

Calendar No. 360112TH CONGRESS
2^D SESSION**S. 2323****[Report No. 112-158]**

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2012

Ms. MIKULSKI, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2013, 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 De-
5 partments of Commerce and Justice, and Science, and Re-
6 lated Agencies for the fiscal year ending September 30,
7 2013, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF COMMERCE
3 INTERNATIONAL TRADE ADMINISTRATION
4 OPERATIONS AND ADMINISTRATION

5 For necessary expenses for international trade activi-
6 ties of the Department of Commerce provided for by law,
7 and for engaging in trade promotional activities abroad,
8 including expenses of grants and cooperative agreements
9 for the purpose of promoting exports of United States
10 firms, without regard to 44 U.S.C. 3702 and 3703; full
11 medical coverage for dependent members of immediate
12 families of employees stationed overseas and employees
13 temporarily posted overseas; travel and transportation of
14 employees of the International Trade Administration be-
15 tween two points abroad, without regard to 49 U.S.C.
16 40118; employment of Americans and aliens by contract
17 for services; rental of space abroad for periods not exceed-
18 ing 10 years, and expenses of alteration, repair, or im-
19 provement; purchase or construction of temporary de-
20 mountable exhibition structures for use abroad; payment
21 of tort claims, in the manner authorized in the first para-
22 graph of 28 U.S.C. 2672 when such claims arise in foreign
23 countries; not to exceed \$294,300 for official representa-
24 tion expenses abroad; purchase of passenger motor vehi-
25 cles for official use abroad, not to exceed \$45,000 per vehi-

1 cle; obtaining insurance on official motor vehicles; and
2 rental of tie lines, \$496,439,000, to remain available until
3 September 30, 2014, of which \$9,439,000 is to be derived
4 from fees to be retained and used by the International
5 Trade Administration, notwithstanding 31 U.S.C. 3302:
6 *Provided*, That not less than \$7,000,000 shall be for the
7 Office of China Compliance, and not less than \$4,400,000
8 shall be for the China Countervailing Duty Group: *Pro-*
9 *vided further*, That the provisions of the first sentence of
10 section 105(f) and all of section 108(c) of the Mutual Edu-
11 cational and Cultural Exchange Act of 1961 (22 U.S.C.
12 2455(f) and 2458(c)) shall apply in carrying out these ac-
13 tivities without regard to section 5412 of the Omnibus
14 Trade and Competitiveness Act of 1988 (15 U.S.C. 4912);
15 and that for the purpose of this Act, contributions under
16 the provisions of the Mutual Educational and Cultural Ex-
17 change Act of 1961 shall include payment for assessments
18 for services provided as part of these activities.

19 BUREAU OF INDUSTRY AND SECURITY
20 OPERATIONS AND ADMINISTRATION

21 For necessary expenses for export administration and
22 national security activities of the Department of Com-
23 merce, including costs associated with the performance of
24 export administration field activities both domestically and
25 abroad; full medical coverage for dependent members of

1 immediate families of employees stationed overseas; em-
2 ployment of Americans and aliens by contract for services
3 abroad; payment of tort claims, in the manner authorized
4 in the first paragraph of 28 U.S.C. 2672 when such claims
5 arise in foreign countries; not to exceed \$13,500 for offi-
6 cial representation expenses abroad; awards of compensa-
7 tion to informers under the Export Administration Act of
8 1979, and as authorized by 22 U.S.C. 401(b); and pur-
9 chase of passenger motor vehicles for official use and
10 motor vehicles for law enforcement use with special re-
11 quirement vehicles eligible for purchase without regard to
12 any price limitation otherwise established by law,
13 \$102,328,000, to remain available until expended: *Pro-*
14 *vided*, That the provisions of the first sentence of section
15 105(f) and all of section 108(c) of the Mutual Educational
16 and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f)
17 and 2458(c)) shall apply in carrying out these activities:
18 *Provided further*, That payments and contributions col-
19 lected and accepted for materials or services provided as
20 part of such activities may be retained for use in covering
21 the cost of such activities, and for providing information
22 to the public with respect to the export administration and
23 national security activities of the Department of Com-
24 merce and other export control programs of the United
25 States and other governments.

1 ECONOMIC DEVELOPMENT ADMINISTRATION

2 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

3 For grants for economic development assistance as
4 provided by the Public Works and Economic Development
5 Act of 1965, for trade adjustment assistance and for
6 grants and the cost of loan guarantees authorized by sec-
7 tion 27 of the Stevenson-Wydler Technology Innovation
8 Act of 1980 (15 U.S.C. 3722), \$200,000,000, to remain
9 available until expended of which up to \$7,000,000 shall
10 be for the cost of loan guarantees and grants under such
11 section 27: *Provided*, That the costs for loan guarantees,
12 including the cost of modifying such loans, shall be as de-
13 fined in section 502 of the Congressional Budget Act of
14 1974: *Provided further*, That these funds for loan guaran-
15 tees under such section 27 are available to subsidize total
16 loan principal, any part of which is to be guaranteed, not
17 to exceed \$70,000,000.

18 SALARIES AND EXPENSES

19 For necessary expenses of administering the eco-
20 nomic development assistance programs as provided for by
21 law, \$37,719,000: *Provided*, That these funds may be used
22 to monitor projects approved pursuant to title I of the
23 Public Works Employment Act of 1976, title II of the
24 Trade Act of 1974, and the Community Emergency
25 Drought Relief Act of 1977.

1 MINORITY BUSINESS DEVELOPMENT AGENCY

2 MINORITY BUSINESS DEVELOPMENT

3 For necessary expenses of the Department of Com-
4 merce in fostering, promoting, and developing minority
5 business enterprise, including expenses of grants, con-
6 tracts, and other agreements with public or private organi-
7 zations, \$28,689,000.

8 ECONOMIC AND STATISTICAL ANALYSIS

9 SALARIES AND EXPENSES

10 For necessary expenses, as authorized by law, of eco-
11 nomic and statistical analysis programs of the Department
12 of Commerce, \$100,269,000, to remain available until
13 September 30, 2014.

14 BUREAU OF THE CENSUS

15 SALARIES AND EXPENSES

16 For expenses necessary for collecting, compiling, ana-
17 lyzing, preparing, and publishing statistics, provided for
18 by law, \$259,175,000: *Provided*, That from amounts pro-
19 vided herein, funds may be used for promotion, outreach,
20 and marketing activities.

21 PERIODIC CENSUSES AND PROGRAMS

22 For necessary expenses to collect and publish statis-
23 ties for periodic censuses and programs provided for by
24 law, \$711,250,000, to remain available until September
25 30, 2014: *Provided*, That \$694,250,000 is appropriated

1 from the general fund and \$17,000,000 is derived from
2 available unobligated balances from the Census Working
3 Capital Fund: *Provided further*, That from amounts pro-
4 vided herein, funds may be used for promotion, outreach,
5 and marketing activities: *Provided further*, That within the
6 amounts appropriated, \$1,000,000 shall be transferred to
7 the “Office of Inspector General” account for activities as-
8 sociated with carrying out investigations and audits re-
9 lated to the Bureau of the Census.

10 NATIONAL TELECOMMUNICATIONS AND INFORMATION

11 ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses, as provided for by law, of
14 the National Telecommunications and Information Ad-
15 ministration (NTIA), \$46,925,000, to remain available
16 until September 30, 2014: *Provided*, That, notwith-
17 standing 31 U.S.C. 1535(d), the Secretary of Commerce
18 shall charge Federal agencies for costs incurred in spec-
19 trum management, analysis, operations, and related serv-
20 ices, and such fees shall be retained and used as offsetting
21 collections for costs of such spectrum services, to remain
22 available until expended: *Provided further*, That the Sec-
23 retary of Commerce is authorized to retain and use as off-
24 setting collections all funds transferred, or previously
25 transferred, from other Government agencies for all costs

1 incurred in telecommunications research, engineering, and
 2 related activities by the Institute for Telecommunication
 3 Sciences of NTLA, in furtherance of its assigned functions
 4 under this paragraph, and such funds received from other
 5 Government agencies shall remain available until ex-
 6 pended.

7 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
 8 AND CONSTRUCTION

9 For the administration of prior-year grants, recov-
 10 eries and unobligated balances of funds previously appro-
 11 priated are available for the administration of all open
 12 grants until their expiration.

13 UNITED STATES PATENT AND TRADEMARK OFFICE
 14 SALARIES AND EXPENSES

15 For necessary expenses of the United States Patent
 16 and Trademark Office (USPTO) provided for by law, in-
 17 cluding defense of suits instituted against the Under Sec-
 18 retary of Commerce for Intellectual Property and Director
 19 of the USPTO, \$2,933,241,000, to remain available until
 20 expended: *Provided*, That the sum herein appropriated
 21 from the general fund shall be reduced as offsetting collec-
 22 tions of fees and surcharges assessed and collected by the
 23 USPTO under any law are received during fiscal year
 24 2013, so as to result in a fiscal year 2013 appropriation
 25 from the general fund estimated at \$0: *Provided further*,

1 That during fiscal year 2013, should the total amount of
2 such offsetting collections be less than \$2,933,241,000
3 this amount shall be reduced accordingly: *Provided fur-*
4 *ther*, That any amount received in excess of
5 \$2,933,241,000 in fiscal year 2013 and deposited in the
6 Patent and Trademark Fee Reserve Fund shall remain
7 available until expended: *Provided further*, That the Direc-
8 tor of USPTO shall submit a spending plan to the Com-
9 mittees on Appropriations of the House of Representatives
10 and the Senate for any amounts made available by the
11 preceding proviso and such spending plan shall be treated
12 as a reprogramming under section 505 of this Act and
13 shall not be available for obligation or expenditure except
14 in compliance with the procedures set forth in that section:
15 *Provided further*, That from amounts provided herein, not
16 to exceed \$900 shall be made available in fiscal year 2013
17 for official reception and representation expenses: *Pro-*
18 *vided further*, That in fiscal year 2013 from the amounts
19 made available for “Salaries and Expenses” for the
20 USPTO, the amounts necessary to pay (1) the difference
21 between the percentage of basic pay contributed by the
22 USPTO and employees under section 8334(a) of title 5,
23 United States Code, and the normal cost percentage (as
24 defined by section 8331(17) of that title) as provided by
25 the Office of Personnel Management (OPM) for USPTO’s

1 specific use of basic pay of employees subject to sub-
2 chapter III of chapter 83 of that title, and (2) the present
3 value of the otherwise unfunded accruing costs, as deter-
4 mined by OPM for USPTO's specific use of post-retire-
5 ment life insurance and post-retirement health benefits
6 coverage for all USPTO employees who are enrolled in
7 Federal Employees Health Benefits (FEHB) and Federal
8 Employees Group Life Insurance (FEGLI), shall be trans-
9 ferred to the Civil Service Retirement and Disability
10 Fund, the FEGLI, and the FEHB Fund, as appropriate,
11 and shall be available for the authorized purposes of those
12 accounts: *Provided further*, That any differences between
13 the present value factors published in OPM's yearly 300
14 series benefit letters and the factors that OPM provides
15 for USPTO's specific use shall be recognized as an im-
16 puted cost on USPTO's financial statements, where appli-
17 cable: *Provided further*, That, notwithstanding any other
18 provision of law, all fees and surcharges assessed and col-
19 lected by USPTO are available for USPTO only pursuant
20 to section 42(c) of title 35, United States Code, as amend-
21 ed by section 22 of the Leahy-Smith America Invents Act
22 (Public Law 112-29): *Provided further*, That within the
23 amounts appropriated, \$2,000,000 shall be transferred to
24 the "Office of Inspector General" account for activities as-

1 sociated with carrying out investigations and audits re-
 2 lated to the USPTO.

3 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
 4 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

5 For necessary expenses of the National Institute of
 6 Standards and Technology (NIST), \$623,000,000, to re-
 7 main available until expended, of which not to exceed
 8 \$9,000,000 may be transferred to the “Working Capital
 9 Fund”: *Provided*, That not to exceed \$5,000 shall be for
 10 official reception and representation expenses: *Provided*
 11 *further*, That NIST may provide for the transportation of
 12 NIST fellowship program participants.

13 INDUSTRIAL TECHNOLOGY SERVICES

14 For necessary expenses of the Industrial Technology
 15 Services, \$143,000,000, to remain available until ex-
 16 pended: *Provided*, That of the amounts appropriated here-
 17 in, \$128,500,000 shall be for the Hollings Manufacturing
 18 Extension Partnership, and \$14,500,000 shall be for the
 19 Advanced Manufacturing Consortia.

20 CONSTRUCTION OF RESEARCH FACILITIES

21 For construction of new research facilities, including
 22 architectural and engineering design, and for renovation
 23 and maintenance of existing facilities, not otherwise pro-
 24 vided for the National Institute of Standards and Tech-
 25 nology, as authorized by 15 U.S.C. 278c–278e,

1 \$60,000,000, to remain available until expended: *Pro-*
2 *vided*, That the Secretary of Commerce shall include in
3 the budget justification materials that the Secretary sub-
4 mits to Congress in support of the Department of Com-
5 merce budget (as submitted with the budget of the Presi-
6 dent under section 1105(a) of title 31, United States
7 Code) an estimate for each National Institute of Stand-
8 ards and Technology construction project having a total
9 multi-year program cost of more than \$5,000,000 and si-
10 multaneously the budget justification materials shall in-
11 clude an estimate of the budgetary requirements for each
12 such project for each of the five subsequent fiscal years.

13 NATIONAL OCEANIC AND ATMOSPHERIC

14 ADMINISTRATION

15 OPERATIONS, RESEARCH, AND FACILITIES

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of activities authorized by law
18 for the National Oceanic and Atmospheric Administration,
19 including maintenance, operation, and hire of aircraft and
20 vessels; grants, contracts, or other payments to nonprofit
21 organizations for the purposes of conducting activities
22 pursuant to cooperative agreements; and relocation of fa-
23 cilities, \$3,139,740,000, to remain available until Sep-
24 tember 30, 2014, except that funds provided for coopera-
25 tive enforcement shall remain available until September

1 30, 2015: *Provided*, That fees and donations received by
2 the National Ocean Service for the management of na-
3 tional marine sanctuaries may be retained and used for
4 the salaries and expenses associated with those activities,
5 notwithstanding 31 U.S.C. 3302: *Provided further*, That
6 in addition, \$119,064,000 shall be derived by transfer
7 from the fund entitled “Promote and Develop Fishery
8 Products and Research Pertaining to American Fish-
9 eries”, which shall only be used for fishery activities re-
10 lated to Cooperative Research, Annual Stock Assessments,
11 Survey and Monitoring Projects, Interjurisdictional Fish-
12 eries Grants, and Fish Information Networks: *Provided*
13 *further*, That of the \$3,264,804,000 provided for in direct
14 obligations under this heading \$3,139,740,000 is appro-
15 priated from the general fund, \$119,064,000 is provided
16 by transfer and \$6,000,000 is derived from recoveries of
17 prior year obligations: *Provided further*, That the total
18 amount available for National Oceanic and Atmospheric
19 Administration corporate services administrative support
20 costs shall not exceed \$208,438,000: *Provided further*,
21 That any deviation from the amounts designated for spe-
22 cific activities in the report accompanying this Act, or any
23 use of deobligated balances of funds provided under this
24 heading in previous years, shall be subject to the proce-
25 dures set forth in section 505 of this Act: *Provided further*,

1 That in allocating grants under sections 306 and 306A
2 of the Coastal Zone Management Act of 1972, as amend-
3 ed, no coastal State shall receive more than 5 percent or
4 less than 1 percent of increased funds appropriated over
5 the previous fiscal year: *Provided further*, That in addition,
6 for necessary retired pay expenses under the Retired Serv-
7 iceman's Family Protection and Survivor Benefits Plan,
8 and for payments for the medical care of retired personnel
9 and their dependents under the Dependents Medical Care
10 Act (10 U.S.C. 55), such sums as may be necessary.

11 PROCUREMENT, ACQUISITION AND CONSTRUCTION

12 For procurement, acquisition and construction of
13 capital assets, including alteration and modification costs,
14 of the National Oceanic and Atmospheric Administration,
15 \$217,619,000, to remain available until September 30,
16 2015, except that funds provided for construction of facili-
17 ties shall remain available until expended: *Provided*, That
18 of the \$224,619,000 provided for in direct obligations
19 under this heading, \$217,619,000 is appropriated from
20 the general fund and \$7,000,000 is provided from recov-
21 eries of prior year obligations: *Provided further*, That any
22 deviation from the amounts designated for specific activi-
23 ties in the report accompanying this Act, or any use of
24 deobligated balances of funds provided under this heading
25 in previous years, shall be subject to the procedures set

1 forth in section 505 of this Act: *Provided further*, That
2 the Secretary of Commerce shall include in budget jus-
3 tification materials that the Secretary submits to Congress
4 in support of the Department of Commerce budget (as
5 submitted with the budget of the President under section
6 1105(a) of title 31, United States Code) an estimate for
7 each National Oceanic and Atmospheric Administration
8 procurement, acquisition or construction project having a
9 total of more than \$5,000,000 and simultaneously the
10 budget justification shall include an estimate of the budg-
11 etary requirements for each such project for each of the
12 5 subsequent fiscal years: *Provided further*, That, within
13 the amounts appropriated, \$500,000 shall be transferred
14 to the “Office of Inspector General” account for activities
15 associated with carrying out investigations and audits re-
16 lated to satellite procurement, acquisition and construc-
17 tion: *Provided further*, That any remaining balances ap-
18 propriated for procurement of Geostationary Operational
19 Environmental Satellite-R Series, Joint Polar Satellite
20 System, Deep Space Climate Observatory, and Altimetry
21 Mission (Jason-3) shall be transferred to and merged with
22 “Operational Satellite Acquisition, National Aeronautics
23 and Space Administration” under the same terms and re-
24 strictions as originally provided.

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, 2014: *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 to the feder-
8 ally recognized tribes of the Columbia River and Pacific
9 Coast (including Alaska) for projects necessary for con-
10 servation of salmon and steelhead populations that are
11 listed as threatened or endangered, or that are identified
12 by a State as at-risk to be so listed, for maintaining popu-
13 lations necessary for exercise of tribal treaty fishing rights
14 or native subsistence fishing, or for conservation of Pacific
15 coastal salmon and steelhead habitat, based on guidelines
16 to be developed by the Secretary of Commerce: *Provided*
17 *further*, That all funds shall be allocated based on sci-
18 entific and other merit principles and shall not be available
19 for marketing activities: *Provided further*, That funds dis-
20 bursed to States shall be subject to a matching require-
21 ment of funds or documented in-kind contributions of at
22 least 33 percent of the 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 2013, obligations of direct
6 loans may not exceed \$24,000,000 for Individual Fishing
7 Quota loans and not to exceed \$59,000,000 for traditional
8 direct loans as authorized by the Merchant Marine Act
9 of 1936: *Provided*, That none of the funds made available
10 under this heading may be used for direct loans for any
11 new fishing vessel that will increase the harvesting capac-
12 ity 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 \$4,500 for official reception and
18 representation, \$56,000,000: *Provided*, That the Secretary
19 of Commerce may use space provided by State, local, and
20 other governmental entities, non-profit entities, or other
21 businesses on a reimbursable or non-reimbursable basis to
22 engage in activities that provide businesses and commu-
23 nities with information, advice, and referrals to Depart-
24 ment of Commerce programs.

1 RENOVATION AND MODERNIZATION

2 For expenses necessary for the renovation and mod-
3 ernization of Department of Commerce facilities,
4 \$2,040,000, to remain available until expended.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978 (5 U.S.C. App.), \$28,753,000.

9 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

10 SEC. 101. During the current fiscal year, applicable
11 appropriations and funds made available to the Depart-
12 ment of Commerce by this Act shall be available for the
13 activities specified in the Act of October 26, 1949 (15
14 U.S.C. 1514), to the extent and in the manner prescribed
15 by the Act, and, notwithstanding 31 U.S.C. 3324, may
16 be used for advanced payments not otherwise authorized
17 only upon the certification of officials designated by the
18 Secretary of Commerce that such payments are in the
19 public interest.

20 SEC. 102. During the current fiscal year, appropria-
21 tions made available to the Department of Commerce by
22 this Act for salaries and expenses shall be available for
23 hire of passenger motor vehicles as authorized by 31
24 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.

1 3109; and uniforms or allowances therefor, as authorized
2 by law (5 U.S.C. 5901–5902).

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

19 SEC. 104. Any costs incurred by a department or
20 agency funded under this title resulting from personnel
21 actions taken in response to funding reductions included
22 in this title or from actions taken for the care and protec-
23 tion of loan collateral or grant property shall be absorbed
24 within the total budgetary resources available to such de-
25 partment or agency: *Provided*, That the authority to trans-

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

9 SEC. 105. The requirements set forth by section 105
10 of division B of Public Law 112–55 are hereby adopted
11 by reference.

12 SEC. 106. Notwithstanding any other law, the Sec-
13 retary may furnish services (including but not limited to
14 utilities, telecommunications, and security services) nec-
15 essary to support the operation, maintenance, and im-
16 provement of space that persons, firms or organizations
17 are authorized pursuant to the Public Buildings Coopera-
18 tive Use Act of 1976 or other authority to use or occupy
19 in the Herbert C. Hoover Building, Washington, DC, or
20 other buildings, the maintenance, operation, and protec-
21 tion of which has been delegated to the Secretary from
22 the Administrator of General Services pursuant to the
23 Federal Property and Administrative Services Act of
24 1949, as amended, on a reimbursable or non-reimbursable
25 basis. Amounts received as reimbursement for services

1 provided under this section or the authority under which
2 the use or occupancy of the space is authorized, up to
3 \$200,000, shall be credited to the appropriation or fund
4 which initially bears the costs of such services.

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

9 SEC. 108. The Administrator of the National Oceanic
10 and Atmospheric Administration is authorized to use, with
11 their consent, with reimbursement and subject to the lim-
12 its of available appropriations, the land, services, equip-
13 ment, personnel, and facilities of any department, agency,
14 or instrumentality of the United States, or of any State,
15 local government, Indian tribal government, Territory or
16 possession, or of any political subdivision thereof, or of
17 any foreign government or international organization for
18 purposes related to carrying out the responsibilities of any
19 statute administered by the National Oceanic and Atmos-
20 pheric Administration.

21 SEC. 109. Section 113(b)(3) of division B of Public
22 Law 112–55 is amended by striking “2012” and inserting
23 “2013”.

24 This title may be cited as the “Department of Com-
25 merce Appropriations Act, 2013”.

1 TITLE II
2 DEPARTMENT OF JUSTICE
3 GENERAL ADMINISTRATION
4 SALARIES AND EXPENSES

5 For expenses necessary for the administration of the
6 Department of Justice, \$127,667,000, of which not to ex-
7 ceed \$4,000,000 for security and construction of Depart-
8 ment of Justice facilities shall remain available until ex-
9 pended: *Provided*, That the Attorney General is authorized
10 to transfer funds appropriated within General Administra-
11 tion to any office in this account: *Provided further*, That
12 \$18,614,000 is for Department Leadership; \$10,233,000
13 is for Intergovernmental Relations/External Affairs;
14 \$25,111,000 is for Executive Support/Professional Re-
15 sponsibility; and \$73,709,000 is for the Justice Manage-
16 ment Division: *Provided further*, That any change in
17 amounts specified in the preceding proviso greater than
18 5 percent shall be submitted for approval to the House
19 and Senate Committees on Appropriations consistent with
20 the terms of section 505 of this Act: *Provided further*,
21 That this transfer authority is in addition to transfers au-
22 thorized under section 505 of this Act.

23 JUSTICE INFORMATION SHARING TECHNOLOGY

24 For necessary expenses for information sharing tech-
25 nology, including planning, development, deployment and

1 departmental direction, \$33,426,000, to remain available
2 until expended.

3 ADMINISTRATIVE REVIEW AND APPEALS

4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary for the administration of par-
6 don and clemency petitions and immigration-related activi-
7 ties, \$313,438,000, of which \$4,000,000 shall be derived
8 by transfer from the Executive Office for Immigration Re-
9 view fees deposited in the “Immigration Examinations
10 Fee” account.

11 OFFICE OF INSPECTOR GENERAL

12 For necessary expenses of the Office of Inspector
13 General, \$85,985,000, including not to exceed \$10,000 to
14 meet unforeseen emergencies of a confidential character.

15 UNITED STATES PAROLE COMMISSION

16 SALARIES AND EXPENSES

17 For necessary expenses of the United States Parole
18 Commission as authorized, \$12,772,000.

19 LEGAL ACTIVITIES

20 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

21 For expenses necessary for the legal activities of the
22 Department of Justice, not otherwise provided for, includ-
23 ing not to exceed \$20,000 for expenses of collecting evi-
24 dence, to be expended under the direction of, and to be
25 accounted for solely under the certificate of, the Attorney

1 General; and rent of private or Government-owned space
2 in the District of Columbia, \$903,603,000, of which not
3 to exceed \$10,000,000 for litigation support contracts
4 shall remain available until expended: *Provided*, That of
5 the total amount appropriated, not to exceed \$9,000 shall
6 be available to INTERPOL Washington for official recep-
7 tion and representation expenses: *Provided further*, That
8 notwithstanding section 205 of this Act, upon a deter-
9 mination by the Attorney General that emergent cir-
10 cumstances require additional funding for litigation activi-
11 ties of the Civil Division, the Attorney General may trans-
12 fer such amounts to “Salaries and Expenses, General
13 Legal Activities” from available appropriations for the
14 current fiscal year for the Department of Justice, as may
15 be necessary to respond to such circumstances: *Provided*
16 *further*, That any transfer pursuant to the previous pro-
17 viso shall be treated as a reprogramming under section
18 505 of this Act and shall not be available for obligation
19 or expenditure except in compliance with the procedures
20 set forth in that section: *Provided further*, That of the
21 amount appropriated, such sums as may be necessary
22 shall be available to reimburse the Office of Personnel
23 Management for salaries and expenses associated with the
24 election monitoring program under section 8 of the Voting
25 Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*,

1 That of the amounts provided under this heading for the
2 election monitoring program, \$3,390,000 shall remain
3 available until expended.

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

9 SALARIES AND EXPENSES, ANTITRUST DIVISION

10 For expenses necessary for the enforcement of anti-
11 trust and kindred laws, \$164,753,000, to remain available
12 until expended: *Provided*, That notwithstanding any other
13 provision of law, fees collected for premerger notification
14 filings under the Hart-Scott-Rodino Antitrust Improve-
15 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
16 of collection (and estimated to be \$115,000,000 in fiscal
17 year 2013), shall be retained and used for necessary ex-
18 penses in this appropriation, and shall remain available
19 until expended: *Provided further*, That the sum herein ap-
20 propriated from the general fund shall be reduced as such
21 offsetting collections are received during fiscal year 2013,
22 so as to result in a final fiscal year 2013 appropriation
23 from the general fund estimated at \$49,753,000.

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, \$1,974,378,000: *Provided*, That of the
5 total amount appropriated, not to exceed \$7,200 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.

9 UNITED STATES TRUSTEE SYSTEM FUND

10 For necessary expenses of the United States Trustee
11 Program, as authorized, \$227,407,000, to remain avail-
12 able until expended and to be derived from the United
13 States Trustee System Fund: *Provided*, That notwith-
14 standing any other provision of law, deposits to the Fund
15 shall be available in such amounts as may be necessary
16 to pay refunds due depositors: *Provided further*, That, not-
17 withstanding any other provision of law, \$227,407,000 of
18 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
19 be retained and used for necessary expenses in this appro-
20 priation and shall remain available until expended: *Pro-*
21 *vided further*, That the sum herein appropriated from the
22 Fund shall be reduced as such offsetting collections are
23 received during fiscal year 2013, so as to result in a final
24 fiscal year 2013 appropriation from the Fund estimated
25 at \$0.

1 SALARIES AND EXPENSES, FOREIGN CLAIMS

2 SETTLEMENT COMMISSION

3 For expenses necessary to carry out the activities of
4 the Foreign Claims Settlement Commission, including
5 services as authorized by section 3109 of title 5, United
6 States Code, \$2,139,000.

7 FEES AND EXPENSES OF WITNESSES

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

21 SALARIES AND EXPENSES, COMMUNITY RELATIONS

22 SERVICE

23 For necessary expenses of the Community Relations
24 Service, \$12,036,000: *Provided*, That notwithstanding sec-
25 tion 205 of this Act, upon a determination by the Attorney

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

13 ASSETS FORFEITURE FUND

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

17 UNITED STATES MARSHALS SERVICE

18 SALARIES AND EXPENSES

19 For necessary expenses of the United States Mar-
20 shals Service, \$1,203,488,000, of which not to exceed
21 \$6,000 shall be available for official reception and rep-
22 resentation expenses, and not to exceed \$15,000,000 shall
23 remain available until expended.

1 FEDERAL PRISONER DETENTION

2 For necessary expenses related to United States pris-
3 oners in the custody of the United States Marshals Service
4 as authorized by 18 U.S.C. 4013, \$1,668,235,000, to re-
5 main available until expended: *Provided*, That not to ex-
6 ceed \$20,000,000 shall be considered “funds appropriated
7 for State and local law enforcement assistance” pursuant
8 to 18 U.S.C. 4013(b): *Provided further*, That the United
9 States Marshals Service shall be responsible for managing
10 the Justice Prisoner and Alien Transportation System:
11 *Provided further*, That unobligated balances from the
12 funds appropriated under the heading “General Adminis-
13 tration, Detention Trustee” shall be transferred to and
14 merged with this account.

15 CONSTRUCTION

16 For construction in space controlled, occupied or uti-
17 lized by the United States Marshals Service for prisoner
18 holding and related support, \$10,000,000, to remain avail-
19 able until expended.

20 NATIONAL SECURITY DIVISION

21 SALARIES AND EXPENSES

22 For expenses necessary to carry out the activities of
23 the National Security Division, \$90,039,000; of which not
24 to exceed \$5,000,000 for information technology systems
25 shall remain available until expended: *Provided*, That not-

1 withstanding section 205 of this Act, upon a determina-
2 tion by the Attorney General that emergent circumstances
3 require additional funding for the activities of the National
4 Security Division, the Attorney General may transfer such
5 amounts to this heading from available appropriations for
6 the current fiscal year for the Department of Justice, as
7 may be necessary to respond to such circumstances: *Pro-*
8 *vided further*, That any transfer pursuant to the preceding
9 proviso shall be treated as a reprogramming under section
10 505 of this Act and shall not be available for obligation
11 or expenditure except in compliance with the procedures
12 set forth in that section.

13 INTERAGENCY LAW ENFORCEMENT

14 INTERAGENCY CRIME AND DRUG ENFORCEMENT

15 For necessary expenses for the identification, inves-
16 tigation, and prosecution of individuals associated with the
17 most significant drug trafficking and affiliated money
18 laundering organizations not otherwise provided for, to in-
19 clude inter-governmental agreements with State and local
20 law enforcement agencies engaged in the investigation and
21 prosecution of individuals involved in organized crime drug
22 trafficking, \$524,793,000, of which \$50,000,000 shall re-
23 main available until expended: *Provided*, That any
24 amounts obligated from appropriations under this heading

1 may be used under authorities available to the organiza-
2 tions reimbursed from this appropriation.

3 FEDERAL BUREAU OF INVESTIGATION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Bureau of In-
6 vestigation for detection, investigation, and prosecution of
7 crimes against the United States, \$8,151,021,000, of
8 which not to exceed \$216,900,000 shall remain available
9 until expended: *Provided*, That not to exceed \$184,500
10 shall be available for official reception and representation
11 expenses.

12 CONSTRUCTION

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

22 DRUG ENFORCEMENT ADMINISTRATION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Drug Enforcement Ad-
25 ministration, including not to exceed \$70,000 to meet un-

1 foreseen emergencies of a confidential character pursuant
2 to 28 U.S.C. 530C; and expenses for conducting drug edu-
3 cation and training programs, including travel and related
4 expenses for participants in such programs and the dis-
5 tribution of items of token value that promote the goals
6 of such programs, \$2,050,904,000; of which not to exceed
7 \$75,000,000 shall remain available until expended and not
8 to exceed \$90,000 shall be available for official reception
9 and representation expenses.

10 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
11 EXPLOSIVES
12 SALARIES AND EXPENSES

13 For necessary expenses of the Bureau of Alcohol, To-
14 bacco, Firearms and Explosives, for training of State and
15 local law enforcement agencies with or without reimburse-
16 ment, including training in connection with the training
17 and acquisition of canines for explosives and fire
18 accelerants detection; and for provision of laboratory as-
19 sistance to State and local law enforcement agencies, with
20 or without reimbursement, \$1,153,345,000, of which not
21 to exceed \$36,000 shall be for official reception and rep-
22 resentation expenses, not to exceed \$1,000,000 shall be
23 available for the payment of attorneys' fees as provided
24 by section 924(d)(2) of title 18, United States Code, and
25 not to exceed \$15,000,000 shall remain available until ex-

1 pending: *Provided*, That no funds appropriated herein shall
2 be used to pay administrative expenses or the compensa-
3 tion of any officer or employee of the United States to
4 implement an amendment or amendments to 27 CFR
5 478.118 or to change the definition of “Curios or relics”
6 in 27 CFR 478.11 or remove any item from ATF Publica-
7 tion 5300.11 as it existed on January 1, 1994: *Provided*
8 *further*, That none of the funds appropriated herein shall
9 be available to investigate or act upon applications for re-
10 lief from Federal firearms disabilities under 18 U.S.C.
11 925(c): *Provided further*, That such funds shall be avail-
12 able to investigate and act upon applications filed by cor-
13 porations for relief from Federal firearms disabilities
14 under section 925(c) of title 18, United States Code: *Pro-*
15 *vided further*, That no funds made available by this or any
16 other Act may be used to transfer the functions, missions,
17 or activities of the Bureau of Alcohol, Tobacco, Firearms
18 and Explosives to other agencies or Departments: *Pro-*
19 *vided further*, That no funds made available by this or any
20 other Act shall be expended to promulgate or implement
21 any rule requiring a physical inventory of any business li-
22 censed under section 923 of title 18, United States Code:
23 *Provided further*, That no funds authorized or made avail-
24 able under this or any other Act may be used to deny any
25 application for a license under section 923 of title 18,

1 United States Code, or renewal of such a license due to
2 a lack of business activity, provided that the applicant is
3 otherwise eligible to receive such a license, and is eligible
4 to report business income or to claim an income tax deduc-
5 tion for business expenses under the Internal Revenue
6 Code of 1986.

7 FEDERAL PRISON SYSTEM

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses of the Federal Prison System
11 for the administration, operation, and maintenance of
12 Federal penal and correctional institutions, including pur-
13 chase (not to exceed 835, of which 808 are for replacement
14 only) and hire of law enforcement and passenger motor
15 vehicles, and for the provision of technical assistance and
16 advice on corrections related issues to foreign govern-
17 ments, \$6,820,217,000: *Provided*, That the Attorney Gen-
18 eral may transfer to the Health Resources and Services
19 Administration such amounts as may be necessary for di-
20 rect expenditures by that Administration for medical relief
21 for inmates of Federal penal and correctional institutions:
22 *Provided further*, That the Director of the Federal Prison
23 System, where necessary, may enter into contracts with
24 a fiscal agent or fiscal intermediary claims processor to
25 determine the amounts payable to persons who, on behalf

1 of the Federal Prison System, furnish health services to
2 individuals committed to the custody of the Federal Prison
3 System: *Provided further*, That not to exceed \$5,400 shall
4 be available for official reception and representation ex-
5 penses: *Provided further*, That not to exceed \$50,000,000
6 shall remain available for necessary operations until Sep-
7 tember 30, 2014: *Provided further*, That, of the amounts
8 provided for contract confinement, not to exceed
9 \$20,000,000 shall remain available until expended to
10 make payments in advance for grants, contracts and reim-
11 bursable agreements, and other expenses authorized by
12 section 501(c) of the Refugee Education Assistance Act
13 of 1980 (8 U.S.C. 1522 note), for the care and security
14 in the United States of Cuban and Haitian entrants: *Pro-*
15 *vided further*, That the Director of the Federal Prison Sys-
16 tem may accept donated property and services relating to
17 the operation of the prison card program from a not-for-
18 profit entity which has operated such program in the past
19 notwithstanding the fact that such not-for-profit entity
20 furnishes services under contracts to the Federal Prison
21 System relating to the operation of pre-release services,
22 halfway houses, or other custodial facilities.

23 BUILDINGS AND FACILITIES

24 For planning, acquisition of sites and construction of
25 new facilities; purchase and acquisition of facilities and re-

1 modeling, and equipping of such facilities for penal and
2 correctional use, including all necessary expenses incident
3 thereto, by contract or force account; and constructing,
4 remodeling, and equipping necessary buildings and facili-
5 ties at existing penal and correctional institutions, includ-
6 ing all necessary expenses incident thereto, by contract or
7 force account, \$99,189,000, to remain available until ex-
8 pended, of which not less than \$73,796,000 shall be avail-
9 able only for modernization, maintenance and repair, and
10 of which not to exceed \$14,000,000 shall be available to
11 construct areas for inmate work programs: *Provided*, That
12 labor of United States prisoners may be used for work
13 performed under this appropriation.

14 FEDERAL PRISON INDUSTRIES, INCORPORATED

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

1 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
2 PRISON INDUSTRIES, INCORPORATED

3 Not to exceed \$2,700,000 of the funds of the Federal
4 Prison Industries, Incorporated shall be available for its
5 administrative expenses, and for services as authorized by
6 section 3109 of title 5, United States Code, to be com-
7 puted on an accrual basis to be determined in accordance
8 with the corporation's current prescribed accounting sys-
9 tem, and such amounts shall be exclusive of depreciation,
10 payment of claims, and expenditures which such account-
11 ing system requires to be capitalized or charged to cost
12 of commodities acquired or produced, including selling and
13 shipping expenses, and expenses in connection with acqui-
14 sition, construction, operation, maintenance, improvement,
15 protection, or disposition of facilities and other property
16 belonging to the corporation or in which it has an interest.

17 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

18 OFFICE ON VIOLENCE AGAINST WOMEN

19 VIOLENCE AGAINST WOMEN PREVENTION AND
20 PROSECUTION PROGRAMS

21 For grants, contracts, cooperative agreements, and
22 other assistance for the prevention and prosecution of vio-
23 lence against women, as authorized by the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
25 et seq.) ("the 1968 Act"); the Violent Crime Control and

1 Law Enforcement Act of 1994 (Public Law 103–322)
2 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
3 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
4 torial Remedies and Other Tools to end the Exploitation
5 of Children Today Act of 2003 (Public Law 108–21); the
6 Juvenile Justice and Delinquency Prevention Act of 1974
7 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
8 of Trafficking and Violence Protection Act of 2000 (Public
9 Law 106–386) (“the 2000 Act”); and the Violence
10 Against Women and Department of Justice Reauthoriza-
11 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
12 and for related victims services, \$412,500,000, to remain
13 available until expended: *Provided*, That except as other-
14 wise provided by law, not to exceed 3 percent of funds
15 made available under this heading may be used for ex-
16 penses related to evaluation, training, and technical assist-
17 ance: *Provided further*, That of the amount provided—

18 (1) \$189,000,000 is for grants to combat vio-
19 lence against women, as authorized by part T of the
20 1968 Act;

21 (2) \$25,000,000 is for transitional housing as-
22 sistance grants for victims of domestic violence,
23 stalking or sexual assault as authorized by section
24 40299 of the 1994 Act;

1 (3) \$3,000,000 is for the National Institute of
2 Justice for research and evaluation of violence
3 against women and related issues addressed by
4 grant programs of the Office on Violence Against
5 Women, which may be transferred to “Research,
6 Evaluation, and Statistics” for administration by the
7 Office of Justice Programs;

8 (4) \$10,000,000 is for a grant program to pro-
9 vide services to advocate for and respond to youth
10 victims of domestic violence, dating violence, sexual
11 assault, and stalking; assistance to children and
12 youth exposed to such violence; programs to engage
13 men and youth in preventing such violence; and as-
14 sistance to middle and high school students through
15 education and other services related to such violence:
16 *Provided*, That unobligated balances available for the
17 programs authorized by sections 41201, 41204,
18 41303 and 41305 of the 1994 Act shall be available
19 for this program: *Provided further*, That 10 percent
20 of the total amount available for this grant program
21 shall be available for grants under the program au-
22 thorized by section 2015 of the 1968 Act: *Provided*
23 *further*, That the definitions and grant conditions in
24 section 40002 of the 1994 Act shall apply to this
25 program;

1 (5) \$50,000,000 is for grants to encourage ar-
2 rest policies as authorized by part U of the 1968
3 Act, of which \$4,000,000 is for a homicide reduction
4 initiative;

5 (6) \$25,000,000 is for sexual assault victims
6 assistance, as authorized by section 41601 of the
7 1994 Act;

8 (7) \$35,000,000 is for rural domestic violence
9 and child abuse enforcement assistance grants, as
10 authorized by section 40295 of the 1994 Act;

11 (8) \$9,000,000 is for grants to reduce violent
12 crimes against women on campus, as authorized by
13 section 304 of the 2005 Act;

14 (9) \$39,000,000 is for legal assistance for vic-
15 tims, as authorized by section 1201 of the 2000 Act;

16 (10) \$4,250,000 is for enhanced training and
17 services to end violence against and abuse of women
18 in later life, as authorized by section 40802 of the
19 1994 Act;

20 (11) \$15,000,000 is for a grant program to
21 support families in the justice system, including for
22 the purposes described in the safe havens for chil-
23 dren program, as authorized by section 1301 of the
24 2000 Act, and the court training and improvements

1 program, as authorized by section 41002 of the
2 1994 Act;

3 (12) \$5,750,000 is for education and training
4 to end violence against and abuse of women with
5 disabilities, as authorized by section 1402 of the
6 2000 Act;

7 (13) \$1,000,000 is for the National Resource
8 Center on Workplace Responses to assist victims of
9 domestic violence, as authorized by section 41501 of
10 the 1994 Act;

11 (14) \$1,000,000 is for analysis and research on
12 violence against Indian women, including as author-
13 ized by section 904 of the 2005 Act: *Provided*, That
14 such funds may be transferred to “Research, Eval-
15 uation, and Statistics” for administration by the Of-
16 fice of Justice Programs; and

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

22 OFFICE OF JUSTICE PROGRAMS

23 RESEARCH, EVALUATION, AND STATISTICS

24 For grants, contracts, cooperative agreements, and
25 other assistance authorized by title I of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (“the 1968
2 Act”); the Juvenile Justice and Delinquency Prevention
3 Act of 1974 (“the 1974 Act”); the Missing Children’s As-
4 sistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial
5 Remedies and Other Tools to end the Exploitation of Chil-
6 dren Today Act of 2003 (Public Law 108–21); the Justice
7 for All Act of 2004 (Public Law 108–405); the Violence
8 Against Women and Department of Justice Reauthoriza-
9 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
10 the Victims of Child Abuse Act of 1990 (Public Law 101–
11 647); the Second Chance Act of 2007 (Public Law 110–
12 199); the Victims of Crime Act of 1984 (Public Law 98–
13 473); the Adam Walsh Child Protection and Safety Act
14 of 2006 (Public Law 109–248) (“the Adam Walsh Act”);
15 the PROTECT Our Children Act of 2008 (Public Law
16 110–401); subtitle D of title II of the Homeland Security
17 Act of 2002 (Public Law 107–296) (“the 2002 Act”); the
18 NICS Improvement Amendments Act of 2007 (Public
19 Law 110–180); and other programs; \$126,000,000, to re-
20 main available until expended, of which—

21 (1) \$50,000,000 is for criminal justice statistics
22 programs, and other activities, as authorized by part
23 C of title I of the 1968 Act, of which \$36,000,000
24 is for the administration and redesign of the Na-
25 tional Crime Victimization Survey;

1 (2) \$45,000,000 is for research, development,
2 and evaluation programs, and other activities as au-
3 thorized by part B of title I of the 1968 Act and
4 subtitle D of title II of the 2002 Act: *Provided*, That
5 of the amounts provided under this heading,
6 \$5,000,000 is transferred directly to the National
7 Institute of Standards and Technology’s Office of
8 Law Enforcement Standards from the National In-
9 stitute of Justice for research, testing and evaluation
10 programs;

11 (3) \$1,000,000 is for an evaluation clearing-
12 house program; and

13 (4) \$30,000,000 is for regional information
14 sharing activities, as authorized by part M of title I
15 of the 1968 Act.

16 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

17 For grants, contracts, cooperative agreements, and
18 other assistance authorized by the Violent Crime Control
19 and Law Enforcement Act of 1994 (Public Law 103–322)
20 (“the 1994 Act”); the Omnibus Crime Control and Safe
21 Streets Act of 1968 (“the 1968 Act”); the Justice for All
22 Act of 2004 (Public Law 108–405); the Victims of Child
23 Abuse Act of 1990 (Public Law 101–647) (“the 1990
24 Act”); the Trafficking Victims Protection Reauthorization
25 Act of 2005 (Public Law 109–164); the Violence Against

1 Women and Department of Justice Reauthorization Act
2 of 2005 (Public Law 109–162) (“the 2005 Act”); the
3 Adam Walsh Child Protection and Safety Act of 2006
4 (Public Law 109–248) (“the Adam Walsh Act”); the Vic-
5 tims of Trafficking and Violence Protection Act of 2000
6 (Public Law 106–386); the NICS Improvement Amend-
7 ments Act of 2007 (Public Law 110–180); subtitle D of
8 title II of the Homeland Security Act of 2002 (Public Law
9 107–296) (“the 2002 Act”); the Second Chance Act of
10 2007 (Public Law 110–199); the Prioritizing Resources
11 and Organization for Intellectual Property Act of 2008
12 (Public Law 110–403); the Victims of Crime Act of 1984
13 (Public Law 98–473); the Mentally Ill Offender Treat-
14 ment and Crime Reduction Reauthorization and Improve-
15 ment Act of 2008 (Public Law 110–416); and other pro-
16 grams; \$1,058,918,000, to remain available until ex-
17 pended as follows—

18 (1) \$392,418,000 for the Edward Byrne Memo-
19 rial Justice Assistance Grant program as authorized
20 by subpart 1 of part E of title I of the 1968 Act
21 (except that section 1001(c), and the special rules
22 for Puerto Rico under section 505(g), of title I of
23 the 1968 Act shall not apply for purposes of this
24 Act), of which, notwithstanding such subpart 1,
25 \$2,000,000 is for a program to improve State and

1 local law enforcement intelligence capabilities includ-
2 ing antiterrorism training and training to ensure
3 that constitutional rights, civil liberties, civil rights,
4 and privacy interests are protected throughout the
5 intelligence process, \$4,000,000 is for a State, local,
6 and tribal assistance help desk and diagnostic center
7 program, \$5,000,000 is for a Preventing Violence
8 Against Law Enforcement Officer Resilience and
9 Survivability Initiative (VALOR), and \$6,000,000 is
10 for a criminal justice reform and recidivism reduc-
11 tion program;

12 (2) \$255,000,000 for the State Criminal Alien
13 Assistance Program, as authorized by section
14 241(i)(5) of the Immigration and Nationality Act (8
15 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction
16 shall request compensation for any cost greater than
17 the actual cost for Federal immigration and other
18 detainees housed in State and local detention facili-
19 ties;

20 (3) \$10,000,000 for a border prosecutor initia-
21 tive to reimburse State, county, parish, tribal, or
22 municipal governments for costs associated with the
23 prosecution of criminal cases declined by local offices
24 of the United States Attorneys;

1 (4) \$18,000,000 for competitive grants to im-
2 prove the functioning of the criminal justice system,
3 to prevent or combat juvenile delinquency, and to as-
4 sist victims of crime (other than compensation);

5 (5) \$10,500,000 for victim services programs
6 for victims of trafficking, as authorized by section
7 107(b)(2) of Public Law 106–386, and for programs
8 authorized under Public Law 109–164: *Provided*,
9 That no less than \$4,700,000 shall be for victim
10 services grants for foreign national victims of traf-
11 ficking;

12 (6) \$35,000,000 for Drug Courts, as authorized
13 by section 1001(a)(25)(A) of title I of the 1968 Act;

14 (7) \$9,000,000 for mental health courts and
15 adult and juvenile collaboration program grants, as
16 authorized by parts V and HH of title I of the 1968
17 Act, and the Mentally Ill Offender Treatment and
18 Crime Reduction Reauthorization and Improvement
19 Act of 2008 (Public Law 110–416);

20 (8) \$10,000,000 for grants for Residential Sub-
21 stance Abuse Treatment for State Prisoners, as au-
22 thorized by part S of title I of the 1968 Act;

23 (9) \$3,000,000 for the Capital Litigation Im-
24 provement Grant Program, as authorized by section

1 426 of Public Law 108–405, and for grants for
2 wrongful conviction review;

3 (10) \$11,000,000 for economic, high technology
4 and Internet crime prevention grants, including as
5 authorized by section 401 of Public Law 110–403,
6 of which no less than \$3,700,000 is for intellectual
7 property enforcement grants;

8 (11) \$4,000,000 for a student loan repayment
9 assistance program pursuant to section 952 of Pub-
10 lic Law 110–315;

11 (12) \$20,000,000 for sex offender management
12 assistance, as authorized by the Adam Walsh Act
13 and the Violent Crime Control Act of 1994 (Public
14 Law 103–322) and related activities;

15 (13) \$15,000,000 for an initiative relating to
16 children exposed to violence;

17 (14) \$20,000,000 for an Edward Byrne Memo-
18 rial criminal justice innovation program, of which
19 not more than \$2,000,000 may be used for activities
20 supporting a review of criminal justice system poli-
21 cies and strategies;

22 (15) \$24,000,000 for the matching grant pro-
23 gram for law enforcement armor vests, as authorized
24 by section 2501 of title I of the 1968 Act: *Provided*,
25 That \$1,500,000 is transferred directly to the Na-

1 tional Institute of Standards and Technology's Of-
2 fice of Law Enforcement Standards for research,
3 testing and evaluation programs;

4 (16) \$1,000,000 for the National Sex Offender
5 Public Web site;

6 (17) \$5,000,000 for competitive and evidence-
7 based programs to reduce gun crime and gang vio-
8 lence;

9 (18) \$7,000,000 for grants to assist State and
10 tribal governments and related activities as author-
11 ized by the NICS Improvement Amendments Act of
12 2007 (Public Law 110-180);

13 (19) \$6,000,000 for the National Criminal His-
14 tory Improvement Program for grants to upgrade
15 criminal records;

16 (20) \$12,000,000 for Paul Coverdell Forensic
17 Sciences Improvement Grants under part BB of title
18 I of the 1968 Act;

19 (21) \$125,000,000 for DNA-related and foren-
20 sic programs and activities, of which—

21 (A) \$117,000,000 is for a DNA analysis
22 and capacity enhancement program and for
23 other local, State, and Federal forensic activi-
24 ties, including the purposes authorized under
25 section 2 of the DNA Analysis Backlog Elimini-

1 nation Act of 2000 (the Debbie Smith DNA
2 Backlog Grant Program): *Provided*, That up to
3 4 percent of funds made available under this
4 paragraph may be used for the purposes de-
5 scribed in the DNA Training and Education for
6 Law Enforcement, Correctional Personnel, and
7 Court Officers program (Public Law 108–405,
8 section 303);

9 (B) \$4,000,000 is for the purposes de-
10 scribed in the Kirk Bloodsworth Post-Convic-
11 tion DNA Testing Program (Public Law 108–
12 405, section 412); and

13 (C) \$4,000,000 is for Sexual Assault Fo-
14 rensic Exam Program Grants, including as au-
15 thorized by section 304 of Public Law 108–405;

16 (22) \$6,000,000 for the court-appointed special
17 advocate program, as authorized by section 217 of
18 the 1990 Act;

19 (23) \$35,000,000 for assistance to Indian
20 tribes; and

21 (24) \$25,000,000 for offender reentry programs
22 and research, as authorized by the Second Chance
23 Act of 2007 (Public Law 110–199), of which not to
24 exceed \$4,000,000 is for a program to improve

1 State, local, and tribal probation supervision efforts
2 and strategies:

3 *Provided*, That if a unit of local government uses any of
4 the funds made available under this heading to increase
5 the number of law enforcement officers, the unit of local
6 government will achieve a net gain in the number of law
7 enforcement officers who perform non-administrative pub-
8 lic sector safety service.

9 JUVENILE JUSTICE PROGRAMS

10 For grants, contracts, cooperative agreements, and
11 other assistance authorized by the Juvenile Justice and
12 Delinquency Prevention Act of 1974 (“the 1974 Act”); the
13 Omnibus Crime Control and Safe Streets Act of 1968
14 (“the 1968 Act”); the Violence Against Women and De-
15 partment of Justice Reauthorization Act of 2005 (Public
16 Law 109–162) (“the 2005 Act”); the Missing Children’s
17 Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial
18 Remedies and Other Tools to end the Exploitation of Chil-
19 dren Today Act of 2003 (Public Law 108–21); the Victims
20 of Child Abuse Act of 1990 (Public Law 101–647) (“the
21 1990 Act”); the Adam Walsh Child Protection and Safety
22 Act of 2006 (Public Law 109–248) (“the Adam Walsh
23 Act”); the PROTECT Our Children Act of 2008 (Public
24 Law 110–401); and other juvenile justice programs,

1 \$278,000,000, to remain available until expended as fol-
2 lows—

3 (1) \$55,000,000 for programs authorized by
4 section 221 of the 1974 Act, and for training and
5 technical assistance to assist small, non-profit orga-
6 nizations with the Federal grants process: *Provided*,
7 That of the amounts provided under this paragraph,
8 \$500,000 shall be for a competitive demonstration
9 grant program to support emergency planning
10 among State, local and tribal juvenile justice resi-
11 dential facilities;

12 (2) \$61,000,000 for youth mentoring grants;

13 (3) \$30,000,000 for delinquency prevention, as
14 authorized by section 505 of the 1974 Act, of which,
15 pursuant to sections 261 and 262 thereof—

16 (A) \$10,000,000 shall be for the Tribal
17 Youth Program;

18 (B) \$5,000,000 shall be for gang and
19 youth violence education, prevention and inter-
20 vention, and related activities; and

21 (C) \$10,000,000 shall be for programs and
22 activities to enforce State laws prohibiting the
23 sale of alcoholic beverages to minors or the pur-
24 chase or consumption of alcoholic beverages by
25 minors, for prevention and reduction of con-

1 sumption of alcoholic beverages by minors, and
2 for technical assistance and training;

3 (4) \$19,000,000 for programs authorized by
4 the Victims of Child Abuse Act of 1990;

5 (5) \$30,000,000 for the Juvenile Accountability
6 Block Grants program as authorized by part R of
7 title I of the 1968 Act and Guam shall be considered
8 a State;

9 (6) \$14,000,000 for community-based violence
10 prevention initiatives;

11 (7) \$65,000,000 for missing and exploited chil-
12 dren programs, including as authorized by sections
13 404(b) and 405(a) of the 1974 Act, of which
14 \$21,000,000 is for Internet crimes against children
15 grants and activities as authorized by Public Law
16 110–401;

17 (8) \$2,000,000 for child abuse training pro-
18 grams for judicial personnel and practitioners, as
19 authorized by section 222 of the 1990 Act; and

20 (9) \$2,000,000 for grants and technical assist-
21 ance in support of the National Forum on Youth Vi-
22 olence Prevention:

23 *Provided*, That not more than 10 percent of each amount
24 may be used for research, evaluation, and statistics activi-
25 ties designed to benefit the programs or activities author-

1 ized: *Provided further*, That not more than 2 percent of
2 each amount may be used for training and technical as-
3 sistance: *Provided further*, That the previous two provisos
4 shall not apply to grants and projects authorized by sec-
5 tions 261 and 262 of the 1974 Act.

6 PUBLIC SAFETY OFFICER BENEFITS

7 For payments and expenses authorized under section
8 1001(a)(4) of title I of the Omnibus Crime Control and
9 Safe Streets Act of 1968, such sums as are necessary (in-
10 cluding amounts for administrative costs), to remain avail-
11 able until expended; and \$16,300,000 for payments au-
12 thorized by section 1201(b) of such Act and for edu-
13 cational assistance authorized by section 1218 of such Act,
14 to remain available until expended: *Provided*, That not-
15 withstanding section 205 of this Act, upon a determina-
16 tion by the Attorney General that emergent circumstances
17 require additional funding for such disability and edu-
18 cation payments, the Attorney General may transfer such
19 amounts to “Public Safety Officer Benefits” from avail-
20 able appropriations for the Department of Justice as may
21 be necessary to respond to such circumstances: *Provided*
22 *further*, That any transfer pursuant to the previous pro-
23 viso shall be treated as a reprogramming under section
24 505 of this Act and shall not be available for obligation

1 or expenditure except in compliance with the procedures
2 set forth in that section.

3 COMMUNITY ORIENTED POLICING SERVICES

4 COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

5 For activities authorized by the Violent Crime Con-
6 trol and Law Enforcement Act of 1994 (Public Law 103-
7 322); the Omnibus Crime Control and Safe Streets Act
8 of 1968 (“the 1968 Act”); and the Violence Against
9 Women and Department of Justice Reauthorization Act
10 of 2005 (Public Law 109-162) (“the 2005 Act”),
11 \$247,500,000, to remain available until expended: *Pro-*
12 *vided*, That any balances made available through prior
13 year deobligations shall only be available in accordance
14 with section 505 of this Act. Of the amounts provided
15 under this heading:

16 (1) \$12,500,000 is for anti-methamphetamine-
17 related activities, which shall be transferred to the
18 Drug Enforcement Administration upon enactment
19 of this Act;

20 (2) \$20,000,000 is for improving tribal law en-
21 forcement, including hiring, equipment, training, and
22 anti-methamphetamine activities; and

23 (3) \$215,000,000 is for grants under section
24 1701 of title I of the 1968 Act (42 U.S.C. 3796dd)
25 for the hiring and rehiring of additional career law

1 enforcement officers under part Q of such title not-
2 withstanding subsections (i) and (h) of such section:
3 *Provided*, That notwithstanding 42 U.S.C. 3796dd-
4 3(c), funding for hiring or rehiring a career law en-
5 forcement officer may not exceed \$125,000, unless
6 the Director of the Office of Community Oriented
7 Policing Services grants a waiver from this limita-
8 tion: *Provided further*, That within the amounts ap-
9 propriated, \$15,000,000 shall be transferred to the
10 Tribal Resources Grant Program to be used for the
11 hiring and rehiring of tribal law enforcement offi-
12 cers: *Provided further*, That of the amounts appro-
13 priated under this paragraph, \$10,000,000 is for
14 community policing development activities in fur-
15 therance of the purposes in section 1701: *Provided*
16 *further*, That, of the amounts appropriated under
17 this paragraph, notwithstanding subsections (f) and
18 (h) of section 1701 of title I of the 1968 Act, 5 per-
19 cent may be awarded at the discretion of the Attor-
20 ney General to address special needs, contingencies,
21 and requirements.

22 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

23 SEC. 201. In addition to amounts otherwise made
24 available in this title for official reception and representa-
25 tion expenses, a total of not to exceed \$50,000 from funds

1 appropriated to the Department of Justice in this title
2 shall be available to the Attorney General for official re-
3 ception and representation expenses.

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

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

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

22 SEC. 205. Not to exceed 5 percent of any appropria-
23 tion made available for the current fiscal year for the De-
24 partment of Justice in this Act may be transferred be-
25 tween such appropriations, but no such appropriation, ex-

1 cept as otherwise specifically provided, shall be increased
2 by more than 10 percent by any such transfers: *Provided,*
3 That any transfer pursuant to this section shall be treated
4 as a reprogramming of funds under section 505 of this
5 Act and shall not be available for obligation except in com-
6 pliance with the procedures set forth in that section.

7 SEC. 206. The Attorney General is authorized to ex-
8 tend through September 30, 2014, the Personnel Manage-
9 ment Demonstration Project transferred to the Attorney
10 General pursuant to section 1115 of the Homeland Secu-
11 rity Act of 2002, Public Law 107–296 (28 U.S.C. 599B)
12 without limitation on the number of employees or the posi-
13 tions covered.

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

23 SEC. 208. None of the funds made available to the
24 Department of Justice in this Act may be used for the
25 purpose of transporting an individual who is a prisoner

1 pursuant to conviction for crime under State or Federal
2 law and is classified as a maximum or high security pris-
3 oner, other than to a prison or other facility certified by
4 the Federal Bureau of Prisons as appropriately secure for
5 housing such a prisoner.

6 SEC. 209. (a) None of the funds appropriated by this
7 Act may be used by Federal prisons to purchase cable tele-
8 vision services, to rent or purchase videocassettes, video-
9 cassette recorders, digital versatile disc technology, Blu-
10 ray Disc technology, satellite television, or other audio-
11 visual or electronic equipment used primarily for rec-
12 reational purposes.

13 (b) The preceding sentence does not preclude the
14 renting, maintenance, or purchase of audiovisual or elec-
15 tronic equipment for inmate training, religious, or edu-
16 cational programs.

17 SEC. 210. None of the funds made available under
18 this title shall be obligated or expended for any new or
19 enhanced information technology program having total es-
20 timated development costs in excess of \$100,000,000, un-
21 less the Deputy Attorney General and the investment re-
22 view board certify to the Committees on Appropriations
23 that the information technology program has appropriate
24 program management controls and contractor oversight
25 mechanisms in place, and that the program is compatible

1 with the enterprise architecture of the Department of Jus-
2 tice.

3 SEC. 211. The notification thresholds and procedures
4 set forth in section 505 of this Act shall apply to devi-
5 ations from the amounts designated for specific activities
6 in this Act and accompanying report, and to any use of
7 deobligated balances of funds provided under this title in
8 previous years.

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

16 SEC. 213. Notwithstanding any other provision of
17 law, no funds shall be available for the salary, benefits,
18 or expenses of any United States Attorney assigned dual
19 or additional responsibilities by the Attorney General or
20 his designee that exempt that United States Attorney
21 from the residency requirements of 28 U.S.C. 545.

22 SEC. 214. At the discretion of the Attorney General,
23 and in addition to any amounts that otherwise may be
24 available (or authorized to be made available) by law, with
25 respect to funds appropriated by this title under the head-

1 ings “Research, Evaluation, and Statistics”, “State and
2 Local Law Enforcement Assistance”, and “Juvenile Jus-
3 tice Programs”—

4 (1) Up to 3 percent of funds made available to
5 the Office of Justice Programs for grant or reim-
6 bursement programs may be used by such Office to
7 provide training and technical assistance; and

8 (2) Up to 2 percent of funds made available for
9 grant or reimbursement programs under such head-
10 ings, except for amounts appropriated specifically for
11 research, evaluation, or statistical programs adminis-
12 tered by the National Institute of Justice and the
13 Bureau of Justice Statistics, shall be transferred to
14 and merged with funds provided to the National In-
15 stitute of Justice and the Bureau of Justice Statis-
16 tics, to be used by them for research, evaluation or
17 statistical purposes, without regard to the authoriza-
18 tions for such grant or reimbursement programs,
19 and of such amounts, \$1,300,000 shall be trans-
20 ferred to the Bureau of Prisons for Federal inmate
21 research and evaluation purposes.

22 SEC. 215. The Attorney General may, upon request
23 by a grantee and based upon a determination of fiscal
24 hardship, waive the requirements of sections 2976(g)(1),
25 2978(e)(1) and (2), and 2904 of title I of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
2 3797w(g)(1), 3797w-2(e)(1) and (2), 3797q-3) with re-
3 spect to funds appropriated in this or any other Act mak-
4 ing appropriations for fiscal years 2010 through 2013 for
5 Adult and Juvenile Offender State and Local Reentry
6 Demonstration Projects and State, Tribal, and Local Re-
7 entry Courts authorized under part FF of title I of such
8 Act of 1968, and the Prosecution Drug Treatment Alter-
9 natives to Prison Program authorized under part CC of
10 such Act.

11 SEC. 216. Notwithstanding any other provision of
12 law, section 20109(a), in subtitle A of title II of the Vio-
13 lent Crime Control and Law Enforcement Act of 1994 (42
14 U.S.C. 13709(a)), shall not apply to amounts made avail-
15 able by this title.

16 SEC. 217. None of the funds made available under
17 this Act, other than for the national instant criminal back-
18 ground check system established under section 103 of the
19 Brady Handgun Violence Prevention Act, may be used by
20 a Federal law enforcement officer to facilitate the transfer
21 of an operable firearm to an individual if the Federal law
22 enforcement officer knows or suspects that the individual
23 is an agent of a drug cartel, unless law enforcement per-
24 sonnel of the United States continuously monitor or con-
25 trol the firearm at all times.

1 mission and administrative aircraft, \$5,021,100,000, to
2 remain available until September 30, 2014, of which up
3 to \$14,500,000 shall be available for a reimbursable agree-
4 ment with the Department of Energy for the purpose of
5 re-establishing facilities to produce fuel required for radio-
6 isotope thermoelectric generators to enable future mis-
7 sions: *Provided*, That the formulation and development
8 costs (with development cost as defined under 51 U.S.C.
9 30104) for the James Webb Space Telescope shall not ex-
10 ceed \$8,000,000,000: *Provided further*, That should the
11 individual identified under subparagraph (c)(2)(E) of sec-
12 tion 30104 of title 51 as responsible for the James Webb
13 Space Telescope determine that the development cost of
14 the program is likely to exceed that limitation, the indi-
15 vidual shall immediately notify the Administrator and the
16 increase shall be treated as if it meets the 30 percent
17 threshold described in subsection (f) of section 30104 of
18 title 51.

19 OPERATIONAL SATELLITE ACQUISITION

20 For procurement, acquisition, and construction of
21 operational satellites, \$1,641,147,000, to remain available
22 until September 30, 2015: *Provided*, That any satellite
23 funded by this account shall be transferred to and oper-
24 ated by the National Oceanic and Atmospheric Adminis-
25 tration, Department of Commerce, upon launch and

1 checkout: *Provided further*, That any deviation from the
2 amounts designated for specific activities in the report ac-
3 companying this Act, or any use of deobligated balances
4 of funds provided under the heading “Procurement, Ac-
5 quisition, and Construction, National Oceanic and Atmos-
6 pheric Administration, Department of Commerce” in pre-
7 vious years and transferred to and merged with this ac-
8 count, shall be subject to the procedures set forth in sec-
9 tion 505 of this Act: *Provided further*, That any baselines
10 and Major Program Annual Reports provided under sec-
11 tion 105 of Public Law 112–55 shall be considered base-
12 lines and Major Program Annual Reports under 51 U.S.C.
13 30104 and the requirements of that section shall apply
14 to funds made available under this heading as if the base-
15 lines had been established under 51 U.S.C. 30104: *Pro-*
16 *vided further*, That the Administrator shall provide the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate with revised and detailed life-cycle
19 costs of all satellite programs funded under this heading:
20 *Provided further*, That within the amounts appropriated,
21 \$500,000 shall be transferred to “Office of Inspector Gen-
22 eral” account for activities associated with carrying out
23 investigations and audits related to “Operational Satellite
24 Acquisition”.

1 AERONAUTICS

2 For necessary expenses, not otherwise provided for,
3 in the conduct and support of aeronautics research and
4 development activities, including research, development,
5 operations, support, and services; maintenance and repair,
6 facility planning and design; space flight, spacecraft con-
7 trol, and communications activities; program manage-
8 ment; personnel and related costs, including uniforms or
9 allowances therefor, as authorized by 5 U.S.C. 5901–
10 5902; travel expenses; purchase and hire of passenger
11 motor vehicles; and purchase, lease, charter, maintenance,
12 and operation of mission and administrative aircraft,
13 \$551,500,000, to remain available until September 30,
14 2014.

15 SPACE TECHNOLOGY

16 For necessary expenses, not otherwise provided for,
17 in the conduct and support of space research and tech-
18 nology development activities, including research, develop-
19 ment, operations, support, and services; maintenance and
20 repair, facility planning and design; space flight, space-
21 craft control, and communications activities; program
22 management; personnel and related costs, including uni-
23 forms or allowances therefor, as authorized by 5 U.S.C.
24 5901–5902; travel expenses; purchase and hire of pas-
25 senger motor vehicles; and purchase, lease, charter, main-

1 tenance, and operation of mission and administrative air-
2 craft, \$651,000,000, to remain available until September
3 30, 2014.

4 EXPLORATION

5 For necessary expenses, not otherwise provided for,
6 in the conduct and support of exploration research and
7 development activities, including research, development,
8 operations, support, and services; maintenance and repair,
9 facility planning and design; space flight, spacecraft con-
10 trol, and communications activities; program manage-
11 ment; personnel and related costs, including uniforms or
12 allowances therefor, as authorized by 5 U.S.C. 5901–
13 5902; travel expenses; purchase and hire of passenger
14 motor vehicles; and purchase, lease, charter, maintenance,
15 and operation of mission and administrative aircraft,
16 \$3,908,900,000, to remain available until September 30,
17 2014: *Provided*, That not less than \$1,200,000,000 shall
18 be for the Orion multipurpose crew vehicle, not less than
19 \$1,481,900,000 shall be for the heavy lift launch vehicle
20 system which shall have a lift capability not less than 130
21 tons and which shall have an upper stage and other core
22 elements developed simultaneously, \$394,000,000 shall be
23 for exploration ground systems, \$525,000,000 shall be for
24 commercial spaceflight activities, and \$308,000,000 shall
25 be for exploration research and development.

1 SPACE OPERATIONS

2 For necessary expenses, not otherwise provided for,
3 in the conduct and support of space operations research
4 and development activities, including research, develop-
5 ment, operations, support and services; space flight, space-
6 craft control and communications activities, including op-
7 erations, production, and services; maintenance and re-
8 pair, facility planning and design; program management;
9 personnel and related costs, including uniforms or allow-
10 ances therefor, as authorized by 5 U.S.C. 5901–5902;
11 travel expenses; purchase and hire of passenger motor ve-
12 hicles; and purchase, lease, charter, maintenance and op-
13 eration of mission and administrative aircraft,
14 \$3,961,700,000, to remain available until September 30,
15 2014.

16 EDUCATION

17 For necessary expenses, not otherwise provided for,
18 in carrying out aerospace and aeronautical education re-
19 search and development activities, including research, de-
20 velopment, operations, support, and services; program
21 management; personnel and related costs, including uni-
22 forms or allowances therefor, as authorized by 5 U.S.C.
23 5901–5902; travel expenses; purchase and hire of pas-
24 senger motor vehicles; and purchase, lease, charter, main-
25 tenance, and operation of mission and administrative air-

1 craft, \$125,000,000, to remain available until September
2 30, 2014, of which \$18,000,000 shall be for the Experi-
3 mental Program to Stimulate Competitive Research and
4 \$40,000,000 shall be for the National Space Grant College
5 program of which no more than \$620,000 shall be used
6 for administration of the program.

7 CROSS AGENCY SUPPORT

8 For necessary expenses, not otherwise provided for,
9 in the conduct and support of science, aeronautics, explo-
10 ration, space operations and education 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; not
18 to exceed \$63,000 for official reception and representation
19 expenses; and purchase, lease, charter, maintenance, and
20 operation of mission and administrative aircraft,
21 \$2,822,500,000, to remain available until September 30,
22 2014: *Provided*, That not less than \$39,100,000 shall be
23 available for independent verification and validation activi-
24 ties.

1 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
2 RESTORATION

3 For necessary expenses for construction of facilities
4 including repair, rehabilitation, revitalization, and modi-
5 fication of facilities, construction of new facilities and ad-
6 ditions to existing facilities, facility planning and design,
7 and restoration, and acquisition or condemnation of real
8 property, as authorized by law, and environmental compli-
9 ance and restoration, \$679,000,000, to remain available
10 until September 30, 2018: *Provided*, That notwithstanding
11 section 315 of the National Aeronautics and Space Act
12 of 1958 (51 U.S.C. 20145), all proceeds from leases en-
13 tered into under that section shall be deposited into this
14 account and shall be available for a period of 5 years, to
15 the extent provided in annual appropriations Acts: *Pro-*
16 *vided further*, That such proceeds shall be available for ob-
17 ligation for fiscal year 2013 in an amount not to exceed
18 \$3,791,000: *Provided further*, That each annual budget re-
19 quest shall include an annual estimate of gross receipts
20 and collections and proposed use of all funds collected pur-
21 suant to section 315 of the National Aeronautics and
22 Space Act of 1958 (51 U.S.C. 20145).

23 OFFICE OF INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector
25 General in carrying out the Inspector General Act of 1978,

1 \$37,800,000, of which \$500,000 shall remain available
2 until September 30, 2014.

3 ADMINISTRATIVE PROVISIONS

4 Funds for announced prizes otherwise authorized
5 shall remain available, without fiscal year limitation, until
6 the prize is claimed or the offer is withdrawn.

7 Not to exceed 5 percent of any appropriation made
8 available for the current fiscal year for the National Aero-
9 nautics and Space Administration in this Act may be
10 transferred between such appropriations, but no such ap-
11 propriation, except as otherwise specifically provided, shall
12 be increased by more than 10 percent by any such trans-
13 fers except that funds transferred to “Construction and
14 Environmental Compliance and Restoration” may increase
15 that account by up to 20 percent. Balances so transferred
16 shall be merged with and available for the same purposes
17 and the same time period as the appropriations to which
18 transferred. Any transfer pursuant to this provision shall
19 be treated as a reprogramming of funds under section 505
20 of this Act and shall not be available for obligation except
21 in compliance with the procedures set forth in that section.

22 The spending plan required by section 536 of this Act
23 shall be provided by NASA at the theme, program, project
24 and activity level. The spending plan, as well as any subse-
25 quent change of an amount established in that spending

1 plan that meets the notification requirements of section
2 505 of this Act, shall be treated as a reprogramming
3 under section 505 of this Act and shall not be available
4 for obligation or expenditure except in compliance with the
5 procedures set forth in that section.

6 NATIONAL SCIENCE FOUNDATION

7 RESEARCH AND RELATED ACTIVITIES

8 For necessary expenses in carrying out the National
9 Science Foundation Act of 1950, as amended (42 U.S.C.
10 1861–1875), and the Act to establish a National Medal
11 of Science (42 U.S.C. 1880–1881); services as authorized
12 by 5 U.S.C. 3109; maintenance and operation of aircraft
13 and purchase of flight services for research support; acqui-
14 sition of aircraft; and authorized travel; \$5,883,280,000,
15 to remain available until September 30, 2014, of which
16 not to exceed \$500,000,000 shall remain available until
17 expended for polar research and operations support, and
18 for reimbursement to other Federal agencies for oper-
19 ational and science support and logistical and other re-
20 lated activities for the United States Antarctic program:
21 *Provided*, That receipts for scientific support services and
22 materials furnished by the National Research Centers and
23 other National Science Foundation supported research fa-
24 cilities may be credited to this appropriation: *Provided fur-*
25 *ther*, That not less than \$158,000,000 shall be available

1 for activities authorized by section 7002(c)(2)(A)(iv) of
2 Public Law 110–69.

3 MAJOR RESEARCH EQUIPMENT AND FACILITIES

4 CONSTRUCTION

5 For necessary expenses for the acquisition, construc-
6 tion, commissioning, and upgrading of major research
7 equipment, facilities, and other such capital assets pursu-
8 ant to the National Science Foundation Act of 1950, as
9 amended (42 U.S.C. 1861–1875), including authorized
10 travel, \$196,170,000, to remain available until expended:
11 *Provided*, That none of the funds may be used to reim-
12 burse the Judgment Fund.

13 EDUCATION AND HUMAN RESOURCES

14 For necessary expenses in carrying out science, math-
15 ematics and engineering education and human resources
16 programs and activities pursuant to the National Science
17 Foundation Act of 1950, as amended (42 U.S.C. 1861–
18 1875), including services as authorized by 5 U.S.C. 3109,
19 authorized travel, and rental of conference rooms in the
20 District of Columbia, \$875,610,000, to remain available
21 until September 30, 2014: *Provided*, That not less than
22 \$54,890,000 shall be available until expended for activities
23 authorized by section 7030 of Public Law 110–69.

1 AGENCY OPERATIONS AND AWARD MANAGEMENT

2 For agency operations and award management nec-
3 essary in carrying out the National Science Foundation
4 Act of 1950, as amended (42 U.S.C. 1861–1875); services
5 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
6 hicles; not to exceed \$8,280 for official reception and rep-
7 resentation expenses; uniforms or allowances therefor, as
8 authorized by 5 U.S.C. 5901–5902; rental of conference
9 rooms in the District of Columbia; and reimbursement of
10 the Department of Homeland Security for security guard
11 services; \$299,400,000: *Provided*, That contracts may be
12 entered into under this heading in fiscal year 2013 for
13 maintenance and operation of facilities, and for other serv-
14 ices, to be provided during the next fiscal year.

15 OFFICE OF THE NATIONAL SCIENCE BOARD

16 For necessary expenses (including payment of sala-
17 ries, authorized travel, hire of passenger motor vehicles,
18 the rental of conference rooms in the District of Columbia,
19 and the employment of experts and consultants under sec-
20 tion 3109 of title 5, United States Code) involved in car-
21 rying out section 4 of the National Science Foundation
22 Act of 1950, as amended (42 U.S.C. 1863) and Public
23 Law 86–209 (42 U.S.C. 1880 et seq.), \$4,440,000: *Pro-*
24 *vided*, That not to exceed \$2,500 shall be available for offi-
25 cial reception and representation expenses.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General as authorized by the Inspector General Act of
4 1978, as amended, \$14,200,000.

5 ADMINISTRATIVE PROVISION

6 Not to exceed 5 percent of any appropriation made
7 available for the current fiscal year for the National
8 Science Foundation in this Act may be transferred be-
9 tween such appropriations, but no such appropriation shall
10 be increased by more than 15 percent by any such trans-
11 fers. Any transfer pursuant to this section shall be treated
12 as a reprogramming of funds under section 505 of this
13 Act and shall not be available for obligation except in com-
14 pliance with the procedures set forth in that section.

15 This title may be cited as the “Science Appropria-
16 tions Act, 2013”.

17 TITLE IV

18 RELATED AGENCIES

19 COMMISSION ON CIVIL RIGHTS

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of the Commission on Civil
23 Rights, including hire of passenger motor vehicles,
24 \$9,400,000: *Provided*, That none of the funds appro-
25 priated in this paragraph shall be used to employ in excess

1 of four full-time individuals under Schedule C of the Ex-
2 cepted Service exclusive of one special assistant for each
3 Commissioner: *Provided further*, That none of the funds
4 appropriated in this paragraph shall be used to reimburse
5 Commissioners for more than 75 billable days, with the
6 exception of the chairperson, who is permitted 125 billable
7 days: *Provided further*, That none of the funds appro-
8 priated in this paragraph shall be used for any activity
9 or expense that is not explicitly authorized by 42 U.S.C.
10 1975a: *Provided further*, That there shall be an Inspector
11 General at the Commission on Civil Rights who shall have
12 the duties, responsibilities, and authorities specified in the
13 Inspector General Act of 1978, as amended: *Provided fur-*
14 *ther*, That an individual appointed to the position of In-
15 spector General of the Government Accountability Office
16 (GAO) shall, by virtue of such appointment, also hold the
17 position of Inspector General of the Commission on Civil
18 Rights: *Provided further*, That the Inspector General of
19 the Commission on Civil Rights shall utilize personnel of
20 the Office of Inspector General of GAO in performing the
21 duties of the Inspector General of the Commission on Civil
22 Rights, and shall not appoint any individuals to positions
23 within the Commission on Civil Rights: *Provided further*,
24 That of the amounts made available in this paragraph,
25 \$250,000 shall be transferred directly to the Office of In-

1 Appropriations have been notified of such proposals, in ac-
2 cordance with the reprogramming requirements of section
3 505 of this Act: *Provided further*, That the Chair is au-
4 thorized to accept and use any gift or donation to carry
5 out the work of the Commission.

6 INTERNATIONAL TRADE COMMISSION

7 SALARIES AND EXPENSES

8 For necessary expenses of the International Trade
9 Commission, including hire of passenger motor vehicles,
10 and services as authorized by 5 U.S.C. 3109, and not to
11 exceed \$2,250 for official reception and representation ex-
12 penses, \$82,800,000, to remain available until expended.

13 LEGAL SERVICES CORPORATION

14 PAYMENT TO THE LEGAL SERVICES CORPORATION

15 For payment to the Legal Services Corporation to
16 carry out the purposes of the Legal Services Corporation
17 Act of 1974, \$402,000,000, of which \$376,800,000 is for
18 basic field programs and required independent audits;
19 \$4,200,000 is for the Office of Inspector General, of which
20 such amounts as may be necessary may be used to conduct
21 additional audits of recipients; \$17,000,000 is for manage-
22 ment and grants oversight; \$3,000,000 is for client self-
23 help and information technology; and \$1,000,000 is for
24 loan repayment assistance: *Provided*, That the Legal Serv-
25 ices Corporation may continue to provide locality pay to

1 officers and employees at a rate no greater than that pro-
2 vided by the Federal Government to Washington, DC-
3 based employees as authorized by 5 U.S.C. 5304, notwith-
4 standing section 1005(d) of the Legal Services Corpora-
5 tion Act, 42 U.S.C. 2996(d): *Provided further*, That the
6 authorities provided in section 205 of this Act shall be
7 applicable to the Legal Services Corporation.

8 ADMINISTRATIVE PROVISION—LEGAL SERVICES
9 CORPORATION

10 None of the funds appropriated in this Act to the
11 Legal Services Corporation shall be expended for any pur-
12 pose prohibited or limited by, or contrary to any of the
13 provisions of, sections 501, 502, 503, 504, 505, and 506
14 of Public Law 105–119, and all funds appropriated in this
15 Act to the Legal Services Corporation shall be subject to
16 the same terms and conditions set forth in such sections,
17 except that all references in sections 502 and 503 to 1997
18 and 1998 shall be deemed to refer instead to 2012 and
19 2013, respectively.

20 Section 504 of the Departments of Commerce, Jus-
21 tice, and State, the Judiciary, and Related Agencies Ap-
22 propriations Act, 1996 (as contained in Public Law 104–
23 134) is amended:

24 (1) in subsection (a), in the matter preceding
25 paragraph (1), by inserting after “(”)” the following:

1 “that uses Federal funds (or funds from any source
 2 with regard to paragraphs (7), (14) and (15)) in a
 3 manner”;

4 (2) by striking subsection (d); and

5 (3) by redesignating subsections (e) and (f) as
 6 subsections (d) and (e), respectively.

7 MARINE MAMMAL COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Marine Mammal Com-
 10 mission as authorized by title II of Public Law 92-522,
 11 \$3,081,000.

12 OFFICE OF THE UNITED STATES TRADE

13 REPRESENTATIVE

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of the United
 16 States Trade Representative, including the hire of pas-
 17 senger motor vehicles and the employment of experts and
 18 consultants as authorized by 5 U.S.C. 3109, \$53,041,000,
 19 of which \$1,000,000 shall remain available until expended:
 20 *Provided*, That not to exceed \$111,600 shall be available
 21 for official reception and representation expenses.

22 STATE JUSTICE INSTITUTE

23 SALARIES AND EXPENSES

24 For necessary expenses of the State Justice Institute,
 25 as authorized by the State Justice Institute Authorization

1 Act of 1984 (42 U.S.C. 10701 et seq.) \$5,121,000, of
2 which \$500,000 shall remain available until September 30,
3 2014: *Provided*, That not to exceed \$2,250 shall be avail-
4 able for official reception and representation expenses.

5 TITLE V

6 GENERAL PROVISIONS

7 (INCLUDING RESCISSIONS)

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

11 SEC. 502. No part of any appropriation contained in
12 this Act shall remain available for obligation beyond the
13 current fiscal year unless expressly so provided herein.

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

21 SEC. 504. If any provision of this Act or the applica-
22 tion of such provision to any person or circumstances shall
23 be held invalid, the remainder of the Act and the applica-
24 tion of each provision to persons or circumstances other

1 than those as to which it is held invalid shall not be af-
2 fected thereby.

3 SEC. 505. None of the funds provided under this Act,
4 or provided under previous appropriations Acts to the
5 agencies funded by this Act that remain available for obli-
6 gation or expenditure in fiscal year 2013, or provided from
7 any accounts in the Treasury of the United States derived
8 by the collection of fees available to the agencies funded
9 by this Act, shall be available for obligation or expenditure
10 through a reprogramming of funds that: (1) creates or ini-
11 tiates a new program, project or activity; (2) eliminates
12 a program, project or activity; (3) increases funds or per-
13 sonnel by any means for any project or activity for which
14 funds have been denied or restricted; (4) relocates an of-
15 fice or employees; (5) reorganizes or renames offices, pro-
16 grams or activities; (6) contracts out or privatizes any
17 functions or activities presently performed by Federal em-
18 ployees; (7) augments existing programs, projects or ac-
19 tivities in excess of \$500,000 or 10 percent, whichever is
20 less, or reduces by 10 percent funding for any program,
21 project or activity, or numbers of personnel by 10 percent;
22 or (8) results from any general savings, including savings
23 from a reduction in personnel, which would result in a
24 change in existing programs, projects or activities as ap-
25 proved by Congress; unless the House and Senate Com-

1 mittees on Appropriations are notified 15 days in advance
2 of such reprogramming of funds.

3 SEC. 506. (a) If it has been finally determined by
4 a court or Federal agency that any person intentionally
5 affixed a label bearing a “Made in America” inscription,
6 or any inscription with the same meaning, to any product
7 sold in or shipped to the United States that is not made
8 in the United States, the person shall be ineligible to re-
9 ceive any contract or subcontract made with funds made
10 available in this Act, pursuant to the debarment, suspen-
11 sion, and ineligibility procedures described in sections
12 9.400 through 9.409 of title 48, Code of Federal Regula-
13 tions.

14 (b)(1) To the extent practicable, with respect to au-
15 thorized purchases of promotional items, funds made
16 available by this Act shall be used to purchase items that
17 are manufactured, produced, or assembled in the United
18 States, its territories or possessions.

19 (2) The term “promotional items” has the meaning
20 given the term in OMB Circular A–87, Attachment B,
21 Item (1)(f)(3).

22 SEC. 507. (a) The Departments of Commerce and
23 Justice, the National Science Foundation, and the Na-
24 tional Aeronautics and Space Administration shall provide
25 to the Committees on Appropriations of the House of Rep-

1 representatives and the Senate a quarterly report on the sta-
2 tus of balances of appropriations at the account level. For
3 unobligated, uncommitted balances and unobligated, com-
4 mitted balances the quarterly reports shall separately
5 identify the amounts attributable to each source year of
6 appropriation from which the balances were derived. For
7 balances that are obligated, but unexpended, the quarterly
8 reports shall separately identify amounts by the year of
9 obligation.

10 (b) The report described in subsection (a) shall be
11 submitted within 30 days of the end of the first quarter
12 of fiscal year 2013, and subsequent reports shall be sub-
13 mitted within 30 days of the end of each quarter there-
14 after.

15 (c) If a department or agency is unable to fulfill any
16 aspect of a reporting requirement described in subsection
17 (a) due to a limitation of a current accounting system,
18 the department or agency shall fulfill such aspect to the
19 maximum extent practicable under such accounting sys-
20 tem and shall identify and describe in each quarterly re-
21 port the extent to which such aspect is not fulfilled.

22 SEC. 508. Any costs incurred by a department or
23 agency funded under this Act resulting from, or to pre-
24 vent, personnel actions taken in response to funding re-
25 ductions included in this Act shall be absorbed within the

1 total budgetary resources available to such department or
2 agency: *Provided*, That the authority to transfer funds be-
3 tween appropriations accounts as may be necessary to
4 carry out this section is provided in addition to authorities
5 included elsewhere in this Act: *Provided further*, That use
6 of funds to carry out this section shall be treated as a
7 reprogramming of funds under section 505 of this Act and
8 shall not be available for obligation or expenditure except
9 in compliance with the procedures set forth in that section.

10 SEC. 509. None of the funds provided by this Act
11 shall be available to promote the sale or export of tobacco
12 or tobacco products, or to seek the reduction or removal
13 by any foreign country of restrictions on the marketing
14 of tobacco or tobacco products, except for restrictions
15 which are not applied equally to all tobacco or tobacco
16 products of the same type.

17 SEC. 510. Notwithstanding any other provision of
18 law, amounts deposited or available in the Fund estab-
19 lished under 42 U.S.C. 10601 in any fiscal year in excess
20 of \$775,000,000 shall not be available for obligation until
21 the following fiscal year.

22 SEC. 511. None of the funds made available to the
23 Department of Justice in this Act may be used to discrimi-
24 nate against or denigrate the religious or moral beliefs of
25 students who participate in programs for which financial

1 assistance is provided from those funds, or of the parents
2 or legal guardians of such students.

3 SEC. 512. None of the funds made available in this
4 Act may be transferred to any Department, agency, or in-
5 strumentality of the United States Government, except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this Act or any other appropriations Act.

8 SEC. 513. Any funds provided in this Act used to im-
9 plement E-Government Initiatives shall be subject to the
10 procedures set forth in section 505 of this Act.

11 SEC. 514. (a) Tracing studies conducted by the Bu-
12 reau of Alcohol, Tobacco, Firearms and Explosives are re-
13 leased without adequate disclaimers regarding the limita-
14 tions of the data.

15 (b) The Bureau of Alcohol, Tobacco, Firearms and
16 Explosives shall include in all such data releases, language
17 similar to the following that would make clear that trace
18 data cannot be used to draw broad conclusions about fire-
19 arms-related crime:

20 (1) Firearm traces are designed to assist law
21 enforcement authorities in conducting investigations
22 by tracking the sale and possession of specific fire-
23 arms. Law enforcement agencies may request fire-
24 arms traces for any reason, and those reasons are
25 not necessarily reported to the Federal Government.

1 Not all firearms used in crime are traced and not all
2 firearms traced are used in crime.

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

14 SEC. 515. (a) The Inspectors General of the Depart-
15 ment of Commerce, the Department of Justice, the Na-
16 tional Aeronautics and Space Administration, the Na-
17 tional Science Foundation, and the Legal Services Cor-
18 poration shall conduct audits, pursuant to the Inspector
19 General Act (5 U.S.C. App.), of grants or contracts for
20 which funds are appropriated by this Act, and shall submit
21 reports to Congress on the progress of such audits, which
22 may include preliminary findings and a description of
23 areas of particular interest, within 180 days after initi-
24 ating such an audit and every 180 days thereafter until
25 any such audit is completed.

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

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

11 (2) sensitive personal information for any indi-
12 vidual, the public access to which could be used to
13 commit identity theft or for other inappropriate or
14 unlawful purposes.

15 (c) A grant or contract funded by amounts appro-
16 priated by this Act may not be used for the purpose of
17 defraying the costs of a banquet or conference that is not
18 directly and programmatically related to the purpose for
19 which the grant or contract was awarded, such as a ban-
20 quet or conference held in connection with planning, train-
21 ing, assessment, review, or other routine purposes related
22 to a project funded by the grant or contract.

23 (d) Any person awarded a grant or contract funded
24 by amounts appropriated by this Act shall submit a state-
25 ment to the Secretary of Commerce, the Attorney General,

1 the Administrator, Director, or President, as appropriate,
2 certifying that no funds derived from the grant or contract
3 will be made available through a subcontract or in any
4 other manner to another person who has a financial inter-
5 est in the person awarded the grant or contract.

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

15 SEC. 516. None of the funds appropriated or other-
16 wise made available under this Act may be used by the
17 Departments of Commerce and Justice, the National Aer-
18 onautics and Space Administration, or the National
19 Science Foundation to acquire information technology sys-
20 tems unless the respective Secretary or head of agency,
21 in consultation with the Federal Bureau of Investigation
22 or other appropriate Federal agencies, has assessed any
23 associated risk of cyber-espionage or sabotage.

24 SEC. 517. None of the funds made available in this
25 Act shall be used in any way whatsoever to support or

1 justify the use of torture by any official or contract em-
2 ployee of the United States Government.

3 SEC. 518. (a) Notwithstanding any other provision
4 of law or treaty, none of the funds appropriated or other-
5 wise made available under this Act or any other Act may
6 be expended or obligated by a department, agency, or in-
7 strumentality of the United States to pay administrative
8 expenses or to compensate an officer or employee of the
9 United States in connection with requiring an export li-
10 cense for the export to Canada of components, parts, ac-
11 cessories or attachments for firearms listed in Category
12 I, section 121.1 of title 22, Code of Federal Regulations
13 (International Trafficking in Arms Regulations (ITAR),
14 part 121, as it existed on April 1, 2005) with a total value
15 not exceeding \$500 wholesale in any transaction, provided
16 that the conditions of subsection (b) of this section are
17 met by the exporting party for such articles.

18 (b) The foregoing exemption from obtaining an ex-
19 port license—

20 (1) does not exempt an exporter from filing any
21 Shipper's Export Declaration or notification letter
22 required by law, or from being otherwise eligible
23 under the laws of the United States to possess, ship,
24 transport, or export the articles enumerated in sub-
25 section (a); and

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

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

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

12 (C) articles for export from Canada to an-
13 other foreign destination.

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

22 (d) The President may require export licenses under
23 this section on a temporary basis if the President deter-
24 mines, upon publication first in the Federal Register, that
25 the Government of Canada has implemented or main-

1 tained inadequate import controls for the articles specified
2 in subsection (a), such that a significant diversion of such
3 articles has and continues to take place for use in inter-
4 national terrorism or in the escalation of a conflict in an-
5 other nation. The President shall terminate the require-
6 ments of a license when reasons for the temporary require-
7 ments have ceased.

8 SEC. 519. Notwithstanding any other provision of
9 law, no department, agency, or instrumentality of the
10 United States receiving appropriated funds under this Act
11 or any other Act shall obligate or expend in any way such
12 funds to pay administrative expenses or the compensation
13 of any officer or employee of the United States to deny
14 any application submitted pursuant to 22 U.S.C.
15 2778(b)(1)(B) and qualified pursuant to 27 CFR section
16 478.112 or .113, for a permit to import United States ori-
17 gin “curios or relics” firearms, parts, or ammunition.

18 SEC. 520. None of the funds made available in this
19 Act may be used to include in any new bilateral or multi-
20 lateral trade agreement the text of—

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

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

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

3 SEC. 521. None of the funds made available in this
4 Act may be used to authorize or issue a national security
5 letter in contravention of any of the following laws author-
6 izing the Federal Bureau of Investigation to issue national
7 security letters: The Right to Financial Privacy Act; The
8 Electronic Communications Privacy Act; The Fair Credit
9 Reporting Act; The National Security Act of 1947; USA
10 PATRIOT Act; and the laws amended by these Acts.

11 SEC. 522. If at any time during any quarter, the pro-
12 gram manager of a project within the jurisdiction of the
13 Departments of Commerce or Justice, the National Aero-
14 nautics and Space Administration, or the National Science
15 Foundation totaling more than \$75,000,000 has reason-
16 able cause to believe that the total program cost has in-
17 creased by 10 percent, the program manager shall imme-
18 diately inform the respective Secretary, Administrator, or
19 Director. The Secretary, Administrator, or Director shall
20 notify the House and Senate Committees on Appropria-
21 tions within 30 days in writing of such increase, and shall
22 include in such notice: the date on which such determina-
23 tion was made; a statement of the reasons for such in-
24 creases; the action taken and proposed to be taken to con-
25 trol future cost growth of the project; changes made in

1 the performance or schedule milestones and the degree to
2 which such changes have contributed to the increase in
3 total program costs or procurement costs; new estimates
4 of the total project or procurement costs; and a statement
5 validating that the project's management structure is ade-
6 quate to control total project or procurement costs.

7 SEC. 523. Funds appropriated by this Act, or made
8 available by the transfer of funds in this Act, for intel-
9 ligence or intelligence related activities are deemed to be
10 specifically authorized by the Congress for purposes of sec-
11 tion 504 of the National Security Act of 1947 (50 U.S.C.
12 414) during fiscal year 2013 until the enactment of the
13 Intelligence Authorization Act for Fiscal Year 2013.

14 SEC. 524. The Departments, agencies, and commis-
15 sions funded under this Act, shall establish and maintain
16 on the homepages of their Internet Web sites—

17 (1) a direct link to the Internet Web sites of
18 their Offices of Inspectors General; and

19 (2) a mechanism on the Offices of Inspectors
20 General Web site by which individuals may anony-
21 mously report cases of waste, fraud, or abuse with
22 respect to those Departments, agencies, and commis-
23 sions.

24 SEC. 525. None of the funds appropriated or other-
25 wise made available by this Act may be used to enter into

1 a contract in an amount greater than \$5,000,000 or to
2 award a grant in excess of such amount unless the pro-
3 spective contractor or grantee certifies in writing to the
4 agency awarding the contract or grant that, to the best
5 of its knowledge and belief, the contractor or grantee has
6 filed all Federal tax returns required during the three
7 years preceding the certification, has not been convicted
8 of a criminal offense under the Internal Revenue Code of
9 1986, and has not, more than 90 days prior to certifi-
10 cation, been notified of any unpaid Federal tax assessment
11 for which the liability remains unsatisfied, unless the as-
12 sessment is the subject of an installment agreement or
13 offer in compromise that has been approved by the Inter-
14 nal Revenue Service and is not in default, or the assess-
15 ment is the subject of a nonfrivolous administrative or ju-
16 dicial proceeding.

17 (RESCISSIONS)

18 SEC. 526. (a) Of the unobligated balances available
19 to the Department of Justice, the following funds are
20 hereby rescinded, not later than September 30, 2013, from
21 the following accounts in the specified amounts—

22 (1) “Working Capital Fund”, \$26,000,000;

23 (2) “Legal Activities, Assets Forfeiture Fund”,
24 \$675,000,000;

1 (3) “United States Marshals Service, Salaries
2 and Expenses”, \$14,400,000;

3 (4) “Federal Bureau of Investigation, Salaries
4 and Expenses”, \$162,226,000;

5 (5) “Drug Enforcement Administration, Sala-
6 ries and Expenses”, \$15,600,000;

7 (6) “Bureau of Alcohol, Tobacco, Firearms, and
8 Explosives, Salaries and Expenses”, \$12,400,000;

9 (7) “Bureau of Alcohol, Tobacco, Firearms, and
10 Explosives, Violent Crime Reduction Program”,
11 \$1,028,000;

12 (8) “Federal Prison System, Buildings and Fa-
13 cilities”, \$75,000,000;

14 (9) “State and Local Law Enforcement Activi-
15 ties, Office on Violence Against Women, Violence
16 Against Women Prevention and Prosecution Pro-
17 grams”, \$6,000,000;

18 (10) “State and Local Law Enforcement Activi-
19 ties, Office of Justice Programs”, \$43,000,000; and

20 (11) “State and Local Law Enforcement Activi-
21 ties, Community Oriented Policing Services”,
22 \$12,200,000.

23 (b) The Department of Justice shall submit to the
24 Committees on Appropriations of the House of Represent-
25 atives and the Senate a report no later than September

1 1, 2013, specifying the amount of each rescission made
2 pursuant to subsection (a).

3 SEC. 527. None of the funds appropriated or other-
4 wise made available in this Act may be used in a manner
5 that is inconsistent with the principal negotiating objective
6 of the United States with respect to trade remedy laws
7 to preserve the ability of the United States—

8 (1) to enforce vigorously its trade laws, includ-
9 ing antidumping, countervailing duty, and safeguard
10 laws;

11 (2) to avoid agreements that—

12 (A) lessen the effectiveness of domestic
13 and international disciplines on unfair trade, es-
14 pecially dumping and subsidies; or

15 (B) lessen the effectiveness of domestic
16 and international safeguard provisions, in order
17 to ensure that United States workers, agricul-
18 tural producers, and firms can compete fully on
19 fair terms and enjoy the benefits of reciprocal
20 trade concessions; and

21 (3) to address and remedy market distortions
22 that lead to dumping and subsidization, including
23 overcapacity, cartelization, and market-access bar-
24 riers.

1 SEC. 528. 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. 529. 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. 530. 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, Guantánamo
23 Bay, Cuba, by the Department of Defense.

24 SEC. 531. (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, Guantánamo 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, Guantánamo 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, Guantánamo Bay, Cuba.

20 SEC. 532. 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. 533. 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. 534. 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. 535. 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. 536. 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 45 days after
11 the date of enactment of this Act.

12 SEC. 537. (a) The head of any department, agency,
13 board or commission funded by this Act shall submit quar-
14 terly reports to the Inspector General, or the senior ethics
15 official for any entity without an inspector general, of the
16 appropriate department, agency, board or commission re-
17 garding the costs and contracting procedures relating to
18 each conference held by the department, agency, board or
19 commission during fiscal year 2013 for which the cost to
20 the Government was more than \$20,000.

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

24 (1) a description of the subject of and number
25 of participants attending that conference;

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

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

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

5 and

6 (C) a discussion of the methodology used
7 to determine which costs relate to that con-
8 ference; and

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

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

13 (B) a discussion of any cost comparison
14 conducted by the department, agency, board or
15 commission in evaluating potential contractors
16 for that conference.

17 SEC. 538. None of the funds made available by this
18 Act may be used to pay the salaries or expenses of per-
19 sonnel to deny, or fail to act on, an application for the
20 importation of any model of shotgun if—

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

23 (2) no application for the importation of such
24 model of shotgun, in the same configuration, had
25 been denied by the Attorney General prior to Janu-

1 ary 1, 2011, on the basis that the shotgun was not
2 particularly suitable for or readily adaptable to
3 sporting purposes.

4 SEC. 539. (a) None of the funds made available in
5 this Act may be used to maintain or establish a computer
6 network unless such network blocks the viewing,
7 downloading, and exchanging of pornography.

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

12 SEC. 540. None of the funds made available by this
13 Act may be used to enter into a contract, memorandum
14 of understanding, or cooperative agreement with, make a
15 grant to, or provide a loan or loan guarantee to, any cor-
16 poration that was convicted of a felony criminal violation
17 under any Federal law within the preceding 24 months,
18 where the awarding agency is aware of the conviction, un-
19 less an agency has considered suspension or debarment
20 of the corporation and made a determination that this fur-
21 ther action is not necessary to protect the interests of the
22 Government.

23 SEC. 541. None of the funds made available by this
24 Act may be used to enter into a contract, memorandum
25 of understanding, or cooperative agreement with, make a

1 grant to, or provide a loan or loan guarantee to, any cor-
2 poration that has any unpaid Federal tax liability that has
3 been assessed, for which all judicial and administrative
4 remedies have been exhausted or have lapsed, and that
5 is not being paid in a timely manner pursuant to an agree-
6 ment with the authority responsible for collecting the tax
7 liability, where the awarding agency is aware of the unpaid
8 tax liability, unless an agency has considered suspension
9 or debarment of the corporation and made a determination
10 that this further action is not necessary to protect the in-
11 terests of the Government.

12 SEC. 542. All agencies and departments funded under
13 this Act shall send to the Committees on Appropriations
14 of the House of Representatives and the Senate at the
15 end of the fiscal year a report containing a complete inven-
16 tory of the total number of vehicles owned, permanently
17 retired, and purchased during fiscal year 2013 as well as
18 the total cost of the vehicle fleet, including maintenance,
19 fuel, storage, purchasing, and leasing.

20 This Act may be cited as the “Commerce, Justice,
21 Science, and Related Agencies Appropriations Act, 2013”.

Calendar No. 360

112TH CONGRESS
2^D SESSION

S. 2323

[Report No. 112-158]

A BILL

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes.

APRIL 19, 2012

Read twice and placed on the calendar