, That no aircraft or other related equipment,
18 with the exception of aircraft that are one of a kind and
19 have been identified as excess to U.S. Customs and Border
20 Protection requirements and aircraft that have been dam-
21 aged beyond repair, shall be transferred to any other Fed-
22 eral agency, department, or office outside of the Depart-
23 ment in fiscal year 2011 without the prior approval of the
24 Committees on Appropriations of the Senate and the
25 House of Representatives.

1 CONSTRUCTION AND FACILITIES MANAGEMENT

2 For necessary expenses to plan, acquire, construct,
3 renovate, equip, and maintain buildings and facilities nec-
4 essary for the administration and enforcement of the laws
5 relating to customs, immigration, and border security,
6 \$282,740,000, to remain available until expended; of
7 which \$4,000,000 shall be for constructing and equipping
8 the Advanced Training Center: *Provided*, That for fiscal
9 year 2012 and hereafter, the annual budget submission
10 of U.S. Customs and Border Protection for “Construction
11 and Facilities Management” shall, in consultation with the
12 General Services Administration, include a detailed 5-year
13 plan for all Federal land border port of entry projects with
14 a yearly update of total projected future funding needs
15 delineated by land port of entry.

16 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For the necessary expenses to conduct investigations
20 of criminal violations of Federal law relating to border se-
21 curity, customs and trade, immigration and naturaliza-
22 tion, intellectual property rights, and travel and transpor-
23 tation; for the civil enforcement of immigration and cus-
24 toms laws, including the detention and removal of immi-
25 gration status violators; and for the purchase and lease

1 of up to 3,790 (2,350 for replacement only) police-type
2 vehicles, \$5,508,555,000, of which not less than
3 \$250,000,000 shall be for activities to investigate viola-
4 tions of immigration and customs laws along the South-
5 west border of the United States, including Border En-
6 forcement Security Task Force operations and Law En-
7 forcement Agency Response Teams; of which not less than
8 \$120,000,000 shall be for activities to investigate cyber
9 crimes and child exploitation offenses, including sex traf-
10 ficking, child pornography, child sex tourism, and pro-
11 motion of public awareness of the child pornography
12 tipline; of which \$15,770,000 shall be for activities in fis-
13 cal year 2011 to enforce laws against forced child labor,
14 of which \$6,000,000 shall be available until expended; of
15 which not to exceed \$10,000,000 shall be available until
16 expended for conducting special operations under section
17 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
18 2081); of which not to exceed \$2,000,000 shall be for
19 awards of compensation to informants, to be accounted
20 for solely under the certificate of the Secretary of Home-
21 land Security; of which not to exceed \$11,216,000 shall
22 be available to fund or reimburse other Federal agencies
23 for the costs associated with the care, maintenance, and
24 repatriation of smuggled aliens unlawfully present in the
25 United States; of which not to exceed \$15,000 shall be

1 for official reception and representation expenses: *Pro-*
2 *vided*, That none of the funds made available under this
3 heading shall be available to compensate any employee for
4 overtime in an annual amount in excess of \$35,000, except
5 that the Secretary, or the designee of the Secretary, may
6 waive that amount as necessary for national security pur-
7 poses and in cases of immigration emergencies: *Provided*
8 *further*, That of the total amount made available under
9 this heading, not less than \$2,000,000,000 shall be avail-
10 able to identify aliens convicted of a crime who may be
11 deportable, and to remove them from the United States
12 once they are judged deportable: *Provided further*, That
13 the Secretary, or the designee of the Secretary, shall re-
14 port to the Committees on Appropriations of the Senate
15 and the House of Representatives, not later than 45 days
16 after the end of each quarter of the fiscal year, on progress
17 in implementing the preceding proviso and the funds obli-
18 gated during that quarter to make that progress: *Provided*
19 *further*, That the Secretary shall prioritize the identifica-
20 tion and removal of aliens convicted of a crime by the se-
21 verity of that crime: *Provided further*, That not less than
22 \$5,400,000 shall be used to facilitate agreements con-
23 sistent with section 287(g) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1357(g)): *Provided further*, That
25 none of the funds under this heading may be used to con-

1 tinue a delegation of law enforcement authority authorized
2 under section 287(g) of the Immigration and Nationality
3 Act (8 U.S.C. 1357(g)) if the Department of Homeland
4 Security Inspector General determines that the terms of
5 the agreement governing the delegation of authority have
6 been violated: *Provided further*, That of the total amount
7 provided, not less than \$2,583,021,000 is for detention
8 and removal operations, including transportation of unac-
9 companied alien minors: *Provided further*, That funding
10 made available under this heading shall maintain a level
11 of not less than 33,400 detention beds through September
12 30, 2011: *Provided further*, That none of the funds made
13 available under this heading may be used to continue any
14 contract for the provision of detention services if the two
15 most recent overall performance evaluations received by
16 the contracted facility are less than “adequate” or the
17 equivalent median score in any subsequent performance
18 evaluation system: *Provided further*, That nothing under
19 this heading shall prevent U.S. Immigration and Customs
20 Enforcement from exercising those authorities provided
21 under immigration laws (as defined in section 101(a)(17)
22 of the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(17))) during priority operations pertaining to
24 aliens convicted of a crime: *Provided further*, That none
25 of the funds provided under this heading may be obligated

1 to collocate field offices of U.S. Immigration and Customs
2 Enforcement until the Secretary submits to the Commit-
3 tees on Appropriations of the Senate and the House of
4 Representatives a plan for the nationwide implementation
5 of the Alternatives to Detention program that identifies:
6 (1) how funding made available by this Act will be used
7 to expand the Alternatives to Detention program; (2) the
8 date by which the Secretary will achieve nationwide imple-
9 mentation of the Alternatives to Detention program; and
10 (3) the milestones the Secretary will establish to measure
11 progress toward achieving nationwide implementation of
12 the Alternatives to Detention program: *Provided further,*
13 That of the total amount provided for the purposes of
14 identifying aliens convicted of a crime who may be deport-
15 able, and removing them from the United States once they
16 are judged deportable, \$259,825,000 shall remain avail-
17 able until September 30, 2012, of which up to
18 \$30,625,000 may be available for transfer to U.S. Immi-
19 gration and Customs Enforcement “Automation Mod-
20 ernization” for information technology investments associ-
21 ated with these purposes: *Provided further,* That of the
22 total amount provided, \$7,300,000 shall remain available
23 until September 30, 2012, for the Visa Security Program.

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1 AUTOMATION MODERNIZATION

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

10 TRANSPORTATION SECURITY ADMINISTRATION

11 AVIATION SECURITY

12 For necessary expenses of the Transportation Secu-
13 rity Administration related to providing civil aviation secu-
14 rity services pursuant to the Aviation and Transportation
15 Security Act (Public Law 107-71), \$5,452,037,000, to re-
16 main available until September 30, 2012, of which not to
17 exceed \$10,000 shall be for official reception and represen-
18 tation expenses: *Provided*, That of the total amount made
19 available under this heading, not to exceed
20 \$4,363,000,000 shall be for screening operations, of which
21 \$643,325,000 shall be available for explosives detection
22 systems; and not to exceed \$1,089,037,000 shall be for
23 aviation security direction and enforcement: *Provided fur-*
24 *ther*, That of the amount made available in the preceding
25 proviso for explosives detection systems, \$320,000,000

1 shall be available for the purchase and installation of these
2 systems, of which not less than 9 percent shall be available
3 for the purchase and installation of certified explosives de-
4 tection systems at medium- and small-sized airports: *Pro-*
5 *vided further*, That any award to deploy explosives detec-
6 tion systems shall be based on risk, the airport's current
7 reliance on other screening solutions, lobby congestion re-
8 sulting in increased security concerns, high injury rates,
9 airport readiness, and increased cost effectiveness: *Pro-*
10 *vided further*, That security service fees authorized under
11 section 44940 of title 49, United States Code, shall be
12 credited to this appropriation as offsetting collections and
13 shall be available only for aviation security: *Provided fur-*
14 *ther*, That the sum appropriated under this heading from
15 the general fund shall be reduced on a dollar-for-dollar
16 basis as such offsetting collections are received in fiscal
17 year 2011, so as to result in a final fiscal year appropria-
18 tion from the general fund of not more than
19 \$3,352,037,000: *Provided further*, That any security serv-
20 ice fees collected in excess of the amount made available
21 under this heading shall be available for fiscal year 2012:
22 *Provided further*, That Members of the House of Rep-
23 resentatives and Senate, including the leadership; the
24 heads of Federal agencies and commissions, including the
25 Secretary, Deputy Secretary, Under Secretaries, and As-

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

7 SURFACE TRANSPORTATION SECURITY

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

12 TRANSPORTATION THREAT ASSESSMENT AND
13 CREDENTIALING

14 For necessary expenses for the development and im-
15 plementation of screening programs of the Office of
16 Transportation Threat Assessment and Credentialing,
17 \$159,124,000, to remain available until September 30,
18 2012: *Provided*, That if the Assistant Secretary of Home-
19 land Security (Transportation Security Administration)
20 determines that the Secure Flight program does not need
21 to check airline passenger names against the full terrorist
22 watchlist, the Assistant Secretary shall certify to the Com-
23 mittees on Appropriations of the Senate and the House
24 of Representatives, not later than 30 days after the date
25 of enactment of this Act, that no significant security risks

1 are raised by screening airline passenger names only
2 against a subset of the full terrorist watchlist.

3 TRANSPORTATION SECURITY SUPPORT

4 For necessary expenses of the Transportation Secu-
5 rity Administration related to providing transportation se-
6 curity support and intelligence pursuant to the Aviation
7 and Transportation Security Act (Public Law 107-71),
8 \$1,039,777,000, to remain available until September 30,
9 2012: *Provided*, That of the funds appropriated under this
10 heading, \$50,000,000 may not be obligated for head-
11 quarters administration until the Assistant Secretary of
12 Homeland Security (Transportation Security Administra-
13 tion) submits to the Committees on Appropriations of the
14 Senate and the House of Representatives detailed expendi-
15 ture plans for air cargo security, and for checkpoint sup-
16 port and explosives detection systems refurbishment, pro-
17 curement, and installations on an airport-by-airport basis
18 for fiscal year 2011: *Provided further*, That such plans
19 shall be submitted no later than 60 days after the date
20 of enactment of this Act.

21 FEDERAL AIR MARSHALS

22 For necessary expenses of the Federal Air Marshals,
23 \$945,015,000.

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1 COAST GUARD

2 OPERATING EXPENSES

3 For necessary expenses for the operation and mainte-
4 nance of the Coast Guard, not otherwise provided for; pur-
5 chase or lease of not to exceed 25 passenger motor vehi-
6 cles, which shall be for replacement only; purchase or lease
7 of small boats for contingent and emergent requirements
8 (at a unit cost of no more than \$700,000) and repairs
9 and service-life replacements, not to exceed a total of
10 \$26,000,000, in addition to boats necessary for overseas
11 deployments and other activities; minor shore construction
12 projects not exceeding \$1,000,000 in total cost at any lo-
13 cation; payments pursuant to section 156 of Public Law
14 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
15 ation and welfare; \$6,951,973,000, of which \$594,000,000
16 shall be for defense-related activities, of which
17 \$254,000,000 is for overseas deployments and other ac-
18 tivities; of which \$24,500,000 shall be derived from the
19 Oil Spill Liability Trust Fund to carry out the purposes
20 of section 1012(a)(5) of the Oil Pollution Act of 1990 (33
21 U.S.C. 2712(a)(5)); and of which not to exceed \$20,000
22 shall be for official reception and representation expenses:
23 *Provided*, That none of the funds made available by this
24 or any other Act shall be available for administrative ex-
25 penses in connection with shipping commissioners in the

1 United States: *Provided further*, That none of the funds
2 made available by this Act shall be for expenses incurred
3 for recreational vessels under section 12114 of title 46,
4 United States Code, except to the extent fees are collected
5 from yacht owners and credited to this appropriation: *Pro-*
6 *vided further*, That the Coast Guard shall comply with the
7 requirements of section 527 of the National Defense Au-
8 thorization Act for Fiscal Year 2004 (10 U.S.C. 4331
9 note) with respect to the Coast Guard Academy: *Provided*
10 *further*, That of the funds made available under this head-
11 ing, \$75,000,000 shall be withheld from obligation for
12 Headquarters Directorates until: (1) the fiscal year 2011
13 second quarter acquisition report; (2) the annual review
14 of the Revised Deepwater Implementation Plan; (3) the
15 future-years capital investment plan for fiscal years 2012–
16 2016; and (4) the Polar High Latitude Study are received
17 by the Committees on Appropriations of the Senate and
18 the House of Representatives: *Provided further*, That of
19 the amount provided under this heading for overseas de-
20 ployments and other activities, \$254,000,000 is des-
21 ignated as described in section 5 (in the matter preceding
22 division A of this consolidated Act): *Provided further*, That
23 funds made available under this heading for overseas de-
24 ployments and other activities may be allocated by pro-

1 gram, project, and activity, notwithstanding section 503
2 of this Act.

3 ENVIRONMENTAL COMPLIANCE AND RESTORATION

4 For necessary expenses to carry out the environ-
5 mental compliance and restoration functions of the Coast
6 Guard under chapter 19 of title 14, United States Code,
7 \$13,329,000, to remain available until expended.

8 RESERVE TRAINING

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

13 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of acquisition, construction,
15 renovation, and improvement of aids to navigation, shore
16 facilities, vessels, and aircraft, including equipment related
17 thereto; and maintenance, rehabilitation, lease and oper-
18 ation of facilities and equipment, as authorized by law;
19 \$1,518,613,000, of which \$20,000,000 shall be derived
20 from the Oil Spill Liability Trust Fund to carry out the
21 purposes of section 1012(a)(5) of the Oil Pollution Act
22 of 1990 (33 U.S.C. 2712(a)(5)); of which \$2,000,000
23 shall be derived from the Coast Guard Housing Fund, es-
24 tablished pursuant to 14 U.S.C. 687, and shall remain
25 available until expended for military family housing; of

1 which \$73,200,000 shall be available until September 30,
2 2015, to acquire, effect major repairs, renovate, or im-
3 prove vessels, small boats, and related equipment; of which
4 \$36,000,000 shall be available until September 30, 2013,
5 for other equipment; of which \$108,350,000 shall be avail-
6 able until September 30, 2013, for shore facilities and aids
7 to navigation facilities, including not less than
8 \$23,500,000 for waterfront improvements and support fa-
9 cilities for buoy tender operations at Naval Station New-
10 port, not less than \$18,100,000 for the Coast Guard Sec-
11 tor Honolulu Command and Interagency Operations Cen-
12 ter, and not less than \$21,050,000 for Coast Guard Sta-
13 tion Cleveland Harbor; of which \$107,561,000 shall be
14 available for personnel compensation and benefits and re-
15 lated costs; and of which \$1,191,502,000 shall be available
16 until September 30, 2015, for the Integrated Deepwater
17 Systems program: *Provided*, That of the funds made avail-
18 able for the Integrated Deepwater Systems program,
19 \$103,000,000 is for aircraft and \$933,002,000 is for sur-
20 face ships: *Provided further*, That the Commandant of the
21 Coast Guard shall submit to the Committees on Appro-
22 priations of the Senate and the House of Representatives,
23 in conjunction with the President's fiscal year 2012 budg-
24 et, a review of the Revised Deepwater Implementation
25 Plan that identifies any changes to the plan for the fiscal

1 year; an annual performance comparison of Integrated
2 Deepwater Systems program assets to pre-Deepwater leg-
3 acy assets; a status report of such legacy assets; a detailed
4 explanation of how the costs of such legacy assets are
5 being accounted for within the Integrated Deepwater Sys-
6 tems program; and the earned value management system
7 gold card data for each Integrated Deepwater Systems
8 program asset: *Provided further*, That the Commandant
9 of the Coast Guard shall submit to the Committees on Ap-
10 propriations of the Senate and the House of Representa-
11 tives, in conjunction with the fiscal year 2016 budget re-
12 quest, and every 5 years thereafter, a comprehensive re-
13 view of the Revised Deepwater Implementation Plan, that
14 includes a complete projection of the acquisition costs and
15 schedule for the duration of the plan: *Provided further*,
16 That the Commandant of the Coast Guard shall annually
17 submit to the Committees on Appropriations of the Senate
18 and the House of Representatives, at the time that the
19 President's budget is submitted under section 1105(a) of
20 title 31, United States Code, a future-years capital invest-
21 ment plan for the Coast Guard that identifies for each
22 capital budget line item—

23 (1) the proposed appropriation included in that
24 budget;

25 (2) the estimated total acquisition cost;

1 (3) projected funding levels, including a listing
2 (by fiscal year) of the number of assets or segments
3 that will be procured with the funding requested, for
4 each fiscal year for the next 5 fiscal years or until
5 project completion, whichever is earlier;

6 (4) an estimated completion date at the pro-
7 jected funding levels;

8 (5) the total number of planned assets or seg-
9 ments;

10 (6) justification for each requested project in-
11 cluding a qualitative description of mission perform-
12 ance envisioned to be achieved upon completion of
13 the acquisition program and missions that will be
14 supported by such project; and

15 (7) changes, if any, in the total estimated cost
16 of completion or estimated completion date from
17 previous future-years capital investment plans sub-
18 mitted to the Committees on Appropriations of the
19 Senate and the House of Representatives:

20 *Provided further*, That the Commandant of the Coast
21 Guard shall ensure that amounts specified in the future-
22 years capital investment plan are consistent, to the max-
23 imum extent practicable, with proposed appropriations
24 necessary to support the programs, projects, and activities
25 of the Coast Guard in the President's budget as submitted

1 under section 1105(a) of title 31, United States Code, for
2 that fiscal year: *Provided further*, That any inconsistencies
3 between the capital investment plan and proposed appro-
4 priations shall be identified and justified: *Provided further*,
5 That subsections (a) and (b) of section 6402 of the U.S.
6 Troop Readiness, Veterans' Care, Katrina Recovery, and
7 Iraq Accountability Appropriations Act, 2007 (Public Law
8 110–28) shall apply to fiscal year 2011.

9
10 ALTERATION OF BRIDGES

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

17 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

18 For necessary expenses for applied scientific re-
19 search, development, test, and evaluation; and for mainte-
20 nance, rehabilitation, lease, and operation of facilities and
21 equipment; as authorized by law; \$32,534,000, to remain
22 available until expended, of which \$500,000 shall be de-
23 rived from the Oil Spill Liability Trust Fund to carry out
24 the purposes of section 1012(a)(5) of the Oil Pollution Act
25 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
be credited to and used for the purposes of this appropria-

1 facilities on private or other property not in Government
2 ownership or control, as may be necessary to perform pro-
3 tective functions; payment of per diem or subsistence al-
4 lowances to employees in a case in which a protective as-
5 signment during the actual day or days of the visit of a
6 protectee requires an employee to work 16 hours per day
7 or to remain overnight at a post of duty; conduct of and
8 participation in firearms matches; presentation of awards;
9 travel of United States Secret Service employees on pro-
10 tective missions without regard to the limitations on such
11 expenditures in this or any other Act if approval is ob-
12 tained in advance from the Committees on Appropriations
13 of the Senate and the House of Representatives; research
14 and development; grants to conduct behavioral research in
15 support of protective research and operations; and pay-
16 ment in advance for commercial accommodations as may
17 be necessary to perform protective functions;
18 \$1,574,642,000, of which not to exceed \$25,000 shall be
19 for official reception and representation expenses; of which
20 not to exceed \$100,000 shall be to provide technical assist-
21 ance and equipment to foreign law enforcement organiza-
22 tions in counterfeit investigations; of which \$2,366,000
23 shall be for forensic and related support of investigations
24 of missing and exploited children; and of which
25 \$6,000,000 shall be for a grant for activities related to

1 the investigations of missing and exploited children and
2 shall remain available until expended: *Provided*, That up
3 to \$18,000,000 for protective travel shall remain available
4 until September 30, 2012: *Provided further*, That up to
5 \$1,000,000 for National Special Security Events shall re-
6 main available until expended: *Provided further*, That the
7 United States Secret Service is authorized to obligate
8 funds in anticipation of reimbursements from Federal
9 agencies and entities, as defined in section 105 of title
10 5, United States Code, receiving training sponsored by the
11 James J. Rowley Training Center, except that total obliga-
12 tions for the fiscal year shall not exceed total budgetary
13 resources available under this heading at the end of the
14 fiscal year: *Provided further*, 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 *Provided further*, That none of the funds made available
21 to the United States Secret Service by this Act or by pre-
22 vious appropriations Acts may be made available for the
23 protection of the head of a Federal agency other than the
24 Secretary of Homeland Security: *Provided further*, That
25 the Director of the Secret Service may enter into an agree-

1 ment to perform such service on a fully reimbursable
2 basis: *Provided further*, That of the total amount made
3 available under this heading, \$69,960,000, to remain
4 available until expended, is for information integration
5 and technology transformation: *Provided further*, That of
6 the funds made available in the preceding proviso,
7 \$20,000,000 shall not be available for obligation until the
8 Chief Information Officer of the Department submits a
9 report to the Committees on Appropriations of the Senate
10 and the House of Representatives certifying that all plans
11 for such activities are consistent with Department of
12 Homeland Security data center migration and enterprise
13 architecture requirements: *Provided further*, That none of
14 the funds made available to the United States Secret Serv-
15 ice by this Act or by previous appropriations Acts may
16 be obligated for the purpose of opening a new permanent
17 domestic or overseas office or location unless the Commit-
18 tees on Appropriations of the Senate and the House of
19 Representatives are notified 15 days in advance of such
20 obligation.

21 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

22 RELATED EXPENSES

23 For necessary expenses for acquisition, construction,
24 repair, alteration, and improvement of facilities,
25 \$3,975,000, to remain available until expended.

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1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY

4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 MANAGEMENT AND ADMINISTRATION

6 For salaries and expenses of the Office of the Under
7 Secretary for the National Protection and Programs Di-
8 rectorate, support for operations, information technology,
9 and the Office of Risk Management and Analysis,
10 \$45,387,000: *Provided*, That not to exceed \$5,000 shall
11 be for official reception and representation expenses.

12 INFRASTRUCTURE PROTECTION AND INFORMATION
13 SECURITY

14 For necessary expenses for infrastructure protection
15 and information security programs and activities, as au-
16 thorized by title II of the Homeland Security Act of 2002
17 (6 U.S.C. 121 et seq.), \$874,923,000, of which
18 \$720,884,000 shall remain available until September 30,
19 2012: *Provided*, That of the amount made available under
20 this heading, \$100,000,000 may not be obligated for the
21 National Cyber Security Division and \$10,000,000 may
22 not be obligated for the Next Generation Networks pro-
23 gram until the Committees on Appropriations of the Sen-
24 ate and the House of Representatives receive a plan for
25 expenditure for each that describes the strategic context,

1 the specific goals and milestones set, and the funds allo-
2 cated to achieving each of those goals and milestones: *Pro-*
3 *vided further*, That of the total amount provided, not less
4 than: \$18,000,000 is for the National Infrastructure Sim-
5 ulation and Analysis Center; \$3,000,000 is for State and
6 local cyber security training; \$3,000,000 is for the Multi-
7 State Information Sharing and Analysis Center; and
8 \$1,000,000 is for interoperable communications, technical
9 assistance, and outreach programs.

10 FEDERAL PROTECTIVE SERVICE

11 The revenues and collections of security fees credited
12 to this account shall be available until expended for nec-
13 essary expenses related to the protection of federally-
14 owned and leased buildings and for the operations of the
15 Federal Protective Service: *Provided*, That the Secretary
16 of Homeland Security and the Director of the Office of
17 Management and Budget shall certify in writing to the
18 Committees on Appropriations of the Senate and the
19 House of Representatives, no later than 60 days after the
20 date of enactment of this Act, that the operations of the
21 Federal Protective Service will be fully funded in fiscal
22 year 2011 through revenues and collection of security fees,
23 and shall adjust the fees to ensure fee collections are suffi-
24 cient to ensure that, no later than September 1, 2011,
25 the Federal Protective Service maintains not fewer than

1 1,348 full-time staff and 1,011 full-time Police Officers,
2 Inspectors, Area Commanders, and Special Agents who,
3 while working, are directly engaged on a daily basis pro-
4 tecting and enforcing laws at Federal buildings (referred
5 to as “in-service field staff”).

6 UNITED STATES VISITOR AND IMMIGRANT STATUS

7 INDICATOR TECHNOLOGY

8 For necessary expenses for the development of the
9 United States Visitor and Immigrant Status Indicator
10 Technology project, as authorized by section 110 of the
11 Illegal Immigration Reform and Immigrant Responsibility
12 Act of 1996 (8 U.S.C. 1365a), \$339,263,000, of which
13 \$50,000,000 shall remain available until September 30,
14 2012: *Provided*, That of the total amount made available
15 under this heading, \$125,000,000 shall not be obligated
16 for the United States Visitor and Immigrant Status Indi-
17 cator Technology project until the Committees on Appro-
18 priations of the Senate and the House of Representatives
19 receive a plan for expenditure, prepared by the Secretary
20 of Homeland Security, not later than 90 days after the
21 date of enactment of this Act that meets the statutory con-
22 ditions specified under this heading in Public Law 110–
23 329: *Provided further*, That not less than \$50,000,000 of
24 unobligated balances of prior year appropriations shall re-

1 main available and be obligated solely for implementation
2 of a biometric air exit capability.

3 OFFICE OF HEALTH AFFAIRS

4 For necessary expenses of the Office of Health Af-
5 fairs, \$157,984,000, of which \$27,053,000 is for salaries
6 and expenses: *Provided*, That \$130,931,000 shall remain
7 available until September 30, 2012, for biosurveillance,
8 BioWatch, medical readiness planning, chemical response,
9 and other activities, including \$4,750,000 for the North
10 Carolina Collaboratory for Bio-Preparedness, University
11 of North Carolina, Chapel Hill: *Provided further*, That of
12 the amount made available under this heading,
13 \$3,500,000 may not be obligated for the National Bio-
14 surveillance Integration System until the Committees on
15 Appropriations of the Senate and the House of Represent-
16 atives receive a plan for expenditure for such System: *Pro-*
17 *vided further*, That not to exceed \$3,000 shall be for offi-
18 cial reception and representation expenses.

19 FEDERAL EMERGENCY MANAGEMENT AGENCY

20 MANAGEMENT AND ADMINISTRATION

21 For necessary expenses for management and admin-
22 istration of the Federal Emergency Management Agency,
23 \$764,296,000, including activities authorized by the Na-
24 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
25 seq.), the Robert T. Stafford Disaster Relief and Emer-

1 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
2 Grande Fire Assistance Act of 2000 (division C, title I,
3 114 Stat. 583), the Earthquake Hazards Reduction Act
4 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
5 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
6 and 303 of the National Security Act of 1947 (50 U.S.C.
7 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
8 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
9 et seq.), and the Post-Katrina Emergency Management
10 Reform Act of 2006 (Public Law 109–295): *Provided*,
11 That not to exceed \$3,000 shall be for official reception
12 and representation expenses: *Provided further*, That the
13 President’s budget submitted under section 1105(a) of
14 title 31, United States Code, shall be detailed by office
15 for the Federal Emergency Management Agency: *Provided*
16 *further*, That the Administrator of the Federal Emergency
17 Management Agency shall provide to the Committees on
18 Appropriations of the Senate and the House of Represent-
19 atives an expenditure plan for all funds made available in
20 this Act for Federal Emergency Management Agency
21 “Management and Administration”, not later than 75
22 days after the date of enactment of this Act: *Provided fur-*
23 *ther*, That of the total amount made available under this
24 heading, not to exceed \$12,000,000 shall remain available
25 until September 30, 2012, for capital improvements at the

1 Mount Weather Emergency Operations Center: *Provided*
2 *further*, That of the total amount made available under
3 this heading, \$38,000,000 shall be for the Urban Search
4 and Rescue Response System, of which not to exceed
5 \$1,600,000 may be made available for administrative
6 costs; and \$7,049,000 shall be for the Office of National
7 Capital Region Coordination: *Provided further*, That for
8 purposes of planning, coordination, execution, and deci-
9 sionmaking related to mass evacuation during a disaster,
10 for fiscal year 2011 and hereafter, the Governors of the
11 State of West Virginia and the Commonwealth of Pennsyl-
12 vania, or their designees, shall be incorporated into efforts
13 to integrate the activities of Federal, State, and local gov-
14 ernments in the National Capital Region, as defined in
15 section 882 of Public Law 107–296, the Homeland Secu-
16 rity Act of 2002.

17 STATE AND LOCAL PROGRAMS

18 (INCLUDING TRANSFER OF FUNDS)

19 For grants, contracts, cooperative agreements, and
20 other activities, \$3,080,450,000 shall be allocated as fol-
21 lows:

22 (1) \$950,000,000 shall be for the State Home-
23 land Security Grant Program under section 2004 of
24 the Homeland Security Act of 2002 (6 U.S.C. 605):
25 *Provided*, That of the amount provided by this para-

1 graph and not subject to the requirements of title
2 XX, subtitle A of the Homeland Security Act of
3 2002 (6 U.S.C. 603, et seq.), \$60,000,000 shall be
4 for Operation Stonegarden and \$10,000,000 shall be
5 for the Citizen Corps Program: *Provided further*,
6 That notwithstanding subsection (c)(4) of such sec-
7 tion 2004, for fiscal year 2011, the Commonwealth
8 of Puerto Rico shall make available to local and trib-
9 al governments amounts provided to the Common-
10 wealth of Puerto Rico under this paragraph in ac-
11 cordance with subsection (c)(1) of such section
12 2004.

13 (2) \$977,500,000 shall be for the Urban Area
14 Security Initiative under section 2003 of the Home-
15 land Security Act of 2002 (6 U.S.C. 604): *Provided*,
16 That, notwithstanding subsection (c)(1) of such sec-
17 tion, \$19,000,000 shall be for grants to organiza-
18 tions (as described under section 501(c)(3) of the
19 Internal Revenue Code of 1986 (26 U.S.C.
20 501(c)(3)) and exempt from tax section 501(a) of
21 such code (26 U.S.C. 501(a)) determined by the
22 Secretary of Homeland Security to be at high risk
23 of a terrorist attack: *Provided further*, That of the
24 amount provided by this paragraph, \$20,000,000
25 shall be for radiological and nuclear detection sys-

1 tems: *Provided further*, That of the amount provided
2 by this paragraph and not subject to the require-
3 ments of title XX, subtitle A of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 603, et seq.),
5 \$17,500,000, to remain available until expended,
6 shall be for necessary expenses for reimbursement of
7 the actual costs to State and local governments for
8 providing emergency management, public safety, and
9 security at events, as determined by the Adminis-
10 trator of the Federal Emergency Management Agen-
11 cy, related to the presence of a National Special Se-
12 curity Event: *Provided further*, That the amount of
13 any grant made to reimburse the actual costs related
14 to a National Special Security Event shall not be de-
15 ducted from the allocation of any amounts otherwise
16 made available under this paragraph to any entity.

17 (3) \$35,000,000 shall be for Regional Cata-
18 strophic Preparedness Grants.

19 (4) \$41,000,000 shall be for the Metropolitan
20 Medical Response System under section 635 of the
21 Post-Katrina Emergency Management Reform Act
22 of 2006 (6 U.S.C. 723).

23 (5) \$350,000,000 shall be for Public Transpor-
24 tation Security Assistance, Railroad Security Assist-
25 ance, and Over-the-Road Bus Security Assistance

1 under section 1406, 1513, and 1532 of the Imple-
2 menting Recommendations of the 9/11 Commission
3 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135,
4 1163, and 1182); of which not less than
5 \$25,000,000 shall be for Amtrak security; and not
6 less than \$12,000,000 shall be for Over-the-Road
7 Bus Security Assistance: *Provided*, That such public
8 transportation security assistance shall be provided
9 directly to public transportation agencies.

10 (6) \$350,000,000 shall be for Port Security
11 Grants under section 70107 of title 46, United
12 States Code.

13 (7) \$35,000,000 shall be for Buffer Zone Pro-
14 tection Program Grants.

15 (8) \$35,000,000 shall be for the Interoperable
16 Emergency Communications Grant Program under
17 section 1809 of the Homeland Security Act of 2002
18 (6 U.S.C. 579).

19 (9) \$50,000,000 shall be for grants for Emer-
20 gency Operations Centers under section 614 of the
21 Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5196c) to remain avail-
23 able until expended, of which not less than the
24 amount specified for each Emergency Operations
25 Center shall be provided as follows: \$700,000, Cali-

1 fornia Emergency Management Agency; \$228,125,
2 Cherry Hill Township, New Jersey; \$800,000, City
3 of Alexandria, Virginia; \$250,000, City of Baton
4 Rouge, Louisiana; \$800,000, City of Bowie Police
5 Department, Maryland; \$800,000, City of Browns-
6 ville, Texas; \$442,000, City of Columbia, South
7 Carolina; \$800,000, City of Columbus, Ohio;
8 \$800,000, City of Compton, California; \$800,000,
9 City of Houston, Texas; \$800,000, City of Laredo,
10 Texas; \$500,000, City of Lauderdale Lakes, Florida;
11 \$800,000, City of New Orleans, Louisiana;
12 \$600,000, City of Orange Township, New Jersey;
13 \$800,000, City of Palm Beach Gardens, Florida;
14 \$500,000, City of Pasadena, California; \$950,000,
15 City of Passaic, New Jersey; \$800,000, City of
16 Pharr, Texas; \$800,000, City of Phoenix, Arizona;
17 \$800,000, City of South Daytona, Florida;
18 \$375,000, City of Temple City, California;
19 \$800,000, Clallam County Sheriff's Office, Wash-
20 ington; \$800,000, County of Gloucester, New Jer-
21 sey; \$3,450,000, County of Hudson, New Jersey;
22 \$771,000, Missoula County, Montana; \$250,000,
23 Fulton County Government, Arkansas; \$300,000,
24 Fulton County Government, County Manager's Of-
25 fice, Georgia; \$800,000, Hancock County Commis-

1 sion, West Virginia; \$750,000, Louisiana Sheriff's
2 Association, Baton Rouge, Louisiana; \$250,000,
3 Madison County, Texas; \$750,000, Maryland Emer-
4 gency Management Agency; \$800,000, Oakland
5 County Homeland Security Division, Michigan;
6 \$129,000, Park County, Montana; \$800,000,
7 Plaquemines Parish Sheriff's Office, Louisiana;
8 \$610,000, Polk County, Iowa; \$750,000, Providence
9 Emergency Management Agency and Office of
10 Homeland Security, Rhode Island; \$1,000,000,
11 Rhode Island Emergency Management Agency;
12 \$750,000, Salt Lake County, Utah; \$1,000,000,
13 State of Illinois; \$250,000, State of Michigan;
14 \$5,000,000, State of West Virginia; \$800,000, Town
15 of East Haven, Connecticut; \$800,000, Town of
16 South Windsor, Connecticut; \$800,000, Town of
17 Southwest Ranches, Florida; \$775,000, Uvalde
18 County, Texas; and \$800,000, Wisconsin Division of
19 Emergency Management.

20 (10) \$256,950,000 shall be for training, exer-
21 cises, technical assistance, and other programs, of
22 which—

23 (A) \$159,500,000 shall be for the National
24 Domestic Preparedness Consortium in accord-
25 ance with section 1204 of the Implementing

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

17 (B) \$2,450,000 shall be for the Center for
18 Counterterrorism and Cyber Crime, Norwich
19 University, Northfield, Vermont:

20 *Provided*, That not to exceed 4.7 percent of the amounts
21 provided under this heading shall be transferred to the
22 Federal Emergency Management Agency “Management
23 and Administration” account for program administration:
24 *Provided further*, That notwithstanding section
25 2008(a)(11) of the Homeland Security Act of 2002 (6

1 U.S.C. 609(a)(11)), or any other provision of law, a grant-
2 ee may use not more than 5 percent of the amount of
3 a grant made available under this heading for expenses
4 directly related to administration of the grant: *Provided*
5 *further*, That for grants under paragraphs (1) through (4),
6 the applications for grants shall be made available to eligi-
7 ble applicants not later than 25 days after the date of en-
8 actment of this Act, eligible applicants shall submit appli-
9 cations not later than 90 days after the grant announce-
10 ment, and that the Administrator of the Federal Emer-
11 gency Management Agency shall act within 90 days after
12 receipt of an application: *Provided further*, That the pre-
13 vious proviso shall not apply to funds for necessary ex-
14 penses related to the presence of a National Special Secu-
15 rity Event: *Provided further*, That for grants under para-
16 graphs (5) through (8), the applications for grants shall
17 be made available to eligible applicants not later than 30
18 days after the date of enactment of this Act, eligible appli-
19 cants shall submit applications within 45 days after the
20 grant announcement, and the Administrator of the Fed-
21 eral Emergency Management Agency shall act not later
22 than 60 days after receipt of an application: *Provided fur-*
23 *ther*, That for grants under paragraphs (1) and (2), the
24 installation of communications towers is not considered
25 construction of a building or other physical facility: *Pro-*

1 *vided further*, That grantees shall provide reports on their
2 use of funds, as determined necessary by the Secretary:
3 *Provided further*, That in fiscal year 2011 and hereafter,
4 (a) the Center for Domestic Preparedness may provide
5 training to emergency response providers from the Federal
6 Government, foreign governments, or private entities, if
7 the Center for Domestic Preparedness is reimbursed for
8 the cost of such training, and any reimbursement under
9 this subsection shall be credited to the account from which
10 the expenditure being reimbursed was made and shall be
11 available, without fiscal year limitation, for the purposes
12 for which amounts in the account may be expended; (b)
13 the head of the Center for Domestic Preparedness shall
14 ensure that any training provided under (a) does not inter-
15 fere with the primary mission of the Center to train state
16 and local emergency response providers; (c) subject to (b),
17 nothing in (a) prohibits the Center for Domestic Prepared-
18 ness from providing training to employees of the Federal
19 Emergency Management Agency for the professional de-
20 velopment of those employees pursuant to 5 U.S.C. 4103
21 without reimbursement for the cost of such training.

22 FIREFIGHTER ASSISTANCE GRANTS

23 For necessary expenses for programs authorized by
24 the Federal Fire Prevention and Control Act of 1974 (15
25 U.S.C. 2201 et seq.), \$840,000,000, of which

1 \$420,000,000 shall be available to carry out section 33
2 of that Act (15 U.S.C. 2229) and \$420,000,000 shall be
3 available to carry out section 34 of that Act (15 U.S.C.
4 2229a), to remain available until September 30, 2012:
5 *Provided*, That notwithstanding the requirement under
6 section 34(a)(1)(A) of such Act that grants must be used
7 to increase the number of firefighters in fire departments,
8 the Secretary of Homeland Security, in making grants
9 under section 34 of such Act using the funds made avail-
10 able under this heading, shall grant waivers from the re-
11 quirements of subsections (a)(1)(B), (c)(1), (c)(2), and
12 (c)(4)(A) of such section: *Provided further*, That section
13 34(a)(1)(E) of such Act shall not apply with respect to
14 funds appropriated under this heading for grants under
15 section 34 of such Act: *Provided further*, That the Sec-
16 retary of Homeland Security, in making grants under sec-
17 tion 34 of such Act, shall ensure that funds appropriated
18 under this heading are made available for the retention
19 of firefighters: *Provided further*, That not to exceed 5 per-
20 cent of the amount available under this heading shall be
21 available for program administration.

22 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

23 For necessary expenses for emergency management
24 performance grants, as authorized by the National Flood
25 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-

1 ert T. Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
3 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
4 organization Plan No. 3 of 1978 (5 U.S.C. App.),
5 \$345,000,000: *Provided*, That total administrative costs
6 shall not exceed 3 percent of the total amount appro-
7 priated under this heading.

8 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

9 The aggregate charges assessed during fiscal year
10 2011, as authorized in title III of the Departments of Vet-
11 erans Affairs and Housing and Urban Development, and
12 Independent Agencies Appropriations Act, 1999 (42
13 U.S.C. 5196e), shall not be less than 100 percent of the
14 amounts anticipated by the Department of Homeland Se-
15 curity necessary for the radiological emergency prepared-
16 ness program for the next fiscal year: *Provided*, That the
17 methodology for assessment and collection of fees under
18 that title shall be fair and equitable and shall reflect costs
19 of providing such services, including administrative costs
20 of collecting such fees: *Provided further*, That fees col-
21 lected shall be deposited in this account as offsetting col-
22 lections and will become available for authorized purposes
23 on October 1, 2011, and remain available until expended.

1 UNITED STATES FIRE ADMINISTRATION

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

7 DISASTER RELIEF

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses in carrying out the Robert
10 T. Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5121 et seq.), \$1,950,000,000, to remain avail-
12 able until expended: *Provided*, That the Federal Emer-
13 gency Management Agency shall submit an expenditure
14 plan to the Committees on Appropriations of the Senate
15 and the House of Representatives detailing the use of the
16 funds for disaster readiness and support not later than
17 60 days after the date of enactment of this Act: *Provided*
18 *further*, That the Federal Emergency Management Agency
19 shall submit to such Committees a quarterly report detail-
20 ing obligations against the expenditure plan and a jus-
21 tification for any changes in spending: *Provided further*,
22 That of the total amount provided, \$16,000,000 shall be
23 transferred to the Department of Homeland Security Of-
24 fice of Inspector General for audits and investigations re-
25 lated to disasters, subject to section 503 of this Act: *Pro-*

1 *vided further*, That, not later than 60 days after enact-
2 ment of this Act, \$145,600,000 shall be transferred to
3 Federal Emergency Management Agency “Management
4 and Administration” for management and administration
5 functions: *Provided further*, That the Federal Emergency
6 Management Agency shall submit the monthly “Disaster
7 Relief” report, as specified in Public Law 110–161, to the
8 Committees on Appropriations of the Senate and the
9 House of Representatives, and include the amounts pro-
10 vided to each Federal agency for mission assignments:
11 *Provided further*, That for any request for reimbursement
12 from a Federal agency to the Department of Homeland
13 Security to cover expenditures under the Robert T. Staf-
14 ford Disaster Relief and Emergency Assistance Act (42
15 U.S.C. 5121 et seq.), or any mission assignment orders
16 issued by the Department for such purposes, the Secretary
17 of Homeland Security shall take appropriate steps to en-
18 sure that each agency is periodically reminded of Depart-
19 ment policies on—

- 20 (1) the detailed information required in sup-
21 porting documentation for reimbursements; and
22 (2) the necessity for timeliness of agency bil-
23 lings.

1 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

2 For activities under section 319 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
5 *Provided*, That gross obligations for the principal amount
6 of direct loans shall not exceed \$25,000,000: *Provided fur-*
7 *ther*, That the cost of modifying such loans shall be as
8 defined in section 502 of the Congressional Budget Act
9 of 1974 (2 U.S.C. 661a).

10 FLOOD HAZARD MAPPING AND RISK ANALYSIS

11 For necessary expenses under section 1360 of the
12 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
13 \$194,000,000, and such additional sums as may be pro-
14 vided by State and local governments or other political
15 subdivisions for cost-shared mapping activities under sec-
16 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
17 main available until expended: *Provided*, That total admin-
18 istrative costs shall not exceed 5 percent of the total
19 amount appropriated under this heading.

20 NATIONAL FLOOD INSURANCE FUND

21 For activities under the National Flood Insurance
22 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
23 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
24 \$169,000,000, which shall be derived from offsetting col-
25 lections assessed and collected under section 1308(d) of

1 the National Flood Insurance Act of 1968 (42 U.S.C.
2 4015(d)), of which not to exceed \$22,145,000 shall be
3 available for salaries and expenses associated with flood
4 mitigation and flood insurance operations; and not less
5 than \$146,855,000 shall be available for flood plain man-
6 agement and flood mapping, which shall remain available
7 until September 30, 2012: *Provided*, That any additional
8 fees collected pursuant to section 1308(d) of the National
9 Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall
10 be credited as an offsetting collection to this account, to
11 be available for flood plain management and flood map-
12 ping: *Provided further*, That in fiscal year 2011, no funds
13 shall be available from the National Flood Insurance Fund
14 under section 1310 of that Act (42 U.S.C. 4017) in excess
15 of: (1) \$110,000,000 for operating expenses; (2)
16 \$963,339,000 for commissions and taxes of agents; (3)
17 such sums as are necessary for interest on Treasury bor-
18 rowings; and (4) \$120,000,000, which shall remain avail-
19 able until expended for flood mitigation actions, of which
20 not less than \$40,000,000 is for severe repetitive loss
21 properties under section 1361A of the National Flood In-
22 surance Act of 1968 (42 U.S.C. 4102a), of which
23 \$10,000,000 shall be for repetitive insurance claims prop-
24 erties under section 1323 of the National Flood Insurance
25 Act of 1968 (42 U.S.C. 4030), and of which \$40,000,000

1 shall be for flood mitigation assistance under section 1366
2 of the National Flood Insurance Act of 1968 (42 U.S.C.
3 4104c) notwithstanding subparagraphs (B) and (C) of
4 subsection (b)(3) and subsection (f) of section 1366 of the
5 National Flood Insurance Act of 1968 (42 U.S.C. 4104c)
6 and notwithstanding subsection (a)(7) of section 1310 of
7 the National Flood Insurance Act of 1968 (42 U.S.C.
8 4017): *Provided further*, That amounts collected under
9 section 102 of the Flood Disaster Protection Act of 1973
10 (42 U.S.C. 4012a) and section 1366(i) of the National
11 Flood Insurance Act of 1968 shall be deposited in the Na-
12 tional Flood Insurance Fund to supplement other amounts
13 specified as available for section 1366 of the National
14 Flood Insurance Act of 1968, notwithstanding subsection
15 (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8) and sec-
16 tion 1366(i) and paragraphs (2) and (3) of section
17 1367(b) of the National Flood Insurance Act of 1968 (42
18 U.S.C. 4104c(i), 4104d(b)(2)–(3)): *Provided further*, That
19 total administrative costs shall not exceed 4 percent of the
20 total appropriation.

21 NATIONAL PREDISASTER MITIGATION FUND

22 For the predisaster mitigation grant program under
23 section 203 of the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5133), including
25 administrative costs, \$85,000,000, to remain available

1 until expended and to be obligated as detailed in the state-
2 ment accompanying this Act: *Provided*, That the total ad-
3 ministrative costs associated with such grants shall not ex-
4 ceed 3 percent of the total amount made available under
5 this heading.

6 EMERGENCY FOOD AND SHELTER

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

13 TITLE IV

14 RESEARCH AND DEVELOPMENT, TRAINING,
15 AND SERVICES

16 UNITED STATES CITIZENSHIP AND IMMIGRATION
17 SERVICES

18 For necessary expenses for citizenship and immigra-
19 tion services, \$297,993,000, of which \$176,400,000 is for
20 processing applications for asylum or refugee status; and
21 of which \$103,400,000 is for the E-Verify Program, as
22 authorized by section 402 of the Illegal Immigration Re-
23 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
24 1324a note), to assist United States employers with main-
25 taining a legal workforce: *Provided*, That notwithstanding

1 any other provision of law, funds available to United
2 States Citizenship and Immigration Services may be used
3 to acquire, operate, equip, and dispose of up to five vehi-
4 cles, for replacement only, for use in areas where the Ad-
5 ministrator of General Services does not provide vehicles
6 for lease: *Provided further*, That the Director of United
7 States Citizenship and Immigration Services may author-
8 ize employees of United States Citizenship and Immigra-
9 tion Services who are assigned to those areas to use such
10 vehicles to travel between the employees' residences and
11 places of employment: *Provided further*, That none of the
12 funds made available in this Act for grants for immigrant
13 integration may be used to provide services to aliens who
14 have not been lawfully admitted to the United States for
15 permanent residence.

16 FEDERAL LAW ENFORCEMENT TRAINING CENTER

17 SALARIES AND EXPENSES

18 For necessary expenses of the Federal Law Enforce-
19 ment Training Center as authorized under section 884 of
20 the Homeland Security Act of 2002 (6 U.S.C. 464), in-
21 cluding materials and support costs of Federal law en-
22 forcement basic training; the purchase of not to exceed
23 117 vehicles for police-type use and hire of passenger
24 motor vehicles; expenses for student athletic and related
25 activities; the conduct of and participation in firearms

1 matches and presentation of awards; public awareness and
2 enhancement of community support of law enforcement
3 training; room and board for student interns; a flat
4 monthly reimbursement to employees authorized to use
5 personal mobile phones for official duties; and services as
6 authorized by section 3109 of title 5, United States Code,
7 \$234,500,000, of which up to \$48,420,000 shall remain
8 available until September 30, 2012, for materials and sup-
9 port costs of Federal law enforcement basic training; and
10 of which not to exceed \$12,000 shall be for official recep-
11 tion and representation expenses: *Provided*, That of the
12 total amount made available under this heading, not to
13 exceed \$30,000,000 shall be for management and adminis-
14 tration: *Provided further*, That the Center is authorized
15 to obligate funds in anticipation of reimbursements from
16 agencies receiving training sponsored by the Center, ex-
17 cept that total obligations at the end of the fiscal year
18 shall not exceed total budgetary resources available at the
19 end of the fiscal year: *Provided further*, That the Director
20 of the Federal Law Enforcement Training Center shall
21 schedule basic or advanced law enforcement training, or
22 both, at all four training facilities under the control of the
23 Federal Law Enforcement Training Center to ensure that
24 such training facilities are operated at the highest capacity
25 throughout the fiscal year: *Provided further*, That section

1 1202(a) of the 2002 Supplemental Appropriations Act for
2 Further Recovery From and Response to Terrorist At-
3 tacks on the United States (Public Law 107–206; 42
4 U.S.C. 3771 note), is amended by striking “December 31,
5 2012” and inserting “December 31, 2013”.

6

ACCREDITATION

7 For necessary expenses of Federal Law Enforcement
8 Training Accreditation activities, \$1,419,000, of which
9 \$300,000 shall remain available until expended to be dis-
10 tributed to Federal law enforcement agencies for expenses
11 incurred participating in training accreditation: *Provided,*
12 That the Federal Law Enforcement Training Accredita-
13 tion Board, including representatives from the Federal law
14 enforcement community and non-Federal accreditation ex-
15 perts involved in law enforcement training, shall lead the
16 Federal law enforcement training accreditation process to
17 continue the implementation of measuring and assessing
18 the quality and effectiveness of Federal law enforcement
19 training programs, facilities, and instructors.

20 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

21

RELATED EXPENSES

22 For acquisition of necessary additional real property
23 and facilities, construction, and ongoing maintenance, fa-
24 cility improvements, and related expenses of the Federal
25 Law Enforcement Training Center, \$38,456,000, to re-

700

1 main available until expended: *Provided*, That the Center
2 is authorized to accept reimbursement to this appropria-
3 tion from Government agencies requesting the construc-
4 tion of special use facilities.

5 SCIENCE AND TECHNOLOGY

6 MANAGEMENT AND ADMINISTRATION

7 For salaries and expenses of the Office of the Under
8 Secretary for Science and Technology and for manage-
9 ment and administration of programs and activities, as
10 authorized by title III of the Homeland Security Act of
11 2002 (6 U.S.C. 181 et seq.), \$145,959,000: *Provided*,
12 That not to exceed \$10,000 shall be for official reception
13 and representation expenses.

14 RESEARCH, DEVELOPMENT, ACQUISITION, AND

15 OPERATIONS

16 For necessary expenses for science and technology re-
17 search, including advanced research projects; development;
18 test and evaluation; acquisition; and operations, as author-
19 ized by title III of the Homeland Security Act of 2002
20 (6 U.S.C. 181 et seq.); and the purchase or lease of not
21 to exceed five vehicles, \$902,651,000, of which
22 \$780,651,000 is to remain available until September 30,
23 2013; and of which not less than \$122,000,000 is to re-
24 main available until September 30, 2015, solely for labora-
25 tory facilities: *Provided*, That not less than \$50,000,000

1 shall be available for university programs: *Provided fur-*
2 *ther*, That not less than \$20,865,000 shall be available for
3 the Southeast Region Research Initiative at the United
4 States Army Corps of Engineers' Engineer Research and
5 Development Center: *Provided further*, That not less than
6 \$2,250,000 shall be available for Distributed Environment
7 for Critical Infrastructure Decisionmaking Exercises: *Pro-*
8 *vided further*, That not less than \$500,000 shall be avail-
9 able to continue a project to develop situational awareness
10 and decision support capabilities through remote sensing
11 technologies: *Provided further*, That not less than
12 \$1,000,000 shall be available to continue a homeland secu-
13 rity research, development, and manufacturing pilot
14 project.

15 DOMESTIC NUCLEAR DETECTION OFFICE

16 MANAGEMENT AND ADMINISTRATION

17 For salaries and expenses of the Domestic Nuclear
18 Detection Office as authorized by title XIX of the Home-
19 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
20 agement and administration of programs and activities,
21 \$36,400,000: *Provided*, That not to exceed \$3,000 shall
22 be for official reception and representation expenses: *Pro-*
23 *vided further*, That not later than 180 days after the date
24 of enactment of this Act, the Secretary shall submit to
25 the Committees on Appropriations of the Senate and

1 House of Representatives a strategic plan of investments
2 necessary to implement the Department of Homeland Se-
3 curity's responsibilities under the domestic component of
4 the global nuclear detection architecture that shall: (1) de-
5 fine each Departmental entity's roles and responsibilities
6 in support of the domestic detection architecture, includ-
7 ing any existing or planned programs to pre-screen cargo
8 or conveyances overseas; (2) identify and describe the spe-
9 cific investments being made by Departmental organiza-
10 tions in fiscal year 2011, and planned for fiscal year 2012,
11 to support the domestic architecture and the security of
12 sea, land, and air pathways into the United States; (3)
13 describe the investments necessary to close known
14 vulnerabilities and gaps, including associated costs and
15 timeframes, and estimates of feasibility and cost effective-
16 ness; and (4) explain how the Department's research and
17 development funding is furthering the implementation of
18 the domestic nuclear detection architecture, including spe-
19 cific investments planned for fiscal years 2011 and 2012.

20 RESEARCH, DEVELOPMENT, AND OPERATIONS

21 For necessary expenses for radiological and nuclear
22 detection, development, testing, evaluation, and oper-
23 ations, \$191,242,000, to remain available until September
24 30, 2013: *Provided*, That not later than 60 days after the
25 date of enactment of this Act, all prior year balances avail-

1 able for transformational research and development shall
2 be transferred to Science and Technology “Research, De-
3 velopment, Acquisition, and Operations”.

4 SYSTEMS ACQUISITION

5 For expenses for the Domestic Nuclear Detection Of-
6 fice acquisition and deployment of radiological detection
7 systems in accordance with the global nuclear detection
8 architecture, \$52,000,000, to remain available until Sep-
9 tember 30, 2013: *Provided*, That none of the funds appro-
10 priated under this heading in this Act or any other Act
11 shall be obligated for full-scale procurement of advanced
12 spectroscopic portal monitors until the Secretary of Home-
13 land Security submits to the Committees on Appropria-
14 tions of the Senate and the House of Representatives a
15 report certifying that a significant increase in operational
16 effectiveness will be achieved by such obligation: *Provided*
17 *further*, That the Secretary shall submit separate and dis-
18 tinct certifications prior to the procurement of advanced
19 spectroscopic portal monitors for primary and secondary
20 deployment that address the unique requirements for
21 operational effectiveness of each type of deployment: *Pro-*
22 *vided further*, That the Secretary may continue to consult
23 with the National Academy of Sciences before making
24 such certifications: *Provided further*, That none of the
25 funds appropriated under this heading shall be used for

1 high-risk concurrent development and production of mutu-
2 ally dependent software and hardware.

3 TITLE V

4 GENERAL PROVISIONS

5 (INCLUDING RESCISSIONS OF FUNDS)

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

9 SEC. 502. Subject to the requirements of section 503
10 of this Act, the unexpended balances of prior appropria-
11 tions provided for activities in this Act may be transferred
12 to appropriation accounts for such activities established
13 pursuant to this Act, may be merged with funds in the
14 applicable established accounts, and thereafter may be ac-
15 counted for as one fund for the same time period as origi-
16 nally enacted.

17 SEC. 503. (a) None of the funds provided by this Act,
18 provided by previous appropriations Acts to the agencies
19 in or transferred to the Department of Homeland Security
20 that remain available for obligation or expenditure in fiscal
21 year 2011, or provided from any accounts in the Treasury
22 of the United States derived by the collection of fees avail-
23 able to the agencies funded by this Act, shall be available
24 for obligation or expenditure through a reprogramming of
25 funds that: (1) creates a new program, project, or activity;

1 (2) eliminates a program, project, office, or activity; (3)
2 increases funds for any program, project, or activity for
3 which funds have been denied or restricted by the Con-
4 gress; (4) proposes to use funds directed for a specific ac-
5 tivity by either of the Committees on Appropriations of
6 the Senate or the House of Representatives for a different
7 purpose; or (5) contracts out any function or activity for
8 which funding levels were requested for Federal full-time
9 equivalents in the object classification tables contained in
10 the fiscal year 2011 Budget Appendix for the Department
11 of Homeland Security, as modified by the explanatory
12 statement accompanying this Act, unless the Committees
13 on Appropriations of the Senate and the House of Rep-
14 resentatives are notified 15 days in advance of such re-
15 programming of funds.

16 (b) None of the funds provided by this Act, provided
17 by previous appropriations Acts to the agencies in or
18 transferred to the Department of Homeland Security that
19 remain available for obligation or expenditure in fiscal
20 year 2011, or provided from any accounts in the Treasury
21 of the United States derived by the collection of fees or
22 proceeds available to the agencies funded by this Act, shall
23 be available for obligation or expenditure for programs,
24 projects, or activities through a reprogramming of funds
25 in excess of \$5,000,000 or 10 percent, whichever is less,

1 that: (1) augments existing programs, projects, or activi-
2 ties; (2) reduces by 10 percent funding for any existing
3 program, project, or activity, or numbers of personnel by
4 10 percent as approved by the Congress; or (3) results
5 from any general savings from a reduction in personnel
6 that would result in a change in existing programs,
7 projects, or activities as approved by the Congress, unless
8 the Committees on Appropriations of the Senate and the
9 House of Representatives are notified 15 days in advance
10 of such reprogramming of funds.

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

23 (d) Notwithstanding subsections (a), (b), and (c) of
24 this section, no funds shall be reprogrammed within or
25 transferred between appropriations after May 31, except

1 in extraordinary circumstances that imminently threaten
2 the safety of human life or the protection of property.

3 SEC. 504. The Department of Homeland Security
4 Working Capital Fund, established pursuant to section
5 403 of the Federal Financial Management Act of 1994
6 (Public Law 103–356; 31 U.S.C. 501 note), shall continue
7 operations as a permanent working capital fund for fiscal
8 year 2011: *Provided*, That none of the funds appropriated
9 or otherwise made available to the Department of Home-
10 land Security may be used to make payments to the Work-
11 ing Capital Fund, except for the activities and amounts
12 allowed in the President’s fiscal year 2011 budget: *Pro-*
13 *vided further*, That funds provided to the Working Capital
14 Fund shall be available for obligation until expended to
15 carry out the purposes of the Working Capital Fund: *Pro-*
16 *vided further*, That all departmental components shall be
17 charged only for direct usage of each Working Capital
18 Fund service: *Provided further*, That funds provided to the
19 Working Capital Fund shall be used only for purposes con-
20 sistent with the contributing component: *Provided further*,
21 That such funds shall be paid in advance or reimbursed
22 at rates which will return the full cost of each service: *Pro-*
23 *vided further*, That the Working Capital Fund shall be
24 subject to the requirements of section 503 of this Act.

1 SEC. 505. Except as otherwise specifically provided
2 by law, not to exceed 50 percent of the amount of any
3 unobligated balances remaining available at the end of fis-
4 cal year 2011 from appropriations for salaries and ex-
5 penses for fiscal year 2011, under this Act shall remain
6 available through September 30, 2012, in the account and
7 for the purposes for which the appropriations were pro-
8 vided: *Provided*, That prior to the obligation of such funds,
9 a request shall be submitted to the Committees on Appro-
10 priations of the Senate and the House of Representatives
11 for approval in accordance with section 503 of this Act.

12 SEC. 506. Funds made available by this Act for intel-
13 ligence activities are deemed to be specifically authorized
14 by the Congress for purposes of section 504 of the Na-
15 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
16 year 2011 until the enactment of an Act authorizing intel-
17 ligence activities for fiscal year 2011.

18 SEC. 507. None of the funds made available by this
19 Act may be used to make a grant allocation, grant award,
20 contract award, other transaction agreement, a task or de-
21 livery order on a Department of Homeland Security mul-
22 tiple award contract, or to issue a letter of intent totaling
23 in excess of \$1,000,000, or to announce publicly the inten-
24 tion to make such an award, including a contract covered
25 by the Federal Acquisition Regulation, unless the Sec-

1 retary of Homeland Security notifies the Committees on
2 Appropriations of the Senate and the House of Represent-
3 atives at least 3 full business days in advance of making
4 such an award or issuing such a letter: *Provided*, That
5 if the Secretary of Homeland Security determines that
6 compliance with this section would pose a substantial risk
7 to human life, health, or safety, an award may be made
8 without such notification and the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 shall be notified not later than 5 full business days after
11 such an award is made or letter issued: *Provided further*,
12 That no notification shall involve funds that are not avail-
13 able for obligation: *Provided further*, That a notification
14 under this section shall include the amount of the award,
15 the fiscal year for which the funds for the award were ap-
16 propriated, and the account from which the funds are
17 being drawn: *Provided further*, That the Federal Emer-
18 gency Management Agency shall brief the Committees on
19 Appropriations of the Senate and the House of Represent-
20 atives 5 full business days in advance of announcing pub-
21 licly the intention of making an award under “State and
22 Local Programs”.

23 SEC. 508. Notwithstanding any other provision of
24 law, no Federal department or agency shall purchase, con-
25 struct, or lease any additional facilities, except within or

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

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

17 SEC. 510. Sections 520, 522, 528, and 530 of the
18 Department of Homeland Security Appropriations Act,
19 2008 (division E of Public Law 110–161; 121 Stat. 2073
20 et seq.) shall apply with respect to funds made available
21 in this Act in the same manner as such sections applied
22 to funds made available in that Act.

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

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

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

12 SEC. 514. None of the funds appropriated by this Act
13 may be used to process or approve a competition under
14 Office of Management and Budget Circular A-76 for serv-
15 ices provided as of June 1, 2004, by employees (including
16 employees serving on a temporary or term basis) of United
17 States Citizenship and Immigration Services of the De-
18 partment of Homeland Security who are known as of that
19 date as Immigration Information Officers, Contact Rep-
20 resentatives, or Investigative Assistants.

21 SEC. 515. (a) The Assistant Secretary of Homeland
22 Security (Transportation Security Administration) shall
23 work with air carriers and airports to ensure that screen-
24 ing of cargo carried on passenger aircraft, as that term
25 is defined in section 44901(g)(5) of title 49, United States

1 Code, increases incrementally each quarter until the re-
2 quirement under section 44901(g)(2)(B) of such title is
3 met.

4 (b) Not later than 120 days after the end of each
5 quarter, the Assistant Secretary shall submit to the Com-
6 mittees on Appropriations of the Senate and the House
7 of Representatives a report on air cargo inspection statis-
8 ties by airport and air carrier detailing the incremental
9 progress being made to meet the requirement of section
10 44901(g)(2)(B) of title 49, United States Code.

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

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

1 SEC. 518. None of the funds provided by this or any
2 other Act may be obligated for the development, testing,
3 deployment, or operation of any portion of a human re-
4 sources management system authorized by section
5 9701(a) of title 5, United States Code, or by regulations
6 prescribed pursuant to such section, for an employee, as
7 that term is defined in section 7103(a)(2) of such title.

8 SEC. 519. Section 532(a) of the Department of the
9 Homeland Security Appropriations Act, 2007 (Public Law
10 109–295, 120 Stat. 1384) is amended by striking “2010”
11 and inserting “2011 and thereafter”.

12 SEC. 520. The functions of the Federal Law Enforce-
13 ment Training Center instructor staff shall be classified
14 as inherently governmental for the purpose of the Federal
15 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
16 note).

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

23 (1) The responsibilities of the Principal Federal
24 Official do not include operational functions related
25 to incident management, including coordination of

1 operations, and are consistent with the requirements
2 of subsection 509(c) and subsections 503(c)(3) and
3 (c)(4)(A) of the Homeland Security Act of 2002 (6
4 U.S.C. 319(c) and 313(c)(3) and (c)(4)(A)) and sec-
5 tion 302 of the Robert T. Stafford Disaster Relief
6 and Assistance Act (42 U.S.C. 5143); and

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

24 (3) Not later than 60 days after the date of en-
25 actment of this Act, the Secretary shall provide a re-

1 port specifying timeframes and milestones regarding
2 the update of operations, planning and policy docu-
3 ments, and training and exercise protocols, to ensure
4 consistency with paragraph (1) of this section.

5 SEC. 522. (a) Except as provided in subsection (b),
6 none of the funds appropriated in this or any other Act
7 to the Office of the Secretary and Executive Management,
8 the Office of the Under Secretary for Management, or the
9 Office of the Chief Financial Officer may be obligated for
10 a grant or contract funded under any such heading by any
11 means other than full and open competition.

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

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

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

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

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

4 (c)(1) Subject to paragraph (2), the Secretary of
5 Homeland Security may waive the applicability of this sec-
6 tion with respect to the award of a contract if such a waiv-
7 er is in the interest of national security or if failure to
8 waive such applicability would pose a substantial risk to
9 human health or welfare.

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

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

1 awarded in the previous fiscal year through means other
2 than a full and open competition: *Provided further*, That
3 in selecting which contracts to review, the Inspector Gen-
4 eral shall consider the cost and complexity of the goods
5 and services to be provided under the contract, the criti-
6 cality of the contract to fulfilling Department missions,
7 past performance problems on similar contracts or by the
8 selected vendor, complaints received about the award proc-
9 ess or contractor performance, and such other factors as
10 the Inspector General determines are relevant: *Provided*
11 *further*, That no later than February 7, 2011, the Inspec-
12 tor General shall submit to the Committees on Appropria-
13 tions of the Senate and the House of Representatives a
14 report on the reviews conducted under this section.

15 SEC. 523. None of the funds made available in this
16 or any other Act may be used to enforce section 4025(1)
17 of the Intelligence Reform and Terrorism Prevention Act
18 of 2004 (Public Law 108–458; 118 Stat. 3724) unless the
19 Assistant Secretary of Homeland Security (Transpor-
20 tation Security Administration) reverses the determination
21 of July 19, 2007, that butane lighters are not a significant
22 threat to civil aviation security.

23 SEC. 524. None of the funds made available by this
24 Act may be used to take an action that would violate Exec-
25 utive Order No. 13423 (72 Fed. Reg. 3919; relating to

1 strengthening Federal environmental, energy, and trans-
2 portation management).

3 SEC. 525. Funds made available in this Act may be
4 used to alter operations within the Civil Engineering Pro-
5 gram of the Coast Guard nationwide, including civil engi-
6 neering units, facilities design and construction centers,
7 maintenance and logistics commands, and the Coast
8 Guard Academy, except that none of the funds provided
9 in this Act may be used to reduce operations within any
10 Civil Engineering Unit unless specifically authorized by a
11 statute enacted after the date of the enactment of this
12 Act.

13 SEC. 526. None of the funds made available in this
14 Act shall be available to carry out section 872 of the
15 Homeland Security Act of 2002 (6 U.S.C. 452).

16 SEC. 527. None of the funds made available in this
17 Act may be used by United States Citizenship and Immi-
18 gration Services to grant an immigration benefit unless
19 the results of background checks required by law to be
20 completed prior to the granting of the benefit have been
21 received by United States Citizenship and Immigration
22 Services and such results do not preclude the granting of
23 the benefit.

24 SEC. 528. None of the funds made available in this
25 or any other Act for fiscal year 2011 and hereafter may

1 be used to destroy or put out to pasture any horse or other
2 equine belonging to any component or agency of the De-
3 partment of Homeland Security that has become unfit for
4 service, unless the trainer or handler is first given the op-
5 tion to take possession of the equine through an adoption
6 program that has safeguards against slaughter and inhu-
7 mane treatment.

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

13 SEC. 530. None of the funds provided in this Act
14 under the heading “Office of the Chief Information Offi-
15 cer” shall be used for data center development other than
16 for Data Center One (National Center for Critical Infor-
17 mation Processing and Storage) until the Chief Informa-
18 tion Officer certifies that Data Center One is fully utilized
19 as the Department’s primary data storage center at the
20 highest capacity throughout the fiscal year.

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

23 (1) in subsection (a), by striking “Until Sep-
24 tember 30, 2010” and inserting “Until September
25 30, 2011,”; and

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

3 SEC. 532. None of the funds in this Act shall be used
4 to reduce the United States Coast Guard’s Operations
5 Systems Center mission or its Government-employed or
6 contract staff levels.

7 SEC. 533. The Secretary of Homeland Security shall
8 require that all contracts entered into by the Department
9 of Homeland Security that provide award fees link such
10 fees to successful acquisition outcomes (which outcomes
11 shall be specified in terms of cost, schedule, and perform-
12 ance).

13 SEC. 534. None of the funds made available to the
14 “Office of the Secretary and Executive Management”
15 under this Act may be expended to hire any new employees
16 of the Department of Homeland Security who are not
17 verified through the E-Verify Program established under
18 title IV of the Illegal Immigration Reform and Immigrant
19 Responsibility Act of 1996 (8 U.S.C. 1324a note).

20 SEC. 535. None of the funds made available in this
21 Act for U.S. Customs and Border Protection may be used
22 to prevent an individual not in the business of importing
23 a prescription drug (within the meaning of section 801(g)
24 of the Federal Food, Drug, and Cosmetic Act) from im-
25 porting a prescription drug from Canada that complies

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

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

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

12 SEC. 536. None of the funds made available in this
13 Act may be used by the Secretary of Homeland Security
14 or any delegate of the Secretary to issue any rule or regu-
15 lation which implements the Notice of Proposed Rule-
16 making related to Petitions for Aliens To Perform Tem-
17 porary Nonagricultural Services or Labor (H-2B) set out
18 beginning on 70 Fed. Reg. 3984 (January 27, 2005).

19 SEC. 537. The Secretary of Homeland Security, in
20 consultation with the Secretary of the Treasury, shall no-
21 tify the Committees on Appropriations of the Senate and
22 the House of Representatives of any proposed transfers
23 of funds available under section 9703(g)(4)(B) of title 31,
24 Unites States Code (added by Public Law 102-393) from
25 the Department of the Treasury Forfeiture Fund to any

1 agency within the Department of Homeland Security: *Pro-*
2 *vided*, That none of the funds identified for such a trans-
3 fer may be obligated until the Committees on Appropria-
4 tions of the Senate and the House of Representatives ap-
5 prove the proposed transfers.

6 SEC. 538. None of the funds made available in this
7 Act may be used for planning, testing, piloting, or devel-
8 oping a national identification card.

9 SEC. 539. If the Assistant Secretary of Homeland Se-
10 curity (Transportation Security Administration) deter-
11 mines that an airport does not need to participate in the
12 E-Verify Program established under title IV of the Illegal
13 Immigration Reform and Immigrant Responsibility Act of
14 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall
15 certify to the Committees on Appropriations of the Senate
16 and the House of Representatives that no security risks
17 will result from such nonparticipation.

18 SEC. 540. (a) Notwithstanding any other provision
19 of this Act, except as provided in subsection (b), and by
20 the later of 30 days after the date that the President de-
21 termines whether to declare a major disaster because of
22 an event or the date of the completion of any appeal by
23 a Governor regarding such determination, the Adminis-
24 trator shall submit to the Committee on Homeland Secu-
25 rity and Governmental Affairs of the Senate, the Com-

1 mittee on Homeland Security of the House of Representa-
2 tives, the Committee on Transportation and Infrastruc-
3 ture of the House of Representatives, the Committees on
4 Appropriations of the Senate and the House of Represent-
5 atives, and publish on the website of the Federal Emer-
6 gency Management Agency, a report regarding that deci-
7 sion, summarizing damage assessment information used
8 to determine whether to declare a major disaster.

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

12 (c) In this section—

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

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

20 SEC. 541. (a) Notwithstanding any other provision
21 of law, during fiscal year 2011 or any subsequent fiscal
22 year, if the Secretary of Homeland Security determines
23 that the National Bio- and Agro-defense Facility is to be
24 located at a site other than Plum Island, New York, the
25 Secretary shall ensure that the Administrator of General

1 Services sells, through public sale, all real and related per-
2 sonal property and transportation assets that support
3 Plum Island operations, subject to such terms and condi-
4 tions as may be necessary to protect Government interests
5 and meet program requirements.

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

18 SEC. 542. (a) For an additional amount for Science
19 and Technology, “Research, Development, Acquisition,
20 and Operations”, \$40,000,000, to remain available until
21 September 30, 2012, for construction of the Central Util-
22 ity Plant at the approved National Bio- and Agro-defense
23 Facility site in Manhattan, Kansas.

24 (b) The Department shall provide an update of the
25 site-specific biosafety and biosecurity mitigation risk as-

1 assessment of the National Bio- and Agro-defense Facility
2 in Manhattan, Kansas that integrates findings from the
3 Department's risk assessment, as well as findings from the
4 National Academy of Sciences' evaluation of the Depart-
5 ment's risk assessment. The update shall:

6 (1) include strategies to mitigate the risk of
7 foot-and-mouth disease virus release from the lab-
8 oratory and ensure safe operations at the approved
9 National Bio- and Agro-defense Facility site in Man-
10 hattan, Kansas;

11 (2) address the impact of surveillance, response,
12 and mitigation plans (developed in consultation with
13 local, State, and national authorities and appro-
14 priate stakeholders) if a release occurs, to detect and
15 control the spread of disease; and

16 (3) address how the Department will collaborate
17 with the United States Department of Agriculture
18 and other appropriate Federal departments and
19 agencies to identify and complete such additional
20 studies as may be necessary in order to secure a fu-
21 ture permit from the United States Department of
22 Agriculture to operate the National Bio- and Agro-
23 defense Facility safely and securely.

24 (c) The Secretary of Homeland Security shall enter
25 into a contract with the National Academy of Sciences to

1 evaluate the adequacy and validity of the risk assessment
2 required by subsection (b). The National Academy of
3 Sciences shall submit a report on such evaluation within
4 4 months after the date the Department of Homeland Se-
5 curity concludes its mitigation risk assessment.

6 SEC. 543. Any official who is required by this Act
7 to report or certify to the Committees on Appropriations
8 of the Senate and the House of Representatives may not
9 delegate such authority to perform that act unless specifi-
10 cally authorized herein.

11 SEC. 544. Section 203(m) of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42 U.S.C.
13 5133(m)) is amended by striking “September 30, 2010”
14 and inserting “September 30, 2011”.

15 SEC. 545. Section 550(b) of the Department of
16 Homeland Security Appropriations Act, 2007 (Public Law
17 109–295; 6 U.S.C. 121 note) is amended by striking “on
18 October 4, 2010” and inserting “on October 4, 2011”.

19 SEC. 546. None of the funds made available in this
20 Act may be used for first-class travel by the employees
21 of agencies funded by this Act in contravention of sections
22 301–10.122 through 301.10–124 of title 41, Code of Fed-
23 eral Regulations.

24 SEC. 547. For purposes of section 210C of the Home-
25 land Security Act of 2002 (6 U.S.C. 124j), for fiscal year

1 2011 and hereafter, a rural area shall also include any
2 area that is located in a metropolitan statistical area and
3 a county, borough, parish, or area under the jurisdiction
4 of an Indian tribe with a population of not more than
5 50,000.

6 SEC. 548. None of the funds made available in this
7 Act may be used to propose or effect a disciplinary or ad-
8 verse action with respect to any Department of Homeland
9 Security employee who engages regularly with the public
10 in the performance of his or her official duties solely be-
11 cause that employee elects to utilize protective equipment
12 or measures, including surgical masks, N95 respirators,
13 gloves, or hand-sanitizers, where use of such equipment
14 or measures is in accordance with Department of Home-
15 land Security policy, and Centers for Disease Control and
16 Prevention and Office of Personnel Management guidance.

17 SEC. 549. None of the funds made available in this
18 Act may be used to employ workers described in section
19 274A(h)(3) of the Immigration and Nationality Act (8
20 U.S.C. 1324a(h)(3)).

21 SEC. 550. (a) Any company that collects or retains
22 personal information directly from any individual who par-
23 ticipates in the Registered Traveler program of the Trans-
24 portation Security Administration shall safeguard and dis-

1 pose of such information in accordance with the require-
2 ments in—

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

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

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

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

18 (c) The Assistant Secretary shall require any com-
19 pany covered by subsection (a) to provide, not later than
20 30 days after the date of the enactment of this Act, to
21 the Sponsoring Entity written certification that the proce-
22 dures used by the company to safeguard and dispose of
23 information are in compliance with the requirements
24 under subsection (a). Such certification shall include a de-

1 description of the procedures used by the company to comply
2 with such requirements.

3 (d) Not later than 90 days after the date of the enact-
4 ment of this Act, the Assistant Secretary shall submit to
5 the Committees on Appropriations of the Senate and
6 House of Representatives a report that includes a descrip-
7 tion of—

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

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

13 SEC. 551. Notwithstanding any other provision of
14 this Act, none of the funds appropriated or otherwise
15 made available by this Act may be used to pay award or
16 incentive fees for contractor performance that has been
17 judged to be below satisfactory performance or for per-
18 formance that does not meet the basic requirements of a
19 contract.

20 SEC. 552. None of the funds appropriated or other-
21 wise made available by this Act may be used by the De-
22 partment of Homeland Security to enter into any Federal
23 contract unless such contract is entered into in accordance
24 with the requirements of the Federal Property and Admin-
25 istrative Services Act of 1949 (41 U.S.C. 253) or chapter

1 137 of title 10, United States Code, and the Federal Ac-
2 quisition Regulation, unless such contract is otherwise au-
3 thorized by statute to be entered into without regard to
4 the above referenced statutes.

5 (INCLUDING TRANSFERS OF FUNDS)

6 SEC. 553. (a) Funds made available by this Act solely
7 for data center migration may be transferred by the Sec-
8 retary between appropriations for the same purpose, not-
9 withstanding section 503 of this Act.

10 (b) No transfer described in (a) shall occur until 15
11 days after the Committees on Appropriations of the Sen-
12 ate and the House of Representatives are notified of such
13 transfer.

14 SEC. 554. The administrative law judge annuitants
15 participating in the Senior Administrative Law Judge
16 Program managed by the Director of the Office of Per-
17 sonnel Management under section 3323 of title 5, United
18 States Code, shall be available on a temporary re-employ-
19 ment basis to conduct arbitrations of disputes as part of
20 the arbitration panel established by the President under
21 section 601 of division A of the American Recovery and
22 Reinvestment Act of 2009 (Public Law 111-5; 123 Stat.
23 164).

24 SEC. 555. For an additional amount for the “Office
25 of the Under Secretary for Management”, \$270,800,000

1 to remain available until expended for necessary expenses
2 to plan, acquire, construct, renovate, remediate, equip,
3 furnish, and occupy buildings and facilities to consolidate
4 the Department of Homeland Security headquarters at St.
5 Elizabeths, and for associated mission support lease con-
6 solidation: *Provided*, That the Committees on Appropria-
7 tions of the Senate and House of Representatives shall
8 receive an expenditure plan no later than 60 days after
9 the date of enactment of this Act detailing the allocation
10 of these funds.

11 (INCLUDING TRANSFERS OF FUNDS)

12 SEC. 556. For an additional amount for the “Office
13 of the Under Secretary for Management”, \$10,000,000,
14 to increase the acquisition workforce capacity and capa-
15 bilities of the Department of Homeland Security: *Pro-*
16 *vided*, That such funds may be transferred by the Under
17 Secretary for Management to any other account in the De-
18 partment to carry out the purposes provided herein: *Pro-*
19 *vided further*, That such transfer authority is in addition
20 to any other transfer authority provided in this Act, but
21 no transfer shall occur until 15 days after the Committees
22 on Appropriations of the Senate and the House of Rep-
23 resentatives are notified of such transfer: *Provided further*,
24 That any such notification shall include an expenditure
25 plan that outlines the amount of funds to be obligated,

1 the number of personnel to be hired and the details of
2 any other intended uses of these funds: *Provided further*,
3 That such funds shall be available only to supplement and
4 not to supplant existing acquisition workforce activities:
5 *Provided further*, That such funds shall be available for
6 training, recruitment, retention, and hiring additional
7 members of the acquisition workforce as defined by the
8 Office of Federal Procurement Policy Act (41 U.S.C. 401
9 et seq.): *Provided further*, That such funds shall be avail-
10 able for information technology in support of acquisition
11 workforce effectiveness or for management solutions to
12 improve acquisition management.

13 SEC. 557. Section 559(e) of the Department of
14 Homeland Security Appropriations Act, 2010 (Public Law
15 111–83) is amended—

16 (1) in the matter preceding the first proviso, by
17 striking “law, sell” and inserting “law, hereafter
18 sell”; and

19 (2) in the first proviso—

20 (A) by striking “shall be deposited” and
21 inserting “shall hereafter be deposited”; and

22 (B) by striking “subject to appropriation,”
23 and inserting “without further appropriations,”.

24 SEC. 558. (a) Not later than 180 days after the date
25 of enactment of this Act, the Assistant Secretary of Home-

1 land Security (Transportation Security Administration)
2 shall submit to the Committees on Appropriations of the
3 Senate and the House of Representatives, a report that
4 either—

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

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

12 (A) a plan to meet the requirement under
13 section 44901(g) of title 49, United States
14 Code, to screen 100 percent of air cargo trans-
15 ported on passenger aircraft arriving in the
16 United States in foreign air transportation (as
17 that term is defined in section 40102 of that
18 title); and

19 (B) specification of—

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

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

24 (b) The Assistant Secretary shall continue to submit
25 reports described in subsection (a)(2) every 180 days

1 thereafter until the Assistant Secretary certifies that the
2 Transportation Security Administration has achieved
3 screening of 100 percent of such air cargo.

4 SEC. 559. In developing any process to screen avia-
5 tion passengers and crews for transportation or national
6 security purposes, the Secretary of Homeland Security
7 shall ensure that any processes developed take into consid-
8 eration such passengers' and crews' privacy and civil lib-
9 erties consistent with applicable laws, regulations, and
10 guidance.

11 SEC. 560. Notwithstanding any other provision of
12 law, should the Secretary of Homeland Security determine
13 that specific U.S. Immigration and Customs Enforcement
14 Service Processing Centers or other U.S. Immigration and
15 Customs Enforcement owned detention facilities no longer
16 meet the mission need, the Secretary is authorized to dis-
17 pose of individual Service Processing Centers or other
18 U.S. Immigration and Customs Enforcement owned de-
19 tention facilities by directing the Administrator of General
20 Services to sell all real and related personal property which
21 support Service Processing Centers or other U.S. Immi-
22 gration and Customs Enforcement owned detention facili-
23 ties, subject to such terms and conditions as necessary to
24 protect Government interests and meet program require-
25 ments: *Provided*, That the proceeds, net of the costs of

1 sale incurred by the General Services Administration and
2 U.S. Immigration and Customs Enforcement, shall be de-
3 posited as offsetting collections into a separate account
4 that shall be available, subject to appropriation, until ex-
5 pended for other real property capital asset needs of exist-
6 ing U.S. Immigration and Customs Enforcement assets,
7 excluding daily operations and maintenance costs, as the
8 Secretary deems appropriate: *Provided further*, That any
9 sale or collocation of federally owned detention facilities
10 shall not result in the maintenance of fewer than 33,400
11 detention beds: *Provided further*, That the Committees on
12 Appropriations of the Senate and the House of Represent-
13 atives shall be notified 15 days prior to the announcement
14 of any proposed sale or collocation.

15 SEC. 561. (a) CIVIL PENALTIES.—Section
16 46301(a)(5)(A)(i) of title 49, United States Code, is
17 amended—

18 (1) by striking “or chapter 449” and inserting
19 “chapter 449”; and

20 (2) by inserting “, or section 46314(a)” after
21 “44909”).

22 (b) CRIMINAL PENALTIES.—Section 46314(b) of title
23 49, United States Code, is amended to read as follows:

1 “(b) CRIMINAL PENALTY.—A person violating sub-
2 section (a) of this section shall be fined under title 18,
3 imprisoned for not more than 10 years, or both.”.

4 (c) NOTICE OF PENALTIES.—Section 46314 of title
5 49, United States Code, is amended by adding at the end
6 the following new subsection:

7 “(c) NOTICE OF PENALTIES.—

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

20 “(2) EFFECT OF SIGNS ON PENALTIES.—An in-
21 dividual shall be subject to the penalty provided for
22 under section 46301(a)(5)(A)(i) and subsection (b)
23 of this section without regard to whether signs are
24 displayed at an airport as required by paragraph
25 (1).”.

1 SEC. 562. Section 301(b) of the McKinney-Vento
2 Homeless Assistance Act (42 U.S.C. 11331(b)) is amend-
3 ed—

4 (1) by striking paragraph (1) and inserting the
5 following:

6 “(1) United Way Worldwide.”; and

7 (2) by striking paragraph (5) and inserting the
8 following:

9 “(5) The Jewish Federations of North America,
10 Inc.”.

11 SEC. 563. Lot 1 of the Morning Heights Subdivision,
12 Lot 2 and PT ST of the Morning Heights Subdivision,
13 Lot 1 and PT ST of the Bayless Addition, and Lot 24
14 of the Bayless Addition in Findlay, Ohio, shall be available
15 for construction and operation of portions of a flood con-
16 trol levee if a feasibility study completed by the Chief of
17 Engineers, of the civil works program, of the United
18 States Army Corps of Engineers indicates that such con-
19 struction is the most appropriate and cost-effective flood
20 risk management project for the area: *Provided*, That
21 those portions of the properties identified by the Chief of
22 Engineers for construction and operation of portions of
23 the flood control levee pursuant to the preceding proviso
24 shall be excepted from section 404(b)(2)(B) of the Robert
25 T. Stafford Disaster Relief and Emergency Assistance

1 Act, and those portions of the named properties that are
2 not used to construct and operate portions of said flood
3 control levee shall remain deeded as open space in per-
4 petuity, in accordance with section 404(b)(2)(B).

5 (INCLUDING TRANSFERS OF FUNDS)

6 SEC. 564. Notwithstanding the 10 percent limitation
7 contained in section 503(c) of this Act, the Secretary of
8 Homeland Security may transfer to the fund established
9 by 8 U.S.C. 1101 (note), up to \$20,000,000 from appro-
10 priations available to the Department of Homeland Secu-
11 rity: *Provided*, That the Secretary shall notify the Commit-
12 tees on Appropriations of the Senate and the House of
13 Representatives 5 days in advance of such transfer.

14 (INCLUDING TRANSFERS OF FUNDS)

15 SEC. 565. (a) The Secretary of Homeland Security
16 may transfer to the Secretary of the Interior amounts
17 available for environmental mitigation requirements for
18 “U.S. Customs and Border Protection—Border Security
19 Fencing, Infrastructure, and Technology” for fiscal year
20 2009 or thereafter, for use by the Secretary of the Interior
21 under laws administered by such Secretary to mitigate ad-
22 verse environmental impacts, including impact on species
23 listed under the Endangered Species Act of 1973 (16
24 U.S.C. 1531 et seq.) resulting from construction, oper-

1 ation, and maintenance activities related to border secu-
2 rity.

3 (b) Uses of funds authorized by this section include
4 acquisition of land or interests in land that will, in the
5 judgment of the Secretary of the Interior, mitigate or off-
6 set such adverse impacts.

7 (c) Any funds transferred under this section shall be
8 used in accordance with an agreement between the Secre-
9 taries.

10 (d) Not later than September 30, 2011, and on an
11 annual basis thereafter, the Secretary of the Interior, in
12 consultation with the Secretary of Homeland Security,
13 shall submit to the Committees on Appropriations of the
14 Senate and the House of Representatives a report that
15 describes in detail the actions taken in the preceding year
16 with amounts transferred under this section.

17 SEC. 566. (a) Subject to subsection (b), for fiscal year
18 2011, the Coast Guard may enter into Economy Act
19 Agreements (31 U.S.C. 1535) with the Secretary of the
20 Navy for the disposal of Coast Guard vessels pursuant to
21 the authority, terms and conditions set forth in 10 U.S.C.
22 7305 and 7305a.

23 (b) Any agreement entered into under subsection (a)
24 shall be at no additional cost to the United States Navy.

1 SEC. 567. For fiscal year 2011 and hereafter, U.S.
2 Customs and Border Protection’s Advanced Training Cen-
3 ter is authorized to charge fees for any service and/or
4 thing of value it provides to Federal Government or non-
5 government entities or individuals, so long as the fees
6 charged do not exceed the full costs associated with the
7 service or thing of value provided: *Provided*, That notwith-
8 standing 31 U.S.C. 3302(b), fees collected by the Ad-
9 vanced Training Center are to be deposited into a separate
10 account entitled the “Advanced Training Center Revolving
11 Fund”, and be available, without further appropriations,
12 for necessary expenses of the Advanced Training Center
13 program, and are to remain available until expended.

14 SEC. 568. Notwithstanding any other provision of
15 law, including any agreement, the Federal share of assist-
16 ance, including direct Federal assistance provided under
17 sections 403, 406, and 407 of the Robert T. Stafford Dis-
18 aster Relief and Emergency Assistance Act (42 U.S.C.
19 5140b, 5172, and 5173), for damages resulting from
20 FEMA–1867–DR, FEMA–1873–DR, FEMA–1889–DR,
21 and FEMA–1897–DR shall not be less than 90 percent
22 of the eligible costs under such sections.

23 SEC. 569. The Administrator of the Federal Emer-
24 gency Management Agency shall consider as non-discre-
25 tionary the decision to award grants for the construction

1 and equipping of any interoperable communications sys-
2 tem for which construction was initiated before June 1,
3 2009, for which grant applications were made under sec-
4 tion 573 of division E of the Consolidated Appropriations
5 Act, 2008 (Public Law 110–161), section 10501 of divi-
6 sion B of the Consolidated Security, Disaster Assistance,
7 and Continuing Appropriations Act, 2009 (Public Law
8 110–329), or section 603 of the Supplemental Appropria-
9 tions Act, 2009 (Public Law 111–32).

10

RESCISSIONS

11 SEC. 570. The following unobligated balances made
12 available pursuant to section 505 of Public Law 111–83
13 are rescinded: \$886,665 from the “Office of the Secretary
14 and Executive Management”; \$603,638 from the “Office
15 of the Under Secretary for Management”; \$24,379 from
16 the “Office of the Chief Financial Officer”; \$29,736 from
17 the “Office of the Chief Information Officer”; \$183,762
18 from “Analysis and Operations”; \$76,498 from the “Of-
19 fice of the Federal Coordinator for Gulf Coast Rebuild-
20 ing”; \$152,735 from the “Office of Inspector General”;
21 \$7,610,588 from U.S. Customs and Border Protection
22 “Salaries and Expenses”; \$3,443,644 from U.S. Immigra-
23 tion and Customs Enforcement “Salaries and Expenses”;
24 \$4,542,980 from the Transportation Security Administra-
25 tion “Federal Air Marshals”; \$246,435 from Coast Guard

1 “Operating Expenses”; \$2,965,312 from Coast Guard
2 “Reserve Training”; \$83,784 from National Protection
3 and Programs Directorate “Management and Administra-
4 tion”; \$551,737 from National Protection and Programs
5 Directorate “Infrastructure Protection and Information
6 Security”; \$700,167 from United States Secret Service
7 “Salaries and Expenses”; \$863,628 from Federal Emer-
8 gency Management Agency “Management and Adminis-
9 tration”; \$837,953 from “Office of Health Affairs”;
10 \$32,945,983 from “United States Citizenship and Immi-
11 gration Services”; \$927,823 from Federal Law Enforce-
12 ment Training Center “Salaries and Expenses”; \$346,637
13 from Science and Technology “Management and Adminis-
14 tration”; and \$42,257 from Domestic Nuclear Detection
15 Office “Management and Administration”.

16 SEC. 571. Of the unobligated balances available in
17 the Department of the Treasury Forfeiture Fund estab-
18 lished by section 9703 of title 31, United States Code, that
19 was added to such title by section 638 of Public Law 102-
20 393, \$22,600,000 are rescinded.

21 SEC. 572. From the unobligated balances for “Oper-
22 ations” of funds transferred to the Department of Home-
23 land Security when it was created in 2003, \$1,891,657
24 are rescinded.

1 SEC. 573. From the unobligated balances of prior
2 year appropriations made available for U.S. Customs and
3 Border Protection “Automation Modernization”,
4 \$10,000,000 are rescinded.

5 SEC. 574. From the unobligated balances of prior
6 year appropriations made available for U.S. Customs and
7 Border Protection “Border Security Fencing, Infrastruc-
8 ture, and Technology”, \$68,000,000 are rescinded.

9 SEC. 575. Of the unobligated balances available for
10 U.S. Customs and Border Protection “Construction” for
11 construction projects in prior year appropriations,
12 \$99,772,000 are rescinded: *Provided*, That amounts re-
13 scinded shall be limited to Border Patrol projects and fa-
14 cilities: *Provided further*, That no amounts may be re-
15 scinded from amounts that were designated by Congress
16 as an emergency requirement pursuant to a concurrent
17 resolution on the budget or the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 SEC. 576. From the unobligated balances of funds
20 for the “Violent Crime Reduction Program” transferred
21 to the Department of Homeland Security when it was es-
22 tablished in 2003, \$4,912,245 are rescinded.

23 SEC. 577. From the unobligated balances of prior
24 year appropriations made available for U.S. Customs and
25 Border Protection, “Salaries and Expenses” transferred

1 to the Department of Homeland Security when it was es-
2 tablished in 2003, \$18,122,393 are rescinded.

3 SEC. 578. From the unobligated balances of prior
4 year appropriations made available for Transportation Se-
5 curity Administration, \$15,000,000 are rescinded: *Pro-*
6 *vided*, That the Transportation Security Administration
7 shall not rescind any unobligated balances from the fol-
8 lowing programs: explosives detection systems; checkpoint
9 support; aviation regulation and other enforcement; and
10 air cargo.

11 SEC. 579. From the unobligated balances of prior
12 year appropriations made available for National Protec-
13 tion and Programs Directorate “Infrastructure Protection
14 and Information Security” the following amounts are re-
15 scinded—

16 (1) \$6,000,000 from Next Generation Net-
17 works; and

18 (2) \$9,600,000 to be specified in a report to the
19 Committees on Appropriations of the Senate and the
20 House of Representatives which describes the
21 amounts rescinded and the original purpose of such
22 funds no later than 15 days after the date of enact-
23 ment of this Act.

24 SEC. 580. From the unobligated balances of prior
25 year appropriations made available for the Federal Emer-

1 gency Management Agency “National Pre-Disaster Miti-
2 gation Fund”, \$18,173,641 are rescinded.

3 SEC. 581. From the unobligated balances of funds
4 for the “Office for Domestic Preparedness” transferred to
5 the Department of Homeland Security when it was estab-
6 lished in 2003, \$10,568,964 are rescinded.

7 SEC. 582. From the unobligated balances of prior
8 year appropriations made available for United States Vis-
9 itor and Immigrant Status Indicator Technology,
10 \$28,000,000 are rescinded: *Provided*, That none of these
11 rescissions may be taken from the \$50,000,000 in unobli-
12 gated balances of prior-year appropriations made available
13 for a biometric air exit capability.

14 SEC. 583. From unobligated balances of prior year
15 appropriations made available for United States Citizen-
16 ship and Immigration Services for the program commonly
17 known as the “REAL ID hub”, \$18,500,000 are re-
18 scinded.

19 SEC. 584. From the unobligated balances of prior
20 year appropriations made available for Science and Tech-
21 nology “Research, Development, Acquisition, and Oper-
22 ations”, \$62,900,000 are rescinded: *Provided*, That this
23 rescission shall not apply to funds made available for Lab-
24 oratory Facilities in Public Law 111–83.

1 SEC. 585. From the unobligated balances of prior
2 year appropriations made available for Domestic Nuclear
3 Detection Office “Research, Development, and Oper-
4 ations”, \$27,000,000 are rescinded.

5 SEC. 586. From the unobligated balances made avail-
6 able for Coast Guard “Operating Expenses” in chapter
7 6 of title I of Public Law 111–212, \$5,000,000 are re-
8 scinded.

9 SEC. 587. From the unobligated balances made avail-
10 able for “United States Citizenship and Immigration Serv-
11 ices” in chapter 6 of title I of Public Law 111–212,
12 \$6,500,000 are rescinded.

13 SEC. 588. From the unobligated balances made avail-
14 able for Coast Guard “Acquisition, Construction, and Im-
15 provements” in chapter 5 of title I of division B of Public
16 Law 110–329, \$7,000,000 are rescinded.

17 SEC. 589. From the unobligated balances made avail-
18 able for Transportation Security Administration “Aviation
19 Security” in chapter 5 of title III of Public Law 110–28,
20 \$18,345,000 are rescinded.

21 SEC. 590. From the unobligated balances made avail-
22 able for “Office of the Secretary and Executive Manage-
23 ment” in chapter 4 of title II of division B of Public Law
24 109–148, \$196,653 are rescinded.

1 This division may be cited as the “Department of
2 Homeland Security Appropriations Act, 2011”.

3 **DIVISION G—DEPARTMENT OF THE INTE-**
4 **RIOR, ENVIRONMENT, AND RELATED**
5 **AGENCIES APPROPRIATIONS ACT, 2011**

6 TITLE I

7 DEPARTMENT OF THE INTERIOR

8 BUREAU OF LAND MANAGEMENT

9 MANAGEMENT OF LANDS AND RESOURCES

10 For necessary expenses for protection, use, improve-
11 ment, development, disposal, cadastral surveying, classi-
12 fication, acquisition of easements and other interests in
13 lands, and performance of other functions, including main-
14 tenance of facilities, as authorized by law, in the manage-
15 ment of lands and their resources under the jurisdiction
16 of the Bureau of Land Management, including the general
17 administration of the Bureau, and assessment of mineral
18 potential of public lands pursuant to Public Law 96–487
19 (16 U.S.C. 3150(a)), \$954,633,000, to remain available
20 until expended; of which \$4,000,000 shall be available in
21 fiscal year 2011 subject to a match by at least an equal
22 amount by the National Fish and Wildlife Foundation for
23 cost-shared projects supporting conservation of Bureau
24 lands; and such funds shall be advanced to the Foundation