

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, 2012

JULY 20, 2011.—Committed to the Committee of the Whole House on the State of  
 the Union and ordered to be printed

Mr. WOLF, from the Committee on Appropriations,  
 submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2596]

The Committee on Appropriations submits the following report in  
 explanation of the accompanying bill making appropriations for  
 Commerce, Justice, Science, and related agencies for the fiscal year  
 ending September 30, 2012, and for other purposes.

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## BILL TOTALS

The Committee recommends a total of \$50,557,000,000 for the departments and agencies funded in this bill for fiscal year 2012, including \$50,229,000,000 in discretionary budget authority. This level of discretionary budget authority is \$7,441,684,000, or 13 percent, below the budget request; \$3,098,000,000, or 6 percent, below the amount available to the departments and agencies funded in this bill for fiscal year 2011; and \$1,574,000,000, or 3 percent below the pre-Stimulus funding levels appropriated in fiscal year 2008.

The funding allocation for the fiscal year 2012 bill reflects the critical need to rein in government expenditures in the face of record-high deficits. Spending reductions are an essential component of putting the Nation on the path of economic recovery, job creation and financial security. According to the Congressional Budget Office, the national public debt is now set to eclipse the Gross Domestic Product within the next decade. Reductions in discretionary spending such as those included in the Committee recommendation are one part of the overall effort that will be required to avoid economic crisis. The Committee has proposed an unprecedented number of program terminations, reductions and other savings for fiscal year 2012. The Committee recommendation includes more than \$1,400,000,000 in program terminations. Combined with other reductions in the bill these terminations will result in a net total of \$7,441,684,000 in savings compared to the amounts requested in the President's budget, and a net total of \$3,098,000,000 in savings compared with fiscal year 2011.

## OVERSIGHT AND BUDGET REVIEW

During its review of the fiscal year 2012 budget request and execution of appropriations for fiscal year 2011, the Subcommittee on Commerce, Justice, Science, and Related Agencies held 20 budget and oversight hearings. In addition to receiving testimony from Administration officials representing the departments and agencies funded in this bill, the Committee received testimony from expert witnesses, Members of Congress and 41 public witnesses. The Committee hearings are listed below:

Hearing	Hearing Date
Department of Justice Inspector General .....	2/9/2011
Department of Commerce Inspector General .....	2/9/2011
National Aeronautics and Space Administration Inspector General .....	2/10/2011
National Science Foundation Inspector General .....	2/10/2011
Prisoner Reentry Expert Witnesses .....	2/11/2011
Attorney General .....	3/1/2011
Patent and Trademark Office Director .....	3/2/2011
National Aeronautics and Space Administration Administrator .....	3/3/2011
National Science Foundation Director .....	3/10/2011
Members-Outside Witnesses .....	3/11/2011
Bureau of Prisons Director .....	3/15/2011
Drug Enforcement Administration Administrator .....	3/16/2011
Secretary of Commerce .....	3/17/2011
Office of Justice Programs Administrator .....	3/29/2011
National Oceanic and Atmospheric Administration Administrator ...	4/1/2011
Legal Service Corporation President and Board Member .....	4/5/2011
U.S. Trade Representative .....	4/5/2011
Federal Bureau of Investigation Director .....	4/6/2011
National Institute of Standards and Technology Director .....	4/7/2011
Office of Science and Technology Policy Director .....	5/4/2011

As part of the Committee's oversight and analysis of the annual budget request from the Administration, the Committee submitted a number of requests for additional information and written questions to be answered by the departments and agencies in support of the underlying budget request. These materials are important for the Committee in conducting oversight and making funding recommendations. In furtherance of this oversight responsibility, the Committee has examined the capability of the major agencies funded in this bill to provide information on the status of balances of appropriations, including amounts that are unobligated and uncommitted; committed to contracts, grants or other planned obligations; and obligated but unexpended. The Committee found that the agencies cannot, in all cases, provide a comprehensive picture of the status of balances.

Of particular concern, with the exception of the National Aeronautics and Space Administration (NASA), the agencies could not report on the age of no-year balances by year of appropriation. As a result, it is not possible to tell whether uncommitted or unobligated balances derive from the immediately prior fiscal year or from appropriations enacted two, three or more years earlier. The source year of carryover is important. If balances have languished in agency accounts for multiple fiscal years it is a symptom, at best, of administrative inefficiency. Of more concern, it may suggest that the Committee was asked to provide appropriations in excess of the amount required to accomplish program purposes. Given the importance of the source year of balances to accurate budget execution, the Committee directs agencies to take the necessary administrative actions (including, when necessary, the reconfiguration of internal accounting systems) to capture and routinely report this information.

The Committee also found that agencies within the Departments of Commerce and Justice do not consistently use their financial management systems to record amounts committed to contracts, grants and other planned obligations. Such information is an important indicator of agency budget execution progress.

To obtain better information on the status of appropriations balances, the Committee has revised a general provision (section 508) carried in previous years. As revised, the general provision requires detailed quarterly reports from the Departments of Commerce and Justice, NASA, and the National Science Foundation (NSF) on the status of funds for unobligated balances, commitments and obligations, including the source year, or obligation year, of balances. The Committee expects that agency reports will show the status of balances at the appropriation account level, as well as at budget activity or other lower levels where such levels are reflected in the Committee's report accompanying an appropriations act.

#### MAJOR THEMES AND INITIATIVES

In the context of reducing overall discretionary spending in this bill, the Committee's funding recommendations focus resources on the areas of highest priority, reflecting the Committee's assessment of national priorities and ongoing challenges.

*Law enforcement and national security.*—Defending national security from both internal and external threats remains the Department of Justice's highest priority. This bill demonstrates a commitment to providing essential technological and human capital to detect, disrupt and deter threats to our national security. The bill provides \$8.1 billion for the Federal Bureau of Investigation, the full amount requested. Program increases total \$131 million, including improvements in surveillance, terrorist screening, and Weapons of Mass Destruction response.

*American innovation and competitiveness.*—As stated in the *Rising Above the Gathering Storm* report of the National Research Council, healthy levels of investment in scientific research are the key to long-term economic growth that exceeds population growth. These investments lead to innovation and improve the competitiveness of American businesses, leading, in turn, to positive impacts on the quality of life for all Americans. The bill includes \$6.9 billion for the National Science Foundation, including an increase of \$43 million above fiscal year 2011 for basic scientific research, and \$701 million for research and standards work at the National Institute of Standards and Technology, including \$128 million for Manufacturing Extension Partnerships to increase the competitiveness of the Nation's manufacturers. An efficient patent process is also critical for innovation and economic growth. The bill provides \$2.7 billion for the Patent and Trademark Office, the full estimate of fee collections for fiscal year 2012. Finally, the bill includes over \$1 billion for science, technology, engineering and math (STEM) education programs across NSF, NASA, the National Institute of Standards and Technology (NIST) and the National Oceanic and Atmospheric Administration (NOAA).

*Enhancing trade opportunities while ensuring national security.*—Also critical to the Nation's economic growth and security are efforts to increase American exports and enhance trade compliance and enforcement. The bill includes increases above fiscal year 2011 for the International Trade Administration and the Office of the U.S. Trade Representative. In addition, the bill includes \$100 million for the Bureau of Industry and Security to ensure that sensitive U.S. dual-use goods and technologies are not misused by

proliferators, terrorists and others working contrary to our national security interests.

#### COMMITTEE RECOMMENDATION BY TITLE

*Department of Commerce.*—In Title I of the bill, for the Department of Commerce, the Committee recommends a total of \$7.1 billion in discretionary budget authority, a decrease of \$464 million below fiscal year 2011, and \$1.7 billion below the request. Highlights of the Committee’s recommendation include:

- \$460.1 for the International Trade Administration, an increase of \$10 million above fiscal year 2011;
- \$2.7 billion for the Patent and Trademark Office, which is equal to the amount of fee collections estimated by the Congressional Budget Office, and an increase of \$588 million, or 28 percent, above fiscal year 2011;
- \$701 million for the National Institute of Standards and Technology, including an increase of \$10 million above fiscal year 2011 for scientific and technical research, and \$128.4 million for Manufacturing Extension Partnerships; and
- \$4.5 billion for the National Oceanic and Atmospheric Administration, including an increase of \$429.5 million above fiscal year 2011 for the Joint Polar Satellite System to ensure the continuity of critical weather forecasting capabilities.

*Department of Justice.*—In title II of the bill, for the Department of Justice, the Committee recommends a total of \$26 billion in discretionary budget authority, a decrease of \$1 billion below fiscal year 2011 and \$2.4 billion below the budget request. Highlights of the Committee’s recommendation include:

- \$8.1 billion for the Federal Bureau of Investigation, including \$131 million in new national security and criminal enforcement initiatives;
- \$2 billion for the Drug Enforcement Administration, including an enhancement of \$31 million for prescription drug abuse regulatory and enforcement initiatives;
- \$6.4 billion for the Bureau of Prisons, an increase of \$30 million above fiscal year 2011 to address overcrowded conditions in Federal prisons; and
- \$1.7 billion for State and local law enforcement assistance, including \$438 million for violence against women prevention and prosecution programs.

*Science.*—In title III of the bill, the Committee recommends a total of \$23.7 billion, a decrease of \$1.6 billion below fiscal year 2011 and \$2.8 billion below the budget request. Highlights of the Committee’s recommendation include:

- \$6.9 billion for the National Science Foundation, including an increase of \$43 million for basic scientific research; and
- \$16.8 billion for the National Aeronautics and Space Administration, including funding above the request for the recently-authorized space exploration crew vehicle and launch system.

*Related agencies.*—In title IV of the bill, the Committee recommends a total of \$816 million, a decrease of \$102 million below fiscal year 2011 and \$176 million below the budget request. Highlights of the Committee’s recommendation include:

- \$300 million for the Legal Services Corporation, a decrease of \$104 million below fiscal year 2011; and
- \$367 million for the Equal Employment Opportunity Commission, which is the same as fiscal year 2011.

#### CYBERSECURITY AT FEDERAL AGENCIES

The security of Federal agency computer information systems is essential to protecting national and economic security as well as public safety. Safeguarding such systems and the information they contain has been on the Government Accountability Office's (GAO) list of high-risk areas since 1997. Risks to such systems include escalating and emerging threats from around the globe, which are further heightened by steady advances in the sophistication of attack technology and the ease of obtaining and using hacking tools.

The Committee directs each department and agency funded in this bill to submit an annual report to the Committee describing the cyber attacks and attempted cyber attacks against such department or agency and their consequences; the steps taken to prevent, mitigate or otherwise respond to such attacks; and the cybersecurity policies and procedures in place, including policies about ensuring safe use of computer and mobile devices by individual employees. The report shall include a description of all outreach efforts undertaken to increase awareness among employees and contractors of cybersecurity risks. The Committee expects each department and agency to submit the first annual cybersecurity report, as described above, by January 15, 2012.

#### ELIMINATING WASTE, FRAUD AND ABUSE

Drawing on findings of the offices of inspector general, the GAO, and the Committee's surveys and investigations staff, as well as information elicited through an extensive hearing process, the Committee has taken active steps to address mismanagement, including waste, fraud and abuse, through its oversight and funding of agency programs.

The Committee began its fiscal year 2012 hearing schedule by hearing testimony from the Inspectors General of the Department of Justice, the Department of Commerce, NASA and NSF. The Committee recommendations included in this report make reference to their findings and recommendations, and in some cases make further recommendations for the inspectors general to investigate new matters. The Committee appreciates the assistance of these offices in eliminating waste, fraud and abuse, and improving efficiency of agency operations.

#### REPROGRAMMING AND SPENDING PLAN PROCEDURES

Section 505 of the bill contains language concerning the reprogramming of funds between programs and activities. The reprogramming process is based on comity between the Congress and the Executive branch. This process is intended to provide departments and agencies sufficient flexibility to meet changing circumstances and emergent requirements not known at the time of Congressional review of the budget while preserving Congressional priorities and intent.

The Committee expects that each department and agency funded in this bill shall follow the directions set forth in this bill and the accompanying report, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to funds provided in this bill, unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2012, and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2012. As specified in section 505, the Committee expects that the Appropriations Subcommittees on Commerce, Justice, Science and Related Agencies of the House and Senate will be notified by letter a minimum of 15 days prior to any reprogramming of funds that—

- (1) creates or initiates a new program, project or activity;
- (2) eliminates a program, project or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes or renames offices, programs or activities;
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees;
- (7) augments 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; or
- (8) 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.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. The Committee further expects any department or agency funded in this bill which plans a reduction-in-force to notify by letter the Committee 30 days in advance of the date of any such planned personnel action.

#### RELATIONSHIP WITH BUDGET AND COMPTROLLER'S OFFICES

Through the years the Appropriations Committee has channeled most of its inquiries and requests for information and assistance through the budget offices or comptroller organizations of the various departments, agencies and commissions. Such relationships are necessary to the accomplishment of the work of the Committee. While the Committee reserves the right to call upon all organizations in the departments, agencies and commissions for information and assistance, the primary contact between the Committee and these entities must be through the budget offices and comptroller organizations, or through a legislative affairs unit designated by the Committee to work on appropriations and budget matters.

The workload generated in the budget process is large and growing, and therefore, a positive, responsive relationship between the Committee and the budget and/or comptroller offices is essential for the Committee to fulfill the Constitutional appropriations responsibilities of the Congress.

## REPORT ON CERTAIN PRODUCTS

The Committee directs the Departments of Commerce and Justice, NASA and NSF to provide a report listing manufactured products, and their cost, that are purchased on a regular basis by or on behalf of such departments and agencies that are not currently manufactured in the United States. An interim report is required no later than 180 days after enactment of this Act, with a final report due no later than February 1, 2012. The final report shall also be provided to the President's Manufacturing Council and to the Director of the National Institute of Standards and Technology's Manufacturing Extension Partnership program.

## TITLE I

## DEPARTMENT OF COMMERCE

## INTERNATIONAL TRADE ADMINISTRATION

## OPERATIONS AND ADMINISTRATION

The Committee recommends \$460,106,000 in total resources for the programs of the International Trade Administration (ITA), which is \$10,000,000 above fiscal year 2011 and \$65,985,000 below the request. This amount is offset by \$9,439,000 in estimated fee collections, resulting in a direct appropriation of \$450,667,000.

*National Export Initiative.*—The Committee expects that increased resources provided above the fiscal year 2011 level will support components of the National Export Initiative (NEI) request for fiscal year 2012. The recommendation includes funding in support of the NEI aimed at enhancing the competitiveness of U.S. companies and creating jobs in the U.S. by increasing U.S. exports. The Committee directs the Department to continue efforts to expand U.S. exports, including through the NEI, and encourages ITA to ensure that it is providing adequate support and services for women-, minority- and veteran-owned firms that are seeking assistance in gaining access to foreign markets for their products and services. The Committee recognizes that these firms possess tremendous economic potential if they participate more actively and effectively in export markets. As such, the Committee urges ITA to conduct outreach and promotional activities to such firms to enable them to assist in our trade goals of creating jobs and increasing exports.

*Manufacturing and Services.*—The Committee recommends \$48,854,000 for manufacturing and services activities.

*Market Access and Compliance.*—The Committee recommends \$42,623,000 for market access and compliance activities.

*Import Administration (IA).*—The Committee recommends \$67,358,000 for import administration.

*China Anti-dumping and Countervailing Duty Activities.*—The Committee designates funding of no less than \$7,000,000 for the Office of China Compliance, and no less than \$4,400,000 for the China Countervailing Duty Group within IA. According to May 2011 Government Accountability Office (GAO) testimony on anti-dumping and countervailing duties, recent data indicate that uncollected duties from fiscal year 2001 to 2010 have grown to over \$1 billion, with five products from China accounting for 84 percent of



uncollected duties. ITA is directed to continue cooperative efforts with its U.S. government partners to resolve issues surrounding the collection of these duties and report to the Committee by November 2, 2011, on progress made in deploying a system for tracking Commerce's liquidation instructions to the U.S. Customs and Border Protection.

*Commercial Law Development Program.*—The recommendation does not include requested funding and bill language related to the Commercial Law Development Program (CLDP). The goal of the CLDP program is to assist developing countries in the creation of transparent legal systems and fair regulations to enable them to comply with international trade obligations. As CLDP is a foreign assistance program, it falls under the jurisdiction of the State, Foreign Operations, and Related Programs Subcommittee. Requests for additional foreign assistance funding are more appropriately made through the Department of State to that subcommittee.

*Trade Promotion and the U.S. & Foreign Commercial Service.*—The Committee recommends \$264,910,000 for trade promotion and the U.S. & Foreign Commercial Service. This increase of \$10,000,000 above fiscal year 2011 shall be for NEI programs.

*Vacant overseas positions.*—ITA is requesting \$24,606,000, an increase of \$320,000, to pay its International Cooperative Administrative Support Services (ICASS) bill in fiscal year 2012. These funds are reimbursed to the State Department for its costs associated with providing space and administrative services for ITA employees deployed to embassies overseas. However, a 2010 GAO report found that ITA continued to pay fees associated with positions it maintained in U.S. embassies that were vacant but not officially eliminated. The Committee directs ITA to submit a report by November 7, 2011, on efforts to address this concern, to include a report on the number and location of overseas vacant positions and efforts to either fill or officially remove these positions. The Committee expects that this report will also include an update on ITA's efforts to review its current embassy postings, with the goal of shifting personnel to emerging markets from more mature markets where U.S. firms have established export routes.

*Travel expenditures.*—The Committee expects the Department to submit quarterly reports regarding the ITA's travel expenditures, including separate breakouts of funding, the number of trips, and the purposes of travel to China.

*Offsetting fee collections.*—The Committee is aware that trade missions have increased, yet fee collections from participating businesses have been relatively static over the last several years. As a result, ITA has undertaken a review of the user fees it assesses against domestic firms which participate in overseas foreign trade missions with the ITA. The Committee understands that this review, which was prompted by a 2009 GAO report, *Commerce Needs Better Information to Evaluate Its Fee-Based Programs and Customers*, is to be completed by mid-summer 2011. ITA is directed to report to the Committee by September 12, 2011, on the results of this study and make recommendations for adjusting the offsetting fee collections in subsequent budget requests.

*Human rights training.*—The Committee understands that ITA provides some human rights training to its foreign commercial service officers and foreign national employees, training about 600

commercial service staff in 2010, representing 50 countries at 26 worldwide training events. The Committee further understands that ITA is requiring all commercial service staff who interact with clients but have not attended instructor-led classes to take an on-line training module during fiscal year 2011. The Committee appreciates the efforts of ITA to ensure that its employees have completed this important training. The Committee directs ITA to submit a report by October 3, 2011, describing the training offered, the number and location of employees trained, and examples of the application of this training during daily activities of ITA employees. This report should also include the dates by which ITA intends to certify that all of its customer-facing foreign commercial service employees and foreign national employees will have participated in this training. The agency shall consult with the Committee prior to beginning this effort.

*Review of foreign trade best practices.*—The Committee directs ITA, in collaboration with the U.S. Trade Representative and the International Trade Commission, to provide a report on the resources and support that foreign governments provide to their domestic companies seeking to export their products and services to foreign markets. This report should include a description of these services and a guide of best practices as a result of reviewing these foreign promotion programs. The Secretary of Commerce shall submit this report to the Committee by December 1, 2011, and incorporate findings, as appropriate, in the fiscal year 2013 budget requests for Commerce and ITA.

BUREAU OF INDUSTRY AND SECURITY  
OPERATIONS AND ADMINISTRATION

The Committee recommends \$100,141,000 for the Bureau of Industry and Security (BIS), which is the same as fiscal year 2011 and \$11,046,000 below the request.

*Export controls.*—According to a February 2011 GAO report, *Export Controls, Improvements Needed to Prevent Unauthorized Technology Releases to Foreign Nationals in the United States*, foreign business people, scientists, engineers, and others have gained unauthorized access in the United States to controlled dual-use technologies. However, the GAO found that Commerce's screening of overseas visa applications for potential unlicensed deemed exports dropped from 54,000 in fiscal year 2001 to just 150 in fiscal year 2009. In addition, GAO found that in fiscal years 2004 to 2009, while the United States issued over one million specialty occupation visas in high-technology fields to foreign nationals from 13 countries of concern to work in the United States, Commerce issued deemed export licenses authorizing transfers of technology to only about 3,200 foreign nationals from these countries. The Committee directs the Secretary of Commerce, in consultation with the Attorney General and the Secretary of Homeland Security, to provide a report to the Committee by October 3, 2011, regarding its efforts to implement the recommendations in the February 2011 GAO Report.

*Export Enforcement.*—The Export Enforcement program detects and prevents the illegal export of controlled goods and technology. By November 1, 2011, BIS shall provide the Committee with an up-

date on its participation in the interagency Counter-proliferation Task Forces and its involvement in the Department of Justice Export Enforcement Initiative established in 2007.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

The Committee recommends \$257,924,000 for the programs and administrative expenses of the Economic Development Administration (EDA), which is \$25,508,000 below fiscal year 2011 and \$67,007,000 below the request.

*Wireless Innovation Fund.*—EDA requested \$20,000,000 in mandatory appropriations in fiscal year 2012, with \$20,000,000 in each of the subsequent four fiscal years for a total of \$100,000,000 to establish a Wireless Innovation Fund to enable EDA to assist communities in expanding or cultivating new innovation-based infrastructure. This funding is dependent on legislation being enacted to authorize incentive auctions that would reallocate Federal agency and commercial spectrum bands over the next ten years.

#### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The Committee recommends \$220,000,000 for Economic Development Assistance programs, which is \$25,508,000 below fiscal year 2011 and \$64,300,000 below the request. Of the amounts provided, funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

Public Works .....	\$123,280,000
Planning .....	31,000,000
Technical Assistance .....	9,800,000
Research and Evaluation .....	1,500,000
Trade Adjustment Assistance .....	15,800,000
Economic Adjustment Assistance .....	38,620,000
Total .....	220,000,000

*Supplemental appropriations.*—EDA received \$150,000,000 in the American Recovery and Reinvestment Act, Public Law 111–5. As of May 6, 2011, while EDA has obligated all of the funds as required, EDA has disbursed about \$88,094,000 in grant funding to economically distressed communities, which is only about 59 percent of the funds provided more than three years ago. In addition, EDA received \$100,000,000 in Public Law 110–252 and another \$400,000,000 in Public Law 110–329 in response to hurricanes, floods, and other natural disasters. Of these amounts, EDA has spent only \$87,462,000, leaving nearly 82 percent, or \$412,279,000 unspent. EDA is directed to ensure that these funds are expended as expeditiously as possible in a fiscally prudent manner and inform the Committee immediately of the reasons for the large unexpended balance in each region.

*Collaboration.*—The Committee encourages EDA to work with the National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership Program (MEP), the Minority Business Development Agency (MBDA), and the ITA to ensure that the Commerce entities involved in job creation, manufacturing and export programs are leveraging the resources each has to offer to the greatest extent possible. As part of this collaboration, the agencies are encouraged to make their respective regional organizations

aware of mutually beneficial programs and invite representative organizations to regional workshops or meetings as appropriate.

*Planning.*—The Committee provides \$31,000,000 for Planning. EDA's Planning program helps support local organizations, including Economic Development Districts, Native American Indian Tribes, and other eligible entities with their long-term planning efforts, outreach to communities, and development of Comprehensive Economic Development Strategies (CEDs). These CEDs are designed to bring together public and private sector stakeholders in the creation of a regional economic roadmap to diversify and strengthen regional economies. The Committee is aware that an evaluation of this program is underway. The Secretary shall provide this report to the Committee upon its completion and provide interim briefs as necessary on its findings. In addition, the Secretary shall brief the Committee on the review of the CEDs guidance and processes which are being reviewed to determine better ways to communicate the development of a CEDs.

*Technical Assistance.*—The Committee provides \$9,800,000 for Technical Assistance. The Technical Assistance program oversees three technical assistance programs, including the University Center program, which is composed of 52 University Centers in 42 States and the Commonwealth of Puerto Rico that draw on the expertise of colleges and universities to support job creation and economic growth in regions experiencing economic distress. The Committee directs EDA, in consultation with the Commerce Inspector General (IG), to submit a report on the University Center program. This report, to be submitted by January 27, 2012, should include a list of all participating colleges and universities, their length of time in the program, as well as a review of the effectiveness and results of each program using standard evaluation tools as recommended by the IG. This report should also provide a listing of projects and activities to be funded with the fiscal year 2012 appropriation, to include administrative costs of each University Center. In addition, EDA shall brief the Committee on its work with the National Academy of Sciences to facilitate roundtables on State and regional innovation initiatives and their role in economic diversification. If appropriate, these roundtables should include representatives of the MEP programs at NIST.

*Trade Adjustment Assistance.*—The Committee recommends \$15,800,000 for Trade Adjustment Assistance (TAA). The Committee understands that EDA's TAA is the only trade adjustment assistance program that is designed to work with U.S. manufacturers adversely impacted by international trade agreements. The Committee is aware of concerns with respect to administrative costs of Trade Adjustment Assistance Centers (TAAC) and therefore directs the IG to undertake a review of the administrative costs of the centers and provide a report to the Committee by September 30, 2011. EDA shall also report to the Committee on the number of, and location of, firms assisted between fiscal year 2009 and fiscal year 2011, the results of this investment, and the value each TAAC adds to the process. Further, EDA, in collaboration with NIST, shall provide an overarching strategic plan for programs that invest in training the workforce for the manufacturing jobs of the future.

*Overlap of existing economic development programs.*—Earlier this year, the GAO released a report on overlap in economic develop-

ment programs among Federal agencies, including Commerce, the U.S. Department of Housing and Urban Development, the Small Business Administration, and the U.S. Department of Agriculture. In the fiscal year 2013 budget submission to the Congress, the Secretary shall certify to the Committee and explain how Commerce's economic development programs are unique and provide services that are not available elsewhere in the Federal government. Further, the GAO report was critical of EDA's reliance on potentially incomplete sets of variables and self-reported data to assess the effectiveness of its grant programs. GAO also found that EDA staff only request documentation or conduct site visits to validate the self-reported data provided by grantees in limited instances. The Secretary, in consultation with the GAO and Commerce IG, shall develop a comprehensive reporting system for EDA to use in each of its grant program areas. This reporting system should be developed and presented in the fiscal year 2013 budget request.

*Repatriation grants.*—The Committee urges EDA to actively participate in the Secretarial task force on repatriation referenced in the Departmental Management section of this report. In addition, this bill provides up to \$5,000,000 in EDA grants to facilitate the relocation, back to the U.S., of a source of employment. EDA shall use its grants programs as a resource for encouraging U.S. companies to bring their services, manufacturing, and/or research and development activities back to economically distressed regions in the U.S. that have experienced declines in manufacturing or chronic underemployment. EDA shall leverage its regional office expertise and established program criteria with respect to determining appropriate locations for repatriated U.S. firms. EDA shall report to the Committee by February 1, 2012, regarding the implementation of this program.

*Innovative manufacturing loans.*—The recommendation includes language that up to \$5,000,000 under this heading may be used for Federal loan guarantees to small and medium-sized manufacturers for the use or production of innovative technologies as authorized by section 26 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3721). The Committee believes this program has the potential to boost manufacturing output and create manufacturing jobs in the United States. In implementing this program, the Committee encourages EDA to give consideration to applicants from areas with high rates of unemployment. The Committee expects that such funds will come from within the amount designated in this report for Economic Adjustment Assistance. EDA shall report to the Committee in its fiscal year 2013 budget request regarding the implementation of this program, to include the number of loans provided, the amount of the loans, and the businesses supported. EDA shall consult with the IG prior to implementing this new program to ensure that EDA establishes appropriate oversight protocols and meets Federal Credit Reform Act requirements.

#### SALARIES AND EXPENSES

The Committee recommends \$37,924,000 for EDA salaries and expenses, which is the same as fiscal year 2011 and \$2,707,000 below the request.

## MINORITY BUSINESS DEVELOPMENT AGENCY

## MINORITY BUSINESS DEVELOPMENT

The Committee recommends \$30,339,000 for the Minority Business Development Agency (MBDA), which is the same as fiscal year 2011 and \$1,983,000 below the request.

*Assistance for agricultural and manufacturing start-ups.*—The Committee notes that agricultural and manufacturing start-up companies often face particular challenges that can impede their chances of success. Therefore, the Committee directs MBDA to focus efforts to assist agricultural and manufacturing start-up businesses. The Committee encourages MBDA to work with the MEP program at NIST and with ITA to see how their efforts can be better coordinated to ensure that Commerce is able to provide end-to-end services for start-up businesses, including ones that are minority-owned.

*Native American Business Development.*—The Committee supports the efforts of the Office of Native American Business Development and encourages it to work more closely with the Senior Advisor for Native American Affairs to ensure that the business development needs of this community are intertwined with efforts to enhance economic development and trade and tourism for Native American tribes.

## ECONOMIC AND STATISTICAL ANALYSIS

## SALARIES AND EXPENSES

The Committee recommends \$97,060,000 for the Economics and Statistics Administration (ESA), which is the same as fiscal year 2011 and \$15,877,000 below the request.

## BUREAU OF THE CENSUS

The Committee recommends a total of \$855,348,000 for the Bureau of the Census, which is \$294,372,000 below fiscal year 2011 and \$169,417,000 below the request.

## SALARIES AND EXPENSES

The Committee recommends \$258,506,000 for the salaries and expenses of the Bureau of the Census, which is the same as fiscal year 2011 and \$13,548,000 below the request. The recommendation includes requested bill language allowing funds provided in this account to be used for promotion, outreach and marketing activities given the successful use of these programs in the 2010 decennial census. Census intends to apply this authority in its monthly, quarterly, and annual surveys which are funded in this account. The Secretary is directed to submit a report to the Committee by April 1, 2012, regarding the use of this new authority and any benefits that have been realized.

## PERIODIC CENSUSES AND PROGRAMS

The Committee recommends a total of \$596,842,000 for periodic censuses and programs, which is \$294,372,000 below fiscal year 2011 and \$155,869,000 below the request.

*Data on small population groups.*—The Committee encourages the Census Bureau to ensure that reliable information about small population groups is collected and published and directs the Bureau to report back to the Committee within 90 days of enactment of this Act describing the steps it will take to ensure the availability and accuracy of these data.

*Best practices.*—The Committee encourages the Bureau to develop and share its best practices and methods for outreach to hard-to-count communities with other Federal agencies and State and local governments that may benefit from this expertise.

NATIONAL TELECOMMUNICATIONS AND INFORMATION  
ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends \$40,568,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA), which is the same as fiscal year 2011 and \$15,259,000 below the request.

*Public Safety Broadband Network.*—NTIA requested \$1,400,000,000 in mandatory appropriations in fiscal year 2012, with the goal of establishing a \$7,000,000,000 program over the next five years for a Public Safety Broadband Network. This funding is dependent on legislation being enacted to authorize incentive auctions that would reallocate Federal agency and commercial spectrum bands over the next ten years.

*Broadband Technology Opportunities Program.*—The recommendation includes \$19,988,000 in funding for administration expenses for the Broadband Technology Opportunities Program (BTOP) authorized in the American Recovery and Reinvestment Act. With the funds provided, NTIA will conduct oversight and monitoring, grant evaluation, and impact assessments. NTIA is directed to continue providing quarterly reports on BTOP and the State Broadband Data and Development Program. NTIA is directed to report to the Committee by December 12, 2011, regarding BTOP grants that have been returned. NTIA shall include with this a report on unobligated and unexpended balances.

*Spectrum interference issues.*—The Committee is aware that NTIA and the Federal Communications Commission (FCC) are in the midst of a regulatory process with respect to the Global Positioning System and that a technical working group is reviewing potential interference issues. NTIA is directed to report to the Committee following completion of the technical working group activities, but no later than August 1, 2011, regarding the discoveries of this technical working group and the scientific steps necessary to address any potential interference concerns.

*Spectrum management.*—According to an April 2011 GAO report, a spectrum management plan issued by NTIA in 2008 does not identify government-wide spectrum needs and does not contain key elements and best practices of strategic planning. One of the limitations that GAO found was that NTIA depends on agency self-evaluation of spectrum needs and focuses on interference mitigation, with limited emphasis on government-wide spectrum management. Lacking a strategic vision, NTIA cannot ensure that spectrum is being used efficiently by Federal agencies. GAO also found

that NTIA's data management system is antiquated and lacks internal controls to ensure the accuracy of agency-reported data, making it unclear if decisions about Federal spectrum use are based on reliable data. To address these concerns, NTIA, in consultation with the FCC, GAO and the Commerce IG, shall submit a report to the Committee by December 1, 2011, that updates its strategic plan, examines the assignment review processes to determine if the current approach can be improved, and establishes internal controls to ensure the accuracy of agency-reported data.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The Committee recommends \$2,706,313,000, the requested funding level, for the Patent and Trademark Office (PTO). The Congressional Budget Office (CBO) has re-estimated the fee collections to be \$2,678,000,000. Of this amount, the CBO estimates \$2,387,000,000 to be collected under the current fee structure and an additional \$291,000,000 to be generated by an interim surcharge on patent fees, as provided in this bill. The spending authority provided by this bill represents an increase of \$588,000,000, or 28 percent, above fiscal year 2011. The recommendation also includes language making available any excess fee collections above the President's request. All additional fees collected by the PTO during the current fiscal year above what is appropriated in this bill should be available for use only by the PTO.

*Projected fee collections.*—A December 2010, Department of Commerce IG report, *Stronger Management Controls Needed over USPTO's Projection of Patent Fee Collections*, found that for fiscal years 2006 through 2009, PTO experienced significant disparities between projected and actual patent fee collections; these ranged from shortfalls of about \$56.6 million in fiscal year 2006 to \$171 million in fiscal year 2009. Further, the IG found that PTO does not have clear guidance or a disciplined, documented process for forecasting patent fee collections. According to the IG, PTO officials reported that keeping the overall process of developing projections "fluid" is the reason that a deliberate decision was made not to have mandated guidance or documentation. As a result, the IG reported that stakeholders may not have clear expectations of what the agency will be able to fund because the differences between the estimated and actual patent fee collections have fluctuated considerably. The IG also noted that while the aggregate differences between projections and collections appear to be within a generally acceptable margin of forecasting error, such data actually mask much greater differences for individual fees (PTO collects some 300 different fees.) According to the IG, PTO has repeatedly over- and underestimated the amount of specific patent fees that it will collect in a given year, sometimes by as much as 20 to 50 percent. These differences mask discrepancies of tens of millions of dollars annually for certain fees. During the time of the IG review, the patent application backlog grew from 701,000 to nearly 736,000. Similarly, the amount of time it took to reach a decision on a patent application grew between fiscal year 2006 and fiscal year 2009



from about 31 months to about 35 months. The IG recommended that PTO implement the following actions: (1) the PTO Chief Financial Officer (CFO) should establish and implement written policies and procedures for developing fee-collection forecasts; (2) the CFO should annually report on the variances between projected and actual patent fee collections, including their causes and any noted trends; and (3) the Commissioner for Patents should establish and implement written policies and procedures for the patent production model. The Committee concurs with these recommendations and directs PTO to begin implementing them immediately and provide a report by September 7, 2011, outlining timeframes and steps that the PTO will take to comply with these recommendations. In addition, the Committee directs PTO to continue to provide quarterly reports on its projected fee collections.

*Backlog grows as funding doubles.*—The Committee notes that PTO's budget authority has nearly doubled from about \$1 billion in fiscal year 2001 to more than \$2 billion in fiscal year 2010 and its staff has grown by 48 percent, from about 6,500 personnel in fiscal year 2001 to about 9,500 in fiscal year 2010. However, during this time of extraordinary increases in both funding and personnel, the backlog grew from about 344,369 applications and 25 months for final action pendency to about 708,535 applications with final action pendency dragging out to more than 35 months. PTO examiners have become less efficient during this time as well, with the number of examinations in 2001 at about 89 per examiner, whereas in fiscal year 2010 examiners were reviewing on average about 81 patents per examiner. This number had dropped to a low of about 72 in 2008. The Committee directs the PTO to submit a personnel plan showing the growth in the number of patent examiners over the last 5 years, as well as the number that PTO expects to hire over the next 5 years. This report should also show the estimated attrition rates for each of these years as well. In addition, this report should also provide a breakout between the number of examiners, supervisor examiners, and other examiners who do not perform any role with respect to patent examination. This report shall be submitted by November 1, 2011.

*Carryover funds.*—The Committee is concerned that the PTO has established an operating reserve whereby it intends to carry over funds from one fiscal year to the next as a "cushion." For fiscal year 2012, PTO has proposed an operating reserve to help the agency maintain its pace of activities in years when fee collections diminish or fall below projections or during years of planned spending above collections. While some level of carryover may be advisable, the PTO is proposing to have an operating reserve of \$342,470,000 at the end of fiscal year 2012. The Committee believes that given the backlog and pendency rates, holding nearly 13 percent of its budget as a reserve into the next fiscal year is not a good management practice for an agency that is so far behind in whittling down its workload. Accordingly, the PTO, in consultation with the Secretary of Commerce, is directed to propose in its fiscal year 2013 budget submission an exhibit stating specifically what the PTO intends to fund using carryover balances.

*Quality metrics/quality index reporting.*—The Committee is aware that PTO has received feedback that its quality measures do not accurately measure the quality of patents issued by the PTO

or the quality of the PTO's examination process. Feedback suggests that some measures taken to improve the quality of the patents the PTO issues have resulted in prolonging the prosecution of applications. To address this issue, PTO created a Quality Task Force. PTO is directed to provide a report to the Committee by October 17, 2011, with a status report on efforts of the Quality Task Force to improve its patent quality measurement programs. This report should include a list of participants on the task force and their goals for implementing ways to improve the quality of the patent examination process without increasing pendency rates.

*Management costs growing as a proportion of total funding.*—PTO reported that its management-related costs in fiscal year 2010 were \$457,677,000 and in fiscal year 2012 it is proposing to spend \$617,023,000 on management, a 35 percent increase in two years. While the biggest portion of this funding is for information technology needs, the Committee notes that the budget for Executive Direction and Communications has doubled between fiscal years 2010 and 2012 from \$3,983,000 and 34 positions to \$6,524,000 and 55 positions. At the same time miscellaneous expenses have grown from \$193,104,000 in fiscal year 2010 to \$241,305,000 in fiscal year 2012, a \$48,201,000, or 25 percent increase in just two years. PTO reports that expenses captured under this program include rent, utilities, post retirement benefits and other expenses. PTO is directed to provide a table showing actual costs for each activity or item funded in the Management Program line from fiscal year 2009 through fiscal year 2011 and the estimated expenses in fiscal year 2012.

*Economic security.*—By statute, patent applications are published no earlier than 18 months after the filing date, but it takes an average of about three years for a patent application to be processed. This period of time between publication and patent award provides worldwide access to the information included in those applications. In some circumstances, this information allows competitors to design around U.S. technologies and seize markets before the U.S. inventor is able to raise financing and secure a market. In order to promote U.S. economic security and protect inventors' intellectual property rights, the Committee directs the PTO to study its patent publishing process and consider the alternative of publishing only the patent abstract instead of the entire application. The PTO shall report to the Committee on this effort within 30 days of enactment of this Act.

*Information technology.*—PTO shall submit a report to the Committee within 30 days of enactment of this Act providing a spending plan as well as the projected estimate of spending for each of the next three fiscal years on the End-to-End information technology program which will enable certain PTO information technology programs to communicate and provide a faster and more reliable way for examiners to quickly search a myriad of databases during the patent approval process. The Committee is concerned that the PTO is diverting funds away from this long-overdue information technology investment and directs PTO to provide a report on the status of PTO's existing information technology systems, to include personal computers, and the plans for providing for regular technology refresh of this equipment; and the estimated yearly costs of deploying and maintaining the Patent End-to-End pro-

gram. This report should also include a list of systems that the PTO intends to retire as End-to-End is deployed, and the savings associated with retiring them. This report should be submitted to the Committee by December 1, 2011.

*Patents granted to small entities.*—As part of its annual reports on various patent statistics, the PTO is directed to publish annual data on the share of U.S. patents granted to small entities.

*National security concerns.*—The Committee has had discussions with PTO with respect to the need to update its security procedures for patent applications that have national security implications. PTO, in consultation with appropriate agencies, shall develop updated criteria to evaluate the national security applications of patentable technologies. In addition, PTO is directed to evaluate and update its procedures with respect to its review of applications for foreign filing licenses that could potentially impact economic security. PTO shall report to the Committee by January 15, 2012, on these matters.

*Telework.*—The Committee appreciates the work of PTO in implementing telework programs. According to the PTO, at the end of the first quarter of 2011, about 6,119 of the 7,396 persons in eligible positions are teleworking. The telework program has enabled PTO to hire new employees without securing additional office space or additional parking facilities, with PTO estimating that it has saved \$19 million annually in additional leased office space. PTO reports that teleworking also provides the PTO with the ability to continue some everyday business operations during an emergency beyond those defined in the Continuity of Operations (COOP) plan. Teleworking has positively impacted resignation rates, with survey respondents in both the trademark and patent divisions reporting that this program had positively impacted their willingness to extend their years of service with the PTO. Some respondents also noted that they used less sick time as a result of this program. Clearly, the PTO telework program is working and the Committee encourages the PTO to continue efforts to ensure that eligible employees can participate in this valuable program.

*Establishment of satellite offices.*—The Committee supports PTO's efforts to establish a satellite office in Detroit, Michigan, and directs the PTO to report on progress in establishing this office. The Committee expects that this facility will function as a telework center where patent applicants from around the country can meet with PTO examiners at the Detroit satellite office instead of having to travel to PTO headquarters. If PTO has available resources and the need to open additional satellite offices, it shall report to the Committee regarding the feasibility, costs, and options of establishing other such offices, especially in geographic areas with large numbers of applicants.

*Promoting stories of inventors.*—The Committee understands that PTO is developing educational materials for use in schools, with these materials highlighting the accomplishments of inventors and the advances realized as a result of inventions. These educational materials are to be designed with the goal of encouraging children to explore educational opportunities in math, science, and technology. The Committee encourages PTO to coordinate this effort with the National Science Foundation and other government and non-government entities with expertise in science education and

expects PTO to report on resources used for this effort and results achieved.

*Reprogramming and spending plan.*—The recommendation includes new bill language making available fee collections above the appropriated funding level, and requiring PTO to follow the reprogramming procedures outlined in section 505 of this Act before using such excess fee collections. In addition, the spending plan required by section 537 of this Act shall include, for PTO, all carry-over balances and recoveries from previous fiscal years.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The Committee recommendation includes \$700,808,000 for NIST, which is \$49,289,000 below fiscal year 2011 and \$300,322,000 below the request.

*Public Safety Innovation Fund.*—NIST requested \$100,000,000 in mandatory appropriations in fiscal year 2012 for a Public Safety Innovation Fund. However, this funding is dependent on legislation being enacted to authorize incentive auctions that would reallocate Federal agency and commercial spectrum bands over the next ten years.

#### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The Committee recommendation includes \$516,984,000 for NIST's scientific and technical core programs, which is \$10,000,000 above fiscal year 2011 and \$161,959,000 below the request. The recommendation provides funding above the current year for NIST's laboratory initiatives that support core measurements and standards programs that are critical for innovation, competitiveness, and economic growth. NIST's unique contribution is the development of physical science solutions to overcome barriers to innovation. Within available funding, the Committee encourages NIST to give priority to supporting measurement science, tools, and standards necessary for the development and manufacture of new products and services based on innovative materials, and to NIST's Postdoctoral Research Associates Program.

NIST is encouraged to consider supporting armchair quantum wire research for applications in long-distance electricity transmission and wiring, and continuing standards and measurement work in regenerative medicine technologies. In addition, the Committee supports NIST's Public Safety Communications Research Project and encourages NIST to continue this important program.

#### INDUSTRIAL TECHNOLOGY SERVICES

The Committee recommends \$128,443,000 for Industrial Technology Services, which is \$44,810,000 below fiscal year 2011 and \$109,179,000 below the request. The recommendation does not include funding for the Technology Innovation Program, the Baldrige Performance Excellence Program, and the Advanced Manufacturing Technology Consortia Program. The Committee recommends \$128,443,000 for the Manufacturing Extension Partnership (MEP) program, which is the same as fiscal year 2011 and \$14,173,000 below the request.

*Manufacturing Extension Partnership Program.*—The Committee commends NIST for its efforts, via the MEP program, to develop

the National Innovation Marketplace (NIM). This internet-based effort is designed to facilitate partnerships among original equipment manufacturers, parts suppliers, inventors, distributors, and investors. NIM is aimed at helping both new and existing manufacturing companies to innovate their processes, create additional jobs, develop new products, and locate new customers and market opportunities. The Committee believes that the NIM has the potential to serve as a highly effective tool for helping to revitalize U.S. manufacturing, by helping to bring new inventions to market, enabling manufacturers to more easily locate both component parts suppliers and new customers, and expanding U.S. manufacturing activity generally.

The Committee directs that, of the funding provided for the MEP program for fiscal year 2012, not less than \$2,500,000 shall be devoted toward continuing and expanding NIST's efforts with regard to the NIM, including: (1) further developing and refining the web-based tools and functionality of the National Innovation Marketplace, along with updating content and populating additional participant information onto the NIM Web site; (2) expanding efforts to promote the National Innovation Marketplace among potential users, including by helping to showcase the business capabilities of MEP/NIM clients; and (3) expanding the training of MEP center and partner staff to enable them to assist manufacturing clients and other participants in utilizing the National Innovation Marketplace to ensure that companies find and develop new growth opportunities and process improvements and establish the marketing and distribution mechanisms to quickly transition new products into the marketplace.

*MEP matching requirements.*—The Committee is concerned that the Department of Commerce has not established criteria by which it could develop specific cost-shares for the MEP program. In a recent report (GAO-11-437R), GAO identified factors that could be taken into account in considering changes to the current MEP cost-share structure. The Committee directs the Secretary of Commerce to use the key factors and other findings identified by GAO in its cost-share report to draft criteria for establishing specific cost-shares for the MEP program. Within 90 days of the date of enactment of this Act, the Secretary shall submit to the Committee a proposed set of cost-share criteria for the MEP program.

*Repatriation of manufacturing.*—The Committee wishes to emphasize the urgent need to revitalize the Nation's manufacturing base, including the need to reverse the trend toward offshoring U.S. manufacturing activities. The Committee encourages NIST, through the MEP and in concert with repatriation efforts noted elsewhere in this report, to focus efforts on re-shoring manufacturing, including by developing a suite of tools and services as appropriate that MEP centers can use to identify U.S.-based suppliers for original equipment manufacturers that have off-shored production.

#### CONSTRUCTION OF RESEARCH FACILITIES

The Committee recommends \$55,381,000 for NIST construction, which is \$14,479,000 below fiscal year 2011 and \$29,184,000 below the request.

*Boulder Building 1 renovation.*—Of the amounts provided, \$25,381,000 is provided as requested for continued renovation activities at the Boulder, Colorado, facility. Funding will support interior renovations of Wings 3, 5, and a portion of Wing 6. NIST is directed to provide an update on the status of the Boulder renovations by November 14, 2011.

*Safety, Capacity, Maintenance, and Major Repairs.*—The remaining \$30,000,000 in construction funds are provided for Safety, Capacity, Maintenance, and Major Repairs.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The Committee recommends a total of \$4,533,052,000 in discretionary funds for the National Oceanic and Atmospheric Administration (NOAA), which is \$54,981,000 below fiscal year 2011 and \$952,682,000 below the request. The recommendation does not include funding as proposed to establish a Climate Service within NOAA. The recommendation instead funds NOAA programs in accordance with the current organizational structure. It is the Committee's intention that no funds shall be used to create a Climate Service at NOAA.

#### OPERATIONS, RESEARCH, AND FACILITIES

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommendation includes a total program level of \$2,848,130,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA. This total funding level includes \$2,775,930,000 in direct appropriations, a transfer of \$66,200,000 from balances in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" account and \$6,000,000 derived from recoveries of prior year obligations. The direct appropriation of \$2,775,930,000 is \$403,581,000 below fiscal year 2011 and \$601,677,000 below the request.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act. Each of the following tables for NOAA accounts and line offices include "Administrative Efficiency Initiative" lines which include amounts proposed for reduction in the fiscal year 2012 budget.

*National Ocean Service.*—The recommendation provides \$385,510,000 for National Ocean Service (NOS) operations, research and facilities.

*Navigation Services.*—The Committee provides \$148,289,000 for navigation services. Of this amount, \$91,617,000 is provided for mapping and charting activities, which is the same as the fiscal year 2011 level for these important life and safety programs.

*Response and Restoration.*—The Committee is aware that thus far NOAA has received \$18,500,000 from BP for ongoing activities related to the Deepwater Horizon oil spill in the Gulf of Mexico. In addition, NOAA, as part of the settlement reached with BP, is going to receive \$100,000,000 for work related to the Deepwater Horizon oil spill. These funds are for restoration, planning, implementation, and monitoring. NOAA is scheduled to receive an additional \$150,000,000 for state-led projects to be selected by NOAA from proposals submitted by the States related to this oil spill. The Committee is also aware that the Department of the Interior is ex-

pected to receive \$150,000,000 and that the State Natural Resources Trustees involved in the BP settlement (Florida, Alabama, Mississippi, Louisiana, and Texas) are also slated to receive \$100,000,000 each from BP. NOAA is directed to provide a report to the Committee by December 1, 2011, describing its activities related to the disaster and a spending plan for the \$250,000,000 it expects to receive from BP to implement restoration projects in the Gulf.

*Gulf of Mexico Disaster Response Center.*—The Committee directs NOAA to provide it a report by September 1, 2011, on the status of the Gulf of Mexico Disaster Response Center and efforts to make it operational.

**NATIONAL OCEAN SERVICE**  
**Operations, Research, and Facilities**  
(\$ in thousands)

	<b>Recommended</b>
<b>Navigation Services</b>	
<b>Mapping &amp; Charting</b>	
Mapping & Charting Base	49,401
Hydrographic Research & Technology Development	7,186
Electronic Navigational Charts	5,888
Shoreline Mapping	2,196
Address Survey Backlog/Contracts	26,946
Geodesy	26,647
National Height Modernization	2,495
Tide & Current Data	27,530
<b>Total, Navigation Services</b>	<b><u>148,289</u></b>
<b>Ocean Resources Conservation and Assessment</b>	
<b>Ocean Assessment Program (OAP)</b>	
Integrated Ocean Observing System (IOOS)	26,360
IOOS Regional Observations	[15,369]
NOAA IOOS	[4,617]
Coastal Storms	1,956
Coastal Services Center (CSC)	20,015
Coral Reef Program	18,722
<b>Subtotal, Ocean Assessment Program (OAP)</b>	<b><u>67,053</u></b>
<b>Response and Restoration</b>	
Response and Restoration Base	13,540
Estuary Restoration Program	830
Marine Debris	3,172
<b>Subtotal, Response and Restoration</b>	<b><u>17,542</u></b>
<b>National Centers for Coastal Ocean Science</b>	
Nat'l Ctrs for Coastal Ocean Science (NCCOS)	28,147
Competitive Research	11,061
<b>Subtotal, NCCOS</b>	<b><u>39,208</u></b>
<b>Total, Ocean Resources Conservation &amp; Assessment</b>	<b><u>123,803</u></b>
<b>Ocean and Coastal Management</b>	
<b>Coastal Management</b>	
CZM Grants	46,214
CZM and Stewardship	6,097
Regional Ocean Partnership Grants	5,235
Nat'l Estuarine Rsrch Reserve Sys - NERRS	16,404
Marine Protected Areas	1,487
Marine Sanctuary Program	46,853
<b>Total, Ocean and Coastal Management</b>	<b><u>122,290</u></b>
<b>Administrative Efficiency Initiative</b>	<b>(8,872)</b>
<b>Total, National Ocean Service - ORF</b>	<b>385,510</b>



*National Marine Fisheries Service.*—The Committee recommends \$710,603,000 for the National Marine Fisheries Service (NMFS) operations, research and facilities.

*National Catch Share Program.*—The Committee recommends \$21,956,000 for the catch shares program, which is \$21,956,000 below fiscal year 2011 and \$32,046,000 below the request. Given limited funding and ongoing concerns with this program, the Committee recommends a more modest investment in this program. The Committee directs GAO to review the NOAA catch share program and provide an assessment of its implementation and impacts on the fisheries where it has been instituted as part of the overall fishery management program for a given fishery. This report, to be submitted to the Committee by January 23, 2012, shall also include an assessment regarding any consolidation that has occurred as a result of implementing catch shares programs. GAO is directed to consult with the Committee prior to beginning this effort.

*Stock Assessments.*—The Committee recommendation for stock assessments is \$63,764,000, which is an increase of \$10,371,000 above fiscal year 2011 levels and \$3,356,000 below the request. The Committee notes that lack of accurate, up-to-date data for numerous economically vital fisheries has caused significant problems as NMFS works to implement provisions that were incorporated into the Magnuson-Stevenson Act (MSA) in 2006. NMFS has proceeded to implement these provisions, particularly as they relate to setting annual catch limits on all fisheries, in a manner that ignores profound shortfalls in requisite data. More robust stock assessments, based on more frequent surveys, are vitally important to improve management of our marine fisheries and meet the requirements of the MSA. The Committee supports targeting and prioritizing stock survey funds to address critical data gaps in fisheries that have suffered dramatically from inadequate data gathering. Additionally, the Committee supports the further utilization of fishery independent data collection efforts and encourages NMFS to take advantage of existing non-Federal resources that are capable of providing timely and reliable data to improve stock assessments of critical fisheries. As such, the recommendation includes \$7,035,000 for cooperative research programs, which is \$3,015,000 below fiscal year 2011 levels and \$204,000 below the request.

*Salmon Management Activities.*—The Committee recommends \$34,451,000 for salmon management activities. Within this amount, an increase of \$10,000,000 is provided above the request to allow hatcheries to be reformed according to the recommendations of the Hatchery Scientific Review Group.

*Genetic Stock Identification.*—Within the amounts provided, NOAA is encouraged to continue research through a competitive grants process on genetic stock identification programs for West Coast salmon. Genetic stock identification programs improve salmon management and avoid harvest of weak salmon stocks by identifying movement and location of individual stocks.

*Enforcement and Observers Training.*—The Committee recommends \$105,747,000 for Enforcement and Observers Training, which is the same as the fiscal year 2011 level and \$460,000 below the request. The Committee provides this level of funding in response to the recent IG investigation into NMFS enforcement activities. The IG is directed to provide an update to the Committee

by December 12, 2011, regarding implementation of recommendations from the IG's 2010 review of NOAA's Fisheries Enforcement Asset Forfeiture Fund.

*National Research Council Review.*—The Committee is aware of a June 23, 2011, letter from the House Resources and Agriculture Committees and the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, to the Departments of Commerce, Interior, Agriculture and the Environmental Protection Agency (EPA) that addresses the scope of the National Research Council's (NRC) review of scientific methods and assumptions and economic impacts associated with Federal Endangered Species Act biological opinions for pesticides registered by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The Committee understands that the National Oceanic and Atmospheric Administration is working with the NRC on this review and expects that the NRC will address the issues outlined in the letter referenced above.

**NATIONAL MARINE FISHERIES SERVICE**  
**Operations, Research, and Facilities**  
(\$ in thousands)

	<b>Recommended</b>
<b>Protected Species Research and Management</b>	
Protected Species Research and Management Programs Base	28,293
Species Recovery Grants	5,593
Marine Mammals	33,533
Marine Turtles	7,316
Other Protected Species (Marine Fish, Plants, and Invertebrates)	5,589
Atlantic Salmon	5,240
Pacific Salmon	58,566
<b>Subtotal, Protected Species Research and Management</b>	<b><u>144,130</u></b>
<b>Fisheries Research and Management</b>	
Fisheries Research and Management Programs	164,428
National Catch Share Program	21,956
Expand Annual Stock Assessments - Improve Data Collection	63,764
Economics & Social Sciences Research	7,657
Salmon Management Activities	34,451
Regional Councils and Fisheries Commissions	31,855
Fisheries Statistics	23,224
Fish Information Networks	15,461
Survey and Monitoring Projects	16,779
Fisheries Oceanography	2,147
American Fisheries Act	3,888
Interjurisdictional Fisheries Grants	1,157
National Standard 8	750
Reduce Fishing Impacts on Essential Fish Habitat (EFH)	374
Reducing Bycatch	2,398
Product Quality and Safety	5,212
<b>Subtotal, Fisheries Research and Management</b>	<b><u>395,501</u></b>
<b>Enforcement &amp; Observers/Training</b>	
Enforcement	66,825
Observers/Training	38,922
<b>Subtotal, Enforcement &amp; Observers/Training</b>	<b><u>105,747</u></b>
<b>Habitat Conservation &amp; Restoration</b>	
Sustainable Habitat Management	12,575
Fisheries Habitat Restoration	22,229
<b>Subtotal, Habitat Conservation &amp; Restoration</b>	<b><u>34,804</u></b>
<b>Other Activities Supporting Fisheries</b>	
Antarctic Research	1,645
Aquaculture	3,593
Climate Regimes & Ecosystem Productivity	2,030
Computer Hardware and Software	1,796
Cooperative Research	10,068
Information Analyses & Dissemination	11,377
Marine Resources Monitoring, Assessment & Prediction Program	504
National Environmental Policy Act (NEPA)	5,051
NMFS Facilities Maintenance	3,293
Regional Studies	7,337
<b>Subtotal, Other Activities Supporting Fisheries</b>	<b><u>46,694</u></b>
<b>Administrative Efficiency Initiative</b>	<b>(16,273)</b>
<b>Total, National Marine Fisheries Service - ORF</b>	<b>710,603</b>

*Oceanic and Atmospheric Research.*—The Committee recommends \$288,667,000 for Oceanic and Atmospheric Research (OAR) operations, research, and facilities.

*Competitive Climate Research Program.*—The Committee recommends \$106,044,000 for OAR's competitive climate research program. The Committee includes funding for these activities in OAR and not in the Climate Service as requested. The Committee notes the importance of extramural research to support NOAA's core scientific mission.

*Exploration and Education Activities.*—The Committee supports ocean exploration and related educational programs and urges NOAA to continue working with private sector partners and the educational community to ensure that critical programs are continued to the degree possible given funding constraints.

*Tornado and Severe Storm Research.*—The recommendation includes \$10,037,000, the full amount requested, for tornado and severe storm research and phased array radar. The Committee encourages NOAA to increase tornado research and warning infrastructure for tornadic storms which support rapid response of state-of-the-art science, analysis of data, and additional graduate research training.

*Iron fertilization.*—The Committee included a reporting requirement in the statement accompanying Public Law 111–117 directing NOAA to provide a report on the potential of ocean fertilization for climate change mitigation. The Committee directs NOAA to continue efforts in this area to address key scientific questions regarding the potential impacts of iron fertilization on the oceans; this effort should be coordinated with other Federal agencies, academia, and the private sector, as appropriate. The Committee directs NOAA to submit a report to the Committee within 90 days of enactment of this legislation that outlines findings in this area.

**OFFICE of OCEANIC AND ATMOSPHERIC RESEARCH**  
**Operations, Research, and Facilities**  
(\$ in thousands)

	<b>Recommended</b>
<b>Climate Research</b>	
Laboratories & Cooperative Institutes	37,438
Climate Data & Information	7,829
Competitive Research Program	106,044
Climate Operations	547
<b>Total, Climate Research</b>	<u><u>151,858</u></u>
<b>Weather &amp; Air Quality Research</b>	
<b>Laboratories &amp; Cooperative Institutes</b>	
Laboratories & Cooperative Institutes	39,505
U.S. Weather Research Program	4,273
Tornado Severe Storm Research / Phased Array Radar	10,037
<b>Total, Weather &amp; Air Quality Research</b>	<u><u>53,815</u></u>
<b>Ocean, Coastal, and Great Lakes Research</b>	
<b>Laboratories &amp; Cooperative Institutes</b>	
Laboratories & Cooperative Institutes	15,369
National Sea Grant College Program Base	42,029
Ocean Exploration and Research	17,914
Integrated Ocean Acidification	6,359
<b>Total, Ocean, Coastal, and Great Lakes Research</b>	<u><u>81,671</u></u>
<b>Info Tech R&amp;D</b>	
High Performance Computing Initiatives	<u>9,122</u>
<b>Total, Info Tech R&amp;D</b>	<u>9,122</u>
<b>Administrative Efficiency Initiative</b>	(7,799)
<b>Total, Office of Oceanic and Atmospheric Research - ORF</b>	<b>288,667</b>

*National Weather Service.*—The Committee recommends \$908,018,000 for National Weather Service (NWS) operations, research and facilities, which is \$36,436,000 above the enacted level and \$11,230,000 above the request. Within NOAA, the Committee recommendation prioritizes funding for these core life and safety programs.

*Tsunami funding.*—The recommendation includes \$41,554,000 for tsunami warnings, forecasts, and research, which is \$1,055,000 above the fiscal year 2011 level and the same as the budget request. This amount includes \$23,541,000 for the NWS Strengthen U.S. Tsunami Warning Program; \$4,113,000 in the NWS, Local Warnings and Forecasts line (TWCs/ITIC); \$900,000 in OAR's Pacific Marine Environmental Laboratory base funding for tsunami research and development activities; and \$13,000,000 remaining from the funds provided in section 3010, National Alert and Tsunami Warning Program of Public Law 109–171, the Deficit Reduction Act.

*Tsunami preparedness.*—Following the earthquake and devastating tsunami that struck Japan earlier this year, the Committee urged NOAA to hold a tsunami preparedness summit for communities on the East Coast, the Gulf of Mexico, and the Caribbean. This conference, held in June 2011, included Federal, State, and local stakeholders and was designed to ensure that communities in these regions have access to tsunami-related information, lessons learned, and best practices. The Committee urges NOAA to continue its efforts to work with coastal communities in these areas to improve awareness of tsunami outreach and education activities, detection and warning services, and response and mitigation programs. The Committee expects NOAA to hold a subsequent conference for West Coast coastal communities. An important part of NOAA's tsunami programs is its Deep Ocean Assessment and Reporting of Tsunamis (DART) network. This network consists of 39 buoys, deployed in the north, northeast, and western portions of the Pacific Ocean, the Atlantic Ocean, and the Gulf of Mexico, that measure wave height. The Committee expects NOAA to repair any DART stations that are not currently operational and report to the Committee no later than 30 days following enactment of this Act regarding the status of the entire DART network.

*Caribbean tsunami education and awareness.*—According to NOAA and the GAO, both Puerto Rico and the U.S. Virgin Islands face significant tsunami threats. The Committee is aware that the U.S. Geological Survey operates a seismic network surrounding Puerto Rico. Once an earthquake of a tsunami-generating magnitude is detected, NOAA's Tsunami Warning Center in Alaska issues a tsunami warning. NOAA shall provide a report to the Committee regarding the current capabilities to predict tsunamis and expand the TsunamiReady™ program in the Caribbean by September 7, 2011. In addition, the Committee expects NOAA's Caribbean outreach coordinator to work with partners in Puerto Rico and the U.S. Virgin Islands to expand their participation in NOAA's TsunamiReady™ program, which is a voluntary partnership between NOAA, State, and local emergency management agencies. The goal of TsunamiReady™ is to create tsunami resilience in communities by better integrating tsunami hazard preparedness into coastal community culture and providing coastal ju-

risdictions with a level of “minimal readiness” for the tsunami hazard. There are currently 12 recognized TsunamiReady™ communities in Puerto Rico. The Committee directs NOAA to include a section in the current tsunami capabilities report on plans to expand the number of TsunamiReady™ communities in Puerto Rico and the U.S. Virgin Islands.

**NATIONAL WEATHER SERVICE**  
**Operations, Research, and Facilities**  
**(\$ in thousands)**

	<b>Recommended</b>
<b>Local Warnings and Forecasts</b>	
Local Warnings and Forecasts	641,343
Air Quality Forecasting	5,445
Data Buoys	1,683
Sustain Cooperative Observer Network	1,871
NOAA Profiler Network	4,841
Strengthen U.S. Tsunami Warning Network	23,541
Pacific Island Compact	3,715
<b>Subtotal, Local Warnings and Forecasts</b>	<b><u>682,439</u></b>
<b>Operations and Research</b>	
Advanced Hydrological Prediction Services	6,119
Aviation Weather	38,593
WFO Maintenance	7,446
Weather Radio Transmitters	2,297
Central Forecast Guidance	80,771
<b>Subtotal, Operations and Research</b>	<b><u>135,226</u></b>
<b>Total, Local Warnings and Forecasts, Operations and Research</b>	<b>817,665</b>
<b>Systems Operation &amp; Maintenance (O&amp;M)</b>	
NEXRAD	46,748
Automated Surface Observing Systems	11,302
Advanced Weather Interactive Processing System	39,846
NWS Telecommunication Gateway - CIP	5,512
<b>Total, Systems Operation &amp; Maintenance (O&amp;M)</b>	<b><u>103,408</u></b>
<b>Administrative Efficiency Initiative</b>	<b>(13,055)</b>
<b>Total, National Weather Service - ORF</b>	<b>908,018</b>



*Climate Service.*—The recommendation does not include the establishment of a climate service as proposed in the budget request. Instead, the recommendation funds NOAA programs in accordance with the current NOAA organizational structure.

*National Environmental Satellite, Data and Information Service.*—The Committee recommends \$171,636,000 for National Environmental Satellite, Data and Information Service (NESDIS) operations, research and facilities.

*Data Centers and Information Services.*—The Committee recommends \$58,919,000 for these activities, including not less than the current level for each activity currently funded under archive, access and assessment programs.

**NATIONAL ENVIRONMENTAL, SATELLITE, DATA, AND INFORMATION SERVICE**  
**Operations, Research, and Facilities**  
(\$ in thousands)

	<b>Recommended</b>
<b>Environmental Satellite Observing Systems</b>	
Satellite Command and Control	39,970
NOAA Satellite Operations Facility Operations	7,944
Product Processing and Distribution	36,041
Product Development, Readiness & Application	20,771
Prod Devel, Read & App (Ocean Remote Sensing)	4,023
Joint Center/Accelerate Use of Satellites	3,358
Commercial Remote Sensing Licensing & Enforcement	1,308
Office of Space Commercialization	653
Group on Earth Observations (GEO)	505
<b>Total, Environmental Satellite Observing Systems</b>	<b>114,573</b>
 <b>Data Centers &amp; Information Services</b>	 <b>58,919</b>
 <b>Administrative Efficiency Initiative</b>	 <b>(1,856)</b>
 <b>Total, NESDIS - ORF</b>	 <b>171,636</b>

*Program Support.*—The Committee recommends \$383,533,000 for these activities.

*Information technology.*—The recommendation includes \$11,059,000 for information technology services. This amount is provided to enhance the security of NOAA's critical enterprise information technology systems. NOAA, in consultation with the Secretary of Commerce and the IG, is directed to submit a report to the Committee by January 23, 2012, regarding the status of NOAA's information technology systems.

*NOAA education program.*—The Committee recommends \$26,884,000 for NOAA's Competitive Educational Grants and Programs, which is \$1,934,000 above fiscal year 2011. The Committee encourages NOAA, within available funds, to expand science, technology, engineering, and mathematics programs for middle school youth as appropriate.

*Administrative funding cap.*—The recommendation continues the cap on NOAA corporate services administrative costs. While NOAA made some progress in including NOAA line office administrative costs in its congressional justification materials, the Committee desires a greater level of detail. The Committee is concerned about the lack of transparency and visibility of all administrative costs incurred by NOAA's corporate staff and line offices, including regional and field offices. The Committee is particularly concerned that the non-visible administrative cost components may be increasing more rapidly than the directly visible corporate services appropriation enacted to pay for NOAA corporate administrative costs. For example, NOAA has continued to assess line office programs for a portion of their corporate administrative costs through a "direct billing" process that is not visible to the Committee.

To address these concerns, the Committee continues the cap on NOAA corporate services at \$214,874,000, which includes \$10,000,000 for NOAA facilities. This cap limits the amount of ORF funds that can be used for administrative costs incurred by NOAA's corporate operations. Although the NOAA line offices also incur administrative costs at the field offices and financial management centers (FMCs) that execute their programs, the Committee is not including these costs in the administrative cost cap. Instead, the Committee directs NOAA to provide a report within 90 days of enactment of this Act that identifies total NOAA administrative costs for each of fiscal years 2009 through 2012, including NOAA corporate staff and each line office, and each financial management center including the Office of Marine and Aircraft Operations. The report shall also identify the administrative costs incurred by these organizational entities, as well as the field offices and FMCs, for standard administrative functions. Similar tables shall be included in all subsequent NOAA annual budget justifications provided to Congress. NOAA shall consult with the Committee prior to beginning this effort.

*Research and development tracking and outcomes.*—The Committee continues its direction that NOAA track the division of research and development funds between intramural and extramural research, and assure consistency and clarity in the collection and reporting of data. NOAA is directed to state clearly its expected research outcomes and available funding in order to provide transparency into the competitive grant process for extramural research-

ers. The Committee further directs NOAA to continue to increase extramural research funding in future requests to build broad community support and leverage external funding for mission-oriented research.

**PROGRAM SUPPORT**  
**Operations, Research, and Facilities**  
(\$ in thousands)

	<b>Recommended</b>
<b>Corporate Services</b>	
Under Secretary and Associate Offices Base	27,474
NOAA-Wide Corporate Services & Agency Management Base	114,226
DOC Accounting System	10,171
Payment to the DOC Working Capital Fund	41,944
IT Security	11,059
<b>Total, Corporate Services</b>	<b><u>204,874</u></b>
<b>NOAA Education Program</b>	
Competitive Educational Grants and Programs	26,884
<b>NOAA Facilities</b>	<b>10,000</b>
<b>Administrative Efficiency Initiative</b>	<b>(3,274)</b>
<b>Subtotal</b>	<b>238,484</b>
<b>Marine and Aviation Operations &amp; Maintenance</b>	
Marine Data Acquisition	114,740
Fleet Planning and Maintenance	16,221
Aircraft Services	17,615
<b>Administrative Efficiency Initiative</b>	<b>(3,527)</b>
<b>Subtotal, OMAO - ORF</b>	<b><u>145,049</u></b>
<b>Total, Program Support</b>	<b>383,533</b>

## PROCUREMENT, ACQUISITION AND CONSTRUCTION

The Committee recommendation includes a total program level of \$1,709,772,000 in direct obligations under this heading, of which \$1,702,772,000 is appropriated from the general fund and \$7,000,000 is derived from recoveries of prior year obligations. The direct appropriation is \$370,090,000 above fiscal year 2011 and \$350,005,000 below the request. The following narrative descriptions and tables identify the specific activities and funding levels included in this Act:

*National Weather Service (NWS).*—The Committee recommends \$94,917,000 for NWS systems acquisitions and construction, which is \$1,982,000 below fiscal year 2011 and \$3,727,000 above the request.

*Weather and Climate Supercomputing.*—The recommendation includes \$40,169,000 for Weather and Climate Supercomputing, which is \$11,058,000 above fiscal year 2011 and the same as the request. This funding will support ongoing Hurricane Forecast Improvement Project modeling and continue regular improvements to numerical prediction modeling.

*National Environmental Satellite, Data and Information Service.*—The recommendation includes \$1,592,777,000 for National Environmental Satellite, Data and Information Service (NESDIS) acquisition and construction. This amount is \$334,355,000 above fiscal year 2011 and \$304,759,000 below the request.

*Geostationary Operational Environmental Satellite-R Series.*—The Committee recommends \$567,390,000 for Geostationary Operational Environmental Satellite-R (GOES-R), which is \$94,983,000 below fiscal year 2011 and \$50,000,000 below the request.

*Joint Polar Satellite System.*—The Committee recommends \$901,346,000 for the Joint Polar Satellite System (JPSS) program, which is \$429,446,000 above the fiscal year 2011 level and \$168,654,000 below the request. NOAA shall comply with language in section 105 of the accompanying bill updating a reporting requirement on cost and schedule of satellite programs, including a breach reporting requirement.

*JPSS contract transition delays.*—According to the Commerce IG, significant contractual issues have hampered the JPSS program from moving forward, including the fact that some of the JPSS instruments were still being manufactured under the old National Polar-orbiting Operational Environmental Satellite System (NPOESS) program contract, and one of the instruments currently remains under the NPOESS contract. NOAA is directed to work with the Air Force and other parties to expeditiously transfer the remaining contract for instrument development to NASA and NOAA, as appropriate.

*JPSS Program Director and Deputy Director.*—Filling these key management positions is crucial to the success of the program. NOAA is directed to provide an update to the Committee regarding efforts to fill these positions with qualified personnel.

*Quarterly satellite briefings.*—The Committee began holding quarterly satellite briefings with NOAA in March 2011. The Committee finds these briefings useful and directs NOAA to continue providing these updates to the Committee regarding the JPSS program and NOAA's other major system acquisition programs.

*Fiscal year 2012 spending plan.*—NOAA is directed to provide to the Committee a spending plan for the JPSS program for fiscal year 2012 within 30 days of enactment of this Act. This detailed spending plan should include the name of the effort; the location of the work; fiscal year funding for each effort; and the number of contractor and government personnel. This report should also include a program status update.

*COSMIC 2.*—While the Committee supports NOAA's efforts to establish a radio occultation satellite constellation in partnership with Taiwan, the recommendation does not include any funding for the COSMIC 2 program given funding constraints and the need to fund other higher priority NOAA satellite programs. The Committee directs NOAA to conduct an analysis of alternatives to obtain similar data and measurements and report back to the Committee within 90 days of enactment of this bill. This report should also include estimated outyear costs for the COSMIC 2 program.

**PROCUREMENT, ACQUISITION, and CONSTRUCTION**  
**(\$ in thousands)**

	<b>Recommended</b>
<b>OAR</b>	
<b>Systems Acquisition</b>	
Research Supercomputing / CCRI	10,358
<b>Total, OAR - PAC</b>	<u><u>10,358</u></u>
<b>NWS</b>	
<b>Systems Acquisition</b>	
ASOS	1,635
AWIPS	24,364
NEXRAD	5,819
NWSSTG Legacy Replacement	1,195
Radiosonde Network Replacement	4,014
Weather and Climate Supercomputing	40,169
Cooperative Observer Network Modernization (NERON)	3,727
Complete and Sustain NOAA Weather Radio	5,594
NOAA Profiler Conversion	5,480
<b>Subtotal, NWS Systems Acquisition</b>	<u>91,997</u>
<b>NWS WFO Construction</b>	3,150
<b>Administrative Efficiency Initiative</b>	(230)
<b>Total, NWS - PAC</b>	<u><u>94,917</u></u>
<b>NESDIS</b>	
<b>Systems Acquisition</b>	
Geostationary Systems - N	33,967
Geostationary Systems - R	567,390
Polar Orbiting Systems - POES	34,816
JASON-3	20,000
Joint Polar Satellite System (formerly NPOESS)	901,346
EOS & Advanced Polar Data Processing	990
CIP - single point of failure	2,772
Comprehensive Large Array Data Stewardship Sys (CLASS)	6,476
NPOESS Preparatory Data Exploitation	4,455
Restoration of Climate Sensors	28,880
<b>Subtotal, NESS Systems Acquisition</b>	<u>1,601,092</u>
<b>Construction</b>	
Satellite CDA Facility	2,228
<b>Subtotal, NESDIS Construction</b>	<u>2,228</u>
<b>Administrative Efficiency Initiative</b>	(10,543)
<b>Total, NESDIS - PAC</b>	<u><u>1,592,777</u></u>
<b>OMAO</b>	
<b>OMAO - Fleet Replacement</b>	
Fleet Capital Improvements & Tech Infusion	10,720
New Vessel Construction	1,000
<b>Subtotal, OMAO Fleet Replacement</b>	<u>11,720</u>
<b>Total, OMAO - PAC</b>	11,720
<b>GRAND TOTAL PAC</b>	1,709,772



## PACIFIC COASTAL SALMON RECOVERY

The Committee provides \$65,000,000 for Pacific Coastal Salmon Recovery, which is \$14,840,000 below fiscal year 2011 and the same as the request.

In addition, the accompanying bill includes language as requested that requires all funds be allocated based on scientific and merit principles and prohibits the availability of funds for marketing activities.

## FISHERMEN'S CONTINGENCY FUND

The Fishermen's Contingency Fund is authorized under Section 402 of Title IV of the Outer Continental Shelf Lands Act Amendments of 1978. The Committee recommends \$350,000, which is \$350,000 above fiscal year 2011 and the same as the request, for the Fishermen's Contingency Fund, to compensate U.S. commercial fishermen for damage or loss caused by obstructions related to oil and gas exploration. The funds used to provide this compensation are derived from fees collected by the Secretary of the Interior.

## FISHERIES FINANCE PROGRAM ACCOUNT

The Committee recommends language under this heading limiting obligations of direct loans to \$24,000,000 for Individual Fishing Quota loans and \$59,000,000 for traditional direct loans. NOAA is directed to provide a report to the Committee by January 1, 2012, providing the current status of loans under this program. NOAA shall consult with the Committee prior to beginning this effort.

## DEPARTMENTAL MANAGEMENT

## SALARIES AND EXPENSES

The Committee recommendation includes \$57,884,000 for Departmental Management, which is the same as fiscal year 2011 and \$6,987,000 below the request.

*Cybersecurity.*—The Committee supports the efforts of the Department of Commerce to establish a new Enterprise Cybersecurity Monitoring and Operations program. The Committee expects that each Commerce bureau funded in this bill will contribute a prorated amount to the Department of Commerce through the Working Capital Fund in order to establish this center. The Committee expects that this activity shall be coordinated with input from the Departmental Chief Information Officer (CIO) and CIOs throughout the Department. The Department is directed to submit a spending plan to the Committee within 60 days of enactment of this legislation indicating the source of funds from each agency. The Committee believes that the amount of funds should be commensurate with the risks and vulnerabilities that pertain to each bureau's information technology systems. In addition, appropriate personnel within each bureau should receive a briefing from the National Cyber Investigative Joint Task Force within 30 days of enactment of this legislation so that they are aware of past and current intrusions into the Department of Commerce information systems.

*Cyber-espionage.*—The Committee directs that funds made available to the Department of Commerce in this Act or any other Act shall not be used to acquire information technology or an information system unless the Secretary of Commerce has determined that such technology or system presents a low risk of cyber-espionage or sabotage, and has not been produced by an entity that raises a serious supply chain security concern. The Secretary shall report to the Committee on all such determinations, and the process used to arrive at such determinations, by January 15, 2012.

*Repatriation task force.*—The recommendation includes language directing the Secretary of Commerce, in concert with appropriate agencies within the Department of Commerce, including ITA, EDA, and NIST, to establish a task force to examine incentives and other activities needed to encourage U.S. companies to bring their manufacturing and research and development activities back to the United States. The Secretary shall also provide a report that outlines the incentive strategies and the number of firms that the task force will engage in this effort. As part of this effort, the Committee encourages the Secretary to consult with the Secretary of the Treasury and the Committee on Ways and Means to examine the issue of providing tax credits to companies that repatriate their operations back to the United States. The Department of Commerce shall consult with the Committee prior to beginning this effort and shall provide a report by February 1, 2012. In addition, the Committee directs the Secretary to update the 2004 report, *Manufacturing in America: A Comprehensive Strategy to Address the Challenges to U.S. Manufacturers*, and provide it to the Committee by December 1, 2011.

*Repatriation initiative.*—The Committee is supportive of the Administration’s efforts to double U.S. exports over the next five years. A key component of this initiative is the repatriation of U.S. jobs that have moved abroad. Therefore, the Committee directs the Secretary to launch a job repatriation initiative, to include the development of a “best practices” for States and local communities to use to grow their manufacturing base. The initiative not only shall include the expertise and resources of the economic development agencies at the Department of Commerce, including the International Trade Administration, the Economic Development Administration, the Minority Business Development Agency, and the National Institute of Standards and Technology, but also shall be coordinated with other Federal economic development agencies, such as the Small Business Administration. The Secretary shall submit a report to the Committee on the implementation of this initiative not later than 120 days after enactment of this Act. Further, Commerce shall report to the Committee regarding the development of an online calculator that firms may use to determine “hidden costs” of offshore manufacturing, e.g. shipping costs and other factors, so that companies would be aware of the total cost of manufacturing overseas.

*SelectUSA.*—The Committee commends the Department for its efforts to implement the SelectUSA initiative. This initiative, established by a recent Executive Order, is designed to: (1) encourage foreign businesses to operate in the United States; (2) encourage U.S. and foreign businesses to expand and grow in the United States; and (3) encourage U.S. businesses operating outside the

United States to return their previously offshored operations back to the United States. It is the Committee's understanding that SelectUSA will be housed at the Commerce Department and that in implementing this initiative, the Department plans to: (1) provide assistance to U.S. States, at their request, to help navigate Federal programs, including a clear Federal point of contact to assist with investment issues; (2) engage in advocacy and outreach to promote the United States as the world's best market for business operations; and (3) consolidate, in a one-stop web portal, all information on Federal programs and services available to companies that operate in the United States. The Committee supports this initiative and believes it has potential for facilitating job growth in the United States.

*Cooperatives.*—With more than \$3 trillion in assets, over \$500 billion in total revenue, \$25 billion in wages and benefits, and nearly one million jobs, cooperatives have proven themselves to be vital components of the nation's economy. The Committee encourages the Department of Commerce to build on its efforts to create opportunities for community wealth building, workforce training, and job creation by working with national and local stakeholders in the cooperative sphere to look at the role that cooperatives can play in stimulating industrial and commercial growth in economically distressed areas of the United States.

*Economic Security Commission.*—The Secretary is directed to establish an Economic Security Commission, modeled upon similar efforts of the Reagan Administration, to advise the Administration and the Congress on U.S. long-term strategic competitive manufacturing challenges. The Department shall consult with the Committee prior to beginning this effort.

*National Technical Information Service.*—The National Technical Information Service (NTIS) is a self-supporting, reimbursable program that serves as a clearinghouse for scientific and other published reports. The Committee directs the GAO to update its earlier reviews regarding the degree to which information provided by NTIS is available elsewhere. This report shall be submitted to the Committee by October 3, 2011.

*Native American Affairs.*—The Committee directs that within the funds provided for Departmental Management, funds shall be made available to the extent possible to support outreach efforts of the Senior Advisor for Native American Affairs in conducting regional meetings and tribal consultations that include Indian treaty rights of fisheries and marine mammal protection that are aimed at enhancing economic and business development and trade and tourism for Native American tribes.

*Departmental oversight.*—The Committee directs the Department to continue to develop oversight capacity of the PTO, including the ability of Commerce to estimate and track PTO fee collections; to avoid PTO budgetary shortfalls; and to ensure transparency of PTO's budgeting and financial management.

#### HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

The Committee recommends \$14,970,000 for continuing renovation activities, which is the same as fiscal year 2011 and \$1,180,000 below the request.

## OFFICE OF INSPECTOR GENERAL

The Committee recommends \$26,946,000 for the Office of the Inspector General (IG), which is the same as fiscal year 2011 and \$6,574,000 below the request. The development of the next generation of weather and environmental satellites is a top management risk facing the Department. Within the funding provided, the Committee urges the IG to augment its capacity to exercise oversight on these programs. The Committee also expects the IG to continue its oversight work of PTO, which the IG also listed in December 2010 as a top management challenge facing Commerce. In addition, the IG shall report to the Committee on a regular basis of the Department's efforts to implement IG recommendations.

## GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

## (INCLUDING RESCISSION)

The Committee recommends the following general provisions for the Department of Commerce:

Section 101 makes funds available for advanced payments only upon certification of officials, designated by the Secretary, that such payments are considered to be in the public interest.

Section 102 makes appropriations for the Department for Salaries and Expenses available for hire of passenger motor vehicles, for services, and for uniforms and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department of Commerce appropriation accounts and requiring notification to the Committee of certain actions.

Section 104 provides that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall be subject to the reprogramming limitations set forth in this Act.

Section 105 extends Congressional notification requirements for NOAA satellite programs.

Section 106 provides for reimbursement for services within Department of Commerce buildings.

Section 107 clarifies that grant recipients under the Department of Commerce may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 108 provides the Administrator with the authority to avail NOAA of needed resources, with the consent of those supplying the resources, to carry out responsibilities of any statute administered by NOAA.

## (RESCISSION)

Section 109 rescinds all balances in the Coastal Zone Management Fund.

Section 110 establishes a fisheries enforcement asset forfeiture fund as requested.

Section 111 establishes a sanctuaries enforcement asset forfeiture fund as requested.

Section 112 establishes a new reporting requirement requiring Commerce to notify the committee of any official travel to China,

and the purpose of that travel, by any employees of the Department.

TITLE II  
DEPARTMENT OF JUSTICE  
GENERAL ADMINISTRATION  
SALARIES AND EXPENSES

The Committee recommends \$72,338,000 for Department of Justice (DOJ), General Administration, Salaries and Expenses, which is \$45,913,000 below fiscal year 2011 and \$61,887,000 below the request.

*Terrorism.*—Terrorism continues to represent a significant threat to our national security, and the Department continues to play a lead role in shaping and implementing the Nation's counterterrorism investigation, detention, interrogation and prosecution policies. In December 2010, the Director of National Intelligence released an assessment that 150 former Guantanamo detainees are confirmed or suspected of reengaging in terrorist or insurgent activities, a 25 percent increase over previously reported levels. The number of confirmed recidivists increased from 27 to 81. The Committee directs the Department to report to the Committee by January 15, 2012, relaying the most up-to-date statistics on recidivism among former Guantanamo detainees, and the implications of those statistics for policies, programs and activities going forward. In addition, the Committee is concerned that the lack of a current policy on terrorist detention may be a disincentive to the capture and interrogation of terrorist suspects, thereby depriving the Department and other agencies of critical intelligence that could inform and improve counterterrorism efforts. The Committee directs the Department to provide to the Committee, by November 15, 2011, an unclassified report on U.S. detention policy, including the legal basis for such policy, as it applies to current and future terrorism detainees.

*Prison Rape Elimination Act (PREA).*—The Committee is very disappointed in the Department's failure to publish the national standards for PREA, which by law were due to be adopted more than one year ago. During that period more than 216,000 adults and minors have been sexually assaulted in U.S. prisons, according to the Department's own statistics. The Committee directs the Department of Justice to publish, as soon as possible, a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape, as mandated by the PREA, and to continue efforts to provide assistance in the form of training, technical assistance, and implementation grants to assist State, local, and tribal jurisdictions in achieving compliance with the PREA national standards. The Committee reminds DOJ that PREA makes it clear that DOJ should assist States in ensuring that budgetary circumstances do not compromise efforts to protect inmates.

With respect to auditing PREA compliance, the Committee strongly encourages the Department to follow the recommendations of the PREA Commission. In its standards, the Commission out-

lines an audit process that promotes transparency as well as accountability. Specifically, the Commission requires independent audits to measure compliance with its standards at least every three years. The Committee agrees with the Commission that the independence of the auditor is of the utmost importance. The Committee believes that the Office of the Inspector General would be the most credible entity within the Department to oversee the process of selecting an auditor. The Committee strongly encourages the Department to promulgate a rule that acknowledges that an auditor must have unfettered access to all parts of the facility, as well as all documents, staff, and prisoners, and which requires agencies to publish the auditor's report on its Web site or otherwise make it easily available to the public. The Committee believes that these actions will serve the critical purpose of prompting intervention when audits show an agency struggling or failing to prevent sexual abuse.

Additionally, the Committee concurs with the Commission's standard that requires correctional facilities to make use of cost-effective and appropriate monitoring technologies to aid staff supervision by assessing, at least annually, the need for and feasibility of incorporating additional monitoring equipment or new technologies into correctional facilities. Because cameras discourage prisoners and staff from engaging in abuse, increase the number of areas that staff can monitor at one time, and can capture misconduct or abuse on video, the Committee expects the Department to adopt this recommendation as well.

*Obscenity enforcement.*—The Committee is concerned that the Department's incorporation of the responsibilities of the Obscenity Prosecution Task Force into the Child Exploitation and Obscenity Section of the Criminal Division may weaken adult obscenity enforcement. The Task Force was designed to draw upon the expertise of several other Criminal Division sections, such as the Organized Crime and Racketeering Section (now known as the Organized Crime and Gang Section), the Asset Forfeiture and Money Laundering Section, and the Computer Crime and Intellectual Property Section. The Committee supports the work of the Department in investigating and prosecuting major producers and distributors of hardcore adult pornography that meets the test for obscenity, as defined by the Supreme Court, and expects that the responsibilities that had been assigned to the Task Force will not be diminished by this reorganization. The Committee believes that targeted enforcement of adult obscenity is necessary to protect the welfare of families and children as traffickers in illegal adult obscenity extend their influence through advances in technology. The Committee directs the Department to submit a report within 90 days of the enactment of this Act on its adult obscenity investigation and prosecution workload statistics and accomplishments, including a comparison of workload statistics and accomplishments during the existence of the Obscenity Prosecution Task Force, and in the period of time following its incorporation into the Child Exploitation and Obscenity Section of the Criminal Division.

*Explosives investigations.*—The Committee notes that the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) both have jurisdiction over explosives investigations. The Office of Inspector General (OIG) and the

Government Accountability Office have both identified this overlapping jurisdiction as a potential source of cost savings and efficiency if duplicative activities were to be eliminated. In response to the OIG report, the Acting Deputy Attorney General issued a protocol in 2010 for assigning lead agency jurisdiction in explosives investigations, which also directed the ATF and FBI to conduct assessments of explosives operations and make recommendations for consolidating and eliminating redundancies. The Committee directs the Department to submit a report within 60 days of enactment of this Act on all recommendations made and steps taken, or planned to be taken, to implement those recommendations. Each action identified in the report should be accompanied by a cost savings estimate. The Committee expects this report to include efficiency improvements in determining jurisdiction, explosives training, facilities, explosives labs, and explosives databases. The report shall also be submitted concurrently to the OIG.

*Gulf Cost Claims Facility.*—The Committee is aware of the ongoing controversy regarding the payment of claims to victims of the Deepwater Horizon oil spill under the Gulf Coast Claims Facility (GCCF) and the Department's concerns regarding the application of appropriate standards for the GCCF under existing Federal law. The Committee appreciates the testimony of the Attorney General that DOJ will do as much as it can to make sure that the claims process works for the residents of the Gulf Coast. To ensure that the GCCF is operating in accordance with the letter and intent of existing law, and in a timely, transparent and consistent manner, the Committee directs the Department, in consultation with the Government Accountability Office (GAO), to identify an independent auditor to evaluate GCCF's claims determination methodologies and the qualifications of GCCF personnel.

*Legislative affairs.*—The Office of Legislative Affairs rarely provides information proactively, and its reactive responses to requests for information are not timely. In most circumstances, the Committee is more likely to get information about significant DOJ issues from the media or from other government agencies than from the Department itself. There appears to be a policy within the Administration to withhold information, regardless of the source of the request or its context. When the Administration follows this path, the Committee is forced to pursue its business without exchanging ideas and information with the Department, and the result is often a less favorable outcome for the Department itself.

#### JUSTICE INFORMATION SHARING TECHNOLOGY

The Committee recommends \$44,307,000 for Justice Information Sharing Technology, which is \$15,857,000 below fiscal year 2011 and \$10,000,000 below the request.

#### LAW ENFORCEMENT WIRELESS COMMUNICATIONS

The Committee recommends \$99,800,000 for Law Enforcement Wireless Communications, which is the same as fiscal year 2011 and \$2,951,000 below the request.

The Committee understands that until the Department completely migrates from its legacy wideband systems to a standards-based land mobile radio system that is digital narrowband, secure with National Institute of Standards and Technology-approved al-

gorithms and which provides over-the-air rekeying capability, the need to be backward compatible with existing DOJ systems will continue to exist. The Committee further understands that complicating the Department's adoption of standards-based systems is the fact that P25 (the current public safety voluntary, industry driven standard) is many years in the making and still not yet complete. Within such constraints, the Committee expects DOJ to utilize full and open contracting and procurement procedures to the greatest extent possible. The Committee encourages the Department to leverage the technologies it has deployed in the national capital region's Integrated Wireless Network as it considers future deployments in other regions.

#### ADMINISTRATIVE REVIEW AND APPEALS

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$300,084,000 for the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney, which is the same as fiscal year 2011 and \$32,499,000 below the request.

*Legal Orientation Program.*—The Committee expects that EOIR will continue its highly successful Legal Orientation Program (LOP). LOP educates detained aliens about the immigration court process, how to determine if they are eligible for immigration relief or for an expedited removal process, and how to obtain legal representation or represent themselves. A 2008 Vera Institute of Justice study found that LOP participants conclude their immigration court cases an average of 13 days sooner than alien detainees who do not receive LOP assistance. The Committee encourages EOIR to dedicate funds to LOP, as necessary and available, to ensure the continuation of this program.

#### DETENTION TRUSTEE

The Committee recommends \$1,515,626,000 for the Office of the Federal Detention Trustee (OFDT), which is the same as fiscal year 2011 and \$79,734,000 below the request.

The Committee is aware that OFDT's resource needs are directly impacted by law enforcement and prosecutorial priorities, such as increases in immigration enforcement by the Department of Homeland Security and efforts to combat drug and gun smuggling along the Southwest border. The Committee expects the OFDT to keep the Committee apprised of changes in average daily population forecasts so that resource requirements for fiscal year 2012 can be verified and refined, particularly with regard to impacts of law enforcement initiatives on the Southwest border. The Committee expects the OFDT, within all available resources, to acquire detention capacity for Federal detainees as effectively and efficiently as possible, including through Federal facilities, intergovernmental agreements, private jail facilities, and the Capital Improvement Program.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$84,199,000 for the Office of Inspector General (OIG), which is the same as fiscal year 2011 and \$858,000 below the request.



The Committee recommendation includes reporting requirements on the FBI's Sentinel program and overlap and duplication between the FBI and ATF on explosives investigations. Both reports will be concurrently submitted to the OIG for review and follow-up comment to the Committee.

#### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$12,833,000 for the United States Parole Commission, which is the same as fiscal year 2011 and \$380,000 below the request.

#### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The Committee recommends \$841,767,000 for General Legal Activities, which is \$21,600,000 below fiscal year 2011 and \$113,624,000 below the request. This appropriation supports the establishment of litigation policy, the conduct of litigation, and other legal responsibilities of the Department of Justice through the Office of the Solicitor General, the Tax Division, the Criminal Division, the Civil Division, the Environment and Natural Resources Division, the Civil Rights Division, the Office of Legal Counsel, INTERPOL Washington and the Office of Dispute Resolution. The Committee expects the Criminal Division to prioritize, within available resources, prosecution of cases in connection with the Project Safe Childhood program. The Committee further expects INTERPOL Washington to prioritize, within available resources, efforts to arrest fugitive sex offenders, track convicted sex offenders that travel to foreign countries, combat child sex tourism and locate missing and exploited children.

*Human trafficking.*—The Committee recommendation includes not less than the fiscal year 2011 funding level for the Human Trafficking and Slavery Prosecution Unit (HTSPU) in the Civil Rights Division to fight human trafficking and slavery.

*Voting rights.*—The Committee expects that the Department will provide adequate resources to the Civil Rights Division so that the Division may thoroughly oversee and enforce activities with respect to the Voting Rights Act. Further, the Committee expects that the Civil Rights Division will enforce the Voting Rights Act, and all of the civil rights laws in its jurisdiction, in a vigorous and even-handed manner.

*Defense of Marriage Act.*—On February 23, 2011, the Attorney General notified Congress that the President had determined that Section 3 of the Defense of Marriage Act (DOMA) violates the Equal Protection component of the Fifth Amendment, and made the extraordinary announcement that the Department would refrain from defending its constitutionality. As a result, the Committee recommendation recognizes that resources to support the defense of DOMA and any associated litigation are no longer necessary under this account. Instead, the cost burden for appropriately defending this Federal statute has fallen to the House of Representatives.

## SALARIES AND EXPENSES, ANTITRUST DIVISION

The Committee recommends \$162,844,000 for salaries and expenses of the Antitrust Division, which is the same as fiscal year 2011 and \$3,377,000 below the request. The recommended funding level is offset by \$108,000,000 in fee collections for a net direct appropriation of \$54,844,000.

## SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The Committee recommends \$1,930,135,000 for the Executive Office for United States Attorneys (EOUSA) and the 94 United States Attorney Offices, which is the same as fiscal year 2011 and \$65,014,000 below the request. The Committee expects the U.S. Attorneys to prioritize, within available resources, prosecution of cases in connection with the Project Safe Childhood program.

*Human trafficking.*—Although great strides have been made in combating sex trafficking and other forms of human trafficking, DOJ can and must do a better job of investigating and prosecuting these crimes. Human trafficking is a serious Federal civil rights crime and the Committee believes that combating it must be a top priority of not only DOJ, but also of State and local governments. The Committee recommendation includes language directing each U.S. Attorney to establish a regional human trafficking task force. The Committee directs such task forces to engage law enforcement, elected leadership, civic groups and faith-based groups and to convene quarterly, working-level meetings where Federal, State and local law enforcement are represented. Task force meetings should focus specifically on combating human trafficking, with an emphasis on undertaking proactive investigations. The Committee directs the Department to submit an annual report regarding the work of these task forces.

In addition, the Committee directs the Department of Justice to undertake outreach efforts in the form of public notices, such as newspaper advertisements, in ethnic communities in the U.S., the home countries of which represent the top ten countries with regard to the prevalence of human trafficking activities. These efforts shall be designed to increase awareness of what constitutes human trafficking crimes and provide information on how assistance can be obtained, with the objective being the discovery and rescue of victims and the identification and prosecution of offenders. The Committee further directs the Department to report to the Committee regarding such outreach efforts.

## UNITED STATES TRUSTEE SYSTEM FUND

The Committee recommends \$219,442,000 for the United States Trustee Program (USTP), which is \$631,000 above fiscal year 2011 and \$14,673,000 below the request. The recommended funding is fully offset by fee collections.

*Debtor audits.*—The Committee recommendation includes not less than the fiscal year 2011 funding level for debtor audits.

## SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The Committee recommends \$2,113,000 for the Foreign Claims Settlement Commission, which is the same as fiscal year 2011 and \$11,000 below the request.

## FEES AND EXPENSES OF WITNESSES

The Committee recommends \$270,000,000 for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, which is the same as fiscal year 2011 and the same as the request. This appropriation is considered mandatory for scorekeeping purposes.

## SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The Committee recommends \$11,456,000 for the Community Relations Service, which is the same as fiscal year 2011 and \$1,511,000 below the request.

## ASSETS FORFEITURE FUND

The Committee recommends \$20,948,000 for the Assets Forfeiture Fund, which is the same as fiscal year 2011 and \$42,000 below the request.

## UNITED STATES MARSHALS SERVICE

## SALARIES AND EXPENSES

The Committee recommends \$1,123,511,000 for the United States Marshals Service, which is the same as fiscal year 2011 and \$120,059,000 below the request. The Committee expects the Marshals Service to prioritize, within available resources, sex offender apprehension and the continuation of necessary judicial protection enhancements for the Southwest border region.

## CONSTRUCTION

The Committee recommends \$10,625,000 for construction and related expenses in space controlled, occupied or utilized by the Marshals Service for prisoner holding and related support, which is \$5,967,000 below fiscal year 2011 and \$5,000,000 below the request.

## NATIONAL SECURITY DIVISION

## SALARIES AND EXPENSES

The Committee recommends \$87,762,000 for the National Security Division (NSD), which is the same as fiscal year 2011 and \$120,000 below the request.

## INTERAGENCY LAW ENFORCEMENT

## INTERAGENCY CRIME AND DRUG ENFORCEMENT

The Committee recommends \$527,512,000 for Interagency Crime and Drug Enforcement, which is the same as fiscal year 2011 and \$13,454,000 below the request.

The interagency program of the Organized Crime Drug Enforcement Task Forces (OCDETF) focuses participants on the mission of attacking high-level drug trafficking organizations through coordinated, multi-jurisdictional investigations.

*Southwest border.*—The recommendation does not include the requested increase in this account for Southwest border activities, but the Committee encourages OCDETF to prioritize within exist-

ing funds the continuation of support for Assistant U.S. Attorney positions and collocated Strike Forces which were initiated with supplemental funding in fiscal year 2010. OCDETF shall submit a report showing the planned distribution of personnel (by bureau) to each of the collocated Strike Forces. This report shall be submitted to the Committee no later than 120 days after the enactment of this Act.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

The Committee recommends \$7,994,991,000 for the Salaries and Expenses account of the Federal Bureau of Investigation (FBI), which is \$175,836,000 above fiscal year 2011 and the same as the request.

*Computer intrusions.*—The recommendation includes a program increase of \$18,628,000 and 42 positions for investigative improvements and protection of infrastructure related to malicious cyber intrusions. Attacks against the critical infrastructure in the United States represent a significant and growing threat to our national and economic security. The increase in funding will enable the FBI to proactively combat terrorist use of the Internet, to establish 24x7 operations at the National Cyber Investigative Joint Task Force, and to improve the analysis of digital evidence. The Committee understands that there are currently over 1,400 backlogged digital forensics cases, and that the increase provided for fiscal year 2012 is expected to address one-third of this backlog. The Committee directs the FBI to produce an annual national cyber threat assessment, in both classified and unclassified versions, and submit such reports to the Committee no later than January 15, 2012.

*National security.*—The recommendation includes program increases totaling \$48,870,000 and 73 positions to address national security threats, including \$10,281,000 and 44 positions to increase surveillance capabilities related to international terrorism; \$8,016,000 and 10 positions to support an FBI-wide aggregated, investigative data management system; \$16,824,000 and 18 positions to support the High-value Detainee Interrogation Group (HIG); \$6,000,000 to improve accuracy of data and efficiency of processing by the Terrorist Screening Center; and \$7,749,000 and one position for programs designed to analyze and address emerging national security threats.

The Committee understands that the mission of the HIG is to deploy the Nation's best available interrogation resources against terrorism detainees identified as having access to information with the greatest potential to prevent terrorist attacks against the United States and its allies. The HIG capability includes the deployment of mobile teams to interrogate subjects, where the primary goal is the collection of intelligence to prevent terrorist attacks. The Committee supports the establishment of dedicated resources to the HIG. The responsibilities of the HIG include the conduct of scientific research to determine the effectiveness of current interrogation techniques, and develop new effective, lawful techniques. The Bureau shall submit a report to the Committee by January 15, 2012, detailing the research activities conducted under the

auspices of the HIG, the results of such research, and any recommendations for the development of new techniques.

*Electronic surveillance capabilities.*—Changes in communications technologies are presenting new challenges to law enforcement's ability to access, intercept, collect and process wire or electronic communications to which they are lawfully authorized. The recommendation includes program increases totaling \$12,466,000 to address such challenges, including \$10,463,000 and 13 positions to establish and operate a Domestic Communications Assistance Center, which will serve as a hub for the management of knowledge and technical expertise regarding lawful electronic surveillance and facilitate the sharing of solutions among Federal, State and local law enforcement.

*Weapons of Mass Destruction (WMD)/Render Safe.*—The recommendation includes a program increase of \$40,000,000 and 13 positions to address the WMD threat. This increase will support the acquisition and refurbishment of two aircraft to carry out the Render Safe mission.

*Analytic career path training.*—In order to effectively carry out its law enforcement and national security missions, the FBI must improve intelligence collection, analysis and information sharing. The recommendation includes a program increase of \$2,486,000 for analytic career path training, including specialized training in each FBI intelligence discipline, and a mandatory 15-day intermediate training course for intelligence analysts.

*Violent crime/gangs.*—The recommendation includes a program increase of \$9,000,000 and 40 positions to bolster existing Safe Streets and Safe Trails Task Forces to combat violent crime and gang crime. The Bureau shall submit a report to the Committee by January 15, 2012, displaying the proposed distribution of these additional resources.

*Human trafficking.*—Within funding provided, the Committee expects the Bureau to increase activities related to the investigation of severe forms of trafficking in persons. The FBI shall submit a report to the Committee no later than 120 days after the enactment of this Act on agent utilization and overall staff resources dedicated to trafficking between fiscal years 2010 and 2012. In addition, the Committee expects the Bureau to share trafficking case information on an ongoing basis with other law enforcement agencies and task forces working similar cases.

*Southwest border.*—The recommended funding level includes an increase of \$15,892,000 above fiscal year 2011 to continue support for the additional positions provided in fiscal year 2010 supplemental appropriations for enhanced Southwest border law enforcement.

*Intellectual property rights (IPR) enforcement.*—The Committee expects the FBI to continue to prioritize the investigation of intellectual property rights (IPR) cases, and to coordinate with IPR units at the U.S. Attorneys and the Criminal Division. The FBI shall submit a report on agent utilization and overall staff resources dedicated to investigating intellectual property cases, and an accounting of the agents placed in specific field offices since fiscal year 2010. The report shall be submitted to the Committee no later than 120 days after the enactment of this Act.

*Sentinel.*—The Committee is concerned by continuing problems with the development of the FBI's case management system, Sentinel. Contract work was stopped last year when the determination was made that the desired functionalities could not be delivered within the existing budget. The Committee understands that the FBI has brought the management of the program in-house and adopted a new program management approach. The Committee expects the FBI to continue all necessary periodic oversight reviews in accordance with recommendations of the Inspector General. In addition, the recommendation includes language under section 213 requiring the Attorney General to report to the Committee a cost and schedule estimate for the final operating capability of the Sentinel program, and a detailed list of the functionalities included in the final operating capability. This report will be submitted concurrently to the Department's Office of Inspector General for their review and comment.

*File inventory.*—The FBI is directed to continue supporting its nationwide file inventory program at no less than the level provided for this activity in fiscal year 2011.

*DNA programs.*—The Committee encourages the FBI to undertake activities to facilitate familial DNA searches of the National DNA Index System (NDIS) database of convicted offenders, and work with the NDIS Procedures Board to consider the establishment of procedures allowing familial searches only for serious violent and sexual crimes where other investigative leads have been exhausted. The procedures should provide appropriate protections for the privacy rights of those in the NDIS database.

*White collar crime.*—The recommended funding level includes an increase of \$12,816,000 above fiscal year 2011 to continue support for the additional positions provided in fiscal year 2009 to enhance the investigation of white collar and financial crime. The Committee expects the FBI to investigate thoroughly complex, high-priority financial and mortgage fraud cases, including those that may have contributed to the financial crisis and the crisis in the housing sector.

*Criminal alien identification.*—The FBI shall submit a report to the Committee by January 15, 2012, detailing the FBI's participation in Federal interagency information-sharing efforts to identify criminal aliens.

#### CONSTRUCTION

The Committee recommends \$80,982,000 for the construction of FBI facilities and related activities, which is \$26,113,000 below fiscal year 2011 and the same as the request.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

The Committee recommends total budget authority of \$2,297,658,000 for the Drug Enforcement Administration (DEA), of which \$322,000,000 is derived from fees deposited in the Diversion Control Fund, resulting in a direct appropriation of \$1,975,658,000. The recommendation is \$30,225,000 above the fiscal year 2011 level, and \$56,456,000 below the request.

DEA's mission is to enforce the controlled substances laws and regulations of the United States; bring to the criminal and civil justice system those organizations and principal members of organizations involved in the growing, manufacturing or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

*Southwest border and Caribbean enforcement.*—The Committee expects DEA, within the funding provided, to prioritize resources for law enforcement activities on the Southwest border, in Mexico and the Caribbean, including continuation of funding for additional positions originally provided through supplemental appropriations in fiscal years 2009 and 2010, and for the Mexican Sensitive Investigation Unit program.

*Prescription drug abuse.*—The number of Americans abusing controlled substance pharmaceuticals far exceeds the number of abusers of cocaine, heroin and hallucinogens combined. The recommendation includes a program increase of \$30,885,000 and 124 positions to support regulatory and enforcement activities of the Diversion Control Program, for a total funding level of \$322,000,000. All funding for the Diversion Control Program is fully offset by fee collections.

*Mobile Enforcement Teams.*—The recommendation adopts the proposal in the President's budget to terminate the Mobile Enforcement Teams (MET) program, for a savings of \$39,100,000 and 145 positions.

*Afghanistan operations.*—The Committee understands that DEA currently has 95 positions in Afghanistan, including 82 permanent positions at the Kabul Country Office, 10 Foreign-deployed Advisory and Support Team members that complete 120-day rotations, and three pilots. Most of the funding for DEA salaries, benefits, deployments and operations in Afghanistan is currently appropriated to the Department of State. The Committee understands that amounts transferred to DEA by the Department of State in fiscal year 2011 fall short of the amounts needed to continue operations and build successful long-term counternarcotics investigation capabilities. In the absence of interagency commitment to funding operations costs for these programs, the Committee encourages DEA to examine whether the current personnel presence is justified, and to report to the Committee within 30 days of enactment of this Act on any proposed personnel reductions, and any corresponding reductions in DEA direct appropriations requirements related to Afghanistan programs.

*Methamphetamine cleanup.*—The funding recommendation for State and Local Law Enforcement Assistance includes \$15,000,000 for transfer to DEA to assist State, local and tribal law enforcement agencies with the proper removal and disposal of hazardous materials at clandestine methamphetamine labs, including funds for training, technical assistance, a container program and purchase of equipment. In fiscal year 2010, there were over 10,000 methamphetamine lab cleanups administered by DEA, an increase of 33 percent above the previous year, and the anticipated total for fiscal year 2011 is a further increase in the number of cleanups.

The funding provided by transfer to DEA for fiscal year 2012 is an increase of \$6,700,000 above the fiscal year 2011 level.

*Field staffing.*—DEA shall provide a report to the Committee by January 15, 2012, on personnel vacancy rates, comparing the rates among the DEA field divisions, and outlining any incentives or mechanisms being used, or planned to be used, to boost recruitment and retention of agents in jurisdictions with higher vacancy rates, including in the Caribbean region.

*Synthetic drugs.*—The Committee is aware of DEA attention to the new and emerging dangers of synthetic drugs. DEA shall submit a report to the Committee by January 15, 2012, detailing its plans to address synthetic cannabinoids as well as those other synthetic drugs on DEA's list of "drugs and chemicals of concern". The report should include an explanation of existing DEA authorities to fight the spread of synthetic and designer drugs, and an assessment of the adequacy of existing authorities.

#### CONSTRUCTION

The Committee recommends \$10,000,000 for DEA Construction, which is \$10,000,000 above fiscal year 2011, and the same as the request.

*El Paso Intelligence Center (EPIC).*—The high demand within the interagency community for space at EPIC demonstrates the value it provides to DEA and its law enforcement and intelligence partners. The current facility is already overcrowded, and agencies are planning to send still more personnel to EPIC throughout fiscal years 2011 and 2012 as law enforcement entities seek to further consolidate and coordinate their interdiction, intelligence and investigative activities focused on the Southwest border region. The recommended level is intended to support an expansion of the EPIC facility, as requested, using semi-permanent structures to accommodate approximately 100 additional staff.

#### BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

##### SALARIES AND EXPENSES

The Committee recommends \$1,112,542,000 for the salaries and expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which is the same as fiscal year 2011 and \$34,753,000 below the request.

The recommendation makes permanent a number of funding prohibitions, carried in previous years, related to consolidating records, the definition of "curios and relics," the transfer of ATF functions, firearms trace data, physical inventories, retrieval of information by name, and the denial of applications due to a lack of business activity.

*Operation Fast and Furious.*—The Committee is concerned about allegations that ATF allowed suspected or even identified straw purchasers to purchase large quantities of firearms as part of a long-term gun trafficking investigation known as Operation Fast and Furious. The Committee understands that the Attorney General has referred this matter to the Department's Inspector General (IG) for an investigation, and that there may also be other independent and Congressional investigations forthcoming.



The Committee is aware that the Attorney General has instructed, and subsequently reiterated, that Department law enforcement personnel are not knowingly to allow any firearms to be illegally transported into Mexico for any reason. The Committee expects that it is also the policy of the Department that law enforcement personnel are not knowingly to allow any firearms to be illegally transferred, in the U.S. or elsewhere, unless the arrest of a suspect is imminent or surveillance can be maintained for as long as necessary to effect an arrest.

The Committee believes that an outside, independent investigator should be appointed to conduct a thorough investigation of the allegations against ATF with respect to Operation Fast and Furious and the policies guiding this and similar operations. The Committee expects the Department and ATF to cooperate fully with all oversight investigations into Operation Fast and Furious—whether by the Inspector General, an independent, government-appointed investigator, or Congress—by promptly and thoroughly responding to all requests for information regarding this matter.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$6,312,410,000 for the salaries and expenses of the Federal Prison System, which is \$30,000,000 above fiscal year 2011 and \$411,856,000 below the request. Within the amounts provided, the Committee expects the Bureau of Prisons (BOP) to prioritize the activation of facilities where construction is complete and activation can relieve overcrowding at existing facilities. The Committee further expects BOP to prioritize, within available resources, sex offender management, as required by the Adam Walsh Child Protection and Safety Act of 2006.

*Counterterrorism activities.*—The Committee recommendation includes funds for BOP's counterterrorism activities, including the monitoring and translation of the communications of incarcerated terrorists and the dissemination of information, as appropriate, to law enforcement agencies.

*Radicalization in Federal prisons.*—The Committee understands that in April 2004 the Inspector General (IG) published a report entitled, *A Review of the Bureau of Prisons' Selection of Muslim Religious Services Providers*. In this report, the IG recommended that BOP conduct an inventory of chapel books and videos, re-screen them to confirm that they are permissible under BOP security policies, and maintain a central registry of acceptable materials. The Committee is aware that BOP's registry currently includes sermons entitled: *The Bible: Truth or Altered by the White Man?*, *Conspiracy of the International Bankers*, *Conspiracy of the U.S. Government*, *Controversy with Jews*, and *Which One Will You Choose, the Flag of Islam or the Flag of America?* The Committee instructs the Department to take the necessary actions to eliminate prisoner access to radicalizing material, and directs the Department to submit a report on its maintenance of such central registry and the processes employed to ensure that potentially radicalizing materials are not included.

*Reentry research.*—The Committee believes it is imperative that experts at BOP and outside the government fully understand the drivers of population, costs and recidivism so that overcrowding, costs and recidivism can be addressed. The Committee encourages BOP to undertake a comprehensive analysis of its policies and determine the reforms and best practices that will help reduce spending and recidivism. The Committee is aware that most state corrections systems began their reform process by providing outside experts with corrections data in order to obtain a comprehensive analysis. The Committee appreciates that the former Director committed to contributing large volumes of data to the review process, and encourages the Bureau to build upon these efforts.

*Work in prisons.*—Increasing work opportunities for Federal prisoners is an important priority of the Committee. Every prisoner should have a job. Statistics from the Bureau of Prisons indicate that inmates who participate in work programs are 24 percent less likely to offend again, 14 percent more likely to find work outside of prison, and 23 percent less likely to have misconduct issues in prison. The BOP shall report to the Committee by January 15, 2012, on actions taken and planned to increase meaningful work opportunities available to inmates.

*Sentence reduction opportunities.*—The Committee is aware that the Department has developed two proposals to amend the statutory law on Federal inmate good conduct time to provide inmates additional incentives to encourage positive behavior. The first proposal would increase good time credit availability by seven days per year. The second proposal would provide incentives for participation in recidivism-reducing programming. If enacted, these changes could potentially result in a cost avoidance, assumed in the recommendation, of \$41 million by slowing the rate of inmate population growth. The Committee encourages BOP to work with the authorizing committees on these and other proposals that reduce both recidivism and appropriations requirements to secure support for passage of this legislation.

*Contract confinement.*—The Committee expects the BOP to meet bed space needs using State, local and private prison capacity, if these facilities meet BOP's standards. BOP is encouraged to solicit proposals in a manner that allows for an optimal level of competition so that BOP's requirements can be met and the best value can be achieved.

#### BUILDINGS AND FACILITIES

The Committee recommends \$98,957,000 for the construction, acquisition, modernization, maintenance, and repair of prison and detention facilities housing Federal inmates, which is the same as fiscal year 2011 and \$437,000 below the request.

The Committee directs the BOP to continue to provide a monthly status of construction report, and to notify the Committee of any deviation from the construction and activation schedule identified in that report.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON  
INDUSTRIES, INCORPORATED

The Committee recommends a limitation on administrative expenses of \$2,700,000 for Federal Prison Industries, Incorporated, which is the same as fiscal year 2011 and the same as the request.

*Federal Prison Industries.*—In addition to its function as a re-entry tool, the Committee believes that Federal Prison Industries, if allowed to enter into partnerships with private businesses, could bring some lost manufacturing back into the United States while providing inmates with opportunities to learn skills that will be marketable after release. Therefore, language is included under section 219 of the bill to allow Federal Prison Industries to carry out pilot projects to produce items not currently produced in the United States.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

In total, the Committee recommends \$1,747,533,000 for State and local law enforcement and crime prevention grant programs. The recommendation consolidates such programs into the following accounts: Violence Against Women Prevention and Prosecution Programs; Research, Evaluation and Statistics; State and Local Law Enforcement Assistance; and Public Safety Officer Benefits. Some programs funded under Juvenile Justice and Community Oriented Policing Services in previous years are included under different headings in this new account structure.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION  
PROGRAMS

The Committee recommends \$437,663,000 for the Office on Violence Against Women (OVW), which is \$20,000,000 above fiscal year 2011 and \$5,913,000 above the request. These funds are distributed as follows:

Program	Recommended
STOP Grants .....	\$210,000,000
Transitional Housing Assistance .....	(18,000,000)
Research & Evaluation on Violence Against Women .....	(3,000,000)
Grants to Encourage Arrest Policies .....	55,000,000
Sexual Assault Victims Services .....	20,000,000
Rural Domestic Violence & Child Abuse Enforcement .....	41,000,000
Violence on College Campuses .....	9,500,000
Civil Legal Assistance .....	41,000,000
Elder Abuse Grant Program .....	4,250,000
Safe Havens Program .....	11,663,000
Education & Training for Disabled Female Victims .....	5,750,000
Court Training and Improvements Program .....	5,000,000
Research on Violence Against Indian Women .....	1,000,000
Engaging Men and Youth in Prevention .....	3,000,000
Services for Children/Youth Exposed to Violence .....	3,000,000
Advocates for Youth/Services for Youth Victims (STARY) .....	3,500,000
Supporting Teens through Education and Protection program .....	2,500,000
National Resource Center on Workplace Responses .....	1,000,000
Indian Country—Sexual Assault Clearinghouse .....	500,000
OVW Program Management and Administration .....	20,000,000
TOTAL, Office on Violence Against Women .....	 \$437,663,000

*Children exposed to violence.*—The Committee recommendation includes \$3,000,000, for a competitive program known as Children and Youth Exposed to Violence. The program provides grants for projects that seek to mitigate the effects of domestic violence, dating violence, sexual assault, and stalking on children and youth exposed to violence and reduce the risk of future victimization or perpetration of such crimes. The funding will support projects that provide services for children including direct counseling, advocacy, and mentoring, and promote coordination between domestic violence and sexual assault programs.

#### OFFICE OF JUSTICE PROGRAMS

##### RESEARCH, EVALUATION AND STATISTICS

The Committee recommends \$182,585,000 for Research, Evaluation and Statistics, which is \$51,945,000 below fiscal year 2011 and \$4,085,000 above the request. These funds are distributed as follows:

Program	Recommended
Bureau of Justice Statistics .....	\$46,585,000
National Institute of Justice .....	41,000,000
Regional information sharing .....	25,000,000
Missing and exploited children .....	70,000,000
TOTAL, Research, Evaluation and Statistics .....	\$182,585,000

*Domestic radicalization.*—The Committee is pleased that DOJ is committed to utilizing a portion of its resources to address the issue of domestic radicalization, a national security challenge that must be confronted. According to the Congressional Research Service, there have been 43 homegrown jihadist terrorist plots and attacks since 9/11, including 22 plots or attacks since May 2009. As U.S. government officials, law enforcement and community leaders seek to understand and combat this emerging challenge, the Committee believes that the National Institute of Justice (NIJ) can play a critical role in examining the drivers of domestic radicalization and defining the role of State and local law enforcement in breaking the radicalization and recruitment cycle that sustains terrorism. In addition to the base NIJ resources provided under this heading, \$5,000,000 is provided under the State and Local Enforcement Assistance account for such research.

*National Law Enforcement and Corrections Technology Centers.*—The Committee continues to support the National Law Enforcement and Corrections Technology Centers, a network of facilities and capabilities that converts technology to law enforcement use. The Centers provide actual casework assistance when highly specialized technologies are required, and help in identifying and locating high quality technologies and equipment for law enforcement use. The recommendation continues the current year level of funding for the Centers.

*Advances in forensic sciences.*—The Committee is aware of research efforts that have provided new tools to law enforcement agencies by using unique skin pigmentation patterns and unique vein patterns to positively identify suspects from photographs. There is a need to develop new and promising methods of identi-

fication like this and validate the methods' findings for broader use in law enforcement and homeland security. As the National Academy of Sciences found in the 2009 report entitled, *Strengthening Forensic Science in the United States*, there is a need for ongoing research and testing to ensure the improvement and success of our forensic sciences. Accordingly, the Committee urges the Department to promote rigorous standards and best practices for the forensic sciences and to support innovative technologies that may offer valuable new tools for public safety agencies.

*Regional information sharing activities.*—The Committee recommendation includes \$25,000,000 for regional information sharing activities, which is \$7,500,000 above the request.

*Missing and exploited children/Internet Crimes Against Children (ICAC).*—The Committee is aware that one way the Office of Justice Programs (OJP) addresses the proliferation of internet crimes against children is through its ICAC Task Forces. These task forces help State and local law enforcement agencies develop an effective response to cyber enticement and child pornography cases. In fiscal year 2010, ICAC Task Forces identified 2,168 child victims through ICAC investigations, reviewed 6,459 complaints of internet predator traveler/child enticement, and made over 5,311 arrests of individuals who sexually exploit children—bringing the arrest total to 23,708 since 1998. To continue to build on this success, the Committee encourages the Department to fund programs with proven training results and low administrative costs.

*Spending plans.*—The Committee directs the Department to include in the Department's fiscal year 2012 spending plan, a plan for the use of all funding administered by the National Institute of Justice and the Bureau of Justice Statistics, respectively, and a plan for the use of funds provided for missing and exploited children programs.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The Committee recommends \$1,048,985,000 for State and Local Law Enforcement Assistance programs, which is \$68,860,000 below fiscal year 2011 and \$124,515,000 below the request. These funds are distributed as follows:

Program	Recommended
Byrne Memorial Justice Assistance Grants .....	\$357,265,000
Domestic Radicalization Research .....	(5,000,000)
Criminal Justice Reform and Recidivism Reduction .....	(6,000,000)
Presidential Nominating Convention Security .....	(4,000,000)
Southwest Border Prosecutions .....	25,730,000
Byrne Competitive Grants .....	15,000,000
Missing Alzheimer's Patient Grants .....	2,000,000
Victims of Trafficking Grants .....	10,500,000
Drug Courts .....	40,000,000
Prescription Drug Monitoring .....	7,000,000
Prison Rape Prevention and Prosecution .....	12,500,000
Residential Substance Abuse Treatment .....	15,000,000
Wrongful Conviction Review .....	1,000,000
Mentally Ill Offender Act .....	9,960,000
Tribal Assistance .....	41,500,000
Tribal Prison Construction .....	(8,300,000)
Indian Tribal Courts .....	(20,750,000)
Indian Alcohol and Substance Abuse grants .....	(9,960,000)
Legal Assistance .....	(2,490,000)
Economic, High-tech and Cybercrime Prevention .....	4,000,000

Program	Recommended
CASA—Special Advocates .....	6,000,000
Bullet-Proof Vests .....	24,900,000
National Instant Criminal Background Check System .....	5,000,000
Criminal Records Upgrade .....	6,000,000
Second Chance Act/Offender Reentry .....	70,000,000
Juvenile Justice State Formula Grants .....	40,000,000
Juvenile Justice Youth Mentoring Grants .....	83,000,000
Investigation and Prosecution Of Child Abuse .....	15,000,000
Methamphetamine Lab Cleanups .....	15,000,000
Transfer to DEA .....	(15,000,000)
DNA Initiative .....	133,630,000
Debbie Smith DNA Backlog grants .....	(125,330,000)
Post-Conviction DNA Testing grants .....	(4,150,000)
Sexual Assault Forensic Exam Program grants .....	(4,150,000)
Tribal Law Enforcement .....	20,000,000
Child Sexual Predator program .....	9,000,000
OJP Program Management and Administration .....	80,000,000
TOTAL, State & Local Law Enforcement Assistance .....	\$1,048,985,000

*Edward Byrne Memorial Justice Assistance Grant (JAG) program.*—The recommendation includes \$357,265,000 for the Byrne/JAG program. Funding under this formula program is authorized for law enforcement programs; prosecution and court programs; prevention and education programs; corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs, other than compensation. Within the amount provided, \$6,000,000 is for criminal justice reform and recidivism reduction efforts, \$5,000,000 is for research on domestic radicalization, and \$4,000,000 is for initial local law enforcement costs related to preparations for the 2012 presidential nominating conventions. With regard to the conventions, the Committee notes that the Department failed to request any funding for this activity, and expects that future budget requests will address additional resource requirements associated with convention security.

*Byrne competitive grants.*—The recommendation includes \$15,000,000 for competitive grants to improve the functioning of the criminal justice system, prevent or combat juvenile delinquency, and assist victims of crime. The Committee is greatly concerned about the spike in ambush-style assaults that have taken the lives of many law enforcement officers in recent months, and urges OJP to consider supporting training and technical assistance efforts designed to ensure officer resilience and survivability following violent encounters in the course of their duties.

*Evidence-based programs.*—The Committee strongly urges the Department to ensure that, to the greatest extent practicable, competitive grants are used for evidence-based programs and activities.

*Southwest border.*—The Committee recognizes the need for additional resources in the Southwest border States as State and local governments struggle to respond to increasing crime and drug trafficking threats. The Committee recommendation includes funding through the Byrne Justice Assistance Grant program for such costs as overtime for State and local law enforcement personnel and operational funding for special response teams. The recommendation also includes \$25,730,000 for the Southwest Border Prosecutions program, which reimburses State, local, and tribal governments for costs associated with the prosecution of Federally-initi-

ated and referred criminal drug and alien cases declined by local U.S. Attorneys. No funding was requested for this program for fiscal year 2012. In addition, the Committee encourages the Department to consider the law enforcement needs in this region in the awarding of grants under the competitive grant programs funded under this heading.

*Gang violence.*—Gangs remain a significant threat to public safety in the United States. The Committee is pleased that the Department has a comprehensive plan to combat gangs and recognizes the critical importance of State and local law enforcement and community groups working in a coordinated fashion against gang violence. Accordingly, the Committee encourages OJP, when awarding competitive grants to improve the functioning of the criminal justice system, to give weight to the contributions made by gang task forces with enforcement, prevention and intervention components, as well as regional strategic plans, to the Department's overall gang strategy.

*Human trafficking.*—The Committee recommendation includes \$10,500,000 for services for victims of human trafficking, and for task force activities, which is \$500,000 above the request. The United States is a destination country for thousands of men, women, and children trafficked largely from Mexico and East Asia, as well as countries in South Asia, Central America, Africa, and Europe, for the purposes of sexual and labor exploitation. As trafficking victims are subjected to many forms of physical, mental, and sexual abuse, victims need various types of assistance to begin healing and recovery including counseling, housing, medical care, support groups, and legal assistance. According to NIJ, the Department of Justice has funded 42 jurisdictions and 36 trafficking victim services providers to form human trafficking task forces to identify and rescue victims of trafficking by proactively investigating such cases. The Committee expects that these task forces will continue to bring together Federal, State and local law enforcement and victim services organizations to investigate all forms of human trafficking and assist the victims. The Committee encourages the Department to continue to support services for U.S. citizens, permanent residents, and foreign nationals who are victims of trafficking through the funding provided.

*Drug courts.*—The Committee recommendation includes \$40,000,000 for drug courts, which is \$2,724,700 above the fiscal year 2011 level. Drug courts help reduce recidivism and substance abuse among non-violent offenders and increase an offender's likelihood of successful rehabilitation through intense, judicially-supervised treatment, mandatory periodic drug testing, community supervision, and appropriate sanctions. The Department proposed replacing this program with a new Problem Solving Courts initiative.

*Prescription drug monitoring.*—The Committee recommendation includes \$7,000,000 for the Prescription Drug Monitoring Program, which is \$7,000,000 above the request. The Prescription Drug Monitoring Program assists states in planning, establishing or enhancing electronic databases which collect data on controlled substances that are dispensed.

*Economic, high-technology and cybercrime.*—The Committee recommendation includes \$4,000,000 for the Economic, High-technology, and Cybercrime Prevention program, which is \$4,000,000

above the request. The Committee encourages the Department to assist State and local agencies with the prevention, investigation and prosecution of intellectual property crimes. This program, administered by the Bureau of Justice Assistance (BJA), provides competitive grants to support and train State and local public safety agencies to combat intellectual property crimes such as counterfeiting and piracy.

*National Instant Criminal Background Check System (NICS).*—According to OJP, jurisdictions continue to struggle with meeting the eligibility requirements mandated by the NICS Improvement Amendments Act. At present, only nine States are eligible for grants. The recommended funding level reflects the fact that there is a significant amount of carry-over funds available for obligation under this program.

*Reentry.*—The recommendation includes \$70,000,000 for Second Chance Act grants. As the Committee's series of hearings on reentry have illustrated, despite a dramatic increase in corrections spending over the past two decades, re-incarceration rates for people released from prison are largely unchanged. This trend is both financially and socially unsustainable, yet case studies of innovative, evidence-based practices provide a strong indication that it can be reversed. The Committee has reached out to the States and State attorneys general to share the report of the National Summit on Justice Reinvestment and Public Safety and to encourage States to consider how the reinvestment strategies highlighted in the report can be adapted to use in their own corrections systems. The Committee urges OJP to build on these efforts by assisting in the development of State reentry councils in order to foster State-level advancements in reentry and recidivism reduction. The Committee instructs the Department to submit a spending plan with respect to funds appropriated for Second Chance Act programs within 60 days of enactment of this Act. Such spending plan shall designate funds for proven, evidenced-based programs that will further the goal of maximizing the public safety impact of limited taxpayer resources.

*Youth mentoring.*—The recommendation includes \$83,000,000 for youth mentoring grants, which is \$38,000,000 above the request. The Committee expects the Department to include providers of intensive youth mentoring activities associated with non-profit, long-term, residential substance abuse treatment programs focused on juveniles involved with the criminal justice system among the eligible entities for youth mentoring grants.

*Improving the investigation and prosecution of child abuse.*—The Committee recommendation includes \$15,000,000 for programs authorized under the Victims of Child Abuse Act, including grants for technical assistance and training for professionals involved in investigating, prosecuting and treating child abuse. The Committee recognizes that communities throughout the country are reporting increasing instances, and more severe cases, of child abuse, neglect, and in some cases avoidable death. Ultimately, many of these tragedies can be avoided by increasing access to proven, preventative services. The Committee also recognizes that child abuse and neglect are serious public health problems impacting 900,000 American children on an annual basis, which is over 2 percent of children nationally. The Committee requests that the Department sub-



mit a report on the feasibility of establishing a national parent helpline to expand access for families in need of counseling or parental support groups.

*Sex offender location, arrest and prosecution.*—The Committee recommendation includes \$9,000,000 for grants to assist in the location, arrest and prosecution of child sexual predators, and to enforce sex offender registration laws, including grants for sex offender management assistance and for the National Sex Offender Public Web site. The Committee directs the Department to include, in the Department's fiscal year 2012 spending plan, a plan for the use of all funding appropriated for these purposes.

*Methamphetamine cleanup.*—The Committee recommendation includes \$15,000,000 for anti-methamphetamine-related activities, which shall be transferred to the DEA to assist State, local and tribal law enforcement agencies with the proper removal and disposal of hazardous materials at clandestine methamphetamine labs, and provide for training, technical assistance, a container program and the purchase of equipment. The recommendation is \$15,000,000 above the request.

*DNA backlog elimination.*—The Committee recommendation includes \$133,630,000 for DNA-related and forensic programs and activities, which is \$23,630,000 above the request. Within the funding provided, the Committee provides \$4,150,000 each for Post-Conviction DNA Testing grants and Sexual Assault Forensic Exam Program grants. The Committee expects that OJP will make funding for DNA analysis and capacity enhancement a priority to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The Committee directs the Department to submit a spending plan with respect to funds appropriated for DNA-related and forensic programs, and a report on the alignment of appropriated funds with the authorized purposes of the Debbie Smith DNA Backlog Grant Program, within 60 days of enactment of this Act.

*Cyberbullying.*—The Committee is concerned about children's Internet safety and cyberbullying in particular. The Committee encourages the Department to work with law enforcement officers, community leaders, social media providers and other Internet service providers to find ways to help prevent cyberbullying and promote safe and responsible Internet use, including by recommending that victims report bullying incidents to Internet service providers (ISPs) and website moderators.

#### PUBLIC SAFETY OFFICER BENEFITS

The Committee recommends a total of \$78,300,000 for the Public Safety Officer Benefits program, which is \$8,218,000 above the fiscal year 2011 level and the same as the request. Within the funds provided, \$62,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes. Also within the total, \$16,300,000 is recommended, as requested, for disability benefits for public safety officers who are permanently and totally disabled as a result of a catastrophic injury, and for education benefits for the spouses and children of officers who are killed in the line of duty or who are permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty.

## GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The Committee has included the following general provisions for the Department of Justice in this bill:

Section 201 makes available additional reception and representation funding for the Attorney General from the amounts provided in this title.

Section 202 prohibits the use of funds to pay for an abortion, except in the case of rape or to preserve the life of the mother.

Section 203 prohibits the use of funds to require any person to perform or facilitate the performance of an abortion.

Section 204 establishes the obligation of the Director of the Bureau of Prisons to provide escort services to an inmate receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.

Section 205 establishes the Committee's requirements and procedures for transfer proposals.

Section 206 authorizes the Attorney General to extend an ongoing Personnel Management Demonstration Project.

Section 207 extends specified authorities to the Bureau of Alcohol, Tobacco, Firearms and Explosives for undercover operations.

Section 208 prohibits the use of funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the Bureau of Prisons as appropriately secure.

Section 209 prohibits the use of funds for the purchase or rental by Federal prisons of audiovisual equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious, or educational purposes.

Section 210 requires review by the Deputy Attorney General and the Department Investment Review Board prior to the obligation or expenditure of funds for major information technology projects.

Section 211 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts specified in this title or the reuse of specified deobligated funds provided in previous years.

Section 212 prohibits the use of funds for A-76 competitions for work performed by employees of the Bureau of Prisons or Federal Prison Industries, Inc.

Section 213 requires a cost and schedule report on the Sentinel program.

Section 214 permits up to 3 percent of grant and reimbursement program funds made available to the Office of Justice Programs to be used for training and technical assistance and permits up to 1 percent of formula grant funds made available to that office to be used for criminal justice research, evaluation and statistics.

Section 215 gives the Attorney General the authority to waive matching requirements for Second Chance Act adult and juvenile reentry demonstration projects; state, tribal and local reentry courts; and drug treatment programs.

Section 216 requires reporting on the costs and contracting procedures for DOJ conferences whose costs to the Government exceed \$20,000.

Section 217 provides the Attorney General authority to waive certain reporting requirements for localities applying for Byrne

Justice Assistance grants in fiscal year 2012 upon demonstrating that they had met previous reporting requirements and agree to begin to report timely data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation by the end of fiscal year 2012.

Section 218 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 219 allows Federal Prison Industries (FPI) to participate in the Prison Industries Enhancement Certification program and allows FPI to carry out pilot projects to produce items that are no longer produced in the United States.

### TITLE III

### SCIENCE

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The Committee recommends \$3,000,000 for the Office of Science and Technology Policy (OSTP), which is \$3,647,000 below fiscal year 2011 and \$3,650,000 below the request.

*Coordination with China.*—OSTP has chosen to disregard a strong and unambiguous legislative prohibition on bilateral engagement with China or Chinese-owned companies that was included in the Department of Defense and Full Year Continuing Resolution Act, 2011 (Public Law 112–10). OSTP and the White House raised no concerns about this language while it was under consideration. Only after the Committee asked OSTP about its compliance with the provision did OSTP claim that the language infringed on Constitutional prerogatives and acknowledge an intention to proceed with prohibited activities. Even then key information about a scheduled bilateral event was omitted. OSTP’s behavior demonstrates a lack of respect for the policy and oversight roles of the Congress.

*STEM education.*—OSTP’s remaining funds shall be prioritized toward its efforts to coordinate and improve government programs designed to increase interest and proficiency in science, technology, engineering and mathematics (STEM) education. The Committee is especially interested in OSTP’s ongoing effort to create an inventory of Federal STEM education programs for purposes of identifying synergies and redundancies and promoting the development of a coordinated, multiyear STEM education strategic plan.

In addition to improving the management and effectiveness of STEM programs, the Committee believes that OSTP needs to increase its efforts to ensure that education policymakers and practitioners in States and localities have access to the research and findings generated by those Federal programs. A significant amount of useful information exists on best practices and promising new STEM educational approaches, but the willingness and ability of agencies to broadly disseminate that information to interested parties seems to vary widely. The formulation of a comprehensive policy on dissemination (including a clear designation of agency responsibilities) and a concerted effort to encourage dissemination across programs could greatly increase the implementation and replication of effective STEM practices in schools around

the country. The Committee expects that OSTP will take all necessary steps to integrate dissemination goals and policies into its STEM education strategic plan.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The Committee recommends \$16,810,257,000 for the National Aeronautics and Space Administration (NASA), which is \$1,637,771,000 below fiscal year 2011 and \$1,914,043,000 below the request.

After several years of debate and compromise, the Congress and the Administration have finally settled on a consensus program for NASA in the form of the NASA Authorization Act of 2010 (Public Law 111–278). In order to successfully accomplish everything outlined in that Act, NASA needs to develop and pursue new and different ways of operating that will promote efficiency and economy; annual budget increases can no longer be counted on as the means for achieving mission goals.

The new reality of constrained budgets, however, does not mean that NASA cannot or will not continue to make significant achievements in science, exploration and other areas. The Committee's fiscal year 2012 recommendation supports high priority scientific research missions; maintains aeronautics research and testing activities; formally establishes a new program to develop next-generation space technology; maintains current investments in the development of commercial crew capabilities while also funding implementation of NASA's own Multipurpose Crew Vehicle (MPCV) and Space Launch System (SLS); continues operations of the International Space Station and the closeout of obligations from the Space Shuttle program; promotes STEM education through a streamlined portfolio of programs; and sustains general agency mission operations and oversight.

*GAO assessments of large scale projects.*—The Fiscal Year 2008 Consolidated Appropriations Act (Public Law 110–161) mandated that GAO report on the status of large-scale projects at NASA, and the Committee now anticipates these reports biannually. The Committee directs NASA to cooperate fully and to provide timely program analysis, evaluation data and other relevant information to the GAO so that it can conduct its reviews and meet the congressional mandate. Such information includes, but is not limited to, copies of preliminary cost estimates; access to relevant online agency applications, databases, and web portals; and access to information from contractor and agency personnel.

*Cost estimation.*—NASA often blames its cost overruns on the complex and unique development work conducted by its mission directorates, but, with proper cost estimation, the inherent risk in NASA's work can be accounted for and its budgets controlled. The adoption of a joint cost and schedule confidence level (JCL) approach and a requirement for budgets to be formulated at a 70 percent JCL are positive steps for improving cost estimates, but the integrity of these policies is undermined by NASA's willingness to make exceptions and allow projects to move forward at lower confidence levels. The Committee urges NASA to discontinue the exception policy and strictly hold all projects to the 70 percent standard.

To improve the Committee's oversight of NASA's cost estimates, NASA is directed to include in its fiscal year 2013 budget justification the confidence level assumed in the proposed funding level for each major project; whether the confidence level is a traditional estimate or a JCL; whether any project activities were excluded from the calculation of the confidence level and, if so, why; and, if an exception has been provided to move forward below the 70 percent standard, a full justification for that decision and an explanation for how the additional risk is being mitigated.

*Cost control.*—Without improvements in project management, NASA will be unable to hold to even its most rigorous cost estimates. One such management improvement recommended by GAO is the imposition of a standard design metric to measure projects' progress at crucial points in the development life cycle. This metric would allow NASA to objectively assess design stability and minimize costly changes late in development. The Committee understands that NASA does not want to use the metric originally proposed by GAO, but that should not prevent NASA from settling on an acceptable metric and implementing it consistently. Accordingly, the Committee directs the NASA Chief Engineer to (1) develop a common set of measurable and proven criteria to assess design stability; and (2) amend NASA's systems engineering policy to incorporate the criteria within 120 days after enactment of this Act.

*Breach reporting.*—Pursuant to section 103 of the NASA Authorization Act of 2005 (Public Law 109–155), NASA is required to deliver several notifications and reports to the appropriate authorizing committees when project costs or schedules grow in excess of established thresholds. NASA is directed to submit concurrently to the Committee on Appropriations the notifications and reports required by section 103.

The Committee notes, however, that NASA's reports pursuant to section 103 are often lacking in detail and, as such, often do not serve the intended purposes of the Congress. Specifically, the Committee finds that NASA's reports generally contain only a cursory explanation for why cost and/or schedule parameters have been breached and are not responsive to the requirements to address the impact of these overruns on other NASA programs or to consider a broad range of alternatives to the program. For example, the "broad range of alternatives" section of a typical NASA report does not contain any substantive discussion of options like descoping the program, bringing on a partner agency to share costs, or funding other activities by cancelling the program and reallocating its budget. Instead, NASA preempts any consideration of such alternatives by simply declaring that other options would not meet the program's research goals in a cost effective manner.

NASA needs to revise its reports to be less focused on defending the program in breach and more focused on providing information on causes, impacts and options that the Committee needs in order to make informed decisions about how to proceed. Therefore, the Committee directs NASA to undertake a review of its processes and procedures for creating its breach reports and to make the necessary improvements to ensure that these reports fully address the intended purpose of section 103. NASA should report to the Committee within 90 days of the enactment of this Act on the steps it has taken to improve its breach reports.

*Workforce transition.*—Last year, NASA, in collaboration with the Department of Commerce, commissioned a survey of hundreds of aerospace companies to obtain data on the health and competitiveness of the sector and the impact on those companies of the significant changes in NASA's human exploration programs. The Congress would find this data very useful in assessing the adequacy of NASA's workforce transition activities, as well as for projecting future labor needs at NASA and the other Federal agencies who share a common industrial base. Although NASA has had access to the survey results for some time, the Workforce Transition Strategy report that outlines the results and describes how they have been integrated into NASA's labor planning has not yet been submitted to the Congress. NASA is urged to submit this report as soon as possible so that the Committee can make use of its conclusions in oversight and appropriations actions.

The Committee directs NASA to continue aggressive efforts to ensure a seamless employment transition for Space Shuttle program employees. These efforts should include the provision of individualized assistance for affected employees (civil servants and contractors) to ensure that they have access to all necessary training and skills development opportunities; notices of employment openings within NASA or known openings in other government agencies or the private sector; and information about potential non-employment options, such as early retirement or unemployment benefits. NASA should make a particular effort to reach out to other government agencies with active aerospace programs, such as the Department of Defense, in order to match departing employees with new potential employers.

NASA is also directed to report to the Committee by September 30, 2012 with comprehensive outcome data on the Shuttle workforce. Those data should include the number of Shuttle workers who departed from the agency or one of its prime contractors prior to August 31, 2012; an accounting of how many of those departed employees received individualized transition assistance from NASA prior to their departure; and a breakdown of post-Shuttle employment status for those employees as of August 31, 2012 (retired, unemployed, moved within NASA, moved to a different government agency).

*Budget structure.*—The NASA budget structure has changed far too many times over the last several years. Regularly creating new accounts and shifting programs among accounts complicate efforts to make multiyear funding comparisons and obscure long-term funding trends. The bill adopts NASA's proposal to create a new account for Space Technology because this is the completion of a realignment that has been underway for some time. The Committee expects this to be the last such structural change for the foreseeable future.

*Reprogramming notifications.*—Rather than including a detailed table showing the recommended levels for each individual project and activity proposed in the budget request, the Committee has chosen to provide a table that focuses more generally at the theme and program level with a limited amount of additional detail. This will permit NASA some discretion to allocate available funds according to the most urgent priorities and needs at the time of the submission of the spending plan required by section 537 of this Act.

The spending plan should be presented at the traditional level of detail down to the activity level. The plan itself and any subsequent changes made to the established spending plan amounts that meet the notification requirements of section 505 of this Act should be reported to the Committee via the notification procedures outlined in that section.

The Committee's table of recommendations for NASA is delineated below. Additional detail may be found under the relevant account headings.

Theme, Program, Project or Activity	Recommended (\$000)
Science .....	\$4,504,000
Earth Science .....	1,699,000
Planetary Science .....	1,500,000
Astrophysics .....	683,000
James Webb Space Telescope .....	—
Heliophysics .....	622,000
Aeronautics .....	569,930
Space Technology .....	375,000
Exploration .....	3,649,000
Human Exploration Capabilities .....	3,048,000
Multipurpose Crew Vehicle .....	1,063,000
Space Launch System .....	1,985,000
Commercial Spaceflight .....	312,000
Exploration Research and Development .....	289,000
Space Operations .....	4,064,000
Space Shuttle .....	548,000
International Space Station .....	2,767,000
Space and Flight Support .....	749,000
Education .....	138,000
Aerospace Research and Career Development .....	35,900
NASA Space Grant .....	26,700
EPSCoR .....	9,200
STEM Education and Accountability .....	102,100
Minority University Research Education Program .....	31,400
STEM Education and Accountability Projects .....	70,700
Cross Agency Support .....	3,050,000
Construction and Environmental Compliance and Restoration .....	424,000
Office of Inspector General .....	36,327
<b>Total, NASA .....</b>	<b>\$16,810,257</b>

#### SCIENCE

The Committee recommends \$4,504,000,000 for Science, which is \$431,409,000 below fiscal year 2011 and \$512,800,000 below the request.

*Earth Science missions.*—The Committee recommendation includes a reduction of \$100,000,000 below the request for Earth Science activities. While the Committee supports Earth Science functions, this area has rapidly grown over the past few fiscal years, and the current constrained fiscal environment simply cannot sustain the spending patterns envisioned by NASA in this field. The Committee has not included detailed, line-item reductions within the Earth Science portfolio. Instead, NASA should propose such reductions as part of the spending plan required by section 537 of this Act. In proposing reductions, NASA should take care to protect, to the extent possible, high priority missions of the Earth Science decadal survey, including Ice, Cloud, and land Elevation

Satellite-2, the Soil Moisture Active-Passive mission, and the Deformation, Ecosystem Structure and Dynamics of Ice mission, as well as missions with near-term launch readiness dates. In addition, NASA should be careful to propose a funding portfolio that maintains an essential balance between actual spaceflight projects and the critical mission-enabling activities (research and data analysis, data application, etc.) that support and enhance the value of those projects.

*Planetary Science missions.*—The Committee accepts the findings of the most recent Planetary Science decadal survey and supports the application of the survey's decision rules to determine how best to structure the program within the available budget. The program elements most significantly impacted by these decision rules are the flagship missions, which must be substantially descoped in order to remain within the portfolio. The Committee directs that \$4,000,000 of the Outer Planets Flagship (OPF) budget be used to conduct the necessary descoping studies for the decadal survey's two highest priority flagship missions: Mars Sample Return (MSR) and the Jupiter Europa Orbiter (JEO). The results of these studies shall be transmitted to the Committee as soon as they are complete. The remaining \$39,000,000 of OPF funds should be held pending the completion of the descoping analysis and, depending on the results, either used in support of an acceptably descoped flagship mission or proposed for reprogramming to other Planetary Science project lines in accordance with the decadal survey's decision rules.

*Plutonium-238.*—The bill makes available \$10,000,000 from this account, as requested, to restart production of Plutonium-238 (Pu-238), a radioisotope that is an essential source of electrical power for long-range planetary science missions. The Committee urges NASA to work expeditiously with the Department of Energy to bring Pu-238 production back online as quickly as possible while simultaneously pursuing Advanced Stirling Radioisotope Generator technology that will allow NASA to make better, more efficient use of available Pu-238 stocks.

*James Webb Space Telescope.*—The James Webb Space Telescope (JWST) Independent Comprehensive Review Panel revealed chronic and deeply rooted management problems in the JWST project. These issues led to the project cost being underestimated by as much as \$1,400,000,000 relative to the most recent baseline, and the budget could continue to rise depending on the final launch date determination. Although JWST is a particularly serious example, significant cost overruns are commonplace at NASA, and the Committee believes that the underlying causes will never be fully addressed if the Congress does not establish clear consequences for failing to meet budget and schedule expectations. The Committee recommendation provides no funding for JWST in fiscal year 2012. The Committee believes that this step will ultimately benefit NASA by setting a cost discipline example for other projects and by relieving the enormous pressure that JWST was placing on NASA's ability to pursue other science missions.



## AERONAUTICS

The Committee recommends \$569,930,000 for Aeronautics, which is \$36,000,000 above fiscal year 2011 and \$530,000 above the request.

*Research priorities.*—The Committee recognizes the significant economic impact of NASA's aeronautics research, which increases the competitiveness of the American aviation industry, enables new job-creating technologies and improves the efficiency of domestic travel and commerce. To continue advancing innovative technical concepts, NASA has proposed a program plan to address critical research needs focusing on airspace capacity, environmental sustainability and aviation safety. The Committee supports this plan, including NASA's discretion to descope hypersonic research activities if the determination is made that increasing investments in other research areas is a higher priority.

*Industry consultation.*—The Aeronautics Research Mission Directorate has recently initiated an industry roundtable process to promote senior level interaction between NASA and aviation industry leadership. These meetings, which supplement existing mechanisms for consultation, will allow industry leaders to provide input on major challenges and opportunities for future integrated research activities. The Committee supports this initiative and directs NASA to provide the Committee with biannual updates on the activities and findings of the industry roundtables.

## SPACE TECHNOLOGY

The Committee recommends \$375,000,000 for Space Technology, which is \$649,200,000 below the request. This is a new account in fiscal year 2012. Funding for space technology activities was included in the Exploration, Cross Agency Support and Space Operations accounts in previous years. Funding under this heading consists of numerous existing activities, including the Small Business Innovative Research (SBIR) program, the Small Business Technology Transfer (STTR) program, and significant portions of the Exploration Technology Development and Demonstration (ETDD) program, as well as some newly evolving cross cutting activities.

*Program scale.*—The Committee supports the concepts underlying the Space Technology request, as well as the structure of the proposed program. Its competitive nature, projectized approach and balance between technologies of differing readiness levels seem likely to produce innovative ideas that will benefit NASA, other Federal agencies and the commercial sector.

However, the Committee believes that NASA's proposal to more than triple the size of this program over the course of two fiscal years is premature. NASA has yet to complete a full year managing these activities as a consolidated portfolio, and the technology roadmaps that are intended to guide and prioritize its investments are still in draft form and under external review by the National Research Council (NRC). In addition, NASA does not yet appear to have a sustainable budgetary plan for absorbing a new program of such significant size without causing damage to other necessary activities. The Committee expects that NASA will use fiscal year 2012 to address these outstanding issues, which will put

the program in a stronger position to seek additional resources in future requests.

*Exploration technology development priorities.*—The recommendation adopts NASA’s proposal to consolidate a majority of the ETDD programs with other technology development efforts in this account. ETDD has a very specific purpose and a very specific customer base, however, and it is critical that the management of ETDD funds continues to reflect the needs of that customer base in the Exploration Systems Mission Directorate.

#### EXPLORATION

The Committee recommends \$3,649,000,000 for Exploration, which is \$151,683,000 below fiscal year 2011 and \$299,700,000 below the request.

*Human exploration capabilities.*—The Committee recommends funding above the request for the MPCV and SLS programs to help ensure that NASA can meet the programmatic deadlines contained in the most recent NASA authorization bill. The Committee recommends \$1,063,000,000 for the MPCV and \$1,985,000,000 for the SLS. The Committee notes that Administration delays in providing key details on designs, contracts, budgets and schedules have hindered the development of funding recommendations. The Committee expects such information to be provided immediately.

These funds are intended for the actual design and development of the vehicles themselves, although the Committee acknowledges that NASA has legitimate needs for related expenses such as civil service oversight, program integration, ground operations and mission operations. NASA should take all possible steps to minimize the impact of these expenses on the MPCV and SLS programs by revalidating and streamlining each related expense and seeking acceptable funding sources for these expenses outside of the Human Exploration Capabilities line. In order to facilitate the Committee’s oversight of NASA’s “taxation” of the MPCV and SLS budgets for these related expenses, NASA’s spending plan should clearly itemize all costs under both the MPCV and SLS programs that are not directly tied to actual vehicle design and development and provide a justification for why those expenses cannot be addressed elsewhere or deferred.

*SLS development.*—The Committee understands NASA’s stated desire to initially field a 70–100 metric ton vehicle that would be evolved over time to the full 130 metric ton SLS. To the extent that flying a smaller vehicle can be achieved faster and will minimize the gap in our national human spaceflight capabilities, the Committee does not object to this proposal. However, the focus on initially flying a smaller vehicle cannot distract NASA from fulfilling its legal obligation to design the SLS from inception as a 130 metric ton vehicle and to proceed with simultaneous development of the core and upper stages. NASA is also directed to ensure that the work done on the 70–100 metric ton vehicle will be applicable to the 130 metric ton SLS. NASA should not expend funds on design or development of a smaller vehicle that does not add value to the overall SLS effort.

*MPCV development.*—A test flight is a major upcoming milestone in the MPCV development plan, but NASA has not yet articulated a proposal for how that test flight will occur. Ideally, the MPCV

would be test flown on an early version of the SLS, which would allow NASA to validate concepts and gather important data on each vehicle simultaneously. Because MPCV is significantly further along in the development process, however, this may be difficult to achieve in a timely manner. The Committee does not want NASA to spend money on a launch vehicle for the MPCV test flight that will add no practical value to the SLS development effort, but, if such an occurrence is deemed necessary for the continuation of progress in the MPCV program, the costs of procuring that launch vehicle and executing the test flight should be borne by the MPCV budget.

*Exploration destinations.*—NASA's stated intention is to pursue a capabilities-based approach to human exploration, which means that the direction of the program will be driven by what technologies are available at a particular time. While this approach may offer some advantages in terms of flexibility, it also lacks the clearly defined goals that have historically driven space exploration achievements. Specific, aggressive goals are necessary both to focus the program and to provide a common vision around which public and political support can be rallied. Consequently, the Committee urges NASA to adopt a destination-based approach to exploration that would designate a specific target location, such as the Moon, to drive development decisions and timelines going forward.

*Commercial cargo.*—The Committee understands that commercial cargo activities in fiscal year 2012 will be funded with carry-over from prior years. Therefore, no additional funding is provided in this Act for commercial cargo purposes. To aid the Committee's oversight of the progress made in commercial cargo to date, NASA is directed to provide to the Committee a list of the milestones met and not met for each recipient of commercial cargo program funding, as well as the amount of funding distributed to each recipient. This report shall be submitted no later than 120 days after the enactment of this Act.

*Commercial crew.*—For commercial crew development activities, the Committee recommends \$312,000,000, which is the same as fiscal year 2011. The Committee preserved funds for this activity to reduce the risk of relying solely on Russia for ISS access and to address the need for the United States to establish a domestic means of access to low Earth orbit. The sizable increase proposed in the budget request, however, was premature given the still-undefined acquisition strategy for the Commercial Crew Development Round 3 (CCDev 3) awards and the uncertainty behind assumptions about pricing, schedule, market demand, flight opportunities and other economic factors that are essentially unknowable at this time.

Given the likely decrease in the number of CCDev 3 awards that will be made at this funding level relative to the request, NASA is encouraged to make use of unfunded Space Act Agreements to maximize the number of commercial partners who stay engaged with the program and remain in contention for an eventual service contract.

For any acquisition strategy developed for CCDev3, NASA is encouraged to consider the potential contributions of women-, minority- and veteran-owned firms.

*Robotic precursor missions.*—Out of necessity, the Committee's recommendation adopts NASA's proposal to delay the start of the

robotic precursor mission program for another fiscal year. The Committee is concerned, however, that continued delays will eventually impact NASA's long-term readiness for exploration missions beyond low Earth orbit, which may require robotic scouting and validation of destinations and landing sites. In order to jumpstart even a minimal level of robotic precursor activity, the Exploration Systems Mission Directorate is encouraged to work with the Science Mission Directorate to identify possible science missions that could serve as flights of opportunity for robotic precursor payloads. Flights of opportunity should only be pursued, however, if the addition of the robotic precursor activity does not negatively impact the overall program budget or launch schedule for the science mission in question.

#### SPACE OPERATIONS

The Committee recommends \$4,064,000,000 for Space Operations, which is \$1,433,483,000 below fiscal year 2011 and \$282,900,000 below the request.

*Space Shuttle.*—The recommendation includes a total of \$548,000,000 for the Space Shuttle program. Based on the actuarial estimates provided with the budget submission, this amount should be sufficient to cover NASA's liability pursuant to the termination of the pension plan under the Space Program Operations Contract. If the final calculated pension shortfall is less than this amount, any extra funding should be used to defray other Space Shuttle transition and retirement costs.

*International Space Station.*—The extension of International Space Station (ISS) operations to 2020 comes at a cost of nearly \$3,000,000,000 per year. To make this investment worthwhile, NASA needs to ensure that the Station's research capabilities are maximized. The Committee understands that the strategic target for maximum NASA research utilization (35 hours of crew time per week) will be reached during 2012 and directs NASA to keep the Committee apprised of progress toward that goal.

Non-NASA research activities will be coordinated by the non-profit manager of the ISS National Lab, who will receive NASA funding support in fiscal year 2012 and, likely, several years thereafter. The Committee believes that the nonprofit manager should ultimately be a self-funding entity and that all necessary steps should be taken to reduce the manager's overhead costs in order to maximize funding available for ISS National Lab research grants.

*Launch Services Program.*—NASA is facing an increasingly challenging launch vehicle procurement environment. There is no certified medium class vehicle to fill the gap left by the retirement of the Delta II, and a series of recent launch failures has called into question the continuing availability of other commonly used vehicles. While these factors decrease the number of vehicle options available to NASA, the costs of remaining options under the NASA Launch Services II (NLS-II) contract have continued to increase due to uncertainty of demand from both NASA and the Department of Defense. The Committee does not believe that NASA's budget sufficiently reflects the risks associated with these challenges, which could lead to significant cost overruns for science missions in fiscal year 2012 and beyond.

As NASA works to resolve these issues, the Science and Space Operations Mission Directorates shall jointly prepare biannual status reports for the Committee. These reports shall address and provide justifications for: (1) any changes made to the NLS-II contract, including additions or deletions of vehicles or modifications to vehicle pricing and terms; (2) trends in actual launch vehicle pricing as vehicles are selected for missions in development; and (3) selections or changes of launch vehicles for missions in formulation or development.

*Human spaceflight study.*—The NRC is currently conducting a study on the appropriate role and size of NASA's Human Spaceflight Office after the retirement of the Shuttle and the completion of the ISS. NASA is directed to submit a copy of this report to the Committee as soon as it becomes available. NASA should include with the report a response to and assessment of the findings of the NRC.

*21st Century Launch Complex (21CLC).*—NASA requested approximately \$60,000,000 of 21CLC funding within the Space Operations account for construction-related activities. The funding belongs, however, in the Construction and Environmental Compliance and Restoration (CECR) account, which was created exclusively for construction needs. The Committee has therefore provided these funds directly under the CECR heading, along with other programmatic construction of facilities requirements.

*Orbiter disposition.*—NASA is directed to submit quarterly reports to the Committee on the status of its disposition of the four Space Shuttle orbiters. Those reports should include (1) expected dates of the physical transfer of each orbiter to its final destination; (2) the total cost to NASA (net of any contribution made by the orbiter recipient) for the storage, preparation and transport of each orbiter; (3) details on how each orbiter will be physically moved and a plan for ensuring the safety of the orbiters in transit; (4) a description of each recipient's physical and educational plan for displaying its orbiter; and (5) notification if any orbiter recipient has failed to meet a financial or physical milestone to which it had committed as a condition of orbiter receipt and, if so, an action plan for how NASA and the recipient will address that missed milestone.

If at any time NASA determines that a recipient cannot or will not meet the milestones (financial or physical) to which it committed as a condition of orbiter receipt, NASA should immediately notify the Committee and provide a proposed course of action.

#### EDUCATION

The Committee recommends \$138,000,000 for Education, which is \$7,508,000 below fiscal year 2011 and \$400,000 below the request.

*Education Design Team (EDT) findings and recommendations.*—The Committee supports the EDT's efforts to improve the Education program's impact, management and organization. The Committee's recommendation adopts the EDT's first major proposal, which restructures and streamlines the Education portfolio. This change will provide NASA the funding flexibility needed to implement new and strategic education concepts as they are developed. NASA is directed to keep the Committee up to date on the activi-

ties of the EDT Implementation Working Groups as they continue to refine the activity portfolio and the program's management.

*Duplication of effort.*—GAO recently determined that STEM education is an area of government activity at high risk of programmatic duplication and inefficiency due to the large number of agencies working on similar tasks. The Committee encourages NASA to continue cooperating with follow-up reviews by GAO and OSTP to identify and minimize all areas of duplication with other agencies. NASA should also continue pursuing enhanced strategic coordination within NASA itself (between education program officials at Headquarters, in the mission directorates and at the centers) in order to eliminate any intra-agency duplication of effort. By maintaining a focus on unique, value-added programs and promoting management efficiency, NASA can continue to achieve its education goals despite a slight reduction in the Education funding level.

*Aerospace Research and Career Development.*—The recommended level includes \$35,900,000 for NASA Space Grant and the Experimental Program to Stimulate Competitive Research (EPSCoR). The Committee supports both Space Grant and EPSCoR but has adjusted funding levels to ensure that the overall Education portfolio maintains balance between a variety of programs and activities.

The Committee urges NASA to minimize any associated administrative costs in order to maximize funding available for programmatic purposes. In furtherance of administrative cost oversight, NASA is directed to include in the spending plan prepared pursuant to section 537 of this Act an accounting of its administrative costs for both Space Grant and EPSCoR.

#### CROSS AGENCY SUPPORT

The Committee recommends \$3,050,000,000 for Cross Agency Support (CAS), which is \$55,177,000 below fiscal year 2011 and \$142,000,000 below the request.

*Civil service labor.*—The Committee is troubled by NASA's CAS request, which carries funding for as many as 700 programmatic FTE that have not been allocated to a mission directorate. The fact that NASA has so many FTE without a readily identified purpose implies either significant overcapacity or significant management issues impeding the timely allocation of civil service labor. The Committee directs NASA to revalidate its need for these FTE and, for those determined to be mission-essential, to propose a realignment to the appropriate directorates as soon as possible.

This realignment of unallocated FTE will especially impact the Space Operations and Exploration Systems Mission Directorates, making the information provided to the Committee to date about the civil service labor needs of these programs inaccurate. Therefore, NASA should also include in its realignment proposal for the unallocated FTE a listing of the total post-realignment civil service FTE and associated personnel costs for each program line within those directorates.

*Cybersecurity.*—The Committee remains concerned by the persistence of significant vulnerabilities in NASA's information technology systems, including those systems that control spacecraft and maintain critical data sources. Even more troubling is the Office of Inspector General's (OIG) assessment that the NASA Chief Infor-

mation Officer (CIO) lacks sufficient authority to mandate the implementation of security procedures and corrections across the agency. Without such authority, there is no means to ensure a consistent and comprehensive agency-wide approach to cybersecurity. NASA is directed, therefore, to work with the OIG to construct and implement an administrative remedy that will appropriately empower the CIO on security issues and to report to the Committee within 180 days of the enactment of this Act on the actions taken pursuant to this directive.

*Independent Verification and Validation (IV&V).*—Within the marginal increase requested for mission support operations, NASA has proposed a significant decrease for IV&V, which is a crucial element of the Safety and Mission Success program. The Committee supports the IV&V program and believes that NASA should make the continuation of current and planned IV&V work a priority. In order to accomplish that continuity of service with a smaller dedicated IV&V budget in fiscal year 2012, NASA is directed to fund any IV&V shortfall from within the mission directorates that make use of IV&V services. These realignments are intended to be a short term solution. Over the long run, the IV&V program cannot be dependent on funding from the projects being assessed or it runs the risk of losing its objective independent perspective. The Committee expects NASA to address this issue with the submission of its fiscal year 2013 budget request.

*Acquisition workforce.*—NASA's acquisition capabilities have not kept pace with its workload, leading to difficulties meeting the required throughput of contract awards and increases in the number of protests filed. In order to help address these challenges, NASA may use up to \$3,600,000 of funds provided under this heading to increase the agency's acquisition workforce capacity and capabilities.

*Budget justifications.*—The Committee directs NASA to make changes in the content of its annual congressional budget justification (CJ) in order to make it easier to use and more informative. These changes include, but are not limited to: (1) normalizing all tables so that budget data presented across multiple years are directly comparable; (2) providing a listing, with associated dollar amounts, of all activities included in each of the "Other missions and data analysis" lines; (3) standardizing a cost threshold that will dictate which projects are described separately in the narrative; (4) consolidating the information about each project so that it is no longer spread out among semi-duplicative sections in the summary, project narratives and Major Program Annual Report; (5) providing cost estimate ranges for all projects in formulation that have entered Phase B of the project life cycle; (6) providing an accounting of cumulative budget authority to date for all projects in formulation and those in development; and (7) standardizing and significantly expanding the information presented for each major project to include additional discussion of development milestones, obligation plans, major contracts and changes in cost and schedule parameters. NASA is directed to work with the Committee to come to agreement on a full list of specific changes that should be implemented in the fiscal year 2013 CJ and all future CJs.

*Center operations.*—NASA is directed to report to the Committee on the operating budget of each NASA center and the lease and op-

erating costs of any NASA office not located on the property of a NASA center. This report, which should cover the previous five fiscal years, should be submitted no later than 120 days after the enactment of this Act.

*Propulsion Research Laboratory.*—NASA is directed to report to the Committee on its plans for utilization of its Propulsion Research Laboratory. This report shall be submitted no later than 120 days after the enactment of this Act.

*Background investigations.*—All members of the NASA workforce, including both civil servants and contractors, should be appropriately and regularly screened to validate their right to access NASA physical or virtual resources. Although NASA's security procedures have been challenged in court, those procedures were recently confirmed by the Supreme Court and, as such, the Committee expects that NASA will continue with their implementation as soon as any final issues are addressed on remand.

*Comprehensive independent assessment.*—The Committee has been frustrated by the uncertainty of leadership within the Administration on space policy and the resulting lack of focus within NASA itself. It is time for NASA to recommit itself to a bold vision for the future that will restore the sense of purpose and urgency that existed at the agency during the eras of its finest achievements. Accordingly, the Committee recommendation includes \$1,000,000, which shall be for transfer to the OIG, to commission a comprehensive independent assessment of NASA's strategic direction and agency management.

NASA regularly receives management and programmatic recommendations from GAO, OIG and various commissions and other entities, as well as outside advice on scientific and technical priorities from the National Academies. While each of these reviews is useful on its own, they are all targeted to a specific issue or program and therefore do not provide a comprehensive assessment of NASA's activities. The Committee believes that such an agency-wide assessment will provide a means to evaluate whether NASA's overall strategic direction remains viable and whether agency management is optimized to support that direction.

The assessment should consider the relevance and feasibility of NASA's strategic goals; the appropriateness of the budgetary balance between NASA's various programs; and the adequacy of NASA's internal policies, procedures and organizational structures that underpin its mission activities. Any recommendations made pursuant to the assessment should be predicated on the assumption that NASA's outyear budget profile will be constrained due to continuing deficit reduction efforts. Such recommendations should also take into account the need for a common, unifying vision for NASA's strategic direction. A report summarizing the conclusions of the assessment and any relevant recommendations shall be provided to the Congress and the President no later than 120 days after the enactment of this Act.

To conduct this assessment, the Inspector General shall choose individuals with recognized relevant expertise and whose collective credentials sufficiently cover the whole range of NASA's mission activities, including space or Earth science; aeronautics; advanced technology development; space exploration; spaceflight operations and support; STEM education; and/or management of any of these



activities. In order to promote objectivity, the Inspector General shall define and implement any conflict of interest protocols deemed necessary, but, at a minimum, the selected individuals shall not be currently employed or retained by NASA or any outside entity that competes for or receives NASA funding.

#### CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

The Committee recommends \$424,000,000 for CECR, which is \$30,489,000 above fiscal year 2011 and \$26,400,000 below the request.

*Integrated facilities master planning.*—The Committee supports NASA’s ongoing efforts to develop an agency-wide master plan to integrate center-based and institutional facilities needs and priorities. NASA is directed to provide the integrated master plan to the Committee as soon as it is complete.

*Facilities planning and design.*—Although it remains the Committee’s intention to keep the funding for NASA’s construction activities consolidated under this heading, the Committee has included language permitting the mission directorates to use their funds for mission-based facilities planning and design. The Committee expects that all such work will continue to be coordinated with and monitored by the Mission Support Directorate in order to promote efficiency and accountability in construction planning.

*Provision of form 1509.*—NASA is directed to continue to provide NASA form 1509 for each construction of facilities (CoF) project submitted in the annual budget request or an initial spending plan and for each CoF project subject to a reprogramming notification.

*Enhanced Use Lease (EUL) receipts.*—The Committee has continued existing language limiting the expenditure of EUL proceeds and included new language permitting NASA to accept in-kind consideration under specified circumstances. NASA is directed to include in its annual budget justification a description of any in-kind consideration accepted and an estimate of the market value of that consideration.

*Hangar 1, Moffett Field.*—The budget request included \$32,800,000 for the re-siding of Hangar 1 at Moffett Field. The Committee understands, however, that NASA is currently considering additional options for the renovation and use of the hangar, including some options that would not require re-siding the facility. NASA has committed to its OIG that this evaluation of alternatives will be complete by November 30, 2011. The Committee urges NASA to complete this evaluation as soon as possible and directs NASA to submit a copy of that evaluation to the Committee when it becomes available.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$36,327,000 for the Office of Inspector General (OIG), which is the same as fiscal year 2011 and \$1,173,000 below the request.

*Cost estimation review.*—The Committee is interested in an analytical assessment of whether NASA’s JCL cost estimation process has led to a measurable increase in the accuracy of its project cost estimates. Since the policy was instituted in 2009, no such assessment has been completed due to a lack of sufficient data. However, the OIG believes that a JCL review will be feasible in 2012. The

OIG is urged to undertake that review and provide the Committee with a report on its findings as soon as practicable.

#### ADMINISTRATIVE PROVISIONS

The Committee has included the following administrative provisions for NASA:

The bill includes a provision that makes funds for announced prizes available without fiscal year limitation until the prize is claimed or the offer is withdrawn.

The bill includes a provision that incorporates by reference the programs, projects and activities and the amounts specified in the table under the NASA heading in this report. This provision is intended to partially address ongoing disagreements between the Committee and NASA about the acceptable exercise of discretion in the reallocation of appropriated resources between and among programs, projects and activities.

The bill includes a provision that establishes terms and conditions for the transfer of funds.

The bill includes a provision that repeals existing prohibitions on the implementation of Reductions in Force or other involuntary separations.

The bill includes a provision that allows the transfer of balances under previous appropriations account structures to the new appropriations account structure.

The bill includes a provision related to the expenditure of interest earned from balances in the Endeavor Teacher Fellowship Trust Fund.

The bill includes a provision that subjects the NASA spending plan and specified changes to that spending plan to reprogramming procedures under section 505 of this Act.

#### NATIONAL SCIENCE FOUNDATION

##### RESEARCH AND RELATED ACTIVITIES

The Committee recommends \$5,606,964,000 for Research and Related Activities (R&RA), which is \$43,089,000 above fiscal year 2011 and \$646,576,000 below the request.

*Research priorities.*—The National Science Foundation (NSF) can maximize the amount of money available in fiscal year 2012 for new activities by carrying out the various reduction and termination proposals contained in the R&RA budget request. The funds made available through these reductions and terminations, together with the increase provided by the Committee, will allow NSF to expand or enhance its activities across a range of research areas with significant impacts on national security or economic competitiveness. The Committee directs NSF to prioritize these new activities towards cybersecurity and cyberinfrastructure improvements; advanced manufacturing (as further discussed below); materials research; and disciplinary and interdisciplinary research in the natural and physical sciences, math and engineering.

*Advanced manufacturing.*—The Committee encourages NSF's planned activities related to the Advanced Manufacturing initiative. Future economic prosperity in the United States will depend largely on our ability to develop and manufacture new products based on advanced technologies, both for the domestic market and

for export. Basic research supported through the NSF and other Federal science agencies is critical to this effort because it will help provide the foundation for the development of such new products and technologies by the private sector.

*Neuroscience.*—The Committee believes there is a potential in the near future for significant, transformative advances in our fundamental understanding of learning, brain development, and brain health and recovery. Such advances will require enhanced tools to better understand the working of the brain, enhanced data and data infrastructure, and expanded interdisciplinary and large-scale research efforts. While specific applied neuroscience research is mainly supported by the National Institutes of Health, basic research supported by NSF will serve as the foundation for future clinical treatments of traumatic and acquired brain injuries, childhood developmental disorders, and other neurological conditions. To help focus and enhance the agency's efforts, the Committee directs NSF to establish a Cognitive and Developmental Neuroscience crosscutting theme to guide future budget formulation in this area, and to increase its investments in research through this theme in fiscal year 2012.

*Innovation inducement awards.*—Funds provided under this heading may be used for innovation inducement prizes, as authorized by the America COMPETES Reauthorization Act of 2010 (Public Law 111–358). The Committee encourages NSF to make use of this mechanism, particularly in programs that specifically emphasize innovation, to focus on high risk/high reward research projects and to incentivize private sector involvement. NSF is directed to report to the Committee on its plans for administering a prize program in fiscal year 2012. This report should be provided no later than 90 days after the enactment of this Act.

*Protecting scientific intellectual property.*—Government policy on the dissemination of scientific research data has trended consistently toward increased public access. This has numerous benefits and advantages, but also raises concerns about: (1) researchers' ability to effectively retain their intellectual property rights for potentially lucrative findings; and (2) the government's ability to protect scientific intellectual property that has significant economic or security implications. NSF is directed to report to the Committee on proactive steps that can be taken by the government and within the scientific research community to better balance the imperatives of public access and protection of data. This report shall be provided no later than 120 days after the enactment of this Act.

*Wireless Innovation Fund.*—NSF's request included \$150,000,000 of mandatory funding for research on access to the radio spectrum, wireless testbeds and cyber-physical systems. This funding is dependent on legislation being enacted to authorize incentive auctions that would reallocate Federal agency and commercial spectrum bands over the next ten years.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The Committee recommends \$100,000,000 for Major Research Equipment and Facilities Construction (MREFC), which is \$17,055,000 below fiscal year 2011 and \$124,680,000 below the request.

*Project funding profiles.*—NSF should promptly review its current portfolio of MREFC projects and their outyear funding profiles to ensure they are consistent with the fiscal year 2011 and 2012 appropriations. If adjustments to the portfolio in either of those fiscal years will necessitate a revision of the outyear funding profiles for any current or planned project, NSF is directed to immediately report the revised profiles to the Committee and to include the new profiles in the fiscal year 2013 budget request.

*Project contingency funding.*—Project managers have responded to NSF’s “no cost overrun” policy for major construction and equipment acquisition projects by increasing the amount of contingency funding carried in their budget proposals. The Committee encourages NSF to strengthen the oversight of these contingencies, particularly in terms of incentivizing grantees to bring their projects in under budget and return unused contingency funding. NSF shall report to the Committee on the steps it is taking to impose tighter controls on the drawdown, use and return of contingency funds for projects managed through the MREFC appropriation and for other large facility projects. This report should be submitted no later than 90 days after the enactment of this Act.

#### EDUCATION AND HUMAN RESOURCES

The Committee recommends \$835,000,000 for Education and Human Resources (EHR), which is \$26,034,000 below fiscal year 2011 and \$76,200,000 below the request.

*Program changes.*—NSF has proposed a number of program reductions or terminations within EHR. For the most part, these cuts were proposed not due to any dissatisfaction with the programs in question but rather because NSF would prefer to implement new initiatives. The Committee has no objection to this approach, with the exception of the proposed reductions to the Robert Noyce Scholarship Program and the Math and Science Partnership program. The Committee does not believe that those cuts are warranted solely to make room for new activities.

After accounting for the approved reductions and terminations, the recommended funding level will support the continuation of the fiscal year 2011 level for all other EHR programs, including Advanced Technological Education and the pre-existing elements of the Broadening Participation at the Core program, as well as approximately \$40,000,000 of new or expanded activities as proposed in the budget request.

*Best practices in K–12 STEM education.*—At NSF’s request, the NRC has recently completed a multiday workshop on best practices in K–12 STEM education. The results of this workshop, along with commissioned research and other sources, have been synthesized into an NRC report, *Successful K–12 STEM Education: Identifying Effective Approaches in Science, Technology, Engineering, and Mathematics*, that discusses best practices and provides a series of recommendations aimed at education policymakers and practitioners. Consistent with the current dissemination plan, NSF shall ensure that this report is widely distributed within the education and scientific communities.

In addition, NSF is directed to begin work to identify methods for tracking and evaluating the implementation of the improvements identified in the NRC’s report. These methods may include,

but are not limited to, expansion and alignment of existing databases on student outcomes and school and classroom conditions, and the development of measures that more broadly capture desired student outcomes in STEM. NSF and its collaborators should provide an evaluation plan within 12 months of the enactment of this Act that describes these methods and recommends the necessary steps that should be taken by NSF and other Federal agencies to implement that plan. Within the amounts available in this account, up to \$500,000 should be used for the formulation of the evaluation plan.

*Graduate Research Fellowship Program (GRFP) eligibility.*—The Committee is concerned that potentially meritorious GRFP applications are being screened out prior to substantive review based solely on the academic field of the applicant. Without examining the details of an application, NSF has no way of knowing whether the application and academic work in question are focused on areas of basic research within NSF's mission. Therefore, the Committee urges NSF to ensure that the review of GRFP applications is based solely on the merits of the proposed research and not on categorical distinctions that may not accurately capture the qualifications of an individual proposal.

*Hispanic Serving Institutions.*—Over the past several years, NSF and the Congress have discussed the concept of creating a program within Broadening Participation at the Core to focus on Hispanic Serving Institutions (HSI). NSF is directed to provide to the Committee a report outlining how the needs of HSIs will be addressed in fiscal year 2012 and any plans to establish an HSI-focused program in fiscal year 2013.

*Duplication of effort.*—The Committee encourages NSF to continue cooperating with ongoing reviews by GAO and OSTP to identify and minimize duplication of effort with other Federal agencies on STEM education.

#### AGENCY OPERATIONS AND AWARD MANAGEMENT

The Committee recommends \$299,400,000 for Agency Operations and Award Management, which is the same as fiscal year 2011 and \$58,340,000 below the request.

*Contracting.*—The Committee remains interested in efforts to improve NSF's contracting practices. A GAO review requested by the Committee should provide NSF with practical recommendations for changes in policy and practice that will result in better managed, more cost effective contracts. While waiting for the results of that review, NSF is urged to continue work on the contracting corrective action plan currently being reviewed by the NSF OIG.

Both GAO and the NSF OIG have suggested that NSF is procuring services through cost reimbursement contracts that could be adequately procured through firmer pricing models that reduce cost and risk to the government. NSF is directed to review its current portfolio of cost reimbursement contracts and to develop plans to transition to fixed price contracts for all activities where requirements are reasonably well defined and costs can be predicted with substantial accuracy. NSF is directed to report on the results of this review both to the Committee and to the NSF OIG within 90 days of the enactment of this Act. The NSF OIG shall provide the

Committee with an assessment of NSF's transition plans no later than 45 days after receiving the report from NSF.

*Acquisitions management.*—NSF may use up to \$2,000,000 of funds provided under this heading to increase the Foundation's acquisition workforce capacity and capabilities.

*Travel expenses.*—Due to NSF's extensive merit review procedures, travel expenses are a significant portion of the budget each year. By pursuing innovative approaches to reduce the travel obligations of merit reviewers, NSF can reduce its travel budget and invest the savings in other critical activities, such as grantee performance and compliance reviews. The Committee supports NSF's efforts in this area as long as the push to enlarge NSF's virtual merit review presence continues to account for all necessary information security precautions.

*Program evaluation and analysis.*—Compared to the rigorous merit review system in place for assessing grant applications, NSF's capabilities for objectively assessing the scientific performance of completed or in-progress work are relatively limited. As a result, NSF describes the impact of its research programs in mostly anecdotal terms. To address this problem, NSF is engaged in a multiyear effort to implement an empirical system for documenting the outcomes of its scientific research, as well as to improve its program evaluation capabilities more generally. The Committee supports this effort and encourages NSF to continue pursuing it expeditiously in fiscal year 2012.

*Questioned/unsupported costs.*—NSF has a significant number of outstanding OIG recommendations relating to questioned or unsupported costs, including some recommendations that have been open and unresolved for more than a year. The Committee finds this pace of corrective action insufficient given the fact that Federal tax dollars are at stake. NSF is urged to take all necessary steps to close outstanding recommendations as quickly as possible. The Committee will continue to monitor NSF's progress via semi-annual reporting from the NSF OIG and other mechanisms.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

The Committee recommends \$4,531,000 for the National Science Board, which is the same as fiscal year 2011 and \$309,000 below the request.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$13,972,000 for the OIG, which is the same as fiscal year 2011 and \$1,028,000 below the request.

*NSF and grantee oversight.*—NSF OIG has a strong record of investigations relating to the misuse of grant funding, employee or grantee misconduct and deficiencies in grants management practices. Each of these categories of investigations has the potential to result in monetary savings for NSF as mismanaged funds are recovered or vulnerabilities in financial and managerial controls are addressed. The Committee encourages the OIG to main a significant focus on oversight activity with potential monetary ramifications in order to promote continuing efficiency and economy at NSF.

## ADMINISTRATIVE PROVISION

The Committee has included the following administrative provision for NSF:

The bill includes a provision that establishes thresholds for the transfer of funds.

## TITLE IV

## RELATED AGENCIES

## COMMISSION ON CIVIL RIGHTS

## SALARIES AND EXPENSES

The Committee recommends \$8,000,000 for the Commission on Civil Rights, which is \$1,381,000 below fiscal year 2011 and \$1,429,000 below the request.

The Committee recommends language, as included in previous years, which provides: (1) a limitation of four full-time positions under schedule C of the Excepted Service, exclusive of one special assistant for each Commissioner; and (2) a prohibition against reimbursing Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## SALARIES AND EXPENSES

The Committee recommends \$366,568,000 for the Equal Employment Opportunity Commission (EEOC), which is the same as fiscal year 2011 and \$18,952,000 below the request. The recommendation includes language making not to exceed \$30,000,000 available for payments to State and local enforcement agencies.

Within the amount provided under this heading, the Committee expects the EEOC to give highest priority to addressing the inventory of private sector charges, and to examine new ways to address the backlog and increase productivity.

## INTERNATIONAL TRADE COMMISSION

## SALARIES AND EXPENSES

The Committee recommends \$81,696,000 for the International Trade Commission (ITC), which is the same as fiscal year 2011 and \$5,304,000 below the request.

The ITC is directed to submit a report to the Committee by December 1, 2011, outlining how the ITC intends to address the internal control, financial management, and information technology security weaknesses included in the March 2011 Semiannual ITC Inspector General report.

In addition, the Committee expects the ITC to keep the Committee informed of progress in renovating office space to establish a third courtroom. The addition of this third courtroom will enable the ITC to adjudicate its increased intellectual property caseload, which has tripled in the last several years.

## LEGAL SERVICES CORPORATION

## PAYMENT TO THE LEGAL SERVICES CORPORATION

The Committee recommends \$300,000,000 for the Legal Services Corporation (LSC), which is \$104,190,000 below fiscal year 2011 and \$150,000,000 below the request.

*Pro Bono Legal Services.*—Obtaining more services at no or low cost through private attorney involvement is one means for LSC to increase legal aid services. In January, the Committee contacted the American Bar Association (ABA) and all fifty State bar associations to underscore the need for additional pro bono legal assistance during times of budget austerity. The Committee's correspondence noted that the American people have made clear that they want Congress to rein in Federal spending, and that reductions would be felt by all recipients of Federal funds, including LSC. The Committee requested that the ABA and the State bar associations reemphasize the importance of private attorney involvement with LSC-funded programs and work closely with LSC to help address unmet needs for civil legal assistance in order to help mitigate the effects of future funding reductions. Unfortunately, only three States and the American Bar Association responded to the Committee's letter.

The Committee is pleased that LSC launched a pro bono task force in 2011, and urges the LSC to implement the recommendations of this task force as it continues to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients.

## 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.

*Unauthorized uses of funds.*—The Committee was dismayed to learn that a recent publication by an LSC grantee contained needless political representations and evidenced ideological biases. On June 28, 2011, the Inspector General of LSC reinforced the Committee's concerns when he announced his determination that the grantee, Legal Aid of North Carolina, engaged in political activity which would be prohibited by section 1007(a)(6)(A) of the Legal Services Corporation Act if LSC funds, or non-LSC private funds, were used to support the creation and distribution of the publication. Because LSC routinely testifies that it lacks funds to serve all of the many low income Americans in need of civil legal assistance, it is all the more important that LSC grantees not squander funds on political activism. Using Federal funds in violation of the LSC statute undermines the confidence necessary to sustain annual funding for the LSC. The Committee encourages the Inspector General of the LSC to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions



by which LSC grantees are required to abide. The Committee further recommends the removal of funds from any LSC grantee found engaging in political activity.

#### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$3,025,000 for the Marine Mammal Commission, which is \$218,000 below fiscal year 2011 and the same as the request.

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### SALARIES AND EXPENSES

The Committee recommends \$51,251,000 for the Office of the U.S. Trade Representative (USTR), which is \$3,521,000 above fiscal year 2011 and the same as the request. Within the amounts provided, the USTR is encouraged to hire sufficient staff who can translate trade documents that USTR receives from China. Currently, USTR relies on translators provided by the State Department, but the Committee believes that USTR should have its own translators on staff given the challenges associated with enforcing existing U.S. trade laws with China. The Committee expects that USTR will coordinate and implement a comprehensive and robust strategy to address the United States' trade imbalance with China.

*Free Trade Agreements.*—The Committee expects USTR to immediately submit the three pending Free Trade Agreements with Colombia, Panama, and South Korea, and to report back to the Committee with any developments on exports and job creation for the United States. The Committee further encourages the USTR to continue to pursue free trade agreements with additional countries and trading blocs. With respect to South Korea, the Committee expects the USTR to adopt acceptable safeguards against import of North Korean products and to advise the Committee on efforts to address this concern.

*Critical vacancies.*—The Committee directs the USTR to provide a report to the Committee by December 1, 2011, on the number of critical vacancies at the USTR, particularly in the intellectual property enforcement area, and steps that the USTR is taking to address these shortfalls. This report should provide an assessment of current staffing in China with respect to enforcement needs.

#### STATE JUSTICE INSTITUTE

##### SALARIES AND EXPENSES

The Committee recommends \$5,121,000 for the State Justice Institute (SJI), which is the same as fiscal year 2011 and \$10,000 below the request.

## TITLE V

## GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

Section 501 prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.

Section 502 prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly authorized.

Section 503 provides that the expenditure of any appropriation contained in the Act for any consulting service through procurement contracts 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.

Section 504 provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of other provisions shall not be affected.

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates offices or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) 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; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Section 506 permanently prohibits funds from being used to implement, administer, or enforce any guidelines of the Equal Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October 1993.

Section 507 provides that if it is determined that any person intentionally affixes a "Made in America" label to any product that was not made in America that person shall not be eligible to receive any contract or subcontract made with funds made available in this Act.

Section 508 requires quarterly reporting to Congress on the status of balances of appropriations.

Section 509 provides that 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 in the Act shall be absorbed with the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 510 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 511 permanently prohibits funds from being used to implement a Federal user fee for background checks conducted pursuant to the Brady Handgun Control Act of 1993, or to implement a background check system that does not require and result in the destruction of certain information within 24 hours.

Section 512 delays the obligations of any receipts deposited into the Crime Victims Fund in excess of \$705,000,000 until October 1, 2012. This language is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the Fund.

Section 513 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 514 prohibits the transfer of funds in the Act to any department, agency or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

Section 515 provides that funds provided for E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

Section 516 permanently requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crimes.

Section 517 requires certain timetables and procedures for specified audits performed by Inspectors General of the departments and agencies funded in this Act and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

Section 518 prohibits the issuance of patents on human organisms. The intent of this provision is as expressed in the colloquy between the provision's sponsor in the House and the Ranking Minority Member of the House Committee on Appropriations as occurred on July 22, 2003, with respect to any existing patents on stem cells.

Section 519 prohibits the use of funds in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 520 permanently prohibits the use of funds to require certain export licenses.

Section 521 permanently prohibits the use of funds to deny certain import applications regarding "curios or relics" firearms, parts, or ammunition.

Section 522 prohibits the use of funds to include certain language in trade agreements.

Section 523 prohibits the use of funds in this Act to authorize or issue a National Security Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

Section 524 requires congressional notification regarding any project within the Departments of Commerce or Justice, or the National Science Foundation and the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of at least 10 percent.

Section 525 deems funds for intelligence or intelligence related activities as authorized by the Congress during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

Section 526 requires the departments and agencies funded in this Act to establish and maintain on the homepages of their Internet websites direct links to the Internet websites of their Offices of Inspector General, and a mechanism by which individuals may anonymously report cases of waste, fraud or abuse.

Section 527 prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed Federal tax returns, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has no unpaid Federal tax assessment, except in specified circumstances.

(RESCISSIONS)

Section 528 provides for rescissions of unobligated balances in certain departments and agencies funded in this Act. Language is included rescinding \$93,000,000 in unobligated "Federal Bureau of Investigation, Construction" balances, as proposed in the fiscal year 2011 budget request. Language is also included rescinding \$110,000,000 in unobligated "Federal Prison System, Buildings and Facilities" balances. The budget request proposed a rescission of \$35,000,000, but \$110,000,000 was identified as available in a subsequent fiscal year 2011 reprogramming proposal.

Section 529 prohibits the use of funds in this Act for the purchase of first class or premium air travel.

Section 530 prohibits the use of funds to pay for the attendance of more than 50 department or agency employees at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of Federal attendees are law enforcement personnel stationed outside the United States.

Section 531 prohibits the use of funds in this or any other Act for the transfer or release of certain individuals detained at Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories or possessions.

Section 532 prohibits the use of funds in this or any other Act to construct, acquire or modify any facility in the United States, its territories, or possessions to house certain individuals who, as of June 24, 2009, were located at United States Naval Station, Guantanamo Bay, Cuba for the purposes of detention or imprisonment in the custody or control of the Department of Defense.

Section 533 prohibits the distribution of funds contained in this Act to the Association of Community Organizations for Reform Now or its subsidiaries.

Section 534 requires, when practicable, the use of funds in this Act to purchase light bulbs that have the “Energy Star” or “Federal Energy Management Program” designation.

Section 535 requires tracking and reporting of undisbursed balances in expired grant accounts.

Section 536 prohibits the use of funds to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

Section 537 requires the Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation to submit spending plans.

Section 538 prohibits the use of funds by the National Aeronautics and Space Administration or the Office of Science and Technology Policy to engage in bilateral activities with China or a Chinese-owned company unless authorized by subsequent legislation. This language originated in the Department of Defense and Full Year Continuing Appropriations Act, 2011, but it remains necessary in fiscal year 2012 due to the unabated threat posed to United States interests by China. The Chinese government’s sustained efforts to obtain classified or proprietary information from the U.S. government and American corporations, as well as its record on human rights, make China and Chinese-owned companies unsuitable partners for American space and science initiatives.

Section 539 prohibits funds made available by this Act from being used to deny the importation of shotgun models if no application for the importation of such models, in the same configuration, had been denied prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Section 540 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

Section 541 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

Section 542 prohibits funds made available by this Act from being used to require licensed firearms dealers to report on the sale of multiple rifles and shotguns to the same person.

(RESCISSIONS)

Section 543 provides for an across-the-board rescission of funds.

Section 544 establishes a Spending Reduction Account as required by section 3(j) of H. Res. 5.

HOUSE OF REPRESENTATIVES REPORTING REQUIREMENTS

The following materials are submitted in accordance with various requirements of the Rules of the House of Representatives:

FULL COMMITTEE VOTES

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO. 1

Date: July 13, 2011

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2012

Motion by: Mr. Fattah

Description of Motion: To increase Community Oriented Policing Services hiring by \$35 million, offset by an increase to the amount rescinded from the Department of Justice Assets Forfeiture Fund.

Results: Defeated 22 yeas to 25 nays.

*Members Voting Yea*

Ms. DeLauro  
Mr. Dent  
Mr. Dicks  
Mrs. Emerson  
Mr. Farr  
Mr. Fattah  
Mr. Honda  
Mr. Jackson  
Ms. Kaptur  
Mr. LaTourette  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Mr. Moran  
Mr. Olver  
Mr. Pastor  
Mr. Price  
Mr. Rothman  
Ms. Roybal-Allard  
Mr. Schiff  
Mr. Serrano  
Mr. Visclosky

*Members Voting Nay*

Mr. Aderholt  
Mr. Alexander  
Mr. Austria  
Mr. Bonner  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Culberson  
Mr. Diaz-Balart  
Mr. Flake  
Mr. Frelinghuysen  
Ms. Granger  
Mr. Graves  
Mr. Kingston  
Mr. Latham  
Mr. Lewis  
Mrs. Lummis  
Mr. Nunnelee  
Mr. Rehberg  
Mr. Rogers  
Mr. Simpson  
Mr. Wolf  
Mr. Womack  
Mr. Yoder

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO.2

Date: July 13, 2011

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2012

Motion by: Mr. Schiff

Description of Motion: To allow Congressional committees to be included on the list of entities to which the Bureau of Alcohol, Tobacco and Firearms can disclose part or all of the contents of the Firearms Trace System database.

Results: Defeated 20 yeas to 27 nays.

*Members Voting Yea*

Ms. DeLauro  
Mr. Dicks  
Mr. Farr  
Mr. Fattah  
Mr. Frelinghuysen  
Mr. Honda  
Mr. Jackson  
Ms. Kaptur  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Mr. Moran  
Mr. Olver  
Mr. Pastor  
Mr. Price  
Mr. Rothman  
Ms. Roybal-Allard  
Mr. Schiff  
Mr. Serrano  
Mr. Visclosky

*Members Voting Nay*

Mr. Aderholt  
Mr. Alexander  
Mr. Austria  
Mr. Bonner  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Culberson  
Mr. Dent  
Mr. Diaz-Balart  
Mrs. Emerson  
Mr. Flake  
Ms. Granger  
Mr. Graves  
Mr. Kingston  
Mr. Latham  
Mr. LaTourette  
Mr. Lewis  
Mrs. Lummis  
Mr. Nunnelee  
Mr. Rehberg  
Mr. Rogers  
Mr. Simpson  
Mr. Wolf  
Mr. Womack  
Mr. Yoder



## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO.3

Date: July 13, 2011

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2012

Motion by: Mr. Rothman

Description of Motion: To increase the Secure Our Schools program by \$10 million, offset by a reduction of \$10 million to the National Aeronautics and Space Administration's Cross Agency Support.

Results: Defeated 21 yeas to 26 nays.

*Members Voting Yea*

Ms. DeLauro  
Mr. Dent  
Mr. Dicks  
Mr. Farr  
Mr. Fattah  
Mr. Honda  
Mr. Jackson  
Ms. Kaptur  
Mr. LaTourette  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Mr. Moran  
Mr. Olver  
Mr. Pastor  
Mr. Price  
Mr. Rothman  
Ms. Roybal-Allard  
Mr. Schiff  
Mr. Serrano  
Mr. Visclosky

*Members Voting Nay*

Mr. Aderholt  
Mr. Alexander  
Mr. Austria  
Mr. Bonner  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Culberson  
Mr. Diaz-Balart  
Mrs. Emerson  
Mr. Flake  
Mr. Frelinghuysen  
Ms. Granger  
Mr. Graves  
Mr. Kingston  
Mr. Latham  
Mr. Lewis  
Mrs. Lummis  
Mr. Nunnelee  
Mr. Rehberg  
Mr. Rogers  
Mr. Simpson  
Mr. Wolf  
Mr. Womack  
Mr. Yoder

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO.4

Date: July 13, 2011

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2012

Motion by: Mr. Carter

Description of Motion: To prohibit funds in the bill from being used to deny the importation of shotgun models if no application for the importation of such models, in the same configuration, had been denied prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Results: Adopted 28 yeas to 19 nays.

*Members Voting Yea*

Mr. Aderholt  
 Mr. Alexander  
 Mr. Austria  
 Mr. Bonner  
 Mr. Calvert  
 Mr. Carter  
 Mr. Cole  
 Mr. Crenshaw  
 Mr. Culberson  
 Mr. Dent  
 Mr. Diaz-Balart  
 Mrs. Emerson  
 Mr. Flake  
 Mr. Frelinghuysen  
 Ms. Granger  
 Mr. Graves  
 Mr. Kingston  
 Mr. Latham  
 Mr. LaTourette  
 Mr. Lewis  
 Mrs. Lummis  
 Mr. Nunnelee  
 Mr. Rehberg  
 Mr. Rogers  
 Mr. Simpson  
 Mr. Wolf  
 Mr. Womack  
 Mr. Yoder

*Members Voting Nay*

Ms. DeLauro  
 Mr. Dicks  
 Mr. Farr  
 Mr. Fattah  
 Mr. Honda  
 Mr. Jackson  
 Ms. Kaptur  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Mr. Moran  
 Mr. Olver  
 Mr. Pastor  
 Mr. Price  
 Mr. Rothman  
 Ms. Roybal-Allard  
 Mr. Schiff  
 Mr. Serrano  
 Mr. Visclosky

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO.5

Date: July 13, 2011

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2012

Motion by: Mrs. Lowey

Description of Motion: To allow the Attorney General to deny the transfer of a firearm if the prospective transferee is known or suspected to be engaged in conduct related to terrorism and the Attorney General has a reasonable belief that the transferee may use a firearm in connection with terrorism.

Results: Defeated 18 yeas to 27 nays and 1 present.

<i>Members Voting Yea</i>	<i>Members Voting Nay</i>	<i>Members Voting Present</i>
Ms. DeLauro	Mr. Aderholt	Ms. McCollum
Mr. Dicks	Mr. Alexander	
Mr. Farr	Mr. Austria	
Mr. Fattah	Mr. Bonner	
Mr. Honda	Mr. Calvert	
Mr. Jackson	Mr. Carter	
Ms. Kaptur	Mr. Cole	
Ms. Lee	Mr. Crenshaw	
Mrs. Lowey	Mr. Culberson	
Mr. Moran	Mr. Dent	
Mr. Oliver	Mr. Diaz-Balart	
Mr. Pastor	Mrs. Emerson	
Mr. Price	Mr. Flake	
Mr. Rothman	Mr. Frelinghuysen	
Ms. Roybal-Allard	Ms. Granger	
Mr. Schiff	Mr. Graves	
Mr. Serrano	Mr. Kingston	
Mr. Visclosky	Mr. Latham	
	Mr. LaTourette	
	Mr. Lewis	
	Mr. Nunnelee	
	Mr. Rehberg	
	Mr. Rogers	
	Mr. Simpson	
	Mr. Wolf	
	Mr. Womack	
	Mr. Yoder	

**FULL COMMITTEE VOTES**

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO.6

Date: July 13, 2011

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2012

Motion by: Mr. Fattah

Description of Motion: To increase the National Aeronautics and Space Administration's Commercial Crew funding by \$88 million, offset by a reduction of \$88 million from NASA Space Operations.

Results: Defeated 18 yeas to 24 nays.

*Members Voting Yea*

Ms. DeLauro  
Mr. Dicks  
Mr. Farr  
Mr. Fattah  
Mr. Honda  
Mr. Jackson  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Mr. Moran  
Mr. Pastor  
Mr. Price  
Mr. Rothman  
Ms. Roybal-Allard  
Mr. Schiff  
Mr. Serrano  
Mr. Simpson  
Mr. Visclosky

*Members Voting Nay*

Mr. Aderholt  
Mr. Alexander  
Mr. Austria  
Mr. Bonner  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Culberson  
Mr. Dent  
Mr. Diaz-Balart  
Mrs. Emerson  
Mr. Frelinghuysen  
Ms. Granger  
Mr. Kingston  
Mr. Latham  
Mr. LaTourette  
Mr. Lewis  
Mr. Nunnelee  
Mr. Rehberg  
Mr. Rogers  
Mr. Wolf  
Mr. Womack  
Mr. Yoder

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO.7

Date: July 13, 2011

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2012

Motion by: Mr. Rehberg

Description of Motion: To prohibit funds in the bill from being used to require licensed firearms dealers to report on the sale of multiple rifles and shotguns to the same person.

Results: Adopted 25 yeas to 16 nays.

*Members Voting Yea*

Mr. Aderholt  
 Mr. Alexander  
 Mr. Austria  
 Mr. Bonner  
 Mr. Calvert  
 Mr. Carter  
 Mr. Cole  
 Mr. Crenshaw  
 Mr. Culberson  
 Mr. Dent  
 Mr. Diaz-Balart  
 Mrs. Emerson  
 Mr. Frelinghuysen  
 Ms. Granger  
 Mr. Kingston  
 Mr. Latham  
 Mr. LaTourette  
 Mr. Lewis  
 Mr. Nunnelee  
 Mr. Rehberg  
 Mr. Rogers  
 Mr. Simpson  
 Mr. Wolf  
 Mr. Womack  
 Mr. Yoder

*Members Voting Nay*

Mr. Dicks  
 Mr. Farr  
 Mr. Fattah  
 Mr. Honda  
 Ms. Lee  
 Mrs. Lowey  
 Ms. McCollum  
 Mr. Moran  
 Mr. Oliver  
 Mr. Pastor  
 Mr. Price  
 Mr. Rothman  
 Ms. Roybal-Allard  
 Mr. Schiff  
 Mr. Serrano  
 Mr. Visclosky

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the following is a statement of general performance goals and objectives for which this measure authorizes funding: The Committee on Appropriations considers program performance, including a program’s success in developing and attaining outcome-related goals and objectives, in developing funding recommendations.

RESCISSION OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:

NTIA, Information Infrastructure grants .....	\$2,000,000
NTIA, Public Telecommunications Facilities, Planning and Construction .....	2,750,000
Foreign Fishing Observer Fund .....	350,000
Digital TV Transition Public Safety Fund .....	4,300,000
DOJ, Working Capital Fund .....	40,500,000
Assets Forfeiture Fund .....	675,500,000
U.S. Marshals Service, Salaries and Expenses .....	7,200,000
FBI, Construction .....	93,000,000
DEA, Salaries and Expenses .....	30,000,000
Federal Prison System, Buildings and Facilities .....	110,000,000
Violence Against Women Prevention and Prosecution Programs ..	5,000,000
Office of Justice Programs .....	42,600,000
Community Oriented Policing Services .....	10,200,000
NASA .....	30,000,000
Across-the-board rescission .....	56,000,000

TRANSFER OF FUNDS

Pursuant to clause 3(f)(2), rule XIII of the Rules of the House of Representatives, the following is submitted describing the transfers of funds provided in the accompanying bill.

The Committee recommends the following transfers:

- In Title I, under “Patent and Trademark Office”, “Salaries and Expenses”, language is included to transfer funds to the “Civil Service Retirement and Disability Fund”, the “Federal Employees Health Benefit Fund”, and the “Federal Employees Group Life Insurance Fund”.
- In Title I, under “National Oceanic and Atmospheric Administration”, “Operations, Research, and Facilities”, language is included to transfer funds from the “Promote and Develop Fisheries Products and Research Pertaining to American Fisheries” fund.
- In Title II, under “General Administration”, “Administrative Review and Appeals”, language is included to transfer funds from Executive Office for Immigration Review fees deposited in the “Immigration Examinations Fee” account.
- In Title II, under “Federal Prison System”, “Salaries and Expenses”, language is included to allow transfer funds to the Health Resources and Services Administration.

In addition, language is included authorizing the transfer of funds within the bill, as follows:

- In Title I, under “National Institute of Standards and Technology”, “Scientific and Technical Research and Services”,

language is included to allow transfer of funds to the “Working Capital Fund”.

- In Title I, under section 103, language is included to allow transfer of funds, subject to certain conditions, between accounts in the Department of Commerce.

- In Title I, under section 104, language is included to allow transfer of funds, subject to certain conditions, between accounts in the Department of Commerce in response to certain actions taken as a result of reductions in funding.

- In Title I, under section 110, language is included to require transfer of funds collected from certain enforcement actions into the newly established “Fisheries Enforcement Asset Forfeiture Fund”.

- In Title I, under section 111, language is included to require transfer of funds collected from certain enforcement actions into the newly established “Sanctuaries Enforcement Asset Forfeiture Fund”.

- In Title II, under “General Administration”, “Law Enforcement Wireless Communications”, language is included to require transfer of funds, subject to certain conditions, from other accounts in the Department of Justice.

- In Title II, under “Legal Activities”, “Salaries and Expenses, Community Relations Service”, language is included to allow transfer of funds, subject to certain conditions, from other accounts in the Department of Justice.

- In Title II, under “Office of Justice Programs”, “State and Local Law Enforcement Assistance”, language is included to require transfer of funds for anti-methamphetamine-related activities to the Drug Enforcement Administration.

- In Title II, under section 103, language is included to allow transfer of funds, subject to certain conditions, between accounts in the Department of Justice.

- In Title III, under section 103, under “National Aeronautics and Space Administration”, “Administrative Provisions”, language is included to allow transfer of funds, subject to certain conditions, between appropriations in the National Aeronautics and Space Administration.

- In Title III, under “National Aeronautics and Space Administration”, “Cross Agency Support”, language is included to allow transfer of funds to the Inspector General for certain purposes.

- In Title III, under “National Aeronautics and Space Administration”, “Administrative Provisions”, language is included to allow transfer of unexpired balances of previous accounts, subject to certain conditions, to new accounts established in this Act.

- In Title III, under section 103, under “National Science Foundation”, “Administrative Provisions”, language is included to allow transfer of funds, subject to certain conditions, between accounts in the National Science Foundation.

- In Title IV, under section 509, language is included to allow transfer of funds, subject to certain conditions, between accounts in the departments and agencies funded in this Act in response to certain actions taken as a result of reductions in funding.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Neither the bill nor the report contains any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMPLIANCE WITH RULE XIII, CL. 3(e) (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

PART I—CRIMES

\* \* \* \* \*

CHAPTER 85—PRISON-MADE GOODS

§ 1761. Transportation or importation

(a) \* \* \*

\* \* \* \* \*

(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who—

(1) are participating in - one of not more than 50 [non-Federal] prison work pilot projects designated by the Director of the Bureau of Justice Assistance;

\* \* \* \* \*

(d) This section shall not apply to goods, wares, or merchandise manufactured, produced, mined or assembled by convicts or prisoners who are participating in any pilot project approved by the FPI Board of Directors, which are currently, or would otherwise be, manufactured, produced, mined, or assembled outside the United States.

[(d)] (e) For the purposes of this section, the term “State” means a State of the United States and any commonwealth, territory, or possession of the United States.

\* \* \* \* \*

TITLE 51, UNITED STATES CODE

\* \* \* \* \*

Subtitle II—General Program and Policy Provisions

\* \* \* \* \*



**CHAPTER 201—NATIONAL AERONAUTICS AND SPACE PROGRAM**

\* \* \* \* \*

**SUBCHAPTER III—GENERAL ADMINISTRATIVE PROVISIONS**

\* \* \* \* \*

**§ 20145. Lease of non-excess property**

(a) \* \* \*

(b) CASH CONSIDERATION.—

(1) FAIR MARKET VALUE.—(A) A person or entity entering into a lease under this section shall provide cash consideration for the lease at fair market value as determined by the Administrator.

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

\* \* \* \* \*

**Subtitle IV—Aeronautics and Space Research and Education**

\* \* \* \* \*

**CHAPTER 409—MISCELLANEOUS**

\* \* \* \* \*

**§ 40902. National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund**

(a) \* \* \*

\* \* \* \* \*

(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 1105 OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2010**

(Public Law 111–267)

**SEC. 1105. WORKFORCE STABILIZATION AND CRITICAL SKILLS PRESERVATION.**

Prior to receipt by the Congress of the study, recommendations, and implementation strategy developed pursuant to section 1103, none of the funds authorized for use under this Act may be used to transfer the functions, missions, or activities, and associated civil service and contractor positions, from any NASA facility without authorization by the Congress to implement the proposed strategy. The Administrator shall preserve the critical skills and competencies in place at NASA centers prior to enactment of this Act

in order to facilitate timely implementation of the requirements of this Act and to minimize disruption to the workforce. **[The Administrator may not implement any reduction-in-force or other involuntary separations of permanent, non-Senior-Executive-Service, civil servant employees before September 30, 2013, except for cause on charges of misconduct, delinquency, or inefficiency.]**

\* \* \* \* \*

#### CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill which directly or indirectly change the application of existing law.

#### Title I—Department of Commerce

##### *International Trade Administration*

###### *Operations and Administration*

- Includes language providing funds for engaging in trade promotion activities abroad, including expenses of grants and cooperative agreements for the purposes of promoting exports of U.S. firms.
- Includes language that provides full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service; employment of Americans and aliens by contract for services; rental of space abroad and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; and payment of tort claims.
- Includes language regarding official representation expenses abroad, purchase of passenger motor vehicles for official use abroad, obtaining insurance on official motor vehicles, and rental of tie lines.
- Includes language deriving a portion of available funds from fees.
- Designates funding for Manufacturing and Services, Market Access and Compliance, the Import Administration, Trade Promotion and United States and Foreign Commercial Service, Executive Direction and Administration, the Office of China Compliance, and the China Countervailing Duty Group.
- Includes language regarding the contribution to the Mutual Educational and Culture Exchange Act of 1961 to include payment for assessment.

##### *Bureau of Industry and Security*

###### *Operations and Administration*

- Includes language regarding export administration and national security activities of the Department of Commerce.
- Includes language providing for the costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of

immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims; official representation expenses abroad; awards of compensation to informers; and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use.

- Includes language regarding the Mutual Educational and Cultural Exchange Act of 1961 and the retention of payments and contributions.

- Includes language providing that payments and contributions collected and accepted for materials or services may be retained for use in covering the cost of those activities and other communications.

#### *Economic Development Administration*

##### *Economic Development Assistance Programs*

- Includes language designating \$5,000,000 for repatriation projects.

- Includes language designating up to \$5,000,000 for certain loan guarantees.

- Includes language providing that the cost of modifying certain loan guarantees be as defined in section 502 of the Congressional Budget Act of 1974.

- Includes language limiting funds available to subsidize total loan principal for loans in excess of \$50 million.

##### *Salaries and Expenses*

- Includes language regarding the monitoring of approved projects.

#### *Minority Business Development Agency*

##### *Minority Business Development*

- Includes language making funds available for developing minority business enterprises, including expenses of grants, contracts and other agreements.

#### *Economic and Statistical Analysis*

##### *Salaries and Expenses*

- Includes language providing for two-year availability of funds.

#### *Bureau of the Census*

##### *Salaries and Expenses*

- Includes language for collecting and publishing statistics and for promotion and outreach activities.

##### *Periodic Census and Programs*

- Includes language relating to the use of funds for promotion, outreach and marketing activities.

#### *National Telecommunications and Information Administration*

##### *Salaries and Expenses*

- Includes language permitting the Secretary of Commerce to charge Federal agencies for costs in spectrum management, anal-

ysis, operations, and related services; and to use such collections in telecommunications research.

*Patent and Trademark Office*

*Salaries and Expenses*

- Includes language providing that appropriated funds be reduced as offsetting collections are assessed and collected and reducing appropriations if fee collections are less than appropriated funding.
- Provides for the availability of funds received in excess of appropriations to be available until expended and requiring a spending plan subject to section 505 of this Act.
- Includes language regarding basic pay and certain retirement benefits; limiting official reception and representation expenses; and providing that sections 801, 802, and 803 of division B of P.L. 108–447 shall remain in effect during fiscal year 2012.
- Includes language regarding the submission of applications filed electronically.
- Includes language providing for a surcharge of 15 percent on fees charged or authorized by sections 41(a), (b), (d)(1) and 132(b) of title 35, U.S. Code, as administered under Public Law 108–447 and this Act, to be separate from, and in addition to, any other surcharge that may be required pursuant to any provision of title 35; providing for an effective date that is ten days after enactment of this Act, and remaining in effect during fiscal year 2012; and providing that the receipts collected as a result of the surcharge shall be available without fiscal year limitation, within the amounts provided in this Act.

*National Institute of Standards and Technology*

*Scientific and Technical Research and Services*

- Includes language limiting funds for official reception and representation expenses and transfers to the working capital fund.

*Industrial Technology Services*

- Provides for the multi-year availability of funds provided for the Hollings Manufacturing Extension Partnership.

*Construction of Research Facilities*

- Provides for the multi-year availability of funds provided for construction of research facilities.
- Includes language regarding the submission of certain materials in support of construction budget requests.

*National Oceanic and Atmospheric Administration*

*Operations, Research, and Facilities*

- Includes language specifying the use of funds and providing for two-year availability for cooperative enforcement funds.
- Includes language allowing fees and donations received by a particular line office to be retained and used for expenses related to those activities.
- Provides that certain funds be derived from various sources.

- Includes language limiting the amount of funds that can be provided for corporate service administrative support.
- Includes language specifying that deviations from amounts included in the report accompanying the Act shall be subject to section 505 of this Act.
- Includes language providing for retired pay expenses.

*Procurement, Acquisition, and Construction*

- Provides for the multi-year availability of funds provided for construction of facilities.
- Provides that certain funds be derived from various sources.
- Includes language specifying that deviations from amounts included in the report accompanying the Act shall be subject to section 505 of this Act.
- Includes language regarding the submission of certain materials in support of construction budget requests.

*Pacific Coastal Salmon Recovery*

- Includes language allowing the Secretary of Commerce to issue grants to specific States and Federally-recognized tribes for conservation projects for listed endangered or threatened salmon and steelhead populations, populations at risk to be so listed, and for maintaining populations necessary for the exercise of tribal treaty fishing rights, to be allocated under scientific and merit principles and not available for marketing activities; and requiring a State match.

*Fishermen's Contingency Fund*

- Provides for the appropriation of funds to be derived from receipts collected pursuant to Title IV of Public Law 95-372.

*Fisheries Finance Program Account*

- Includes limitations on individual fishing quota loans and for traditional direct loans and prohibits direct loans for any new fishing vessel that will increase the harvesting capacity in any U.S. fishery.

*Departmental Management*

*Salaries and Expenses*

- Includes language limiting funds for official reception and representation expenses.
- Includes language on establishment of a task force.

*Herbert C. Hoover Building Renovation and Modernization*

- Includes language regarding blast windows for renovation and modernization.

*General Provisions*

- Includes language making appropriations and funds available for advance payments only on the Secretary's certification that such payments are in the public interest.
- Includes language providing for use of salaries and expenses appropriations for hire of passenger motor vehicles and for uniforms or uniform allowances, as authorized.

- Includes a provision regarding transfers, and a notification requirement for acquisition or disposal of any capital asset.
- Includes a provision requiring the absorption of funding reductions related to personnel actions, and the use of funds to carry out this section.
- Includes a provision requiring certain reports with regard to major NOAA programs.
- Includes a provision allowing the Secretary of Commerce to furnish services within Department of Commerce buildings for reimbursement, which would then be credited to the appropriation or fund that provides such services.
- Includes language regarding limitations on grant recipients conducting unlawful activities.
- Includes a provision authorizing the Administrator of the National Oceanic and Atmospheric Administration to avail the agency of resources of other departments, agencies or instrumentalities of the United States or any political subdivision thereof, or foreign government or international organization to carry out the responsibilities of any statute administered by the agency.
- Includes language rescinding balances in the Coastal Zone Management Fund.
- Includes language establishing the “Fisheries Enforcement Asset Forfeiture Fund”.
- Includes language establishing the “Sanctuaries Enforcement Asset Forfeiture Fund”.
- Includes language requiring advance notification of certain travel.

## Title II—Department of Justice

### *General Administration*

#### *Law Enforcement Wireless Communications*

- Includes language regarding the transfer of funds for purchasing portable and mobile radios, which shall be subject to section 505 of this Act.

#### *Detention Trustee*

- Includes language establishing that the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System.
- Includes language limiting the amount of funds considered as “funds appropriated for State and local law enforcement assistance”.

### *Legal Activities*

#### *Salaries and Expenses, General Legal Activities*

- Includes language limiting the amount of funds for official representation and reception expenses available to INTERPOL—Washington.
- Includes language providing funds to reimburse the Office of Personnel Management for expenses associated with the election monitoring program and providing for extended availability.

*Salaries and Expenses, Antitrust Division*

- Includes language regarding the use of fees under the Hart-Scott-Rodino Antitrust Improvement Act.

*Salaries and Expenses, United States Attorneys*

- Includes language limiting funds for official reception and representation expenses.
- Includes language extending the availability of certain funds.
- Includes language requiring each United States Attorney to establish a task force on human trafficking.

*United States Trustee System Fund*

- Includes language regarding refunds due depositors.
- Includes language providing for the extended availability of certain funds and the use of offsetting collections.

*Fees and Expenses of Witnesses*

- Includes language regarding funds for construction of buildings for safesites, armored and other vehicles, and telecommunication equipment.

*Salaries and Expenses, Community Relations Service*

- Includes language regarding the transfer of funds for conflict resolution and violence prevention activities within the Community Relations Service, which shall be subject to the provisions of section 505 of this Act.

*United States Marshals Service**Salaries and Expenses*

- Provides for the multi-year availability of funds for IT systems and construction.

*National Security Division**Salaries and Expenses*

- Provides for the multi-year availability of funds for IT systems.

*Interagency Crime and Drug Enforcement*

- Includes language regarding certain reimbursements.

*Federal Bureau of Investigation**Salaries and Expenses*

- Includes language providing for multi-year availability.

*Drug Enforcement Administration**Salaries and Expenses*

- Provides for multi-year availability.

*Construction*

- Provides for multi-year availability.

*Bureau of Alcohol, Tobacco, Firearms and Explosives**Salaries and Expenses*

- Provides for multi-year availability of funds.
- Includes language that permanently prohibits expenses in connection with consolidating or centralizing records of acquisition and disposition of firearms maintained by Federal firearms licensees.
- Includes language that permanently prohibits expenses to implement amendments to 27 CFR 478.118, change the definition of “Curios or relics” or remove items from ATF publication 5300.11.
- Includes language that prohibits expenses to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c).
- Includes language regarding expenses to investigate applications filed by corporations for relief from section 925(c) of title 18 U.S.C.
- Includes language that permanently prohibits expenses to transfer the functions, missions or activities of ATF to other agencies or departments.
- Includes language that permanently prohibits expenses to disclose part or all of the contents of the Firearms Trace System database or any information required to be kept by licensees, except as provided.
- Includes language that permanently prohibits expenses to promulgate or implement any rule requiring a physical inventory of licensed businesses.
- Includes language that permanently prohibits expenses to retrieve certain information electronically.
- Includes language that permanently prohibits expenses to deny an application for certain licenses.

*Federal Prison System**Salaries and Expenses*

- Includes language that provides for the transfer to the Health Resources and Services Administration funds necessary for medical relief for inmates.
- Includes language that provides authority to the Director to enter into contracts to furnish health care.
- Includes limitation on funds for reception and representation expenses.
- Includes language extending the availability of certain funds.
- Includes language providing for the use of certain funds for the care and security of Cuban and Haitian entrants.
- Includes language providing authority for the Federal Prison System to accept donated property and services.

*Building and Facilities*

- Provides for the multi-year availability of funds.
- Includes language stating labor of prisoners may be used for work.



*Office on Violence Against Women**Violence Against Women Prevention and Prosecution Programs*

- Provides for the multi-year availability of funds.
- Includes a limitation on funds to be made available for expenses related to evaluation, training, and technical assistance, and provides for specific appropriations for various programs within the Office on Violence Against Women.

*Office of Justice Programs**Research, Evaluation and Statistics*

- Provides for the multi-year availability of funds.
- Provides for the specific appropriations for various programs within the Office of Justice Programs.

*State and Local Law Enforcement Assistance*

- Provides for the multi-year availability of funds.
- Provides for the specific appropriations for various programs within the Office of Justice Programs.

*Public Safety Officer Benefits*

- Includes language providing for the transfers of funds in emergent circumstances, which shall be subject to the provisions of section 505 of this Act.

*General Provisions—Department of Justice*

- Includes a provision making available additional reception and representation funding for the Attorney General from the amounts provided in this title.
- Includes a prohibition on the use of funds to pay for an abortion, except in the case of rape or to preserve the life of the mother.
- Includes a prohibition on the use of funds to require any person to perform or facilitate the performance of an abortion.
- Includes a provision establishing the obligation of the Director of the Bureau of Prisons to provide escort services to inmates receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.
- Includes a provision establishing the Committee's requirements and procedures for transfer proposals.
- Includes an authorization for the Attorney General to extend an ongoing Personnel Management Demonstration Project.
- Includes an extension of specified authorities to the Bureau of Alcohol, Tobacco, Firearms and Explosives for undercover operations.
- Includes a prohibition on the use of funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the Bureau of Prisons as appropriately secure.
- Includes a prohibition on the use of funds for the purchase or rental by Federal prisons of audiovisual equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious, or educational purposes.

- Includes a requirement for review by the Deputy Attorney General and the Department Investment Review Board prior to the obligation or expenditure of funds for major information technology projects.
- Includes a provision requiring the Department to follow re-programming procedures prior to any deviation from the program amounts specified in this title or the reuse of certain deobligated funds provided in previous years.
- Includes a prohibition on the use of funds for A-76 competitions for work performed by employees of the Bureau of Prisons or Federal Prison Industries, Inc.
- Includes language requiring a report on the FBI's Sentinel program.
- Includes a provision allowing the Attorney General to use, for training and technical assistance up to 1 percent of funds made available to certain programs.
- Includes a provision allowing the Attorney General to use, for research and statistical purposes, up to three percent of funds made available to certain programs.
- Includes authority for the Attorney General to waive matching requirements for adult and juvenile offender state and local reentry demonstration grants and drug treatment programs under the Second Chance Act.
- Includes a requirement for the Attorney General to submit quarterly reports on the costs and contracting procedures relating to certain conferences.
- Includes language allowing the Attorney General to waive certain reporting requirements for localities applying for Byrne Justice Assistance grants.
- Includes language waiving the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.
- Includes language allowing Federal Prison Industries (FPI) to participate in the Prison Industries Enhancement Certification program and allowing FPI to carry out pilot projects to produce items that are no longer produced in the United States.

### Title III—Science

#### *Office of Science and Technology Policy*

- Provides that certain funds be available for reception and representation, and rental of conference rooms.

#### *National Aeronautics and Space Administration*

##### *Science*

- Includes language providing for the multi-year availability of funds.
- Provides up to \$10,000,000 for a reimbursable agreement to re-establish radioisotope fuel production facilities.
- Includes language concerning implementation of the planetary decadal survey.

##### *Aeronautics*

- Includes language providing for the multi-year availability of funds.

*Space Technology*

- Includes language providing for the multi-year availability of funds.

*Exploration*

- Includes language providing for the multi-year availability of funds.
- Includes language designating amounts for program components.

*Space Operations*

- Includes language providing for the multi-year availability of funds.

*Education*

- Includes language providing for the multi-year availability of funds.

*Cross Agency Support*

- Includes language providing for the multi-year availability of funds.
- Includes language providing for an independent assessment of NASA's strategic direction and agency management.

*Construction and Environmental Compliance and Restoration*

- Includes an appropriation for construction and environmental compliance and restoration to be available for five years.
- Includes language restricting receipts and expenditures made pursuant to enhanced use lease arrangements and requiring the inclusion of estimates in future budget requests.
- Includes language amending existing law providing authority to accept certain in-kind contributions.

*Office of Inspector Counsel*

- Includes language providing for the multi-year availability of funds.

*Administrative Provisions*

- Includes language regarding the availability of funds for announced prizes.
- Includes language regarding the allocation of funds within NASA.
- Includes language regarding transfers of funds.
- Includes language amending existing law regarding reductions-in-force.
- Includes language regarding unexpired balances of previous accounts.
- Includes language amending existing law regarding the Endeavor Teacher Fellowship Trust Fund.
- Includes language regarding the submission of a spending plan.

*National Science Foundation**Research and Related Activities*

- Provides for the multi-year availability of funds.
- Includes language providing for polar research and operational support.
- Includes language providing that certain receipts may be credited to this appropriation.

*Major Research Equipment and Facilities Construction*

- Provides for the multi-year availability of funds.
- Includes language prohibiting reimbursement of the Judgment Fund.

*Education and Human Resources*

- Provides for the multi-year availability of funds.

*Agency Operations and Award Management*

- Includes language regarding contracts for maintenance and operation of facilities and other services.

*Office of the National Science Board*

- Includes language providing funds for official reception and representation.

*Administrative Provision*

- Includes language regarding transfers of funds.

## Title IV—Related Agencies

*Commission on Civil Rights**Salaries and Expenses*

- Includes language prohibiting expenses to employ in excess of a specific level of full-time individuals or to reimburse Commissioners for certain billable days.

*Equal Employment Opportunity Commission**Salaries and Expenses*

- Includes language designating not to exceed \$30,000,000 for payments to State and local enforcement agencies.
- Includes language limiting funds for official reception and representation expenses.
- Includes language authorizing the Chair to accept donations or gifts to carry out the work of the Commission.

*Legal Services Corporation**Payment to the Legal Services Corporation*

- Includes language regarding pay for officers and employees.

*Administrative Provision*

- Includes language that prohibits the use of funds for certain activities.

*Office of the United States Trade Representative**Salaries and Expenses*

- Provides for the multi-year availability of funds.
- Includes language limiting funds for official reception and representation.

*State Justice Institute**Salaries and Expenses*

- Includes language limiting funds for reception and representation expenses.

## Title V—General Provisions

- Includes language that prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.
- Includes language that prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly authorized.
- Includes language that provides that the expenditure of any appropriation contained in this Act for any consulting service through procurement contracts 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.
- Includes language that provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of other provisions shall not be affected.
- Includes language that specifies conditions for reprogramming of funds.
- Includes language that permanently prohibits funds from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October 1993.
- Includes language that provides that if it is determined that any person intentionally affixes a “Made in America” label to any product that was not made in America that person shall not be eligible to receive any contract or subcontract made with funds made available in this Act.
- Includes language that requires quarterly reporting to Congress on the status of balances of appropriations.
- Includes language that provides that 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 in the Act shall be absorbed with the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.
- Includes language that prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restric-

tions which are not applied equally to all tobacco or tobacco products of the same type.

- Includes language that permanently prohibits funds from being used to implement a Federal user fee for background checks conducted pursuant to the Brady Handgun Control Act of 1993, or to implement a background check system that does not require and result in the destruction of certain information within 24 hours.

- Includes language that delays the obligations of any receipts deposited into the Crime Victims Fund in excess of \$705,000,000 until October 1, 2012.

- Includes language that prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

- Includes language that prohibits the transfer of funds in this Act to any department, agency or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

- Includes language that provides that funds provided for E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

- Includes language that permanently requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crimes.

- Includes language that requires certain timetables and procedures for specified audits performed by Inspectors General of the departments and agencies funded in this Act and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

- Includes language that prohibits the issuance of patents on human organisms.

- Includes language that prohibits the use of funds in this Act to be used to support or justify the use of torture by any official or contract employee of the United States Government.

- Includes language that permanently prohibits the use of funds to require certain export licenses.

- Includes language that permanently prohibits the use of funds to deny certain import applications regarding “curios or relics” firearms, parts, or ammunition.

- Includes language that prohibits the use of funds to include certain language in trade agreements.

- Includes language that prohibits the use of funds in this Act to authorize or issue a National Security Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

- Includes language that requires congressional notification regarding any project within the Departments of Commerce or Justice, or the National Science Foundation and the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of at least 10 percent.

- Includes language that deems funds for intelligence or intelligence related activities as authorized by the Congress during fis-

cal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

- Includes language that requires the departments and agencies funded in this Act to establish and maintain on the homepages of their Internet websites direct links to the websites of their Offices of Inspector General, and a mechanism by which individuals may anonymously report cases of waste, fraud or abuse.

- Includes language that prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed Federal tax returns, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has no unpaid Federal tax assessment, except in specified circumstances.

- Includes language that provides for rescissions of unobligated balances in certain departments and agencies funded in this Act.

- Includes language that prohibits the use of funds in this Act for the purchase of first class or premium air travel.

- Includes language that prohibits the use of funds to pay for the attendance of more than 50 department or agency employees at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of Federal attendees are law enforcement personnel stationed outside the United States.

- Includes language that prohibits the use of funds in this or any other Act for the transfer or release of certain individuals detained at Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories or possessions.

- Includes language that prohibits the use of funds in this or any other Act to construct, acquire or modify any facility in the United States, its territories, or possessions to house certain individuals who, as of June 24, 2009, were located at United States Naval Station, Guantanamo Bay, Cuba for the purposes of detention or imprisonment in the custody or control of the Department of Defense.

- Includes language that prohibits the distribution of funds contained in this Act to the Association of Community Organizations for Reform Now or its subsidiaries.

- Includes language that requires, when practicable, the use of funds in this Act to purchase light bulbs that have the “Energy Star” or “Federal Energy Management Program” designation.

- Includes language that requires tracking and reporting of undisbursed balances in expired grant accounts.

- Includes language that prohibits the use of funds to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

- Includes language that requires the Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation to submit spending plans.

- Includes language that prohibits the use of funds by the National Aeronautics and Space Administration or the Office of Science and Technology Policy to engage in certain bilateral activities.

- Includes language concerning regulations regarding the importation of certain guns.

- Includes language prohibiting funds to any corporation that was convicted of a felony criminal violation within the preceding 24 months.
- Includes language prohibiting funds to any corporation with certain unpaid Federal tax liabilities.
- Includes language concerning regulations regarding certain guns.
- Includes language providing for an across-the-board rescission.
- Includes language that establishes a Spending Reduction Account.

#### APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1)(B) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law for the period concerned:

#### APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2012

[dollars in thousands]

Agency/Program	Last Year of Authorization	Authorization Level	Appropriation in Last Year of Authorization	Appropriations in this Bill
Department of Commerce				
International Trade Administration				
Export Promotion .....	1996	such sums	\$264,885	\$450,106
Economic Development Administration				
Salaries and Expenses .....	2008	such sums	30,832	37,924
Economic Development Assistance Programs				
Public Works and Economic Development	2008	425,000	249,100	*204,200
National Telecommunications and Information Administration				
Salaries and Expenses .....	1993	17,900	18,493	40,568
National Oceanic and Atmospheric Administration				
Operations, Research and Facilities				
National Ocean Service				
Coral Reef Conservation .....	2004	16,000	16,000	18,722
Coastal Zone Management .....	1999	55,100	58,500	74,630
Marine Protection, Research, Preservation & Sanctuaries .....	2005	40,000	57,958	46,853
National Marine Fisheries Services				
Endangered Species Act Amendment ..	1992	6,750	†	†
Marine Mammal Protection .....	1999	14,768	†	†
NOAA Marine Fisheries Program .....	2000	110,470	†	†
Pacific Coastal Salmon Recovery .....	2009	90,000	80,000	65,000
Department of Justice				
General Administration				
Salaries and Expenses .....	2009	181,561	105,805	72,338
Justice Information Sharing Technology .....	2009	204,152	80,000	44,307
Law Enforcement Wireless Communications	2009	144,771	185,000	99,800
Administrative Review & Appeals				
Salaries and Expenses .....	2009	243,291	270,000	300,084
Detention Trustee .....	2009	1,858,509	1,295,319	1,515,626
Office of the Inspector General				
Salaries and Expenses .....	2009	81,922	75,681	84,199
U.S. Parole Commission				
Salaries and Expenses .....	2009	12,711	12,570	12,833
Legal Activities				
General Legal Activities				
Salaries and Expenses .....	2009	764,526	804,007	841,767
Antitrust Division				
Salaries and Expenses .....	2009	162,488	157,788	162,844



## APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2012—Continued

[dollars in thousands]

Agency/Program	Last Year of Authorization	Authorization Level	Appropriation in Last Year of Authorization	Appropriations in this Bill
U.S. Attorneys				
Salaries and Expenses .....	2009	1,829,194	1,836,336	1,930,135
Foreign Claims Settlement Commission				
Salaries and Expenses .....	2009	1,429	1,823	2,113
Fees and Expenses of Witnesses .....	2009	203,755	168,300	270,000
Community Relations Service				
Salaries and Expenses .....	2009	10,977	9,873	11,456
Assets Forfeiture Fund Current Budget Authority .....	2009	22,000	20,990	20,948
U.S. Marshals Service .....	2009	900,178	954,000	1,134,136
Salaries and Expenses .....	N/A	N/A	950,000	1,123,511
Construction .....	N/A	N/A	4,000	10,625
National Security Division				
Salaries and Expenses .....	N/A	N/A	N/A	87,762
Interagency Law Enforcement				
Interagency Crime and Drug Enforcement ...	2009	744,593	515,000	527,512
Federal Bureau of Investigation .....	2009	6,480,608	7,301,191	8,075,973
Salaries and Expenses .....	N/A	N/A	7,147,700	7,994,991
Construction .....	N/A	N/A	153,491	80,982
Drug Enforcement Administration				
Salaries and Expenses .....	2009	1,930,462	1,939,084	2,297,658
Construction .....	N/A	N/A	N/A	10,000
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and Expenses .....	2009	1,038,939	1,054,215	1,112,542
Federal Prison System .....	2009	5,698,292	6,171,561	6,411,367
Salaries and Expenses .....	N/A	N/A	5,595,754	6,312,410
Buildings and Facilities .....	N/A	N/A	575,807	98,957
Office on Violence Against Women				
STOP Grants .....	2011	225,000	N/A	210,000
Transitional Housing Assistance .....	2011	40,000	N/A	18,000
Research & Evaluation on Violence Against Women .....	N/A	N/A	N/A	3,000
Grants to Encourage Arrest Policies .....	2011	75,000	N/A	55,000
Sexual Assault Victims Services .....	2011	50,000	N/A	20,000
Rural Domestic Violence & Child Abuse Enforcement .....	2011	55,000	N/A	41,000
Violence on College Campuses .....	2011	15,000	N/A	9,500
Civil Legal Assistance .....	2011	65,000	N/A	41,000
Elder Abuse Grant Program .....	2011	10,000	N/A	4,250
Safe Havens Program .....	2011	20,000	N/A	11,663
Education & Training for Disabled Female Victims .....	2011	10,000	N/A	5,750
Court Training and Improvements Program	2011	5,000	N/A	5,000
Research on Violence against Indian Women	2008	1,000	940	1,000
Engaging Men and Youth in Prevention .....	2011	10,000	N/A	3,000
Services for Children/Youth Exposed to Violence .....	2011	20,000	N/A	3,000
Advocates for Youth/Services for Youth Victims (STARY) .....	2011	15,000	N/A	3,500
Supporting Teens through Education and Protection program .....	2011	5,000	N/A	2,500
National Resource Center on Workplace Responses .....	2011	1,000	N/A	1,000
Indian Country—Sexual Assault Clearinghouse .....	N/A	N/A	N/A	500
OWW Program Management and Administration .....	2009	16,837	14,000	20,000
Office of Justice Programs				
Research, evaluation and statistics				
Bureau of Justice Statistics .....	1995	33,000	32,335	46,585
National Institute of Justice .....	1995	33,000	58,879	41,000

## APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2012—Continued

[dollars in thousands]

Agency/Program	Last Year of Authorization	Authorization Level	Appropriation in Last Year of Authorization	Appropriations in this Bill
Regional information sharing .....	2003	100,000	29,000	25,000
Missing and Exploited Children .....	2004	such sums	36,000	70,000
State and local law enforcement assistance				
Byrne Memorial Justice Assistance Grants				
Domestic Radicalization Research .....	N/A	N/A	N/A	5,000
Criminal Justice Reform and Recidivism Reduction .....	N/A	N/A	N/A	6,000
Presidential Nominating Convention Security .....	N/A	N/A	N/A	4,000
Southwest Border Prosecutions .....	N/A	N/A	N/A	25,730
Byrne Competitive Grants .....	N/A	N/A	N/A	15,000
Missing Alzheimer's Patient Grants .....	1999	900	898	2,000
Victims of Trafficking Grants (22 U.S.C. 7110) .....	2011	10,000	N/A	± 10,500
Victims of Trafficking Grants (42 U.S.C. 14044c(d)) .....	2011	20,000	N/A	± 10,500
Drug Courts .....	2008	70,000	15,200	40,000
Prescription Drug Monitoring .....	N/A	N/A	N/A	7,000
Prison Rape Prevention and Prosecution	2010	40,000	15,000	12,500
Residential Substance Abuse Treatment	2000	72,000	61,677	15,000
Wrongful Conviction Review .....	2009	18,750	1,375	1,000
Tribal Assistance				
Tribal Prison Construction .....	2000	2,753	5,000	8,300
Indian Tribal Courts .....	2004	such sums	7,898	20,750
Indian Alcohol and Substance Abuse grants .....	N/A	N/A	N/A	9,960
Legal Assistance .....	2004	such sums	N/A	2,490
CASA—Special Advocates .....	2011	12,000	N/A	6,000
Criminal Records Upgrade .....	2007	250,000	9,873	6,000
Second Chance Act/Offender Reentry .....	2010	55,000	100,000	70,000
Juvenile Justice State Formula Grants .....	2007	such sums	78,978	40,000
Juvenile Justice Youth Mentoring Grants	N/A	N/A	N/A	83,000
Investigation and Prosecution Of Child Abuse .....	2005	49,300	15,000	15,000
Methamphetamine Lab Cleanups .....	2010	99,000	10,000	15,000
Transfer to DEA .....		see DEA S&E above	10,000	15,000
DNA Initiative				
Post-Conviction DNA Testing grants ...	2009	5,000	5,000	4,150
Child Sexual Predator program (for grants under SOMA [42 U.S.C. 16926])	2009	such sums	5,000	9,000
OJP Program Management and Administration .....	2009	132,226	130,000	80,000
Related Agencies				
Commission on Civil Rights				
Salaries and Expenses .....	1995	9,500	8,904	8,000
International Trade Commission				
Salaries and Expenses .....	2004	57,240	58,295	81,696
Payment to the Legal Services Corporation				
Salaries and Expenses .....	1980	205,000	300,000	300,000
Marine Mammal Commission				
Salaries and Expenses .....	1999	1,750	1,240	3,025
Office of the U.S. Trade Representative				
Salaries and Expenses .....	2004	33,108	41,552	51,251
State Justice Institute				
Salaries and Expenses .....	2008	7,000	3,760	5,121

\* Of the \$220,000,000 in the bill for economic development assistance programs, \$15,800,000 is for Trade Adjustment Assistance for Firms, which was reauthorized through February 2, 2012 (19 U.S.C. 2349(b)). The authorization for the remaining \$204,200,000 has lapsed.

† NOAA authorizations are spread across over 60 separate statutory authorities. In many cases, the authorizations do not match exactly to specific programs. Indeed, several NOAA programs were authorized under at least three different statutes, each covering different portions of the program.

‡The Committee provides a total of \$10,500,000 for programs formerly authorized by 22 U.S.C. 7110 and 42 U.S.C. 14044c(d) and does not specify an amount for each program.

COMPARISON WITH THE BUDGET RESOLUTION

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1)(A) of the Congressional Budget Act of 1974, the following table compares the levels of new budget authority and outlays provided in the bill with the appropriate allocations made under section 302(b) of the Budget Act.

BUDGETARY IMPACT PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE  
PURSUANT TO SEC. 308(a), PUBLIC LAW 93-344, AS AMENDED  
[In millions of dollars]

	302(b) Allocation		This Bill <sup>1</sup>	
	Budget Authority	Outlays	Budget Authority	Outlays
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the First Concurrent Resolution of 2012:				
Subcommittee on Commerce, Justice, Science				
General purpose discretionary .....	50,237	62,446	50,229	<sup>1</sup> 62,240
Mandatory .....	272	284	272	284

<sup>1</sup> Includes outlays from prior year budget authority.

FIVE-YEAR OUTLAY PROJECTIONS

Pursuant to clause 3(c)(2) of rule XIII and section 308(a)(1)(B) of the Congressional Budget Act of 1974, the following table contains five-year projections associated with the budget authority provided in the accompanying bill, as provided to the Committee by the Congressional Budget Office.

Projection of outlays associated with the recommendation:	
2012 .....	<sup>1</sup> 36,616
2013 .....	13,572
2014 .....	3,237
2015 .....	1,734
2016 and future years .....	2,118

<sup>1</sup> Excludes outlays from prior year budget authority.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Pursuant to clause 3(c)(2) of rule XIII and section 308(a)(1)(C) of the Congressional Budget Act of 1974, the Congressional Budget Office has provided the following estimates of new budget authority and outlays provided by the accompanying bill for financial assistance to State and local governments.

[In millions of dollars]

Budget Authority .....	- 4,178
Outlays .....	<sup>1</sup> - 35

<sup>1</sup> Excludes outlays from prior year budget authority.

## CONSTITUTIONAL AUTHORITY

Pursuant to section 6(e) of the rules of the Committee on Appropriations, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defense and general welfare of the United States . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability and to set forth terms and conditions governing their use.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL)  
AUTHORITY

The following table provides a detailed summary, for each department and agency, comparing the amounts recommended in the bill with fiscal year 2011 enacted amounts and budget estimates presented for fiscal year 2012:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I - DEPARTMENT OF COMMERCE</b>					
International Trade Administration					
Operations and administration.....	450,106	526,091	460,106	+10,000	-65,985
Offsetting fee collections.....	-9,439	-9,439	-9,439	---	---
Direct appropriation.....	440,667	516,652	450,667	+10,000	-65,985
Bureau of Industry and Security					
Operations and administration.....	68,862	79,845	68,862	---	-10,983
Defense function.....	31,279	31,342	31,279	---	-63
Total, Bureau of Industry and Security.....	100,141	111,187	100,141	---	-11,046
Economic Development Administration					
Economic development assistance programs.....	245,508	284,300	220,000	-25,508	-64,300
Salaries and expenses.....	37,924	40,631	37,924	---	-2,707
Total, Economic Development Administration.....	283,432	324,931	257,924	-25,508	-67,007
Minority Business Development Agency					
Minority business development.....	30,339	32,322	30,339	---	-1,983

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
 (Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
Economic and Statistical Analysis					
Salaries and expenses.....	97,060	112,937	97,060	---	-15,877
Bureau of the Census					
Salaries and expenses.....	258,506	272,054	258,506	---	-13,548
Periodic censuses and programs.....	891,214	752,711	596,842	-294,372	-155,869
Total, Bureau of the Census.....	1,149,720	1,024,765	855,348	-294,372	-169,417
National Telecommunications and Information Administration					
Salaries and expenses.....	40,568	55,827	40,568	---	-15,259
Public telecommunications facilities, planning and construction.....	1,000	---	---	-1,000	---
Total, National Telecommunications and Information Administration.....	41,568	55,827	40,568	-1,000	-15,259
Patent and Trademark Office					
Salaries and expenses, current year fee funding.....	2,090,000	2,678,000	2,678,000	+588,000	---
Offsetting fee collections.....	-2,090,000	-2,678,000	-2,678,000	-588,000	---
Total, Patent and Trademark Office.....	---	---	---	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>National Institute of Standards and Technology</b>					
Scientific and technical research and services.....	506,984	678,943	516,984	+10,000	-161,959
(Transfer out).....	(-9,000)	(-9,000)	(-9,000)	---	---
Industrial technology services.....	173,253	237,622	128,443	-44,810	-109,179
Manufacturing Extension Partnerships.....	(128,443)	(142,616)	(128,443)	---	(-14,173)
Technology Innovation Program.....	(44,810)	(74,973)	---	(-44,810)	(-74,973)
Baldrige Performance Excellence Program.....	---	(7,727)	---	---	(-7,727)
Advanced manufacturing technology consortia.....	---	(12,306)	---	---	(-12,306)
Construction of research facilities.....	69,860	84,565	55,381	-14,479	-29,184
Working capital fund (by transfer).....	(9,000)	(9,000)	(9,000)	---	---
<b>Total, National Institute of Standards and Technology.....</b>	<b>750,097</b>	<b>1,001,130</b>	<b>700,808</b>	<b>-49,289</b>	<b>-300,322</b>
<b>National Oceanic and Atmospheric Administration</b>					
Operations, research, and facilities.....	3,179,511	3,377,607	2,775,930	-403,581	-601,677
(by transfer).....	(68,000)	(66,200)	(66,200)	(-1,800)	---
Promote and Develop Fund (transfer out).....	(-68,000)	(-66,200)	(-66,200)	(+1,800)	---
Coastal zone management transfer.....	3,000	---	---	-3,000	---
<b>Subtotal.....</b>	<b>3,182,511</b>	<b>3,377,607</b>	<b>2,775,930</b>	<b>-406,581</b>	<b>-601,677</b>
Procurement, acquisition and construction.....	1,332,682	2,052,777	1,702,772	+370,090	-350,005
Pacific coastal salmon recovery.....	79,840	65,000	65,000	-14,840	---
Fishermen's contingency fund.....	---	350	350	+350	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
Coastal zone management fund.....	-1,000	---	---	+1,000	---
Fisheries finance program account.....	-6,000	-10,000	-11,000	-5,000	-1,000
Fisheries Enforcement Asset Forfeiture Fund.....	---	8,000	8,000	+8,000	---
Offsetting receipts.....	---	-8,000	-8,000	-8,000	---
Sanctuaries Enforcement Asset Forfeiture Fund.....	---	1,000	1,000	+1,000	---
Offsetting receipts.....	---	-1,000	-1,000	-1,000	---
-----					
Total, National Oceanic and Atmospheric Administration.....	4,588,033	5,485,734	4,533,052	-54,981	-952,682
-----					
Departmental Management					
Salaries and expenses.....	57,884	64,871	57,884	---	-6,987
Herbert C. Hoover Building, renovation and modernization.....	14,970	16,150	14,970	---	-1,180
Office of Inspector General.....	26,946	33,520	26,946	---	-6,574
Enterprise cybersecurity monitoring and operations....	---	22,612	---	---	-22,612
Total, Departmental Management.....	99,800	137,153	99,800	---	-37,353
=====					
Total, title I, Department of Commerce.....	7,580,857	8,802,638	7,165,707	-415,150	-1,636,931
(by transfer).....	(77,000)	(75,200)	(75,200)	(-1,800)	---
(transfer out).....	(-77,000)	(-75,200)	(-75,200)	(+1,800)	---
=====					



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE II - DEPARTMENT OF JUSTICE</b>					
General Administration					
Salaries and expenses.....	118,251	134,225	72,338	-45,913	-61,887
National Drug Intelligence Center.....	33,955	25,000	---	-33,955	-25,000
Justice information sharing technology.....	60,164	54,307	44,307	-15,857	-10,000
Law enforcement wireless communications.....	99,800	102,751	99,800	---	-2,951
Total, General Administration.....	312,170	316,283	216,445	-95,725	-99,838
Administrative review and appeals.....					
Transfer from immigration examinations fee account	300,084	332,583	300,084	---	-32,499
	-4,000	-4,000	-4,000	---	---
Direct appropriation.....	296,084	328,583	296,084	---	-32,499
Detention trustee.....	1,515,626	1,595,360	1,515,626	---	-79,734
Office of Inspector General.....	84,199	85,057	84,199	---	-858
United States Parole Commission					
Salaries and expenses.....	12,833	13,213	12,833	---	-380
Legal Activities					
Salaries and expenses, general legal activities.....	863,367	955,391	841,767	-21,600	-113,624
Vaccine injury compensation trust fund.....	7,833	7,833	7,833	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
Salaries and expenses, Antitrust Division.....	162,844	166,221	162,844	---	-3,377
Offsetting fee collections - current year.....	-96,000	-108,000	-108,000	-12,000	---
Direct appropriation.....	66,844	58,221	54,844	-12,000	-3,377
Salaries and expenses, United States Attorneys.....	1,930,135	1,995,149	1,930,135	---	-65,014
United States Trustee System Fund.....	218,811	234,115	219,442	+631	-14,673
Offsetting fee collections.....	-214,250	-234,115	-219,442	-5,192	+14,673
Direct appropriation.....	4,561	---	---	-4,561	---
Salaries and expenses, Foreign Claims Settlement Commission.....	2,113	2,124	2,113	---	-11
Fees and expenses of witnesses.....	270,000	270,000	270,000	---	---
Salaries and expenses, Community Relations Service.....	11,456	12,967	11,456	---	-1,511
Assets forfeiture fund.....	20,948	20,990	20,948	---	-42
Total, Legal Activities.....	3,177,257	3,322,675	3,139,096	-38,161	-183,579
United States Marshals Service					
Salaries and expenses.....	1,123,511	1,243,570	1,123,511	---	-120,059
Construction.....	16,592	15,625	10,625	-5,967	-5,000
Total, United States Marshals Service.....	1,140,103	1,259,195	1,134,136	-5,967	-125,059

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>National Security Division</b>					
Salaries and expenses.....	87,762	87,882	87,762	---	-120
<b>Interagency Law Enforcement</b>					
Interagency crime and drug enforcement.....	527,512	540,966	527,512	---	-13,454
<b>Federal Bureau of Investigation</b>					
Salaries and expenses.....	3,385,216	3,358,000	7,994,991	+4,609,775	+4,636,991
Overseas contingency operations (emergency).....	101,066	---	---	-101,066	---
Counterintelligence and national security.....	4,332,873	4,636,991	---	-4,332,873	-4,636,991
Subtotal.....	7,819,155	7,994,991	7,994,991	+175,836	---
Construction.....	107,095	80,982	80,982	-26,113	---
Total, Federal Bureau of Investigation.....	7,926,250	8,075,973	8,075,973	+149,723	---
<b>Drug Enforcement Administration</b>					
Salaries and expenses.....	2,267,433	2,354,114	2,297,658	+30,225	-56,456
Diversion control fund.....	-251,790	-322,000	-322,000	-70,210	---
Subtotal.....	2,015,643	2,032,114	1,975,658	-39,985	-56,456

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
Construction.....	---	10,000	10,000	+10,000	---
Total, Drug Enforcement Administration.....	2,015,643	2,042,114	1,985,658	-29,985	-56,456
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses.....	1,112,542	1,147,295	1,112,542	---	-34,753
Federal Prison System					
Salaries and expenses.....	6,282,410	6,724,266	6,312,410	+30,000	-411,856
Buildings and facilities.....	98,957	99,394	98,957	---	-437
Limitation on administrative expenses, Federal Prison Industries, Incorporated.....	2,700	2,700	2,700	---	---
Total, Federal Prison System.....	6,384,067	6,826,360	6,414,067	+30,000	-412,293
State and Local Law Enforcement Activities					
Office on Violence Against Women:					
Prevention and prosecution programs.....	417,663	431,750	437,663	+20,000	+5,913
Salaries and expenses (by transfer).....	---	(23,148)	---	---	(-23,148)
Subtotal.....	417,663	454,898	437,663	+20,000	-17,235
Office of Justice Programs:					
Research, evaluation and statistics.....	234,530	178,500	182,585	-51,945	+4,085
State and local law enforcement assistance.....	1,117,845	1,173,500	1,048,985	-68,860	-124,515
Juvenile justice programs.....	275,423	280,000	---	-275,423	-280,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
Salaries and expenses.....	---	271,833	---	---	-271,833
(transfer out).....	---	(-63,478)	---	---	(+63,478)
Subtotal.....	---	208,355	---	---	-208,355
Public safety officer benefits:					
Death benefits.....	61,000	62,000	62,000	+1,000	---
Disability and education benefits.....	9,082	16,300	16,300	+7,218	---
Subtotal.....	70,082	78,300	78,300	+8,218	---
Total, Office of Justice Programs.....	1,697,860	1,918,655	1,309,870	-388,010	-608,785
Community Oriented Policing Services.....	494,933	699,500	---	-494,933	-669,500
Salaries and expenses (by transfer).....	---	(40,330)	---	---	(-40,330)
Subtotal.....	494,933	709,830	---	-494,933	-709,830
OJP, OJV, COPS Salaries and expenses.....	186,626	---	---	-186,626	---
Total, State and Local Law Enforcement Activities.....	2,797,102	3,083,383	1,747,533	-1,049,569	-1,335,850
Total, title II, Department of Justice.....	27,389,150	28,724,339	26,349,466	-1,039,684	-2,374,873
Appropriations.....	(27,286,084)	(28,724,339)	(26,349,466)	(-938,618)	(-2,374,873)
Emergency appropriations.....	(101,066)	---	---	(-101,066)	---
(by transfer).....	---	63,478	---	---	-63,478
(transfer out).....	---	(-63,478)	---	---	+63,478

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE III - SCIENCE</b>					
Office of Science and Technology Policy.....	6,647	6,650	3,000	-3,647	-3,650
National Aeronautics and Space Administration					
Science.....	4,935,409	5,016,800	4,504,000	-431,409	-512,800
Aeronautics.....	533,930	569,400	569,930	+36,000	+530
Space technology.....	---	1,024,200	375,000	+375,000	-649,200
Exploration.....	3,800,683	3,948,700	3,649,000	-151,683	-299,700
Space operations.....	5,497,483	4,346,900	4,064,000	-1,433,483	-282,900
Education.....	145,508	138,400	138,000	-7,508	-400
Cross-agency support.....	3,105,177	3,192,000	3,050,000	-55,177	-142,000
Construction and environmental compliance and restoration.....	393,511	450,400	424,000	+30,489	-26,400
Office of Inspector General.....	36,327	37,500	36,327	---	-1,173
<b>Total, National Aeronautics and Space Administration.....</b>	<b>18,448,028</b>	<b>18,724,300</b>	<b>16,810,257</b>	<b>-1,637,771</b>	<b>-1,914,043</b>
National Science Foundation					
Research and related activities.....	5,496,011	6,185,540	5,538,964	+42,953	-646,576
Defense function.....	67,864	68,000	68,000	+136	---
<b>Subtotal.....</b>	<b>5,563,875</b>	<b>6,253,540</b>	<b>5,606,964</b>	<b>+43,089</b>	<b>-646,576</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
Major research equipment and facilities construction..	117,055	224,680	100,000	-17,055	-124,680
Education and human resources.....	861,034	911,200	835,000	-26,034	-76,200
Agency operations and award management.....	299,400	357,740	299,400	---	-58,340
Office of the National Science Board.....	4,531	4,840	4,531	---	-309
Office of Inspector General.....	13,972	15,000	13,972	---	-1,028
<b>Total, National Science Foundation.....</b>	<b>6,859,867</b>	<b>7,767,000</b>	<b>6,859,867</b>	<b>---</b>	<b>-907,133</b>
=====					
<b>Total, title III, Science.....</b>	<b>25,314,542</b>	<b>26,497,950</b>	<b>23,673,124</b>	<b>-1,641,418</b>	<b>-2,824,826</b>
=====					

TITLE IV - RELATED AGENCIES

Commission on Civil Rights					
Salaries and expenses.....	9,381	9,429	8,000	-1,381	-1,429
Equal Employment Opportunity Commission					
Salaries and expenses.....	366,568	365,520	366,568	---	-18,952
International Trade Commission					
Salaries and expenses.....	81,696	87,000	81,696	---	-5,304

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(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
Payment to the Legal Services Corporation					
Salaries and expenses.....	404,190	450,000	300,000	-104,190	-150,000
Marine Mammal Commission					
Salaries and expenses.....	3,243	3,025	3,025	-218	---
Office of the U.S. Trade Representative					
Salaries and expenses.....	47,730	51,251	51,251	+3,521	---
State Justice Institute					
Salaries and expenses.....	5,121	5,131	5,121	---	-10
Total, title IV, Related Agencies.....	917,929	991,356	815,661	-102,268	-175,695

TITLE V - RESCISSIONS

Emergency steel, oil gas guarantees prgm (rescission).	-48,000	-43,064	---	+48,000	+43,064
NTIA, Information Infrastructure grants (rescission)..	---	-2,000	-2,000	-2,000	---
NTIA, Public telecommunications facilities, planning and construction.....	---	---	-2,750	-2,750	-2,750
NTIA, Spectrum fund (rescission).....	-4,800	---	---	+4,800	---
Bureau of the Census (rescission).....	-1,740,000	---	---	+1,740,000	---



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2011  
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	FY 2011 Enacted	FY 2012 Request	Bill	Bill vs. Enacted	Bill vs. Request
Census, Working capital fund (rescission).....	-50,000	---	---	+50,000	---
Foreign fishing observer fund (rescission).....	---	-350	-350	-350	---
Digital TV Transition Public Safety Fund (rescission).....	---	-4,300	-4,300	-4,300	---
DOJ, Working capital fund (rescission).....	-26,000	-40,000	-40,500	-14,500	-500
DOJ, Assets forfeiture fund (rescission).....	-495,000	-620,000	-675,500	-180,500	-55,500
US Marshals Service, salaries and expenses (rescission).....	---	-7,200	-7,200	-7,200	---
FBI, Construction (rescission).....	---	---	-93,000	-93,000	-93,000
DEA, Salaries and expenses (rescission).....	---	-30,000	-30,000	-30,000	---
FPS, Buildings and facilities (rescission).....	---	-35,000	-110,000	-110,000	-75,000
Office of Justice programs (rescission).....	-42,000	-42,600	-42,600	-600	---
Community oriented policing services (rescission).....	-10,200	-10,200	-10,200	---	---
Violence against women prevention and prosecution programs (rescission).....	---	-5,000	-5,000	-5,000	---
NASA (rescission).....	---	---	-30,000	-30,000	-30,000
<b>Total, title V, Rescissions.....</b>	<b>-2,416,000</b>	<b>-839,714</b>	<b>-1,053,400</b>	<b>+1,362,600</b>	<b>-213,686</b>
<b>Grand total.....</b>	<b>58,786,478</b>	<b>64,176,569</b>	<b>56,950,558</b>	<b>-1,835,920</b>	<b>-7,226,011</b>
Appropriations.....	(61,101,412)	(65,016,283)	(58,003,958)	(-3,097,454)	(-7,012,325)
Emergency appropriations.....	(101,066)	---	---	(-101,066)	---
Rescissions.....	(-2,416,000)	(-839,714)	(-1,053,400)	(+1,362,600)	(-213,686)
(by transfer).....	(77,000)	(138,678)	(75,200)	(-1,800)	(-63,478)
(transfer out).....	(-77,000)	(-138,678)	(-75,200)	(+1,800)	(+63,478)
<b>Discretionary total.....</b>	<b>53,327,000</b>	<b>57,670,684</b>	<b>50,229,000</b>	<b>-3,098,000</b>	<b>-7,441,684</b>

## MINORITY VIEWS

We are deeply grateful for the Subcommittee Chairman's laudable effort to make the best of a very difficult funding allocation and we appreciate the open and bipartisan manner in which he has approached the process this year. Even the best process and the best of intentions, however, cannot make up for the low allocation imposed on the Subcommittee, which was based, of course, on the low allocation imposed on the Appropriations Committee itself.

The annual Commerce, Justice, Science and Related Agencies (CJS) Appropriations Act funds a diverse set of departments and agencies with missions that are critical to the security and economic competitiveness of the nation. Unfortunately, the bill for FY 2012 approved by the Committee provides only \$50.2 billion, a cut of \$3.1 billion (5.8 percent) below FY 2011 and \$7.4 billion (12.9 percent) below the Administration's request. This allocation is even below the FY 2007 level, severely impacting many critical missions of CJS agencies.

Although the Chairman fully funded certain high priority programs, including the Federal Bureau of Investigation, the Office on Violence Against Women and the International Trade Administration, the Subcommittee allocation simply does not allow for adequate funding for the vast array of other important programs in the bill. The Subcommittee's allocation, in turn, was limited by the budget resolution passed by the House, which took a "cut first and ask questions later" approach, with virtually no analysis of how the overall cut would translate into reducing the capabilities of federal agencies and programs. The consequences will be obvious. The cuts will both impair the ability of CJS agencies to fulfill their missions and increase future costs to taxpayers by requiring those agencies to cancel certain contracts and postpone some essential activities.

### DEPARTMENT OF COMMERCE

Title I of the bill provides a total of \$7.2 billion for the Commerce Department, a decrease of \$419.7 million below the FY 2011 enacted level and \$1.6 billion below the Administration's request.

The International Trade Administration is funded at \$450.2 million, a cut of \$66.4 million below the request. This means that the vast majority of the Commerce Department's portion of the Administration's National Export Initiative—aimed at creating American jobs by boosting exports—will remain unfunded.

The Bureau of Industry and Security (BIS) receives \$100 million, a cut of \$11.1 million below the request. The BIS requested funding to hire enforcement agents and intelligence analysts to enhance the Bureau's ability to ensure that sensitive technology exports do not end up in the wrong hands, but this funding level will render BIS unable to hire additional personnel, thus putting our economy and security at further risk.

We are pleased that the bill provides up to \$5 million to the Economic Development Administration (EDA) for a new program to provide loan guarantees to small and medium-sized businesses to help develop innovative new products and new technologies. The bill also provides \$5 million for a new grant program to relocate jobs back to the United States that had previously been placed outside the United States. Funding is also maintained for the Trade Adjustment Assistance for Firms program. However, it is troubling that the bill cuts EDA as a whole by \$25.8 million (9 percent) below FY 2011 and \$67.3 million (20.7 percent) below the request. This is an unwise cut, in our judgment, particularly at a time when unemployment remains high. The EDA helps distressed communities create jobs, and the cut means EDA will have fewer resources to accomplish this critical task.

The bill slashes Census Bureau funding by \$170.3 million (16.6 percent) below the request. The cut would greatly harm the Bureau's ongoing work, including the 2012 Economic Census. This important economic data-gathering effort ensures the accuracy of Gross Domestic Product data and other key economic indicators that are vital to the decisions of both government policymakers and the private sector.

The budget cut would also harm the accuracy of the Census Bureau's American Community Survey (ACS), which is the key source of annual socio-economic and demographic data about the nation used by decisionmakers in the private sector and at all levels of government to make resource allocation decisions. In a letter expressing support for fully funding the Administration's request for ACS, the U.S. Chamber of Commerce noted:

ACS data points are critical for business decisionmaking and long range planning. The business community uses census information daily to drive sound investment decisions affecting the allocation of resources throughout the country.

Furthermore, the cut to the Census Bureau's budget will render it unable to begin early preparations for the 2020 Census that are needed to help minimize its eventual cost. As the American Statistical Association noted in a recent letter to the Appropriations Committee, "cuts to the Census Bureau's budget will cost taxpayers billions of dollars in the long run . . . furthermore, because census data guide more than half a trillion dollars in federal assistance, action that undermines such data could prevent this assistance from reaching places where it would be most helpful." The Census is an obligation that Congress has been given under the Constitution, and should be given a higher priority.

The bill cuts the National Institute of Standards and Technology (NIST) by \$50 million (6.7 percent) below FY 2011 and \$301 million (30 percent) below the request. While the bill maintains the Manufacturing Extension Partnership program at the FY 2011 level and funds the National Innovation Marketplace effort, other NIST programs are cut substantially. The bill provides no funding for the Technology Innovation Program, the Baldrige Performance Excellence Program, or the proposed new Advanced Manufacturing

Technology Consortia program. These programs invest in American innovation and competitiveness.

The bill also cuts funding for NIST Scientific and Technical Research and Services by \$162.5 million below the President's request. The reduction will render NIST unable to fund an array of planned new initiatives designed to bolster research in critical areas and to promote proven services to strengthen U.S. manufacturing in high-value-added product markets. Finally, NIST will be unable to fund its requested \$43.4 million initiative to strengthen the development and promulgation of effective cybersecurity standards.

We are also very concerned about the substantial cuts to NOAA programs. NOAA overall is funded in the bill at \$4.5 billion, which is \$56.9 million below FY 2011 and \$1 billion below the request. Within the NOAA Operations, Research, and Facilities account, we are pleased that the Committee bill fully funds the National Weather Service (NWS) at the President's requested level of \$908 million. However, the operations, research, and facilities budgets of the NOAA units outside of the NWS are cut by a total of \$443.2 million (19.2 percent) below the FY 2011 enacted level, and \$601.8 million (24.4 percent) below the President's request. These cuts will have significant consequences across a wide array of NOAA's environmental and research efforts.

The NOAA Procurement, Acquisition, and Construction account is increased by \$368.4 million (27.6 percent) above FY 2011. However, this amount is \$351.7 million (17.1 percent) below the level in the President's requests—and the requested level is necessary to maintain the pace of work on NOAA's satellite programs needed to minimize gaps in weather data coverage. While funding for the Joint Polar Satellite System has been increased substantially compared to FY 2011, it remains more than \$168 million below the level in the President's request. Polar-orbiting weather satellites help provide critical weather forecasting for the \$700 billion maritime commerce sector. In addition, they save approximately \$200 million each year for the aviation industry in ash forecasting alone, and these satellites provide drought forecasts worth billions of dollars per year to the farming, transportation, tourism, and energy sectors. We are concerned that the anticipated future weather data gap associated with NOAA's polar-orbiting weather satellite—already expected to be up to a year—will be further lengthened as a result of this cut to the President's budget request.

In addition, the bill cuts funding for NOAA's GOES-R geostationary weather satellite procurement by \$50 million below the request, which will likely result in launch delays to this satellite as well. Geostationary weather satellites help to accurately track life-threatening tornadoes, floods, and hurricanes, as well as solar activity that can impact satellite-based electronics, communications, and power industries. We cannot afford data gaps in these areas.

The Committee mark cuts funding for the Jason-3 satellite by \$33 million, or 62 percent, below the request. This satellite is designed to measure sea surface heights and help forecast severe weather activity over the ocean. The Committee mark provides no funding at all (\$47.3 million was requested) for the Deep Space Cli-

mate Observatory (DSCOVR) satellite, which is designed to predict solar and deep space activity that can negatively impact electrical power grids, communication satellites, and aviation instruments. Finally, the Committee mark provides no funding (\$11.3 million was requested) for the COSMIC-2 satellite, which provides measurement profiles of atmospheric temperature, humidity, and pressure that are fed into National Weather Service Numerical Weather Prediction models.

When we consider the human and economic impact of not having accurate weather data, combined with the inevitable added cost to the taxpayer of delaying these procurements, it becomes clear that these cuts below the President's request must be restored.

#### DEPARTMENT OF JUSTICE

Title II of the bill provides a total \$26.3 billion for the Department of Justice (DOJ), a cut of \$1.1 billion below the FY 2011 level and \$2.4 billion below the budget request. While some components of DOJ are level funded, this represents a cut in real terms to ongoing missions and activities, the costs of which continue to rise significantly from year-to-year.

Furthermore, DOJ's federal law enforcement and litigation components received substantial supplemental funding in recent years for additional agents, attorneys and other personnel needed to address challenges along the southwest border, to increase apprehensions of fugitive sex offenders, and for other critical federal law enforcement priorities. Except for the Federal Bureau of Investigation, the bill fails to provide the funding for the full integration of these additional personnel. By the end of FY 2012, if the funding levels in this bill were to be enacted, DOJ would lose an estimated 7,500 positions, a reduction of 6 percent, including law enforcement agents and attorneys.

The DOJ General Administration account is cut by \$46 million, or 39 percent, below the current level and \$62 million below the budget request; the cut will mean the loss of more than half of the current staff of the Department's leadership and policy offices, severely crippling the management of federal law enforcement.

The Justice Information Sharing Technology appropriation is cut by 18.5 percent below the request, which would disrupt critical IT services—including cyber security safeguards—at a time when cyber threats are becoming increasingly frequent and severe.

The bill provides no increase for the Office of Federal Detention Trustee (OFDT). This office pays the costs of detaining individuals awaiting federal prosecution or transfer to the Bureau of Prisons. The population of detainees has grown by 6 percent since FY 2010, which translates to an increase of 3,000 detainees daily. In addition, the daily cost to house detainees is expected to grow by 3 percent in FY 2011 and FY 2012. At the funding level in the bill, OFDT could only operate through early September 2012 and U.S. attorneys could potentially find their prosecution activities limited by the inability to detain some of the alleged criminals they wish to prosecute.

The U.S. Marshals Service (USMS) is also funded at the FY 2011 level, which is \$121 million below the minimum amount required to carry out its important missions in FY 2012. At this funding

level, USMS would have to furlough every employee for three weeks during the year, severely impacting fugitive apprehension, Adam Walsh Act enforcement, efforts to combat violent gang crime, and judicial protection. Such limits on the USMS would also exacerbate the funding pressures on OFDT, which relies on USMS for transporting individuals for court appearances and to federal prisons following sentencing. Detainees would be in custody for at least 5 additional days per sentenced-prisoner, resulting in additional costs of nearly \$23 million.

The Administrative Review and Appeals account, which primarily funds the Executive Office of Immigration Review, is also flat funded by the bill. Funding at this level would result in the loss of all of the new immigration judges hired over the last few years to help reduce the immigration case backlog, and would lead to a significant increase in the number of immigration matters pending adjudication, which currently stands at 275,000. As the immigration case backlog increases, the average number of days that Immigration and Customs Enforcement (ICE) detains individuals will rise, with a corresponding increase in ICE's detention costs. Meanwhile, the bill provides no funding to expand the Legal Orientation Program, which has been shown to speed the conclusion of immigration court proceedings for program participants by an average of 13 days, with a corresponding reduction in the cost of detention.

The bill cuts \$22.4 million, or 2.6 percent, from the General Legal Activities account, which supports the various DOJ legal divisions. These components require an \$88 million increase above the FY 2011 level, or \$110 million more than in the bill, to pay the cost of fully integrating the 300 attorneys added in 2010 and to continue the current pace of prosecutions and litigation in defense of the United States. The Tax Division would lose an estimated 56 attorneys; the Criminal Division would lose an estimated 74 positions; and the Civil Division could be forced to implement an 11-day, division-wide furlough, equivalent to the loss of 55 positions, which would impact major casework, including Deepwater Horizon and Hurricane Katrina litigation. This cut below the current services level would also impact the Treasury through reduced tax enforcement activities and reduced civil and criminal fines, as many more cases would have to be settled on terms less favorable to the Government. In addition, more judgments against, and penalties imposed on, the Government would result in increased payouts from the Judgment Fund.

The bill provides no increase for the Executive Office for United States Attorneys, which requires an additional \$62 million to cover the cost of fully integrating new positions added in 2009 and 2010 and to cover the inflationary costs of investigations and prosecutions across the country. This funding level would result in the loss of hundreds of positions, likely impacting Southwest border enforcement and Project Safe Childhood prosecutions, and would result in 11,000 (8 percent) fewer criminal cases and 3,000 fewer civil cases. By the end of FY 2012, position vacancies would increase to an estimated 1,000, and the result would be billions of dollars lost to the federal government through the reduced collection of civil and criminal debt.

The Committee report indicates that the bill increases funding for the Drug Enforcement Administration (DEA). However, this calculation includes DEA's fee revenue for diversion control activities, which is mandatory funding not appropriated in the bill. When counting only appropriated funding for DEA's non-diversion control activities, the bill cuts DEA's budget by \$42 million, or 2.1 percent, which would result in DEA losing at least 225 non-diversion positions, including 100 special agents. Even when including all of DEA's funding sources, both appropriated and fee revenue, the net new resources available to DEA in FY 2012 would be slightly below the FY 2011 level because the bill includes a rescission of \$30 million from DEA's prior year appropriations.

For the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the bill provides \$1.1 billion, \$57 million below the current services level. ATF would experience a net loss of approximately 400 positions at this funding level. In addition, the bill makes permanent a number of provisions related to the regulation of firearms, including the "Tiahrt" provision, which the bill has carried on an annual basis in prior years. No matter what one thinks of these provisions, the Appropriations Committee has no business in making permanent these controversial provisions that are properly under the jurisdiction of the authorizing committee.

Funding for the Bureau of Prisons (BOP) is at least \$188 million less than what BOP needs to cover the growth in costs for housing an expanding population of inmates. At the funding level provided in this bill, BOP would run out of money before the end of the fiscal year. Further, this base funding requirement does not include the extra \$63 million BOP needs to activate three newly-built prisons. While the Committee report establishes an expectation that BOP will prioritize the activation of new prisons, the reality is that these three prisons will sit largely idle at a cost of \$60 million just to maintain them.

While the appropriation for the Buildings and Facilities account is approximately at the FY 2011 level, the bill also rescinds \$110 million in prior year unobligated appropriations, \$75 million more than had been proposed by DOJ for FY 2012. DOJ had proposed using the remainder of these unobligated funds for the acquisition of a new, high security prison facility to help mitigate the current 52 percent overcrowding rate at BOP's high security facilities.

The burden of cuts in the bill falls disproportionately on the State and local grant programs at the Department of Justice, which are slashed by more than \$1 billion, or 38 percent compared to FY 2011. Cuts to these grants represent more than one third of the cuts in the entire bill, even though grants made up only 4.6 percent of the bill for FY 2011. Compared to FY 2010, these programs would be cut by nearly \$2 billion, or 53 percent. As a result, State, local and tribal governments would be starved for law enforcement and criminal justice resources.

Second Chance Act programs are funded at \$70 million, a 15 percent cut from the FY 2011 level and a 30 percent reduction from FY 2010. Youth-oriented programs in the bill are cut by \$199 million, or 55 percent, including the outright elimination of several programs.

The bill entirely eliminates funding for the Office of Community Oriented Policing Services (COPS), including all funding for the COPS hiring program, the Secure our Schools program and COPS training and technical assistance activities.

The collection and dissemination of criminal justice statistics and research on “what works” in criminal justice are arguably the most fundamental role for the federal government in helping state, local and tribal governments improve criminal justice systems. Yet, the bill cuts funding for the National Institute of Justice by 14 percent and cuts the Bureau of Justice Statistics by 22 percent. Further, not one of the new, evidenced-based grant programs proposed by the Office of Justice Programs is supported in the bill.

#### SCIENCE

Title III of the bill provides a total of \$23.6 billion for Science programs, a cut of \$1.7 billion below FY 2011 and \$2.8 billion below the requested amount.

The bill provides only \$3 million for the Office of Science and Technology Policy (OSTP) in the Executive Office of the President, a cut of \$3.6 million, or 55 percent. Report language directs OSTP to focus its remaining resources on the coordination and improvement of Science, Technology, Engineering, and Mathematics (STEM) education efforts across the government. OSTP plays an important role in improving STEM education and science and technology education is critical to this country’s ability to successfully compete globally. However, OSTP has a much broader role in coordinating science and technology policy across the executive branch, a role that would be severely undercut by the funding level in this bill. When we are asking agencies across the federal government to find efficiencies and eliminate duplication, funding for coordinating agencies such as OSTP should not be slashed.

The bill funds the National Science Foundation (NSF) at approximately the FY 2011 level. We should keep in mind, however, that the *Rising Above the Gathering Storm* report prescribed a doubling of NSF funding that would have required a 34 percent higher funding level for NSF Research and Related Activities in FY 2012 than the bill would provide, and 39 percent more funding for NSF overall. Level funding for NSF may be a good outcome in the context of this bill’s low funding allocation, but not in terms of what we should be investing in the basic research that is crucial to our economy. Compared to the amount requested by NSF for FY 2012, the funding level in the bill would lead to 2,200 fewer NSF grants and 26,000 fewer graduate students, undergraduate students and teachers supported.

The NSF Major Research Equipment and Facilities Construction account is funded at only 44 percent of the requested level. This dramatically lower funding level would result in the termination of approximately \$100 million in contracts for work in progress on major facilities for environmental and oceanographic research, and it means roughly 100 scientific and technical staff would be laid off. Supplier companies would face even greater constraints. The associated delays in construction would result in a \$100 million increase in the lifecycle costs of these projects, a prime example of



how the subcommittee's low funding allocation will translate into greater costs to the taxpayer down the road.

NSF's Education and Human Resources directorate, which plays a crucial role in the development of evidence-based STEM education curricula and the nurturing of the country's future STEM work force, is cut by \$27 million, which is \$77 million below the request.

The bill provides a total of \$16.8 billion for the National Aeronautics and Space Administration, a cut of \$1.7 billion below FY 2011 and \$1.9 billion below the request. While we are pleased that funding is provided for a comprehensive, independent assessment of NASA's strategic direction and agency management, many of the funding cuts to NASA are very problematic.

Within the NASA total, Science is cut by \$435.9 million (8.8 percent) below FY 2011. While the bill unfortunately eliminates funding for the James Webb Space Telescope, we are grateful for the chairman's commitment to consider funding this effort later in the process. NASA has begun to address management issues identified by the Independent Comprehensive Review Panel, and new leadership is overseeing this project. Nearly 75 percent of the spacecraft is already in fabrication; this is not the time to pull the plug on the project. The James Webb Space Telescope will be 100 times more powerful than the Hubble Space Telescope, and will greatly advance our scientific understanding of the universe, allowing us to see images of the first glows (or glimmers of light) after the Big Bang.

The NASA Exploration account is cut by \$303.3 million, or 7.7 percent, below the budget request. Within this overall account, we are disappointed that funding for Commercial Crew Development is cut by \$538 million, or 63 percent, below the level in the President's request. The requested level is necessary for ensuring that American-built and operated spacecraft will be able to transport astronauts to the International Space Station (ISS) as soon as possible, so that the United States can minimize the amount of time it needs to rely on Russian Soyuz spacecraft for crew transportation to the ISS. This funding cut is not a true savings; the United States will need to pay Russia at least \$63 million per seat, for a longer period of time, to fly to the Space Station on Soyuz spacecraft.

NASA Education is funded at \$137.9 million, a cut of \$7.6 million (5.3 percent) below FY 2011. We are pleased that the Committee mark maintains funding for the Minority University Research and Education Program at \$31.4 million, an increase of nearly \$800,000 above the FY 2010 level. However, we are disappointed that there are very significant cuts below FY 2010 in the NASA Space Grant program (-\$18.9 million, or 41.4 percent) and the Experimental Program to Stimulate Competitive Research (EPSCOR) program (-\$15.8 million, or 63 percent).

#### RELATED AGENCIES

Title IV provides a total of \$815 million for the bill's related agencies, a cut of \$103 million below FY 2011 and \$177 million below the request.

The establishment of justice is one of six primary purposes identified in the Preamble to the Constitution. The access to justice mission of the Legal Services Corporation (LSC), therefore, is among the most important of all the agencies funded through the bill. Therefore, we are deeply disturbed that the bill provides only \$300 million for LSC, a cut of \$104 million or 26 percent. FY 2012 funding would be equal to the LSC appropriation in FY 1999. A cut of this magnitude would result in 235,000 fewer eligible Americans having access to legal services. This cut falls predominately on some of the most vulnerable members of our society, with women and children representing three out of four users of legal services.

The bill provides \$366 million for the Equal Employment Opportunity Commission, \$19 million below the request. Funding at this level would require a furlough of the entire EEOC workforce for nearly four weeks, and would result in the loss of 20 trial attorneys, 30 to 40 fewer cases filed, and a 13 percent increase in the pending charge inventory.

#### COMMITTEE AMENDMENTS

During Committee consideration of the bill, two amendments were adopted that we find particularly troubling. First, the Committee adopted an amendment that would prevent the enforcement of a reporting requirement finalized by the Office of Management and Budget just days before Committee consideration of the bill. Under this new requirement, firearms dealers would report multiple sales of certain semi-automatic rifles—those greater than .22 caliber that also have the ability to accept a detachable magazine—to the same individual within a five-day period in the four South-west border states.

This reporting requirement is identical to one that has existed for decades for handguns and in no way does it hinder the ability of any law-abiding person to purchase as many rifles as they like. The very narrow expansion of the existing reporting requirement is an important tool for federal law enforcement in the effort to uncover illegal trafficking operations intended to supply semi-automatic weapons to the violent drug gangs across the border.

Another amendment adopted in Committee would also prohibit the Executive Branch from carrying out its legal responsibilities under federal law. The Department of Justice is responsible for enforcing the Gun Control Act of 1968, and under that law, firearms cannot be imported if they have characteristics that are not consistent with sporting purposes. In recent years, however, there has been a certain amount of confusion about how the Gun Control Act should be applied to shotguns with characteristics that are similar to military style or law enforcement style rifles and, in effect, this uncertainty has made shotgun importers very cautious about what they import.

In January of this year, ATF published a study which concluded that shotguns with certain characteristics—such as a grenade launcher mount, a flash suppressor, a magazine with more than five rounds or a drum magazine—are not designed for sporting purposes and should not be imported. This is consistent with the criteria used for rifles. The new rule, which has not yet gone into effect, will provide certainty to importers while it would have no im-

pact on the ability to manufacture, sell or distribute domestically-made shotguns.

This Committee simply has no business in tying the hands of law enforcement agencies as they attempt to carry out federal law. If Members want to change the laws of the land, there is a process for that, and it begins with the authorizing committees.

We want to reiterate our appreciation for the Subcommittee Chairman's adherence to regular order in drafting the bill and throughout the appropriations process. It is all the more unfortunate, therefore, that the process has been unable, so far, to overcome the limitations imposed by the bill's inadequate allocation. Funding levels throughout the bill would have significant deleterious consequences on the basic capabilities and missions of the bill's departments and agencies—missions that are fundamentally important to the security and economic competitiveness of the Nation.

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