

111TH CONGRESS
1ST SESSION

H. R. 2847

AN ACT

Making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 2010, and for other pur-
4 poses, namely:

5 TITLE I

6 DEPARTMENT OF COMMERCE

7 INTERNATIONAL TRADE ADMINISTRATION

8 OPERATIONS AND ADMINISTRATION

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

1 graph of 28 U.S.C. 2672 when such claims arise in foreign
2 countries; not to exceed \$327,000 for official representa-
3 tion expenses abroad; purchase of passenger motor vehi-
4 cles for official use abroad, not to exceed \$45,000 per vehi-
5 cle; obtaining insurance on official motor vehicles; and
6 rental of tie lines, \$444,504,000 (reduced by \$100,000),
7 to remain available until September 30, 2011, of which
8 \$9,439,000 is to be derived from fees to be retained and
9 used by the International Trade Administration, notwith-
10 standing 31 U.S.C. 3302: *Provided*, That not less than
11 \$7,000,000 shall be for the Office of China Compliance,
12 and not less than \$4,400,000 shall be for the China Coun-
13 tering Duty Group: *Provided further*, That the provi-
14 sions of the first sentence of section 105(f) and all of sec-
15 tion 108(c) of the Mutual Educational and Cultural Ex-
16 change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall
17 apply in carrying out these activities without regard to
18 section 5412 of the Omnibus Trade and Competitiveness
19 Act of 1988 (15 U.S.C. 4912); and that for the purpose
20 of this Act, contributions under the provisions of the Mu-
21 tual Educational and Cultural Exchange Act of 1961 shall
22 include payment for assessments for services provided as
23 part of these activities: *Provided further*, That negotiations
24 shall be conducted within the World Trade Organization
25 to recognize the right of members to distribute monies col-

1 lected from antidumping and countervailing duties: *Pro-*
2 *vided further*, That negotiations shall be conducted within
3 the World Trade Organization consistent with the negoti-
4 ating objectives contained in the Trade Act of 2002, Pub-
5 lic Law 107–210: *Provided further*, That within the
6 amounts appropriated, \$3,715,000 shall be used for the
7 projects, and in the amounts, specified in the table titled
8 “Congressionally-designated items” in the report of the
9 Committee on Appropriations of the House of Representa-
10 tives to accompany this Act.

11 BUREAU OF INDUSTRY AND SECURITY

12 OPERATIONS AND ADMINISTRATION

13 For necessary expenses for export administration and
14 national security activities of the Department of Com-
15 merce, including costs associated with the performance of
16 export administration field activities both domestically and
17 abroad; full medical coverage for dependent members of
18 immediate families of employees stationed overseas; em-
19 ployment of Americans and aliens by contract for services
20 abroad; payment of tort claims, in the manner authorized
21 in the first paragraph of 28 U.S.C. 2672 when such claims
22 arise in foreign countries; not to exceed \$15,000 for offi-
23 cial representation expenses abroad; awards of compensa-
24 tion to informers under the Export Administration Act of
25 1979, and as authorized by 22 U.S.C. 401(b); and pur-

1 chase of passenger motor vehicles for official use and
2 motor vehicles for law enforcement use with special re-
3 quirement vehicles eligible for purchase without regard to
4 any price limitation otherwise established by law,
5 \$100,342,000, to remain available until expended, of
6 which \$14,767,000 shall be for inspections and other ac-
7 tivities related to national security: *Provided*, That the
8 provisions of the first sentence of section 105(f) and all
9 of section 108(c) of the Mutual Educational and Cultural
10 Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(e))
11 shall apply in carrying out these activities: *Provided fur-*
12 *ther*, That payments and contributions collected and ac-
13 cepted for materials or services provided as part of such
14 activities may be retained for use in covering the cost of
15 such activities, and for providing information to the public
16 with respect to the export administration and national se-
17 curity activities of the Department of Commerce and other
18 export control programs of the United States and other
19 governments.

20 ECONOMIC DEVELOPMENT ADMINISTRATION

21 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

22 For grants for economic development assistance as
23 provided by the Public Works and Economic Development
24 Act of 1965, and for trade adjustment assistance,
25 \$255,000,000, to remain available until expended.

1 SALARIES AND EXPENSES

2 For necessary expenses of administering the eco-
3 nomic development assistance programs as provided for by
4 law, \$38,000,000: *Provided*, That these funds may be used
5 to monitor projects approved pursuant to title I of the
6 Public Works Employment Act of 1976, title II of the
7 Trade Act of 1974, and the Community Emergency
8 Drought Relief Act of 1977.

9 MINORITY BUSINESS DEVELOPMENT AGENCY

10 MINORITY BUSINESS DEVELOPMENT

11 For necessary expenses of the Department of Com-
12 merce in fostering, promoting, and developing minority
13 business enterprise, including expenses of grants, con-
14 tracts, and other agreements with public or private organi-
15 zations, \$31,000,000: *Provided*, That within the amounts
16 appropriated, \$900,000 shall be used for the projects, and
17 in the amounts, specified in the table titled “Congression-
18 ally-designated items” in the report of the Committee on
19 Appropriations of the House of Representatives to accom-
20 pany this Act.

21 ECONOMIC AND STATISTICAL ANALYSIS

22 SALARIES AND EXPENSES

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

1 of Commerce, \$97,255,000, to remain available until Sep-
2 tember 30, 2011.

3 BUREAU OF THE CENSUS

4 SALARIES AND EXPENSES

5 For expenses necessary for collecting, compiling, ana-
6 lyzing, preparing, and publishing statistics, provided for
7 by law, \$259,024,000.

8 PERIODIC CENSUSES AND PROGRAMS

9 For necessary expenses to collect and publish statis-
10 tics for periodic censuses and programs provided for by
11 law, \$7,115,707,000, of which \$206,000,000 shall be de-
12 rived from available unobligated balances previously ap-
13 propriated under this heading, to remain available until
14 September 30, 2011: *Provided*, That none of the funds
15 provided in this or any other Act for any fiscal year may
16 be used for the collection of census data on race identifica-
17 tion that does not include “some other race” as a category:
18 *Provided further*, That from amounts provided herein,
19 funds may be used for additional promotion, outreach, and
20 marketing activities.

21 NATIONAL TELECOMMUNICATIONS AND INFORMATION

22 ADMINISTRATION

23 SALARIES AND EXPENSES

24 For necessary expenses, as provided for by law, of
25 the National Telecommunications and Information Ad-

1 ministration (NTIA), \$19,999,000, to remain available
2 until September 30, 2011: *Provided*, That, notwith-
3 standing 31 U.S.C. 1535(d), the Secretary of Commerce
4 shall charge Federal agencies for costs incurred in spec-
5 trum management, analysis, operations, and related serv-
6 ices, and such fees shall be retained and used as offsetting
7 collections for costs of such spectrum services, to remain
8 available until expended: *Provided further*, That the Sec-
9 retary of Commerce is authorized to retain and use as off-
10 setting collections all funds transferred, or previously
11 transferred, from other Government agencies for all costs
12 incurred in telecommunications research, engineering, and
13 related activities by the Institute for Telecommunication
14 Sciences of NTIA, in furtherance of its assigned functions
15 under this paragraph, and such funds received from other
16 Government agencies shall remain available until ex-
17 pended.

18 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING

19 AND CONSTRUCTION

20 For the administration of grants, authorized by sec-
21 tion 392 of the Communications Act of 1934,
22 \$20,000,000, to remain available until expended as au-
23 thorized by section 391 of the Act: *Provided*, That not to
24 exceed \$2,000,000 shall be available for program adminis-
25 tration as authorized by section 391 of the Act: *Provided*

1 *further*, That, notwithstanding the provisions of section
2 391 of the Act, the prior year unobligated balances may
3 be made available for grants for projects for which appli-
4 cations have been submitted and approved during any fis-
5 cal year.

6 UNITED STATES PATENT AND TRADEMARK OFFICE

7 SALARIES AND EXPENSES

8 For necessary expenses of the United States Patent
9 and Trademark Office (USPTO) provided for by law, in-
10 cluding defense of suits instituted against the Under Sec-
11 retary of Commerce for Intellectual Property and Director
12 of the United States Patent and Trademark Office,
13 \$1,930,361,000, to remain available until expended: *Pro-*
14 *vided*, That the sum herein appropriated from the general
15 fund shall be reduced as offsetting collections assessed and
16 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
17 and 376 are received during fiscal year 2010, so as to re-
18 sult in a fiscal year 2010 appropriation from the general
19 fund estimated at \$0: *Provided further*, That during fiscal
20 year 2010, should the total amount of offsetting fee collec-
21 tions be less than \$1,930,361,000, this amount shall be
22 reduced accordingly: *Provided further*, That any amount
23 received in excess of \$1,930,361,000 in fiscal year 2010,
24 in an amount up to \$100,000,000 shall remain available
25 until expended: *Provided further*, That from amounts pro-

1 vided herein, not to exceed \$1,000 shall be made available
2 in fiscal year 2010 for official reception and representa-
3 tion expenses: *Provided further*, That in fiscal year 2010
4 and hereafter, from the amounts made available for “Sala-
5 ries and Expenses” for the USPTO, the amounts nec-
6 essary to pay: (1) the difference between the percentage
7 of basic pay contributed by the USPTO and employees
8 under section 8334(a) of title 5, United States Code, and
9 the normal cost percentage (as defined by section
10 8331(17) of that title) of basic pay, of employees subject
11 to subchapter III of chapter 83 of that title; and (2) the
12 present value of the otherwise unfunded accruing costs,
13 as determined by the Office of Personnel Management, of
14 post-retirement life insurance and post-retirement health
15 benefits coverage for all USPTO employees, shall be trans-
16 ferred to the Civil Service Retirement and Disability
17 Fund, the Employees Life Insurance Fund, and the Em-
18 ployees Health Benefits Fund, as appropriate, and shall
19 be available for the authorized purposes of those accounts:
20 *Provided further*, That sections 801, 802, and 803 of divi-
21 sion B, Public Law 108–447 shall remain in effect during
22 fiscal year 2010: *Provided further*, That the Director may,
23 this year, reduce by regulation fees payable for documents
24 in patent and trademark matters, in connection with the
25 filing of documents filed electronically in a form prescribed

1 by the Director: *Provided further*, That from the amounts
2 provided herein, no less than \$4,000,000 shall be available
3 only for the USPTO contribution in a cooperative or joint
4 agreement or agreements with a non-profit organization
5 or organizations, successfully audited within the previous
6 year, and with previous experience in such programs, to
7 conduct policy studies, including studies relating to activi-
8 ties of United Nations Specialized agencies and other
9 international organizations, as well as conferences and
10 other development programs, in support of fair inter-
11 national protection of intellectual property rights.

12 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
13 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

14 For necessary expenses of the National Institute of
15 Standards and Technology, \$510,000,000, to remain
16 available until expended, of which not to exceed
17 \$9,000,000 may be transferred to the “Working Capital
18 Fund”: *Provided*, That not to exceed \$10,000 shall be for
19 official reception and representation expenses.

20 INDUSTRIAL TECHNOLOGY SERVICES

21 For necessary expenses of the Hollings Manufac-
22 turing Extension Partnership of the National Institute of
23 Standards and Technology, \$124,700,000, to remain
24 available until expended. In addition, for necessary ex-
25 penses of the Technology Innovation Program of the Na-

1 tional Institute of Standards and Technology,
2 \$69,900,000, to remain available until expended.

3 CONSTRUCTION OF RESEARCH FACILITIES

4 For construction of new research facilities, including
5 architectural and engineering design, and for renovation
6 and maintenance of existing facilities, not otherwise pro-
7 vided for the National Institute of Standards and Tech-
8 nology, as authorized by 15 U.S.C. 278c–278e,
9 \$76,500,000, to remain available until expended, of which
10 \$20,000,000 is for a competitive construction grant pro-
11 gram for research science buildings: *Provided further,*
12 That the Secretary of Commerce shall include in the budg-
13 et justification materials that the Secretary submits to
14 Congress in support of the Department of Commerce
15 budget (as submitted with the budget of the President
16 under section 1105(a) of title 31, United States Code) an
17 estimate for each National Institute of Standards and
18 Technology construction project having a total multi-year
19 program cost of more than \$5,000,000 and simultaneously
20 the budget justification materials shall include an estimate
21 of the budgetary requirements for each such project for
22 each of the five subsequent fiscal years.

1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 OPERATIONS, RESEARCH, AND FACILITIES
4 (INCLUDING TRANSFERS OF FUNDS)

5 For necessary expenses of activities authorized by law
6 for the National Oceanic and Atmospheric Administration,
7 including maintenance, operation, and hire of aircraft and
8 vessels; grants, contracts, or other payments to nonprofit
9 organizations for the purposes of conducting activities
10 pursuant to cooperative agreements; and relocation of fa-
11 cilities, \$3,198,793,000 (increased by \$500,000), to re-
12 main available until September 30, 2011, except for funds
13 provided for cooperative enforcement, which shall remain
14 available until September 30, 2012: *Provided*, That fees
15 and donations received by the National Ocean Service for
16 the management of national marine sanctuaries may be
17 retained and used for the salaries and expenses associated
18 with those activities, notwithstanding 31 U.S.C. 3302:
19 *Provided further*, That in addition, \$3,000,000 shall be de-
20 rived by transfer from the fund entitled “Coastal Zone
21 Management” and in addition \$104,600,000 shall be de-
22 rived by transfer from the fund entitled “Promote and De-
23 velop Fishery Products and Research Pertaining to Amer-
24 ican Fisheries”: *Provided further*, That of the
25 \$3,317,393,000 (increased by \$500,000) provided for in

1 direct obligations under this heading \$3,198,793,000 (in-
2 creased by \$500,000) is appropriated from the general
3 fund, \$107,600,000 is provided by transfer, and
4 \$11,000,000 is derived from recoveries of prior year obli-
5 gations: *Provided further*, That the total amount available
6 for the National Oceanic and Atmospheric Administration
7 corporate services administrative support costs shall not
8 exceed \$228,549,000: *Provided further*, That payments of
9 funds made available under this heading to the Depart-
10 ment of Commerce Working Capital Fund including De-
11 partment of Commerce General Counsel legal services
12 shall not exceed \$41,944,000: *Provided further*, That any
13 deviation from the amounts designated for specific activi-
14 ties in the report accompanying this Act, or any use of
15 deobligated balances of funds provided under this heading
16 in previous years, shall be subject to the procedures set
17 forth in section 505 of this Act: *Provided further*, That
18 in allocating grants under sections 306 and 306A of the
19 Coastal Zone Management Act of 1972, as amended, no
20 coastal State shall receive more than 5 percent or less
21 than 1 percent of increased funds appropriated over the
22 previous fiscal year: *Provided further*, That within the
23 amounts appropriated, \$37,500,000 shall be used for the
24 projects, and in the amounts, specified in the table titled
25 “Congressionally-designated items” in the report of the

1 Committee on Appropriations of the House of Representa-
2 tives to accompany this Act.

3 In addition, for necessary retired pay expenses under
4 the Retired Serviceman's Family Protection and Survivor
5 Benefits Plan, and for payments for the medical care of
6 retired personnel and their dependents under the Depend-
7 ents Medical Care Act (10 U.S.C. 55), such sums as may
8 be necessary.

9 PROCUREMENT, ACQUISITION AND CONSTRUCTION

10 For procurement, acquisition and construction of
11 capital assets, including alteration and modification costs,
12 of the National Oceanic and Atmospheric Administration,
13 \$1,409,148,000, to remain available until September 30,
14 2012, except funds provided for construction of facilities
15 which shall remain available until expended: *Provided*,
16 That of the \$1,411,148,000 provided for in direct obliga-
17 tions under this heading \$1,409,148,000 is appropriated
18 from the general fund and \$2,000,000 is provided from
19 recoveries of prior year obligations: *Provided further*, That
20 except to the extent expressly prohibited by any other law,
21 the Department of Defense may delegate procurement
22 functions related to the National Polar-orbiting Oper-
23 ational Environmental Satellite System to officials of the
24 Department of Commerce pursuant to section 2311 of title
25 10, United States Code: *Provided further*, That any devi-

1 ation from the amounts designated for specific activities
2 in the report accompanying this Act, or any use of
3 deobligated balances of funds provided under this heading
4 in previous years, shall be subject to the procedures set
5 forth in section 505 of this Act: *Provided further*, That
6 the Secretary of Commerce shall include in budget jus-
7 tification materials that the Secretary submits to Congress
8 in support of the Department of Commerce budget (as
9 submitted with the budget of the President under section
10 1105(a) of title 31, United States Code) an estimate for
11 each National Oceanic and Atmospheric Administration
12 Procurement, Acquisition, or Construction project having
13 a total of more than \$5,000,000 and simultaneously the
14 budget justification shall include an estimate of the budg-
15 etary requirements for each such project for each of the
16 five subsequent fiscal years.

17 COASTAL ZONE MANAGEMENT FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 Of amounts collected pursuant to section 308 of the
20 Coastal Zone Management Act of 1972 (16 U.S.C.
21 1456a), not to exceed \$3,000,000 shall be transferred to
22 the “Operations, Research, and Facilities” account to off-
23 set the costs of implementing such Act.

1 FISHERIES FINANCE PROGRAM ACCOUNT

2 Subject to section 502 of the Congressional Budget
3 Act of 1974, during fiscal year 2009, obligations of direct
4 loans may not exceed \$8,000,000 for Individual Fishing
5 Quota loans and not to exceed \$59,000,000 for traditional
6 direct loans as authorized by the Merchant Marine Act
7 of 1936: *Provided*, That none of the funds made available
8 under this heading may be used for direct loans for any
9 new fishing vessel that will increase the harvesting capac-
10 ity in any United States fishery.

11 DEPARTMENTAL MANAGEMENT

12 SALARIES AND EXPENSES

13 For expenses necessary for the departmental manage-
14 ment of the Department of Commerce provided for by law,
15 including not to exceed \$5,000 for official entertainment,
16 \$60,000,000 (reduced by \$500,000) (reduced by
17 \$4,000,000): *Provided*, That the Secretary, within 30 days
18 of enactment of this Act, shall provide a report to the
19 Committees on Appropriations that audits and evaluates
20 all decision documents and expenditures by the Bureau
21 of the Census as they relate to the 2010 Census: *Provided*
22 *further*, That of the amounts provided to the Secretary
23 within this account, \$5,000,000 shall not become available
24 for obligation until the Secretary certifies to the House
25 and Senate Committees on Appropriations that the Bu-

1 reau of the Census has followed and met all standards and
2 best practices, and all Office of Management and Budget
3 guidelines related to information technology projects and
4 contract management.

5 HERBERT C. HOOVER BUILDING RENOVATION AND
6 MODERNIZATION

7 For expenses necessary, including blast windows, for
8 the renovation and modernization of the Herbert C. Hoo-
9 ver Building, \$5,000,000, to remain available until ex-
10 pended.

11 OFFICE OF INSPECTOR GENERAL

12 For necessary expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978 (5 U.S.C. App.), \$27,000,000.

15 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE
16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 101. During the current fiscal year, applicable
18 appropriations and funds made available to the Depart-
19 ment of Commerce by this Act shall be available for the
20 activities specified in the Act of October 26, 1949 (15
21 U.S.C. 1514), to the extent and in the manner prescribed
22 by the Act, and, notwithstanding 31 U.S.C. 3324, may
23 be used for advanced payments not otherwise authorized
24 only upon the certification of officials designated by the

1 Secretary of Commerce that such payments are in the
2 public interest.

3 SEC. 102. During the current fiscal year, appropria-
4 tions made available to the Department of Commerce by
5 this Act for salaries and expenses shall be available for
6 hire of passenger motor vehicles as authorized by 31
7 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
8 3109; and uniforms or allowances therefor, as authorized
9 by law (5 U.S.C. 5901–5902).

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

1 anic and Atmospheric Administration this section shall
2 provide for transfers among appropriations made only to
3 the National Oceanic and Atmospheric Administration
4 and such appropriations may not be transferred and re-
5 programmed to other Department of Commerce bureaus
6 and appropriation accounts.

7 SEC. 104. Any costs incurred by a department or
8 agency funded under this title resulting from personnel
9 actions taken in response to funding reductions included
10 in this title or from actions taken for the care and protec-
11 tion of loan collateral or grant property shall be absorbed
12 within the total budgetary resources available to such de-
13 partment or agency: *Provided*, That the authority to trans-
14 fer funds between appropriations accounts as may be nec-
15 essary to carry out this section is provided in addition to
16 authorities included elsewhere in this Act: *Provided fur-*
17 *ther*, That use of funds to carry out this section shall be
18 treated as a reprogramming of funds under section 505
19 of this Act and shall not be available for obligation or ex-
20 penditure except in compliance with the procedures set
21 forth in that section.

22 SEC. 105. The requirements set forth by section 112
23 of division B of Public Law 110–161 are hereby adopted
24 by reference.

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

19 SEC. 107. The Administration of the National Oce-
20 anic and Atmospheric Administration is authorized to use,
21 with their consent, with reimbursement and subject to the
22 limits of available appropriations, the land, services, equip-
23 ment, personnel, and facilities of any department, agency
24 or instrumentality of the United States, or of any state,
25 local government, Indian tribal government, Territory or

1 possession, or of any political subdivision thereof, or of
2 any foreign government or international organization for
3 purposes related to carrying out the responsibilities of any
4 statute administered by the National Oceanic and Atmos-
5 pheric Administration.

6 This title may be cited as the “Department of Com-
7 merce Appropriations Act, 2010”.

8 TITLE II

9 DEPARTMENT OF JUSTICE

10 GENERAL ADMINISTRATION

11 SALARIES AND EXPENSES

12 For expenses necessary for the administration of the
13 Department of Justice, \$118,488,000 (reduced by
14 \$2,500,000) (increased by \$1,000,000) (reduced by
15 \$1,000,000) of which not to exceed \$4,000,000 for secu-
16 rity and construction of Department of Justice facilities
17 shall remain available until expended: *Provided*, That the
18 Attorney General is authorized to transfer funds appro-
19 priated within General Administration to any office in this
20 account: *Provided further*, That \$14,693,000 (increased by
21 \$1,000,000) (reduced by \$1,000,000) is for Department
22 Leadership; \$8,101,000 is for Intergovernmental Rela-
23 tions/External Affairs; \$12,715,000 is for Executive Sup-
24 port/Professional Responsibility; and \$82,979,000 is for
25 the Justice Management Division: *Provided further*, That

1 any change in amounts specified in the preceding proviso
2 greater than 5 percent shall be submitted for approval to
3 the House and Senate Committees on Appropriations con-
4 sistent with the terms of section 505 of this Act: *Provided*
5 *further*, That this transfer authority is in addition to
6 transfers authorized under section 505 of this Act.

7 NATIONAL DRUG INTELLIGENCE CENTER

8 For necessary expenses of the National Drug Intel-
9 ligence Center, \$44,023,000, of which \$2,000,000 shall be
10 for reimbursement of Air Force personnel for the National
11 Drug Intelligence Center to support the Department of
12 Defense's counter-drug intelligence responsibilities: *Pro-*
13 *vided*, That the National Drug Intelligence Center shall
14 maintain the personnel and technical resources to provide
15 timely support to law enforcement authorities and the in-
16 telligence community by conducting document and com-
17 puter exploitation of materials collected in Federal, State,
18 and local law enforcement activity associated with counter-
19 drug, counterterrorism, and national security investiga-
20 tions and operations.

21 JUSTICE INFORMATION SHARING TECHNOLOGY

22 For necessary expenses for information sharing tech-
23 nology, including planning, development, deployment and
24 departmental direction, \$109,417,000 (reduced by
25 \$21,132,000), to remain available until expended, of which

1 not less than \$21,132,000 (reduced by \$21,132,000) is
2 for the unified financial management system.

3 TACTICAL LAW ENFORCEMENT WIRELESS

4 COMMUNICATIONS

5 For the costs of developing and implementing a na-
6 tion-wide Integrated Wireless Network supporting Federal
7 law enforcement communications, and for the costs of op-
8 erations and maintenance of existing Land Mobile Radio
9 legacy systems, \$205,143,000, to remain available until
10 expended: *Provided*, That the Attorney General shall
11 transfer to this account all funds made available to the
12 Department of Justice for the purchase of portable and
13 mobile radios: *Provided further*, That any transfer made
14 under the preceding proviso shall be subject to section 505
15 of this Act.

16 ADMINISTRATIVE REVIEW AND APPEALS

17 For expenses necessary for the administration of par-
18 don and clemency petitions and immigration-related activi-
19 ties, \$300,685,000, of which \$4,000,000 shall be derived
20 by transfer from the Executive Office for Immigration Re-
21 view fees deposited in the “Immigration Examinations
22 Fee” account.

23 DETENTION TRUSTEE

24 For necessary expenses of the Federal Detention
25 Trustee, \$1,438,663,000, to remain available until ex-

1 pended: *Provided*, That the Trustee shall be responsible
2 for managing the Justice Prisoner and Alien Transpor-
3 tation System: *Provided further*, That not to exceed
4 \$5,000,000 shall be considered “funds appropriated for
5 State and local law enforcement assistance” pursuant to
6 18 U.S.C. 4013(b).

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General, \$84,368,000, including not to exceed \$10,000 to
10 meet unforeseen emergencies of a confidential character.

11 UNITED STATES PAROLE COMMISSION

12 SALARIES AND EXPENSES

13 For necessary expenses of the United States Parole
14 Commission as authorized, \$12,859,000.

15 LEGAL ACTIVITIES

16 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

17 For expenses necessary for the legal activities of the
18 Department of Justice, not otherwise provided for, includ-
19 ing not to exceed \$20,000 for expenses of collecting evi-
20 dence, to be expended under the direction of, and to be
21 accounted for solely under the certificate of, the Attorney
22 General; and rent of private or Government-owned space
23 in the District of Columbia, \$875,097,000, of which not
24 to exceed \$10,000,000 for litigation support contracts
25 shall remain available until expended: *Provided*, That of

1 the total amount appropriated, not to exceed \$10,000 shall
2 be available to the United States National Central Bu-
3 reau, INTERPOL, for official reception and representa-
4 tion expenses: *Provided further*, That notwithstanding sec-
5 tion 205 of this Act, upon a determination by the Attorney
6 General that emergent circumstances require additional
7 funding for litigation activities of the Civil Division, the
8 Attorney General may transfer such amounts to “Salaries
9 and Expenses, General Legal Activities” from available
10 appropriations for the current fiscal year for the Depart-
11 ment of Justice, as may be necessary to respond to such
12 circumstances: *Provided further*, That any transfer pursu-
13 ant to the previous proviso shall be treated as a re-
14 programming under section 505 of this Act and shall not
15 be available for obligation or expenditure except in compli-
16 ance with the procedures set forth in that section: *Pro-*
17 *vided further*, That of the amount appropriated, such sums
18 as may be necessary shall be available to reimburse the
19 Office of Personnel Management for salaries and expenses
20 associated with the election monitoring program under
21 section 8 of the Voting Rights Act of 1965 (42 U.S.C.
22 1973f): *Provided further*, That of the amounts provided
23 under this heading for the election monitoring program
24 \$3,390,000, shall remain available until expended.

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

6 SALARIES AND EXPENSES, ANTITRUST DIVISION

7 For expenses necessary for the enforcement of anti-
8 trust and kindred laws, \$163,170,000, to remain available
9 until expended: *Provided*, That notwithstanding any other
10 provision of law, fees collected for premerger notification
11 filings under the Hart-Scott-Rodino Antitrust Improve-
12 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
13 of collection (and estimated to be \$102,000,000 in fiscal
14 year 2010), shall be retained and used for necessary ex-
15 penses in this appropriation, and shall remain available
16 until expended: *Provided further*, That the sum herein ap-
17 propriated from the general fund shall be reduced as such
18 offsetting collections are received during fiscal year 2010,
19 so as to result in a final fiscal year 2010 appropriation
20 from the general fund estimated at \$61,170,000.

21 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

22 For necessary expenses of the Offices of the United
23 States Attorneys, including inter-governmental and coop-
24 erative agreements, \$1,934,003,000: *Provided*, That of the
25 total amount appropriated, not to exceed \$8,000 shall be

1 available for official reception and representation ex-
2 penses: *Provided further*, That not to exceed \$25,000,000
3 shall remain available until expended: *Provided further*,
4 That of the amount provided under this heading, not less
5 than \$36,980,000 shall be used for salaries and expenses
6 for assistant U.S. Attorneys to carry out section 704 of
7 the Adam Walsh Child Protection and Safety Act of 2006
8 (Public Law 109–248) concerning the prosecution of of-
9 fenses relating to the sexual exploitation of children: *Pro-*
10 *vided further*, That of the amount provided under this
11 heading, \$6,000,000 is for salaries and expenses for new
12 assistant U.S. Attorneys to carry out additional prosecu-
13 tions of serious crimes in Indian Country.

14 UNITED STATES TRUSTEE SYSTEM FUND

15 For necessary expenses of the United States Trustee
16 Program, as authorized, \$224,488,000, to remain avail-
17 able until expended and to be derived from the United
18 States Trustee System Fund: *Provided*, That notwith-
19 standing any other provision of law, deposits to the Fund
20 shall be available in such amounts as may be necessary
21 to pay refunds due depositors: *Provided further*, That, not-
22 withstanding any other provision of law, \$210,000,000 of
23 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
24 be retained and used for necessary expenses in this appro-
25 priation and shall remain available until expended: *Pro-*

1 *vided further*, That the sum herein appropriated from the
2 Fund shall be reduced as such offsetting collections are
3 received during fiscal year 2009, so as to result in a final
4 fiscal year 2009 appropriation from the Fund estimated
5 at \$9,488,000.

6 SALARIES AND EXPENSES, FOREIGN CLAIMS

7 SETTLEMENT COMMISSION

8 For expenses necessary to carry out the activities of
9 the Foreign Claims Settlement Commission, including
10 services as authorized by section 3109 of title 5, United
11 States Code, \$2,117,000.

12 FEES AND EXPENSES OF WITNESSES

13 For fees and expenses of witnesses, for expenses of
14 contracts for the procurement and supervision of expert
15 witnesses, for private counsel expenses, including ad-
16 vances, and for expenses of foreign counsel, \$168,300,000,
17 to remain available until expended, of which not to exceed
18 \$10,000,000 is for construction of buildings for protected
19 witness safesites; not to exceed \$3,000,000 is for the pur-
20 chase and maintenance of armored and other vehicles for
21 witness security caravans; and not to exceed \$11,000,000
22 may be made available for the purchase, installation,
23 maintenance, and upgrade of secure telecommunications
24 equipment and a secure automated information network

1 to store and retrieve the identities and locations of pro-
2 tected witnesses.

3 SALARIES AND EXPENSES, COMMUNITY RELATIONS

4 SERVICE

5 For necessary expenses of the Community Relations
6 Service, \$11,479,000: *Provided*, That notwithstanding sec-
7 tion 205 of this Act, upon a determination by the Attorney
8 General that emergent circumstances require additional
9 funding for conflict resolution and violence prevention ac-
10 tivities of the Community Relations Service, the Attorney
11 General may transfer such amounts to the Community Re-
12 lations Service, from available appropriations for the cur-
13 rent fiscal year for the Department of Justice, as may be
14 necessary to respond to such circumstances: *Provided fur-*
15 *ther*, That any transfer pursuant to the preceding proviso
16 shall be treated as a reprogramming under section 505
17 of this Act and shall not be available for obligation or ex-
18 penditure except in compliance with the procedures set
19 forth in that section.

20 ASSETS FORFEITURE FUND

21 For expenses authorized by 28 U.S.C. 524(c)(1)(B),
22 (F), and (G), \$20,990,000, to be derived from the Depart-
23 ment of Justice Assets Forfeiture Fund.

1 UNITED STATES MARSHALS SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Mar-
4 shals Service, \$1,138,388,000; of which not to exceed
5 \$30,000 shall be available for official reception and rep-
6 resentation expenses; of which not to exceed \$4,000,000
7 shall remain available until expended for information tech-
8 nology systems; and of which not less than \$12,625,000
9 shall be available for the costs of courthouse security
10 equipment, including furnishings, relocations, and tele-
11 phone systems and cabling, and shall remain available
12 until expended.

13 CONSTRUCTION

14 For construction in space controlled, occupied or uti-
15 lized by the United States Marshals Service for prisoner
16 holding and related support, \$14,000,000, to remain avail-
17 able until expended.

18 NATIONAL SECURITY DIVISION

19 SALARIES AND EXPENSES

20 For expenses necessary to carry out the activities of
21 the National Security Division, \$87,938,000; of which not
22 to exceed \$5,000,000 for information technology systems
23 shall remain available until expended: *Provided*, That not-
24 withstanding section 205 of this Act, upon a determina-
25 tion by the Attorney General that emergent circumstances

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

11 INTERAGENCY LAW ENFORCEMENT

12 INTERAGENCY CRIME AND DRUG ENFORCEMENT

13 For necessary expenses for the identification, inves-
14 tigation, and prosecution of individuals associated with the
15 most significant drug trafficking and affiliated money
16 laundering organizations not otherwise provided for, to in-
17 clude inter-governmental agreements with State and local
18 law enforcement agencies engaged in the investigation and
19 prosecution of individuals involved in organized crime drug
20 trafficking, \$528,569,000, of which \$50,000,000 shall re-
21 main available until expended: *Provided*, That any
22 amounts obligated from appropriations under this heading
23 may be used under authorities available to the organiza-
24 tions reimbursed from this appropriation.

1 FEDERAL BUREAU OF INVESTIGATION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Bureau of In-
4 vestigation for detection, investigation, and prosecution of
5 crimes against the United States, \$7,718,741,000 (in-
6 creased by \$1,000,000) (reduced by \$1,000,000), of which
7 \$101,066,000 (increased by \$1,000,000) (reduced by
8 \$1,000,000) is designated as being for overseas deploy-
9 ments and other activities pursuant to section 423(a)(1)
10 of S. Con. Res. 13 (111th Congress), the concurrent reso-
11 lution on the budget for fiscal year 2010; and of which
12 not to exceed \$150,000,000 shall remain available until
13 expended: *Provided*, That not to exceed \$205,000 shall be
14 available for official reception and representation ex-
15 penses.

16 CONSTRUCTION

17 For necessary expenses to construct or acquire build-
18 ings and sites by purchase, or as otherwise authorized by
19 law (including equipment for such buildings); conversion
20 and extension of federally owned buildings; and prelimi-
21 nary planning and design of projects; \$132,796,000, to
22 remain available until expended.

1 DRUG ENFORCEMENT ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Drug Enforcement Ad-
4 ministration, including not to exceed \$70,000 to meet un-
5 foreseen emergencies of a confidential character pursuant
6 to 28 U.S.C. 530C; and expenses for conducting drug edu-
7 cation and training programs, including travel and related
8 expenses for participants in such programs and the dis-
9 tribution of items of token value that promote the goals
10 of such programs, \$2,019,682,000; of which not to exceed
11 \$75,000,000 shall remain available until expended; and of
12 which not to exceed \$100,000 shall be available for official
13 reception and representation expenses.

14 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

15 EXPLOSIVES

16 SALARIES AND EXPENSES

17 For necessary expenses of the Bureau of Alcohol, To-
18 bacco, Firearms and Explosives, not to exceed \$40,000 for
19 official reception and representation expenses; for training
20 of State and local law enforcement agencies with or with-
21 out reimbursement, including training in connection with
22 the training and acquisition of canines for explosives and
23 fire accelerants detection; and for provision of laboratory
24 assistance to State and local law enforcement agencies,
25 with or without reimbursement, \$1,105,772,000, of which

1 not to exceed \$1,000,000 shall be available for the pay-
2 ment of attorneys' fees as provided by section 924(d)(2)
3 of title 18, United States Code; and of which not to exceed
4 \$10,000,000 shall remain available until expended: *Pro-*
5 *vided*, That no funds appropriated herein shall be available
6 for salaries or administrative expenses in connection with
7 consolidating or centralizing, within the Department of
8 Justice, the records, or any portion thereof, of acquisition
9 and disposition of firearms maintained by Federal fire-
10 arms licensees: *Provided further*, That no funds appro-
11 priated herein shall be used to pay administrative expenses
12 or the compensation of any officer or employee of the
13 United States to implement an amendment or amend-
14 ments to 27 CFR 478.118 or to change the definition of
15 "Curios or relics" in 27 CFR 478.11 or remove any item
16 from ATF Publication 5300.11 as it existed on January
17 1, 1994: *Provided further*, That none of the funds appro-
18 priated herein shall be available to investigate or act upon
19 applications for relief from Federal firearms disabilities
20 under 18 U.S.C. 925(c): *Provided further*, That such funds
21 shall be available to investigate and act upon applications
22 filed by corporations for relief from Federal firearms dis-
23 abilities under section 925(c) of title 18, United States
24 Code: *Provided further*, That no funds made available by
25 this or any other Act may be used to transfer the func-

1 tions, missions, or activities of the Bureau of Alcohol, To-
2 bacco, Firearms and Explosives to other agencies or De-
3 partments in fiscal year 2010: *Provided further*, That, be-
4 ginning in fiscal year 2010 and thereafter, no funds ap-
5 propriated under this or any other Act may be used to
6 disclose part or all of the contents of the Firearms Trace
7 System database maintained by the National Trace Center
8 of the Bureau of Alcohol, Tobacco, Firearms and Explo-
9 sives or any information required to be kept by licensees
10 pursuant to section 923(g) of title 18, United States Code,
11 or required to be reported pursuant to paragraphs (3) and
12 (7) of such section 923(g), except to: (1) a Federal, State,
13 local, or tribal law enforcement agency, or a Federal,
14 State, or local prosecutor; or (2) a foreign law enforcement
15 agency solely in connection with or for use in a criminal
16 investigation or prosecution; or (3) a Federal agency for
17 a national security or intelligence purpose; unless such dis-
18 closure of such data to any of the entities described in
19 (1), (2) or (3) of this proviso would compromise the iden-
20 tity of any undercover law enforcement officer or confiden-
21 tial informant, or interfere with any case under investiga-
22 tion; and no person or entity described in (1), (2) or (3)
23 shall knowingly and publicly disclose such data; and all
24 such data shall be immune from legal process, shall not
25 be subject to subpoena or other discovery, shall be inad-

1 missible in evidence, and shall not be used, relied on, or
2 disclosed in any manner, nor shall testimony or other evi-
3 dence be permitted based on the data, in a civil action
4 in any State (including the District of Columbia) or Fed-
5 eral court or in an administrative proceeding other than
6 a proceeding commenced by the Bureau of Alcohol, To-
7 bacco, Firearms and Explosives to enforce the provisions
8 of chapter 44 of such title, or a review of such an action
9 or proceeding; except that this proviso shall not be con-
10 strued to prevent: (A) the disclosure of statistical informa-
11 tion concerning total production, importation, and expor-
12 tation by each licensed importer (as defined in section
13 921(a)(9) of such title) and licensed manufacturer (as de-
14 fined in section 921(a)(10) of such title); (B) the sharing
15 or exchange of such information among and between Fed-
16 eral, State, local, or foreign law enforcement agencies,
17 Federal, State, or local prosecutors, and Federal national
18 security, intelligence, or counterterrorism officials; or (C)
19 the publication of annual statistical reports on products
20 regulated by the Bureau of Alcohol, Tobacco, Firearms
21 and Explosives, including total production, importation,
22 and exportation by each licensed importer (as so defined)
23 and licensed manufacturer (as so defined), or statistical
24 aggregate data regarding firearms traffickers and traf-
25 ficking channels, or firearms misuse, felons, and traf-

1 ficking investigations: *Provided further*, That no funds
2 made available by this or any other Act shall be expended
3 to promulgate or implement any rule requiring a physical
4 inventory of any business licensed under section 923 of
5 title 18, United States Code: *Provided further*, That no
6 funds under this Act may be used to electronically retrieve
7 information gathered pursuant to 18 U.S.C. 923(g)(4) by
8 name or any personal identification code: *Provided further*,
9 That no funds authorized or made available under this or
10 any other Act may be used to deny any application for
11 a license under section 923 of title 18, United States Code,
12 or renewal of such a license due to a lack of business activ-
13 ity, provided that the applicant is otherwise eligible to re-
14 ceive such a license, and is eligible to report business in-
15 come or to claim an income tax deduction for business ex-
16 penses under the Internal Revenue Code of 1986.

17 FEDERAL PRISON SYSTEM

18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Prison System
20 for the administration, operation, and maintenance of
21 Federal penal and correctional institutions, including pur-
22 chase (not to exceed 831, of which 743 are for replacement
23 only) and hire of law enforcement and passenger motor
24 vehicles, and for the provision of technical assistance and
25 advice on corrections related issues to foreign govern-

1 ments, \$6,077,231,000: *Provided*, That the Attorney Gen-
2 eral may transfer to the Health Resources and Services
3 Administration such amounts as may be necessary for di-
4 rect expenditures by that Administration for medical relief
5 for inmates of Federal penal and correctional institutions:
6 *Provided further*, That the Director of the Federal Prison
7 System, where necessary, may enter into contracts with
8 a fiscal agent or fiscal intermediary claims processor to
9 determine the amounts payable to persons who, on behalf
10 of the Federal Prison System, furnish health services to
11 individuals committed to the custody of the Federal Prison
12 System: *Provided further*, That not to exceed \$6,000 shall
13 be available for official reception and representation ex-
14 penses: *Provided further*, That not to exceed \$50,000,000
15 shall remain available for necessary operations until Sep-
16 tember 30, 2011: *Provided further*, That, of the amounts
17 provided for contract confinement, not to exceed
18 \$20,000,000 shall remain available until expended to
19 make payments in advance for grants, contracts and reim-
20 bursable agreements, and other expenses authorized by
21 section 501(c) of the Refugee Education Assistance Act
22 of 1980 (8 U.S.C. 1522 note), for the care and security
23 in the United States of Cuban and Haitian entrants: *Pro-*
24 *vided further*, That the Director of the Federal Prison Sys-
25 tem may accept donated property and services relating to

1 the operation of the prison card program from a not-for-
2 profit entity which has operated such program in the past
3 notwithstanding the fact that such not-for-profit entity
4 furnishes services under contracts to the Federal Prison
5 System relating to the operation of pre-release services,
6 halfway houses, or other custodial facilities.

7 BUILDINGS AND FACILITIES

8 For planning, acquisition of sites and construction of
9 new facilities; purchase and acquisition of facilities and re-
10 modeling, and equipping of such facilities for penal and
11 correctional use, including all necessary expenses incident
12 thereto, by contract or force account; and constructing,
13 remodeling, and equipping necessary buildings and facili-
14 ties at existing penal and correctional institutions, includ-
15 ing all necessary expenses incident thereto, by contract or
16 force account, \$96,744,000, to remain available until ex-
17 pended, of which not less than \$71,358,000 shall be avail-
18 able only for modernization, maintenance and repair, and
19 of which not to exceed \$14,000,000 shall be available to
20 construct areas for inmate work programs: *Provided*, That
21 labor of United States prisoners may be used for work
22 performed under this appropriation.

23 FEDERAL PRISON INDUSTRIES, INCORPORATED

24 The Federal Prison Industries, Incorporated, is here-
25 by authorized to make such expenditures, within the limits

1 of funds and borrowing authority available, and in accord
2 with the law, and to make such contracts and commit-
3 ments, without regard to fiscal year limitations as pro-
4 vided by section 9104 of title 31, United States Code, as
5 may be necessary in carrying out the program set forth
6 in the budget for the current fiscal year for such corpora-
7 tion, including purchase (not to exceed five for replace-
8 ment only) and hire of passenger motor vehicles.

9 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
10 PRISON INDUSTRIES, INCORPORATED

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

1 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES
2 OFFICE ON VIOLENCE AGAINST WOMEN
3 VIOLENCE AGAINST WOMEN PREVENTION AND
4 PROSECUTION PROGRAMS

5 For grants, contracts, cooperative agreements, and
6 other assistance for the prevention and prosecution of vio-
7 lence against women, as authorized by the Omnibus Crime
8 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
9 et seq.) (“the 1968 Act”); the Violent Crime Control and
10 Law Enforcement Act of 1994 (Public Law 103–322)
11 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
12 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
13 torial Remedies and Other Tools to end the Exploitation
14 of Children Today Act of 2003 (Public Law 108–21); the
15 Juvenile Justice and Delinquency Prevention Act of 1974
16 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
17 of Trafficking and Violence Protection Act of 2000 (Public
18 Law 106–386) (“the 2000 Act”); and the Violence
19 Against Women and Department of Justice Reauthoriza-
20 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
21 and for related victims services, \$400,000,000 (increased
22 by \$4,000,000), to remain available until expended: *Pro-*
23 *vided*, That except as otherwise provided by law, not to
24 exceed 3 percent of funds made available under this head-
25 ing may be used for expenses related to evaluation, train-

1 ing, and technical assistance: *Provided further*, That of the
2 amount provided—

3 (1) \$200,000,000 for grants to combat violence
4 against women, as authorized by part T of the 1968
5 Act, of which—

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

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

15 (2) \$60,000,000 for grants to encourage arrest
16 policies as authorized by part U of the 1968 Act;

17 (3) \$13,000,000 for sexual assault victims as-
18 sistance, as authorized by section 41601 of the 1994
19 Act;

20 (4) \$41,000,000 for rural domestic violence and
21 child abuse enforcement assistance grants, as au-
22 thorized by section 40295 of the 1994 Act;

23 (5) \$9,500,000 for grants to reduce violent
24 crimes against women on campus, as authorized by
25 section 304 of the 2005 Act;

1 (6) \$37,000,000 (increased by \$4,000,000) for
2 legal assistance for victims, as authorized by section
3 1201 of the 2000 Act;

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

8 (8) \$14,000,000 for the safe havens for chil-
9 dren program, as authorized by section 1301 of the
10 2000 Act;

11 (9) \$6,750,000 for education and training to
12 end violence against and abuse of women with dis-
13 abilities, as authorized by section 1402 of the 2000
14 Act;

15 (10) \$3,000,000 for an engaging men and
16 youth in prevention program, as authorized by sec-
17 tion 41305 of the 1994 Act;

18 (11) \$1,000,000 for tracking of violence against
19 Indian women, as authorized by section 905 of the
20 2005 Act;

21 (12) \$3,500,000 for services to advocate and
22 respond to youth, as authorized by section 41201 of
23 the 1994 Act;

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

4 (14) \$3,000,000 for the court training and im-
5 provements program, as authorized by section 41002
6 of the 1994 Act; and

7 (15) \$1,000,000 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 OFFICE OF JUSTICE PROGRAMS

12 SALARIES AND EXPENSES

13 For necessary expenses, not elsewhere specified in
14 this title, for management and administration of programs
15 within the Office on Violence Against Women, the Office
16 of Justice Programs and the Community Oriented Polic-
17 ing Services Office, \$192,388,000 (reduced by
18 \$78,768,000) (reduced by \$5,000,000), of which not to
19 exceed \$15,708,000 shall be available for transfer to the
20 Office on Violence Against Women; of which not to exceed
21 \$139,218,000 (reduced by \$78,768,000) (reduced by
22 \$5,000,000) shall be available for the Office of Justice
23 Programs; and of which not to exceed \$37,462,000 shall
24 be available for transfer to the Community Oriented Polic-
25 ing Services Office: *Provided*, That, notwithstanding sec-

1 tion 109 of title I of Public Law 90–351, an additional
2 amount, not to exceed \$21,000,000 shall be available for
3 authorized activities of the Office of Audit, Assessment,
4 and Management: *Provided further*, That the total amount
5 available for management and administration of such pro-
6 grams shall not exceed \$213,388,000 (reduced by
7 \$78,768,000) (reduced by \$5,000,000).

8 JUSTICE ASSISTANCE

9 For grants, contracts, cooperative agreements, and
10 other assistance authorized by title I of the Omnibus
11 Crime Control and Safe Streets Act of 1968 “the 1968
12 Act”; the Juvenile Justice and Delinquency Prevention
13 Act of 1974 “the 1974 Act”; the Missing Children’s As-
14 sistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial
15 Remedies and Other Tools to end the Exploitation of Chil-
16 dren Today Act of 2003 (Public Law 108–21); the Justice
17 for All Act of 2004 (Public Law 108–405); the Violence
18 Against Women and Department of Justice Reauthoriza-
19 tion Act of 2005 (Public Law 109–162); the Victims of
20 Child Abuse Act of 1990 (Public Law 101–647); the Sec-
21 ond Chance Act of 2007 (Public Law 110–199); the Vic-
22 tims of Crime Act of 1984 (Public Law 98–473); the
23 Adam Walsh Child Protection and Safety Act of 2006
24 (Public Law 109–248); the PROTECT Our Children Act
25 of 2008 (Public Law 110–401); subtitle D of title II of

1 the Homeland Security Act of 2002 (Public Law 107–
2 296), which may include research and development; and
3 other programs (including the Statewide Automated Vic-
4 tim Notification Program); \$226,000,000, to remain avail-
5 able until expended, of which—

6 (1) \$60,000,000 is for criminal justice statistics
7 programs, and other activities, as authorized by title
8 I of part C of the 1968 Act, of which \$41,000,000
9 is for the National Crime Victimization Survey;

10 (2) \$48,000,000 is for research, development,
11 and evaluation programs, and other activities as au-
12 thorized by part B of title I of the 1968 Act;

13 (3) 12,000,000 is for the Statewide Victim No-
14 tification System of the Bureau of Justice Assist-
15 ance;

16 (4) \$45,000,000 is for the Regional Informa-
17 tion Sharing System, as authorized by part M of
18 title I of the 1968 Act; and

19 (5) \$61,000,000 is for the Missing Children’s
20 Program, as authorized by sections 404(b) and
21 405(a) of the 1974 Act.

22 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

23 For grants, contracts, cooperative agreements, and
24 other assistance authorized by the Violent Crime Control
25 and Law Enforcement Act of 1994 (Public Law 103–322)

1 (“the 1994 Act”); the Omnibus Crime Control and Safe
2 Streets Act of 1968 (“the 1968 Act”); the Justice for All
3 Act of 2004 (Public Law 108–405); the Victims of Child
4 Abuse Act of 1990 (Public Law 101–647) (“the 1990
5 Act”); the Trafficking Victims Protection Reauthorization
6 Act of 2005 (Public Law 109–164); the Violence Against
7 Women and Department of Justice Reauthorization Act
8 of 2005 (Public Law 109–162); the Adam Walsh Child
9 Protection and Safety Act of 2006 (Public Law 109–248);
10 and the Victims of Trafficking and Violence Protection
11 Act of 2000 (Public Law 106–386); the Second Chance
12 Act of 2007 (Public Law 110–199); the Prioritizing Re-
13 sources and Organization for Intellectual Property Act of
14 2008 (Public Law 110–403); and other programs;
15 \$1,312,500,000 (increased by \$100,000,000), to remain
16 available until expended as follows—

17 (1) \$529,000,000 for the Edward Byrne Memo-
18 rial Justice Assistance Grant program as authorized
19 by subpart 1 of part E of title I of the 1968 Act,
20 (except that section 1001(c), and the special rules
21 for Puerto Rico under section 505(g), of the 1968
22 Act, as amended, shall not apply for purposes of this
23 Act), of which \$5,000,000 is for use by the National
24 Institute of Justice in assisting units of local govern-
25 ment to identify, select, develop, modernize, and pur-

1 chase new technologies for use by law enforcement,
2 \$2,000,000 is for a program to improve State and
3 local law enforcement intelligence capabilities includ-
4 ing antiterrorism training and training to ensure
5 that constitutional rights, civil liberties, civil rights,
6 and privacy interests are protected throughout the
7 intelligence process, and \$10,000,000 is for activities
8 related to comprehensive criminal justice reform and
9 recidivism reduction efforts by States;

10 (2) \$300,000,000 (increased by \$100,000,000)
11 for the State Criminal Alien Assistance Program, as
12 authorized by section 241(i)(5) of the Immigration
13 and Nationality Act (8 U.S.C. 1231(i)(5));

14 (3) \$30,000,000 for the Southwest Border
15 Prosecutor Initiative to reimburse State, county,
16 parish, tribal, or municipal governments for costs as-
17 sociated with the prosecution of criminal cases de-
18 clined by local offices of the United States Attor-
19 neys;

20 (4) \$124,000,000 for discretionary grants to
21 improve the functioning of the criminal justice sys-
22 tem, to prevent or combat juvenile delinquency, and
23 to assist victims of crime (other than compensation)
24 which shall be used for the projects, and in the
25 amounts specified in the table titled “Congressional-

1 ally-designated Items” in the report of the Com-
2 mittee on Appropriations of the House of Represent-
3 atives to accompany this Act;

4 (5) \$40,000,000 for competitive grants to im-
5 prove the functioning of the criminal justice system,
6 to prevent or combat juvenile delinquency, and to as-
7 sist victims of crime (other than compensation);

8 (6) \$2,000,000 for the purposes described in
9 the Missing Alzheimer’s Disease Patient Alert Pro-
10 gram (section 240001 of the 1994 Act);

11 (7) \$10,000,000 for victim services programs
12 for victims of trafficking, as authorized by section
13 107(b)(2) of Public Law 106–386 and for programs
14 authorized under Public Law 109–164;

15 (8) \$45,000,000 for Drug Courts, as authorized
16 by section 1001(25)(A) of title I of the 1968 Act;

17 (9) \$7,000,000 for a program to monitor pre-
18 scription drugs and scheduled listed chemical prod-
19 ucts;

20 (10) \$15,000,000 for prison rape prevention
21 and prosecution and other programs, as authorized
22 by the Prison Rape Elimination Act of 2003 (Public
23 Law 108–79);

1 (11) \$30,000,000 for grants for Residential
2 Substance Abuse Treatment for State Prisoners, as
3 authorized by part S of title I of the 1968 Act;

4 (12) \$5,500,000 for the Capital Litigation Im-
5 provement Grant Program, as authorized by section
6 426 of Public Law 108–405, and for grants for
7 wrongful conviction review;

8 (13) \$12,000,000 for mental health courts and
9 adult and juvenile collaboration program grants, as
10 authorized by parts V and HH of title I of the 1968
11 Act, and the Mentally Ill Offender Treatment and
12 Crime Reduction Reauthorization and Improvement
13 Act of 2008 (Public Law 110–416);

14 (14) \$47,000,000 for assistance to Indian
15 tribes, of which—

16 (A) \$10,000,000 shall be available for
17 grants under section 20109 of subtitle A of title
18 II of the 1994 Act;

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

21 (C) \$12,000,000 shall be available for trib-
22 al alcohol and substance abuse reduction assist-
23 ance grants;

1 (15) \$20,000,000 for economic, high technology
2 and Internet crime prevention grants, as authorized
3 by Section 401 of Public Law 110–403;

4 (16) \$15,000,000 for the court-appointed spe-
5 cial advocate program, as authorized by section 217
6 of the 1990 Act;

7 (17) \$2,500,000 for child abuse training pro-
8 grams for judicial personnel and practitioners, as
9 authorized by section 222 of the 1990 Act;

10 (18) \$3,000,000 for grants to improve the
11 stalking and domestic violence database, as author-
12 ized by section 40602 of the 1994 Act;

13 (19) \$1,000,000 for analysis and research on
14 violence against Indian women, as authorized by sec-
15 tion 904 of the 2005 Act;

16 (20) \$3,500,000 for training programs as au-
17 thorized by section 40152 of the 1994 Act, and for
18 related local demonstration projects;

19 (21) \$1,000,000 for grants for televised testi-
20 mony, as authorized by part N of title I of the 1968
21 Act;

22 (22) \$15,000,000 for programs to reduce gun
23 crime and gang violence;

24 (23) \$25,000,000 for the matching grant pro-
25 gram for law enforcement armor vests, as authorized

1 by section 2501 of title I of the 1968 Act: *Provided*,
2 That \$1,500,000 is for related research, testing, and
3 evaluation programs;

4 (24) \$20,000,000 for grants to assist State and
5 tribal governments as authorized by the NICS im-
6 provement Amendment Act of 2007 (Public Law
7 110–180); and

8 (25) \$10,000,000 (increased by \$2,500,000) for
9 the National Criminal History Improvement pro-
10 gram for grants to upgrade criminal records:

11 *Provided*, That if a unit of local government uses any of
12 the funds made available under this heading to increase
13 the number of law enforcement officers, the unit of local
14 government will achieve a net gain in the number of law
15 enforcement officers who perform non-administrative pub-
16 lic sector safety service.

17 WEED AND SEED PROGRAM FUND

18 For necessary expenses, including salaries and re-
19 lated expenses of the Office of Weed and Seed Strategies,
20 \$15,000,000, to remain available until expended, as au-
21 thorized by section 103 of title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968.

23 JUVENILE JUSTICE PROGRAMS

24 For grants, contracts, cooperative agreements, and
25 other assistance authorized by the Juvenile Justice and

1 Delinquency Prevention Act of 1974 (“the 1974 Act”), the
2 Omnibus Crime Control and Safe Streets Act of 1968
3 (“the 1968 Act”), the Violence Against Women and De-
4 partment of Justice Reauthorization Act of 2005 (Public
5 Law 109–162), the Missing Children’s Assistance Act (42
6 U.S.C. 5771 et seq.); the Prosecutorial Remedies and
7 Other Tools to end the Exploitation of Children Today Act
8 of 2003 (Public Law 108–21); the Victims of Child Abuse
9 Act of 1990 (Public Law 101–647); the Adam Walsh
10 Child Protection and Safety Act of 2006 (Public Law
11 109–248); the PROTECT Our Children Act of 2008
12 (Public Law 110–401), and other juvenile justice pro-
13 grams, \$385,000,000, to remain available until expended
14 as follows—

15 (1) \$75,000,000 for programs authorized by
16 section 221 of the 1974 Act, and for training and
17 technical assistance to assist small, non-profit orga-
18 nizations with the Federal grants process;

19 (2) \$68,000,000 for grants and projects, as au-
20 thorized by sections 261 and 262 of the 1974 Act
21 which shall be used for the projects, and in the
22 amounts, specified in the table titled “Congression-
23 ally-designated items” in the report of the Com-
24 mittee on Appropriations of the House of Represent-
25 atives to accompany this Act;

1 (3) \$80,000,000 for youth mentoring grants;

2 (4) \$62,000,000 for delinquency prevention, as
3 authorized by section 505 of the 1974 Act, of which,
4 pursuant to sections 261 and 262 thereof—

5 (A) \$25,000,000 shall be for the Tribal
6 Youth Program;

7 (B) \$10,000,000 shall be for a gang edu-
8 cation initiative; and

9 (C) \$25,000,000 shall be for grants of
10 \$360,000 to each State and \$4,840,000 shall be
11 available for discretionary grants, for programs
12 and activities to enforce State laws prohibiting
13 the sale of alcoholic beverages to minors or the
14 purchase or consumption of alcoholic beverages
15 by minors, for prevention and reduction of con-
16 sumption of alcoholic beverages by minors, and
17 for technical assistance and training;

18 (5) \$20,000,000 for programs authorized by
19 the Victims of Child Abuse Act of 1990;

20 (6) \$55,000,000 for the Juvenile Accountability
21 Block Grants program as authorized by part R of
22 title I of the 1968 Act and Guam shall be considered
23 a State;

24 (7) \$18,000,000 for Community-based violence
25 prevention initiatives; and

1 (8) \$7,000,000 for the Safe Start Program, as
2 authorized by the 1974 Act:

3 *Provided*, That not more than 10 percent of each amount
4 may be used for research, evaluation, and statistics activi-
5 ties designed to benefit the programs or activities author-
6 ized: *Provided further*, That not more than 2 percent of
7 each amount may be used for training and technical as-
8 sistance: *Provided further*, That the previous two provisos
9 shall not apply to grants and projects authorized by sec-
10 tions 261 and 262 of the 1974 Act.

11 PUBLIC SAFETY OFFICER BENEFITS

12 For payments and expenses authorized under section
13 1001(a)(4) of title I of the Omnibus Crime Control and
14 Safe Streets Act of 1968, such sums as are necessary (in-
15 cluding amounts for administrative costs, which amounts
16 shall be paid to the “Salaries and Expenses” account), to
17 remain available until expended; and \$5,000,000 for pay-
18 ments authorized by section 1201(b) of such Act to remain
19 available until expended; and \$4,100,000 for educational
20 assistance, as authorized by section 1218 of such Act to
21 remain available until expended.

22 COMMUNITY ORIENTED POLICING SERVICES

23 For activities authorized by the Violent Crime Con-
24 trol and Law Enforcement Act of 1994 (Public Law 103–
25 322); the Omnibus Crime Control and Safe Streets Act

1 of 1968 (“the 1968 Act”); the Violence Against Women
2 and Department of Justice Reauthorization Act of 2005
3 (Public Law 109–162); subtitle D of title II of the Home-
4 land Security Act of 2002 (Public Law 107–296), which
5 may include research and development; and the USA PA-
6 TRIOT Improvement and Reauthorization Act of 2005
7 (Public Law 109–177); the Second Chance Act of 2007
8 (Public Law 110–199); the NICS Improvement Amend-
9 ments Act of 2007 (Public Law 110–180); the Adam
10 Walsh Child Protection and Safety Act of 2006 (Public
11 Law 109–248) (the “Adam Walsh Act”); and the Justice
12 for All Act of 2004 (Public Law 108–405), \$802,000,000
13 (increased by \$5,000,000), to remain available until ex-
14 pended: *Provided*, That any balances made available
15 through prior year deobligations shall only be available in
16 accordance with section 505 of this Act. Of the amount
17 provided (which shall be by transfer, for programs admin-
18 istered by the Office of Justice Programs)—

19 (1) \$32,000,000 for grants to entities described
20 in section 1701 of title I of the 1968 Act, to address
21 public safety and methamphetamine manufacturing,
22 sale, and use in hot spots, and for other anti-meth-
23 amphetamine-related activities: *Provided*, That with-
24 in the amounts appropriated, \$17,900,000 shall be
25 used for the projects, and in the amounts, specified

1 in the table titled “Congressionally-designated
2 Items” in the report of Committee on Appropria-
3 tions of the House of Representatives to accompany
4 this Act: *Provided further* That within the amounts
5 appropriated, \$10,000,000 shall be transferred to
6 the Drug Enforcement Administration upon enact-
7 ment of this Act: *Provided further*, That within the
8 amounts appropriated, \$5,000,000 is for anti-meth-
9 amphetamine-related activities in Indian Country;

10 (2) \$123,000,000 is for a law enforcement tech-
11 nologies and interoperable communications program,
12 and related law enforcement and public safety equip-
13 ment which shall be used for the projects, and in the
14 amounts, specified in the table titled “Congression-
15 ally-designated items” in the report of the Com-
16 mittee on Appropriations of the House of Represent-
17 atives to accompany this Act;

18 (3) \$100,000,000 for offender re-entry pro-
19 grams, as authorized by the Second Chance Act of
20 2007 (Public Law 110–199), of which \$37,000,000
21 is for grants for adult and juvenile offender state
22 and local re-entry demonstration projects,
23 \$15,000,000 is for grants for mentoring and transi-
24 tional services, \$10,000,000 is for re-entry courts,
25 \$7,500,000 is for family-based substance abuse

1 treatment, \$2,500,000 is for evaluation and im-
2 provement of education at prisons, jails, and juvenile
3 facilities, \$5,000,000 is for technology careers train-
4 ing demonstration grants, \$13,000,000 is for of-
5 fender reentry substance abuse and criminal justice
6 collaboration, and \$10,000,000 is for prisoner re-
7 entry research;

8 (4) \$151,000,000 (increased by \$5,000,000) for
9 DNA related and forensic programs and activities as
10 follows—

11 (A) \$146,000,000 (increased by
12 \$5,000,000) for a DNA analysis and capacity
13 enhancement program and for other local, state,
14 and Federal forensic activities including the
15 purposes of section 2 of the DNA Analysis
16 Backlog Elimination Act of 2000 (the Debbie
17 Smith DNA Backlog Grant Program); and

18 (B) \$5,000,000 for the purposes described
19 in the Kirk Bloodsworth Post-Conviction DNA
20 Testing Program (Public Law 108–405, section
21 412);

22 (5) \$40,000,000 for improving tribal law en-
23 forcement, including equipment and training;

24 (6) \$14,000,000 for Community Policing Devel-
25 opment activities;

1 (7) \$28,000,000 for a national grant program
2 the purpose of which is to assist State and local law
3 enforcement to locate, arrest and prosecute child
4 sexual predators and exploiters, and to enforce sex
5 offender registration laws described in section
6 1701(b) of the 1968 Act, of which—

7 (A) \$15,000,000 is for sex offender man-
8 agement assistance as authorized by the Adam
9 Walsh Act and the Violent Crime Control Act
10 of 1994 (Public Law 103–322); and

11 (B) \$1,000,000 is for the National Sex Of-
12 fender Public Registry;

13 (8) \$16,000,000 for expenses authorized by
14 part AA of the 1968 Act (Secure our Schools); and

15 (9) \$298,000,000 for grants under section 1701
16 of title I of the 1968 Act (42 U.S.C. 3796dd) for
17 the hiring and rehiring of additional career law en-
18 forcement officers under part Q of such title not-
19 withstanding subsections (g) and (i) of such section
20 and notwithstanding 42 U.S.C. 3796dd–3(c).

21 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

22 SEC. 201. In addition to amounts otherwise made
23 available in this title for official reception and representa-
24 tion expenses, a total of not to exceed \$75,000 from funds
25 appropriated to the Department of Justice in this title

1 shall be available to the Attorney General for official re-
2 ception and representation expenses.

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

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

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

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

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

6 SEC. 206. The Attorney General is authorized to ex-
7 tend through September 30, 2011, the Personnel Manage-
8 ment Demonstration Project transferred to the Attorney
9 General pursuant to section 1115 of the Homeland Secu-
10 rity Act of 2002, Public Law 107–296 (6 U.S.C. 533)
11 without limitation on the number of employees or the posi-
12 tions covered.

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

22 SEC. 208. None of the funds made available to the
23 Department of Justice in this Act may be used for the
24 purpose of transporting an individual who is a prisoner
25 pursuant to conviction for crime under State or Federal

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

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

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

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

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

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

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

20 SEC. 214. None of the funds appropriated in this or
21 any other Act shall be obligated for the initiation of a fu-
22 ture phase of the Federal Bureau of Investigation's Sen-
23 tinel program until the Attorney General certifies to the
24 Committees on Appropriations that existing phases cur-
25 rently under contract for development or fielding have

1 completed a majority of the work for that phase under
2 the performance measurement baseline validated by the
3 integrated baseline review conducted in 2008: *Provided*,
4 That this restriction does not apply to planning and design
5 activities for future phases: *Provided further*, That the Bu-
6 reau will notify the Committees on Appropriations of any
7 significant changes to the baseline.

8 SEC. 215. In addition to any amounts that otherwise
9 may be available (or authorized to be made available) by
10 law, with respect to funds appropriated by this Act under
11 the headings for “Justice Assistance”, “State and Local
12 Law Enforcement Assistance”, “Weed and Seed”, “Juve-
13 nile Justice Programs”, and “Community Oriented Polic-
14 ing Services”—

15 (1) up to 3 percent of funds made available to
16 the office of Justice Programs for grants or reim-
17 bursement may be used to provide training and tech-
18 nical assistance; and

19 (2) up to 1 percent of funds made available to
20 such Office for formula grants under such headings
21 may be used for research or statistical purposes by
22 the National Institute of Justice or the Bureau of
23 Justice Statistics, pursuant to, respectively, sections
24 201 and 202, and sections 301 and 302 of title I of
25 Public Law 90–351.

1 This title may be cited as the “Department of Justice
2 Appropriations Act, 2010”.

3 TITLE III

4 SCIENCE

5 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

6 For necessary expenses of the Office of Science and
7 Technology Policy, in carrying out the purposes of the Na-
8 tional Science and Technology Policy, Organization, and
9 Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of
10 passenger motor vehicles, and services as authorized by
11 5 U.S.C. 3109, not to exceed \$2,800 for official reception
12 and representation expenses, and rental of conference
13 rooms in the District of Columbia, \$7,154,000.

14 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

15 SCIENCE

16 For necessary expenses, not otherwise provided for,
17 in the conduct and support of science research and devel-
18 opment activities, including research, development, oper-
19 ations, support, and services; maintenance; space flight,
20 spacecraft control, and communications activities; pro-
21 gram management; personnel and related costs, including
22 uniforms 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, \$4,496,100,000, of which not to exceed
2 \$450,000,000 shall remain available until September 30,
3 2011.

4 AERONAUTICS

5 For necessary expenses, not otherwise provided for,
6 in the conduct and support of aeronautics research and
7 development activities, including research, development,
8 operations, support, and services; maintenance; space
9 flight, spacecraft control, and communications activities;
10 program management; personnel and related costs, includ-
11 ing uniforms or allowances therefor, as authorized by 5
12 U.S.C. 5901–5902; travel expenses; purchase and hire of
13 passenger motor vehicles; and purchase, lease, charter,
14 maintenance, and operation of mission and administrative
15 aircraft, \$501,000,000, of which not to exceed
16 \$50,000,000 shall remain available until September 30,
17 2011.

18 EXPLORATION

19 For necessary expenses, not otherwise provided for,
20 in the conduct and support of exploration research and
21 development activities, including research, development,
22 operations, support, and services; maintenance; space
23 flight, spacecraft control, and communications activities;
24 program management, personnel and related costs, includ-
25 ing uniforms or allowances therefor, as authorized by 5

1 U.S.C. 5901–5902; travel expenses; purchase and hire of
2 passenger motor vehicles; and purchase, lease, charter,
3 maintenance, and operation of mission and administrative
4 aircraft, \$3,293,200,000, of which not to exceed
5 \$330,000,000 shall remain available until September 30,
6 2011.

7 SPACE OPERATIONS

8 For necessary expenses, not otherwise provided for,
9 in the conduct and support of space operations research
10 and development activities, including research, develop-
11 ment, operations, support and services; space flight, space-
12 craft control and communications activities including oper-
13 ations, production, and services; maintenance; program
14 management; personnel and related costs, including uni-
15 forms or allowances therefor, as authorized by 5 U.S.C.
16 5901–5902; travel expenses; purchase and hire of pas-
17 senger motor vehicles; and purchase, lease, charter, main-
18 tenance and operation of mission and administrative air-
19 craft, \$6,097,300,000, of which not to exceed
20 \$610,000,000 shall remain available until September 30,
21 2011: *Provided*, That of the amounts provided under this
22 heading, \$3,157,100,000 shall be for Space Shuttle oper-
23 ations, production, research, development, and support,
24 \$2,267,000,000 shall be for International Space Station
25 operations, production, research, development, and sup-

1 port, and \$496,500,000 shall be for Space and Flight Sup-
2 port.

3 EDUCATION

4 For necessary expenses, not otherwise provided for,
5 in carrying out aerospace and aeronautical education re-
6 search and development activities, including research, de-
7 velopment, operations, support, and services; program
8 management; personnel and related costs, uniforms or al-
9 lowances therefor, as authorized by 5 U.S.C. 5901–5902;
10 travel expenses; purchase and hire of passenger motor ve-
11 hicles; and purchase, lease, charter, maintenance, and op-
12 eration of mission and administrative aircraft,
13 \$175,000,000, to remain available until September 30,
14 2011.

15 CROSS AGENCY SUPPORT

16 For necessary expenses, not otherwise provided for,
17 in the conduct and support of science, aeronautics, explo-
18 ration, space operations and education research and devel-
19 opment activities, including research, development, oper-
20 ations, support, and services; maintenance; space flight,
21 spacecraft control, and communications activities; pro-
22 gram management; personnel and related costs, including
23 uniforms or allowances therefor, as authorized by 5 U.S.C.
24 5901–5902; travel expenses; purchase and hire of pas-
25 senger motor vehicles; not to exceed \$70,000 for official

1 reception and representation expenses; and purchase,
2 lease, charter, maintenance, and operation of mission and
3 administrative aircraft, \$3,164,000,000: *Provided*, That
4 \$2,182,900,000 shall be available for center management
5 and operations: *Provided further*, That notwithstanding 42
6 U.S.C. 2459j, proceeds from enhanced use leases that may
7 be made available for obligation for fiscal year 2010 shall
8 not exceed \$0: *Provided further*, That each annual budget
9 request shall include an annual estimate of gross receipts
10 and collections and proposed use of all funds collected pur-
11 suant to 42 U.S.C. 2459j: *Provided further*, That not less
12 than \$50,000,000 shall be available for independent
13 verification and validation activities: *Provided further*,
14 That within the amounts appropriated \$15,700,000 shall
15 be used for the projects, and in the amounts, specified in
16 the table titled “Congressionally-designated Items” in the
17 report of the Committee on Appropriations of the House
18 of Representatives to accompany this Act.

19 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
20 REMEDIATION

21 For necessary expenses for construction of facilities
22 including repair, rehabilitation, revitalization, and modi-
23 fication of facilities, construction of new facilities and ad-
24 ditions to existing facilities, facility planning and design,
25 and restoration, and acquisition or condemnation of real

1 property, as authorized by law, and environmental compli-
2 ance and restoration, \$441,700,000, to remain available
3 until September 30, 2015: *Provided*, That within the
4 funds provided, \$12,600,000 shall be available to support
5 science research and development activities; \$69,900,000
6 shall be available to support exploration research and de-
7 velopment activities; \$26,800,000 shall be available to
8 support space operations research and development activi-
9 ties; and \$332,400,000 shall be available for cross agency
10 support activities.

11 OFFICE OF INSPECTOR GENERAL

12 For necessary expenses of the Office of Inspector
13 General in carrying out the Inspector General Act of 1978,
14 \$35,000,000.

15 ADMINISTRATIVE PROVISIONS

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

19 Not to exceed 5 percent of any appropriation made
20 available for the current fiscal year for the National Aero-
21 nautics and Space Administration in this Act may be
22 transferred between such appropriations, but no such ap-
23 propriation, except as otherwise specifically provided, shall
24 be increased by more than 10 percent by any such trans-
25 fers. Any transfer pursuant to this provision shall be treat-

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

4 Notwithstanding any other provision of law, no funds
5 shall be used to implement by Reduction in Force or other
6 involuntary separations (except for cause) by the National
7 Aeronautics and Space Administration prior to September
8 30, 2010.

9 The unexpired balances of the Science, Aeronautics,
10 and Exploration account, for activities for which funds are
11 provided under this Act, may be transferred to the new
12 accounts established in this Act that provide such activity.
13 Balances so transferred shall be merged with the funds
14 in the newly established accounts, but shall be available
15 under the same terms, conditions and period of time as
16 previously appropriated.

17 NATIONAL SCIENCE FOUNDATION

18 RESEARCH AND RELATED ACTIVITIES

19 For necessary expenses in carrying out the National
20 Science Foundation Act of 1950, as amended (42 U.S.C.
21 1861–1875), and the Act to establish a National Medal
22 of Science (42 U.S.C. 1880–1881); services as authorized
23 by 5 U.S.C. 3109; maintenance and operation of aircraft
24 and purchase of flight services for research support; acqui-
25 sition of aircraft; and authorized travel; \$5,642,110,000,

1 to remain available until September 30, 2011, of which
2 not to exceed \$570,000,000 shall remain available until
3 expended for polar research and operations support, and
4 for reimbursement to other Federal agencies for oper-
5 ational and science support and logistical and other re-
6 lated activities for the United States Antarctic program:
7 *Provided*, That from funds specified in the fiscal year
8 2010 budget request for icebreaking services, up to
9 \$54,000,000 shall be available for the procurement of
10 polar icebreaking services: *Provided further*, That the Na-
11 tional Science Foundation shall only reimburse the Coast
12 Guard for such sums as are agreed to according to the
13 existing memorandum of agreement: *Provided further*,
14 That receipts for scientific support services and materials
15 furnished by the National Research Centers and other Na-
16 tional Science Foundation supported research facilities
17 may be credited to this appropriation: *Provided further*,
18 That not less than \$147,120,000 shall be available for ac-
19 tivities authorized by section 7002(b)(2)(A)(iv) of Public
20 Law 110–69.

21 MAJOR RESEARCH EQUIPMENT AND FACILITIES

22 CONSTRUCTION

23 For necessary expenses for the acquisition, construc-
24 tion, commissioning, and upgrading of major research
25 equipment, facilities, and other such capital assets pursu-

1 ant to the National Science Foundation Act of 1950, as
2 amended (42 U.S.C. 1861–1875), including authorized
3 travel, \$114,290,000, to remain available until expended:
4 *Provided*, That none of the funds may be used to reim-
5 burse the Judgment fund.

6 EDUCATION AND HUMAN RESOURCES

7 For necessary expenses in carrying out science, math-
8 ematics and engineering education and human resources
9 programs and activities pursuant to the National Science
10 Foundation Act of 1950, as amended (42 U.S.C. 1861–
11 1875), including services as authorized by 5 U.S.C. 3109,
12 authorized travel, and rental of conference rooms in the
13 District of Columbia, \$862,900,000, to remain available
14 until September 30, 2011: *Provided further*, That not less
15 than \$65,000,000 shall be available until expended for ac-
16 tivities authorized by section 7030 of Public Law 110–
17 69: *Provided further*, That not less than \$32,000,000 shall
18 be available until expended for the Historically Black Col-
19 leges and Universities Undergraduate Program.

20 AGENCY OPERATIONS AND AWARD MANAGEMENT

21 For agency operations and award management nec-
22 essary in carrying out the National Science Foundation
23 Act of 1950, as amended (42 U.S.C. 1861–1875); services
24 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
25 hicles; not to exceed \$9,200 for official reception and rep-

1 representation expenses; uniforms or allowances therefor, as
2 authorized by 5 U.S.C. 5901–5902; rental of conference
3 rooms in the District of Columbia; and reimbursement of
4 the Department of Homeland Security for security guard
5 services; \$299,870,000: *Provided*, That contracts may be
6 entered into under this heading in fiscal year 2010 for
7 maintenance and operation of facilities, and for other serv-
8 ices, to be provided during the next fiscal year.

9 OFFICE OF THE NATIONAL SCIENCE BOARD

10 For necessary expenses (including payment of sala-
11 ries, authorized travel, hire of passenger motor vehicles,
12 the rental of conference rooms in the District of Columbia,
13 and the employment of experts and consultants under sec-
14 tion 3109 of title 5, United States Code) involved in car-
15 rying out section 4 of the National Science Foundation
16 Act of 1950, as amended (42 U.S.C. 1863) and Public
17 Law 86–209 (42 U.S.C. 1880 et seq.), \$4,340,000: *Pro-*
18 *vided*, That not to exceed \$2,800 shall be available for offi-
19 cial reception and representation expenses.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector
22 General as authorized by the Inspector General Act of
23 1978, as amended, \$13,000,000.

24 This title may be cited as the “Science Appropria-
25 tions Act, 2010”.

1 TITLE IV
2 RELATED AGENCIES
3 COMMISSION ON CIVIL RIGHTS
4 SALARIES AND EXPENSES

5 For necessary expenses of the Commission on Civil
6 Rights, including hire of passenger motor vehicles,
7 \$9,400,000: *Provided*, That none of the funds appro-
8 priated in this paragraph shall be used to employ in excess
9 of four full-time individuals under Schedule C of the Ex-
10 cepted Service exclusive of one special assistant for each
11 Commissioner: *Provided further*, That none of the funds
12 appropriated in this paragraph shall be used to reimburse
13 Commissioners for more than 75 billable days, with the
14 exception of the chairperson, who is permitted 125 billable
15 days.

16 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
17 SALARIES AND EXPENSES

18 For necessary expenses of the Equal Employment
19 Opportunity Commission as authorized by title VII of the
20 Civil Rights Act of 1964, the Age Discrimination in Em-
21 ployment Act of 1967, the Equal Pay Act of 1963, the
22 Americans with Disabilities Act of 1990, the Civil Rights
23 Act of 1991, the Genetic Information Non-Discrimination
24 Act (GINA) of 2008 (Public Law 110–233), the ADA
25 Amendments Act of 2008 (Public Law 110–325), and the

1 Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–
2 2), including services as authorized by 5 U.S.C. 3109; hire
3 of passenger motor vehicles as authorized by 31 U.S.C.
4 1343(b); nonmonetary awards to private citizens; and not
5 to exceed \$26,000,000 for payments to State and local en-
6 forcement agencies for authorized services to the Commis-
7 sion, \$367,303,000: *Provided*, That the Commission is au-
8 thorized to make available for official reception and rep-
9 resentation expenses not to exceed \$2,500 from available
10 funds: *Provided further*, That the Commission may take
11 no action to implement any workforce repositioning, re-
12 structuring, or reorganization until such time as the
13 House and Senate Committees on Appropriations have
14 been notified of such proposals, in accordance with the re-
15 programming requirements of section 505 of this Act: *Pro-*
16 *vided further*, That the Chair is authorized to accept and
17 use any gift or donation to carry out the work of the Com-
18 mission.

19 INTERNATIONAL TRADE COMMISSION

20 SALARIES AND EXPENSES

21 For necessary expenses of the International Trade
22 Commission, including hire of passenger motor vehicles,
23 and services as authorized by 5 U.S.C. 3109, and not to
24 exceed \$2,500 for official reception and representation ex-
25 penses, \$82,700,000, to remain available until expended.

1 LEGAL SERVICES CORPORATION

2 PAYMENT TO THE LEGAL SERVICES CORPORATION

3 For payment to the Legal Services Corporation to
4 carry out the purposes of the Legal Services Corporation
5 Act of 1974, \$440,000,000, of which \$414,400,000 is for
6 basic field programs and required independent audits;
7 \$4,200,000 is for the Office of Inspector General, of which
8 such amounts as may be necessary may be used to conduct
9 additional audits of recipients; \$17,000,000 is for manage-
10 ment and grants oversight; \$3,400,000 is for client self-
11 help and information technology; and \$1,000,000 is for
12 loan repayment assistance: *Provided*, That the Legal Serv-
13 ices Corporation may continue to provide locality pay to
14 officers and employees at a rate no greater than that pro-
15 vided by the Federal Government to Washington, DC-
16 based employees as authorized by 5 U.S.C. 5304, notwith-
17 standing section 1005(d) of the Legal Services Corpora-
18 tion Act, 42 U.S.C. 2996(d).

19 ADMINISTRATIVE PROVISION—LEGAL SERVICES

20 CORPORATION

21 None of the funds appropriated in this Act to the
22 Legal Services Corporation shall be expended for any pur-
23 pose prohibited or limited by, or contrary to any of the
24 provisions of, sections 501, 502, 503, 504, 505, and 506
25 of Public Law 105–119, and all funds appropriated in this

1 Act to the Legal Services Corporation shall be subject to
2 the same terms and conditions set forth in such sections,
3 except that all references in sections 502 and 503 to 1997
4 and 1998 shall be deemed to refer instead to 2009 and
5 2010, respectively.

6 MARINE MAMMAL COMMISSION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Marine Mammal Com-
9 mission as authorized by title II of Public Law 92-522,
10 \$3,300,000.

11 OFFICE OF THE UNITED STATES TRADE

12 REPRESENTATIVE

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of the United
15 States Trade Representative, including the hire of pas-
16 senger motor vehicles and the employment of experts and
17 consultants as authorized by 5 U.S.C. 3109, \$48,326,000,
18 of which \$1,000,000 shall remain available until expended:
19 *Provided*, That not to exceed \$124,000 shall be available
20 for official reception and representation expenses: *Pro-*
21 *vided further*, That negotiations shall be conducted within
22 the World Trade Organization to recognize the right of
23 members to distribute monies collected from antidumping
24 and countervailing duties: *Provided further*, That negotia-
25 tions shall be conducted within the World Trade Organiza-

1 tion consistent with the negotiating objectives contained
2 in the Trade Act of 2002, Public Law 107–210.

3 STATE JUSTICE INSTITUTE

4 SALARIES AND EXPENSES

5 For necessary expenses of the State Justice Institute,
6 as authorized by the State Justice Institute Authorization
7 Act of 1984 (42 U.S.C. 10701 et seq.) \$5,131,000, of
8 which \$250,000 shall remain available until September 30,
9 2011: *Provided*, That not to exceed \$2,500 shall be avail-
10 able for official reception and representation expenses.

11 TITLE V

12 GENERAL PROVISIONS

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

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

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

1 SEC. 504. If any provision of this Act or the applica-
2 tion of such provision to any person or circumstances shall
3 be held invalid, the remainder of the Act and the applica-
4 tion of each provision to persons or circumstances other
5 than those as to which it is held invalid shall not be af-
6 fected thereby.

7 SEC. 505. (a) None of the funds provided under this
8 Act, or provided under previous appropriations Acts to the
9 agencies funded by this Act that remain available for obli-
10 gation or expenditure in fiscal year 2010, or provided from
11 any accounts in the Treasury of the United States derived
12 by the collection of fees available to the agencies funded
13 by this Act, shall be available for obligation or expenditure
14 through the reprogramming of funds that—

15 (1) creates or initiates a new program, project
16 or activity;

17 (2) eliminates a program, project or activity,
18 unless the House and Senate Committees on Appro-
19 priations are notified 15 days in advance of such re-
20 programming of funds;

21 (3) increases funds or personnel by any means
22 for any project or activity for which funds have been
23 denied or restricted by this Act, unless the House
24 and Senate Committees on Appropriations are noti-

1 fied 15 days in advance of such reprogramming of
2 funds;

3 (4) relocates an office or employees, unless the
4 House and Senate Committees on Appropriations
5 are notified 15 days in advance of such reprogram-
6 ming of funds;

7 (5) reorganizes or renames offices, programs or
8 activities, unless the House and Senate Committees
9 on Appropriations are notified 15 days in advance of
10 such reprogramming of funds;

11 (6) contracts out or privatizes any functions or
12 activities presently performed by Federal employees,
13 unless the House and Senate Committees on Appro-
14 priations are notified 15 days in advance of such re-
15 programming of funds;

16 (7) proposes to use funds directed for a specific
17 activity by either the House or Senate Committee on
18 Appropriations for a different purpose, unless the
19 House and Senate Committees on Appropriations
20 are notified 15 days in advance of such reprogram-
21 ming of funds;

22 (8) augments funds for existing programs,
23 projects or activities in excess of \$500,000 or 10
24 percent, whichever is less, or reduces by 10 percent
25 funding for any program, project or activity, or

1 numbers of personnel by 10 percent as approved by
2 Congress, unless the House and Senate Committees
3 on Appropriations are notified 15 days in advance of
4 such reprogramming of funds; or

5 (9) results from any general savings, including
6 savings from a reduction in personnel, which would
7 result in a change in existing programs, projects or
8 activities as approved by Congress, unless the House
9 and Senate Committees on Appropriations are noti-
10 fied 15 days in advance of such reprogramming of
11 funds.

12 (b) None of the funds in provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2010, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through the reprogramming of funds after August 1, ex-
20 cept in extraordinary circumstances, and only after the
21 House and Senate Committees on Appropriations are noti-
22 fied 30 days in advance of such reprogramming of funds.

23 SEC. 506. Hereafter, none of the funds made avail-
24 able in this or any other Act may be used to implement,
25 administer, or enforce any guidelines of the Equal Em-

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

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

17 SEC. 508. The Departments of Commerce and Jus-
18 tice, the National Science Foundation, and the National
19 Aeronautics and Space Administration, shall provide to
20 the House and Senate Committees on Appropriations a
21 quarterly accounting of the cumulative balances of any un-
22 obligated funds that were received by such agency during
23 any previous fiscal year.

24 SEC. 509. Any costs incurred by a department or
25 agency funded under this Act resulting from, or to pre-

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

12 SEC. 510. None of the funds provided by this Act
13 shall be available to promote the sale or export of tobacco
14 or tobacco products, or to seek the reduction or removal
15 by any foreign country of restrictions on the marketing
16 of tobacco or tobacco products, except for restrictions
17 which are not applied equally to all tobacco or tobacco
18 products of the same type.

19 SEC. 511. None of the funds appropriated pursuant
20 to this Act or any other provision of law may be used for—

21 (1) the implementation of any tax or fee in con-
22 nection with the implementation of subsection 922(t)
23 of title 18, United States Code; and

24 (2) any system to implement subsection 922(t)
25 of title 18, United States Code, that does not re-

1 quire and result in the destruction of any identifying
2 information submitted by or on behalf of any person
3 who has been determined not to be prohibited from
4 possessing or receiving a firearm no more than 24
5 hours after the system advises a Federal firearms li-
6 censee that possession or receipt of a firearm by the
7 prospective transferee would not violate subsection
8 (g) or (n) of section 922 of title 18, United States
9 Code, or State law.

10 SEC. 512. None of the funds made available in this
11 Act may be used to pay the salaries and expenses of per-
12 sonnel of the Department of Justice to obligate more than
13 \$700,000,000 during fiscal year 2010 from the fund es-
14 tablished by section 1402 of chapter XIV of title II of
15 Public Law 98-473 (42 U.S.C. 10601).

16 SEC. 513. None of the funds made available to the
17 Department of Justice in this Act may be used to discrimi-
18 nate against or denigrate the religious or moral beliefs of
19 students who participate in programs for which financial
20 assistance is provided from those funds, or of the parents
21 or legal guardians of such students.

22 SEC. 514. None of the funds made available in this
23 Act may be transferred to any department, agency, or in-
24 strumentality of the United States Government, except

1 pursuant to a transfer made by, or transfer authority pro-
2 vided in, this Act or any other appropriations Act.

3 SEC. 515. Any funds provided in this Act used to im-
4 plement E-Government Initiatives shall be subject to the
5 procedures set forth in section 505 of this Act.

6 SEC. 516. (a) Tracing studies conducted by the Bu-
7 reau of Alcohol, Tobacco, Firearms and Explosives are re-
8 leased without adequate disclaimers regarding the limita-
9 tions of the data.

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

15 (1) Firearm traces are designed to assist law
16 enforcement authorities in conducting investigations
17 by tracking the sale and possession of specific fire-
18 arms. Law enforcement agencies may request fire-
19 arms traces for any reason, and those reasons are
20 not necessarily reported to the Federal Government.
21 Not all firearms used in crime are traced and not all
22 firearms traced are used in crime.

23 (2) Firearms selected for tracing are not chosen
24 for purposes of determining which types, makes, or
25 models of firearms are used for illicit purposes. The

1 firearms selected do not constitute a random sample
2 and should not be considered representative of the
3 larger universe of all firearms used by criminals, or
4 any subset of that universe. Firearms are normally
5 traced to the first retail seller, and sources reported
6 for firearms traced do not necessarily represent the
7 sources or methods by which firearms in general are
8 acquired for use in crime.

9 SEC. 517. (a) The Inspectors General of the Depart-
10 ment of Commerce, the Department of Justice, the Na-
11 tional Aeronautics and Space Administration, the Na-
12 tional Science Foundation, and the Legal Services Cor-
13 poration shall conduct audits, pursuant to the Inspector
14 General Act (5 U.S.C. App.), of grants or contracts for
15 which funds are appropriated by this Act, and shall submit
16 reports to Congress on the progress of such audits, which
17 may include preliminary findings and a description of
18 areas of particular interest, within 180 days after initi-
19 ating such an audit and every 180 days thereafter until
20 any such audit is completed.

21 (b) Within 60 days after the date on which an audit
22 described in subsection (a) by an Inspector General is
23 completed, the Secretary, Attorney General, Adminis-
24 trator, Director, or President, as appropriate, shall make
25 the results of the audit available to the public on the Inter-

1 net website maintained by the Department, Administra-
2 tion, Foundation, or Corporation, respectively. The results
3 shall be made available in redacted form to exclude—

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

6 (2) sensitive personal information for any indi-
7 vidual, the public access to which could be used to
8 commit identity theft or for other inappropriate or
9 unlawful purposes.

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

18 (d) Any person awarded a grant or contract funded
19 by amounts appropriated by this Act shall submit a state-
20 ment to the Secretary of Commerce, the Attorney General,
21 the Administrator, Director, or President, as appropriate,
22 certifying that no funds derived from the grant or contract
23 will be made available through a subcontract or in any
24 other manner to another person who has a financial inter-
25 est in the person awarded the grant or contract.

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

10 SEC. 518. None of the funds appropriated or other-
11 wise made available under this Act may be used to issue
12 patents on claims directed to or encompassing a human
13 organism.

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

18 SEC. 520. (a) Notwithstanding any other provision
19 of law or treaty, none of the funds appropriated or other-
20 wise made available under this Act or any other Act may
21 be expended or obligated by a department, agency, or in-
22 strumentality of the United States to pay administrative
23 expenses or to compensate an officer or employee of the
24 United States in connection with requiring an export li-
25 cense for the export to Canada of components, parts, ac-

1 cessories or attachments for firearms listed in Category
2 I, section 121.1 of title 22, Code of Federal Regulations
3 (International Trafficking in Arms Regulations (ITAR),
4 part 121, as it existed on April 1, 2005) with a total value
5 not exceeding \$500 wholesale in any transaction, provided
6 that the conditions of subsection (b) of this section are
7 met by the exporting party for such articles.

8 (b) The foregoing exemption from obtaining an ex-
9 port license—

10 (1) does not exempt an exporter from filing any
11 Shipper's Export Declaration or notification letter
12 required by law, or from being otherwise eligible
13 under the laws of the United States to possess, ship,
14 transport, or export the articles enumerated in sub-
15 section (a); and

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

18 (A) fully automatic firearms and compo-
19 nents and parts for such firearms, other than
20 for end use by the Federal Government, or a
21 Provincial or Municipal Government of Canada;

22 (B) barrels, cylinders, receivers (frames) or
23 complete breech mechanisms for any firearm
24 listed in Category I, other than for end use by

1 the Federal Government, or a Provincial or Mu-
2 nicipal Government of Canada; or

3 (C) articles for export from Canada to an-
4 other foreign destination.

5 (e) In accordance with this section, the District Di-
6 rectors of Customs and postmasters shall permit the per-
7 manent or temporary export without a license of any un-
8 classified articles specified in subsection (a) to Canada for
9 end use in Canada or return to the United States, or tem-
10 porary import of Canadian-origin items from Canada for
11 end use in the United States or return to Canada for a
12 Canadian citizen.

13 (d) The President may require export licenses under
14 this section on a temporary basis if the President deter-
15 mines, upon publication first in the Federal Register, that
16 the Government of Canada has implemented or main-
17 tained inadequate import controls for the articles specified
18 in subsection (a), such that a significant diversion of such
19 articles has and continues to take place for use in inter-
20 national terrorism or in the escalation of a conflict in an-
21 other nation. The President shall terminate the require-
22 ments of a license when reasons for the temporary require-
23 ments have ceased.

24 SEC. 521. Notwithstanding any other provision of
25 law, no department, agency, or instrumentality of the

1 United States receiving appropriated funds under this Act
2 or any other Act shall obligate or expend in any way such
3 funds to pay administrative expenses or the compensation
4 of any officer or employee of the United States to deny
5 any application submitted pursuant to 22 U.S.C.
6 2778(b)(1)(B) and qualified pursuant to 27 CFR section
7 478.112 or .113, for a permit to import United States ori-
8 gin “curios or relics” firearms, parts, or ammunition.

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

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

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

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

18 SEC. 523. None of the funds made available in this
19 Act may be used to authorize or issue a national security
20 letter in contravention of any of the following laws author-
21 izing the Federal Bureau of Investigation to issue national
22 security letters: The Right to Financial Privacy Act; The
23 Electronic Communications Privacy Act; The Fair Credit
24 Reporting Act; The National Security Act of 1947; USA
25 PATRIOT Act; and the laws amended by these Acts.

1 SEC. 524. If at any time during any quarter, the pro-
2 gram manager of a project within the jurisdiction of the
3 Departments of Commerce or Justice, the National Aero-
4 nautics and Space Administration, or the National Science
5 Foundation totaling more than \$75,000,000 has reason-
6 able cause to believe that the total program cost has in-
7 creased by 10 percent, the program manager shall imme-
8 diately inform the Secretary, Administrator, or Director.
9 The Secretary, Administrator, or Director shall notify the
10 House and Senate Committees on Appropriations within
11 30 days in writing of such increase, and shall include in
12 such notice: the date on which such determination was
13 made; a statement of the reasons for such increases; the
14 action taken and proposed to be taken to control future
15 cost growth of the project; changes made in the perform-
16 ance or schedule milestones and the degree to which such
17 changes have contributed to the increase in total program
18 costs or procurement costs; new estimates of the total
19 project or procurement costs; and a statement validating
20 that the project's management structure is adequate to
21 control total project or procurement costs.

22 SEC. 525. Funds appropriated by this Act, or made
23 available by the transfer of funds in this Act, for intel-
24 ligence or intelligence related activities are deemed to be
25 specifically authorized by the Congress for purposes of sec-

1 tion 504 of the National Security Act of 1947 (50 U.S.C.
2 414) during fiscal year 2010 until the enactment of the
3 Intelligence Authorization Act for fiscal year 2010.

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

7 (1) a direct link to the Internet websites of
8 their Offices of Inspectors General; and

9 (2) a mechanism on the Offices of Inspectors
10 General website by which individuals may anony-
11 mously report cases of waste, fraud, or abuse with
12 respect to those Departments, agencies, and commis-
13 sions.

14 SEC. 527. None of the funds appropriated or other-
15 wise made available by this Act may be used to enter into
16 a contract in an amount greater than \$5,000,000 or to
17 award a grant in excess of such amount unless the pro-
18 spective contractor or grantee certifies in writing to the
19 agency awarding the contract or grant that, to the best
20 of its knowledge and belief, the contractor or grantee has
21 filed all Federal tax returns required during the three
22 years preceding the certification, has not been convicted
23 of a criminal offense under the Internal Revenue Code of
24 1986, and has not, more than 90 days prior to certifi-
25 cation, been notified of any unpaid Federal tax assessment

1 for which the liability remains unsatisfied, unless the as-
2 sessment is the subject of an installment agreement or
3 offer in compromise that has been approved by the Inter-
4 nal Revenue Service and is not in default, or the assess-
5 ment is the subject of a non-frivolous administrative or
6 judicial proceeding.

7 SEC. 528. None of the funds appropriated or other-
8 wise made available in this Act may be used in a manner
9 that is inconsistent with the principal negotiating objective
10 of the United States with respect to trade remedy laws
11 to preserve the ability of the United States—

12 (1) to enforce vigorously its trade laws, includ-
13 ing antidumping, countervailing duty, and safeguard
14 laws;

15 (2) to avoid agreements that—

16 (A) lessen the effectiveness of domestic
17 and international disciplines on unfair trade, es-
18 pecially dumping and subsidies; or

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

1 (c) The recissions contained in this section shall not
2 apply to funds provided in this Act.

3 SEC. 530. None of the funds made available in this
4 Act may be used to purchase first class or premium airline
5 travel in contravention of sections 301–10.122 through
6 301–10.124 of title 41 of the Code of Federal Regulations.

7 SEC. 531. None of the funds made available in this
8 Act may be used to send or otherwise pay for the attend-
9 ance of more than 50 employees from a Federal depart-
10 ment or agency at any single conference occurring outside
11 the United States.

12 SEC. 532. (a) None of the funds made available in
13 this or any prior Act may be used to release an individual
14 who is detained, as of April 30, 2009, at Naval Station,
15 Guantanamo Bay, Cuba, into the continental United
16 States, Alaska, Hawaii, or the District of Columbia.

17 (b) None of the funds made available in this or any
18 prior Act may be used to transfer an individual who is
19 detained, as of April 30, 2009, at the Naval Station,
20 Guantanamo Bay, Cuba, into the continental United
21 States, Alaska, Hawaii, or the District of Columbia, for
22 the purposes of detaining or prosecuting such individual
23 until 2 months after the plan detailed in subsection (c)
24 is received.

1 (c) The President shall submit to the Congress, in
2 writing, a comprehensive plan regarding the proposed dis-
3 position of each individual who is detained, as of April 30,
4 2009, at Naval Station, Guantanamo Bay, Cuba, who is
5 not covered under subsection (d). Such plan shall include,
6 at a minimum, each of the following for each such indi-
7 vidual:

8 (1) The findings of an analysis regarding any
9 risk to the national security of the United States
10 that is posed by the transfer of the individual.

11 (2) The costs associated with not transferring
12 the individual in question.

13 (3) The legal rationale and associated court de-
14 mands for transfer.

15 (4) A certification by the President that any
16 risk described in paragraph (1) has been mitigated,
17 together with a full description of the plan for such
18 mitigation.

19 (5) A certification by the President that the
20 President has submitted to the Governor and legisla-
21 ture of the State to which the President intends to
22 transfer the individual a certification in writing at
23 least 30 days prior to such transfer (together with
24 supporting documentation and justification) that the

1 individual does not pose a security risk tot he United
2 States.

3 (d) None of the funds made available in this or any
4 prior Act may be used to transfer or release an individual
5 detained at Naval Station, Guantanamo Bay, Cuba, as of
6 April 30, 2009, to the country of such individual's nation-
7 ality or last habitual residence or to any other country
8 other than the United States, unless the President submits
9 to the Congress, in writing, at least 30 days prior to such
10 transfer or release, the following information:

11 (1) The name of any individual to be trans-
12 ferred or released and the country to which such in-
13 dividual is to be transferred or released.

14 (2) An assessment of any risk to the national
15 security of the United States or its citizens, includ-
16 ing members of the Armed Services or the United
17 States, that is posed by such transfer or released
18 and the actions taken to mitigate such risk.

19 (3) The terms of any agreement with another
20 country for acceptance of such individual, including
21 the amount of any financial assistance related to
22 such agreement.

23 SEC. 533. Section 504(a) of the Departments of
24 Commerce, Justice, and State, the Judiciary, and Related

1 Agencies Appropriations Act, 1996 (as contained in Public
2 Law 104–134) is amended by striking paragraph (13).

3 SEC. 534. Notwithstanding any other provision of
4 law, to the extent that the Attorney General (or a des-
5 ignee) authorizes or approves, if a law enforcement or cor-
6 rections officer employed by the Department of Justice
7 dies while performing official duties or as a result of the
8 performance of official duties, the Department of Justice
9 may pay from Government funds the qualified relocation
10 expenses of the immediate dependent family of the em-
11 ployee, and the expenses of preparing and transporting the
12 remains of the deceased.

13 SEC. 535. None of the funds made available in this
14 Act may be used to purchase light bulbs unless the light
15 bulbs have the “Energy Star” or “Federal Energy Man-
16 agement Program” designation.

17 SEC. 536. The Director of the Office of Management
18 and Budget shall instruct any department, agency, or in-
19 strumentality of the United States Government receiving
20 funds appropriated under this Act to track undisbursed
21 balances in expired grant accounts and include in its an-
22 nual performance plan and performance and account-
23 ability reports the following:

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

4 (2) The method that the department, agency, or
5 instrumentality uses to track undisbursed balances
6 in expired grant accounts.

7 (3) Identification of undisbursed balances in ex-
8 pired grant accounts that may be returned to the
9 Treasury of the United States.

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

16 SEC. 537. None of the funds made available in this
17 Act may be used to relocate the Office of the Census or
18 employees from the Department of Commerce to the juris-
19 diction of the Executive Office of the President.

20 TITLE VI—ADDITIONAL GENERAL PROVISIONS

21 SEC. 601. For “Office on Violence Against Women—
22 Violence Against Women Prevention and Prosecution Pro-
23 grams” for the Supporting Teens through Education and
24 Protection program, as authorized by section 41204 of the
25 Violence Against Women Act of 1994 (42 U.S.C. 14043c),

1 and the amount otherwise provided by this Act for “De-
2 partmental management—Salaries and expenses” is here-
3 by reduced by, \$2,500,000.

4 This Act may be cited as the “Commerce, Justice,
5 Science, and Related Agencies Appropriations Act, 2010”.

Passed the House of Representatives June 18, 2009.

Attest:

Clerk.

111TH CONGRESS
1ST SESSION

H. R. 2847

AN ACT

Making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.