

SA 885. Mr. BEGICH (for himself, Mr. COBURN, Mr. UDALL of Colorado, Mr. BENNETT, Mr. ENZI, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 886. Mr. BAUCUS (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 887. Mr. MERKLEY (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 888. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 889. Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 890. Mr. BURR (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 891. Mr. BURR (for himself, Ms. KLOBUCHAR, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 892. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 893. Ms. CANTWELL (for herself, Ms. MURKOWSKI, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 894. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 895. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 858.** Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 16 and 17, insert the following:

SEC. 1. Notwithstanding any other provision of law, the States of New Mexico and Maine may use amounts apportioned to the States under section 104(b)(2) of title 23, United States Code, for the congestion mitigation and air quality improvement program authorized under section 149 of title 23, United States Code, to support the operation of—

(1) with respect to amounts apportioned to the State of New Mexico, commuter rail service between Belen, New Mexico and Santa Fe, New Mexico; and

(2) with respect to amounts apportioned to the State of Maine, passenger rail service be-

tween Boston, Massachusetts, and Portland, Maine.

**SA 859.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 125 of title I of division C.

**SA 860.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) OVERSIGHT OF DEPARTMENT OF JUSTICE PROGRAMS.—All grants awarded by the Attorney General using funds made available under this Act shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2012, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct an audit of not fewer than 10 percent of all recipients of grants using funds made available under this Act to prevent waste, fraud, and abuse of funds by grantees.

(2) MANDATORY EXCLUSION.—A recipient of a grant awarded by the Attorney General using funds made available under this Act that is found to have an unresolved audit finding shall not be eligible to receive any grant funds under a grant program administered by the Attorney General during the 2 fiscal years beginning after the 6-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants using funds made available under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds by the Attorney General using funds made available under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this subsection, the term “unresolved audit finding” means an audit report finding, statement, or recommendation that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 6-month period beginning on the date of an initial notification of the finding or recommendation.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Unless otherwise explicitly provided in authorizing legislation, no funds may be expended for grants to non-Federal entities until a 25 percent non-Federal match has been secured by the grantee to carry out this subsection.

(B) CASH REQUIREMENT.—Not less than 60 percent of the matching requirement described in subparagraph (A) shall be in cash.

(C) IN-KIND CONTRIBUTIONS.—No more than 40 percent of the matching requirement described in subparagraph (A) may be in-kind contributions. In this subparagraph, the term “in-kind contributions” means legal or other related professional services and office space that directly relate to the purpose for which the grant was awarded.

(7) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant using funds made available under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant using funds made available under this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(8) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 8 percent of the amounts appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(9) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts appropriated to the Department of Justice under title II of division B of this Act may be used by the Attorney General, or by any individual or organization awarded funds under this Act, to host or support any expenditure for conferences, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) may not be delegated and shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved and denied.

(10) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(11) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, the Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Director of the Office of Community Oriented Policing Services shall submit, to Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

(B) all mandatory exclusions required under paragraph (2) have been issued;

(C) all reimbursements required under paragraph (4) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (2) from the previous year.

(b) USE OF FUNDS.—The Office of the Inspector General shall conduct the audits described in subsection (a) using the funds appropriated to the Office of the Inspector General under this Act.

**SA 861.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 275, between lines 12 and 13, insert the following:

**SEC. 172. AMERICA'S CUP.**

(a) SHORT TITLE.—This section may be cited as the “America’s Cup Act of 2011”.

(b) IN GENERAL.—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America’s Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

(c) DEFINITIONS.—In this section:

(1) 34TH AMERICA’S CUP.—The term “34th America’s Cup”—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America’s Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America’s Cup, includes additional sailing competitions conducted by America’s Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA’S CUP RACE MANAGEMENT.—The term “America’s Cup Race Management” means the entity established to provide for independent, professional, and neutral race

management of the America’s Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term “Eligibility Certification” means a certification issued under subsection (d).

(4) ELIGIBLE VESSEL.—The term “eligible vessel” means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America’s Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America’s Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term “supporting vessel” means a vessel that is operating in support of the 34th America’s Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

(d) CERTIFICATION.—

(1) REQUIREMENT.—A vessel may not operate under subsection (b) unless the vessel has received an Eligibility Certification.

(2) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in subsection (c)(4).

(e) ENFORCEMENT.—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America’s Cup as a competing vessel or a supporting vessel.

(f) PENALTY.—Any vessel participating in the 34th America’s Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

**SA 862.** Mr. VITTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION OF FUNDS FOR CERTAIN FORUMS AND DISCLOSURE REQUIREMENTS.**

(a) DEFINITIONS.—In this section, the terms “agency” and “record” have the meanings given under section 552(f) (1) and (2) of title 5, United States Code, respectively.

(b) PROHIBITION OF FUNDS FOR FORUMS RELATING TO CLIMATE SCIENCE.—No funds made available under this Act shall be used for any employee of an agency to participate in any electronic forum that relates to climate science, earth temperature records, or weather analysis, unless—

(1) that employee makes a separate, internal record of all actions taken and all communications produced, sent, or received by that employee relating to that forum;

(2) in the case of written records, the separate record is in the form of a duplicate copy;

(3) in the case of an audio or video conference, the separate record is in the form of a transcription or minutes;

(4) all such records described under paragraph (3) are maintained in a fashion that—

(A) identifies the date and forum for which the record was created;

(B) identifies the parties involved; and

(C) fully and accurately summarizes the entire communication; and

(5) all such records are subject to section 552 of title 5, United States Code.

(c) PROHIBITION OF FUNDS FOR CERTAIN FORUMS WITH THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE.—No funds made available under this Act may be used for any employee of an agency to participate in any password-protected electronic forum that involves the participation in a process or production of the Intergovernmental Panel on Climate Change.

(d) RECORDS OF COMMUNICATIONS WITH THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE.—

(1) RECORDS REQUIREMENT.—Any employee of an agency shall make a record of any communication with any employee, chair, author, review editor, Technical Support Unit staff or member of another nation’s delegation to the Intergovernmental Panel on Climate Change, on matters relating to work or proceedings of the Intergovernmental Panel on Climate Change.

(2) FOIA.—Section 552 of title 5, United States Code, shall apply to any record described under paragraph (1).

(e) DISCLOSURE OF RECORDS BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Notwithstanding any other provision of law, including section 552 of title 5, United States Code, not later than 30 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall disclose all records relating to the National Oceanic and Atmospheric Administration FOIA request numbers: 2007-00342, 2007-00354, 2007-00355, and 2007-00364, and 2010-00199 in an unredacted form.

(f) DISCLOSURE OF RECORDS BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Notwithstanding any other provision of law, including section 552 of title 5, United States Code, not later than 30 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall disclose and publish on its website under a separate heading and page all records produced on, sent to, or made available to any employee on a password-protected website used for purposes relating to the Intergovernmental Panel on Climate Change.

**SA 863.** Mr. MERKLEY (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 12, strike “3302:” and insert “3302: *Provided*, That not less than \$12,000,000 shall be for the Office of China Compliance, and not less than \$4,400,000 shall be for the China Countervailing Duty Group:”.

**SA 864.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, beginning on line 9, strike “\$441,104,000” and all that follows through “3302:” on line 12, and insert “\$460,106,000, to remain available until September 30, 2013, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That not less than \$20,000,000 shall be for the Office of China Compliance, and not less than \$4,400,000 shall be for the China Countervailing Duty Group:”.

On page 191, line 20, strike “\$620,000,000” and insert “\$640,000,000”.

**SA 865.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, beginning on line 7, strike “\$46,775,000” and all that follows through the period on line 10, and insert “\$51,251,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$93,000 shall be available for official reception and representation expenses: *Provided further*, That not more than \$4,476,000 shall be available to investigate policies of the Government of the People’s Republic of China that provide subsidies to solar producers in China, that impose restrictions on the exportation of certain rare earth metals from China, and that potentially violate international commitments by the Government of China, and to seek the elimination of those harmful policies, including through the dispute settlement procedures of the World Trade Organization.”.

**SA 866.** Mr. CASEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 388, between lines 14 and 15, insert the following:

**SEC. 4**. (a) **DEFINITION OF EARMARK.**—In this section, the term “earmark” means—

(1) a congressionally directed spending item, as defined in clause 5(a) of rule XLIV of the rules of the Senate for the 112th Congress; or

(2) a congressional earmark, as defined in clause 9(d) of rule XXI of the rules of the

House of Representatives for the 112th Congress.

(b) **OBLIGATION OF FUNDING.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, funds made available from the Highway Trust Fund through an earmark to carry out a highway project under title 23, United States Code, shall be obligated for the earmarked project by not later than 3 years after the date on which the earmarked funds are first made available.

(2) **RETURN AND REDISTRIBUTION.**—Funds described in paragraph (1) that are not obligated by the deadline specified in that paragraph shall be—

(A) released to the State transportation department of the State with jurisdiction over the original recipient of the earmark; and

(B) redistributed by the State for expeditious use for other federally approved transportation projects in the State.

**SA 867.** Mr. BINGAMAN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 10 and insert the following: “Act and none of the funds made available in this Act for the Food and Drug Administration shall be used to change the practices and policies of the Food and Drug Administration, in effect on October 1, 2011, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, with respect to such importation by individuals from countries other than Canada.”.

**SA 868.** Mr. CARDIN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

#### **TITLE VI—NATIONAL BLUE ALERT**

##### **SEC. 601. SHORT TITLE.**

This title may be cited as the “National Blue Alert Act of 2011”.

##### **SEC. 602. DEFINITIONS.**

In this title:

(1) **COORDINATOR.**—The term “Coordinator” means the Blue Alert Coordinator of the Department of Justice designated under section 604(a).

(2) **BLUE ALERT.**—The term “Blue Alert” means information relating to the serious injury or death of a law enforcement officer in the line of duty sent through the network.

(3) **BLUE ALERT PLAN.**—The term “Blue Alert plan” means the plan of a State, unit of local government, or Federal agency participating in the network for the dissemination of information received as a Blue Alert.

(4) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” shall have the same meaning as in section 1204 of the Omni-

bus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(6)).

(5) **NETWORK.**—The term “network” means the Blue Alert communications network established by the Attorney General under section 603.

(6) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

##### **SEC. 603. BLUE ALERT COMMUNICATIONS NETWORK.**

The Attorney General shall establish a national Blue Alert communications network within the Department of Justice to issue Blue Alerts through the initiation, facilitation, and promotion of Blue Alert plans, in coordination with States, units of local government, law enforcement agencies, and other appropriate entities.

##### **SEC. 604. BLUE ALERT COORDINATOR; GUIDELINES.**

(a) **COORDINATION WITHIN DEPARTMENT OF JUSTICE.**—The Attorney General shall assign an existing officer of the Department of Justice to act as the national coordinator of the Blue Alert communications network.

(b) **DUTIES OF THE COORDINATOR.**—The Coordinator shall—

(1) provide assistance to States and units of local government that are using Blue Alert plans;

(2) establish voluntary guidelines for States and units of local government to use in developing Blue Alert plans that will promote compatible and integrated Blue Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Blue Alert plan;

(B) criteria for evaluating whether a situation warrants issuing a Blue Alert;

(C) guidelines to protect the privacy, dignity, independence, and autonomy of any law enforcement officer who may be the subject of a Blue Alert and the family of the law enforcement officer;

(D) guidelines that a Blue Alert should only be issued with respect to a law enforcement officer if—

(i) the law enforcement agency involved—

(I) confirms—

(aa) the death or serious injury of the law enforcement officer; or

(bb) the attack on the law enforcement officer and that there is an indication of the death or serious injury of the officer; or

(II) concludes that the law enforcement officer is missing in the line of duty;

(ii) there is an indication of serious injury to or death of the law enforcement officer;

(iii) the suspect involved has not been apprehended; and

(iv) there is sufficient descriptive information of the suspect involved and any relevant vehicle and tag numbers;

(E) guidelines—

(i) that information relating to a law enforcement officer who is seriously injured or killed in the line of duty should be provided to the National Crime Information Center database operated by the Federal Bureau of Investigation under section 534 of title 28, United States Code, and any relevant crime information repository of the State involved;

(ii) that a Blue Alert should, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local governments), be limited to the geographic areas most likely to facilitate the apprehension of the suspect involved or which the suspect could reasonably reach, which should not be limited to State lines;

(iii) for law enforcement agencies of States or units of local government to develop plans

to communicate information to neighboring States to provide for seamless communication of a Blue Alert; and

(iv) providing that a Blue Alert should be suspended when the suspect involved is apprehended or when the law enforcement agency involved determines that the Blue Alert is no longer effective; and

(F) guidelines for—

(i) the issuance of Blue Alerts through the network; and

(ii) the extent of the dissemination of alerts issued through the network;

(3) develop protocols for efforts to apprehend suspects that address activities during the period beginning at the time of the initial notification of a law enforcement agency that a suspect has not been apprehended and ending at the time of apprehension of a suspect or when the law enforcement agency involved determines that the Blue Alert is no longer effective, including protocols regulating—

(A) the use of public safety communications;

(B) command center operations; and

(C) incident review, evaluation, debriefing, and public information procedures;

(4) work with States to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the network with initiating, facilitating, and promoting Blue Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of a law enforcement organization representing rank-and-file officers;

(ii) representatives of other law enforcement agencies and public safety communications;

(iii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iv) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the network;

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of Blue Alerts through the network; and

(7) determine—

(A) what procedures and practices are in use for notifying law enforcement and the public when a law enforcement officer is killed or seriously injured in the line of duty; and

(B) which of the procedures and practices are effective and that do not require the expenditure of additional resources to implement.

(c) LIMITATIONS.—

(1) VOLUNTARY PARTICIPATION.—The guidelines established under subsection (b)(2), protocols developed under subsection (b)(3), and other programs established under subsection (b), shall not be mandatory.

(2) DISSEMINATION OF INFORMATION.—The guidelines established under subsection (b)(2) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local government), provide that appropriate information relating to a Blue Alert is disseminated to the appropriate officials of law enforcement agencies, public health agencies, and other agencies.

(3) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The guidelines established under subsection (b) shall—

(A) provide mechanisms that ensure that Blue Alerts comply with all applicable Federal, State, and local privacy laws and regulations; and

(B) include standards that specifically provide for the protection of the civil liberties, including the privacy, of law enforcement officers who are seriously injured or killed in the line of duty and the families of the officers.

(d) COOPERATION WITH OTHER AGENCIES.—The Coordinator shall cooperate with the Secretary of Homeland Security, the Secretary of Transportation, the Chairman of the Federal Communications Commission, and appropriate offices of the Department of Justice in carrying out activities under this title.

(e) RESTRICTIONS ON COORDINATOR.—The Coordinator may not—

(1) perform any official travel for the sole purpose of carrying out the duties of the Coordinator;

(2) lobby any officer of a State regarding the funding or implementation of a Blue Alert plan; or

(3) host a conference focused solely on the Blue Alert program that requires the expenditure of Federal funds.

(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Blue Alert plans that are in effect or being developed.

#### SEC. 605. GRANT PROGRAM FOR SUPPORT OF BLUE ALERT PLANS.

Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (16), by striking “and” at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

“(17) to assist a State in the development or enhancement of programs and activities in support of a Blue Alert plan and the network (as those terms are defined in section 2 of the National Blue Alert Act of 2011), including—

“(A) developing and implementing education and training programs, and associated materials, relating to Blue Alert plans;

“(B) developing and implementing law enforcement programs, and associated equipment, relating to Blue Alert plans; and

“(C) developing and implementing new technologies to improve the communication of Blue Alerts; and.”

#### SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

“(C)(i) Of amounts authorized to be appropriated to carry out part Q in any fiscal year, \$10,000,000 is authorized to be appropriated for grants for the purposes described in section 1701(b)(17).

“(ii) Amounts appropriated pursuant to clause (i) shall remain available until expended.”

**SA 869.** Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 9 and 10, insert the following:

SEC. \_\_\_\_ (a) Notwithstanding any other provision of this Act—

(1) the amount provided under section 732 for the emergency conservation program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by \$48,700,000; and

(2) the amount provided under section 732 for the emergency watershed protection program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by \$61,200,000.

(b) The additional amounts provided under subsection (a)—

(1) are designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D));

(2) are subject to the same terms and conditions as any other amounts provided under section 732 for the same purposes; and

(3) shall remain available until expended.

**SA 870.** Mr. KYL (for himself, Mr. MCCAIN, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 117, strike line 13 and all that follows through page 118, line 2, and insert the following:

#### UNITED STATES MARSHALS SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,121,041,000; of which not to exceed \$20,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to Southwest border enforcement until September 30, 2012; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$20,000,000 shall remain available until expended.

#### CONSTRUCTION

For construction in space controlled, occupied, or utilized by the United States Marshals Service for prisoner holding and related support, \$28,500,000, which shall remain available until expended; of which not less than \$9,696,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling; of which \$15,000,000 shall be available for detention upgrades at Federal courthouses located in the Southwest border region; and of which not less than \$1,500,000 shall be available for the costs of courthouse security equipment, including electronic security devices, telephone systems, and cabling at Federal courthouses located in the Southwest border region.

#### OFFSET

Notwithstanding any other provision of this Act, the total amount appropriated under this Act (except for the amounts appropriated under title II of this division and title I of division C) shall be reduced on a pro rata basis by \$36,500,000.

**SA 871.** Mr. BEGICH (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the

bill H.R. 2112, making appropriations for Agriculture, Rural Development, and Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

PATENT AND TRADEMARK OFFICE FUNDING

SEC. 114. (a) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking “Patent and Trademark Office Appropriation Account” and inserting “United States Patent and Trademark Office Public Enterprise Fund”;

(B) by striking “(c)(1)” and inserting “(c)”;

and

(C) in subsection (c)—

(i) in the first sentence—

(I) by striking “To the extent” and all that follows through “fees” and inserting “Fees”;

and

(II) by striking “shall be collected by and shall, subject to paragraph (3), be available to the Director” and inserting “shall be collected by the Director and shall be available until expended”;

(ii) by inserting after the first sentence the following: “All fees available to the Director under section 31 of the Trademark Act of 1946 shall be used only for the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Patent and Trademark Office.”; and

(iii) by striking paragraphs (2) and (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the first day of the first fiscal year that begins after the date of enactment of this Act.

(b) USPTO REVOLVING FUND.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Fund” means the United States Patent and Trademark Office Public Enterprise Fund established under paragraph (2);

(B) the term “Director” means the Director of the United States Patent and Trademark Office;

(C) the term “Office” means the United States Patent and Trademark Office; and

(D) the term “Under Secretary” means the Under Secretary of Commerce for Intellectual Property.

(2) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the “United States Patent and Trademark Office Public Enterprise Fund”. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(3) DERIVATION OF RESOURCES.—There shall be deposited into the Fund on or after the effective date of subsection (a)—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund, provided, however, that no funds collected pursuant to section 10(h) of the Leahy-Smith American Invents Act (35 U.S.C. 41 note) or section 1(a)(2) of Public Law 111-45 shall be deposited in the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(4) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set

forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(c) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (e).

(d) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(e) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(f) BUDGET.—The Director shall prepare and submit each year to the President a business-type budget in a manner, and before a date, as the President prescribes by regulation for the budget program.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11 of the Leahy-Smith America Invents Act (35 U.S.C. 41 note) is amended—

(1) in subsection (h), by amending paragraph (3) to read as follows:

“(3) DEPOSIT OF FEES.—All fees paid under this subsection shall be credited to the United States Patent and Trademark Office Public Enterprise Fund, established under section 2(b)(2) of the Patent and Trademark Office Revolving Fund Act of 2011, shall remain available until expended, and may be used only for the purposes specified in section 2(b)(4) of such Act.”; and

(2) in subsection (i)—

(A) in the header, by striking “APPROPRIATION ACCOUNT”;

(B) by amending paragraph (1)(B) to read as follows:

“(B) DEPOSIT OF AMOUNTS.—Amounts collected pursuant to the surcharge imposed under subparagraph (A) shall be credited to

the United States Patent and Trademark Office Public Enterprise Fund, established under section 2(b)(2) of the Patent and Trademark Office Revolving Fund Act of 2011, shall remain available until expended, and may be used only for the purposes specified in section 2(b)(4) of such Act.”.

**SA 872.** Mrs. GILLIBRAND (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. \_\_. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out any voluntary dairy market stabilization program.

**SA 873.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting “Rhode Island,” after “States of”;

(2) by striking “except North Carolina,” and inserting “except North Carolina and Rhode Island.”;

(3) by striking “21” and inserting “23”; and

(4) by striking “13” and inserting “14”.

**SA 874.** Mr. BROWN of Ohio (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 9, strike “\$35,940,000” and insert “\$42,500,000”.

On page 336, line 1, strike “\$199,035,000” and insert “\$192,475,000”.

**SA 875.** Mr. HATCH (for himself, Mr. INHOFE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. MORAN, Mr. NELSON of Nebraska, Mr. JOHANNIS, Mr. WICKER, Mr. MCCONNELL, Mr. RUBIO, Mr. RISCH, Mrs. HUTCHISON, Mr. JOHNSON of Wisconsin, Mr. ROBERTS, Mr. BLUNT, Mr. MCCAIN, Ms. COLLINS, Ms. SNOWE, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 121 of the amendment, strike line 4 and all that follows through page 186, line 19 and insert the following:

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$30,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,090,292,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed \$20,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein or hereafter shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein or hereafter shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That, hereafter, no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2012: *Provided further*, That, beginning in fiscal year 2012 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Al-

cohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That, hereafter, no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That, hereafter, no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That, hereafter, no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

#### FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$35, of which \$8 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,589,781,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$4,500 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2013: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of

Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$90,000,000, to remain available until expended, of which not less than \$66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That none of the funds provided under this heading in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

#### OFFICE ON VIOLENCE AGAINST WOMEN VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement

Act of 1994 (Public Law 103-322) (“the 1994 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101-647) (“the 1990 Act”); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) (“the 2000 Act”); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); and for related victims services, \$417,663,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) \$194,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act, of which, notwithstanding such part T, \$10,000,000 shall be available for programs relating to children exposed to violence;

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

(3) \$3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) \$10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act;

(5) \$45,913,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$5,000,000 is for a homicide initiative;

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

(7) \$34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

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

(9) \$45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

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

(11) \$11,250,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

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

(13) \$4,000,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act, of which \$1,000,000 is to be used for a family court initiative;

(14) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(15) \$1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and

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

#### SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, \$20,580,000.

#### OFFICE OF JUSTICE PROGRAMS

##### RESEARCH, EVALUATION, AND STATISTICS

##### (INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) (“the 2002 Act”); and other programs; \$121,000,000, to remain available until expended, of which—

(1) \$45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$36,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) \$40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: *Provided*, That of the amounts provided under this heading, \$5,000,000 is transferred directly to the National Institute of Standards and Technology’s Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) \$1,000,000 is for an evaluation clearinghouse program; and

(4) \$35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

#### STATE AND LOCAL LAW ENFORCEMENT

##### ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

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

Law 109-162) (“the 2005 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) (“the 2002 Act”); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); and other programs; \$1,063,498,000, to remain available until expended as follows—

(1) \$395,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act); and, notwithstanding such subpart 1, to support innovative, place-based, evidence-based approaches to fighting crime and improving public safety, of which \$3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, \$4,000,000 is for a State and local assistance help desk and diagnostic center program, \$5,000,000 is for a program to improve State, local and tribal probation supervision efforts and strategies, and \$3,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR): *Provided*, That funds made available under this heading may be used at the discretion of the Assistant Attorney General for the Office of Justice Programs to train Federal law enforcement under the VALOR Officer Safety Training Initiative;

(2) \$273,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$20,000,000 for the Northern and Southwest Border Prosecutor Initiatives to reimburse State, county, parish, tribal or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$21,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(5) \$10,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164: *Provided*, That no less than \$4,690,000 shall be for victim services grants for foreign national victims of trafficking;

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

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

(8) \$10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) \$4,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405;

(10) \$10,000,000 for economic, high technology and Internet crime prevention grants, as authorized by section 401 of Public Law 110-403;

(11) \$5,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;

(12) \$23,000,000 for activities, including sex offender management assistance, authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322);

(13) \$10,000,000 for an initiative relating to children exposed to violence;

(14) \$20,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) \$24,850,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

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

(17) \$10,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) \$10,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

(19) \$8,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(20) \$15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(21) \$131,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$123,000,000 is for the purposes of DNA analysis and DNA capacity enhancement as defined in the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program), of which not less than \$85,500,000 is to be used for grants to crime laboratories for purposes under 42 U.S.C. 14135, section (a); not less than \$11,000,000 is to be used for the purposes of the Solving Cold Cases with DNA Grant Program; not less than \$11,000,000 is to be used to audit and report on the extent of the backlog; and the remainder of funds appropriated under this paragraph may be used to support training programs specific to the needs of DNA laboratory personnel, and for programs outlined in sections 303, 304, 305 and 308 of Public Law 108-405;

(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108-405.

(22) \$2,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(23) \$1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(24) \$3,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

*Provided*, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform

non-administrative public sector safety service.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); and other juvenile justice programs, \$251,000,000, to remain available until expended as follows—

(1) \$45,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$55,000,000 for youth mentoring grants;

(3) \$33,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$15,000,000 shall be for the Tribal Youth Program;

(B) \$8,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) \$10,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(4) \$20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

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

(6) \$8,000,000 for community-based violence prevention initiatives; and

(7) \$60,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act: *Provided*, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

#### SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office of Justice Programs, \$118,572,000.

#### PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and \$16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education

payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### COMMUNITY ORIENTED POLICING SERVICES

##### COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

##### (INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"), \$231,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided:

(1) \$1,500,000 is for research, testing, and evaluation programs regarding law enforcement technologies and interoperable communications, and related law enforcement and public safety equipment, which shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office;

(2) \$10,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(3) \$20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(4) \$200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: *Provided further*, That notwithstanding 42 U.S.C. 3796dd-3(c), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated, \$28,000,000 shall be used for the hiring and rehiring of tribal law enforcement officers: *Provided further*, That within the amounts appropriated, \$10,000,000 is for community policing development activities.

#### SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Community Oriented Policing Services Office, \$24,500,000.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of

not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

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

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

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

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

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Com-

mittees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

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

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

SEC. 214. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for "Research Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) Up to 3 percent of funds made available for grant or reimbursement programs may be used to provide training and technical assistance;

(2) Up to 3 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs, and of such amounts, \$1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes; and

(3) 7 percent of funds made available for grant or reimbursement programs:

(A) under the heading "State and Local Law Enforcement Assistance"; or

(B) under the headings "Research, Evaluation and Statistics" and "Juvenile Justice Programs", to be transferred to and merged with funds made available under the heading "State and Local Law Enforcement Assistance", shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 215. Notwithstanding any other provision of law, section 20109(a), in subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this title.

SEC. 216. Section 530A of title 28, United States Code, is hereby amended by replacing "appropriated" with "used from appropriations", and by inserting "(2)," before "(3)".

SEC. 217. (a) Within 30 days of enactment of this Act, the Attorney General shall report to the Committees on Appropriations of the House of Representatives and the Senate a cost and schedule estimate for the final oper-

ating capability of the Federal Bureau of Investigation's Sentinel program, including the costs of Bureau employees engaged in development work, the costs of operating and maintaining Sentinel for 2 years after achievement of the final operating capability, and a detailed list of the functionalities included in the final operating capability compared to the functionalities included in the previous program baseline.

(b) The report described in subsection (a) shall be submitted concurrently to the Department of Justice Office of Inspector General (OIG) and, within 60 days of receiving such report, the OIG shall provide an assessment of such report to the Committees on Appropriations of the House of Representatives and the Senate.

This title may be cited as the "Department of Justice Appropriations Act, 2012".

### TITLE III SCIENCE

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,100 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$6,000,000.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,100,000,000, to remain available until September 30, 2013, of which up to \$10,000,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of re-establishing facilities to produce fuel required for radio-isotope thermoelectric generators to enable future missions: *Provided*, That the development cost (as defined under 51 U.S.C. 30104) for the James Webb Space Telescope shall not exceed \$8,000,000,000: *Provided further*, That should the individual identified under subparagraph (c)(2)(E) of section 30104 of title 51 as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104 of title 51.

#### AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and

purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$501,000,000, to remain available until September 30, 2013.

#### SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$637,000,000, to remain available until September 30, 2013.

#### EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,775,000,000, to remain available until September 30, 2013: *Provided*, That not less than \$1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than \$1,800,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capacity not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, \$500,000,000 shall be for commercial spaceflight activities, and \$275,000,000 shall be for exploration research and development: *Provided further*, That \$192,600,000 of the funds provided for commercial spaceflight activities shall only be available after the NASA Administrator certifies to the Committees on Appropriations, in writing, that NASA has published the required notifications of NASA contract actions implementing the acquisition strategy for the heavy lift launch vehicle system identified in section 302 of Public Law 111–267 and has begun to execute relevant contract actions in support of development of the heavy lift launch vehicle system: *Provided further*, That funds made available under this heading within this Act may be transferred to “Construction and Environmental Compliance and Restoration” for construction activities related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system: *Provided further*, That funds so transferred shall be subject to the 5 percent but shall not be subject to the 10 percent transfer limitation described under the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

#### SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, includ-

ing uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,285,000,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not more than \$650,900,000 shall be for Space Shuttle operations, production, research, development, and support, not more than \$2,803,500,000 shall be for International Space Station operations, production, research, development, and support, not more than \$168,000,000 shall be for the 21st Century Launch Complex, and not more than \$662,600,000 shall be for Space and Flight Support: *Provided further*, That funds made available under this heading for 21st Century Launch Complex may be transferred to “Construction and Environmental Compliance and Restoration” for construction activities only at NASA-owned facilities: *Provided further*, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

#### EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$138,400,000, to remain available until September 30, 2013.

#### CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$52,500 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,043,073,000: *Provided*, That not less than \$39,100,000 shall be available for independent verification and validation activities: *Provided further*, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

#### CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$422,000,000, to remain available until September 30, 2017: *Provided*, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered

into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: *Provided further*, That such proceeds shall be available for obligation for fiscal year 2012 in an amount not to exceed \$3,960,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$37,300,000.

#### ADMINISTRATIVE PROVISIONS

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

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

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

“(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2012 for the purpose of the Endeavor Science Teacher Certificate Program.”

Section 20145(b)(1) of title 51 is amended by inserting “(A)” before “A person” and adding at the end thereof the following new subparagraph (B) as follows:

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

The spending plan required by section 540 of this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### NATIONAL SCIENCE FOUNDATION

#### RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42

U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,443,000,000, to remain available until September 30, 2013, of which not to exceed \$550,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than \$146,830,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69: *Provided further*, That up to \$100,000,000 of funds made available under this heading within this Act may be transferred to “Major Research Equipment and Facilities Construction”: *Provided further*, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Science Foundation, and shall be available until expended only after notification of such transfer to the Committees on Appropriations.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, \$117,055,000, to remain available until expended: *Provided*, That none of the funds may be used to reimburse the Judgment Fund.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$829,000,000, to remain available until September 30, 2013: *Provided*, That not less than \$54,890,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

#### AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$6,900 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$290,400,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of

1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,440,000: *Provided*, That not to exceed \$2,100 shall be available for official reception and representation expenses.

#### OFFICE OF INSPECTOR GENERAL

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

#### ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the “Science Appropriations Act, 2012”.

#### TITLE IV

#### RELATED AGENCIES

#### COMMISSION ON CIVIL RIGHTS

#### SALARIES AND EXPENSES

#### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,193,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: *Provided further*, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further*, That an individual appointed to the position of Inspector General of the Equal Employment Opportunity Commission (EEOC) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: *Provided further*, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of EEOC in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: *Provided further*, That of the amounts made available in this paragraph, \$800,000 shall be transferred directly to the Office of Inspector General of EEOC upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of

2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and nonmonetary awards to private citizens, \$329,837,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$1,875 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For payments to State and local enforcement agencies for authorized services to the Commission, \$29,400,000.

#### INTERNATIONAL TRADE COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$1,875 for official reception and representation expenses, \$80,062,000, to remain available until expended.

#### LEGAL SERVICES CORPORATION

#### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$396,106,000, of which \$370,506,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

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

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after “)” the following: “that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15) in a manner”;

(2) by striking subsection (d); and  
 (3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

MARINE MAMMAL COMMISSION  
 SALARIES AND EXPENSES

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

OFFICE OF THE UNITED STATES TRADE  
 REPRESENTATIVE  
 SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$46,775,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$93,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE  
 SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,019,000, of which \$500,000 shall remain available until September 30, 2013: *Provided*, That not to exceed \$1,875 shall be available for official reception and representation expenses.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT

SALARIES AND EXPENSES

For necessary expenses to carry out the activities of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent, as authorized by section 541 of this Act, \$1,700,000 shall be available until expended.

TITLE V  
 GENERAL PROVISIONS

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

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

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(2) eliminates a program, project or activity, unless the House and Senate Committees

on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

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

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

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

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

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

SEC. 508. The Departments of Commerce and Justice, the National Science Founda-

tion, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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

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

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

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

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$705,000,000 shall not be available for obligation until the following fiscal year.

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

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

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

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) For fiscal year 2012 and thereafter, the Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following

that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

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

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

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

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

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under

the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, hereafter, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

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

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

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

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

SA 876. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administra-

tion, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 2, strike "1974." and insert the following: "1974: *Provided further*, That none of the funds made available by this act shall be used to support a loan or grant for any proposed service territory in which broadband service with a combined speed of 3 Mbps (upstream and downstream) is offered by an incumbent service provider to more than 25 percent of households in such service territory, in the aggregate: *Provided further*, That none of the funds shall be used to support a loan or a grant for any proposed service territory for an upgrade of broadband plant when there is more than 1 incumbent service provider and not less than 1 of the incumbent service providers is offering service with a combined speed of 3 Mbps (upstream and downstream)."

SA 877. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 2, strike "1974." and insert the following: "1974: *Provided further*, That none of the funds made available by this Act shall be used to support any loan or grant for any proposed service territory in which not less than 25 percent of the households in the proposed service territory in the aggregate are offered broadband service by not less than 2 incumbent service providers."

SA 878. Ms. SNOWE (for herself, Mr. BLUMENTHAL, Mr. SCHUMER, Mr. GRASSLEY, Mr. CASEY, Ms. KLOBUCHAR, Ms. COLLINS, Mr. COONS, Mr. KIRK, Mr. WYDEN, Mr. LAUTENBERG, Mr. BROWN, of Ohio, Mr. SESSIONS, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, after line 24, add the following:

**SEC. 218. REPORT ON COMBATING SYNTHETIC DRUGS.**

(a) IN GENERAL.—Using amounts made available under this Act, and not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy, in coordination with the Attorney General, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the strategy of the Federal Government for partnering with local law enforcement agencies to target the spread of synthetic drugs, including methylenedioxypyrovalerone and mephedrone.

(b) CONTENTS.—The report submitted under subsection (a) shall include the strategy of the Federal Government for—

(1) conducting public awareness campaigns and partnering with local law enforcement officials, hospitals, and schools to educate parents and young people about the dangers of abusing synthetic drugs;

(2) addressing the rampant abuse and ease of access of synthetic drugs in rural communities, where such problems can multiply quickly while attention is placed on larger population centers;

(3) using the High Intensity Drug Trafficking Areas program to provide additional assistance to law enforcement agencies operating in areas experiencing high levels of synthetic drug trafficking;

(4) improving coordination with U.S. Customs and Border Protection to seize shipments of synthetic drugs;

(5) developing and distributing test kits so that local law enforcement agencies can better identify dangerous individuals under the influence of synthetic drugs in the field; and

(6) using the authority under section 203 of the Controlled Substances Act (21 U.S.C. 813), to pursue law enforcement actions against the distribution of synthetic drugs.

**SA 879.** Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

On page 264, between lines 9 and 10, insert the following:

**SEC. 153. BUYING GOODS PRODUCED IN THE UNITED STATES.**

(a) COMPLIANCE.—None of the funds made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) PREFERENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) WAIVER.—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) MANUFACTURING PLAN.—The Secretary of Transportation shall prepare, in conjunction with the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) WAIVER NOTICE AND COMMENT.—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted,

the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 15 days.

(f) STATE REQUIREMENTS.—The Secretary of Transportation may not impose any limitation on amounts made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, which—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) CERTIFICATION.—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) REVIEW.—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) MINIMUM COST.—The requirements under this section shall only apply to contracts for which the costs exceed \$100,000.

(j) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) FRAUDULENT USE OF "MADE IN AMERICA" LABEL.—An entity is ineligible to receive a contract or subcontract made with amounts appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

**SA 880.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. The amount appropriated to the Office of the United States Trade Represent-

ative under the heading "SALARIES AND EXPENSES" under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE" in title IV of this division and available for the Office of the Special Textile Negotiator shall instead be available for the Office of the General Counsel.

**SA 881.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 765 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. The amount appropriated to the Office of the United States Trade Representative under the heading "SALARIES AND EXPENSES" under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE" in title IV of division B and available for the Office of the Special Textile Negotiator shall instead be available for the Office of the General Counsel.

**SA 882.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. None of the funds appropriated or otherwise made available under this Act may be used to enforce subsection (d)(3) or subsection (g)(3) of section 922 of title 18, United States Code, based on the use of marijuana legally under State law by an individual.

**SA 883.** Ms. STABENOW (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 10 and insert the following: "Act: *Provided*, That the prescription drug may not be (1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or (2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262). None of the funds made available in this Act for the Food and Drug Administration shall be used to change the practices and policies of the Food and Drug Administration, in effect on October 1, 2011, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, with respect to such importation by individuals from countries other than Canada."

**SA 884.** Mr. VITTER submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) AUDIT OF DNA AND RAPE KIT BACKLOG GRANTS.—The Comptroller General of the United States shall conduct a study of any grants awarded for the purpose of preventing or reducing DNA and rape kit backlogs by the Department of Justice using amounts made available under this Act, and any such grants made during the preceding 4 fiscal years, to determine whether the grant funds are being used to the maximum extent to—

(1) reduce and prevent DNA and rape kit backlogs; and

(2) increase the capacity of State and local laboratories in analyzing DNA and rape kits.

(b) CONTENTS.—The study required under subsection (a) shall—

(1) include an analysis of what proportion of grant dollars, annually, are provided to—

(A) State and local laboratories;

(B) non-government entities; and

(C) the National Institute of Justice program office;

(2) detail the methodology used to distribute grant dollars, particularly through the discretionary authority of the National Institute of Justice; and

(3) include an analysis of how the National Institute of Justice inventories and compiles grant data and results, including—

(A) a breakdown of the amount of funds provided to non-government DNA laboratories on an annual basis; and

(B) a description of the contribution of the National Institute of Justice towards increasing capacity and reducing backlogs for government DNA laboratories.

**SA 885.** Mr. BEGICH (for himself, Mr. COBURN, Mr. UDALL of Colorado, Mr. BENNET, Mr. ENZI, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

PATENT AND TRADEMARK OFFICE FUNDING

SEC. 114. (a) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking “Patent and Trademark Office Appropriation Account” and inserting “United States Patent and Trademark Office Public Enterprise Fund”;

(B) by striking “(c)(1)” and inserting “(c)”; and

(C) in subsection (c)—

(i) in the first sentence—

(I) by striking “To the extent” and all that follows through “fees” and inserting “Fees”; and

(II) by striking “shall be collected by and shall, subject to paragraph (3), be available to the Director” and inserting “shall be collected by the Director and shall be available until expended”;

(ii) by inserting after the first sentence the following: “All fees available to the Director

under section 31 of the Trademark Act of 1946 shall be used only for the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Patent and Trademark Office.”; and

(iii) by striking paragraphs (2) and (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the first day of the first fiscal year that begins after the date of enactment of this Act.

(b) USPTO REVOLVING FUND.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Fund” means the United States Patent and Trademark Office Public Enterprise Fund established under paragraph (2);

(B) the term “Director” means the Director of the United States Patent and Trademark Office;

(C) the term “Office” means the United States Patent and Trademark Office; and

(D) the term “Under Secretary” means the Under Secretary of Commerce for Intellectual Property.

(2) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the “United States Patent and Trademark Office Public Enterprise Fund”. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(3) DERIVATION OF RESOURCES.—There shall be deposited into the Fund on or after the effective date of subsection (a)—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(4) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(c) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (e).

(d) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of

the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(e) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(f) BUDGET.—The Director shall prepare and submit each year to the President a business-type budget in a manner, and before a date, as the President prescribes by regulation for the budget program.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11 of the Leahy-Smith America Invents Act (35 U.S.C. 41 note) is amended—

(1) in subsection (h), by amending paragraph (3) to read as follows:

“(3) DEPOSIT OF FEES.—All fees paid under this subsection shall be credited to the United States Patent and Trademark Office Public Enterprise Fund, established under section 2(b)(2) of the Patent and Trademark Office Revolving Fund Act of 2011, shall remain available until expended, and may be used only for the purposes specified in section 2(b)(4) of such Act.”; and

(2) in subsection (i)—

(A) in the header, by striking “APPROPRIATION ACCOUNT”; and

(B) by amending paragraph (1)(B) to read as follows:

“(B) DEPOSIT OF AMOUNTS.—Amounts collected pursuant to the surcharge imposed under subparagraph (A) shall be credited to the United States Patent and Trademark Office Public Enterprise Fund, established under section 2(b)(2) of the Patent and Trademark Office Revolving Fund Act of 2011, shall remain available until expended, and may be used only for the purposes specified in section 2(b)(4) of such Act.”.

**SA 886.** Mr. BAUCUS (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. (a) The matter under the heading “SALARIES AND EXPENSES” under the heading “OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE” in title IV of this division is amended—

(1) by striking “\$46,775,000” and inserting “\$51,251,000”; and

(2) by striking the period at the end and inserting “: Provided, That \$4,476,000 shall be available for, among other activities, developing opportunities for small businesses to access the markets of foreign countries and enforcing trade agreements to which the United States is a party.”.

(b) The matter under the heading "SALARIES AND EXPENSES" under the heading "NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION" in title I of this division is amended by striking "\$45,568,000" and inserting "\$41,092,000".

**SA 887.** Mr. MERKLEY (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7, add the following:  
**SEC. \_\_\_\_.** Owners of properties supported by the Secretary other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), for which an event causing the cessation of rental assistance or affordability restrictions has resulted or will result in eligibility for tenant protection vouchers under section 8(o) or enhanced vouchers under section 8(t) of such Act, shall be eligible for, subject to requirements established by the Secretary, including tenant consultation procedures, and in lieu of issuance or continuation of such vouchers, conversion of assistance available for such vouchers to assistance under section 8(o)(13) of such Act, except that, only with respect to such conversions, the Secretary may alter or waive the provisions of subsections 8(o)(13)(B), (C), and (D) and, for enhanced voucher being converted, of subsection 8(o)(13)(H).

**SA 888.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

**SEC. 114.** None of the funds made available by this Act may be used for coastal and marine spatial planning (as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes)) for a single State region if the Governor of the State within such region provides written objection to such planning.

**SA 889.** Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 12 and 13, insert the following:

(b)(1) Fees deposited in the Fisheries Enforcement Asset Forfeiture Fund may be used without further annual appropriation to conduct the audits required by paragraph (2).

(2) For each of the fiscal years 2012, 2013, and 2014, the Secretary or the Secretary of the Treasury shall—

(A) prepare an annual audit plan for the Fisheries Enforcement Asset Forfeiture Fund;

(B) submit each such audit plan to the Inspector General of the Department of Commerce or the Inspector General of the Department of the Treasury, as appropriate;

(C) carry out the audit; and

(D) submit the final audit results to the Inspector General of the Department of Commerce or the Inspector General of the Department of the Treasury, as appropriate, upon completion.

**SA 890.** Mr. BURR (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, line 17, strike the period and insert the following: "Provided further, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that discloses, with respect to all drugs, devices, and biological products approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act during calendar year 2011, including such drugs, devices, and biological products so approved, cleared, or licensed using funds made available under this Act: (1) the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to such Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) until the date that the drugs were approved under such section 505; (2) the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of such Act (21 U.S.C. 360(k)) or for premarket approval (including any supplements) under section 515 of such Act (21 U.S.C. 360e) were submitted to such Secretary until the date that the devices were cleared under such section 510(k) or approved under such section 515; and (3) the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to such Secretary under section 351 of the Public Health Service Act (42 U.S.C. 262) until the date that the biological products were licensed under such section 351."

**SA 891.** Mr. BURR (for himself, Ms. KLOBUCHAR, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division A, insert the following:

**SEC. \_\_\_\_.** **MANAGEMENT AND INNOVATION REVIEW.**

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall enter into a contract with an eligible entity to carry out the activities described in subsection (c).

(b) **ELIGIBLE ENTITY.**—To be eligible to enter into a contract with the Secretary under subsection (a), an entity shall—

(1) be an entity with experience in evaluating the management and operating structure of large organizations; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) **ACTIVITIES.**—The entity with which the Secretary enters into the contract under subsection (a) shall, pursuant to such contract, conduct an extensive review of the management and regulatory processes at the Center for Devices and Radiological Health of the Food and Drug Administration to ensure any actions carried out by such Center take into consideration the potential impacts on innovation with respect to medical devices and other products regulated by such Center.

(d) **REPORT.**—Not later than 1 year after the date that the Secretary enters into the contract with the eligible entity under subsection (a), such entity shall submit to Congress and the Secretary a report that describes the findings and recommendations of such entity based on the review conducted under subsection (c).

(e) **FUNDING.**—To carry out this section, the Secretary shall use funds otherwise made available under this division for the operations of the Office of the Commissioner of Food and Drugs.

**SA 892.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 7, insert "or that the closing or relocation would result in cost savings" after "delivery".

**SA 893.** Ms. CANTWELL (for herself, Ms. MURKOWSKI, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

**SEC. 114.** (a) **SHORT TITLE.**—This section may be cited as the "Emergency Response, Research, and Management: Stopping the Spread of the Infectious Salmon Anemia Virus Act".

(b) **FINDINGS.**—Congress finds the following:

(1) Salmon are a keystone species, sustaining more than 180 other species in freshwater and marine ecosystems.

(2) Salmon are a central part of the culture, economy, and environment of Western North America.

(3) Economic activities relating to salmon generate billions of dollars of economic activity and provide tens of thousands of jobs.

(4) Infectious salmon anemia poses a risk to wild and hatchery salmon populations and therefore threatens—

(A) commercial, tribal, and recreational salmon fishery jobs;

(B) ecosystems which rely on healthy salmonid populations; and

(C) ecosystem based processes which rely on healthy salmon populations.

(c) **RESEARCH.**—

(1) RESEARCH COORDINATION.—The National Aquatic Animal Health Task Force shall coordinate research, monitoring, and reporting efforts of infectious salmon anemia in the waterways of Alaska, Washington, Oregon, California, and Idaho.

(2) RESEARCH OBJECTIVES.—The Task Force shall establish infectious salmon anemia research objectives to assess—

(A) the prevalence of infectious salmon anemia in both wild and aquaculture salmonid populations throughout Alaska, Washington, Oregon, California, and Idaho;

(B) genetic susceptibility by population and species;

(C) susceptibility of populations to infectious salmon anemia from geographic and oceanographic factors;

(D) potential transmission pathways between infectious Canadian sockeye and uninfected salmonid populations in United States waters;

(E) management strategies to rapidly respond to potential infectious salmon anemia outbreaks in both wild and aquaculture populations, including securing the water supplies at conservation hatcheries to protect hatchery fish from exposure to the infectious salmon anemia virus present in incoming surface water;

(F) potential economic impacts of infectious salmon anemia;

(G) any role foreign salmon farms may have in spreading the disease to wild populations;

(H) the identity of any potential Federal, State, tribal, and international research partners; and

(I) other infectious salmon anemia research priorities, as determined by the Task Force.

(3) RESEARCH COLLABORATION.—The Task Force shall—

(A) collaborate with the Government of Canada and Federal, State, and tribal governments to acquire baseline data and to carry out the research objectives described in paragraph (2); and

(B) collaborate for such purposes with the Department of Fish and Wildlife of Washington and the Department of Fish and Game of Alaska.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report of the findings of the research objectives described in subsection (c)(2).

**SA 894.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:  
Strike section 128 of division C.

**SA 895.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

#### NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator ORRIN HATCH, intend to object to proceeding to the nomination of William J. Boorman to be Public Printer at the Government Printing Office, dated October 19, 2011.

I, Senator JOHNNY ISAKSON, intend to object to proceeding to the nomination of William J. Boorman to be Public Printer at the Government Printing Office, dated October 19, 2011.

#### NOTICES OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XVI for the purpose of proposing and considering amendment No. 773 to H.R. 2112.

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XVI for the purpose of proposing and considering amendment No. 774 to H.R. 2112.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 19, 2011, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Concussions and the Marketing of Sports Equipment."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 19, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND THE SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on October 19, 2011, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled, "Oversight Hearing on the Brownfields Program—Cleaning Up and Rebuilding Communities."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 19, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 19, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the Department of Homeland Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 19, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on October 19, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment, be authorized to meet during the session of the Senate on October 19, 2011, at 9:30 a.m. to conduct a hearing entitled "Market Microstructure: Examination of Exchange-Traded Funds (ETFs)."

The PRESIDING OFFICER. Without objection, it is so ordered.