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112TH CONGRESS
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H. R. 2596

[Report No. 112-169]

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2011

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

A BILL

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes.

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

7 **TITLE I—DEPARTMENT OF COMMERCE**

8 **INTERNATIONAL TRADE ADMINISTRATION**

9 **OPERATIONS AND ADMINISTRATION**

10 For necessary expenses for international trade activi-
11 ties of the Department of Commerce provided for by law,
12 and for engaging in trade promotional activities abroad,
13 including expenses of grants and cooperative agreements
14 for the purpose of promoting exports of United States
15 firms, without regard to 44 U.S.C. 3702 and 3703; full
16 medical coverage for dependent members of immediate
17 families of employees stationed overseas and employees
18 temporarily posted overseas; travel and transportation of
19 employees of the International Trade Administration be-
20 tween two points abroad, without regard to 49 U.S.C.
21 40118; employment of Americans and aliens by contract
22 for services; rental of space abroad for periods not exceed-
23 ing 10 years, and expenses of alteration, repair, or im-
24 provement; purchase or construction of temporary de-
25 mountable exhibition structures for use abroad; payment

1 of tort claims, in the manner authorized in the first para-
2 graph of 28 U.S.C. 2672 when such claims arise in foreign
3 countries; not to exceed \$327,000 for official representa-
4 tion expenses abroad; purchase of passenger motor vehi-
5 cles for official use abroad, not to exceed \$45,000 per vehi-
6 cle; obtaining insurance on official motor vehicles; and
7 rental of tie lines, \$460,106,000, to remain available until
8 September 30, 2013, of which \$9,439,000 is to be derived
9 from fees to be retained and used by the International
10 Trade Administration, notwithstanding 31 U.S.C. 3302:
11 *Provided*, That not less than \$48,854,000 shall be for
12 Manufacturing and Services; not less than \$42,623,000
13 shall be for Market Access and Compliance; not less than
14 \$67,358,000 shall be for the Import Administration; not
15 less than \$264,910,000 shall be for trade promotion and
16 the United States and Foreign Commercial Service; and
17 not less than \$26,922,000 shall be for Executive Direction
18 and Administration: *Provided further*, That not less than
19 \$7,000,000 shall be for the Office of China Compliance,
20 and not less than \$4,400,000 shall be for the China Coun-
21 tering Duty Group: *Provided further*, That the provi-
22 sions of the first sentence of section 105(f) and all of sec-
23 tion 108(c) of the Mutual Educational and Cultural Ex-
24 change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall
25 apply in carrying out these activities without regard to

1 section 5412 of the Omnibus Trade and Competitiveness
2 Act of 1988 (15 U.S.C. 4912); and that for the purpose
3 of this Act, contributions under the provisions of the Mu-
4 tual Educational and Cultural Exchange Act of 1961 shall
5 include payment for assessments for services provided as
6 part of these activities.

7 BUREAU OF INDUSTRY AND SECURITY

8 OPERATIONS AND ADMINISTRATION

9 For necessary expenses for export administration and
10 national security activities of the Department of Com-
11 merce, including costs associated with the performance of
12 export administration field activities both domestically and
13 abroad; full medical coverage for dependent members of
14 immediate families of employees stationed overseas; em-
15 ployment of Americans and aliens by contract for services
16 abroad; payment of tort claims, in the manner authorized
17 in the first paragraph of 28 U.S.C. 2672 when such claims
18 arise in foreign countries; not to exceed \$15,000 for offi-
19 cial representation expenses abroad; awards of compensa-
20 tion to informers under the Export Administration Act of
21 1979, and as authorized by 22 U.S.C. 401(b); and pur-
22 chase of passenger motor vehicles for official use and
23 motor vehicles for law enforcement use with special re-
24 quirement vehicles eligible for purchase without regard to
25 any price limitation otherwise established by law,

1 \$100,141,000, to remain available until expended: *Pro-*
2 *vided*, That the provisions of the first sentence of section
3 105(f) and all of section 108(c) of the Mutual Educational
4 and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f)
5 and 2458(c)) shall apply in carrying out these activities:
6 *Provided further*, That payments and contributions col-
7 lected and accepted for materials or services provided as
8 part of such activities may be retained for use in covering
9 the cost of such activities, and for providing information
10 to the public with respect to the export administration and
11 national security activities of the Department of Com-
12 merce and other export control programs of the United
13 States and other governments.

14 ECONOMIC DEVELOPMENT ADMINISTRATION

15 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

16 For grants for economic development assistance as
17 provided by the Public Works and Economic Development
18 Act of 1965, for trade adjustment assistance, for the cost
19 of loan guarantees authorized by section 26 of the Steven-
20 son-Wydler Technology Innovation Act of 1980 (15 U.S.C.
21 3721), and for other purposes, \$220,000,000, to remain
22 available until expended; of which \$5,000,000 shall be for
23 projects to facilitate the relocation, to the United States,
24 of a source of employment located outside the United
25 States; and of which up to \$5,000,000 shall be for such

1 loan guarantees: *Provided*, That the costs for loan guaran-
2 tees, including the cost of modifying such loans, shall be
3 as defined in section 502 of the Congressional Budget Act
4 of 1974: *Provided further*, That these funds are available
5 to subsidize total loan principal, any part of which is to
6 be guaranteed, not to exceed \$50,000,000.

7 SALARIES AND EXPENSES

8 For necessary expenses of administering the eco-
9 nomic development assistance programs as provided for by
10 law, \$37,924,000: *Provided*, That these funds may be used
11 to monitor projects approved pursuant to title I of the
12 Public Works Employment Act of 1976, title II of the
13 Trade Act of 1974, and the Community Emergency
14 Drought Relief Act of 1977.

15 MINORITY BUSINESS DEVELOPMENT AGENCY

16 MINORITY BUSINESS DEVELOPMENT

17 For necessary expenses of the Department of Com-
18 merce in fostering, promoting, and developing minority
19 business enterprise, including expenses of grants, con-
20 tracts, and other agreements with public or private organi-
21 zations, \$30,339,000.

22 ECONOMIC AND STATISTICAL ANALYSIS

23 SALARIES AND EXPENSES

24 For necessary expenses, as authorized by law, of eco-
25 nomic and statistical analysis programs of the Department

1 of Commerce, \$97,060,000, to remain available until Sep-
2 tember 30, 2013.

3 BUREAU OF THE CENSUS

4 SALARIES AND EXPENSES

5 For expenses necessary for collecting, compiling, ana-
6 lyzing, preparing, and publishing statistics, provided for
7 by law, \$258,506,000: *Provided*, That from amounts pro-
8 vided herein, funds may be used for promotion, outreach,
9 and marketing activities.

10 PERIODIC CENSUSES AND PROGRAMS

11 For necessary expenses to collect and publish statis-
12 tics for periodic censuses and programs provided for by
13 law, \$596,842,000, to remain available until September
14 30, 2013: *Provided*, That from amounts provided herein,
15 funds may be used for promotion, outreach, and mar-
16 keting activities.

17 NATIONAL TELECOMMUNICATIONS AND INFORMATION

18 ADMINISTRATION

19 SALARIES AND EXPENSES

20 For necessary expenses, as provided for by law, of
21 the National Telecommunications and Information Ad-
22 ministration (NTIA), \$40,568,000: *Provided*, That, not-
23 withstanding 31 U.S.C. 1535(d), the Secretary of Com-
24 merce shall charge Federal agencies for costs incurred in
25 spectrum management, analysis, operations, and related

1 services, and such fees shall be retained and used as off-
2 setting collections for costs of such spectrum services, to
3 remain available until expended: *Provided further*, That
4 the Secretary of Commerce is authorized to retain and use
5 as offsetting collections all funds transferred, or previously
6 transferred, from other Government agencies for all costs
7 incurred in telecommunications research, engineering, and
8 related activities by the Institute for Telecommunication
9 Sciences of NTIA, in furtherance of its assigned functions
10 under this paragraph, and such funds received from other
11 Government agencies shall remain available until ex-
12 pended.

13 PATENT AND TRADEMARK OFFICE

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Patent and Trademark
17 Office (PTO) provided for by law, including defense of
18 suits instituted against the Under Secretary of Commerce
19 for Intellectual Property and Director of the Patent and
20 Trademark Office, \$2,706,313,000, to remain available
21 until expended: *Provided*, That the sum herein appro-
22 priated from the general fund shall be reduced as offset-
23 ting collections assessed and collected pursuant to section
24 31 of the Trademark Act of 1946 (15 U.S.C. 1113) and
25 sections 41 and 376 of title 35, United States Code, are

1 received during fiscal year 2012, so as to result in a fiscal
2 year 2012 appropriation from the general fund estimated
3 at \$0: *Provided further*, That during fiscal year 2012,
4 should the total amount of offsetting fee collections and
5 the surcharge provided herein be less than
6 \$2,706,313,000, this amount shall be reduced accordingly:
7 *Provided further*, That any amount received in excess of
8 \$2,706,313,000 in fiscal year 2012 and deposited in the
9 Patent and Trademark Fee Reserve Fund shall remain
10 available until expended: *Provided further*, That the Direc-
11 tor of the Patent and Trademark Office shall submit a
12 spending plan to the Committees on Appropriations of the
13 House of Representatives and the Senate for any amounts
14 made available by the preceding proviso and such spending
15 plan shall be treated as a reprogramming under section
16 505 of this Act and shall not be available for obligation
17 or expenditure except in compliance with the procedures
18 set forth in that section: *Provided further*, That from
19 amounts provided herein, not to exceed \$1,000 shall be
20 made available in fiscal year 2012 for official reception
21 and representation expenses: *Provided further*, That in fis-
22 cal year 2012 from the amounts made available for “Sala-
23 ries and Expenses” for the PTO, the amounts necessary
24 to pay: (1) the difference between the percentage of basic
25 pay contributed by the PTO and employees under section

1 8334(a) of title 5, United States Code, and the normal
2 cost percentage (as defined by section 8331(17) of that
3 title) as provided by the Office of Personnel Management
4 (OPM) for PTO's specific use, of basic pay, of employees
5 subject to subchapter III of chapter 83 of that title; and
6 (2) the present value of the otherwise unfunded accruing
7 costs, as determined by OPM for PTO's specific use, of
8 post-retirement life insurance and post-retirement health
9 benefits coverage for all PTO employees who are enrolled
10 in Federal Employees Health Benefits (FEHB) and Fed-
11 eral Employees Group Life Insurance (FEGLI), shall be
12 transferred to the Civil Service Retirement and Disability
13 Fund, the FEGLI Fund, and the FEHB Fund, as appro-
14 priate, and shall be available for the authorized purposes
15 of those accounts: *Provided further*, That any differences
16 between the present value factors published in OPM's
17 yearly 300 series benefit letters and the factors that OPM
18 provides for PTO's specific use shall be recognized as an
19 imputed cost on PTO's financial statements, where appli-
20 cable: *Provided further*, That sections 801, 802, and 803
21 of division B, Public Law 108-447 shall remain in effect
22 during fiscal year 2012: *Provided further*, That the Direc-
23 tor may, this year, reduce by regulation fees payable for
24 documents in patent and trademark matters, in connec-
25 tion with the filing of documents filed electronically in a

1 form prescribed by the Director: *Provided further*, That
2 there shall be a surcharge of 15 percent, rounded by
3 standard arithmetic rules, on fees charged or authorized
4 by sections 41(a), (b), (d) (1) and 132(b) of title 35,
5 United States Code, as administered under Public Law
6 108–447 and this Act: *Provided further*, That the sur-
7 charge established under the previous proviso shall be sep-
8 arate from, and in addition to, any other surcharge that
9 may be required pursuant to any provision of title 35,
10 United States Code: *Provided further*, That the surcharge
11 established in the previous two provisions shall take effect
12 on the date that is 10 days after the date of enactment
13 of this Act, and shall remain in effect during fiscal year
14 2012: *Provided further*, That hereafter the Director shall
15 reduce fees for providing prioritized examination of utility
16 and plant patent applications by 50 percent for small enti-
17 ties that qualify for reduced fees under section 41(h)(1)
18 of title 35, United States Code, so long as the fees of the
19 prioritized examination program are set to recover the es-
20 timated cost of the program: *Provided further*, That the
21 receipts collected as a result of these surcharges shall be
22 available within the amounts provided herein to the Patent
23 and Trademark Office without fiscal year limitation, for
24 all authorized activities and operations of the Office.

1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

3 For necessary expenses of the National Institute of
4 Standards and Technology, \$516,984,000, to remain
5 available until expended, of which not to exceed
6 \$9,000,000 may be transferred to the “Working Capital
7 Fund”: *Provided*, That not to exceed \$5,000 shall be for
8 official reception and representation expenses.

9 INDUSTRIAL TECHNOLOGY SERVICES

10 For necessary expenses of the Hollings Manufac-
11 turing Extension Partnership of the National Institute of
12 Standards and Technology, \$128,443,000, to remain
13 available until expended.

14 CONSTRUCTION OF RESEARCH FACILITIES

15 For construction of new research facilities, including
16 architectural and engineering design, and for renovation
17 and maintenance of existing facilities, not otherwise pro-
18 vided for the National Institute of Standards and Tech-
19 nology, as authorized by 15 U.S.C. 278c–278e,
20 \$55,381,000, to remain available until expended: *Pro-*
21 *vided*, That the Secretary of Commerce shall include in
22 the budget justification materials that the Secretary sub-
23 mits to Congress in support of the Department of Com-
24 merce budget (as submitted with the budget of the Presi-
25 dent under section 1105(a) of title 31, United States

1 Code) an estimate for each National Institute of Stand-
2 ards and Technology construction project having a total
3 multi-year program cost of more than \$5,000,000 and si-
4 multaneously the budget justification materials shall in-
5 clude an estimate of the budgetary requirements for each
6 such project for each of the five subsequent fiscal years.

7 NATIONAL OCEANIC AND ATMOSPHERIC

8 ADMINISTRATION

9 OPERATIONS, RESEARCH, AND FACILITIES

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses of activities authorized by law
12 for the National Oceanic and Atmospheric Administration,
13 including maintenance, operation, and hire of aircraft and
14 vessels; grants, contracts, or other payments to nonprofit
15 organizations for the purposes of conducting activities
16 pursuant to cooperative agreements; and relocation of fa-
17 cilities, \$2,775,930,000, to remain available until Sep-
18 tember 30, 2013, except that funds provided for coopera-
19 tive enforcement shall remain available until September
20 30, 2014: *Provided*, That fees and donations received by
21 the National Ocean Service for the management of na-
22 tional marine sanctuaries may be retained and used for
23 the salaries and expenses associated with those activities,
24 notwithstanding 31 U.S.C. 3302: *Provided further*, That
25 in addition, \$66,200,000 shall be derived by transfer from

1 the fund entitled “Promote and Develop Fishery Products
2 and Research Pertaining to American Fisheries”: *Pro-*
3 *vided further*, That of the \$2,848,130,000 provided for in
4 direct obligations under this heading, \$2,775,930,000 is
5 appropriated from the general fund, \$66,200,000 is pro-
6 vided by transfer, and \$6,000,000 is derived from recov-
7 eries of prior year obligations: *Provided further*, That the
8 total amount available for National Oceanic and Atmos-
9 pheric Administration corporate services administrative
10 support costs shall not exceed \$214,874,000: *Provided fur-*
11 *ther*, That any deviation from the amounts designated for
12 specific activities in the report accompanying this Act, or
13 any use of deobligated balances of funds provided under
14 this heading in previous years, shall be subject to the pro-
15 cedures set forth in section 505 of this Act.

16 In addition, for necessary retired pay expenses under
17 the Retired Serviceman’s Family Protection and Survivor
18 Benefits Plan, and for payments for the medical care of
19 retired personnel and their dependents under the Depend-
20 ents Medical Care Act (10 U.S.C. 55), such sums as may
21 be necessary.

22 PROCUREMENT, ACQUISITION AND CONSTRUCTION

23 For procurement, acquisition and construction of
24 capital assets, including alteration and modification costs,
25 of the National Oceanic and Atmospheric Administration,

1 \$1,702,772,000, to remain available until September 30,
2 2014, except that funds provided for construction of facili-
3 ties shall remain available until expended: *Provided*, That
4 of the \$1,709,772,000 provided for in direct obligations
5 under this heading, \$1,702,772,000 is appropriated from
6 the general fund and \$7,000,000 is provided from recov-
7 eries of prior year obligations: *Provided further*, That any
8 deviation from the amounts designated for specific activi-
9 ties in the report accompanying this Act, or any use of
10 deobligated balances of funds provided under this heading
11 in previous years, shall be subject to the procedures set
12 forth in section 505 of this Act: *Provided further*, That
13 the Secretary of Commerce shall include in budget jus-
14 tification materials that the Secretary submits to Congress
15 in support of the Department of Commerce budget (as
16 submitted with the budget of the President under section
17 1105(a) of title 31, United States Code) an estimate for
18 each National Oceanic and Atmospheric Administration
19 Procurement, Acquisition or Construction project having
20 a total of more than \$5,000,000 and simultaneously the
21 budget justification shall include an estimate of the budg-
22 etary requirements for each such project for each of the
23 five subsequent fiscal years.

1 PACIFIC COASTAL SALMON RECOVERY

2 For necessary expenses associated with the restora-
3 tion of Pacific salmon populations, \$65,000,000, to re-
4 main available until September 30, 2013: *Provided*, That
5 of the funds provided herein the Secretary of Commerce
6 may issue grants to the States of Washington, Oregon,
7 Idaho, Nevada, California, and Alaska, and Federally-rec-
8 ognized tribes of the Columbia River and Pacific Coast
9 (including Alaska) for projects necessary for conservation
10 of salmon and steelhead populations that are listed as
11 threatened or endangered, or identified by a State as at-
12 risk to be so-listed, for maintaining populations necessary
13 for exercise of tribal treaty fishing rights or native subsist-
14 ence fishing, or for conservation of Pacific coastal salmon
15 and steelhead habitat, based on guidelines to be developed
16 by the Secretary of Commerce: *Provided further*, That all
17 funds shall be allocated based on scientific and other merit
18 principles and shall not be available for marketing activi-
19 ties: *Provided further*, That funds disbursed to States shall
20 be subject to a matching requirement of funds or docu-
21 mented in-kind contributions of at least 33 percent of the
22 Federal funds.

23 FISHERMEN'S CONTINGENCY FUND

24 For carrying out the provisions of title IV of Public
25 Law 95-372, not to exceed \$350,000, to be derived from

1 receipts collected pursuant to that Act, to remain available
2 until expended.

3 FISHERIES FINANCE PROGRAM ACCOUNT

4 Subject to section 502 of the Congressional Budget
5 Act of 1974, during fiscal year 2012, obligations of direct
6 loans may not exceed \$24,000,000 for Individual Fishing
7 Quota loans and may not exceed \$59,000,000 for tradi-
8 tional direct loans as authorized by the Merchant Marine
9 Act of 1936: *Provided*, That none of the funds made avail-
10 able under this heading may be used for direct loans for
11 any new fishing vessel that will increase the harvesting
12 capacity in any United States fishery.

13 DEPARTMENTAL MANAGEMENT

14 SALARIES AND EXPENSES

15 For expenses necessary for the departmental manage-
16 ment of the Department of Commerce provided for by law,
17 including not to exceed \$5,000 for official reception and
18 representation, \$57,884,000: *Provided*, That the Secretary
19 of Commerce shall establish a task force on job repatri-
20 ation and manufacturing growth and shall produce a re-
21 port on related incentive strategies and implementation
22 plans.

1 hire of passenger motor vehicles as authorized by 31
2 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
3 3109; and uniforms or allowances therefor, as authorized
4 by law (5 U.S.C. 5901–5902).

5 SEC. 103. Not to exceed 5 percent of any appropria-
6 tion made available for the current fiscal year for the De-
7 partment of Commerce in this Act may be transferred be-
8 tween such appropriations, but no such appropriation shall
9 be increased by more than 10 percent by any such trans-
10 fers: *Provided*, That any transfer pursuant to this section
11 shall be treated as a reprogramming of funds under sec-
12 tion 505 of this Act and shall not be available for obliga-
13 tion or expenditure except in compliance with the proce-
14 dures set forth in that section: *Provided further*, That the
15 Secretary of Commerce shall notify the Committees on Ap-
16 propriations at least 15 days in advance of the acquisition
17 or disposal of any capital asset (including land, structures,
18 and equipment) not specifically provided for in this Act
19 or any other law appropriating funds for the Department
20 of Commerce.

21 SEC. 104. Any costs incurred by a department or
22 agency funded under this title resulting from personnel
23 actions taken in response to funding reductions included
24 in this title or from actions taken for the care and protec-
25 tion of loan collateral or grant property shall be absorbed

1 within the total budgetary resources available to such de-
2 partment or agency: *Provided*, That the authority to trans-
3 fer funds between appropriations accounts as may be nec-
4 essary to carry out this section is provided in addition to
5 authorities included elsewhere in this Act: *Provided fur-*
6 *ther*, That use of funds to carry out this section shall be
7 treated as a reprogramming of funds under section 505
8 of this Act and shall not be available for obligation or ex-
9 penditure except in compliance with the procedures set
10 forth in that section.

11 SEC. 105. (a) For purposes of this section—

12 (1) the term “Under Secretary” means Under
13 Secretary of Commerce for Oceans and Atmosphere;

14 (2) the term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Appropriations and
17 the Committee on Commerce, Science, and
18 Transportation of the Senate; and

19 (B) the Committee on Appropriations and
20 the Committee on Science, Space and Tech-
21 nology of the House of Representatives;

22 (3) the term “satellite” means the satellites
23 proposed to be acquired for the National Oceanic
24 and Atmospheric Administration (NOAA);

1 (4) the term “development” means the phase of
2 a program following the formulation phase and be-
3 ginning with the approval to proceed to implementa-
4 tion, as defined in NOAA Administrative Order
5 216–108, Department of Commerce Administrative
6 Order 208–3, and NASA’s Procedural Requirements
7 7120.5c, dated March 22, 2005;

8 (5) the term “development cost” means the
9 total of all costs, including construction of facilities
10 and civil servant costs, from the period beginning
11 with the approval to proceed to implementation
12 through the achievement of operational readiness,
13 without regard to funding source or management
14 control, for the life of the program;

15 (6) the term “life-cycle cost” means the total of
16 the direct, indirect, recurring, and nonrecurring
17 costs, including the construction of facilities and civil
18 servant costs, and other related expenses incurred or
19 estimated to be incurred in the design, development,
20 verification, production, operation, maintenance,
21 support, and retirement of a program over its
22 planned lifespan, without regard to funding source
23 or management control;

24 (7) the term “major program” means an activ-
25 ity approved to proceed to implementation that has

1 an estimated life-cycle cost of more than
2 \$250,000,000; and

3 (8) the term “baseline” means the program as
4 set following contract award and preliminary design
5 review of the space and ground systems.

6 (b)(1) NOAA shall not enter into a contract for devel-
7 opment of a major program, unless the Under Secretary
8 determines that—

9 (A) the technical, cost, and schedule risks
10 of the program are clearly identified and the
11 program has developed a plan to manage those
12 risks;

13 (B) the technologies required for the pro-
14 gram have been demonstrated in a relevant lab-
15 oratory or test environment;

16 (C) the program complies with all relevant
17 policies, regulations, and directives of NOAA
18 and the Department of Commerce;

19 (D) the program has demonstrated a high
20 likelihood of accomplishing its intended goals;
21 and

22 (E) the acquisition of satellites for use in
23 the program represents a good value to accom-
24 plishing NOAA’s mission.

1 (2) The Under Secretary shall transmit a re-
2 port describing the basis for the determination re-
3 quired under paragraph (1) to the appropriate con-
4 gressional committees at least 30 days before enter-
5 ing into a contract for development under a major
6 program.

7 (3) The Under Secretary may not delegate the
8 determination requirement under this subsection, ex-
9 cept in cases in which the Under Secretary has a
10 conflict of interest.

11 (c)(1) Annually, at the same time as the President's
12 annual budget submission to the Congress, the Under Sec-
13 retary shall transmit to the appropriate congressional
14 committees a report that includes the information required
15 by this section for the satellite development program for
16 which NOAA proposes to expend funds in the subsequent
17 fiscal year. The report under this paragraph shall be
18 known as the Major Program Annual Report.

19 (2) The first Major Program Annual Report for
20 NOAA's satellite development program shall include
21 a Baseline Report that shall, at a minimum, in-
22 clude—

23 (A) the purposes of the program and key
24 technical characteristics necessary to fulfill
25 those purposes;

1 (B) an estimate of the life-cycle cost for
2 the program, with a detailed breakout of the
3 development cost, program reserves, and an es-
4 timate of the annual costs until development is
5 completed;

6 (C) the schedule for development, including
7 key program milestones;

8 (D) the plan for mitigating technical, cost,
9 and schedule risks identified in accordance with
10 subsection (b)(1)(A); and

11 (E) the name of the person responsible for
12 making notifications under subsection (d), who
13 shall be an individual whose primary responsi-
14 bility is overseeing the program.

15 (3) For the major program for which a Base-
16 line Report has been submitted, subsequent Major
17 Program Annual Reports shall describe any changes
18 to the information that had been provided in the
19 Baseline Report, and the reasons for those changes.

20 (d)(1) The individual identified under subsection
21 (c)(2)(E) shall immediately notify the Under Secretary
22 any time that individual has reasonable cause to believe
23 that, for the major program for which he or she is respon-
24 sible, the development cost of the program has exceeded

1 the estimate provided in the Baseline Report of the pro-
2 gram by 20 percent or more.

3 (2) Not later than 30 days after the notification
4 required under paragraph (1), the individual identi-
5 fied under subsection (c)(2)(E) shall transmit to the
6 Under Secretary a written notification explaining the
7 reasons for the change in the cost of the program
8 for which notification was provided under paragraph
9 (1).

10 (3) Not later than 15 days after the Under Sec-
11 retary receives a written notification under para-
12 graph (2), the Under Secretary shall transmit the
13 notification to the appropriate congressional commit-
14 tees.

15 (e) Not later than 30 days after receiving a written
16 notification under subsection (d)(2), the Under Secretary
17 shall determine whether the development cost of the pro-
18 gram has exceeded the estimate provided in the Baseline
19 Report of the program by 20 percent or more. If the deter-
20 mination is affirmative, the Under Secretary shall—

21 (1) transmit to the appropriate congressional
22 committees, not later than 15 days after making the
23 determination, a report that includes—

24 (A) a description of the increase in cost
25 and a detailed explanation for the increase;

1 (B) a description of actions taken or pro-
2 posed to be taken in response to the cost in-
3 crease; and

4 (C) a description of any impacts the cost
5 increase, or the actions described under sub-
6 paragraph (B), will have on any other program
7 within NOAA; and

8 (2) if the Under Secretary intends to continue
9 with the program, promptly initiate an analysis of
10 the program, which shall include, at a minimum—

11 (A) the projected cost and schedule for
12 completing the program if current requirements
13 of the program are not modified;

14 (B) the projected cost and the schedule for
15 completing the program after instituting the ac-
16 tions described under paragraph (1)(B); and

17 (C) a description of, and the projected cost
18 and schedule for, a broad range of alternatives
19 to the program.

20 (f) NOAA shall complete an analysis initiated under
21 paragraph (2) not later than 6 months after the Under
22 Secretary makes a determination under this subsection.
23 The Under Secretary shall transmit the analysis to the
24 appropriate congressional committees not later than 30
25 days after its completion.

1 SEC. 106. Notwithstanding any other law, the Sec-
2 retary may furnish services (including but not limited to
3 utilities, telecommunications, and security services) nec-
4 essary to support the operation, maintenance, and im-
5 provement of space that persons, firms or organizations
6 are authorized pursuant to the Public Buildings Coopera-
7 tive Use Act of 1976 or other authority to use or occupy
8 in the Herbert C. Hoover Building, Washington, DC, or
9 other buildings, the maintenance, operation, and protec-
10 tion of which has been delegated to the Secretary from
11 the Administrator of General Services pursuant to the
12 Federal Property and Administrative Services Act of
13 1949, as amended, on a reimbursable or non-reimbursable
14 basis. Amounts received as reimbursement for services
15 provided under this section or the authority under which
16 the use or occupancy of the space is authorized, up to
17 \$200,000, shall be credited to the appropriation or fund
18 which initially bears the costs of such services.

19 SEC. 107. Nothing in this title shall be construed to
20 prevent a grant recipient from deterring child pornog-
21 raphy, copyright infringement, or any other unlawful ac-
22 tivity over its networks.

23 SEC. 108. The Administrator of the National Oceanic
24 and Atmospheric Administration is authorized to use, with
25 their consent, with reimbursement and subject to the lim-

1 its of available appropriations, the land, services, equip-
2 ment, personnel, and facilities of any department, agency
3 or instrumentality of the United States, or of any State,
4 local government, Indian tribal government, Territory or
5 possession, or of any political subdivision thereof, or of
6 any foreign government or international organization for
7 purposes related to carrying out the responsibilities of any
8 statute administered by the National Oceanic and Atmos-
9 pheric Administration.

10 (RESCISSION)

11 SEC. 109. All balances in the Coastal Zone Manage-
12 ment Fund, whether unobligated or unavailable, are here-
13 by permanently rescinded, and notwithstanding Section
14 308(b) of the Coastal Zone Management Act of 1972, as
15 amended (16 U.S.C. 1456a), any future payments to the
16 Fund made pursuant to sections 307 (16 U.S.C. 1456)
17 and 308 (16 U.S.C. 1456a) of the Coastal Zone Manage-
18 ment Act of 1972, as amended, shall, in this fiscal year
19 and any future fiscal years, be treated in accordance with
20 the Federal Credit Reform Act of 1990, as amended.

21 SEC. 110. There is established in the Treasury a non-
22 interest bearing fund to be known as the “Fisheries En-
23 forcement Asset Forfeiture Fund”, which shall consist of
24 all sums received as fines, penalties, and forfeitures of
25 property for violations of any provisions of 16 U.S.C. ch.

1 38 or of any other marine resource law enforced by the
2 Secretary of Commerce, including the Lacey Act Amend-
3 ments of 1981 (16 U.S.C. 3371 et seq.) and with the ex-
4 ception of collections pursuant to 16 U.S.C. 1437, which
5 are currently deposited in the Operations, Research, and
6 Facilities account: *Provided*, That all unobligated balances
7 that have been collected pursuant to 16 U.S.C. 1861 or
8 any other marine resource law enforced by the Secretary
9 of Commerce with the exception of 16 U.S.C. 1437 shall
10 be transferred from the Operations, Research, and Facili-
11 ties account into the Fisheries Enforcement Asset For-
12 feiture Fund and shall remain available until expended.

13 SEC. 111. There is established in the Treasury a non-
14 interest bearing fund to be known as the “Sanctuaries En-
15 forcement Asset Forfeiture Fund”, which shall consist of
16 all sums received as fines, penalties, and forfeitures of
17 property for violations of any provisions of 16 U.S.C. ch.
18 38, which are currently deposited in the Operations, Re-
19 search, and Facilities account: *Provided*, That all unobli-
20 gated balances that have been collected pursuant to 16
21 U.S.C. 1437 shall be transferred from the Operations, Re-
22 search, and Facilities account into the Sanctuaries En-
23 forcement Asset Forfeiture Fund and shall remain avail-
24 able until expended.

1 SEC. 112. The Department of Commerce shall notify
2 the Committee 15 days in advance of any planned official
3 travel to China by any employee of the U.S. Department
4 of Commerce, including the purpose of such travel.

5 This title may be cited as the “Department of Com-
6 merce Appropriations Act, 2012”.

7 TITLE II—DEPARTMENT OF JUSTICE

8 GENERAL ADMINISTRATION

9 SALARIES AND EXPENSES

10 For expenses necessary for the administration of the
11 Department of Justice, \$72,338,000, of which not to ex-
12 ceed \$4,000,000 for security and construction of Depart-
13 ment of Justice facilities shall remain available until ex-
14 pended.

15 JUSTICE INFORMATION SHARING TECHNOLOGY

16 For necessary expenses for information sharing tech-
17 nology, including planning, development, deployment and
18 departmental direction, \$44,307,000, to remain available
19 until expended.

20 LAW ENFORCEMENT WIRELESS COMMUNICATIONS

21 For the costs of developing and implementing com-
22 munications systems supporting Federal law enforcement
23 and for the costs of operations and maintenance of exist-
24 ing communications systems, \$99,800,000, to remain
25 available until expended: *Provided*, That the Attorney

1 General shall transfer to this account all funds made avail-
2 able to the Department of Justice for the purchase of
3 portable and mobile radios: *Provided further*, That any
4 transfer pursuant to the previous proviso shall be treated
5 as a reprogramming under section 505 of this Act and
6 shall not be available for obligation or expenditure except
7 in compliance with the procedures set forth in that section.

8 ADMINISTRATIVE REVIEW AND APPEALS

9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses necessary for the administration of par-
11 don and clemency petitions and immigration-related activi-
12 ties, \$300,084,000, of which \$4,000,000 shall be derived
13 by transfer from the Executive Office for Immigration Re-
14 view fees deposited in the “Immigration Examinations
15 Fee” account.

16 DETENTION TRUSTEE

17 For necessary expenses of the Federal Detention
18 Trustee, \$1,515,626,000, to remain available until ex-
19 pended: *Provided*, That the Trustee shall be responsible
20 for managing the Justice Prisoner and Alien Transpor-
21 tation System: *Provided further*, That not to exceed
22 \$20,000,000 shall be considered “funds appropriated for
23 State and local law enforcement assistance” pursuant to
24 18 U.S.C. 4013(b).

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, \$84,199,000, including not to exceed \$10,000 to
4 meet unforeseen emergencies of a confidential character.

5 UNITED STATES PAROLE COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the United States Parole
8 Commission as authorized, \$12,833,000.

9 LEGAL ACTIVITIES

10 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

11 For expenses necessary for the legal activities of the
12 Department of Justice, not otherwise provided for, includ-
13 ing not to exceed \$20,000 for expenses of collecting evi-
14 dence, to be expended under the direction of, and to be
15 accounted for solely under the certificate of, the Attorney
16 General; and rent of private or Government-owned space
17 in the District of Columbia, \$841,767,000, of which not
18 to exceed \$10,000,000 for litigation support contracts
19 shall remain available until expended: *Provided*, That of
20 the total amount appropriated, not to exceed \$10,000 shall
21 be available to INTERPOL Washington for official recep-
22 tion and representation expenses: *Provided further*, That
23 of the amount appropriated, such sums as may be nec-
24 essary shall be available to reimburse the Office of Per-
25 sonnel Management for salaries and expenses associated

1 with the election monitoring program under section 8 of
2 the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Pro-*
3 *vided further*, That of the amounts provided under this
4 heading for the election monitoring program, \$3,390,000
5 shall remain available until expended.

6 In addition, for reimbursement of expenses of the De-
7 partment of Justice associated with processing cases
8 under the National Childhood Vaccine Injury Act of 1986,
9 not to exceed \$7,833,000, to be appropriated from the
10 Vaccine Injury Compensation Trust Fund.

11 SALARIES AND EXPENSES, ANTITRUST DIVISION

12 For expenses necessary for the enforcement of anti-
13 trust and kindred laws, \$162,844,000, to remain available
14 until expended: *Provided*, That notwithstanding any other
15 provision of law, fees collected for premerger notification
16 filings under the Hart-Scott-Rodino Antitrust Improve-
17 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
18 of collection (and estimated to be \$108,000,000 in fiscal
19 year 2012), shall be retained and used for necessary ex-
20 penses in this appropriation, and shall remain available
21 until expended: *Provided further*, That the sum herein ap-
22 propriated from the general fund shall be reduced as such
23 offsetting collections are received during fiscal year 2012,
24 so as to result in a final fiscal year 2012 appropriation
25 from the general fund estimated at \$54,844,000.

1 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

2 For necessary expenses of the Offices of the United
3 States Attorneys, including inter-governmental and coop-
4 erative agreements, \$1,930,135,000: *Provided*, That of the
5 total amount appropriated, not to exceed \$8,000 shall be
6 available for official reception and representation ex-
7 penses: *Provided further*, That not to exceed \$25,000,000
8 shall remain available until expended: *Provided further*,
9 That each United States Attorney shall establish a task
10 force on human trafficking.

11 UNITED STATES TRUSTEE SYSTEM FUND

12 For necessary expenses of the United States Trustee
13 Program, as authorized, \$219,442,000, to remain avail-
14 able until expended and to be derived from the United
15 States Trustee System Fund: *Provided*, That notwith-
16 standing any other provision of law, deposits to the Fund
17 shall be available in such amounts as may be necessary
18 to pay refunds due depositors: *Provided further*, That, not-
19 withstanding any other provision of law, \$219,442,000 of
20 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
21 be retained and used for necessary expenses in this appro-
22 priation and shall remain available until expended: *Pro-*
23 *vided further*, That the sum herein appropriated from the
24 Fund shall be reduced as such offsetting collections are
25 received during fiscal year 2012, so as to result in a final

1 fiscal year 2012 appropriation from the Fund estimated
2 at \$0.

3 SALARIES AND EXPENSES, FOREIGN CLAIMS

4 SETTLEMENT COMMISSION

5 For expenses necessary to carry out the activities of
6 the Foreign Claims Settlement Commission, including
7 services as authorized by section 3109 of title 5, United
8 States Code, \$2,113,000.

9 FEES AND EXPENSES OF WITNESSES

10 For fees and expenses of witnesses, for expenses of
11 contracts for the procurement and supervision of expert
12 witnesses, for private counsel expenses, including ad-
13 vances, and for expenses of foreign counsel, \$270,000,000,
14 to remain available until expended, of which not to exceed
15 \$10,000,000 is for construction of buildings for protected
16 witness safesites; not to exceed \$3,000,000 is for the pur-
17 chase and maintenance of armored and other vehicles for
18 witness security caravans; and not to exceed \$11,000,000
19 is for the purchase, installation, maintenance, and up-
20 grade of secure telecommunications equipment and a se-
21 cure automated information network to store and retrieve
22 the identities and locations of protected witnesses.

1 SALARIES AND EXPENSES, COMMUNITY RELATIONS

2 SERVICE

3 For necessary expenses of the Community Relations
4 Service, \$11,456,000: *Provided*, That notwithstanding sec-
5 tion 205 of this Act, upon a determination by the Attorney
6 General that emergent circumstances require additional
7 funding for conflict resolution and violence prevention ac-
8 tivities of the Community Relations Service, the Attorney
9 General may transfer such amounts to the Community Re-
10 lations Service, from available appropriations for the cur-
11 rent fiscal year for the Department of Justice, as may be
12 necessary to respond to such circumstances: *Provided fur-*
13 *ther*, That any transfer pursuant to the preceding proviso
14 shall be treated as a reprogramming under section 505
15 of this Act and shall not be available for obligation or ex-
16 penditure except in compliance with the procedures set
17 forth in that section.

18 ASSETS FORFEITURE FUND

19 For expenses authorized by 28 U.S.C. 524(c)(1)(B),
20 (F), and (G), \$20,948,000, to be derived from the Depart-
21 ment of Justice Assets Forfeiture Fund.

22 UNITED STATES MARSHALS SERVICE

23 SALARIES AND EXPENSES

24 For necessary expenses of the United States Mar-
25 shals Service, \$1,123,511,000, of which not to exceed

1 \$6,000 shall be available for official reception and rep-
2 resentation expenses and not to exceed \$10,000,000 shall
3 remain available until expended for information tech-
4 nology systems.

5 CONSTRUCTION

6 For construction in space controlled, occupied or uti-
7 lized by the United States Marshals Service for prisoner
8 holding and related support, \$10,625,000, to remain avail-
9 able until expended.

10 NATIONAL SECURITY DIVISION

11 SALARIES AND EXPENSES

12 For expenses necessary to carry out the activities of
13 the National Security Division, \$87,762,000, of which not
14 to exceed \$5,000,000 for information technology systems
15 shall remain available until expended.

16 INTERAGENCY LAW ENFORCEMENT

17 INTERAGENCY CRIME AND DRUG ENFORCEMENT

18 For necessary expenses for the identification, inves-
19 tigation, and prosecution of individuals associated with the
20 most significant drug trafficking and affiliated money
21 laundering organizations not otherwise provided for, to in-
22 clude inter-governmental agreements with State and local
23 law enforcement agencies engaged in the investigation and
24 prosecution of individuals involved in organized crime drug
25 trafficking, \$527,512,000, of which \$50,000,000 shall re-

1 main available until expended: *Provided*, That any
2 amounts obligated from appropriations under this heading
3 may be used under authorities available to the organiza-
4 tions reimbursed from this appropriation.

5 FEDERAL BUREAU OF INVESTIGATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Bureau of In-
8 vestigation for detection, investigation, and prosecution of
9 crimes against the United States, \$7,994,991,000, of
10 which not to exceed \$150,000,000 shall remain available
11 until expended: *Provided*, That not to exceed \$205,000
12 shall be available for official reception and representation
13 expenses.

14 CONSTRUCTION

15 For necessary expenses, to include the cost of equip-
16 ment, furniture, and information technology requirements,
17 related to construction or acquisition of buildings, facili-
18 ties and sites by purchase, or as otherwise authorized by
19 law; conversion, modification and extension of Federally-
20 owned buildings; preliminary planning and design of
21 projects; and operation and maintenance of secure work
22 environment facilities and secure networking capabilities;
23 \$80,982,000, to remain available until expended.

1 DRUG ENFORCEMENT ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Drug Enforcement Ad-
4 ministration, including not to exceed \$70,000 to meet un-
5 foreseen emergencies of a confidential character pursuant
6 to 28 U.S.C. 530C; and expenses for conducting drug edu-
7 cation and training programs, including travel and related
8 expenses for participants in such programs and the dis-
9 tribution of items of token value that promote the goals
10 of such programs, \$1,975,658,000; of which not to exceed
11 \$75,000,000 shall remain available until expended and not
12 to exceed \$100,000 shall be available for official reception
13 and representation expenses.

14 CONSTRUCTION

15 For necessary expenses, to include the cost of equip-
16 ment, furniture, and information technology requirements,
17 related to construction or acquisition of buildings and of
18 the operation and maintenance of secure work environ-
19 ment facilities and secure networking capabilities,
20 \$10,000,000, to remain available until expended.

21 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

22 EXPLOSIVES

23 SALARIES AND EXPENSES

24 For necessary expenses of the Bureau of Alcohol, To-
25 bacco, Firearms and Explosives, for training of State and

1 local law enforcement agencies with or without reimburse-
2 ment, including training in connection with the training
3 and acquisition of canines for explosives and fire
4 accelerants detection; and for provision of laboratory as-
5 sistance to State and local law enforcement agencies, with
6 or without reimbursement, \$1,112,542,000, of which not
7 to exceed \$40,000 shall be for official reception and rep-
8 resentation expenses, not to exceed \$1,000,000 shall be
9 available for the payment of attorneys' fees as provided
10 by section 924(d)(2) of title 18, United States Code, and
11 not to exceed \$10,000,000 shall remain available until ex-
12 pended: *Provided*, That no funds appropriated herein or
13 hereafter shall be available for salaries or administrative
14 expenses in connection with consolidating or centralizing,
15 within the Department of Justice, the records, or any por-
16 tion thereof, of acquisition and disposition of firearms
17 maintained by Federal firearms licensees: *Provided fur-*
18 *ther*, That no funds appropriated herein or hereafter shall
19 be used to pay administrative expenses or the compensa-
20 tion of any officer or employee of the United States to
21 implement an amendment or amendments to 27 CFR
22 478.118 or to change the definition of "Curios or relics"
23 in 27 CFR 478.11 or remove any item from ATF Publica-
24 tion 5300.11 as it existed on January 1, 1994: *Provided*
25 *further*, That none of the funds appropriated herein shall

1 be available to investigate or act upon applications for re-
2 lief from Federal firearms disabilities under 18 U.S.C.
3 925(c): *Provided further*, That such funds shall be avail-
4 able to investigate and act upon applications filed by cor-
5 porations for relief from Federal firearms disabilities
6 under section 925(c) of title 18, United States Code: *Pro-*
7 *vided further*, That, hereafter, no funds made available by
8 this or any other Act may be used to transfer the func-
9 tions, missions, or activities of the Bureau of Alcohol, To-
10 bacco, Firearms and Explosives to other agencies or De-
11 partments: *Provided further*, That, during the current fis-
12 cal year and in each fiscal year thereafter, no funds appro-
13 priated under this or any other Act may be used to dis-
14 close part or all of the contents of the Firearms Trace
15 System database maintained by the National Trace Center
16 of the Bureau of Alcohol, Tobacco, Firearms and Explo-
17 sives or any information required to be kept by licensees
18 pursuant to section 923(g) of title 18, United States Code,
19 or required to be reported pursuant to paragraphs (3) and
20 (7) of such section, except to: (1) a Federal, State, local,
21 or tribal law enforcement agency, or a Federal, State, or
22 local prosecutor; or (2) a foreign law enforcement agency
23 solely in connection with or for use in a criminal investiga-
24 tion or prosecution; or (3) a Federal agency for a national
25 security or intelligence purpose; unless such disclosure of

1 such data to any of the entities described in (1), (2) or
2 (3) of this proviso would compromise the identity of any
3 undercover law enforcement officer or confidential inform-
4 ant, or interfere with any case under investigation; and
5 no person or entity described in (1), (2) or (3) shall know-
6 ingly and publicly disclose such data; and all such data
7 shall be immune from legal process, shall not be subject
8 to subpoena or other discovery, shall be inadmissible in
9 evidence, and shall not be used, relied on, or disclosed in
10 any manner, nor shall testimony or other evidence be per-
11 mitted based on the data, in a civil action in any State
12 (including the District of Columbia) or Federal court or
13 in an administrative proceeding other than a proceeding
14 commenced by the Bureau of Alcohol, Tobacco, Firearms
15 and Explosives to enforce the provisions of chapter 44 of
16 such title, or a review of such an action or proceeding;
17 except that this proviso shall not be construed to prevent:
18 (A) the disclosure of statistical information concerning
19 total production, importation, and exportation by each li-
20 censed importer (as defined in section 921(a)(9) of such
21 title) and licensed manufacturer (as defined in section
22 921(a)(10) of such title); (B) the sharing or exchange of
23 such information among and between Federal, State, local,
24 or foreign law enforcement agencies, Federal, State, or
25 local prosecutors, and Federal national security, intel-

1 ligenge, or counterterrorism officials; or (C) the publica-
2 tion of annual statistical reports on products regulated by
3 the Bureau of Alcohol, Tobacco, Firearms and Explosives,
4 including total production, importation, and exportation
5 by each licensed importer (as so defined) and licensed
6 manufacturer (as so defined), or statistical aggregate data
7 regarding firearms traffickers and trafficking channels, or
8 firearms misuse, felons, and trafficking investigations:
9 *Provided further*, That, hereafter, no funds made available
10 by this or any other Act shall be expended to promulgate
11 or implement any rule requiring a physical inventory of
12 any business licensed under section 923 of title 18, United
13 States Code: *Provided further*, That, hereafter, no funds
14 made available by this or any other Act may be used to
15 electronically retrieve information gathered pursuant to 18
16 U.S.C. 923(g)(4) by name or any personal identification
17 code: *Provided further*, That, hereafter, no funds author-
18 ized or made available under this or any other Act may
19 be used to deny any application for a license under section
20 923 of title 18, United States Code, or renewal of such
21 a license due to a lack of business activity, provided that
22 the applicant is otherwise eligible to receive such a license,
23 and is eligible to report business income or to claim an
24 income tax deduction for business expenses under the In-
25 ternal Revenue Code of 1986.

1 FEDERAL PRISON SYSTEM
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Federal Prison System
5 for the administration, operation, and maintenance of
6 Federal penal and correctional institutions, and for the
7 provision of technical assistance and advice on corrections
8 related issues to foreign governments, \$6,312,410,000:
9 *Provided*, That the Attorney General may transfer to the
10 Health Resources and Services Administration such
11 amounts as may be necessary for direct expenditures by
12 that Administration for medical relief for inmates of Fed-
13 eral penal and correctional institutions: *Provided further*,
14 That the Director of the Federal Prison System, where
15 necessary, may enter into contracts with a fiscal agent or
16 fiscal intermediary claims processor to determine the
17 amounts payable to persons who, on behalf of the Federal
18 Prison System, furnish health services to individuals com-
19 mitted to the custody of the Federal Prison System: *Pro-*
20 *vided further*, That not to exceed \$6,000 shall be available
21 for official reception and representation expenses: *Pro-*
22 *vided further*, That not to exceed \$50,000,000 shall re-
23 main available for necessary operations until September
24 30, 2013: *Provided further*, That, of the amounts provided
25 for contract confinement, not to exceed \$20,000,000 shall

1 remain available until expended to make payments in ad-
2 vance for grants, contracts and reimbursable agreements,
3 and other expenses authorized by section 501(c) of the
4 Refugee Education Assistance Act of 1980 (8 U.S.C. 1522
5 note), for the care and security in the United States of
6 Cuban and Haitian entrants: *Provided further*, That the
7 Director of the Federal Prison System may accept donated
8 property and services relating to the operation of the pris-
9 on card program from a not-for-profit entity which has
10 operated such program in the past notwithstanding the
11 fact that such not-for-profit entity furnishes services
12 under contracts to the Federal Prison System relating to
13 the operation of pre-release services, halfway houses, or
14 other custodial facilities.

15 BUILDINGS AND FACILITIES

16 For planning, acquisition of sites and construction of
17 new facilities; purchase and acquisition of facilities and re-
18 modeling, and equipping of such facilities for penal and
19 correctional use, including all necessary expenses incident
20 thereto, by contract or force account; and constructing,
21 remodeling, and equipping necessary buildings and facili-
22 ties at existing penal and correctional institutions, includ-
23 ing all necessary expenses incident thereto, by contract or
24 force account, \$98,957,000, to remain available until ex-
25 pended, of which not less than \$73,769,000 shall be avail-

1 able only for modernization, maintenance and repair, and
2 of which not to exceed \$14,000,000 shall be available to
3 construct areas for inmate work programs: *Provided*, That
4 labor of United States prisoners may be used for work
5 performed under this appropriation.

6 FEDERAL PRISON INDUSTRIES, INCORPORATED

7 The Federal Prison Industries, Incorporated, is here-
8 by authorized to make such expenditures, within the limits
9 of funds and borrowing authority available, and in accord
10 with the law, and to make such contracts and commit-
11 ments, without regard to fiscal year limitations as pro-
12 vided by section 9104 of title 31, United States Code, as
13 may be necessary in carrying out the program set forth
14 in the budget for the current fiscal year for such corpora-
15 tion, including purchase (not to exceed five for replace-
16 ment only) and hire of passenger motor vehicles.

17 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
18 PRISON INDUSTRIES, INCORPORATED

19 Not to exceed \$2,700,000 of the funds of the Federal
20 Prison Industries, Incorporated shall be available for its
21 administrative expenses, and for services as authorized by
22 section 3109 of title 5, United States Code, to be com-
23 puted on an accrual basis to be determined in accordance
24 with the corporation's current prescribed accounting sys-
25 tem, and such amounts shall be exclusive of depreciation,

1 payment of claims, and expenditures which such account-
2 ing system requires to be capitalized or charged to cost
3 of commodities acquired or produced, including selling and
4 shipping expenses, and expenses in connection with acqui-
5 sition, construction, operation, maintenance, improvement,
6 protection, or disposition of facilities and other property
7 belonging to the corporation or in which it has an interest.

8 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

9 OFFICE ON VIOLENCE AGAINST WOMEN

10 VIOLENCE AGAINST WOMEN PREVENTION AND

11 PROSECUTION PROGRAMS

12 For grants, contracts, cooperative agreements, and
13 other assistance for the prevention and prosecution of vio-
14 lence against women, as authorized by the Omnibus Crime
15 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
16 et seq.) (“the 1968 Act”); the Violent Crime Control and
17 Law Enforcement Act of 1994 (Public Law 103–322)
18 (“the 1994 Act”); the Victims of Trafficking and Violence
19 Protection Act of 2000 (Public Law 106–386) (“the 2000
20 Act”); and the Violence Against Women and Department
21 of Justice Reauthorization Act of 2005 (Public Law 109–
22 162) (“the 2005 Act”); and for related victims services,
23 \$437,663,000, to remain available until expended: *Pro-*
24 *vided*, That except as otherwise provided by law, not to
25 exceed 3 percent of funds made available under this head-

1 ing may be used for expenses related to evaluation, train-
2 ing, and technical assistance: *Provided further*, That of the
3 amount provided—

4 (1) \$210,000,000 is for grants to combat vio-
5 lence against women, as authorized by part T of the
6 1968 Act, of which—

7 (A) \$18,000,000 shall be for transitional
8 housing assistance grants for victims of domes-
9 tic violence, stalking or sexual assault as au-
10 thorized by section 40299 of the 1994 Act; and

11 (B) \$3,000,000 shall be for the National
12 Institute of Justice for research and evaluation
13 of violence against women and related issues
14 addressed by grant programs of the Office on
15 Violence Against Women;

16 (2) \$55,000,000 is for grants to encourage ar-
17 rest policies as authorized by part U of the 1968
18 Act;

19 (3) \$20,000,000 is for sexual assault victims
20 assistance, as authorized by section 41601 of the
21 1994 Act;

22 (4) \$41,000,000 is for rural domestic violence
23 and child abuse enforcement assistance grants, as
24 authorized by section 40295 of the 1994 Act;

1 (5) \$9,500,000 is for grants to reduce violent
2 crimes against women on campus, as authorized by
3 section 304 of the 2005 Act;

4 (6) \$41,000,000 is for legal assistance for vic-
5 tims, as authorized by section 1201 of the 2000 Act;

6 (7) \$4,250,000 is for enhanced training and
7 services to end violence against and abuse of women
8 in later life, as authorized by section 40802 of the
9 1994 Act;

10 (8) \$11,663,000 is for the safe havens for chil-
11 dren program, as authorized by section 1301 of the
12 2000 Act;

13 (9) \$5,750,000 is for education and training to
14 end violence against and abuse of women with dis-
15 abilities, as authorized by section 1402 of the 2000
16 Act;

17 (10) \$1,000,000 is for analysis and research on
18 violence against Indian women, as authorized by sec-
19 tion 904 of the 2005 Act;

20 (11) \$3,000,000 is for an engaging men and
21 youth in prevention program, as authorized by sec-
22 tion 41305 of the 1994 Act;

23 (12) \$3,500,000 is for services to advocate and
24 respond to youth, as authorized by section 41201 of
25 the 1994 Act;

1 (13) \$3,000,000 is for grants to assist children
2 and youth exposed to violence, as authorized by sec-
3 tion 41303 of the 1994 Act;

4 (14) \$2,500,000 is for the Supporting Teens
5 through Education and Protection program, as au-
6 thorized by section 41204 of the 1994 Act;

7 (15) \$5,000,000 is for the court training and
8 improvements program, as authorized by section
9 41002 of the 1994 Act;

10 (16) \$1,000,000 is for the National Resource
11 Center on Workplace Responses to assist victims of
12 domestic violence, as authorized by section 41501 of
13 the 1994 Act;

14 (17) \$500,000 is for the Office on Violence
15 Against Women to establish a national clearinghouse
16 that provides training and technical assistance on
17 issues relating to sexual assault of American Indian
18 and Alaska Native women; and

19 (18) \$20,000,000 is for management and ad-
20 ministration of programs under this heading.

21 OFFICE OF JUSTICE PROGRAMS

22 RESEARCH, EVALUATION AND STATISTICS

23 For grants, contracts, cooperative agreements, and
24 other assistance authorized by title I of the Omnibus
25 Crime Control and Safe Streets Act of 1968 (“the 1968

1 Act”); the Juvenile Justice and Delinquency Prevention
2 Act of 1974 (“the 1974 Act”); subtitle D of title II of
3 the Homeland Security Act of 2002 (Public Law 107–
4 296) (“the 2002 Act”); and other programs,
5 \$182,585,000, to remain available until expended, of
6 which—

7 (1) \$46,585,000 is for criminal justice statistics
8 programs, and other activities, as authorized by part
9 C of title I of the 1968 Act;

10 (2) \$41,000,000 is for research, development,
11 and evaluation programs, and other activities as au-
12 thorized by part B of title I of the 1968 Act and
13 subtitle D of title II of the 2002 Act;

14 (3) \$25,000,000 is for regional information
15 sharing activities, as authorized by part M of title I
16 of the 1968 Act; and

17 (4) \$70,000,000 is for missing and exploited
18 children programs, including as authorized by sec-
19 tions 404(b) and 405(a) of the 1974 Act.

20 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

21 For grants, contracts, cooperative agreements, and
22 other assistance authorized by the Violent Crime Control
23 and Law Enforcement Act of 1994 (Public Law 103–322)
24 (“the 1994 Act”); the Omnibus Crime Control and Safe
25 Streets Act of 1968 (“the 1968 Act”); the Victims of

1 Child Abuse Act of 1990 (Public Law 101–647) (“the
2 1990 Act”); the Trafficking Victims Protection Reauthor-
3 ization Act of 2005 (Public Law 109–164) (“the 2005
4 Act”); the Victims of Trafficking and Violence Protection
5 Act of 2000 (Public Law 106–386); the Adam Walsh
6 Child Protection and Safety Act of 2006 (Public Law
7 109–248) (“the Adam Walsh Act”); the NICS Improve-
8 ment Amendments Act of 2007 (Public Law 110–180);
9 the Second Chance Act of 2007 (Public Law 110–199);
10 the Prioritizing Resources and Organization for Intellect-
11 ual Property Act of 2008 (Public Law 110–403); the Ju-
12 venile Justice and Delinquency Prevention Act of 1974
13 (“the 1974 Act”); and other programs, \$1,048,985,000,
14 to remain available until expended as follows—

15 (1) \$357,265,000 for the Edward Byrne Memo-
16 rial Justice Assistance Grant program as authorized
17 by subpart 1 of part E of title I of the 1968 Act,
18 (except that section 1001(c), and the special rules
19 for Puerto Rico under section 505(g), of title I of
20 the 1968 Act, shall not apply for purposes of this
21 Act), of which \$5,000,000 is for use by the National
22 Institute of Justice for research targeted toward de-
23 veloping a better understanding of the domestic
24 radicalization phenomenon, and advancing evidence-
25 based strategies for effective intervention and pre-

1 vention; \$6,000,000 is for activities related to com-
2 prehensive criminal justice reform and recidivism re-
3 duction efforts by States; and \$4,000,000 is for
4 grants for law enforcement activities associated with
5 the presidential nominating conventions;

6 (2) \$25,730,000 for the Southwest Border
7 Prosecutor Initiative to reimburse State, county,
8 parish, tribal, or municipal governments for costs as-
9 sociated with the prosecution of criminal cases de-
10 clined by local offices of the United States Attor-
11 neys;

12 (3) \$15,000,000 for competitive grants to im-
13 prove the functioning of the criminal justice system,
14 to prevent or combat juvenile delinquency, and to as-
15 sist victims of crime (other than compensation);

16 (4) \$2,000,000 for the purposes described in
17 the Missing Alzheimer's Disease Patient Alert Pro-
18 gram (section 240001 of the 1994 Act);

19 (5) \$10,500,000 for victim services programs
20 for victims of trafficking, as authorized by section
21 107(b)(2) of Public Law 106–386 and for programs
22 authorized under the 2005 Act;

23 (6) \$40,000,000 for drug courts, as authorized
24 by section 1001(a)(25)(A) of title I of the 1968 Act;

1 (7) \$7,000,000 for a program to monitor pre-
2 scription drugs and scheduled listed chemical prod-
3 ucts;

4 (8) \$12,500,000 for prison rape prevention and
5 prosecution and other programs, as authorized by
6 the Prison Rape Elimination Act of 2003 (Public
7 Law 108–79);

8 (9) \$15,000,000 for grants for Residential Sub-
9 stance Abuse Treatment for State Prisoners, as au-
10 thorized by part S of title I of the 1968 Act;

11 (10) \$1,000,000 for grants for wrongful convic-
12 tion review;

13 (11) \$9,960,000 for mental health courts and
14 adult and juvenile collaboration program grants, as
15 authorized by parts V and HH of title I of the 1968
16 Act and the Mentally Ill Offender Treatment and
17 Crime Reduction Reauthorization and Improvement
18 Act of 2008 (Public Law 110–416);

19 (12) \$41,500,000 for assistance to Indian
20 tribes, of which—

21 (A) \$8,300,000 shall be available for
22 grants under section 20109 of subtitle A of title
23 II of the 1994 Act;

24 (B) \$20,750,000 shall be available for the
25 Tribal Courts Initiative;

1 (C) \$9,960,000 shall be available for tribal
2 alcohol and substance abuse reduction assist-
3 ance grants; and

4 (D) \$2,490,000 shall be available for train-
5 ing and technical assistance and civil and crimi-
6 nal legal assistance as authorized by title I of
7 Public Law 106–559;

8 (13) \$4,000,000 for economic, high technology
9 and Internet crime prevention grants, including as
10 authorized by section 401 of Public Law 110–403;

11 (14) \$6,000,000 for the court-appointed special
12 advocate program, as authorized by section 217 of
13 the 1990 Act;

14 (15) \$24,900,000 for the matching grant pro-
15 gram for law enforcement armor vests, as authorized
16 by section 2501 of title I of the 1968 Act, of which
17 \$1,500,000 is for related research, testing, and eval-
18 uation programs;

19 (16) \$5,000,000 for grants to assist State and
20 tribal governments, as authorized by the NICS Im-
21 provements Amendments Act of 2007;

22 (17) \$6,000,000 for the National Criminal His-
23 tory Improvement Program for grants to upgrade
24 criminal records;

1 (18) \$70,000,000 for offender re-entry pro-
2 grams, as authorized by the Second Chance Act of
3 2007;

4 (19) \$40,000,000 for programs authorized by
5 section 221 of the 1974 Act and for training and
6 technical assistance to assist small, non-profit orga-
7 nizations with the Federal grants process;

8 (20) \$83,000,000 for youth mentoring grants;

9 (21) \$15,000,000 for programs authorized by
10 the 1990 Act;

11 (22) \$15,000,000 for anti-methamphetamine-
12 related activities, which shall be transferred to the
13 Drug Enforcement Administration upon enactment
14 of this Act;

15 (23) \$133,630,000 for DNA-related and foren-
16 sic programs and activities, of which—

17 (A) \$125,330,000 is for a DNA analysis
18 and capacity enhancement program and for
19 other local, State, and Federal forensic activi-
20 ties including the purposes authorized under
21 section 2 of the DNA Analysis Backlog Elimini-
22 nation Act of 2000 (the Debbie Smith DNA
23 Backlog Grant Program);

24 (B) \$4,150,000 is for the purposes de-
25 scribed in the Kirk Bloodsworth Post-Convic-

1 tion DNA Testing Program (section 412 of
2 Public Law 108–405); and

3 (C) \$4,150,000 is for Sexual Assault Fo-
4 rensic Exam Program Grants, as authorized by
5 section 304 of Public Law 108–405;

6 (24) \$20,000,000 for improving tribal law en-
7 forcement, including equipment and training;

8 (25) \$9,000,000 to assist State and local law
9 enforcement to locate, arrest and prosecute child
10 sexual predators and exploiters, and to enforce sex
11 offender registration laws; and

12 (26) \$80,000,000 for management and admin-
13 istration of programs within the Office of Justice
14 Programs:

15 *Provided*, That not more than 10 percent of the
16 amounts provided in paragraphs (19) through (21)
17 under this heading may be used for research, evalua-
18 tion, and statistics activities designed to benefit the
19 programs or activities authorized: *Provided further*,
20 That not more than 2 percent of the amounts pro-
21 vided in paragraphs (19) through (21) may be used
22 for training and technical assistance.

23 PUBLIC SAFETY OFFICER BENEFITS

24 For payments and expenses authorized under section
25 1001(a)(4) of title I of the Omnibus Crime Control and

1 Safe Streets Act of 1968, such sums as are necessary (in-
2 cluding amounts for administrative costs), to remain avail-
3 able until expended; and \$16,300,000 for payments au-
4 thorized by section 1201(b) of such Act and for edu-
5 cational assistance authorized by section 1218 of such Act,
6 to remain available until expended: *Provided*, That not-
7 withstanding section 205 of this Act, upon a determina-
8 tion by the Attorney General that emergent circumstances
9 require additional funding for such disability and edu-
10 cation payments, the Attorney General may transfer such
11 amounts to “Public Safety Officer Benefits” from avail-
12 able appropriations for the current fiscal year for the De-
13 partment of Justice as may be necessary to respond to
14 such circumstances: *Provided further*, That any transfer
15 pursuant to the previous proviso shall be treated as a re-
16 programming under section 505 of this Act and shall not
17 be available for obligation or expenditure except in compli-
18 ance with the procedures set forth in that section.

19 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

20 SEC. 201. In addition to amounts otherwise made
21 available in this title for official reception and representa-
22 tion expenses, a total of not to exceed \$50,000 from funds
23 appropriated to the Department of Justice in this title
24 shall be available to the Attorney General for official re-
25 ception and representation expenses.

1 SEC. 202. None of the funds appropriated by this
2 title shall be available to pay for an abortion, except where
3 the life of the mother would be endangered if the fetus
4 were carried to term, or in the case of rape: *Provided*,
5 That should this prohibition be declared unconstitutional
6 by a court of competent jurisdiction, this section shall be
7 null and void.

8 SEC. 203. None of the funds appropriated under this
9 title shall be used to require any person to perform, or
10 facilitate in any way the performance of, any abortion.

11 SEC. 204. Nothing in the preceding section shall re-
12 move the obligation of the Director of the Bureau of Pris-
13 ons to provide escort services necessary for a female in-
14 mate to receive such service outside the Federal facility:
15 *Provided*, That nothing in this section in any way dimin-
16 ishes the effect of section 203 intended to address the phil-
17 osophical beliefs of individual employees of the Bureau of
18 Prisons.

19 SEC. 205. Not to exceed 5 percent of any appropria-
20 tion made available for the current fiscal year for the De-
21 partment of Justice in this Act may be transferred be-
22 tween such appropriations, but no such appropriation, ex-
23 cept as otherwise specifically provided, shall be increased
24 by more than 10 percent by any such transfers: *Provided*,
25 That any transfer pursuant to this section shall be treated

1 as a reprogramming of funds under section 505 of this
2 Act and shall not be available for obligation except in com-
3 pliance with the procedures set forth in that section.

4 SEC. 206. The Attorney General is authorized to ex-
5 tend through September 30, 2013, the Personnel Manage-
6 ment Demonstration Project transferred to the Attorney
7 General pursuant to section 1115 of the Homeland Secu-
8 rity Act of 2002, Public Law 107–296 (28 U.S.C. 599B)
9 without limitation on the number of employees or the posi-
10 tions covered.

11 SEC. 207. Notwithstanding any other provision of
12 law, Public Law 102–395 section 102(b) shall extend to
13 the Bureau of Alcohol, Tobacco, Firearms and Explosives
14 in the conduct of undercover investigative operations and
15 shall apply without fiscal year limitation with respect to
16 any undercover investigative operation by the Bureau of
17 Alcohol, Tobacco, Firearms and Explosives that is nec-
18 essary for the detection or prosecution of crimes against
19 the United States.

20 SEC. 208. None of the funds made available to the
21 Department of Justice in this Act may be used for the
22 purpose of transporting an individual who is a prisoner
23 pursuant to conviction for crime under State or Federal
24 law and is classified as a maximum or high security pris-
25 oner, other than to a prison or other facility certified by

1 the Federal Bureau of Prisons as appropriately secure for
2 housing such a prisoner.

3 SEC. 209. (a) None of the funds appropriated by this
4 Act may be used by Federal prisons to purchase cable tele-
5 vision services, to rent or purchase videocassettes, video-
6 cassette recorders, or other audiovisual or electronic equip-
7 ment used primarily for recreational purposes.

8 (b) The preceding sentence does not preclude the
9 renting, maintenance, or purchase of audiovisual or elec-
10 tronic equipment for inmate training, religious, or edu-
11 cational programs.

12 SEC. 210. None of the funds made available under
13 this title shall be obligated or expended for any informa-
14 tion technology project having total estimated development
15 costs exceeding \$100,000,000, unless the Deputy Attorney
16 General and the investment review board certify to the
17 Committees on Appropriations that the information tech-
18 nology program has appropriate program management
19 controls and contractor oversight mechanisms in place,
20 and that the program is compatible with the enterprise
21 architecture of the Department of Justice.

22 SEC. 211. The notification thresholds and procedures
23 set forth in section 505 of this Act shall apply to devi-
24 ations from the amounts designated for specific activities
25 in this Act and accompanying statement, and to any use

1 of deobligated balances of funds provided under this title
2 in previous years.

3 SEC. 212. None of the funds appropriated by this Act
4 may be used to plan for, begin, continue, finish, process,
5 or approve a public-private competition under the Office
6 of Management and Budget Circular A-76 or any suc-
7 cessor administrative regulation, directive, or policy for
8 work performed by employees of the Bureau of Prisons
9 or of Federal Prison Industries, Incorporated.

10 SEC. 213. (a) Within 60 days of enactment of this
11 Act, the Attorney General shall report to the Committees
12 on Appropriations of the House of Representatives and the
13 Senate a cost and schedule estimate for the final operating
14 capability of the Federal Bureau of Investigation's Sen-
15 tinel program, including the costs of Bureau employees en-
16 gaged in development work, the costs of operating and
17 maintaining Sentinel for two years after achievement of
18 the final operating capability, and a detailed list of the
19 functionalities included in the final operating capability
20 compared to the functionalities included in the previous
21 program baseline.

22 (b) The report described in subsection (a) shall be
23 submitted concurrently to the Department of Justice Of-
24 fice of Inspector General (OIG) and, within 60 days of
25 receiving such report, the OIG shall provide an assessment

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

3 SEC. 214. In addition to any amounts that otherwise
4 may be available (or authorized to be made available) by
5 law, with respect to funds appropriated by this title under
6 the headings “Research, Evaluation and Statistics” and
7 “State and Local Law Enforcement Assistance”—

8 (1) up to 3 percent of funds made available to
9 the Office of Justice Programs for grant or reim-
10 bursement programs may be used to provide training
11 and technical assistance; and

12 (2) up to 1 percent of funds made available to
13 such Office for formula grants under such headings
14 may be used for research, evaluation, or statistical
15 programs administered by the National Institute of
16 Justice or the Bureau of Justice Statistics, pursuant
17 to, respectively, sections 201, 202, 301 and 302 of
18 title I of Public Law 90–351.

19 SEC. 215. The Attorney General may, upon request
20 by a grantee and based upon a determination of fiscal
21 hardship, waive the requirements of sections 2976(g)(1),
22 2978(e)(1) and (2), and 2904 of title I of the Omnibus
23 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
24 3797w(g)(1), 3797w-2(e)(1) and (2), 3797q-3) with re-
25 spect to funds appropriated in this or any other Act mak-

1 ing appropriations for fiscal years 2010 through 2012 for
2 Adult and Juvenile Offender State and Local Reentry
3 Demonstration Projects and State, Tribal, and Local Re-
4 entry Courts authorized under part FF of title I of such
5 Act of 1968, and the Prosecution Drug Treatment Alter-
6 natives to Prison Program authorized under part CC of
7 such Act.

8 SEC. 216. (a) The Attorney General shall submit
9 quarterly reports to the Inspector General of the Depart-
10 ment of Justice regarding the costs and contracting proce-
11 dures relating to each conference held by the Department
12 of Justice during fiscal year 2010 for which the cost to
13 the Government was more than \$20,000.

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

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

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

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

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

23 and

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

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

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

8 (B) a discussion of any cost comparison
9 conducted by the Department of Justice in eval-
10 uating potential contractors for that conference.

11 SEC. 217. For purposes of the allocation under sec-
12 tion 505(d)(1) of title I of Public Law 90–351 (42 U.S.C.
13 3755(d)(1)) for fiscal year 2012, the Attorney General is
14 authorized to waive the application of section 505(e)(3)
15 (42 U.S.C. 3755(e)(3)) to any non-reporting unit of local
16 government that—

17 (1) was eligible to receive an allocation under
18 section 505(d)(2)(B) (42 U.S.C. 3755(d)(2)(B));

19 (2) agrees to begin to report timely data on
20 part I violent crimes of the Uniform Crime Reports
21 to the Federal Bureau of Investigation by not later
22 than the end of such fiscal year; and

23 (3) does so begin in accordance with such
24 agreement.

1 tional Science and Technology Policy, Organization, and
2 Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of
3 passenger motor vehicles, and services as authorized by
4 5 U.S.C. 3109, not to exceed \$2,500 for official reception
5 and representation expenses, and rental of conference
6 rooms in the District of Columbia, \$3,000,000.

7 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
8 SCIENCE

9 For necessary expenses, not otherwise provided for,
10 in the conduct and support of science research and devel-
11 opment activities, including research, development, oper-
12 ations, support, and services; maintenance and repair, fa-
13 cility planning and design; space flight, spacecraft control,
14 and communications activities; program management; per-
15 sonnel and related costs, including uniforms or allowances
16 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
17 penses; purchase and hire of passenger motor vehicles; and
18 purchase, lease, charter, maintenance, and operation of
19 mission and administrative aircraft, \$4,504,000,000, to
20 remain available until September 30, 2013, of which up
21 to \$10,000,000 shall be available for a reimbursable agree-
22 ment with the Department of Energy for the purpose of
23 re-establishing facilities to produce fuel required for radio-
24 isotope thermoelectric generators to enable future mis-
25 sions: *Provided*, That NASA shall implement the rec-

1 ommendations of the most recent National Research
2 Council planetary decadal survey and shall follow the
3 decadal survey's recommended decision rules regarding
4 program implementation, including a strict adherence to
5 the recommendation that NASA include in a balanced pro-
6 gram a flagship class mission if such mission can be ap-
7 propriately de-scoped and accommodated within the over-
8 all funding levels appropriated by Congress.

9
10 AERONAUTICS

11 For necessary expenses, not otherwise provided for,
12 in the conduct and support of aeronautics research and
13 development activities, including research, development,
14 operations, support, and services; maintenance and repair,
15 facility planning and design; space flight, spacecraft con-
16 trol, and communications activities; program manage-
17 ment; personnel and related costs, including uniforms or
18 allowances therefor, as authorized by 5 U.S.C. 5901–
19 5902; travel expenses; purchase and hire of passenger
20 motor vehicles; and purchase, lease, charter, maintenance,
21 and operation of mission and administrative aircraft,
22 \$569,930,000, to remain available until September 30,
23 2013.

24 SPACE TECHNOLOGY

25 For necessary expenses, not otherwise provided for,
in the conduct and support of space research and tech-

1 nology development activities, including research, develop-
2 ment, operations, support, and services; maintenance and
3 repair, facility planning and design; space flight, space-
4 craft control, and communications activities; program
5 management; personnel and related costs, including uni-
6 forms or allowances therefor, as authorized by 5 U.S.C.
7 5901–5902; travel expenses; purchase and hire of pas-
8 senger motor vehicles; and purchase, lease, charter, main-
9 tenance, and operation of mission and administrative air-
10 craft, \$375,000,000, to remain available until September
11 30, 2013.

12 EXPLORATION

13 For necessary expenses, not otherwise provided for,
14 in the conduct and support of exploration research and
15 development activities, including research, development,
16 operations, support, and services; maintenance and repair,
17 facility planning and design; space flight, spacecraft con-
18 trol, and communications activities; program manage-
19 ment; personnel and related costs, including uniforms or
20 allowances therefor, as authorized by 5 U.S.C. 5901–
21 5902; travel expenses; purchase and hire of passenger
22 motor vehicles; and purchase, lease, charter, maintenance,
23 and operation of mission and administrative aircraft,
24 \$3,649,000,000, to remain available until September 30,
25 2013: *Provided*, That not less than \$1,063,000,000 shall

EDUCATION

1
2 For necessary expenses, not otherwise provided for,
3 in carrying out aerospace and aeronautical education re-
4 search and development activities, including research, de-
5 velopment, operations, support, and services; program
6 management; personnel and related costs, including uni-
7 forms or allowances therefor, as authorized by 5 U.S.C.
8 5901–5902; travel expenses; purchase and hire of pas-
9 senger motor vehicles; and purchase, lease, charter, main-
10 tenance, and operation of mission and administrative air-
11 craft, \$138,000,000, to remain available until September
12 30, 2013.

CROSS AGENCY SUPPORT

13
14 For necessary expenses, not otherwise provided for,
15 in the conduct and support of science, aeronautics, explo-
16 ration, space operations and education research and devel-
17 opment activities, including research, development, oper-
18 ations, support, and services; maintenance and repair, fa-
19 cility planning and design; space flight, spacecraft control,
20 and communications activities; program management; per-
21 sonnel and related costs, including uniforms or allowances
22 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
23 penses; purchase and hire of passenger motor vehicles; not
24 to exceed \$70,000 for official reception and representation
25 expenses; and purchase, lease, charter, maintenance, and

1 operation of mission and administrative aircraft,
2 \$3,050,000,000, to remain available until September 30,
3 2013, of which \$1,000,000 shall be transferred to “Na-
4 tional Aeronautics and Space Administration, Office of In-
5 spector General” and used by the Inspector General to
6 commission a comprehensive independent assessment of
7 NASA’s strategic direction and agency management.

8 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
9 RESTORATION

10 For necessary expenses for construction of facilities
11 including repair, rehabilitation, revitalization, and modi-
12 fication of facilities, construction of new facilities and ad-
13 ditions to existing facilities, facility planning and design,
14 and restoration, and acquisition or condemnation of real
15 property, as authorized by law, and environmental compli-
16 ance and restoration, \$424,000,000, to remain available
17 until September 30, 2017: *Provided*, That hereafter, not-
18 withstanding section 315 of the National Aeronautics and
19 Space Act of 1958 (42 U.S.C. 2459j), all proceeds from
20 leases entered into under that section shall be deposited
21 into this account and shall be available for a period of
22 5 years, to the extent provided in annual appropriations
23 Acts: *Provided further*, That such proceeds shall be avail-
24 able for obligation for fiscal year 2012 in an amount not
25 to exceed \$3,960,000: *Provided further*, That each annual

1 budget request shall include an annual estimate of gross
2 receipts and collections and proposed use of all funds col-
3 lected pursuant to section 315 of the National Aeronautics
4 and Space Act of 1958 (42 U.S.C. 2459j): *Provided fur-*
5 *ther*, That 51 U.S.C. 20145(b)(1) is amended by inserting
6 “(A)” before “A person” and by adding at the end thereof
7 the following new subparagraph (B) as follows:

8 “(B) Notwithstanding subparagraph (A), the
9 Administrator may accept in-kind consideration for
10 leases entered into for the purpose of developing re-
11 newable energy production facilities.”.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the Inspector General Act of 1978,
15 \$36,327,000, of which \$500,000 shall remain available
16 until September 30, 2013.

17 ADMINISTRATIVE PROVISIONS

18 Funds for announced prizes otherwise authorized
19 shall remain available, without fiscal year limitation, until
20 the prize is claimed or the offer is withdrawn.

21 The amounts made available in this Act for each ac-
22 count under the heading “National Aeronautics and Space
23 Administration” shall be for the programs, projects, and
24 activities, and in the amounts, specified for such account
25 in the table under the heading “National Aeronautics and

1 Space Administration” in the report accompanying this
2 Act.

3 Not to exceed 5 percent of any appropriation made
4 available for the current fiscal year for the National Aero-
5 nautics and Space Administration in this Act may be
6 transferred between such appropriations, but no such ap-
7 propriation, except as otherwise specifically provided, shall
8 be increased by more than 10 percent (or, in the case of
9 “Construction and Environmental Compliance and Res-
10 toration”, 15 percent) by any such transfers. Balances so
11 transferred shall be merged with and available for the
12 same purposes and the same time period as the appropria-
13 tions to which transferred. Any transfer pursuant to this
14 provision shall be treated as a reprogramming of funds
15 under section 505 of this Act and shall not be available
16 for obligation except in compliance with the procedures set
17 forth in that section.

18 Section 1105 of the National Aeronautics and Space
19 Administration Authorization Act of 2010 (42 U.S.C.
20 18431), is amended by striking “The Administrator may
21 not” and all that follows through “inefficiency.”.

22 The unexpired balances of previous accounts, for ac-
23 tivities for which funds are provided under this Act, may
24 be transferred to the new accounts established in this Act
25 that provide such activity. Balances so transferred shall

1 be merged with the funds in the newly established ac-
2 counts, but shall be available under the same terms, condi-
3 tions and period of time as previously appropriated.

4 Section 40902 of title 51, United States Code, is
5 amended by adding at the end the following:

6 “(d) AVAILABILITY OF FUNDS.—The interest accru-
7 ing from the National Aeronautics and Space Administra-
8 tion Endeavor Teacher Fellowship Trust Fund principal
9 shall be available in fiscal year 2012 for the purpose of
10 the Endeavor Science Teacher Certificate Program.”.

11 The spending plan required by section 537 of this Act
12 shall be provided by NASA at the theme, program, project
13 and activity level. The spending plan, as well as any subse-
14 quent change of an amount established in that spending
15 plan that meets the notification requirements of section
16 505 of this Act, shall be treated as a reprogramming
17 under section 505 of this Act and shall not be available
18 for obligation or expenditure except in compliance with the
19 procedures set forth in that section.

20 NATIONAL SCIENCE FOUNDATION

21 RESEARCH AND RELATED ACTIVITIES

22 For necessary expenses in carrying out the National
23 Science Foundation Act of 1950, as amended (42 U.S.C.
24 1861–1875), and the Act to establish a National Medal
25 of Science (42 U.S.C. 1880–1881); services as authorized

1 by 5 U.S.C. 3109; maintenance and operation of aircraft
2 and purchase of flight services for research support; acqui-
3 sition of aircraft; and authorized travel; \$5,606,964,000,
4 to remain available until September 30, 2013, of which
5 not to exceed \$550,000,000 shall remain available until
6 expended for polar research and operations support, and
7 for reimbursement to other Federal agencies for oper-
8 ational and science support and logistical and other re-
9 lated activities for the United States Antarctic program:
10 *Provided*, That receipts for scientific support services and
11 materials furnished by the National Research Centers and
12 other National Science Foundation supported research fa-
13 cilities may be credited to this appropriation.

14 MAJOR RESEARCH EQUIPMENT AND FACILITIES

15 CONSTRUCTION

16 For necessary expenses for the acquisition, construc-
17 tion, commissioning, and upgrading of major research
18 equipment, facilities, and other such capital assets pursu-
19 ant to the National Science Foundation Act of 1950, as
20 amended (42 U.S.C. 1861–1875), including authorized
21 travel, \$100,000,000, to remain available until expended:
22 *Provided*, That none of the funds may be used to reim-
23 burse the Judgment Fund.

1 EDUCATION AND HUMAN RESOURCES

2 For necessary expenses in carrying out science, math-
3 ematics and engineering education and human resources
4 programs and activities pursuant to the National Science
5 Foundation Act of 1950, as amended (42 U.S.C. 1861–
6 1875), including services as authorized by 5 U.S.C. 3109,
7 authorized travel, and rental of conference rooms in the
8 District of Columbia, \$835,000,000, to remain available
9 until September 30, 2013.

10 AGENCY OPERATIONS AND AWARD MANAGEMENT

11 For agency operations and award management nec-
12 essary in carrying out the National Science Foundation
13 Act of 1950, as amended (42 U.S.C. 1861–1875); services
14 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
15 hicles; not to exceed \$9,000 for official reception and rep-
16 resentation expenses; uniforms or allowances therefor, as
17 authorized by 5 U.S.C. 5901–5902; rental of conference
18 rooms in the District of Columbia; and reimbursement of
19 the Department of Homeland Security for security guard
20 services; \$299,400,000: *Provided*, That contracts may be
21 entered into under this heading in fiscal year 2012 for
22 maintenance and operation of facilities and for other serv-
23 ices to be provided during the next fiscal year.

1 OFFICE OF THE NATIONAL SCIENCE BOARD

2 For necessary expenses (including payment of sala-
3 ries, authorized travel, hire of passenger motor vehicles,
4 the rental of conference rooms in the District of Columbia,
5 and the employment of experts and consultants under sec-
6 tion 3109 of title 5, United States Code) involved in car-
7 rying out section 4 of the National Science Foundation
8 Act of 1950, as amended (42 U.S.C. 1863) and Public
9 Law 86–209 (42 U.S.C. 1880 et seq.), \$4,531,000: *Pro-*
10 *vided*, That not to exceed \$2,500 shall be available for offi-
11 cial reception and representation expenses.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General as authorized by the Inspector General Act of
15 1978, as amended, \$13,972,000.

16 ADMINISTRATIVE PROVISION

17 Not to exceed 5 percent of any appropriation made
18 available for the current fiscal year for the National
19 Science Foundation in this Act may be transferred be-
20 tween such appropriations, but no such appropriation shall
21 be increased by more than 15 percent by any such trans-
22 fers. Any transfer pursuant to this section shall be treated
23 as a reprogramming of funds under section 505 of this
24 Act and shall not be available for obligation except in com-
25 pliance with the procedures set forth in that section.

1 This title may be cited as the “Science Appropria-
2 tions Act, 2012”.

3 TITLE IV—RELATED AGENCIES

4 COMMISSION ON CIVIL RIGHTS

5 SALARIES AND EXPENSES

6 For necessary expenses of the Commission on Civil
7 Rights, including hire of passenger motor vehicles,
8 \$8,000,000: *Provided*, That none of the funds appro-
9 priated in this paragraph shall be used to employ in excess
10 of four full-time individuals under Schedule C of the Ex-
11 cepted Service exclusive of one special assistant for each
12 Commissioner: *Provided further*, That none of the funds
13 appropriated in this paragraph shall be used to reimburse
14 Commissioners for more than 75 billable days, with the
15 exception of the chairperson, who is permitted 125 billable
16 days.

17 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Equal Employment
20 Opportunity Commission as authorized by title VII of the
21 Civil Rights Act of 1964, the Age Discrimination in Em-
22 ployment Act of 1967, the Equal Pay Act of 1963, the
23 Americans with Disabilities Act of 1990, the Civil Rights
24 Act of 1991, the Genetic Information Non-Discrimination
25 Act (GINA) of 2008 (Public Law 110–233), the ADA

1 Amendments Act of 2008 (Public Law 110–325), and the
2 Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–
3 2), including services as authorized by 5 U.S.C. 3109; hire
4 of passenger motor vehicles as authorized by 31 U.S.C.
5 1343(b); nonmonetary awards to private citizens; and not
6 to exceed \$30,000,000 for payments to State and local en-
7 forcement agencies for authorized services to the Commis-
8 sion, \$366,568,000: *Provided*, That the Commission is au-
9 thorized to make available for official reception and rep-
10 resentation expenses not to exceed \$2,500 from available
11 funds: *Provided further*, That the Chair is authorized to
12 accept and use any gift or donation to carry out the work
13 of the Commission.

14 INTERNATIONAL TRADE COMMISSION

15 SALARIES AND EXPENSES

16 For necessary expenses of the International Trade
17 Commission, including hire of passenger motor vehicles,
18 and services as authorized by 5 U.S.C. 3109, and not to
19 exceed \$2,500 for official reception and representation ex-
20 penses, \$81,696,000, to remain available until expended.

21 LEGAL SERVICES CORPORATION

22 PAYMENT TO THE LEGAL SERVICES CORPORATION

23 For payment to the Legal Services Corporation to
24 carry out the purposes of the Legal Services Corporation
25 Act of 1974, \$300,000,000, of which \$274,400,000 is for

1 basic field programs and required independent audits;
2 \$4,200,000 is for the Office of Inspector General, of which
3 such amounts as may be necessary may be used to conduct
4 additional audits of recipients; \$17,000,000 is for manage-
5 ment and grants oversight; \$3,400,000 is for client self-
6 help and information technology; and \$1,000,000 is for
7 loan repayment assistance: *Provided*, That the Legal Serv-
8 ices Corporation may continue to provide locality pay to
9 officers and employees at a rate no greater than that pro-
10 vided by the Federal Government to Washington, DC-
11 based employees as authorized by 5 U.S.C. 5304, notwith-
12 standing section 1005(d) of the Legal Services Corpora-
13 tion Act, 42 U.S.C. 2996(d).

14 ADMINISTRATIVE PROVISION—LEGAL SERVICES

15 CORPORATION

16 None of the funds appropriated in this Act to the
17 Legal Services Corporation shall be expended for any pur-
18 pose prohibited or limited by, or contrary to any of the
19 provisions of, sections 501, 502, 503, 504, 505, and 506
20 of Public Law 105–119, and all funds appropriated in this
21 Act to the Legal Services Corporation shall be subject to
22 the same terms and conditions set forth in such sections,
23 except that all references in sections 502 and 503 to 1997
24 and 1998 shall be deemed to refer instead to 2011 and
25 2012, respectively.

1 MARINE MAMMAL COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Marine Mammal Com-
4 mission as authorized by title II of Public Law 92-522,
5 \$3,025,000.

6 OFFICE OF THE UNITED STATES TRADE

7 REPRESENTATIVE

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of the United
10 States Trade Representative, including the hire of pas-
11 senger motor vehicles and the employment of experts and
12 consultants as authorized by 5 U.S.C. 3109, \$51,251,000,
13 of which \$1,000,000 shall remain available until expended:
14 *Provided*, That not to exceed \$124,000 shall be available
15 for official reception and representation expenses.

16 STATE JUSTICE INSTITUTE

17 SALARIES AND EXPENSES

18 For necessary expenses of the State Justice Institute,
19 as authorized by the State Justice Institute Authorization
20 Act of 1984 (42 U.S.C. 10701 et seq.) \$5,121,000, of
21 which \$500,000 shall remain available until September 30,
22 2013: *Provided*, That not to exceed \$2,500 shall be avail-
23 able for official reception and representation expenses.

1 TITLE V—GENERAL PROVISIONS

2 (INCLUDING RESCISSIONS)

3 SEC. 501. No part of any appropriation contained in
4 this Act shall be used for publicity or propaganda purposes
5 not authorized by the Congress.

6 SEC. 502. 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. 503. The expenditure of any appropriation
10 under this Act for any consulting service through procure-
11 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
12 to those contracts where such expenditures are a matter
13 of public record and available for public inspection, except
14 where otherwise provided under existing law, or under ex-
15 isting Executive order issued pursuant to existing law.

16 SEC. 504. If any provision of this Act or the applica-
17 tion of such provision to any person or circumstances shall
18 be held invalid, the remainder of the Act and the applica-
19 tion of each provision to persons or circumstances other
20 than those as to which it is held invalid shall not be af-
21 fected thereby.

22 SEC. 505. None of the funds provided under this Act,
23 or provided under previous appropriations Acts to the
24 agencies funded by this Act that remain available for obli-
25 gation or expenditure in fiscal year 2012, or provided from

1 any accounts in the Treasury of the United States derived
2 by the collection of fees available to the agencies funded
3 by this Act, shall be available for obligation or expenditure
4 through a reprogramming of funds that: (1) creates or ini-
5 tiates a new program, project or activity; (2) eliminates
6 a program, project or activity; (3) increases funds or per-
7 sonnel by any means for any project or activity for which
8 funds have been denied or restricted; (4) relocates an of-
9 fice or employees; (5) reorganizes or renames offices, pro-
10 grams or activities; (6) contracts out or privatizes any
11 functions or activities presently performed by Federal em-
12 ployees; (7) augments existing programs, projects or ac-
13 tivities in excess of \$500,000 or 10 percent, whichever is
14 less, or reduces by 10 percent funding for any program,
15 project or activity, or numbers of personnel by 10 percent;
16 or (8) results from any general savings, including savings
17 from a reduction in personnel, which would result in a
18 change in existing programs, projects or activities as ap-
19 proved by Congress; unless the House and Senate Com-
20 mittees on Appropriations are notified 15 days in advance
21 of such reprogramming of funds.

22 SEC. 506. During the current fiscal year and in each
23 fiscal year thereafter, none of the funds made available
24 in this or any other Act may be used to implement, admin-
25 ister, or enforce any guidelines of the Equal Employment

1 Opportunity Commission covering harassment based on
2 religion, when it is made known to the Federal entity or
3 official to which such funds are made available that such
4 guidelines do not differ in any respect from the proposed
5 guidelines published by the Commission on October 1,
6 1993 (58 Fed. Reg. 51266).

7 SEC. 507. If it has been finally determined by a court
8 or Federal agency that any person intentionally affixed a
9 label bearing a “Made in America” inscription, or any in-
10 scription with the same meaning, to any product sold in
11 or shipped to the United States that is not made in the
12 United States, the person shall be ineligible to receive any
13 contract or subcontract made with funds made available
14 in this Act, pursuant to the debarment, suspension, and
15 ineligibility procedures described in sections 9.400 through
16 9.409 of title 48, Code of Federal Regulations.

17 SEC. 508. (a) The Departments of Commerce and
18 Justice, the National Science Foundation, and the Na-
19 tional Aeronautics and Space Administration shall provide
20 to the Committees on Appropriations of the House of Rep-
21 resentatives and the Senate a quarterly report on the sta-
22 tus of balances of appropriations at the account level. For
23 unobligated, uncommitted balances and unobligated, com-
24 mitted balances the quarterly reports shall separately
25 identify the amounts attributable to each source year of

1 appropriation from which the balances were derived. For
2 balances that are obligated, but unexpended, the quarterly
3 reports shall separately identify amounts by the year of
4 obligation.

5 (b) The report described in subsection (a) shall be
6 submitted within thirty days of the end of the first quarter
7 of fiscal year 2012, and subsequent reports shall be sub-
8 mitted within thirty days of the end of each quarter there-
9 after.

10 SEC. 509. Any costs incurred by a department or
11 agency funded under this Act resulting from, or to pre-
12 vent, personnel actions taken in response to funding re-
13 ductions included in this Act shall be absorbed within the
14 total budgetary resources available to such department or
15 agency: *Provided*, That the authority to transfer funds be-
16 tween appropriations accounts as may be necessary to
17 carry out this section is provided in addition to authorities
18 included elsewhere in this Act: *Provided further*, That use
19 of funds to carry out this section shall be treated as a
20 reprogramming of funds under section 505 of this Act and
21 shall not be available for obligation or expenditure except
22 in compliance with the procedures set forth in that section.

23 SEC. 510. None of the funds provided by this Act
24 shall be available to promote the sale or export of tobacco
25 or tobacco products, or to seek the reduction or removal

1 by any foreign country of restrictions on the marketing
2 of tobacco or tobacco products, except for restrictions
3 which are not applied equally to all tobacco or tobacco
4 products of the same type.

5 SEC. 511. Hereafter, none of the funds appropriated
6 pursuant to this Act or any other provision of law may
7 be used for—

8 (1) the implementation of any tax or fee in con-
9 nection with the implementation of section 922(t) of
10 title 18, United States Code; or

11 (2) any system to implement section 922(t) of
12 title 18, United States Code, that does not require
13 and result in the destruction of any identifying in-
14 formation submitted by or on behalf of any person
15 who has been determined not to be prohibited from
16 possessing or receiving a firearm no more than 24
17 hours after the system advises a Federal firearms li-
18 censee that possession or receipt of a firearm by the
19 prospective transferee would not violate subsection
20 (g) or (n) of section 922 of title 18, United States
21 Code, or State law.

22 SEC. 512. None of the funds made available in this
23 Act may be used to pay the salaries and expenses of per-
24 sonnel of the Department of Justice to obligate more than
25 \$705,000,000 during fiscal year 2012 from the fund es-

1 tablished by section 1402 of chapter XIV of title II of
2 Public Law 98–473 (42 U.S.C. 10601).

3 SEC. 513. None of the funds made available to the
4 Department of Justice in this Act may be used to discrimi-
5 nate against or denigrate the religious or moral beliefs of
6 students who participate in programs for which financial
7 assistance is provided from those funds, or of the parents
8 or legal guardians of such students.

9 SEC. 514. None of the funds made available in this
10 Act may be transferred to any department, agency, or in-
11 strumentality of the United States Government, except
12 pursuant to a transfer made by, or transfer authority pro-
13 vided in, this Act or any other appropriations Act.

14 SEC. 515. Any funds provided in this Act used to im-
15 plement E–Government Initiatives shall be subject to the
16 procedures set forth in section 505 of this Act.

17 SEC. 516. (a) Tracing studies conducted by the Bu-
18 reau of Alcohol, Tobacco, Firearms and Explosives are re-
19 leased without adequate disclaimers regarding the limita-
20 tions of the data.

21 (b) For fiscal year 2012 and thereafter, the Bureau
22 of Alcohol, Tobacco, Firearms and Explosives shall include
23 in all such data releases, language similar to the following
24 that would make clear that trace data cannot be used to
25 draw broad conclusions about firearms-related crime:

1 (1) Firearm traces are designed to assist law
2 enforcement authorities in conducting investigations
3 by tracking the sale and possession of specific fire-
4 arms. Law enforcement agencies may request fire-
5 arms traces for any reason, and those reasons are
6 not necessarily reported to the Federal Government.
7 Not all firearms used in crime are traced and not all
8 firearms traced are used in crime.

9 (2) Firearms selected for tracing are not chosen
10 for purposes of determining which types, makes, or
11 models of firearms are used for illicit purposes. The
12 firearms selected do not constitute a random sample
13 and should not be considered representative of the
14 larger universe of all firearms used by criminals, or
15 any subset of that universe. Firearms are normally
16 traced to the first retail seller, and sources reported
17 for firearms traced do not necessarily represent the
18 sources or methods by which firearms in general are
19 acquired for use in crime.

20 SEC. 517. (a) The Inspectors General of the Depart-
21 ment of Commerce, the Department of Justice, the Na-
22 tional Aeronautics and Space Administration, the Na-
23 tional Science Foundation, and the Legal Services Cor-
24 poration shall conduct audits, pursuant to the Inspector
25 General Act (5 U.S.C. App.), of grants or contracts for

1 which funds are appropriated by this Act, and shall submit
2 reports to Congress on the progress of such audits, which
3 may include preliminary findings and a description of
4 areas of particular interest, within 180 days after initi-
5 ating such an audit and every 180 days thereafter until
6 any such audit is completed.

7 (b) Within 60 days after the date on which an audit
8 described in subsection (a) by an Inspector General is
9 completed, the Secretary, Attorney General, Adminis-
10 trator, Director, or President, as appropriate, shall make
11 the results of the audit available to the public on the Inter-
12 net website maintained by the Department, Administra-
13 tion, Foundation, or Corporation, respectively. The results
14 shall be made available in redacted form to exclude—

15 (1) any matter described in section 552(b) of
16 title 5, United States Code; and

17 (2) sensitive personal information for any indi-
18 vidual, the public access to which could be used to
19 commit identity theft or for other inappropriate or
20 unlawful purposes.

21 (c) A grant or contract funded by amounts appro-
22 priated by this Act may not be used for the purpose of
23 defraying the costs of a banquet or conference that is not
24 directly and programmatically related to the purpose for
25 which the grant or contract was awarded, such as a ban-

1 quiet or conference held in connection with planning, train-
2 ing, assessment, review, or other routine purposes related
3 to a project funded by the grant or contract.

4 (d) Any person awarded a grant or contract funded
5 by amounts appropriated by this Act shall submit a state-
6 ment to the Secretary of Commerce, the Attorney General,
7 the Administrator, Director, or President, as appropriate,
8 certifying that no funds derived from the grant or contract
9 will be made available through a subcontract or in any
10 other manner to another person who has a financial inter-
11 est in the person awarded the grant or contract.

12 (e) The provisions of the preceding subsections of this
13 section shall take effect 30 days after the date on which
14 the Director of the Office of Management and Budget, in
15 consultation with the Director of the Office of Government
16 Ethics, determines that a uniform set of rules and require-
17 ments, substantially similar to the requirements in such
18 subsections, consistently apply under the executive branch
19 ethics program to all Federal departments, agencies, and
20 entities.

21 SEC. 518. None of the funds appropriated or other-
22 wise made available under this Act may be used to issue
23 patents on claims directed to or encompassing a human
24 organism.

1 SEC. 519. None of the funds made available in this
2 Act shall be used in any way whatsoever to support or
3 justify the use of torture by any official or contract em-
4 ployee of the United States Government.

5 SEC. 520. (a) Notwithstanding any other provision
6 of law or treaty, hereafter, none of the funds appropriated
7 or otherwise made available under this Act or any other
8 Act may be expended or obligated by a department, agen-
9 cy, or instrumentality of the United States to pay adminis-
10 trative expenses or to compensate an officer or employee
11 of the United States in connection with requiring an ex-
12 port license for the export to Canada of components,
13 parts, accessories or attachments for firearms listed in
14 Category I, section 121.1 of title 22, Code of Federal Reg-
15 ulations (International Trafficking in Arms Regulations
16 (ITAR), part 121, as it existed on April 1, 2005) with
17 a total value not exceeding \$500 wholesale in any trans-
18 action, provided that the conditions of subsection (b) of
19 this section are met by the exporting party for such arti-
20 cles.

21 (b) The foregoing exemption from obtaining an ex-
22 port license—

23 (1) does not exempt an exporter from filing any
24 Shipper's Export Declaration or notification letter
25 required by law, or from being otherwise eligible

1 under the laws of the United States to possess, ship,
2 transport, or export the articles enumerated in sub-
3 section (a); and

4 (2) does not permit the export without a license
5 of—

6 (A) fully automatic firearms and compo-
7 nents and parts for such firearms, other than
8 for end use by the Federal Government, or a
9 Provincial or Municipal Government of Canada;

10 (B) barrels, cylinders, receivers (frames) or
11 complete breech mechanisms for any firearm
12 listed in Category I, other than for end use by
13 the Federal Government, or a Provincial or Mu-
14 nicipal Government of Canada; or

15 (C) articles for export from Canada to an-
16 other foreign destination.

17 (c) In accordance with this section, the District Di-
18 rectors of Customs and postmasters shall permit the per-
19 manent or temporary export without a license of any un-
20 classified articles specified in subsection (a) to Canada for
21 end use in Canada or return to the United States, or tem-
22 porary import of Canadian-origin items from Canada for
23 end use in the United States or return to Canada for a
24 Canadian citizen.

1 (d) The President may require export licenses under
2 this section on a temporary basis if the President deter-
3 mines, upon publication first in the Federal Register, that
4 the Government of Canada has implemented or main-
5 tained inadequate import controls for the articles specified
6 in subsection (a), such that a significant diversion of such
7 articles has and continues to take place for use in inter-
8 national terrorism or in the escalation of a conflict in an-
9 other nation. The President shall terminate the require-
10 ments of a license when reasons for the temporary require-
11 ments have ceased.

12 SEC. 521. Notwithstanding any other provision of
13 law, hereafter, no department, agency, or instrumentality
14 of the United States receiving appropriated funds under
15 this Act or any other Act shall obligate or expend in any
16 way such funds to pay administrative expenses or the com-
17 pensation of any officer or employee of the United States
18 to deny any application submitted pursuant to 22 U.S.C.
19 2778(b)(1)(B) and qualified pursuant to 27 CFR section
20 478.112 or .113, for a permit to import United States ori-
21 gin “curios or relics” firearms, parts, or ammunition.

22 SEC. 522. None of the funds made available in this
23 Act may be used to include in any new bilateral or multi-
24 lateral trade agreement the text of—

1 (1) paragraph 2 of article 16.7 of the United
2 States-Singapore Free Trade Agreement;

3 (2) paragraph 4 of article 17.9 of the United
4 States-Australia Free Trade Agreement; or

5 (3) paragraph 4 of article 15.9 of the United
6 States-Morocco Free Trade Agreement.

7 SEC. 523. None of the funds made available in this
8 Act may be used to authorize or issue a national security
9 letter in contravention of any of the following laws author-
10 izing the Federal Bureau of Investigation to issue national
11 security letters: The Right to Financial Privacy Act; The
12 Electronic Communications Privacy Act; The Fair Credit
13 Reporting Act; The National Security Act of 1947; USA
14 PATRIOT Act; and the laws amended by these Acts.

15 SEC. 524. If at any time during any quarter, the pro-
16 gram manager of a project within the jurisdiction of the
17 Departments of Commerce or Justice, the National Aero-
18 nautics and Space Administration, or the National Science
19 Foundation totaling more than \$75,000,000 has reason-
20 able cause to believe that the total program cost has in-
21 creased by 10 percent, the program manager shall imme-
22 diately inform the respective Secretary, Administrator, or
23 Director. The Secretary, Administrator, or Director shall
24 notify the House and Senate Committees on Appropria-
25 tions within 30 days in writing of such increase, and shall

1 include in such notice: the date on which such determina-
2 tion was made; a statement of the reasons for such in-
3 creases; the action taken and proposed to be taken to con-
4 trol future cost growth of the project; changes made in
5 the performance or schedule milestones and the degree to
6 which such changes have contributed to the increase in
7 total program costs or procurement costs; new estimates
8 of the total project or procurement costs; and a statement
9 validating that the project's management structure is ade-
10 quate to control total project or procurement costs.

11 SEC. 525. Funds appropriated by this Act, or made
12 available by the transfer of funds in this Act, for intel-
13 ligence or intelligence related activities are deemed to be
14 specifically authorized by the Congress for purposes of sec-
15 tion 504 of the National Security Act of 1947 (50 U.S.C.
16 414) during fiscal year 2012 until the enactment of the
17 Intelligence Authorization Act for fiscal year 2012.

18 SEC. 526. The Departments, agencies, and commis-
19 sions funded under this Act, shall establish and maintain
20 on the homepages of their Internet websites—

- 21 (1) a direct link to the Internet websites of
22 their Offices of Inspectors General; and
- 23 (2) a mechanism on the Offices of Inspectors
24 General website by which individuals may anony-
25 mously report cases of waste, fraud, or abuse with

1 (1) “National Telecommunications and Infor-
2 mation Administration, Information Infrastructure
3 Grants”, \$2,000,000;

4 (2) “National Telecommunications and Infor-
5 mation Administration, Public Telecommunications
6 Facilities, Planning and Construction”, \$2,750,000;
7 and

8 (3) “National Oceanic and Atmospheric Admin-
9 istration, Foreign Fishing Observer Fund”,
10 \$350,000.

11 (b) Of the amounts made available under section
12 3010 of the Deficit Reduction Act of 2005 (47 U.S.C. 309
13 note), \$4,300,000 in unobligated balances is hereby re-
14 scinded.

15 (c) Of the unobligated balances available to the De-
16 partment of Justice from prior appropriations, the fol-
17 lowing funds are hereby rescinded, not later than Sep-
18 tember 30, 2012, from the following accounts in the speci-
19 fied amounts—

20 (1) “Working Capital Fund”, \$40,500,000;

21 (2) “Legal Activities, Assets Forfeiture Fund”,
22 \$675,500,000;

23 (3) “United States Marshals Service, Salaries
24 and Expenses”, \$7,200,000;

1 (4) “Federal Bureau of Investigation, Construc-
2 tion”, \$93,000,000;

3 (5) “Drug Enforcement Administration, Sala-
4 ries and Expenses”, \$30,000,000;

5 (6) “Federal Prison System, Buildings and Fa-
6 cilities”, \$110,000,000;

7 (7) “State and Local Law Enforcement Activi-
8 ties, Office on Violence Against Women, Violence
9 Against Women Prevention and Prosecution Pro-
10 grams”, \$5,000,000;

11 (8) “State and Local Law Enforcement Activi-
12 ties, Office of Justice Programs”, \$42,600,000; and

13 (9) “State and Local Law Enforcement Activi-
14 ties, Community Oriented Policing Services”,
15 \$10,200,000.

16 (d) Within 30 days of enactment of this Act, the De-
17 partment of Justice shall submit to the Committees on
18 Appropriations of the House of Representatives and the
19 Senate a report specifying the amount of each rescission
20 made pursuant to subsection (c).

21 (e) Of the unobligated balances available to the Na-
22 tional Aeronautics and Space Administration from prior
23 appropriations, \$30,000,000 is hereby rescinded.

24 (f) The rescissions contained in subsection (c) shall
25 not apply to funds provided in this Act.

1 SEC. 529. None of the funds made available in this
2 Act may be used to purchase first class or premium airline
3 travel in contravention of sections 301–10.122 through
4 301–10.124 of title 41 of the Code of Federal Regulations.

5 SEC. 530. None of the funds made available in this
6 Act may be used to send or otherwise pay for the attend-
7 ance of more than 50 employees from a Federal depart-
8 ment or agency at any single conference occurring outside
9 the United States, unless such conference is a law enforce-
10 ment training or operational conference for law enforce-
11 ment personnel and the majority of Federal employees in
12 attendance are law enforcement personnel stationed out-
13 side the United States.

14 SEC. 531. None of the funds appropriated or other-
15 wise made available in this or any other Act may be used
16 to transfer, release, or assist in the transfer or release to
17 or within the United States, its territories, or possessions
18 Khalid Sheikh Mohammed or any other detainee who—

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

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

24 SEC. 532. (a) None of the funds appropriated or oth-
25 erwise made available in this or any other Act may be used

1 to construct, acquire, or modify any facility in the United
2 States, its territories, or possessions to house any indi-
3 vidual described in subsection (c) for the purposes of de-
4 tention or imprisonment in the custody or under the effec-
5 tive control of the Department of Defense.

6 (b) The prohibition in subsection (a) shall not apply
7 to any modification of facilities at United States Naval
8 Station, Guantanamo Bay, Cuba.

9 (c) An individual described in this subsection is any
10 individual who, as of June 24, 2009, is located at United
11 States Naval Station, Guantanamo Bay, Cuba, and who—

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

15 (2) is—

16 (A) in the custody or under the effective
17 control of the Department of Defense; or

18 (B) otherwise under detention at United
19 States Naval Station, Guantanamo Bay, Cuba.

20 SEC. 533. None of the funds made available under
21 this Act may be distributed to the Association of Commu-
22 nity Organizations for Reform Now (ACORN) or its sub-
23 sidiaries.

24 SEC. 534. To the extent practicable, funds made
25 available in this Act should be used to purchase light bulbs

1 that are “Energy Star” qualified or have the “Federal En-
2 ergy Management Program” designation.

3 SEC. 535. The Director of the Office of Management
4 and Budget shall instruct any department, agency, or in-
5 strumentality of the United States Government receiving
6 funds appropriated under this Act to track undisbursed
7 balances in expired grant accounts and include in its an-
8 nual performance plan and performance and account-
9 ability reports the following:

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

13 (2) The method that the department, agency, or
14 instrumentality uses to track undisbursed balances
15 in expired grant accounts.

16 (3) Identification of undisbursed balances in ex-
17 pired grant accounts that may be returned to the
18 Treasury of the United States.

19 (4) In the preceding 3 fiscal years, details on
20 the total number of expired grant accounts with
21 undisbursed balances (on the first day of each fiscal
22 year) for the department, agency, or instrumentality
23 and the total finances that have not been obligated
24 to a specific project remaining in the accounts.

1 SEC. 536. None of the funds made available in this
2 Act may be used to relocate the Bureau of the Census
3 or employees from the Department of Commerce to the
4 jurisdiction of the Executive Office of the President.

5 SEC. 537. The Departments of Commerce and Jus-
6 tice, the National Aeronautics and Space Administration,
7 and the National Science Foundation shall submit spend-
8 ing plans, signed by the respective department or agency
9 head, to the Committees on Appropriations of the House
10 of Representatives and the Senate within 60 days after
11 the date of enactment of this Act.

12 SEC. 538. (a) None of the funds made available by
13 this Act may be used for the National Aeronautics and
14 Space Administration or the Office of Science and Tech-
15 nology Policy to develop, design, plan, promulgate, imple-
16 ment, or execute a bilateral policy, program, order, or con-
17 tract of any kind to participate, collaborate, or coordinate
18 bilaterally in any way with China or any Chinese-owned
19 company unless such activities are specifically authorized
20 by a law enacted after the date of enactment of this Act.

21 (b) The limitation in subsection (a) shall also apply
22 to any funds used to effectuate the hosting of official Chi-
23 nese visitors at facilities belonging to or utilized by the
24 National Aeronautics and Space Administration.

1 SEC. 539. None of the funds made available by this
2 Act may be used to pay the salaries or expenses of per-
3 sonnel to deny, or fail to act on, an application for the
4 importation of any model of shotgun if—

5 (1) all other requirements of law with respect to
6 the proposed importation are met; and

7 (2) no application for the importation of such
8 model of shotgun, in the same configuration, had
9 been denied by the Attorney General prior to Janu-
10 ary 1, 2011, on the basis that the shotgun was not
11 particularly suitable for or readily adaptable to
12 sporting purposes.

13 SEC. 540. None of the funds made available by this
14 Act may be used to enter into a contract, memorandum
15 of understanding, or cooperative agreement with, make a
16 grant to, or provide a loan or loan guarantee to, any cor-
17 poration that was convicted of a felony criminal violation
18 under any Federal law within the preceding 24 months.

19 SEC. 541. None of the funds made available by this
20 Act may be used to enter into a contract, memorandum
21 of understanding, or cooperative agreement with, make a
22 grant to, or provide a loan or loan guarantee to, any cor-
23 poration that has any unpaid Federal tax liability that has
24 been assessed, for which all judicial and administrative
25 remedies have been exhausted or have lapsed, and that

1 is not being paid in a timely manner pursuant to an agree-
2 ment with the authority responsible for collecting the tax
3 liability.

4 SEC. 542. None of the funds made available by this
5 Act may be used to require a person licensed under section
6 923 of title 18, United States Code, to report information
7 to the Department of Justice regarding the sale of mul-
8 tiple rifles or shotguns to the same person.

9 (RESCISSIONS)

10 SEC. 543. (a) There is hereby rescinded an amount
11 equal to 0.1 percent of—

12 (1) the budget authority provided by this Act
13 for fiscal year 2012 for any discretionary account of
14 this Act; and

15 (2) the budget authority provided in any ad-
16 vance appropriation for fiscal year 2012 for any dis-
17 cretionary account in any prior year Commerce, Jus-
18 tice, Science, and Related Agencies Appropriation
19 Act.

20 (b) Any rescission made by subsection (a) shall be
21 applied proportionately—

22 (1) to each discretionary account and each item
23 of budget authority described in such subsection;
24 and

Union Calendar No. 113

112TH CONGRESS
1ST Session

H. R. 2596

[Report No. 112-169]

A BILL

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes.

JULY 20, 2011

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