

Calendar No. 170

112TH CONGRESS }
1st Session }

SENATE

{ REPORT
112-78

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

SEPTEMBER 15, 2011.—Ordered to be printed

Ms. MIKULSKI, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany S. 1572]

The Committee on Appropriations reports the bill (S. 1572) making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Total obligational authority, fiscal year 2012

Total of bill as reported to the Senate	\$59,481,018,000
Amount of 2011 appropriations	58,786,478,000
Amount of 2012 budget estimate	64,176,569,000
Bill as recommended to Senate compared to—	
2011 appropriations	+ 694,540,000
2012 budget estimate	- 4,695,551,000

CONTENTS

	Page
Purpose of the Bill	3
Summary of the Bill	3
Fighting Waste, Fraud, and Abuse	6
Reprogrammings, Reorganizations, and Relocations	7
Congressional Budget Justifications	8
Reductions-in-Force	9
Appropriations Liaisons	9
Title I: Department of Commerce	10
Title II: Department of Justice	37
Title III: Science	84
Office of Science and Technology Policy	84
National Aeronautics and Space Administration	85
National Science Foundation	101
Title IV: Related Agencies	109
Commission on Civil Rights	109
Equal Employment Opportunity Commission	109
International Trade Commission	111
Legal Services Corporation	111
Marine Mammal Commission	112
Office of the United States Trade Representative	113
State Justice Institute	113
Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent	114
Title V: General Provisions	115
Compliance With Paragraph 7, Rule XVI of the Standing Rules of the Senate	118
Compliance With Paragraph 7(c) Rule XXVI of the Standing Rules of the Senate	121
Compliance With Paragraph 12, Rule XXVI of the Standing Rules of the Senate	121
Budgetary Impact of Bill	125
Comparative Statement of Budget Authority	126

PURPOSE OF THE BILL

The bill provides funding for: (1) the Department of Commerce and its bureaus, and administrations: the International Trade Administration [ITA], the Bureau of Industry and Security [BIS], the Economic Development Administration [EDA], the Minority Business Development Agency [MBDA], the Economics and Statistics Administration [ESA], the Bureau of the Census, the National Telecommunications and Information Administration [NTIA], the U.S. Patent and Trademark Office [USPTO], the National Institute of Standards and Technology [NIST], and the National Oceanic and Atmospheric Administration [NOAA]; (2) the Department of Justice; (3) several independent science agencies: the Office of Science and Technology Policy [OSTP], the National Aeronautics and Space Administration [NASA], and the National Science Foundation [NSF]; and (4) several related commissions and agencies: the Commission on Civil Rights, the Equal Employment Opportunity Commission [EEOC], the International Trade Commission [ITC], the Legal Services Corporation [LSC], the Marine Mammal Commission, the U.S. Trade Representative [USTR], the State Justice Institute [SJI], and the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.

SUMMARY OF THE BILL

For fiscal year 2012, the Committee recommends total discretionary appropriations of \$52,701,000,000, along with an additional \$135,000,000 in funding for natural disasters, for the Departments of Commerce and Justice, Science, and Related Agencies. This amount is \$626,000,000 below the fiscal year 2011 level and \$4,969,684,000 below the President's fiscal year 2012 budget request. These reductions, made pursuant to the Budget Control Act of 2011, required the Committee to reduce nearly every account in the bill below fiscal year 2011 levels.

Within the amounts provided, the Committee has chosen to prioritize activities that save lives, protect the safety of our citizens, and create jobs.

The Committee faced two very pressing funding challenges that are critical to life and safety—funding for the Nation's next generation weather satellites for timely and accurate forecasts of severe weather, and adequate funding to safely guard the Nation's growing prison population. While these activities are not considered mandatory for budget purposes, they are not truly discretionary in that the Committee has an obligation to adequately fund them regardless of budgetary constraints.

The Committee's recommendation for the Joint Polar Satellite System [JPSS], which will provide timely data for more accurate severe weather forecasts, is nearly \$437,000,000 more than fiscal year 2011 to enable the earliest possible launch in order to mini-

mize any gap in weather data. Salaries and associated expenses for guarding and transporting the Federal prison population are funded at more than \$350,000,000 more than fiscal year 2011 to ensure that our Federal prisons are adequately staffed and to enable the activation of new prisons that have been built but are currently sitting empty due to lack of funds.

Funding these pressing challenges within current budgetary constraints required reductions for activities that the Committee has historically chosen to fund.

Specifically, the bill eliminates 30 programs funded in prior years. Personnel and operations funding for the departments, agencies, and commissions funded in this bill are reduced by approximately 2 percent below fiscal year 2011 levels, with the expectation that agencies must become more frugal, and can and should achieve efficiencies in all operations. Funding for grant programs and scientific research is reduced even further.

These are regrettable reductions that will result in real consequences. For example, in the area of funding for State and local law enforcement, the Committee's recommendation provides roughly \$2,300,000,000, which is more than \$470,000,000 below fiscal year 2011, a nearly 17 percent reduction. A funding level of \$200,000,000 for the COPS hiring program, which is \$47,000,000 below the fiscal year 2011 level, will result in approximately 350 fewer new police officers hired to protect State and local jurisdictions. The critical Byrne Justice Assistance Grant program is funded at \$395,000,000, a reduction of \$35,000,000 below the fiscal year 2011 level. This level will result in cuts to all State and local components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts and prosecution, community corrections, drug prevention and treatment, sex offender management, justice information sharing, and crime victim and witness support initiatives. Furthermore, reductions to Federal law enforcement agencies and Department of Justice core activities will likely result in a continuation of the Department's imposed hiring freeze and will challenge agencies to manage their budgets more wisely in order to fulfill their missions.

In the area of scientific discovery and development of new technologies, the Committee's recommendation constitutes an approximately 3 percent reduction to research at NIST and NSF, and to NASA. In past years, the Committee has been able to recommend an annual 7 percent increase in NIST and NSF funding as authorized by the bipartisan America COMPETES Act. Reductions to NSF research will result in 380 fewer grants supporting 4,400 fewer researchers, students, teachers, and technical support personnel. Reductions to NASA at this critical time in the agency's transition from the space shuttle legacy to new vehicles for human spaceflight will challenge the agency to make every dollar count.

The Committee's recommendation also reduces funding for economic and trade agencies below fiscal year 2011 levels, which will restrict new economic initiatives. For example, the National Export Initiative, which is a worthy plan for doubling U.S. exports by 2015, cannot be funded for the second year in a row because funding for the International Trade Administration is stalled. Economic

development grants that help local communities innovate and new business sectors thrive have decreased by 10 percent from 2011. The Committee realizes such funding levels come at a time when our national economy needs to turn a corner and many more jobs need to be created. To help compensate for the overall lack of funding, the Committee has provided bill language, where applicable, allowing economic agencies flexibility in spending without jeopardizing oversight and accountability.

While the Committee regrets the reductions, the recommended bill reflects the Committee's strong commitment to protecting life and safety, while continuing healthy levels of investment for scientific research and discovery and supporting an innovation friendly government to foster job creation and to protect the ideas we develop.

The bill fully funds the U.S. Patent and Trademark Office [PTO], which fosters American innovation and job creation by providing protections for ideas and products developed by our entrepreneurs, businesses, and academic institutions. Specifically, the bill gives the agency authority to spend all fees collected from inventors, and supports depositing all fees above the appropriated level into the new Patent and Trademark Fee Reserve Fund as authorized by the landmark America Invents Act.

For science and basic research at NSF, NIST, and NASA, the bill invests more than \$12,000,000,000 to support America's next generation of scientists, engineers, and entrepreneurs. At NSF, the bill will support more than 225,000 researchers, students, teachers, and technical support personnel.

Within the science agencies, the Committee has focused on high impact research and development. For example, the bill funds cyber security research at NIST and NSF to keep American Government and private sector networks strong, and to respond to growing cyber threats. The bill also supports growing new American businesses by funding the Regional Innovation Program at the Economic Development Administration. The bill invests in our Nation's new space launch system to send our astronauts beyond low Earth orbit, and invests in new industries to safely deliver them to and from the International Space Station.

The Committee also continues to emphasize assistance to expand export markets for U.S. businesses overseas. The bill continues to invest in the Department of Commerce's efforts to promote U.S. companies overseas which have a direct connection to creating jobs at home. In 2008, U.S. exports of goods and services supported 10.3 million jobs and comprised 12.8 percent of the overall U.S. economy, according to the International Trade Administration [ITA]. The global economic recession has cut the percentage of U.S. exports to 11.2 percent. The Committee's recommendation underscores a commitment to increasing the U.S.'s share of world markets. Recognizing the importance of stabilizing export-dependent jobs and opening markets for new companies, the Committee provided more than a 7 percent increase to ITA since 2008. ITA successfully knocked down 82 trade barriers in 45 different markets which open up new fertile ground for U.S. exports to grow and to create more jobs this year. An equally important role for ITA is to protect U.S. jobs by fighting counterfeiting and dumping.

So while the overall CJS appropriations bill is below fiscal year 2011 levels, and many programs are reduced, the bill continues to have significant impacts on U.S. job creation—now and into the future.

FIGHTING WASTE, FRAUD, AND ABUSE

The departments, agencies, boards, and commissions funded in this bill can and should significantly reduce operating expenses by placing greater scrutiny on overhead costs. Savings can and should be achieved by reducing non-essential travel, office supply, rent, and utility costs. The Committee directs each department, agency, board, and commission funded in this bill to develop a plan to reduce such costs by at least 10 percent in fiscal year 2012. Plans to achieve this savings in fiscal year 2012 should be submitted to the Committee no later than 30 days after enactment of this act.

The Committee has also reduced official reception and representation funds by more than 25 percent. Modest representation funds are provided for agency executives to provide necessary courtesies to our diplomatic partners and out of respect for fallen officers, or to mark historic occasions such as space exploration missions or stunning discoveries. However, savings can and should be achieved by reducing the costs of executive meetings, receptions, ceremonies, and conferences, and purchasing fewer promotional items such as t-shirts, hats, mugs, key chains, and other similar items.

The Committee is extremely concerned about the persistent pattern of cost overruns and schedule slippages on major projects and missions carried out by the agencies within this bill. In addition, reports have exposed a culture within many agencies that exhibits a lack of accountability and oversight of grant funding.

Therefore, the Committee has recommended three bill-wide provisions to ensure greater oversight and fiscal responsibility of taxpayer dollars.

First, the bill requires each agency to notify the Committee immediately upon identification of program cost overruns greater than 10 percent.

Second, the bill requires the Inspectors General of the Departments of Commerce and Justice, NASA, NSF and the Legal Services Corporation to conduct reviews of grant and contract funds to ensure funds are being spent appropriately.

Third, the bill requires each department, agency, board, and commission funded in this act to report spending on large conferences, with costs in excess of \$20,000 each, to the inspectors general for audit.

Finally, the Committee intends to continue to work with the Government Accountability Office [GAO] to review selected large-scale acquisition and construction projects. Specifically, the Committee requests that GAO develop a plan for ongoing reviews of such projects, with reports to the Committee on a biannual basis. Agencies shall provide access to all necessary data, as determined by GAO, in order for the reviews to be completed and provided in a timely manner to the Committee. The Committee believes that these project status reports are valuable in identifying cost overrun and schedule slippage problems early, so they can be addressed immediately.

REPROGRAMMINGS, REORGANIZATIONS, AND RELOCATIONS

Section 505 contained in the “General Provisions” of title V provides procedures for the reprogramming of funds. To reprogram is to change the use of funds from the specific purposes provided for in the act and the accompanying report or, in the absence of direction from the Committee, from the specific purposes provided for in the administration’s budget request. Each title of the bill has also traditionally included separate provisions that define permissible transfers of resources between appropriation accounts. These transfer authority provisions are also pursuant to section 505, and were initiated in the early 1990s to provide additional flexibility to the agencies under the subcommittee’s jurisdiction.

The Committee expects each department and agency to closely follow the reprogramming procedures listed in section 505, which are the same as provisions that applied in statute during fiscal year 2011. These procedures apply to funds provided under this act, or provided under previous appropriations acts that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury available to the agencies funded by this act. Section 505 requires that the Committee on Appropriations be notified by letter, at least 15 days prior to reprogramming of funds, whether permanent or temporary, in excess of \$500,000 or 10 percent, whichever is less, between programs, projects or activities. This provision is also applicable in cases where several activities are involved with each receiving less than \$500,000. In addition, the Committee is to be notified of reprogramming actions which are less than these amounts if such actions would have the effect of: committing the agency to significant funding requirements in future years; increasing funds or personnel by any means for any project or activity for which funds have been previously denied or restricted by Congress; creating new programs, offices, agencies or commissions or substantially augmenting existing programs, offices, agencies or commissions; relocating offices or employees; or reorganizing offices, programs, or activities.

The Committee also expects that any items that are subject to interpretation will be reported. The Committee is concerned that, in some instances, the departments or agencies funded within this appropriations act are not adhering to the Committee’s reprogramming guidelines that are clearly set forth in this report and in section 505 of the accompanying bill. The Committee expects that each department and agency funded in the bill will follow these notification policies precisely and will not reallocate resources or reorganize activities prior to submitting the required notifications to the Committee.

The reprogramming process is based on comity between the Appropriations Committee and the executive branch. The Commerce, Justice, science, and related agencies appropriations bill provides specific program guidance throughout this report and tables accompanying the bill. The process is intended to provide flexibility to meet changing circumstances and emergency requirements of agencies, if there is agreement between the executive branch and the Congress that such a change is warranted. Reprogramming proce-

dures provide a means to agree on adjustments, if necessary, during a fiscal year, and to ensure that the Committee is kept apprised of instances where nonappropriated resources are used to meet program requirements, such as fee collections and unobligated balances that were not considered in the development of the appropriations legislation.

In the absence of comity and respect for the prerogatives of the Appropriations Committees and Congress in general, the Committee will have no choice but to include specific program limitations and details legislatively. Under these circumstances, programs, projects, and activities become absolutes and the executive branch shall lose the ability to propose changes in the use of appropriated funds through the reprogramming process between programs, projects, and activities without seeking some form of legislative action.

The Committee expects the executive branch departments to manage its programs, projects and activities within the levels appropriated. Reprogramming or transfer requests shall be submitted only in the case of an unforeseen emergency or situation that could not have been anticipated when formulating the budget request for the current fiscal year.

CONGRESSIONAL BUDGET JUSTIFICATIONS

The Committee directs that all departments and agencies funded within this bill shall submit all of their fiscal year 2013 budget justifications concurrently with the official submission of the administration's budget to Congress. Further, all departments and agencies with classified programs funded within this act are directed to submit their classified budget justification documents to the Committee, through appropriate means at the same time the unclassified budget justifications are transmitted.

These justifications shall include a sufficient level of detailed data, exhibits and explanatory statements to support the appropriations requests, including tables that outline each agency's programs, projects, and activities for fiscal years 2012 and 2013. The Committee directs the chief financial officer of each department or agency funded in this act's jurisdiction to ensure that adequate justification is given to each increase, decrease, staffing and function change proposed in the fiscal year 2013 budget, particularly within the departmental operations and management accounts.

The Committee is concerned that many of the budget submissions are inadequate and necessitate multiple requests for additional information. This process is inefficient and unnecessarily delays access to information that is fundamental to the work of the Committee. The Committee expects that the fiscal year 2013 submissions will include sufficient detail to justify all programs, projects and activities contained in each department, agency or commission budget request. Budget justifications are prepared not for the use of the agencies but are the primary tool of the Committee to evaluate the resource requirements and proposals requested by the administration.

REDUCTIONS-IN-FORCE

The Committee directs departments or agencies funded in the accompanying bill that are planning to conduct a reduction-in-force [RIF] to notify the Committee in writing 30 days in advance of the date of the proposed personnel action.

APPROPRIATIONS LIAISONS

The Committee prefers to channel the majority of its inquiries and requests for information and assistance through the budget offices or comptroller offices of the departments and agencies which it oversees, but reserves the right to call upon any individual or organization in any agency under its jurisdiction.

TITLE I

DEPARTMENT OF COMMERCE

The Committee recommends a total of \$7,691,667,000 for the Department of Commerce [DOC], not including disaster funding. The recommendation is \$110,810,000 above the fiscal year 2011 enacted level and \$1,110,971,000 below the budget request.

The Department of Commerce is a major innovation engine for the Nation. Few other departments in the U.S. Government have all the elements in one place to keep America competitive in this volatile economy. DOC's science and research programs strive to find new ways to solve today's problems and anticipate tomorrow's challenges. New research brings new technology, and DOC develops new standards and partners with industry to keep citizens safe and manufacturers on the right track. These new technologies and ideas deserve protection, and the Department also preserves intellectual property for our Nation's creative thinkers—small and big businesses alike. Once ready for the global marketplace, DOC establishes trade agreements, sending new ideas into the marketplace while protecting our workers and helping businesses create jobs at home. The Department monitors progress through statistical analysis, economic monitoring and periodic census.

As a leader in America's competitiveness, DOC needs realistic funding, proper management and oversight to keep the United States scientifically relevant and technologically innovative in the global marketplace. The Committee's recommendations in this bill ensure that DOC has the funding to carry out its mission and mandates.

Accountability remains a top priority for the Committee. The administration has made positive headway to clamp down on cost overruns, but the Department continues to face serious management challenges. Positive reforms continue at the U.S. Patent and Trademark Office [USPTO], but over 700,000 patents await approval even though the patent backlog is decreasing. The average time for an inventor to wait to receive feedback from USPTO has decreased by 10 percent, but the office still takes 30 months to make a decision. With patent fee collections on the rise—\$690,000,000 more than in 2011—the Committee wants to know how USPTO's increased revenue will directly decrease the patent backlog.

A year has passed since the Department proposed a new plan for the National Oceanic and Atmospheric Administration's [NOAA] polar satellite system after divorcing from the U.S. Air Force. The Senate supported most of this proposed reorganization for the Joint Polar Satellite System [JPSS], but the fiscal year 2011 continuing resolution did not include any additional funds, resulting in launch delays and creating a gap in weather data.

For fiscal year 2012, the Committee has made great sacrifices throughout this bill to support increased funding needed for JPSS. The Committee cannot deny that these satellites are a national asset critical to predicting weather. As a result, more than one-third of NOAA’s 2012 appropriation is provided for satellite acquisitions in this bill. The increased level, coupled with new fiscal constraints affecting all of the Federal Government, means many new initiatives proposed in fiscal year 2012 for DOC will not be supported regardless of high merit. In fact, most components in the Department will be reduced despite having received ample support from the Committee in previous fiscal years. To help offset the effects of austere funding levels, the Committee has provided DOC’s agencies with greater flexibility for using appropriated funds while maintaining strict oversight and accountability.

INTERNATIONAL TRADE ADMINISTRATION
OPERATIONS AND ADMINISTRATION

Appropriations, 2011	\$450,106,000
Budget estimate, 2012	526,091,000
Committee recommendation	441,104,000

The Committee’s recommendation provides \$441,104,000 for the International Trade Administration. The recommendation is \$9,002,000 below the fiscal year 2011 enacted level and \$84,987,000 below the budget request.

The Committee recommendations, by function, are displayed in the following table:

INTERNATIONAL TRADE ADMINISTRATION FUNDING
[In thousands of dollars]

	Committee recommendation
Manufacturing and Services	48,854
Market Access and Compliance	42,623
Import Administration	67,358
Trade Promotion and U.S. Foreign Commercial Services	255,347
Executive Direction	26,922
Total Direct Obligations	441,104

Offsetting Fee Collections.—The Committee’s recommendation adopts the proposed offsetting fee collections of \$9,439,000, which the Committee believes is realistic and achievable.

National Export Initiative.—The Committee remains supportive of the National Export Initiative [NEI], but regrettably the overall funding level for fiscal year 2012 does not afford increases to ITA. The Committee directs ITA to move ahead with organizational optimization plans that were submitted as part of the the 2012 request. These plans are estimated to reduce costs by \$20,200,000, including \$8,600,000 of permanent administrative reductions. ITA is directed to use any net savings to enhance the U.S. Foreign Commercial Service for the purposes of advancing export promotion and maintaining a presence in foreign markets.

Trade and Rural Communities.—The Committee directs the Secretary to develop a plan for outreach under the National Export

Initiative to assist State-supported trade activities with an emphasis upon States that are largely rural and suffering from serious poverty issues. The Secretary shall provide this plan to the Committee no later than 60 days after enactment of this act.

Rural Manufacturers.—Given the importance of exports and manufacturing to the long-term economic growth of the United States, and the administration’s goal of doubling exports by 2015, the Committee directs ITA to focus its resources on promoting manufacturing exports for small and rural businesses.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

Appropriations, 2011	\$100,141,000
Budget estimate, 2012	111,187,000
Committee recommendation	98,138,000

The Committee’s recommendation provides \$98,138,000 for the Bureau of Industry and Security [BIS]. The recommendation is \$2,003,000 below the fiscal year 2011 enacted level and \$13,049,000 below the budget request.

BIS is the principal agency involved in the development, implementation, and enforcement of export controls for dual-use technologies. The Export Enforcement Division detects, prevents, investigates, and assists in the sanctioning of illegal dual-use exports.

ECONOMIC DEVELOPMENT ADMINISTRATION

Appropriations, 2011	\$283,432,000
Budget estimate, 2012	324,931,000
Committee recommendation	392,166,000

The Committee’s recommendation provides \$392,166,000 for the Economic Development Administration [EDA], which includes disaster assistance. The recommendation is \$108,734,000 above the fiscal year 2011 enacted level and \$67,235,000 above the budget request.

The EDA provides grants to local governments and nonprofit agencies for public works, planning, and other projects designed to facilitate economic development. Funding amounts for the two appropriations accounts under this heading are displayed below.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Appropriations, 2011	\$245,508,000
Budget estimate, 2012	284,300,000
Committee recommendation	355,000,000

The Committee’s recommendation provides \$355,000,000 for Economic Development Assistance Programs. The recommendation is \$109,492,000 above the fiscal year 2011 level and \$70,700,000 above the budget request. The Committee expects EDA to use all available carryover and prior year recoveries to the maximum extent possible. 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:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

[In thousands of dollars]

	Committee recommendation
Public Works	91,000
Economic Adjustment Assistance	48,700
Trade Adjustment Assistance	15,800
Regional Innovation Program	20,000
Partnership Planning	31,000
Technical Assistance	12,000
Disaster Assistance	135,000
Research and Evaluation	1,500
Total	355,000

Regional Innovation Program.—Although the Committee does not support the administration's request of making EDA a loan-generating agency, the Committee is supportive of the new Regional Innovation Program created by the America COMPETES Reauthorization Act (Public Law 111-358). States and regions must have a strong economic base that can support the next generation of manufacturing jobs. The program allows the Secretary of Commerce to award competitive grants to create regional innovation clusters. The Committee directs EDA to consider geographic equity in making the award decisions and to include rural projects among those chosen for funding.

Disaster Assistance.—The Committee provides \$135,000,000 for disaster assistance for disaster relief, long-term recovery, and restoration of infrastructure in areas that experienced damage due to major disasters in 2011 as declared by the President.

EDA shall submit to the Committee a report no later than 180 days after enactment of this act detailing the programs and investments carried out to assist communities impacted by natural or man-made disasters since July 1, 2005, including: the estimated number of jobs created, the number of small businesses assisted, a list of remaining balances for any emergency disaster funds and a justification of the intended use of such unused funds. The Committee also expects the report to outline additional recommendations, if any, for EDA to be a more effective tool to spur recovery in these disaster impacted communities.

University Centers.—The Committee directs funding within Technical Assistance to be used, in part, to establish new University Centers in States that currently do not have one, upon conducting a competitive selection process. Within 60 days after enactment of this act, EDA shall commission an independent study of the performance of the University Center program, including an analysis of the best methods of evaluating the performance of individual University Centers. Upon completion of the study, EDA shall conduct evaluations of all funded University Centers within 5 years of the first award of assistance and at least once every 5 years thereafter. The change in the frequency of formal competitions will enable the University Centers to make long-term commitments necessary for effective program implementation and reduce disruption in program services, while still providing a rigorous evaluation system.

Trade Adjustment Assistance.—The Committee is discouraged by the administration’s request to eliminate funding for Trade Adjustment Assistance [TAA] programs. The TAA for Firms program, in particular, offers technical assistance to domestic small- and medium-sized manufacturers that have been adversely affected by import competition. Many companies assisted by TAA for Firms emerge leaner, more competitive, and more profitable and add jobs to their workforce. No later than 120 days after enactment of this act, the Secretary shall submit a report to the Committee detailing a viable and appropriate long-term strategic plan for existing TAA programs within EDA that includes funding recommendations either within the agency or elsewhere within the Department or administration.

Base Realignment and Closure.—In fiscal year 2010, the Committee directed EDA, in coordination with the Office of Economic Adjustment [OEA] at the Department of Defense, to develop a report that identifies recommendations for collaboration between the two agencies within current authorities and budget structures to address the needs of localities identified as Base Realignment and Closure [BRAC] communities. As the subsequent report detailed, EDA has the ability to continue providing support to BRAC-impacted communities within its existing authorities, particularly those dealing with base closure and downsizing issues. The Committee encourages EDA to provide the most efficient and effective assistance to Defense growth communities and communities impacted by closures based on urgency and level of need. As per recommendations outlined in the report, EDA is directed to, in consultation with OEA, issue separate guidance clarifying the overall requirements of Defense growth and closure community assistance, and modify the definition of Special Need in EDA’s Federal Funding Opportunity announcement to specify that Defense growth and closure communities are eligible for EDA funding. The Committee also directs EDA to consider Defense growth and closure communities in making award decisions for the agency’s new Regional Innovation Program.

SALARIES AND EXPENSES

Appropriations, 2011	\$37,924,000
Budget estimate, 2012	40,631,000
Committee recommendation	37,166,000

The Committee’s recommendation provides \$37,166,000 for salaries and expenses. The recommendation is \$758,000 below the fiscal year 2011 enacted level and \$3,465,000 below the budget request. The Committee again directs that vacancies within the regional offices be filled prior to any vacancies within headquarters.

Economic Development Representatives.—The Committee recognizes the important role that Economic Development Representatives [EDR] and Economic Development Specialists [EDS] play in educating potential grantees about EDA programs, providing technical assistance to potential grantees throughout the application process, providing input to regional office staff during the project vetting process, and overseeing EDA funded projects.

However, the Committee remains concerned about the wide geographic coverage areas for some EDR and EDS, which can limit the

time they spend developing, overseeing, and providing guidance on projects. The increasing demands for services in areas with vast distances between jurisdictions justify additional staff support for exceptionally large geographic areas. The Committee directs EDA to provide a report to the Committee within 60 days of enactment of this act that assess the feasibility of locating an EDR in each State and to evaluate whether the current EDR and EDS structure should be revamped in order to reduce the geographic size of each coverage area.

MINORITY BUSINESS DEVELOPMENT AGENCY
MINORITY BUSINESS DEVELOPMENT

Appropriations, 2011	\$30,339,000
Budget estimate, 2012	32,322,000
Committee recommendation	29,732,000

The Committee’s recommendation provides \$29,732,000 for the Minority Business Development Agency [MBDA]. The recommendation is \$607,000 below the fiscal year 2011 enacted level and is \$2,590,000 below the budget request. MBDA is the only Federal agency dedicated to promoting the growth of minority-owned firms and assists small, medium and large minority business enterprises increase revenues and create jobs.

ECONOMIC AND STATISTICAL ANALYSIS
SALARIES AND EXPENSES

Appropriations, 2011	\$97,060,000
Budget estimate, 2012	112,937,000
Committee recommendation	95,119,000

The Committee’s recommendation provides \$95,119,000 for Economic and Statistical Analysis [ESA]. The recommendation is \$1,941,000 below the fiscal year 2011 enacted level and \$17,818,000 below the budget request. ESA conducts research to provide a better understanding of the U.S. economy which helps Government make more informed policy decisions. The Committee encourages ESA to move forward on the agency’s “Everyday Economics: The American Household” program, within funds provided, to conduct research on disposable income levels and provide a more accurate portrayal of costs and expenditures that individuals incur.

BUREAU OF THE CENSUS

Appropriations, 2011	\$1,149,720,000
Budget estimate, 2012	1,024,765,000
Committee recommendation	943,336,000

The Committee’s recommendation provides \$943,336,000 for the Census Bureau. The recommendation is \$206,384,000 below the fiscal year 2011 enacted level and \$81,429,000 below the budget request.

SALARIES AND EXPENSES

Appropriations, 2011	\$258,506,000
Budget estimate, 2012	272,054,000
Committee recommendation	253,336,000

The Committee’s recommendation provides \$253,336,000 for salaries and expenses. The recommendation is \$5,170,000 below the fiscal year 2011 enacted level and is \$18,718,000 below the budget request. This account provides for the salaries and expenses associated with the statistical programs of the Bureau of the Census, including measurement of the Nation’s economy and the demographic characteristics of the population.

PERIODIC CENSUSES AND PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2011	\$891,214,000
Budget estimate, 2012	752,711,000
Committee recommendation	690,000,000

The Committee’s recommendation provides \$690,000,000 for periodic censuses and programs. The recommendation is \$201,214,000 below the fiscal year 2011 enacted level and \$62,711,000 below the budget request.

This account provides for the constitutionally mandated decennial census and other programs that are cyclical in nature. Additionally, individual surveys are conducted for other Federal agencies on a reimbursable basis.

Periodic Census Programs.—The Committee’s recommendation supports the Bureau’s efforts to improve information security and data management, but the Committee remains concerned about the Bureau’s ability to contain costs. The Committee’s recommendation provides \$1,000,000 for the Office of the Inspector General [OIG] to continue oversight and audits of the 2010 decennial operations and to provide the Bureau and Congress with independent recommendations for improving operations, which will be useful for the next decennial census. The Bureau is directed to incorporate all OIG recommendations as it transitions into the 2020 decennial, including: a thorough review of the training process; better communication of Census’ various enumeration practices; and increased budget transparency.

Economic Census.—The Committee strongly supports the Economic Census, and directs the Bureau to preserve funding when considering reductions. The Committee’s mark provides latitude for the Bureau to make financial decisions, but any programmatic decreases should first focus on reductions to periodic censuses and agency-wide administrative cost savings.

Monthly Status Reports.—Census is directed to continue its dashboard monthly status reports to the Committee as it transitions into preparations for the 2020 decennial.

2020 Decennial Census.—As the 2010 decennial census concludes, preparations are already underway for the 2020 decennial census operations. The Committee directs the Bureau to seriously examine lessons-learned from this recent decennial census to create more cost-effective operations.

The Bureau has a unique opportunity to prove that Government can work smarter and save the taxpayers money by streamlining operations, eliminating wasteful processes, providing better financial oversight, and taking better advantage of technology, especially in information gathering and data management. Therefore, the

Committee directs the Bureau to consider budgeting for the 2020 decennial census at a level less than the 2010 Census and to further consider spending less than the 2000 Census, not adjusting for inflation. Within 90 days of enactment of this act, the Bureau shall provide the Committee with a report that includes a strategic and budgetary plan for achieving this goal. The plan should include specific actions the Bureau can take to save money compared to the 2010 decennial census and descriptions of any challenges the Bureau anticipates that could prevent it from staying below the 2010 or even the 2000 spending level.

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2011	\$40,568,000
Budget estimate, 2012	55,827,000
Committee recommendation	45,568,000

The Committee’s recommendation provides \$45,568,000 for National Telecommunications and Information Administration [NTIA] salaries and expenses. The recommendation is \$5,000,000 above the fiscal year 2011 enacted level and \$10,259,000 below the budget request.

The Committee retains language from previous years allowing the Secretary of Commerce to collect reimbursements from other Federal agencies for a portion of the cost of coordination of spectrum management, analysis, and operations. NTIA shall submit a report to the Committee no later than June 1, 2012, detailing the collection of reimbursements from other agencies related to spectrum management, analyses, and research. The Committee provides additional funding to allow NTIA to continue monitoring and administering broadband grants to ensure that funds are used appropriately by recipients.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND
CONSTRUCTION

Appropriations, 2011	\$1,000,000
Budget estimate, 2012	
Committee recommendation	

The Committee provides bill language allowing the NTIA to continue oversight and administration of previously awarded grants. NTIA shall not use unobligated balances to award new grants.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2011	\$2,090,000,000
Budget estimate, 2012	2,706,313,000
Committee recommendation	2,706,313,000

The Committee’s recommendation provides \$2,706,313,000 for the United States Patent and Trademark Office [USPTO], which is

equal to the budget request, to be derived from offsetting fee collections.

USPTO is the central hub of an innovation friendly Government. USPTO examines patent applications, grants patent protection for qualified inventions, and disseminates technological information disclosed in patents. USPTO also examines trademark applications and provides Federal registration to owners of qualified trademarks.

Budget Execution.—The Committee continues to support allowing USPTO full access to patent and trademark fees and provides language allowing USPTO to retain any revenue in excess of appropriated levels. The Committee notes that a September 1, 2011, letter from the Director of USPTO informed the Committee that the agency would expect to collect roughly \$88,100,000 less fee revenue compared to the 2012 budget request. Nevertheless, the Committee has provided the full request to allow for expenditure of increased fee collections should they materialize.

However, such financial buffers do not absolve the agency from creating sound requirements-based budgets and executing them responsibly. During the 2011 continuing resolution, USPTO executed at a higher spend rate than was authorized under current law, choosing instead to follow a rate based on high fee projections and high expectations for final appropriations levels. In doing so, USPTO aggressively moved ahead with new initiatives during a time of financial uncertainty.

When USPTO's final 2011 budget authority was not as high as the agency had erroneously anticipated—despite having received a 10 percent increase above 2010 levels—USPTO faced a self-inflicted funding shortfall more than halfway through the year. USPTO was forced to drastically cut back on basic core operations by eliminating employee overtime and discontinuing basic training opportunities. USPTO reacted like an agency whose budget had been slashed, and struggled to find financial stability throughout the rest of the fiscal year at time when it should have prospered. Until the agency refrains from chasing the peaks of fee estimates, which is how USPTO found itself in financial trouble in previous years, core operations will continue to suffer.

USPTO's actions during fiscal year 2011 show that patent backlog and pendency issues are not fundamentally connected to a lack of funds, but rather, are the result of a lack of sound fiscal management. After all, USPTO's appropriations have grown 71 percent since 2004, consistently increasing each year, and yet the patent backlog has only recently started to decline ever so slightly. Regardless of whether fee revenues are on the rise or on the decline, USPTO should endeavor to execute its budget based on the fees it actually collects. The Committee provides \$1,000,000 for the Office of Inspector General [OIG] to continue oversight and audits of USPTO operations and budget transparency, and USPTO is directed to work with the Department of Commerce to incorporate all OIG recommendations.

Fee Collections Projections.—The Committee directs the USPTO to provide quarterly reports on its projected fee collections, and to notify the Committee during any month when significant changes

in such projections prompt serious concern or require drastic budgetary responses.

Reprogramming and Spend Plan.—USPTO is required to follow the reprogramming procedures outlined in section 505 of this act before using excess fee collections to forward fund expenses beyond fiscal year 2012. Any deviations from the funding distribution provided for in this act, including carryover balances, are subject to the standard reprogramming procedures set forth in section 505 of this act. USPTO is directed to provide a spend plan for fiscal year 2012, within 30 days of enactment of this act, incorporating all carryover balances from previous fiscal years, and describing any changes to the patent or trademark fee structure. Any changes from the spend plan shall also be subject to section 505 of this act. USPTO is directed to submit all reprogramming, spend plans and budget justifications to the Committee through the Department of Commerce.

Satellite Offices.—The Committee supports USPTO's nationwide workforce program and provides full access to fee collections, which are sufficient for the agency to continue the establishment of satellite offices. In addition, the Committee recognizes the value of creating more satellite offices in regions with a high volume of patents filed and issued that provide easy access to transportation options to accommodate patent seekers. Accordingly, the Committee directs USPTO, when selecting locations for additional satellite offices, to factor in the volume of patent activity, access to transportation options and proximity to a high concentration of universities and patent experts. In addition, USPTO is encouraged to locate to sites within a region that meet these criteria and that can lower operating costs.

Overseas Patent Protection and Small Businesses.—Protecting U.S. patents can be very costly when the protection extends to foreign countries, especially non-English speaking countries where translation is required. Once filed, a company has only 18 months to acquire the resources to protect patents overseas. For large companies, this practice is financially manageable, but small businesses must acquire sufficient venture capital to afford international patenting costs, usually at the expense of creating new jobs or expanding to new ventures. Given today's global marketplace, U.S.-only patent holdings are no longer sufficiently lucrative, and protection outside the United States may mean the difference between success and failure for some companies. One tool that could help these small businesses protect their intellectual property would be a revolving fund for international patent protection, which would allow U.S. companies to apply for financial support to help offset patent protection costs. The fund could be replenished by the successful return on investment once the patents are awarded and the company grows.

The Committee directs the Department of Commerce, working with the USPTO and the International Trade Administration, to provide the Committee with a report within 90 days of enactment of this act detailing recommendations on how best to help small businesses with international patent protection. If such a fund is a reasonable option, the Department should recommend an initial level of appropriations, and how the fund could be managed. The

Department should include suggested criteria for who would be eligible to apply for the program, what criteria companies would be selected to receive funding, and how the fund could become financially self-sufficient. If a fund is not a suitable option, then the Department should provide other suggestions to mitigate the problem these small businesses face.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Appropriations, 2011	\$750,097,000
Budget estimate, 2012	1,001,130,000
Committee recommendation	680,000,000

The Committee's recommendation provides \$680,000,000 for the National Institute of Standards and Technology [NIST]. The recommendation is \$70,097,000 below the fiscal year 2011 enacted level and \$321,130,000 below the budget request. Up to \$9,000,000 may be transferred from the Scientific and Technical Research and Services account to the Working Capital Fund.

NIST's mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life.

A description of each NIST account and the corresponding Committee recommendation follows in the subsequent three headings.

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Appropriations, 2011	\$506,984,000
Budget estimate, 2012	678,943,000
Committee recommendation	500,000,000

The Committee's recommendation provides \$500,000,000 for NIST research and services. The recommendation is \$6,984,000 below the fiscal year 2011 enacted level and \$178,943,000 below the budget request.

National Cybersecurity Center of Excellence.—The Committee is aware of investments being made to secure our Nation's national and defense industrial base from the growing threat of cyber attacks. While a number of Federal agencies play a role in this important area of information assurance, the Committee notes that NIST, as the Nation's standards setting entity, plays a critical role in this area because it is the only Federal lab whose mission is to collaborate with the private sector on standards. The Committee directs the Director of NIST to establish and operate a National Cybersecurity Center of Excellence [NCCOE] at the level of \$10,000,000 from within funds provided in accordance with the direction provided in Senate Report 111–229.

The Committee supports the new national program office of the National Strategy for Trusted Identities in Cyberspace, and directs NIST to provide the required amount of \$24,000,000 to support the program. NIST is also directed to maintain, at a minimum, current fiscal year 2011 funding levels for all other cybersecurity activities.

Greenhouse Gas Measurements.—The Committee supports NIST's greenhouse gas measurement program, especially as it relates to leveraging existing assets and services from private sector partners. Augmenting the program through a collaborative approach is

expected to deliver substantial cost savings and efficiencies as well as position the program for long-term sustainability. NIST is directed to partner with networks that are national in scale and possess attributes consistent with high quality atmospheric and weather monitoring systems, including highly trained field teams capable of installing and maintaining research grade environmental sensing equipment; comprehensive data collection, processing and dissemination infrastructure; as well as demonstrated experience collaborating with the Federal Government through the provision of environmental observing system data.

Facility Security.—The Committee is concerned that plans to change security operations at NIST’s campuses are underway even though such changes would impact appropriations. The Committee directs NIST and the Federal Protective Service [FPS] to provide the Committee with a detailed briefing on the rationale for any changes to security operations as well as a thorough analysis of the costs and personnel impacts. The Committee notes related concerns have been raised in the committee report accompanying the fiscal year 2012 Homeland Security appropriations bill. The Committee is concerned that there could be a negative budgetary impact on NIST’s programs as a result of a transfer of security operations to the FPS. Therefore, any change to NIST’s current security operations shall be treated as a reprogramming and shall adhere to the guidance provided in section 505 of this act.

INDUSTRIAL TECHNOLOGY SERVICES

Appropriations, 2011	\$173,253,000
Budget estimate, 2012	237,622,000
Committee recommendation	120,000,000

The Committee’s recommendation provides \$120,000,000 for Industrial Technology Services. The recommendation is \$53,253,000 below the fiscal year 2011 enacted level and \$117,622,000 below the budget request. Supporting the Nation’s manufacturers, especially small businesses, is critical to keeping America innovative in a global marketplace. The Committee’s recommendation provides \$120,000,000 for the Hollings Manufacturing Extension Partnership Program.

The Committee notes that the fiscal year 2011 level provided no new funding for the Technology Innovation Program [TIP]. Regrettably, the Committee is unable to provide funding to continue TIP grants in 2012 or to continue the Baldrige Performance Excellence Program.

CONSTRUCTION OF RESEARCH FACILITIES

Appropriations, 2011	\$69,860,000
Budget estimate, 2012	84,565,000
Committee recommendation	60,000,000

The Committee’s recommendation provides \$60,000,000 for construction of research facilities. The recommendation is \$9,860,000 below the fiscal year 2011 enacted level and \$24,565,000 below the budget request.

The recommendation funds the highest-priority construction, maintenance, and repair projects at NIST. The Committee directs

NIST to provide quarterly reports on the status of all construction projects.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2011	\$4,588,033,000
Budget estimate, 2012	5,485,734,000
Committee recommendation	5,022,271,000

The Committee’s recommendation provides \$5,022,271,000 for the National Oceanic and Atmospheric Administration [NOAA]. The recommendation is \$434,238,000 above the fiscal year 2011 enacted level and \$463,463,000 below the budget request.

The Committee faces a difficult challenge in meeting the costs of developing NOAA’s Joint Polar-orbiting Satellite System [JPSS]. This is an important project, but given the constrained resources available in fiscal year 2012, the Committee is deeply concerned about the long-term drain that this program could have on NOAA’s other commitments, particularly in weather forecasting and critical investments in our ocean and coastal resources. While working to address the needs of the JPSS program, the Committee has tried to maintain its strong support of NOAA’s overall mission.

OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2011	\$3,182,511,000
Budget estimate, 2012	3,377,607,000
Committee recommendation	3,134,327,000

The Committee’s recommendation provides \$3,134,327,000 for NOAA’s operations, research, and facilities. The recommendation is \$48,184,000 below the fiscal year 2011 enacted level and \$243,280,000 below the budget request.

NOAA NATIONAL OCEAN SERVICE

The Committee’s recommendation provides \$478,653,000 for the National Ocean Service [NOS]. NOS programs provide scientific, technical, and management expertise to promote safe navigation; assess the health of coastal and marine resources; respond to natural and human-induced threats; and preserve the coastal ocean and global environments.

The Committee’s recommendations are displayed in the following table:

NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES
(In thousands of dollars)

	Committee recommendation
Navigation Services	151,600
Ocean Resources Conservation and Assessment	101,495
Integrated Ocean Observing System	(37,650)
Coastal Services Centers	(37,099)
Coral Reef Programs	(26,746)
Response and Restoration	26,531
National Centers for Coastal Ocean Science [NCCOS]	49,000

NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES—Continued
 [In thousands of dollars]

	Committee recommendation
NCCOS Headquarters	(36,000)
Competitive External Research (HABs, Hypoxia and Regional Ecosystem)	(13,000)
Ocean and Coastal Management:	150,027
CZM Grants	(66,146)
CZM and Stewardship	(8,500)
National Estuarine Research Reserve System	(22,281)
Regional Ocean Partnership Grants	(3,500)
Marine Protected Areas	(2,000)
Marine Sanctuary Program Base	(47,600)
TOTAL, NOS	478,653

Navigation Services.—Within the Committee’s recommendation for NOAA’s navigation services, no less than \$49,692,000 shall be for Mapping and Charting and no less than \$31,000,000 shall be for the Address Survey Backlog. The Committee also supports the request for Integrated Ocean and Coastal Mapping, and favors this approach of maximizing NOAA’s own existing dataset to better serve the ocean and coastal management community rather than creating a new program through Coastal and Marine Spatial Planning. NOAA can fulfill the data integration goals of the National Ocean Policy by first maximizing existing operations and leveraging well-established relationships the agency already has with ocean researchers and coastal resource managers. To this end, all of NOAA’s offices, not just those within NOS, shall provide open access to ocean and coastal datasets for the purposes of transparency and collaboration, especially the National Marine Fisheries Service. NOAA is directed to present all datasets in useful and meaningful ways to all users.

Coastal Services Center.—The Committee provides the requested funding for the Coastal Services Center, which includes \$2,800,000 for the Coastal Storms Program. An additional \$4,000,000 is provided to continue the competitive Geospatial Modeling Grants Program.

Integrated Ocean Observing System.—The Committee supports the administration’s request of no less than \$31,055,000 for regional partnerships, which includes funding for sensor technology development.

Response and Restoration.—The bill includes \$26,531,000 for response and restoration, of which no less than \$5,000,000 shall be for marine debris activities. Extra funding is provided above the request to track and mitigate the immense debris field generated by the Japanese earthquake and tsunami that struck in March 2011. Based on ocean current data, the debris field is anticipated to impact the American Pacific islands as early as the end of fiscal year 2011, and the continental United States during fiscal year 2012.

The Deepwater Horizon oil spill revealed that NOAA’s Office of Response and Restoration [ORR] staff was overextended. Today, the agency still lacks the ability and capacity to effectively respond to concurrent oil or chemical spills in different parts of the country. While the costs of NOAA’s response and restoration efforts for the Deepwater Horizon spill should ultimately be reimbursed by re-

sponsible parties, it is imperative that NOAA have appropriate levels of baseline funding to conduct response efforts as needed. NOAA is directed to provide the Committee with a multi-year budget starting with the fiscal year 2013 request that reflects an updated and more realistic core staffing and resource profile for ORR based on lessons learned from Deepwater Horizon. This request shall go beyond oil spill research and development, which were the only requested increases to ORR for 2012 and shall consider operational resources as the top priority.

NOAA NATIONAL MARINE FISHERIES SERVICE

The Committee’s recommendation provides \$811,441,000 for the National Marine Fisheries Service [NMFS]. NMFS programs provide for the management and conservation of the Nation’s living marine resources and their environment, including fish stocks, marine mammals, and endangered species. Using science-based conservation, management, and restoration activities, these resources can benefit the Nation on a sustained basis. NMFS seeks to build sustainable fisheries, recover protected species, and sustain healthy coastal ecosystems and the communities that depend on them.

Committee recommendations are displayed in the following table:

NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Protected Species Research and Management	177,930
Fisheries Research and Management	420,283
Enforcement and Observers	106,806
Habitat Conservation and Restoration	41,789
Other Activities Supporting Fisheries	64,633
TOTAL, NMFS	811,441

NMFS Facilities.—Within 60 days of enactment of this act, NOAA is directed to provide the Committee a report detailing a full analysis of relocating the NMFS northeast regional office closer to NOAA’s headquarters within 2 years. This central office serves the eastern seaboard from Maine to North Carolina, and as far west as Minnesota. Better centrally locating the facility in an area close to NMFS headquarters would allow greater coordination with senior management of NOAA and the Department of Commerce. The Committee believes this will provide for efficiencies and enhance management, while still maintaining a strong regional presence.

Protected Species Research and Management.—The Committee provides no less than \$49,653,000 for marine mammal activities and \$12,887,000 for marine turtle activities from amounts within Protected Species Research and Management. NOAA is directed to use a portion of the funds to support section 119 of the Marine Mammal Protection Act.

Fisheries Research and Management.—Within the Committee’s recommendation for fisheries research and management, no less than \$67,120,000 shall be for annual stock assessments, \$28,662,000 shall be for Salmon Management activities, and \$24,446,000 shall be for fisheries statistics. Within the increased

funding for annual stock assessments, priority shall be given to critically underserved regions that serve the needs of multiple international Regional Fishery Management Organizations.

Pacific Salmon Treaty.—Within the amount provided for Salmon Management activities, the Committee provides a total of \$9,759,000 to enable the States and tribal communities to move forward on necessary Pacific Salmon Treaty agreements. In addition, the Committee fully supports all other aspects of the budget request for Salmon Management activities that are essential to meeting these treaty obligations.

American Lobster.—The southern New England stock of American lobster has been in decline and under increasing stress. Although the Atlantic States Marine Fishery Commission exercises primary regulatory responsibility for this fishery, portions of six out of seven management areas are in Federal waters. NMFS implements complementary regulations for the fishery in these areas, but a dearth of data about the condition of this fishery still exists. To improve coordination and consistency, NMFS is directed to engage the industry in conducting surveys and research that complements activities undertaken by the States.

Bycatch Reduction.—The development and implementation of practical bycatch solutions is a priority of U.S. and international fisheries management and protected species conservation. The Committee supports the requested amount for Reducing Bycatch, of which NMFS is directed to make \$2,500,000 available for competitive grants to non-Federal researchers working with U.S. fishermen on the development of improved fishing practices and innovative gear technologies.

Shellfish Research.—The Committee expects NOAA to use an appropriate portion of the research funding to support projects—conducted collaboratively by universities and commercial shellfish producers—that produce improved shellfish broodstock, and also monitor and mitigate the effects of pathogens and ocean acidity on shellfish production.

Enforcement and Observation.—The Committee provides a total of \$65,732,000 for fisheries enforcement and surveillance, and a total of \$41,074,000 for fisheries observers and observer training.

The Committee is concerned that the transition to the Northeast Multispecies Fishery Sector Management Program continues to present substantial financial challenges to the economic sustainability of fishing communities throughout the northeast region. Within the funds provided, the Committee directs NMFS to provide adequate funding for at-sea and dockside monitoring for fisheries transitioning to approved catch share management plans.

Habitat Conservation and Restoration.—The Committee provides a total of \$41,789,000 for habitat conservation and restoration programs. For the fiscal year 2013 budget request, NOAA is directed to consolidate funding for restoration and conservation grant programs throughout the agency, not only within NMFS, including the Estuary Restoration Program, the Damage Assessment, Remediation and Restoration Program, and the Coastal and Estuarine Land Protection Program. NOAA is directed to work with its Federal and non-Federal partners to prioritize which funding sources are most important to communities, eliminate duplicative activities

and administration, and establish a reasonable path forward for sound environmental restoration within the scope of the agency's authorization and financial potential.

Other Activities Supporting Fisheries.—The Committee provides a total of \$64,633,000 for other activities supporting fisheries, of which not less than \$11,000,000 shall be for cooperative research, \$12,228,000 for Regional Studies and \$8,000,000 for aquaculture activities. Within 15 days of obligating Cooperative Research funding, the agency is directed to provide the Committee with a report detailing all grants management information about Cooperative Research recipients including indirect costs and overhead charges.

Regional Studies.—The Committee supports the request for regional studies. NOAA's Chesapeake Bay Office [CBO] is directed to collaborate with State agencies and the National Sea Grant Programs to advance multiple species management. The Committee also directs NOAA to provide the Committee with a report within 60 days of enactment of this act detailing a clear strategic plan for transferring the Cooperative Oxford Laboratory [COL] from the National Centers for Coastal Ocean Science to CBO.

Fisheries Asset Forfeiture Fund.—The Committee recognizes that the administration has improved the accounting procedures for the Fisheries Asset Forfeiture Fund and therefore provides bill language in section 110 of this title that allows for further fiscal transparency. The Committee is also aware of associated proposals to redirect the use of the fund to activities other than fisheries enforcement. However, the Committee's concerns about this fund focus more on financial oversight than authorized uses. Any newly proposed uses of the funds that may deviate from activities outlined in section 311(e) of the Magnuson-Steven Fisheries Conservation and Management Act should be addressed through the Senate Committee on Commerce, Science, and Transportation.

NOAA OCEANIC AND ATMOSPHERIC RESEARCH

The Committee's recommendation provides \$362,848,000 for Oceanic and Atmospheric Research [OAR]. OAR programs provide the environmental research and technology needed to improve NOAA weather, air quality warnings, forecasts, climate predictions, and marine services. To accomplish these goals, OAR supports a network of scientists in its Federal research laboratories, universities, and joint institutes and partnership programs.

The Committee notes that the fiscal year 2012 request for NOAA's new Climate Service was made at the expense of substantial funding from OAR's climate research activities. The Committee does not see the value of having a research line office if research activities are requested elsewhere in the agency. In addition, the proposed reorganization of NOAA to create the Climate Service presented a unique opportunity to migrate research-related activities that exist in other NOAA line offices into OAR. However, such a consolidation was not proposed.

To maintain a consistent research line office, the Committee retains much of the agency's climate research funding, include climate-related Cooperative Institutes, in OAR. Given the pending fiscal constraints facing the agency, NOAA needs to make a decision about the future of research within the agency. The Committee di-

rects NOAA to include in its fiscal year 2013 request either a more realistic and viable justification for OAR, or to propose to eliminate basic research from NOAA's portfolio and incorporate OAR's applied research functions into their respective line offices.

Committee recommendations are displayed in the following table:

OCEANIC AND ATMOSPHERIC RESEARCH OPERATIONS, RESEARCH AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Climate Research	163,483
Laboratories and Cooperative Institutes	(53,483)
Competitive Research Program	(110,000)
Weather and Air Quality Research Programs	62,596
Ocean, Coastal, and Great Lakes Research	124,769
Laboratories and Cooperative Institutes	(24,246)
National Sea Grant College Program	(65,000)
Ocean Exploration	(29,523)
Integrated Ocean Acidification	(6,000)
High-performance Computing Initiatives	12,000
TOTAL, OAR	362,848

Laboratories and Cooperative Institutes.—The Committee remains concerned that NOAA is underfunding cooperative institutes and creating new partnerships with the external community under false pretenses. The Committee provides an increase to help bridge the gap but expects the administration to fully fund these cooperative institutes, including well-established institutes focused on coral reef research and watershed impacts on marine ecosystems, and laboratories at appropriate levels in future years.

National Sea Grant College Program.—The Committee provides \$65,000,000, of which \$5,000,000 is for marine aquaculture research and \$1,200,000 is for aquatic invasive species research; both activities shall be coordinated by NOAA's Sea Grant office. The Committee continues to recognize the important role the Sea Grant program plays in connecting coastal and Great Lakes communities with practical research and results, and encourages the growth of this program in future budget requests.

Unmanned Aerial Systems.—The Committee encourages NOAA to continue research involving unmanned aerial systems that could support the agency's operations, especially weather forecasting and hurricane tracking.

NOAA NATIONAL WEATHER SERVICE

The Committee's recommendation provides \$893,480,000 for the NOAA National Weather Service [NWS]. NWS programs provide timely and accurate meteorologic, hydrologic, and oceanographic warnings and forecasts to ensure the safety of the population, mitigate property losses, and improve the economic productivity of the Nation. NWS is also responsible for issuing operational climate forecasts for the United States. Of the amounts provided, no less than \$631,121,000 shall be for Local Warnings and Forecasts.

NWS Operations and Organization.—The National Academy of Sciences is currently conducting an end-to-end assessment of the NWS modernization and will be making recommendations on how

NWS can improve current partnerships with Federal and non-Federal partners and incorporate new technologies for improved services. With regards to organizational structure internal to NWS, NOAA is directed to enter into a contract with the National Academy of Public Administration for the purposes of evaluating efficiencies that could be made to the NWS organization. Given the current fiscal climate, such independent information will be important to the Committee and to the administration to make informed decisions about future budget requests that support NWS operations.

National Mesonet Strategy.—The need for significant improvement to the Nation's mesoscale weather observing capabilities is well documented. Many Federal agencies including the Department of Commerce, the Department of Transportation, and the Department of Energy, along with State and local agencies, and the private and academic sectors have long desired a national mesonet for improved comprehensive understanding of our environment. A national mesonet is a nationwide, integrated network of surface-based, atmospheric monitoring sensors at the county and local scale that will improve real-time detection and forecasting of weather, especially high-impact severe weather. However, progress toward a national mesonet has been sporadic and often not focused. In order to satisfy this critical national need, the Director of NWS shall lead a study that establishes a peer-reviewed plan and budget for finally achieving a national mesonet, including the role of the Meteorological Assimilation Data Ingest System [MADIS] and the evolution of this observation network to include climate sensors for the study of greenhouse gas emissions. This study should include users and data providers, and it should involve the private sector, academia, and the government at the local, State, and Federal levels. It should be delivered with specific recommendations on implementation no later than 180 days from enactment of this act.

National Mesonet Operations.—Within amounts provided for NWS, \$16,000,000 shall be for continuation and expansion of the competitive National Mesonet Program, including: (1) \$10,000,000 to procure data to support programs previously funded under the National Mesonet initiative; (2) \$3,000,000 for expansion of procurements of surface in-situ observations from non-Federal networks in urban and nonurban regions of the country for purposes of monitoring weather, climate and dispersion forecasting, of which 75 percent of the funds shall be for data procurements (such as exclusive software or infrastructure necessary for the acquisition of the data) from existing networks within Urban Area Security Initiative eligible cities not already covered by NOAA's Mesonet network that possess significant in-place observing assets and demonstrated records of performance, including well-spaced commercial grade observing systems within a 30-mile radius of each city center, delivery of consistently high-quality observations in near real-time and with 1-minute frequency, supported by continuous operations center as well as highly trained and equipped field personnel responsible for documented maintenance, calibration and metadata collection activities, of which 25 percent of the funds shall be utilized specifically for data procurements from existing networks in non-urban areas that possess similar demonstrated records of per-

formance for network size, operations and maintenance; (3) \$1,500,000 for continued transition to operation of the Mobile Platform Environment [MoPED] system with expansion to additional vehicle fleets and other mobile platforms; (4) \$750,000 for enhancements to MADIS, including continued evolution of metadata handling and performance capabilities; and (5) \$500,000 for the National Mesonet program office for oversight and data utilization initiatives. NOAA is expected to include a robust and expanded national mesonet program in its fiscal year 2013 budget request.

Severe Storm Forecasts.—The Committee is concerned that NOAA depends on 30-year-old technology to forecast severe storms, despite the existence of advanced remote sensing technology that could significantly improve forecasting capability and increase warning times. Therefore, the Committee directs NOAA to develop a plan for a mid-decade deployment of an advanced hyper-spectral sounder to improve the forecasting of severe weather and do so in the most timely, efficient and cost-effective means possible. NOAA shall submit this plan to the Committee within 90 days of enactment of this act.

Flood Forecasts.—The Committee provides an additional \$2,000,000 to NOAA's request for Advanced Hydrological Prediction Services for a total of \$8,119,000, and directs the agency, working in consultation with the U.S. Geological Survey and the U.S. Army Corps of Engineers, to enter into formal agreements with river commissions throughout the country for the purposes of leveraging stream and river data and information for coordinated flood forecasts. Initial priority for creating such agreements shall be given to Federal-interstate compact commissions given their unique congressional authority. River commissions provide critical data to NWS via a network of stream and rain gages which is used to create accurate and timely flood forecasts and warnings, thereby saving human lives.

NATIONAL ENVIRONMENTAL SATELLITE SERVICE

The Committee's recommendation provides \$110,490,000 for the National Environmental Satellite Service [NESS] operations. NESS programs operate environmental polar-orbiting and geostationary satellites and collect and archive global environmental data and information for distribution to users in commerce, industry, agriculture, science and engineering, the general public, and Federal, State and local agencies.

NOAA CLIMATE SERVICE

The Committee recommendation provides \$161,549,000 for the NOAA Climate Service, of which \$27,803,000 is for Integrated Climate Services, and \$133,746,000 is for Observations and Monitoring. The funding requested by the administration for climate activities that directly relate to competitive research and Cooperative Institutes is funded within OAR.

Within the funds provided, no less than \$7,000,000 shall be for Regional Services, no less than \$6,000,000 for the Climate Data Modernization Program, and NOAA is also directed to continue funding the National Coastal Data Development Center per the administration's request.

NOAA-WIDE PROGRAM SUPPORT

The Committee recommendation provides \$431,964,000 for NOAA-wide program support. These programs provide for overall NOAA management, including staffing of the Under Secretary's office and services to NOAA and DOC field offices through the regional Administrative Support Centers. These programs also support NOAA's Education Office consistent with the recommendations of the Joint Ocean Commission. The facilities subactivity provides for repair and maintenance to existing facilities, facilities planning and design, and environmental compliance. The Office of Marine and Aviation Operations provides aircraft and marine data acquisition, repair, and maintenance of the existing fleet, planning of future modernization, and technical and management support for NOAA-wide activities through the NOAA Commissioned Officer Corps.

Committee recommendations are displayed in the following table:

PROGRAM SUPPORT OPERATIONS, RESEARCH, AND FACILITIES
[In thousands of dollars]

	Committee recommendation
Corporate Services	219,291
NOAA Education Program	31,540
Marine and Aviation Operations and Maintenance	181,133
TOTAL, PROGRAM SUPPORT	431,964

Corporate Services.—The Committee remains concerned about the lack of transparency of all administrative costs incurred by NOAA's corporate staff and line offices, including regional and field offices. A January 2011 GAO report, commissioned by this Committee, validates these concerns by recommending that NOAA improve its policies and procedures for providing management and administration [M&A] services. Without transparent accounting, the Committee will not know the true agency-wide administrative costs that currently far outweigh the corporate services appropriation. NOAA has continued to tax line office programs for a portion of its corporate administrative costs through a direct billing process that is not visible to the Committee. Over the past 5 years, the corporate services appropriation has accounted for a declining share of total NOAA corporate administrative costs, while the direct billing share of these costs has increased significantly.

The Committee directs NOAA to implement the GAO recommendations by requiring NOAA's headquarters, line offices, and financial management centers to document policies and procedures for M&A services provided, in line with internal control and Federal cost accounting standards. Such documentation should include at a minimum: (1) policies regarding the types of M&A services provided; (2) the procedures used each year to determine the costs of M&A services; (3) policies and procedures for assigning the costs of M&A services to specific programs, activities, or outputs that benefit from the services and the results of that cost assignment; and (4) the justification for why those assignments are appropriate.

In addition, the Committee directs NOAA to include a report with the 2012 spend plan that identifies total NOAA administrative costs for fiscal years 2011 and 2012 for NOAA corporate staff and for each line office, 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 financial management centers, for the standard administrative functions described above. Similar tables shall be included in all subsequent NOAA annual budget justifications provided to Congress.

Education.—Within the funds provided for NOAA’s Education Program, \$8,040,000 is for competitive educational grants, of which \$2,500,000 is to continue the ocean education partnerships and \$2,000,000 is to improve geographic literacy in our Nation’s schools by utilizing NOAA’s national network of weather and environmental activities; \$14,300,000 is for the educational partnership program with minority serving institutions; and a total of \$7,200,000 is provided for Bay-Watershed Education and Training regional programs.

Justification Improvement.—NOAA is directed to continue to work with the Committee to reformat the budget justification into a more transparent, informative and user-friendly document.

Research and Development [R&D] Tracking and Outcomes.—The Committee directs NOAA to continue to track the division of R&D funds between intramural and extramural research; assure consistency and clarity in the collection and reporting of data; clearly state expected research outcomes and available funding to provide transparency into the competitive grant process; and increase extramural research funding in future requests to build broad community support and leverage external funding for mission-oriented research.

Marine and Aviation Services.—Within the funds provided for marine and aviation services, no less than \$29,358,000 shall be for aviation operations.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

Appropriations, 2011	\$1,332,682,000
Budget estimate, 2012	2,052,777,000
Committee recommendation	1,833,594,000

The Committee’s recommendation provides \$1,833,594,000 for NOAA’s procurement, acquisition, and construction. The recommendation is \$500,912,000 above the fiscal year 2011 enacted level and \$219,183,000 below the budget request.

Committee recommendations are displayed in the following table:

PROCUREMENT, ACQUISITION AND CONSTRUCTION

[In thousands of dollars]

	Committee recommendation
National Ocean Service:	
Coastal and Estuarine Land Protection Program	5,000
National Estuarine Research Reserve Construction and Land Acquisition	1,690
Marine Sanctuaries Construction/Acquisition	5,495

PROCUREMENT, ACQUISITION AND CONSTRUCTION—Continued

[In thousands of dollars]

	Committee recommendation
Total, National Ocean Service—PAC	12,185
Climate Service:	
Research Super Computing	6,379
Regional Climatology Network Modernization	3,700
EOS & Advanced Polar Data Processing, Distribution & Archiving	990
Data Center Modernization	2,846
CLASS	6,476
Total Climate Service	20,391
National Weather Service:	
ASOS	1,635
AWIPS	23,952
NEXRAD	5,819
NWSTG Legacy Replacement	1,195
Radiosonde Network Replacement	4,014
Weather and Climate Supercomputing	33,174
Complete and Sustain NOAA Weather Radio	5,594
NOAA Profiler Network	5,000
WFO Construction	3,150
Total, National Weather Service—PAC	83,533
National Environmental Satellite Services:	
Geostationary Systems [GOES–N]	33,967
Geostationary Systems [GOES–R]	617,390
Polar Orbiting Systems [POES]	34,816
Joint Polar Satellite Systems [JPSS]	920,794
JASON–3	20,306
DSCOVR	47,300
CIP—single point of failure	2,772
NPP Data Exploration	4,455
Satellite CDA Facility	2,228
Restoration of Climate Sensors	28,957
Total, NESS—PAC	1,712,985
Program Support:	
Vessel Equip. and Tech Refresh	11,100
New Vessel Construction	1,400
Total, Program Support—PAC	12,500
Unobligated balances from prior years	(8,000)
GRAND TOTAL, PAC	1,833,594

Joint Polar Satellite System [JPSS].—The Committee provides \$920,794,000 for JPSS, which is \$436,530,000 above the 2011 spend plan level. The Committee remains concerned about the lack of long-term budgeting for JPSS as well as decisional delays caused by uncertainty over the transition of the legacy program, including the migration of legacy contracts to the JPSS program and on-going intellectual property disputes. The Committee has repeatedly requested updated and detailed budget plans for the life-cycle of the program. NOAA is reminded that section 112 of division B of Public Law 110–161 applies to JPSS, which continues as section 105 of this act.

The original cost to complete JPSS, excluding climate sensors, was originally projected to surpass \$11,900,000,000 through fiscal year 2024. The Committee does not believe the current fiscal climate can achieve this funding level, nor will the Committee continue to allow a single satellite program to jeopardize the base funding for every other agency in this bill, including the erosion of NOAA's non-satellite operations. Therefore, the Committee directs NOAA to modify the scope and cost of the JPSS program in the following manner while preserving the mission's primary objective of providing data for predicting and forecasting weather.

First, the Committee expects NOAA to reduce the program's total life cycle cost, with the exception of climate sensors, to \$9,423,000,000 through 2024. This means from 2012 through 2024, NOAA will have a remaining budget of \$6,060,000,000, of which \$920,794,000 is provided in 2012. Should JPSS operate beyond 2024 based on extended satellite performance, the Committee will certainly entertain an extension with associated funding.

Second, NOAA is directed to provide the Committees with an updated budget plan for JPSS no later than 60 days after enactment of this act that keeps life cycle costs within this framework. In addition, the agency shall propose a firm cap on the costs of each payload sensor, spacecraft, and the ground segments. The original projected cost of a launch vehicle shall remain the same as originally budgeted for in February 2010. Funding for program management, execution and operations shall also be delineated, including a sufficient budget for contingency and reserve funding to handle unanticipated problems in the development of JPSS-1 and JPSS-2.

Third, NOAA shall provide a report, within 60 days of enactment of this act, quantifying the value of JPSS data to other Federal agencies. NOAA shall establish a compensation policy that requires the agency to be fully reimbursed by appropriate Federal agencies or scientific institutions for the use of JPSS data, information and products. The Committee takes note of various agencies and institutions that have commented on the importance of JPSS and weather forecasting to their own operations and how full funding for the program is needed regardless of current fiscal constraints. The Committee also notes that none of these entities have offered any financial support for such an important program. Indeed, JPSS is as much of a national asset as it is a NOAA asset, and NOAA's baseline weather information shall be available to all. However, NOAA shall be reimbursed for any special products, services, data transfers, or any activities conducted in collaboration with any other Federal agency or non-Federal entity per section 112 of this title.

Fourth, NOAA is prohibited from using appropriations to fund the development of any JPSS-related weather or climate instrument to fly on any satellite outside of the JPSS program without the express consent of the Committee.

Fifth, the Committee directs NOAA to ensure the launch date of JPSS-1 does not slip beyond the fall of 2016 to minimize the potential gap in civil weather forecasting. To mitigate any such gap, NOAA is directed to explore cost-effective and logistically reasonable options for acquiring weather data from our international space partners or from industry.

Sixth, NOAA is directed to keep weather forecasting as the prime objective of the JPSS mission, and to minimize risk. To this end, any associated climate sensors that become the critical path for JPSS will be cancelled. Given the fiscal environment and JPSS's low tolerance for risk, NOAA shall explore the feasibility of using smaller platforms to accommodate climate sensors in order to accomplish NOAA's climate goals.

NOAA Satellite Reporting.—Beginning with fiscal year 2013 and for every fiscal year thereafter, the Committee directs NOAA to provide multi-year budget projections for all active satellite systems within the agency's request that cover the full life-cycle costs, including previous appropriations, broken out by year. For each satellite, NOAA shall clearly state the intended launch date listed to the closest quarter. At a minimum, NOAA is further directed to provide the Committee with quarterly programmatic and procurement status reports of all satellites actively flying and under development unless any reprogramming, system failure or other extraordinary circumstance warrants an immediate update.

NOAA Pacific Regional Center.—The Committee clarifies that funds previously appropriated for development of the NOAA Pacific Regional Center are also intended for development of an accompanying Child Development Center.

PACIFIC COASTAL SALMON RECOVERY FUND

Appropriations, 2011	\$79,840,000
Budget estimate, 2012	65,000,000
Committee recommendation	65,000,000

The Committee's recommendation provides \$65,000,000 for the Pacific Coastal Salmon Recovery Fund. The recommendation is the same as the budget estimate. Funds are for conservation and restoration of Pacific salmon populations. State and local recipients of this funding will provide matching contributions of at least 33 percent of Federal funds. In addition, funds will be available to tribes, which do not require matching dollars.

FISHERMAN'S CONTINGENCY FUND

Appropriations, 2011	
Budget estimate, 2012	\$350,000
Committee recommendation	350,000

The Committee's recommendation provides \$350,000 for the Fisherman's Contingency Fund. The recommendation is \$350,000 above the fiscal year 2011 enacted level and the same as the President's request.

FISHERIES FINANCE PROGRAM ACCOUNT

Appropriations, 2011	-\$6,000
Budget estimate, 2012	-10,000
Committee recommendation	-11,000

The Committee recommends that direct loans administered through this account for individual fishing quotas may not exceed \$24,000,000 and traditional direct loans may not exceed \$59,000,000.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Appropriations, 2011	\$57,884,000
Budget estimate, 2012	64,871,000
Committee recommendation	56,726,000

The Committee's recommendation provides \$56,726,000 for Departmental Management Salaries and Expenses. The recommendation is \$1,158,000 below the fiscal year 2011 enacted level and \$8,145,000 below the budget request.

Within Departmental Management, the Salaries and Expenses account provides funding for the Secretary, Deputy Secretary, and support staff. Responsibilities involve policy development and implementation affecting United States and international activities, as well as establishing internal goals and operations of the Department.

Data Center Consolidation.—The Committee encourages DOC to accelerate data center consolidation efforts throughout the Department and to provide the Committee with a report 90 days from enactment of this act outlining the plan, strategy and cost savings of the consolidation. As an incentive for each Commerce agency to collaborate with DOC headquarters on this issue, the Committee recommends that all savings associated with any proposed consolidations shall remain within the Department. The Committee suggests that one-half of any savings should stay within any agency able to participate in data consolidation. Such funds should directly support the agency's base operations or any reprogramming requests submitted to the Committee.

The other one-half of any savings shall fund improvements to the Department's internal cybersecurity controls as proposed in the 2012 budget request. The Committee shares the inspector general's concerns that DOC needs to improve cybersecurity protocols throughout the Department.

National Manufacturing Strategy.—Within 180 days of enactment of this act, the Department is directed to submit to the Committee, and publish on a public Web site, a National Manufacturing Strategy, which assesses the Nation's manufacturing sector, develops a strategy that includes specific goals, in addition to goals in the export market, and outlines the initiatives the administration is pursuing to achieve those goals and strengthen our Nation's manufacturing sector.

RENOVATION AND MODERNIZATION

Appropriations, 2011	\$14,970,000
Budget estimate, 2012	16,150,000
Committee recommendation	5,000,000

The Committee recommendation provides \$5,000,000, which is \$9,970,000 below the fiscal year 2011 enacted level and \$11,150,000 below the budget request for building renovation at the Department of Commerce.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2011	\$26,946,000
Budget estimate, 2012	33,520,000
Committee recommendation	26,946,000

The Committee recommendation provides \$26,946,000. The recommendation is the same as the fiscal year 2011 enacted level and \$6,574,000 below the budget request.

In addition to funds provided under this heading, the Committee has recommended a transfer to the inspector general of \$1,000,000 from the U.S. Patent and Trademark Office and \$1,000,000 from the Census Bureau for oversight and audits of those activities.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Section 101 makes Commerce Department 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 salaries and expenses available for the hire of passenger motor vehicles, and for services, uniforms, and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department of Commerce accounts and within NOAA appropriations. The provision makes transfers subject to the Committee’s standard reprogramming procedures.

Section 104 provides that any cost resulting from personnel actions shall be absorbed by the affected Department or Agency.

Section 105 extends congressional notification requirements for the NOAA satellite programs.

Section 106 provides authority for the Secretary of Commerce to furnish certain services within the Herbert C. Hoover Building.

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 NOAA the authority to share resources with entities outside the agencies.

Section 109 cancels the Coastal Zone Management Fund.

Section 110 establishes the Fisheries Enforcement Asset Forfeiture Fund.

Section 111 establishes the Sanctuaries Enforcement Asset Forfeiture Fund.

Section 112 provides NOAA the authority to accept funding from entities outside the agencies.

Section 113 clarifies management of highly migratory fish stocks.

TITLE II

DEPARTMENT OF JUSTICE

The Committee recommends a total of \$26,907,016,000 for the Department of Justice [DOJ]. The recommendation is \$482,134,000 below the fiscal year 2011 funding level and \$1,817,323,000 below the budget request.

Spending cuts have real consequences, and the Committee's recommendation for the Department of Justice reflects that reality. The Committee makes tough and ultimately unpopular budgetary decisions regarding funding for the Department's critical ongoing missions and activities to protect the safety, security and rights of our citizens.

The Committee must provide an increase of more than \$350,000,000 above fiscal year 2011 to safely guard the Nation's growing Federal prison inmate and detention populations. While these activities are not considered mandatory for budget purposes, they are not truly discretionary in that the Committee has an obligation to adequately fund them regardless of budgetary constraints. Given the limited flexibility of the Federal prison and detention budget requests, and unless the inmate populations experience unforeseen decreases, the day approaches fast when Federal prisons and detention demands swallow the Justice Department's budgetary resources.

Given these urgent challenges within current budgetary constraints, the Committee was forced to reduce activities for which it has historically provided increases. The Committee's recommendation regrettably cuts nearly all other Federal law enforcement agencies—including the Federal Bureau of Investigation [FBI], Drug Enforcement Administration [DEA], Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF], U.S. Marshals Service, and U.S. Attorneys—by up to 2 percent from fiscal year 2011 enacted levels. State and local grant programs are cut by over \$482,000,000, or by 17 percent, compared with fiscal year 2011 levels. Over 20 grant programs are eliminated and the surviving programs face substantial reductions. Faced with these cuts, the Department of Justice, along with its State and local law enforcement and criminal justice partners, will struggle to carry out their mission and mandate to protect our Nation from terrorists, guard our neighborhoods from violent crime, and uphold the rule of law.

Staying in Front of Emerging Technologies.—With the advent of third and fourth-generation communication networks, Americans will enjoy more flexibility, capabilities, and choices in when, where, and how they communicate than ever before. These technological advances will drive innovation and development across the economy. However, criminals are also capitalizing on emerging communications technologies. In the United States, State, local, and Fed-

eral law enforcement have used electronic surveillance to track down, apprehend, and prosecute members of drug trafficking organizations, violent transnational gangs, and child pornography and prostitution rings. Examples of such successes are the Attorney General’s announcements earlier this year of Operation Delego, which targeted international online sex predators who made, distributed and wallowed in pornography targeting children ages 12 and younger; Operation Shadowbox, which orchestrated a take-down targeting the Mexican Sinaloa Cartel and Iraqi narcotics trafficking elements; the FBI’s international crackdown against computer hacking groups such as “Anonymous;” and Project Delirium’s arrests of thousands of members and associates of the notorious mafia La Familia Michoacana drug cartel.

The Committee is concerned that with the rapid deployment of telecommunications and data communications technology, law enforcement does not have the ability to keep up with these technological changes, impacting collection, and surveillance capabilities. Without a proactive approach to addressing these technological gaps, criminal investigations will be crippled. The Committee directs the Attorney General to report to the Committee no later than 60 days after enactment of this act on whether the Department of Justice has the resources it needs to preserve law enforcement’s electronic surveillance capabilities in the face of third and fourth generation communication technologies. If not, the Committee directs the Attorney General to provide recommendations on what resources are necessary to ensure that Federal law enforcement agencies, as well as State and local law enforcement, maintain the technological capabilities to conduct lawful electronic surveillance.

GENERAL ADMINISTRATION
SALARIES AND EXPENSES

Appropriations, 2011	\$118,251,000
Budget estimate, 2012	134,225,000
Committee recommendation	115,886,000

The Committee’s recommendation provides \$115,886,000 for General Administration salaries and expenses. The recommendation is \$2,365,000 below the fiscal year 2011 enacted level and \$18,339,000 below the budget request.

The General Administration account provides funding for senior policy officials responsible for Departmental management and policy development. The specific offices funded by this account include the following: the immediate Office of the Attorney General; the immediate Office of the Deputy Attorney General; the immediate Office of the Associate Attorney General; Office of Legal Policy; Office of Public Affairs; Office of Legislative Affairs; Office of Professional Responsibility; Office of Intergovernmental and Public Liaison; and the Justice Management Division.

Office of Legislative Affairs [OLA].—OLA needs to provide the Committee with information proactively and in a timely manner, but this has not been consistent practice over the past 3 years. OLA is directed to take whatever steps are necessary (including communicating with the White House to end unhelpful and coun-

terproductive information embargoes) to improve the sharing of information with Congress.

International Organized Crime [IOC].—The bill includes funds for the IOC Intelligence and Operations Center, the Attorney General’s Organized Crime Council Program Support Office and IOC increases requested in other bureaus. Resources requested to provide a central fund for IOC case operation costs, however, should continue to be derived from the Attorney General’s special projects fund or other available sources. If the IOC initiative is intended to be a permanent fixture that will appear in future requests, the Department of Justice [DOJ] should develop a strategy for funding this program somewhere other than the executive leadership budget.

Cooperation with the Government Accountability Office [GAO].—The Department is directed to develop, in consultation with GAO, a compromise that will allow congressional oversight to proceed as necessary on intelligence-related programs. As part of this negotiated compromise solution, DOJ is directed to work more broadly with GAO on improving the quality, quantity and timeliness of DOJ responses to GAO reviews on all subjects, including those that are not directly related to intelligence or national security programs.

Gang Enforcement.—The Department should continue to strive for better cooperation among anti-gang entities and greater effectiveness in enhancing and linking gang cases. In addition, the Department shall continue keeping the Committee informed of any planned management and organizational changes regarding anti-gang efforts.

Prison Rape Elimination.—The Department shall 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 Prison Rape Elimination Act [PREA] of 2003, which by law were due to be adopted over a year ago. Upon adoption of the national standards, the Committee will revisit how the Department will 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 PREA national standards.

Tribal Consultation.—Within 120 days of enactment of this act, the Attorney General shall provide the Committee with a report on how DOJ will use the tribal consultation process to further streamline and coordinate programs and funding opportunities for Native Americans, both within DOJ and with relevant programs of the Department of the Interior.

NATIONAL DRUG INTELLIGENCE CENTER

Appropriations, 2011	\$33,955,000
Budget estimate, 2012	25,000,000
Committee recommendation	20,000,000

The Committee’s recommendation provides \$20,000,000 for the National Drug Intelligence Center [NDIC]. The recommendation is \$13,955,000 below the fiscal year 2011 enacted level and \$5,000,000 below the budget request.

The Committee directs the Department to submit a report to the Committee no later than 60 days after the enactment of this act detailing its future plans for NDIC, including positions and salaries. DOJ is further directed to include in its report information on potential employee relocations and the corresponding associated costs.

JUSTICE INFORMATION SHARING TECHNOLOGY

Appropriations, 2011	\$60,164,000
Budget estimate, 2012	54,307,000
Committee recommendation	47,000,000

The Committee's recommendation provides \$47,000,000 for Justice Information Sharing Technology. The recommendation is \$13,164,000 below the fiscal year 2011 enacted level and \$7,307,000 below the budget request.

Cyber Security.—The Committee's recommendation includes \$16,086,000 as requested, so that DOJ may continue to defend proactively against and respond to cyber threats and attacks against DOJ's networks. The Committee supports the Department's efforts to better protect its networks and other information technology assets and hopes that these resources will allow DOJ to achieve the same success in cyber security implementation as it has achieved on its Federal Information Security Management Agency [FISMA] report card.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

Appropriations, 2011	\$99,800,000
Budget estimate, 2012	102,751,000
Committee recommendation	87,000,000

The Committee's recommendation provides \$87,000,000 for Tactical Law Enforcement Wireless Communications. The recommendation is \$12,800,000 below the fiscal year 2011 enacted level and \$15,751,000 below the budget request.

This account centrally funds development, acquisition, deployment, operation and maintenance of the Justice Department's narrowband wireless communications network.

Integrated Wireless Network [IWN].—A decade after the September 11, 2001, attacks on our Nation, the Department of Justice continues to have significant deficiencies in its law enforcement communications capabilities. Over the past several years, the Committee has supported efforts to replace antiquated legacy systems by consolidating tower infrastructure and trunking land mobile radios—a system that provides interoperable communications among Federal law enforcement agencies. This effort has been deployed in the National Capitol Region and future deployments were planned for surrounding States.

Due to budgetary constraints, the Department recently took steps to terminate work on the further design and deployment of this system. The Committee appreciates that tight budgetary constraints necessitate difficult decisions; however, interoperable communications remain a top priority. Given that the dynamics of IWN have changed in light of a shrinking Federal budget, the Department shall submit a report within 60 days of enactment of this act to the Committee on the Department's plan moving forward, in-

cluding alternative funding sources and funding options, to provide, deploy, maintain and operate a wireless network that addresses security vulnerabilities, improves system reliability, and achieves interoperability with other law enforcement and emergency responder radio infrastructure systems. The Department is expected to work with its Chief Information Officer to retain oversight of IWN, and to explore all available and viable options for advancing law enforcement radio infrastructure and resources, including qualitative performance metrics and analysis that assess the effectiveness of new and existing infrastructure and technology deployments. The report should also include a description of the Department's efforts to ensure that components are purchasing equipment that is compliant with Project 25 standards.

The Committee supports the broadest possible use of IWN across law enforcement agencies. However, the Department does not have the budgetary resources to fund other agencies' use of the network. Should other agencies choose to use the network, they should assume the full cost of their participation.

The Committee is concerned that the Department has used sole-source contracts or existing contracts for operations and maintenance to procure several hundred million dollars worth of land mobile radios and equipment without full and open competition. While the Department has justified such sole-source contracts with the need to be backward compatible with existing proprietary systems, the continued use of proprietary systems will only serve to lock the Department into a non-P25, proprietary system from one vendor for years to come. The purpose of P25 is to have an open standard that increases competition and lowers cost. The Committee believes that the Department has not thoroughly considered its options or reviewed the examples of currently operating P25 systems. The Department shall use full and open contracting and procurement procedures.

ADMINISTRATIVE REVIEW AND APPEALS
(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2011	\$300,084,000
Budget estimate, 2012	332,583,000
Committee recommendation	294,082,000

The Committee's recommendation provides \$294,082,000 for Administrative Review and Appeals, of which \$4,000,000 is a transfer from the USCIS Immigration Examiners Fee Account. The recommendation is \$6,002,000 below the fiscal year 2011 enacted level and \$38,501,000 below the budget request.

This account funds the Executive Office for Immigration Review [EOIR], including the Board of Immigration Appeals, immigration judges, and administrative law judges who decide through administrative hearings whether to admit or exclude aliens seeking to enter the country, and whether to deport or adjust the status of aliens whose status has been challenged. This account also funds the Office of the Pardon Attorney, which receives, investigates, and considers petitions for all forms of executive clemency.

Immigration and Southwest Border Initiative.—Due to tight fiscal constraints, the Committee's recommendation regrettably does

not include the requested increase of \$11,039,000 for EOIR's Immigration and Southwest Border Initiative to add 21 Immigration Judge Teams, 10 Board of Immigration Appeals [BIA] attorneys, and related immigration court and BIA support staff. The Committee urges the Department of Justice to submit a reprogramming request in 2012 that would reallocate funds from lower-priority programs across the Department to enable EOIR to enhance its Immigration and Southwest Border Initiative if this initiative remains an immediate need.

EOIR receives cases directly from Department of Homeland Security [DHS] enforcement personnel, in which the Government is seeking the removal of aliens who are in the United States without lawful status or who have committed some act, typically a criminal offense, that renders them removable. EOIR's immigration court caseload continues to increase as a result of heightened and border enforcement efforts. The caseload increased 30 percent between fiscal year 2004 and 2010, growing from 300,000 to 393,000 new matters for adjudication coming to EOIR for resolution each year. The number of new cases is expected to exceed 400,000 this year. As a consequence, case backlogs have continued to increase, reaching over 268,000 matters pending at the end of the first quarter of 2011. Court dockets have been stretched unacceptably far into the future, with most courts backlogged at least a year. Increased funding would have enhanced EOIR's ability to provide timely adjudications, thus enabling DHS to process those found to be removable immediately upon completion of their sentences, and assisting greatly in the efficient use of detention beds.

Legal Orientation Program [LOP].—The Committee's recommendation includes \$6,200,000, an increase of \$200,000 above fiscal year 2011, but \$3,800,000 below the budget request, to cover the costs associated with the recent implementation and expansion of the LOP. The Committee encourages EOIR to dedicate additional funds to the LOP, as necessary and available, to ensure that there is no reduction in the level of support for LOP from year to year.

The Committee continues its strong support of the LOP, which provides guidance to detained aliens about their legal rights and responsibilities in the immigration court system. Apprehended individuals benefit from better information about immigration removal proceedings, and the U.S. taxpayer benefits from reduced detention costs through a more efficient legal process. The Committee expects EOIR to seek alien-specific detention costs and duration of detention data from the Immigration and Customs Enforcement in order to develop a more accurate estimate of the cost savings to the Federal Government provided by participation in the LOP.

The Committee's recommendation includes \$2,000,000 for Legal Orientation Programs, pursuant to the Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457), for custodians of unaccompanied undocumented children to address the custodian's responsibility for the child's appearance at all immigration proceedings, and to protect the child from mistreatment, exploitation, and trafficking.

DETENTION TRUSTEE

Appropriations, 2011	\$1,515,626,000
Budget estimate, 2012	1,595,360,000
Committee recommendation	1,563,453,000

The Committee's recommendation provides \$1,563,453,000 for the Office of the Federal Detention Trustee [OFDT]. The recommendation is \$47,827,000 above the fiscal year 2011 enacted level and \$31,907,000 below the budget request.

The Committee has made great sacrifices to fund OFDT as close to the request as possible at the expense of nearly all of the other components within the Department of Justice. Federal detention is not a "discretionary program." When the court orders an individual detained pending a court appearance, OFDT must provide the housing, transportation and medical care for those detainees awaiting Federal court actions. While OFDT has made efforts to streamline and modernize the process to move detainees through the system faster and reduce the amount of time an individual spends in detention, OFDT is mandated to accept each detainee.

Most of the growth in the detention population in recent years is related to immigration and drug offenses. In order to reduce the detention population, there would need to be a reduction in the number of incoming detainees; however, based on current projections, OFDT expects bookings for immigration offenses alone to increase to 96,000 in 2012, a growth of 6.6 percent over current levels.

The Committee remains concerned about the Department's ability to anticipate the true funding needs for this account. The Committee directs OFDT to continue reporting to the Committee on a quarterly basis the number of individuals in the detention trustee system, the projected number of individuals, and the annualized costs associated with them.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2011	\$84,199,000
Budget estimate, 2012	85,057,000
Committee recommendation	84,199,000

The Committee's recommendation provides \$84,199,000 for the Office of Inspector General [OIG]. The recommendation is equal to the fiscal year 2011 enacted level and \$858,000 below the budget request.

This account finances the activities of the OIG, including audits, inspections, investigations and other reviews of programs and operations of the Department of Justice to promote economy, efficiency and effectiveness, and to prevent and detect fraud, waste and abuse, as well as violations of ethical standards arising from the conduct of Department employees in their numerous and diverse activities.

Inspector General Vacancy.—The Department has been without an IG since January 2011. The IG staff continues to work diligently on its ongoing and evolving responsibilities, including overseeing the Department's critical counterterrorism, information technology systems, cybercrime, detention and incarceration, law enforcement and grant-related activities; however, it is crucial that the office

have top leadership to guide its work. The Committee regards the IG as its strong partner, working every day to improve accountability at the Department so that every dollar spent to secure our communities is a dollar well spent.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2011	\$12,833,000
Budget estimate, 2012	13,213,000
Committee recommendation	12,577,000

The Committee's recommendation provides \$12,577,000 for the United States Parole Commission. The recommendation is \$256,000 below the fiscal year 2011 enacted level and \$636,000 below the budget request.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2011	\$863,367,000
Budget estimate, 2012	955,391,000
Committee recommendation	846,099,000

The Committee's recommendation provides \$846,099,000 for General Legal Activities salaries and expenses. The recommendation is \$17,268,000 below the fiscal year 2011 enacted level and \$109,292,000 below the budget request.

This appropriation funds the establishment of litigation policy, conduct of litigation, and various other legal responsibilities, through the Office of the Solicitor General, the Tax Division, the Criminal Division, the Civil Division, the Environmental and Natural Resources Division, the Civil Rights Division, the Office of Legal Counsel, INTERPOL Washington, and the Office of Dispute Resolution.

Human Trafficking and Slavery.—The Committee strongly supports the additional resources proposed by the Department's litigation divisions, for which inadequate funding has been proposed in past years. The Committee's recommendation provides \$5,300,000 for the Human Trafficking and Slavery Prosecution Unit [HTSPU], equal to the budget request, to fight human trafficking and slavery.

Civil Rights.—The Committee supports the Civil Rights Division's efforts to continue restoring its base capacity to enforce civil rights laws; expanding its capacity to prosecute and provide litigation support for human trafficking, hate crimes and unsolved civil rights era crimes; carrying out its responsibilities associated with the civil rights of institutionalized persons and the access rights of the disabled; and enhancing the enforcement of fair housing and fair lending laws.

Human Rights Crimes.—The Committee remains concerned by the large number of suspected human rights violators from foreign countries who have found safe haven in the United States, and directs the Criminal Division to continue increasing efforts to investigate and prosecute serious human rights crimes, including geno-

cide, torture, use or recruitment of child soldiers, and war crimes. For this purpose, within the available funds the Committee directs that \$1,800,000 be allocated for attorneys, analysts, and support personnel in the Criminal Division to investigate and prosecute individuals who violate Federal laws regarding serious human rights abuses.

INTERPOL Washington.—The Committee notes that, per the Justice Department’s request, the component previously known as the United States National Central Bureau of INTERPOL will be known henceforth as INTERPOL Washington.

Child Exploitation.—The Committee expects INTERPOL Washington to continue its role of coordinating and facilitating international communications between foreign and U.S. domestic law enforcement authorities that investigate violations involving the production and distribution of child sex abuse images; child sex tourism; sex offender tracking and reporting under the Adam Walsh Child Protection and Safety Act (Public Law 109–248); and child abduction. INTERPOL Washington is responding to an increasing number of international referrals regarding criminal child exploitation investigations. It is also responding to mounting requests to locate, identify and support the apprehension of child predators. Through the I–24/7 global police communications network, INTERPOL Washington has a unique and effective way to track sex offenders and child predators worldwide. This will continue to allow INTERPOL Washington to assist in enforcement requirements outlined in the Adam Walsh Act and other initiatives aimed at combating child sexual exploitation and locating missing children.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

Appropriations, 2011	\$7,833,000
Budget estimate, 2012	7,833,000
Committee recommendation	7,833,000

The Committee’s recommendation provides a reimbursement of \$7,833,000 for legal costs. The recommendation is equal to the fiscal year 2011 enacted level and the budget request.

This account covers Justice Department expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660).

SALARIES AND EXPENSES, ANTITRUST DIVISION

Appropriations, 2011	\$162,844,000
Budget estimate, 2012	166,221,000
Committee recommendation	159,587,000

The Committee’s recommendation provides \$159,587,000 for the Antitrust Division. The recommendation is \$3,257,000 below the fiscal year 2011 enacted level and \$6,634,000 below the budget request. This appropriation is offset by \$108,000,000 in pre-merger filing fee collections, resulting in a direct appropriation of \$51,587,000.

UNITED STATES ATTORNEYS
SALARIES AND EXPENSES

Appropriations, 2011	\$1,930,135,000
Budget estimate, 2012	1,995,149,000
Committee recommendation	1,891,532,000

The Committee's recommendation provides \$1,891,532,000 for the U.S. Attorneys' salaries and expenses. The recommendation is \$38,603,000 below the fiscal year 2011 enacted level and \$103,617,000 below the budget request.

As in past years, the Committee directs the U.S. Attorneys [USAs] to focus their efforts on those crimes where the unique resources, expertise, or jurisdiction of the Federal Government can be most effective.

Adam Walsh Act Implementation.—The Committee expects the Executive Office of U.S. Attorneys [EOUSA] to continue to focus on investigations and prosecutions related to the sexual exploitation of children, as authorized by the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109–248. Not less than \$43,184,000 shall be available for this purpose in fiscal year 2012.

Combating Financial Fraud.—Within funds provided, the Committee encourages the USAs to continue prioritizing efforts in the areas of mortgage fraud, bankruptcy, affirmative civil enforcement and white collar crimes.

Human Trafficking.—The Committee directs the EOUSA, in consultation with the USAs, to designate a point of contact in each U.S. Attorney office who shall serve as the coordinator for all activities within that office concerning human trafficking and slavery matters covered by the Trafficking Victims Protection Act. Designating a point of contact will improve communication and coordination within each jurisdiction, including with victim service organizations, in order to better serve the victims of human trafficking and slavery.

Intellectual Property Rights [IPR] Enforcement.—The Committee expects IPR enforcement to remain an investigative and prosecutorial priority for Federal prosecutors. The Department is directed to provide to the Committee a report on the activities of its Assistant U.S. Attorneys dedicated to investigating intellectual property crimes pursuant to and authorized under section 402 of the Prioritizing Resources and Organization for Intellectual Property [PRO-IP] Act (Public Law 110–403). Specifically, the report should demonstrate that the 20 new Federal prosecutors provided in Public Law 111–117 are solely investigating and prosecuting violations of Federal intellectual property law. This report shall be submitted no later than 120 days after the enactment of this act.

UNITED STATES TRUSTEE SYSTEM FUND

Appropriations, 2011	\$218,811,000
Budget estimate, 2012	234,115,000
Committee recommendation	234,115,000

The Committee's recommendation provides \$234,115,000 for the U.S. Trustee System Fund. The recommendation is \$15,304,000 above the fiscal year 2011 enacted level and equal to the budget request. The appropriation is offset by \$232,615,000 in fee collec-

tions and \$1,500,000 derived from interest on investments in U.S. securities, resulting in a direct appropriation of \$0, which is equal to the budget request.

The United States Trustee Program, authorized by 28 U.S.C. 581 et seq., is the component of the Justice Department with responsibility for protecting the integrity of the bankruptcy system by overseeing case administration and litigation to enforce the bankruptcy laws. In fiscal year 2012, the U.S. Trustee Program will participate in an estimated 1.5 million business and consumer bankruptcy case filings.

Debtor Audits.—The Committee’s recommendation fully funds the Department of Justice’s request of \$5,816,000 for debtor audits.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

Appropriations, 2011	\$2,113,000
Budget estimate, 2012	2,124,000
Committee recommendation	2,071,000

The Committee’s recommendation provides \$2,071,000 for the Foreign Claims Settlement Commission. The recommendation is \$42,000 below the fiscal year 2011 enacted level and \$53,000 below the budget request.

The Foreign Claims Settlement Commission settles claims of American citizens arising from nationalization, expropriation, or other takings of their properties and interests by foreign governments.

FEEES AND EXPENSES OF WITNESSES

Appropriations, 2011	\$270,000,000
Budget estimate, 2012	270,000,000
Committee recommendation	270,000,000

The Committee’s recommendation provides \$270,000,000 for fees and expenses of witnesses. The recommendation is equal to the fiscal year 2011 enacted level and the budget request.

This appropriation, which is considered mandatory for scorekeeping purposes, provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses. These funds are also used for mental competency examinations, as well as witness and informant protection.

Expert Witnesses.—Within funds provided, the Committee includes the requested \$92,000,000 to respond to the increased needs for expert witnesses among the litigating divisions and the U.S. Attorneys’ offices. These expenses have traditionally been funded in part through existing balances; however, that approach has strained the Department’s budget for acquiring the services of expert witnesses in recent years. Given the substantial resources provided in 2012 for the payment of fees and expenses of expert witnesses, the Committee expects that no funds will be expended for expert witness services from any DOJ accounts but Fees and Expenses of Witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

Appropriations, 2011	\$11,456,000
Budget estimate, 2012	12,967,000
Committee recommendation	11,227,000

The Committee's recommendation provides \$11,227,000 for the Community Relations Service [CRS]. The recommendation is \$229,000 below the fiscal year 2011 enacted level and \$1,740,000 below the budget request.

Within the funds provided, the Committee supports the budget request of \$1,500,000 to handle an increase in workload and responsibilities stemming from passage of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act (Public Law 111-84). The Hate Crimes Protection Act has greatly expanded CRS's mandate, requiring that it help communities prevent and respond to violent hate crimes committed on the basis of gender, gender identity, sexual orientation, religion and disability, in addition to race, color and national origin. These resources will maximize CRS' crisis response nationwide and enable it to fulfill both its original mandate and expanded mandate under the Hate Crimes Protection Act.

The Community Relations Service, established by title X of the Civil Rights Act of 1964, provides assistance to communities and persons in the prevention and resolution of disagreements arising from discriminatory practices.

ASSETS FORFEITURE FUND

Appropriations, 2011	\$20,948,000
Budget estimate, 2012	20,990,000
Committee recommendation	20,990,000

The Committee's recommendation provides \$20,990,000 for the Assets Forfeiture Fund [AFF]. The recommendation is \$42,000 above the fiscal year 2011 enacted level and equal to the budget request.

The Assets Forfeiture Fund provides funds for qualifying expenses of Federal law enforcement agencies and their State or local partners. Funds for these activities are provided from receipts deposited in the AFF resulting from the seizure and liquidation of assets. Expenses related to the management and disposal of assets are also provided from the AFF by a permanent indefinite appropriation.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

Appropriations, 2011	\$1,123,511,000
Budget estimate, 2012	1,243,570,000
Committee recommendation	1,101,041,000

The Committee's recommendation provides \$1,101,041,000 for the U.S. Marshals Service [USMS] salaries and expenses. The recommendation is \$22,470,000 below the fiscal year 2011 enacted level and \$142,529,000 below the budget request.

The core mission of the USMS includes the apprehension of fugitives; protection of Federal court facilities, the judiciary and wit-

nesses; execution of warrants and court orders; and the custody and transportation of accused and unsentenced prisoners.

Judicial and Courthouse Security.—At least 60 percent of the U.S. Marshals Service’s budget is designated supporting the Federal judiciary process by providing physical security in courthouses, protecting members of the judicial unit, safeguarding witnesses, and transporting and producing prisoners for court proceedings. Reductions under the fiscal year 2011 funding level will force USMS to re-prioritize the protective services for the judiciary, which could have a significant impact on offsite judicial security, and limit the ability of the USMS to respond to and mitigate threats in a timely manner.

The Committee expects USMS to include in its 2012 spend plan a strategy for how it will approach mandatory protective services, as well how it will respond to critical law enforcement requirements and congressional mandates to address violent crime reduction, enforce the Adam Walsh Act, and combat Southwest border violence. To help remedy the expected shortfall, the Committee encourages the USMS to continue exploring and utilizing new technological capabilities, such as electronic surveillance, in order to further ensure the fair and efficient administration of justice.

Immigration Enforcement.—The Committee strongly supports the U.S. Marshals Service’s efforts on illegal immigration enforcement. The flow of human trafficking and narcotics into the United States, along with smuggling of illegal firearms and criminal profits out of the United States, has had a devastating effect on the country, as well as Canada and Mexico.

Sexual Offender Apprehension.—The Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) gives the U.S. Marshals Service the authority to treat as fugitives convicted sex offenders who fail to register. It also directs the Marshals to assist jurisdictions in locating and apprehending these individuals. There are roughly 135,000 non-compliant offenders in the United States.

To date, the USMS has hired 170 new deputy marshals to assist States in locating and apprehending sex offenders who violate sex offender registration requirements. However, the U.S. Marshals Service estimates it needs a dedicated force of at least 500 deputy marshals to expand Adam Walsh enforcement activities in districts across the country. The Committee urges the Department of Justice to submit a reprogramming request in 2012 that would reallocate funds from lower priority programs across the Department to enable the Marshals Service to enhance its Adam Walsh enforcement mission.

This funding will also continue support for the National Sex Offender Targeting Center, improve the agency’s information technology backbone, and reinforce the agency’s infrastructure so that deputy marshals have timely, accurate investigative information to track down and arrest those who prey on our Nation’s children.

Regional Fugitive Task Forces.—The Committee strongly supports the U.S. Marshals Service’s Regional Fugitive Task Forces [RFTFs], which are effective partnerships with other Federal, State, and local law enforcement agencies to apprehend violent fugitives, including violent sex offenders. The Committee encourages the USMS to continue providing resources to enhance the seven ex-

isting task forces and establish new task force capabilities in areas of the United States not currently served by RFTFs.

CONSTRUCTION

Appropriations, 2011	\$16,592,000
Budget estimate, 2012	15,625,000
Committee recommendation	12,000,000

The Committee's recommendation provides \$12,000,000 for construction in space controlled, occupied, or utilized by the USMS in United States courthouses and Federal buildings, including but not limited to the creation, renovation, and expansion of prisoner movement areas, elevators, and other law enforcement and court security support space. As in prior years, the Committee's intent is to provide for construction activity to support the mission of the USMS in protection of the Federal judiciary and other law enforcement activities.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

Appropriations, 2011	\$87,762,000
Budget estimate, 2012	87,882,000
Committee recommendation	86,007,000

The Committee's recommendation provides \$86,007,000 for the National Security Division [NSD]. The recommendation is \$1,755,000 below the fiscal year 2011 enacted level and \$1,875,000 below the budget request.

The NSD coordinates the Department's national security and counterterrorism missions through law enforcement investigations and prosecutions, and handles counterespionage cases. The NSD works in coordination with the FBI, the Intelligence Community, and the U.S. Attorneys. Its primary function is to prevent acts of terrorism and espionage from being perpetrated in the United States by foreign powers.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

Appropriations, 2011	\$527,512,000
Budget estimate, 2012	540,966,000
Committee recommendation	516,962,000

The Committee's recommendation provides \$516,962,000 for Interagency Crime and Drug Enforcement. The recommendation is \$10,550,000 below the fiscal year 2011 enacted level and \$24,004,000 below the budget request.

The Interagency Crime and Drug Enforcement Account funds the Organized Crime and Drug Enforcement Task Forces [OCDETF], which is the centerpiece of the Department's drug enforcement and counternarcotics efforts. The mission of OCDETF is to ensure a coordinated, multi-agency, intelligence-based and prosecutor-led approach to identifying, disrupting and dismantling those drug trafficking and money laundering organizations primarily responsible for the Nation's illicit drug supply and drug-related violence.

Southwest Border Enforcement Initiative.—The Committee is concerned about the continuing violence and crime on the Southwest border, and supports the Department’s coordinated approach to addressing illegal narcotics and related criminal activities and violence there. A shrinking Federal budget means no significant expansion of or investment in the OCDETF program on the Southwest border. This will stagnate, but not eliminate, efforts to advance a single, coherent, strategic plan that will provide for escalating enforcement and prosecutorial activities along the Southwest border and in interior regions of the United States affected significantly by Southwest border drug trafficking.

Regrettably, OCDETF will be forced to scale back the number of high-priority drug investigations and initiatives it supports, such as Mexican and Columbian fugitive apprehension teams; co-located, collaborative strike forces of ATF, FBI, Marshals, and DEA agents; intelligence capacity; Southwest border investigative and prosecutorial activities; and OCDETF title III wiretap requests.

Strike Force Personnel.—The Committee encourages OCDETF to prioritize, within funds appropriated, the continuation of support for Assistant U.S. Attorney positions and co-located Strike Forces launched originally with supplemental funding in fiscal year 2010. OCDETF shall submit a report showing the distribution of personnel in fiscal years 2010 and 2011, and planned for fiscal year 2012, to each of the co-located Strike Forces. This report shall be submitted to the Committee no later than 60 days after the enactment of this act.

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

Appropriations, 2011	\$7,819,155,000
Budget estimate, 2012	7,994,991,000
Committee recommendation	7,785,000,000

The Committee’s recommendation provides \$7,785,000,000 for the Federal Bureau of Investigation [FBI] salaries and expenses. The recommendation is \$34,155,000 below the fiscal year 2011 enacted level and \$209,991,000 below the budget request.

Five-year Budget.—Implementation of a multi-year budget planning approach has been urged by the Committee in the past, as well as by various external review groups, such as the National Academy for Public Administration. This approach will also allow the FBI to better participate in the Intelligence Community budget process, especially as the Federal budget is reduced. The Committee encourages the FBI to continue pursuing the 5-year budget within the administration.

Surveillance.—The FBI’s surveillance program provides critical surveillance and mobility capabilities for national security and criminal investigations. The Committee is concerned that substantial gaps continue to exist within the surveillance program that could undermine FBI’s efforts to protect our Nation from terrorists and criminals. Therefore, the Committee provides the full budget request of an additional \$12,466,000, for a total \$54,178,000, to hire additional personnel to help address these gaps. The Com-

mittee directs that no less than 75 percent of these additional funds shall be spent on Special Surveillance Groups.

Computer Intrusions.—The Committee is concerned that the threat of cyber-related foreign intelligence operations to the United States is rapidly expanding. These cyber intrusions present a national security threat and have compromised thousands of computers on U.S. Government and private sector networks. The FBI is in a unique position to counter cyber threats as it is the only agency with the statutory authority, expertise, and ability to combine counterterrorism, counterintelligence, and criminal resources to neutralize, mitigate, and disrupt illegal computer-supported operations domestically.

The Committee recognizes the FBI's efforts and recommends the full request of \$166,486,000 for this effort, \$18,628,000 above the fiscal year 2011 enacted level, which includes an additional 42 positions, including 14 special agents to further the FBI's investigatory, intelligence gathering, and technological capabilities. Within the increase provided, the Committee recommends the request for the Comprehensive National Cybersecurity Initiative [CNCI] to increase coverage of cyber-terrorist threats. This will allow the FBI to hire five additional special agents and professional support staff to transform the National Cyber Investigative Joint Task Force [NCIJTF] from an 8 by 5 operation into a 24 by 7 operation. As one of the six cybersecurity centers identified under the CNCI, the NCIJTF plays an important role in coordinated national cybersecurity operations. Because threat actors operate globally, a significant volume of cyber threat activity occurs outside of normal business hours. The ever increasing need for real-time analysis to support operations and provide program management for multi-agency efforts requires the NCIJTF to boost its after-hours presence.

Cyber Training for Field Agents.—The Committee expects the FBI to use, from within funds provided, \$5,000,000 for training for FBI cyber agents involved in national security intrusions cases. This will allow the FBI to increase the number of cyber agents qualified to understand current techniques and tactics used by those engaged in illicit cyber activities, and keep abreast of emerging technologies that are used to overcome computer systems' defenses and to infiltrate networks, such as those of the U.S. Government, utility companies, defense contractors and financial institutions.

The need for such training stems from the April 2011 DOJ OIG's report entitled "The Federal Bureau of Investigation's Ability to Address the National Security Cyber Intrusion Threat." This report raised concerns that 36 percent of FBI field agents assigned to national security-related cyber investigations lacked the expertise, including in networking and counterintelligence, needed to investigate these types of cases and identify those responsible for intrusions.

Cyber Threats from Eastern Europe.—The Committee encourages the FBI to expand its integration of FBI cyber agents into eastern European police services. The FBI should focus its resources on the emerging locus of cyber crime and help augment the authorities of those nations that need the most support to combat cyber crime.

Render Safe.—The FBI is responsible for the Nation’s Render Safe mission, which involves dismantling a weapon of mass destruction [WMD] device on U.S. soil. The FBI’s fiscal year 2012 budget request includes \$35,756,000 to purchase two specially-configured aircraft to carry out the Render Safe mission; however, this Committee provided the FBI with the authority to use existing funds to procure these aircraft in the approval of the 2011 operating plan. The Committee continues to support the purchase of these planes, and therefore directs the FBI, within 60 days of enactment of this act, to provide a report detailing the plan for Render Safe procurement, including any plans to extend current leases of aircraft.

Sentinel.—The Committee has followed closely the development of Sentinel, the FBI’s information and investigation case management system, and remains understandably concerned about Sentinel’s development. Contract work was stopped last year when the determination was made that the desired functionalities could not be delivered within the existing budget, which resulted in the FBI bringing management of the program in-house and adopting a new program management approach.

The FBI asserts that the problems with the Sentinel project are contained, the project will finish late but within budget, and the product delivered through the end of Phase 2 largely reflects what was expected under the program plan. Outside sources seem to agree unanimously that each of these contentions is overly optimistic. Relatively little was achieved, in terms of delivered benefits to end users, through Phases 1 and 2, even though more than 90 percent of the project budget was consumed. The Committee remains skeptical that all of Phases 3 and 4 can still be achieved with so little remaining funding unless major corners are cut in either execution or function.

Despite these concerns, the FBI has persisted in committing itself to completing the project within its \$451,000,000 budget, and the Committee holds the Bureau to that commitment. Consequently, the FBI is prohibited from spending anything in excess of the \$451,000,000 total without first providing notification to the Committee, even if a funding source is available that would not otherwise trigger Section 505 notification requirements.

To manage the completion of Sentinel, the FBI shall develop a Work Breakdown Structure [WBS] that complies with guidance provided in GAO–09–3SP: Best Practices for Developing and Managing Capital Program Costs. The product-based WBS shall contain the capabilities that complete Sentinel as identified by the DOJ OIG in its 11–01 report (October, 2010). The structure of the Sentinel Completion WBS shall include components for (1) Phase 3 Capabilities, (2) Phase 4 Capabilities and (3) Deferred Capabilities. The FBI shall elaborate on each of the three WBS components to itemize the planned or deferred functionality that will complete Sentinel.

The FBI shall also configure its Earned Value Management System to report progress on the itemized functionality associated with each component.

In addition, the bill contains language under section 220 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 OIG for review and comment.

Workforce Distribution.—The Committee notes that the FBI's staffing levels have increased since 2001 and will increase again in fiscal year 2012. While the FBI has undergone a major reorganization of its mission priorities, the Committee remains concerned that the Bureau has not adequately considered the proper distribution of its staffing to field offices around the country. As a result, staffing levels continue to vary dramatically from State to State, with regard to both the population of a State and the threats that exist within that State. As the FBI considers the distribution of new agents across the United States, the Committee encourages the FBI to also consider the allocation of agents to field offices that could alleviate disparities in the number of personnel between field offices.

National Security Threats.—The Committee recommends the full request to support the FBI's critical national security efforts to conduct investigations to prevent, disrupt and deter acts of terrorism, and to continue to strengthen working relationships with other Federal, State and local partners. The Committee recommendation includes \$274,918,000 in base funding and \$40,854,000 in enhancements for national security initiatives to increase efforts within FBI field offices to develop and strengthen surveillance resources, intelligence analysis, Legal Attaché resources, and working partnerships with Federal, State and local agencies.

Criminal Justice Information Services Division.—The Committee's recommendation provides \$644,742,000 including fee collections for the Criminal Justice Information Services Division [CJIS], including \$293,899,000 in appropriated funds and \$350,843,000 in user fees.

Human Rights Violations.—The Committee is concerned by the large number of suspected human rights violators from foreign countries who have found safe haven in the United States, and directs the FBI to increase efforts to investigate and support DOJ's criminal prosecution of serious human rights crimes committed by these foreign nationals, including genocide, torture, use or recruitment of child soldiers and war crimes. The Committee directs that, from within available funds, \$1,500,000 be allocated for agents and associated support personnel at FBI headquarters.

Civil Rights Enforcement.—Civil rights investigations are a top criminal investigative priority for the FBI. The Committee recognizes the FBI as the lead agency responsible for the investigation of violations of Federal civil rights laws, and encourages the FBI to continue its support for the civil rights program. The Committee expects these funds to be used for investigation of human trafficking, hate crimes, and cases pursued under the Emmett Till Unsolved Civil Right Act.

Critical Infrastructure.—The Committee supports the FBI's continuing efforts to address shortfalls in its information technology [IT] infrastructure, enhance laboratory capabilities, and bolster the FBI's intelligence program. For several years, the Committee has been concerned that insufficient operations, practices and sub-

standard maintenance could result in systems failures and lead to the unavailability of time-sensitive data to agents in the field. The Committee urges the Department of Justice to include in future budget requests the appropriate resources to maintain and operate its critical facilities and physical infrastructure at the highest standard, consistent with industry best practices, to ensure that these systems can perform critical functions for the FBI.

Intellectual Property Rights [IPR] Enforcement.—The Committee expects IPR enforcement to remain an investigative priority at the Bureau. In order to maximize the effectiveness of IPR enforcement, the FBI should make all necessary efforts to coordinate and cooperate with IPR units at U.S. Attorneys' offices and the Criminal Division. In addition, the Committee directs the FBI to submit a report on the activities of its dedicated agents investigating IPR cases. Specifically, the report should demonstrate that the 51 agents devoted to investigating intellectual property crimes provided in Public Laws 111–8 and 111–117 are solely investigating and prosecuting violations of Federal intellectual property law. The report shall also provide an accounting of the agents placed in field offices with Computer Hacking and Intellectual Property [CHIP] units and the types of intellectual property investigations pursued by these agents. The report shall be submitted to the Committee no later than 120 days after the enactment of this act.

Innocent Images National Initiative [IINI].—The Committee encourages the FBI to maintain at least minimum base funding of \$68,856,000 for the Innocent Images National Initiative, which allows the FBI to target and investigate sexual predators on the Internet. The Committee has provided this funding to address the critical requirements for Federal law enforcement in attacking the problem of child sexual exploitation and child victimization. The Committee trusts that the budget request is sufficient to cover the current Innocent Images caseload; however, should the threat of child predators on the Internet continue to grow, the Committee expects that future budget requests for the FBI will include adequate resources dedicated to investigate child predators who prey on children online.

Sexual predators use the Internet as their weapon of choice to target children because children are increasingly online and are therefore more vulnerable. The Innocent Images program allows the FBI to target and investigate sexual predators on the Internet. The Innocent Images workload has increased dramatically, from 113 cases opened in 1996 to over 2,500 cases currently open—a 2,000 percent increase.

Innocence Lost Initiative.—Every day children are being recruited and forced into child prostitution. In the United States alone, an estimated 300,000 children are currently at risk of being forced into prostitution, with the average age of new child prostitutes being 13 years old. To address this horrific crime, in 2003 the FBI, in conjunction with the Department of Justice Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children, launched the Innocence Lost National Initiative. Their combined efforts are aimed at addressing the growing problem of domestic sex trafficking of children in the United States. These efforts have rescued over 1,100 children, and led to the con-

viction of more than 500 child exploiters. The Committee applauds these efforts and encourages the FBI to continue dedicating robust resources for the Innocence Lost Initiative.

Mortgage Fraud.—The sub-prime mortgage crisis continues to threaten the Nation's economic security. Suspicious Activity Reports [SARS] filed by various financial institutions increased 917 percent in the last 7 years alone, and show no signs of decreasing. This increase in mortgage fraud activity is greatly straining the FBI's white-collar crime investigative capabilities. The Committee encourages the FBI to continue dedicating necessary resources to conduct mortgage fraud investigations.

Investigations Into Severe Forms of Trafficking in Persons.—Within funds provided, the Committee expects the FBI to investigate severe forms of trafficking in persons as authorized by section 113(h) of Public Law 106-386, as amended. As the lead Federal law enforcement agency for trafficking offenses, the FBI's ability to combat trafficking and slavery would be significantly enhanced through additional resources devoted specifically to the growing problem of trafficking and slavery. Funds shall be used for investigations into trafficking and slavery and providing victim witness coordinators when needed on an emergency basis.

Gang Enforcement.—The Department of Justice estimates that there are roughly 1 million gang members in 30,000 gangs in all 50 States and the District of Columbia. With gang membership rising, local law enforcement needs a strong partnership with Federal Government. Currently, there are 163 Safe Streets Violent Gang Task Forces. These partnerships allow FBI agents and State and local law enforcement to work as teams to fight street crime. The Committee directs the FBI to continue supporting its Safe Streets Task Force program.

Federal-State Anti-terrorism Activities.—Joint Terrorism Task Forces [JTTFs] are teams of Federal and State law enforcement working together to identify and respond to terrorist threats at the local level. There are now more than 100 JTTFs led by the FBI. The JTTFs' focus is on maximizing interagency cooperation and coordination by employing cohesive units of full- and part-time Federal, State and local officers who are capable of addressing a wide range of terrorism matters. Local and State police rely on the FBI for information, guidance, leadership, and training, as well as for critical intelligence information about threats to our country. The Committee urges the FBI to support the JTTF program.

Combating Border Violence.—The Committee urges the FBI to increase its ongoing cooperation with U.S. Customs and Border Protection [CBP] and U.S. Immigration and Customs Enforcement [ICE] to combat and address any signs of increased drug trafficking organization violence which may be occurring in U.S. border and other communities. While the FBI's May 23, 2011, preliminary report on annual crime statistics for 2010 indicates that reports of violent crime and property crime appear to be down in California and Arizona border towns, reports of violent crime have ticked upwards slightly in Texas. It is important that Federal law enforcement maintain a strong presence on the border in support of State and local law enforcement to immediately respond to any changes in the levels of violence. The Committee directs the FBI, jointly

with CBP and ICE, to brief the Appropriations Subcommittees on Commerce, Justice, and Science and Homeland Security at least semiannually on the situation on the border and its impact on border communities.

CONSTRUCTION

Appropriations, 2011	\$107,095,000
Budget estimate, 2012	80,982,000
Committee recommendation	75,000,000

The Committee's recommendation provides \$75,000,000 for Federal Bureau of Investigation [FBI] construction. The recommendation is \$32,095,000 below the fiscal year 2011 funding level and \$5,982,000 below the budget request.

Terrorist Explosive Device Analytical Center [TEDAC].—The Committee is dismayed that \$93,000,000 in funds previously appropriated by the Congress for the construction of TEDAC continues to be a target of budget cuts. Not only is this action short-sighted given that TEDAC's groundbreaking is imminent, but it would also cancel ongoing efforts to ensure the U.S. Government possesses the capacities and capabilities needed to counter the threat from terrorist use of explosives and improvised explosive devices [IEDs], both domestically and globally. The loss of these capacities and capabilities would negatively affect the abilities of the military, intelligence, homeland security and law enforcement communities to address this threat, and would leave this Nation vulnerable to the threat from terrorist use of explosives.

The Committee believes efforts to cancel TEDAC funding are unwise and ill-timed, and could leave the American public unprepared and unprotected—an unacceptable outcome. The FBI has lost nearly 2 years in building an explosives intelligence capability that our Nation needs—a capability that is recognized in presidential decision directives and threat assessments, and by the FBI Director and the military, intelligence and homeland security agencies working this threat on a daily basis. Therefore, the Committee continues to reject this proposed rescission and directs the FBI to obligate the funds to complete this critical national security tool.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2011	\$2,267,433,000
Budget estimate, 2012	2,354,114,000
Committee recommendation	2,222,084,000

The Committee's recommendation provides total resources of \$2,222,084,000 for the Drug Enforcement Administration [DEA], of which \$322,000,000 is derived from DEA's Drug Diversion Control Fee Account. The recommendation is \$45,349,000 below the fiscal year 2011 enacted level and \$132,030,000 below the budget request.

The DEA's mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States—or any other competent jurisdiction—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 to support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

Diversion Control Program.—Full funding of \$322,000,000 is provided for the Diversion Control Program, which is an increase of \$70,210,000 for expanded forensic support of diversion cases and is fully offset with fee collections.

Southwest Border Enforcement.—The Committee encourages DEA to continue to prioritize enforcement efforts along the Southwest Border, which includes the enhanced Mexican Sensitive Investigation Unit program. These resources will help DEA continue its presence along the border, address increased workload related to narcotics seizures, and respond to specific field intelligence priorities.

Sensitive Investigative Units.—The DEA’s Sensitive Investigative Unit program provides funding for vetted units with trusted foreign counterparts in Mexico, Afghanistan and throughout the world. In Central America, Sensitive Investigative Units operate currently only in Panama and Guatemala. Given the deteriorating security environment in Central America, the Committee believes funding should be provided for these units throughout the region. The Committee encourages DEA to expand this program to the remaining five countries in Central America.

Mobile Enforcement Teams.—The recommendation adopts the proposal in the President’s budget to terminate the Mobile Enforcement Teams [MET] program.

CONSTRUCTION

Appropriations, 2011	
Budget Request, 2011	\$10,000,000
Committee recommendation	10,000,000

This appropriation provides funds for the construction of DEA facilities and related activities. For fiscal year 2012, the Committee recommends \$10,000,000, which is equal to the budget request.

El Paso Intelligence Center [EPIC].—EPIC is a national tactical intelligence center that supports law enforcement efforts throughout the United States, Mexico and the rest of the Western Hemisphere, and is DEA’s long-standing and most important intelligence sharing organization focusing on the Southwest Border. Much of EPIC’s success stems from its strong partnerships forged among the more than 20 Federal, State, and local agencies represented at the Center, as well as representatives from foreign police organizations in Mexico and Colombia. Through its 24-hour Watch function, EPIC collects, analyzes and disseminates tactical intelligence for over 19,000 Federal, State and local law enforcement agents, investigators, and analysts at all levels of government, which they can use in investigations and operations to target Southwest Border smuggling and other violent and criminal activities.

The high demand in the interagency community for space within EPIC clearly demonstrates the value it provides to DEA and its law enforcement and intelligence partners. EPIC is literally bursting at the seams and has requests from additional law enforcement and intelligence agencies for additional space and capabilities to

house more personnel throughout fiscal years 2011 and 2012. In addition, the numerous investments made in EPIC over the past several decades and its strong reputation among Federal, State, local, and foreign partners make EPIC a natural choice for continued expansion as law enforcement entities seek to further consolidate and coordinate their interdiction, intelligence, and investigative activities focused on the Southwest Border region. The Committee supports making upgrades to EPIC's infrastructure to accommodate the expected and necessary growth. Therefore, the recommended level provides \$10,000,000 for costs related to the renovation of the existing EPIC facility and architectural/engineering services for the planned expansion of the building.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
SALARIES AND EXPENSES

Appropriations, 2011	\$1,112,542,000
Budget estimate, 2012	1,147,295,000
Committee recommendation	1,090,292,000

The Committee's recommendation provides \$1,090,292,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF]. The recommendation is \$22,250,000 below the fiscal year 2011 enacted level and \$57,003,000 below the budget request.

The ATF's mission is to reduce violent crime, prevent terrorism, and protect the public. ATF reduces the criminal use of firearms and illegal firearms trafficking, and assists other Federal, State, and local law enforcement agencies in reducing crime and violence. ATF investigates bombing and arson incidents and provides for public safety by reducing the criminal misuse of and trafficking in explosives, combating acts of arson and arson-for-profit schemes, and removing safety hazards caused by improper and unsafe storage of explosive materials.

United States-Mexico Firearms Trafficking.—The Committee continues to support ATF's varied efforts to combat weapon trafficking on the border. While the Committee is concerned by allegations that ATF may have mismanaged a U.S.-Mexico border operation known as Fast and Furious, the Committee believes that the Justice Department's Office of Inspector General, to which the investigation of this matter has been referred by the Attorney General, will fulfill its oversight duties by conducting a thorough investigation. The Committee also notes that Fast and Furious is but a small part of ATF's extensive operations along the Southwest border and should not detract from the Bureau's efforts to protect Americans from illegal firearms trafficking, gun violence, and parallel drug and human trafficking across the U.S.-Mexico border and into the Nation's interior.

Beginning in fiscal year 2012 and thereafter, the ATF shall provide the Committee with annual data on the number of firearms recovered by the Government of Mexico and traced through ATF that were manufactured in or imported into the United States prior to being recovered in Mexico. Additionally, beginning in fiscal year 2012 and thereafter, the ATF shall provide the Committee with annual data on the total number of firearms recovered by the Government of Mexico and traced through ATF.

Violent Crime Impact Teams.—The Committee continues to support the ATF's Violent Crime Impact Team [VCIT] initiative to pursue violent criminals and reduce the occurrence of homicides and firearms-related violent crime through the use of geographic targeting, proactive investigation, and prosecution of those responsible. The VCIT uses a multi-agency approach and works closely with State and local law enforcement to identify, target, disrupt, arrest, and prosecute violent criminals.

Conversion of Records.—The Committee recognizes the need for ATF to complete the conversion of tens of thousands of existing Federal firearms dealer out-of-business records from film to digital images at the ATF National Tracing Center [NTC]. Once the out-of-business records are fully converted, search time for these records will be reduced significantly. The Committee urges the ATF to continue the conversion and integration of these records.

National Integrated Ballistic Information Network.—The Committee continues to support the National Integrated Ballistic Information Network [NIBIN], including significant investment made by State and local law enforcement partners to build the current NIBIN database. The Committee believes ATF should move expeditiously to ensure that ballistic-imaging technology is routinely refreshed, upgraded, and deployed to State and local law enforcement. The Committee urges ATF to prioritize the upgrading and replacement of aging ballistic imaging equipment in its fiscal year 2012 operating plan and in future budget requests. ATF should ensure upgrades and replacements maximize and protect the resources invested by State and local law enforcement.

National Center for Explosives Training and Research [NCETR].—Preventing the criminal use of explosives is one of the core missions of the ATF, and NCETR serves as the Bureau's Center of Excellence for explosives research, training and intelligence. The Committee recognizes the state-of-the-art facilities housed at NCETR, having invested considerable resources between fiscal years 2004 and 2011 to that effort, and believes that the administration should provide sufficient resources for the Center to fulfill its mission, as initially envisioned. Furthermore, the Committee believes that several options to further interagency collaboration and training exist and merit exploration. Therefore, the Committee requests that the Department of Justice produce, not later than 120 days after enactment of this bill, an NCETR Five-Year Plan that will describe the following: the mission of the facility with respect to research, training, and intelligence; the personnel and budgetary authority required to execute that mission; national, State, and local initiatives to maximize training throughput at NCETR; and opportunities for interagency collaboration on research and intelligence efforts using the NCETR facility.

FEDERAL PRISON SYSTEM

The Committee recommendation provides a total of \$6,682,481,000 for the Federal Prison System, or the Bureau of Prisons [BOP]. The recommendation is \$298,414,000 above the fiscal year 2011 enacted level and \$143,879,000 below the budget request.

SALARIES AND EXPENSES

Appropriations, 2011	\$6,282,410,000
Budget estimate, 2012	6,724,266,000
Committee recommendation	6,589,781,000

The Committee’s recommendation provides \$6,589,781,000 for BOP salaries and expenses. The recommendation is \$307,371,000 above the fiscal year 2011 enacted level and \$134,485,000 below the budget request.

The recommendation shall be expended in the following manner:

SALARIES AND EXPENSES

[In thousands of dollars]

	Committee recommendation
Inmate Care and Programs	2,344,828
Institution Security and Administration	2,988,565
Contract Confinement	1,034,195
Management and Administration	222,193
Total	6,589,781

The Committee has made great sacrifices to fund BOP salaries and expenses as close to the President’s request as possible at the expense of nearly all other components within the Department of Justice. By law, the BOP must accept and provide for all Federal inmates, including but not limited to inmate care, custodial staff, contract beds, food, and medical costs. That means BOP cannot control the number of inmates sentenced to prison and, unlike other Federal agencies, cannot limit assigned workloads and thereby control operating costs. In effect, the BOP’s expenses are mandatory, which leaves the Bureau with extremely limited flexibility.

Correctional Officer Staffing—The Federal prison population has grown explosively over the last 20 years. Rising from roughly 25,000 prisoners in 1980, the population is estimated to grow to more than 222,000 by the end of fiscal year 2012. BOP estimates that its inmate population will increase by at least 5,800 net new inmates per year for 2011 and 2012. Correspondingly, BOP facilities are operating at 37 percent above noted capacity systemwide. What is more distressing is that the high-security inmate population overcrowding rate is at 51 percent. Chronic underfunding based on inadequate budget requests and lack of resources have forced BOP to rely excessively on correctional officer overtime and the diversion of program staff instead of hiring additional correctional officers, leaving the workforce spread dangerously thin and compromising BOP’s ability to operate in a safe and efficient manner.

To continue the steps Congress took in fiscal years 2009, 2010 and 2011 to address BOP’s understaffing problem, the Committee provides an increase of at least \$232,700,000 over fiscal year 2011, to fill 274 vacant correctional worker positions to safely manage the growing inmate population at BOP institutions. This will allow BOP to hire enough correctional staff to meet the 90 percent on-board level recognized by BOP as the minimum staffing level for maintaining safety and security.

Solutions to Inmate Overcrowding.—The Committee recognizes that BOP is looking for ways to maximize costs savings and sentence reduction opportunities, where they have a neutral or positive impact on public safety. On the heels of the 2012 budget release, the administration transmitted legislative proposals to amend the statutes governing Federal inmate good conduct time credit. The Committee's recommendation does not include these proposals, as they are matters that should be examined, debated and decided on by the authorizing committees of jurisdiction, rather than inserted into appropriations bills.

However, the Committee is gravely concerned that the current upward trend in prison inmate population is unsustainable and, if unchecked, will eventually engulf the Justice Department's budgetary resources. The Committee notes that the Bureau possesses authorities through its operational discretion under 18 U.S.C. section 3624 to, among other authorities, maximize the reentry time prisoners spend in residential reentry centers as well as home confinement; use its direct designation authority under 18 U.S.C. section 3621(b); expand the criteria for and use of compassionate release under 18 U.S.C. section 3582(c)(1)(A); and expand the use of the Residential Drug Abuse Program by removing barriers to full use of the program.

Inmate Care and Programs.—This activity covers the costs of all food, medical supplies, clothing, welfare services, release clothing, transportation, staff salaries (including salaries of Health Resources and Services Administration commissioned officers), and operational costs of functions directly related to providing inmate care. This decision unit also finances the costs of education and vocational training, drug treatment, religious programs, psychological services, and other inmate programs.

Institution Security and Administration.—This activity covers costs associated with the maintenance of facilities and institution security. This activity finances institution maintenance, motor pool operations, powerhouse operations, institution security and other administrative functions. Finally, this activity covers costs associated with regional and central office executive direction and management support functions such as research and evaluation, systems support, financial management, budget functions, safety, and legal counsel.

Contract Confinement.—This activity provides for the confinement of sentenced Federal offenders in Government-owned, contractor-operated facilities, contracts with State and local facilities, the care of Federal prisoners in contract community residential centers, and assistance by the National Institute of Corrections to State and local corrections. This activity also covers costs associated with management and oversight of contract confinement functions.

Activations and Expansions.—The Committee provides funds to activate prisons constructed by BOP that currently sit empty or partially empty due to prior year budget constraints. The Committee expects BOP to adhere to the activation schedule included in BOP's budget submission regarding those prison facilities. BOP shall notify the Committee of any deviations to this schedule.

Employee Retaliation.—The Committee is concerned by recent reports published by the Equal Employment Opportunity Commission [EEOC] that found widespread and highest fear of retaliation among BOP employees in the Federal workforce. Between 2003 and 2006, BOP employees filed unusually large numbers of complaints with EEOC that alleged retaliation and harassment as the most common form of discrimination in the workplace. An average 61 percent of BOP’s equal employment opportunity [EEO] complaints contained retaliation allegations, compared to an average 40 percent Governmentwide. In addition, reports revealed that BOP employees who engage in the EEO process or report discrimination face even further harassment by their supervisors and colleagues.

The BOP’s response to these reports has been tepid at best. The Committee will not tolerate such a lax approach to protecting BOP employees from harassment, as no one should fear retaliation in the workplace. The Committee demands that BOP implement fully the recommendations included in the EEOC’s November 2010 Final Program Evaluation Report for the Federal Bureau of Prisons. The Bureau will certify to the Committee that it has implemented and met the EEOC’s recommendations, and will submit a report concurrently to the Department’s Office of Inspector General for review and comment.

BUILDINGS AND FACILITIES

Appropriations, 2011	\$98,957,000
Budget estimate, 2012	99,394,000
Committee recommendation	90,000,000

The Committee’s recommendation provides \$90,000,000 for the construction, modernization, maintenance, and repair of prison and detention facilities housing Federal prisoners. The recommendation is \$8,957,000 below the fiscal year 2011 enacted level and \$9,394,000 below the budget request.

The Committee recommendation provides for \$66,965,000 for modernization and repairs.

The Committee includes bill language stipulating that no BOP resources may be used for facilities to house detainees from the United States Naval Station, Guantánamo Bay, Cuba.

Construction.—Although BOP plans to activate three new prisons in 2015 and four new prisons beginning in 2016, it will be unable to maintain that schedule without significant new construction appropriation requests for fiscal years 2012 and 2013. The Committee notes, however, that even if BOP stays on track in constructing and activating planned new prisons, the inmate population growth is expected to continue to exceed the planned growth in capacity in the foreseeable future. The Committee directs BOP to resume providing to the Committee, within 30 days of enactment of this act, the most recent monthly status of construction report, and to notify the Committees of any deviations from the construction and activation schedule identified in that report, including detailed explanations of the causes of delays and actions proposed to address them.

FEDERAL PRISON INDUSTRIES, INCORPORATED
(LIMITATION ON ADMINISTRATIVE EXPENSES)

Appropriations, 2011	\$2,700,000
Budget estimate, 2012	2,700,000
Committee recommendation	2,700,000

The Committee recommendation provides a limitation on the administrative expenses of \$2,700,000 for the Federal Prison Industries, Inc. The recommendation is equal to the fiscal year 2011 enacted level and the budget request.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

Collaboration Between Grants Administering Components.—For many years, the Office on Violence Against Women [OVW], the Office of Justice Programs [OJP], and the Office of Community Oriented Policing Services [COPS] have collaborated on many projects and initiatives to address problems that fall within their respective missions. Particularly in addressing the pressing issue of children exposed to violence, the Committee strongly encourages OVW, OJP, and COPS to continue and improve upon their collaborative efforts, where possible, in order to avoid duplication of effort and to make the best possible use of their appropriations.

Through its many programs, especially the high-profile Byrne Justice Assistance Grants program, OJP's Bureau of Justice Assistance [BJA] plays a critical role in supporting State, local, and tribal criminal justice systems by dedicating Federal resources to address pressing and emerging criminal justice issues. The Committee strongly encourages BJA, where possible, to target resources strategically toward reducing, controlling, and preventing crime, drug abuse, and gang activity in high-crime neighborhoods by supporting collaborative partnerships between law enforcement agencies and community-based organizations that balance and coordinate targeted law enforcement effectively with prevention, intervention, and neighborhood restoration services.

In an era of scarce resources, it is particularly important to "work smarter" through evidence-based projects of proven effectiveness, innovation, targeted training and technical assistance, and multi-disciplinary collaboration, so as to maximize the result for each dollar spent. For this reason, the Committee believes OJP should redouble its emphasis, where possible, on collaborative multi-disciplinary efforts, firm evidence-based approaches, and capacity-building on the State, local, and tribal levels. Collaborative efforts that spread knowledge and encourage innovation across multiple jurisdictions are particularly encouraged.

Through BJA, OJP performs a vital function in supporting and improving State, local, and tribal efforts to reduce criminal recidivism and provide effective alternatives to incarceration. Where possible, BJA should devote resources to continue and further its work in this important area, including through innovative projects and activities such as Project HOPE.

Salaries and Expenses.—All activities related to the management and administration of discretionary grant programs, grants and cooperative agreements shall be supported only with funding pro-

vided via the separate Salaries and Expenses [S&E] appropriation provided in the bill for each grant office. OVW, OJP, and COPS are directed to develop formal definitions of management and administration costs or detailed guidance governing decisions about the types of costs that may be charged to each office’s S&E account. In addition, each grant office shall detail actual and projected S&E costs by program, including personnel costs, as part of the budget submission for future fiscal years.

Workload Analysis.—OVW, OJP and COPS are each directed to conduct a workload analysis to ensure that their respective staffing levels and mix of personnel accurately reflect workload and need. Each office shall provide a report to the Committee within 6 months of the date of enactment of this act describing its updated staffing model based on the results of its workload analysis. Within 6 months of the date on which the offices submit their reports, GAO is directed to report to the Committee, evaluating each office’s staffing model and making recommendations, as warranted, on how each office’s staffing model could be further improved.

Training, Technical Assistance, Research and Statistics and Peer Review.—Training and technical assistance [T&TA] activities, research and statistics activities and peer review performed by OJP, OVW and COPS, or through interagency agreements or under contract for OJP, OVW and COPS, may be supported with program funds, subject to the submission of details related to planned costs in these categories by program as part of the Department’s fiscal year 2012 spending plan. As part of the budget submission for fiscal year 2013 and future years, the Department is directed to detail the actual costs for each grant office in each of these categories for the prior fiscal year, along with estimates of planned expenditures by each grant office in each of these categories for the current year and the budget year.

Non-compliant Grantees.—OJP, COPS and OVW appear to be using different sanctions and remedies for grantees that are determined to be out of compliance with grant requirements. The Department should work to consolidate rules and procedures across the three offices in order to produce the most consistent possible compliance enforcement process possible.

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

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

Appropriations, 2011	\$417,663,000
Budget estimate, 2012	431,750,000
Committee recommendation	417,663,000

The Committee’s recommendation provides \$417,663,000 for Office on Violence Against Women [OVW] grants. The recommendation is equal to the fiscal year 2011 enacted level and \$14,087,000 below the budget request. As in fiscal year 2011, the Office on Violence Against Women is funded as its own heading under this title.

Domestic violence, sexual assault, dating violence and stalking are crimes of epidemic proportions that impact millions of individuals in every community in the United States. For 17 years, Violence Against Women Act [VAWA] programs have supported community efforts around the Nation to effectively respond to domestic violence, sexual assault, stalking, and dating violence. In the 109th session, Congress unanimously passed a VAWA reauthorization to continue successful programs and create targeted new programs to address gaps in prevention services, housing, healthcare, criminal justice, and employment issues, and meet the needs of youth, native women, communities of color, and victims of sexual violence. These programs are designed to meet specific needs and create collaborations between distinct groups that can leverage their expertise and resources to address different aspects of domestic and sexual violence.

Domestic violence impacts one in four American women over their lifetimes, and 15.5 million children are exposed to domestic violence each year. Though the incidence of domestic violence assaults and murders has steadily decreased, there is an increase in demand for services due to improved criminal justice response, heightened public awareness, and an increase in victims' willingness to come forward.

Victims rely on services to escape violence and rebuild their lives. When victims of domestic violence, sexual assault, dating violence or stalking take the difficult step to reach out for help, many are in life-threatening situations and must be able to find immediate refuge. Given the dangerous and potentially lethal nature of these crimes, the Committee's funding recommendation reflects its belief that it is more important than ever to increase investments in efficient, cost-effective, proven programs that save lives and prevent future violence.

The table below displays the Committee recommendations for the programs under this office.

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

[In thousands of dollars]

Program	Committee recommendation
STOP Grants	194,000
Children Exposed to Violence Initiative	(10,000)
National Institute of Justice—Research and Evaluation	3,000
Transitional Housing Assistance	25,000
Grants to Encourage Arrest	45,913
Homicide Reduction Initiative	(5,000)
Rural Domestic Violence Assistance Grants	34,000
Violence on College Campuses	9,000
Civil Legal Assistance	45,000
Sexual Assault Victims Services	25,000
Elder Abuse Grant Program	4,000
Safe Havens Project	11,250
Education and Training for Disabled Female Victims	5,000
Court Training and Improvements	4,000
Family Court Initiative	(1,000)
Consolidated Youth-oriented Program	10,000
Analysis and Research on Violence Against Indian Women	1,000
National Resource Center on Workplace Responses	1,000
American Indian/Native Alaskan Sexual Assault Clearing House	500

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS—Continued

[In thousands of dollars]

Program	Committee recommendation
Total	417,663

STOP Grants.—Within the funds appropriated, \$194,000,000 is for formula grants to the States. The fiscal year 2012 recommendation will allow jurisdictions to implement mandatory pro-arrest and prosecution policies to prevent, identify, and respond to violent crimes against women, support coordination of State victim services, assist Native victims in Indian country, and provide secure settings and specialized procedures for visitation and exchange of children in families experiencing domestic violence. The recommendation supports increasing access to comprehensive legal services for victims, providing short-term housing assistance and support services for domestic violence victims and education and training to end violence against and abuse of women with disabilities.

Sexual Assault Services Act [SASA].—The Committee's recommendation provides \$25,000,000, which is \$10,030,000 above the fiscal year 2011 enacted level and \$10,000,000 below the budget request, to fund directly the needs of sexual assault victims.

One in 6 women and 1 in 33 men have experienced an attempted or completed rape. More than one-half of all rapes of women occur before they reach the age of 18. In 2007, an estimated 250,000 people were raped or sexually assaulted; however, only 42 percent of rape and sexual assault victims say they reported the crime to the police.

As part of the Violence Against Women Act of 2005, Congress created the Sexual Assault Services Program [SASP] to address considerable gaps in services to sexual assault victims and their families. The Committee supports a dedicated stream of funding to provide a broad range of services to male, female and child sexual assault victims and their families through the well-established and well-regarded system of community-based rape crisis centers throughout the United States. The Committee maintains its strong commitment to ensuring that these rape crisis centers have access to technical assistance, training and support. SASP will provide such assistance through sexual assault coalitions located in every State, territory and within a number of tribes.

Transitional Housing Assistance Grants.—The Committee approves the approach taken by the administration to make Transitional Housing Assistance an independent program under OVW, where it will no longer have to compete directly against STOP grants for resources. In addition, due to the unprecedented demand by victims of domestic violence, dating violence, sexual assault and stalking for housing and support services, the Committee provides \$25,000,000 for this program, an increase of \$7,036,000 over the fiscal year 2011 enacted level and equal to the budget request.

Legal Assistance for Victims [LAV].—The Committee provides the full budget request of \$45,000,000 to support victims' access to civil legal remedies, including civil protection orders, child support and custody, and housing and public benefits assistance. LAV is the

only Federal program designed to meet all of these needs; therefore, demand for these services is high and LAV is one of OVW's most competitive programs. Based on these factors, the Committee's recommendation is \$4,082,000 above the fiscal year 2011 enacted level.

Consolidated Youth-Oriented Program.—The Committee's recommendation includes \$10,000,000 for the administration's proposal to fund a comprehensive array of prevention and intervention services for children and youth victims of domestic violence, dating violence, sexual assault and stalking. Additionally, it seeks to engage men and youth to work as allies to end violence against women and girls. This program consolidates four OVW programs: Engaging Men and Youth in Prevention, Grants to Assist Children and Youth Exposed to Violence, Supporting Teens Through Education, and Services to Advocate and Respond to Youth. The Committee believes this consolidation will allow OVW to leverage resources for maximum impact in communities by funding comprehensive projects that include both youth service and prevention components.

Homicide Reduction Initiatives.—The Committee provides \$5,000,000 under Grants to Encourage Arrest Policies to address the urgent problem of homicide of the abused, especially those in escalating domestic violence situations. Studies show that abused women who receive domestic violence services, such as shelter, counseling and protective orders, are less likely to be victims of murder or attempted murder. There is a 60 percent reduction in risk of severe assault when victims of abuse utilize the services of a domestic violence advocacy program. Abused women who never receive these services, however, are much more likely to be killed by their abusers. Despite these good outcomes, however, only 4 percent of victims of actual or attempted intimate partner violence utilize the services of community-based domestic violence programs.

SALARIES AND EXPENSES

Appropriations, 2011 ¹	\$21,006,000
Budget estimate, 2012 ¹	23,148,000
Committee recommendation	20,580,000

¹In the fiscal year 2011 enacted act, funds for the management and administration of programs at OVW, OJP, and COPS were provided within a joint Salaries and Expenses appropriation. The OVW portion of this joint appropriation was \$21,006,000, between direct appropriations and approved reprogramming of funds, in fiscal year 2011 and \$23,148,000 in the fiscal year 2012 request.

This appropriation supports all activities related to the management and administration of OVW grant programs, grants and cooperative agreements, including peer review. For fiscal year 2012, the Committee recommends \$20,580,000, which is \$2,568,000 below the equivalent amount requested under the joint salaries and expenses appropriation and \$426,000 below the fiscal year 2011 enacted level.

OFFICE OF JUSTICE PROGRAMS

The Office of Justice Programs [OJP] is responsible for providing leadership, coordination and assistance to its Federal, State, local and tribal partners to enhance the effectiveness and efficiency of

the United States justice system in preventing, controlling and responding to crime. Because most of the responsibility for crime control and prevention falls to law enforcement officers in States, cities and neighborhoods, the Federal Government is effective in these areas only to the extent that it can enter into partnerships with these jurisdictions. Therefore, OJP is tasked with administering grants; collecting statistical data and conducting analyses; identifying emerging criminal justice issues; developing and testing promising and innovative approaches to address these issues; evaluating program results; and disseminating these findings and other information to State, local and tribal governments.

The Committee recommends a total of \$1,632,370,000 for OJP, which is \$286,285,000 below the budget request and \$65,510,000 below the fiscal year 2011 enacted level. For fiscal year 2012, the Committee has established a "Research, Evaluation and Statistics" appropriation to replace the "Justice Assistance" appropriation and created a separate Salaries and Expenses appropriation for OJP.

Six years ago, DOJ was responsible for administering approximately 72 grant accounts. Today, more than 120 grants are administered by the Department. While the intent of these grant programs are noble, the Committee is concerned that the perpetual authorization and proposal for new grants, while not de-authorizing or omitting redundant and archaic ones, has become unmanageable. The Committee directs the Department to work closely with Congress to consider seriously the modification of existing programs and omission of outdated programs before new proposals and initiatives are unveiled. The Committee urges the Department to devise a proposal to consolidate and eliminate ineffective grant programs by outreach to Congress and emphasis on what works and what is cost effective for the taxpayers' dollars.

RESEARCH, EVALUATION, AND STATISTICS

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2011	\$234,530,000
Budget estimate, 2012	178,500,000
Committee recommendation	121,000,000

The Committee's recommendation provides \$121,000,000 for the Research, Evaluation, and Statistics account, formerly known as the Justice Assistance account. The recommendation is \$113,530,000 below the fiscal year 2011 enacted level and \$57,500,000 below the budget request.

These programs provide support to State and local law enforcement. Funding in this account provides assistance in the areas of research, evaluation, statistics, hate crimes, DNA and forensics, and criminal background checks, among others.

The Committee's recommendations are displayed in the following table:

RESEARCH, EVALUATION AND STATISTICS

[In thousands of dollars]

Program	Committee recommendation
Bureau of Justice Statistics	45,000

RESEARCH, EVALUATION AND STATISTICS—Continued
[In thousands of dollars]

Program	Committee recommendation
National Crime Victimization Survey [NCVS]	(26,000)
Redesign Work for the NCVS	(10,000)
Indian Country Statistics	(500)
National Institute of Justice	40,000
DNA/Forensics Transfer to NIST/OLES	(5,000)
Evaluation Clearinghouse	1,000
Regional Information Sharing Activities	35,000
TOTAL	121,000

National Institute of Justice [NIJ].—The Committee’s recommendation provides \$40,000,000 for the NIJ. NIJ’s mission is to advance scientific research, development and evaluation to advance the administration of justice and public safety. The Committee expects NIJ to carry out the new initiatives proposed in fiscal year 2012 to the extent possible within the funds provided, which includes the following areas: maximizing the value of forensic evidence; establishing the effectiveness of criminal justice diversion methods and strategies; eliminating rape kit backlogs (pilots); Indian country crime and victimization research; improving prescription drug monitoring; improving inmate re-entry; improving risk-based decision-making in the criminal justice system; and establishing better understanding of the risk-based factors leading to domestic radicalization and related acts of violence/terrorism, among others. The Committee directs that, prior to the obligation of any funds, NIJ submit a spend plan on how resources will be allocated.

DNA and Forensics Research and Evaluation.—The fiscal year 2012 budget request eliminates resources to assist with critical forensics and DNA research and evaluation. The Committee continues to recognize those areas as vital components to maintaining and advancing the quality and proficiency within Federal, State, and local crime laboratory facilities. Therefore, from within the amounts provided for NIJ, OJP shall directly transfer \$5,000,000 to the National Institute of Standards and Technology [NIST] Office of Law Enforcement Standards [OLES] to support the continuation of the development of standards and standard reference materials.

Evaluation Clearinghouse.—The Committee’s recommendation includes \$1,000,000 for an Evaluation Clearinghouse/What Works Repository, an online source for evidence-based information on what works and what is promising in criminal and juvenile justice policy and practice, to be administered by the Office of the Assistant Attorney General.

Regional Information Sharing Activities.—The Committee recommends \$35,000,000 to support activities that enable the sharing of nationwide criminal intelligence and other resources with State, local, and other law enforcement agencies and organizations. Such activities should address critical and chronic criminal threats, including gangs, terrorism, narcotics, weapons and officer safety or “event deconfliction,” and should reflect regional as well as national threat priorities. In addition, funds shall be available to support

local-to-local law enforcement data and information sharing efforts focused on solving routine crimes, especially in rural areas, by sharing law enforcement information not categorized as criminal intelligence. All activities shall be consistent with national information-sharing standards and requirements as determined by the Bureau of Justice Assistance.

Collaboration Among State Corrections, Alcohol and Drug Abuse, and Mental Health Program Directors.—The conferees encourage BJA to continue working with the Substance Abuse and Mental Health Services Administration [SAMHSA] to foster collaboration among the Association of State Corrections Administrators [ASCA], the National Association of State Alcohol and Drug Abuse Directors [NASADAD], and the National Association of State Mental Health Program Directors [NASMHPD].

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2011	\$1,117,845,000
Budget estimate, 2012	1,173,500,000
Committee recommendation	1,063,498,000

The Committee's recommendation provides \$1,063,498,000 for State and local law enforcement assistance. The recommendation is \$54,347,000 below the fiscal year 2011 enacted level, and \$110,002,000 below the budget request.

The Committee's recommendations are displayed in the following table:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(In thousands of dollars)

Program	Committee recommendation
Byrne Memorial Justice Assistance Grants	395,000
SLATT Intelligence State and Local Training	(3,000)
State and Local Assistance Help Desk and Diagnostic Center	(4,000)
Smart Probation	(5,000)
VALOR Initiative	(3,000)
State Criminal Alien Assistance Program	273,000
Border Prosecution Initiatives	20,000
Byrne Competitive Grants	21,000
Victims of Trafficking Grants	10,500
Drug Courts	35,000
Mental Health Courts	9,000
Residential Substance Abuse Treatment for State Prisoners	10,000
Capital Litigation	4,000
Economic, High-tech and Cybercrime Prevention	10,000
John R. Justice Grant Program	5,000
Adam Walsh Act Implementation	23,000
Children Exposed to Violence Initiative	10,000
Byrne Criminal Justice Innovation Program	20,000
Bulletproof Vests Partnerships	24,850
NIST/OLES	(1,500)
National Sex Offender Website	1,000
Violent Gang and Gun Crime Reduction	10,000
National Instant Criminal Background Check System [NICS]	10,000
Criminal Records Upgrade	8,000
Paul Coverdell Forensic Science	15,000
DNA Analysis Backlog Reduction/Crime Labs	131,000
Debbie Smith DNA Backlog grants	(123,000)

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE—Continued
[In thousands of dollars]

Program	Committee recommendation
Kirk Bloodsworth Post-Conviction DNA Testing grants	(4,000)
Sexual Assault Nurse Examiners	(4,000)
Court-Appointed Special Advocates [CASA]	2,500
Training for Judicial Personnel	1,500
National Forum on Youth Violence Prevention	3,000
General State and Local Assistance	11,148
Total	1,063,498

Edward Byrne Memorial Justice Assistance Grant Program.—The Committee recommends \$395,000,000 for Edward Byrne Memorial Justice Assistance Grants (Byrne-JAG). Funding is not available for luxury items, real estate or construction projects. The Department should strongly encourage State, local and tribal governments to target funding to programs and activities that are in conformance with evidence-based strategic plans developed through broad stakeholder involvement. The Department is directed to make technical assistance available to State, local and tribal governments for the development or updating of such plans.

State and Local Assistance Help Desk and Diagnostic Center.—Within the funds provided for Byrne-JAG, the Committee provides \$4,000,000 to establish the State and Local Assistance Help Desk and Diagnostic Center, which is one of the new initiatives proposed by the administration. This Center will establish a resource within OJP to provide the “one-stop” diagnostic, problem-solving, and “aftercare” resources to help local communities identify, respond to, and begin to solve persistent public safety problems like gun violence, jail violence, gang homicides, and truancy.

VALOR Initiative.—The Committee recommends \$3,000,000 within the Byrne-JAG Program for the administration’s proposal called Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative [VALOR]. This is a national training initiative that will promote a culture of safety within Federal, State, local and law enforcement agencies by training officers to respond to and react better in deadly situations, such as ambush attacks, while on duty. Bill language makes Federal law enforcement officers eligible for training under this initiative.

Smart Probation.—The Committee’s recommendation provides \$5,000,000 within Byrne-JAG for the administration’s proposal called Smart Probation to help State, local and tribal criminal justice systems improve the effectiveness of their probation programs and reduce criminal recidivism. This initiative will, among other things, advance new strategies in probation to increase public safety and make probation supervision more effective; promote the integration of probation supervision strategies and services; and increase collaboration and strategic partnerships between probation offices and local law enforcement.

Capital Litigation.—The Committee’s recommendation provides \$4,000,000 for Capital Litigation Improvement Grants, as authorized in the Justice For All Act, Public Law 108–405. The Committee directs that any grant provided for the Capital Litigation

Improvements shall be provided pursuant to section 426 of the Justice For All Act.

National Technical Assistance and Training.—The Committee encourages the Department to continue its efforts to assist States in the development and use of criminal justice information systems that accelerate the automation of identification processes for fingerprints and other criminal justice data, and which improve the compatibility of State and local law enforcement systems with the FBI's Integrated Automated Fingerprint Identification System [IAFIS].

National Motor Vehicle Title Information System.—The Committee recognizes the importance of the National Motor Vehicle Title Information System [NMVTIS] as an effective tool to prevent the fraudulent use of vehicle title documents, investigate vehicle thefts and thwart terrorist financing activities. OJP is encouraged to continue its good work and financial support of the NMVTIS operator and the Committee is encouraged to see 39 States are participating in the program. For NMVTIS to be an effective tool in assisting law enforcement nationwide, all States must be fully connected and able to share critical title information. The Committee encourages OJP to once again designate funding to the States to comply with the NMVTIS rule.

John R. Justice Grants.—The Committee's recommendation provides \$5,000,000 pursuant to section 952 of Public Law 110-315, which authorizes student loan repayment assistance for State and local prosecutors and public defenders, as well as Federal public defenders, to complement existing student loan repayment options for Federal prosecutors.

Human Trafficking.—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. In the last year there have been over 1,200 incidents of trafficking in the United States. Trafficking victims are subjected to physical, mental, and even sexual abuse. Victims need various types of assistance to begin healing and recovery, including counseling, housing, medical care, support groups, and legal assistance.

The Committee's recommendation provides \$10,500,000 for task force activities and services for U.S. citizens, permanent residents and foreign nationals who are victims of trafficking, including no less than \$4,690,000 for victim services for foreign national victims of trafficking. OJP shall consult with stakeholder groups in determining the overall allocation of Victims of Trafficking funding, and shall provide to the Committee a plan for the use of these funds as part of the Department's fiscal year 2012 spending plan. The spending plan should be guided by the best information available on the regions of the United States with the highest incidence of trafficking.

Byrne Criminal Justice Innovation Program.—The Committee provides \$20,000,000 to support the administration's proposal for the new Byrne Criminal Justice Innovation Program, which will provide demonstration grants in communities to support innovative, evidence-based approaches to fighting crime and improving

public safety, as well as addressing its underlying problems. The program will be coordinated with the Department of Housing and Urban Development [HUD] and other agencies, supporting an interagency initiative on Neighborhood Revitalization.

Persistent crime and public safety problems, especially gang activity, cannot be addressed solely by law enforcement. These issues require a comprehensive interagency approach that enables law enforcement, educators, social services agencies, and community organizations to address both public safety problems and their underlying causes. This new program will build upon the approach of supporting communities that combine law enforcement, community policing, prevention, intervention, treatment, and neighborhood restoration. The new initiative will focus on promoting interagency collaboration and enable a wide range of new and existing partners to further stabilize neighborhoods that face the severest violence and crime.

Flexible Tribal Assistance.—The Committee recommends the Department's proposal to fund tribal grant programs by permitting 7 percent of discretionary grant and reimbursement program funds made available to OJP to be used for tribal criminal justice assistance, and continues to support strongly efforts to help tribes improve the capacity of their criminal justice systems. OJP is expected to consult closely with tribal stakeholders in determining how tribal assistance funds will be awarded for detention facilities, courts, alcohol and substance abuse programs, civil and criminal legal assistance, and other priorities. As part of the Department's spending plan for fiscal year 2012, OJP shall provide a plan for the use of these funds that has been informed by such consultation. Additional funding for tribes is provided through the Office of Community Oriented Policing Services [COPS] and the Office on Violence Against Women [OVW].

Byrne Competitive Grants.—The Committee's recommendation includes \$21,000,000 for competitive, peer-reviewed grants to programs of national significance to prevent crime, improve the administration of justice or assist victims of crime. Within 60 days of enactment of this act, OJP is directed to provide a report and spend plan to the Committee, which detail the criteria and methodology that will be used to award these grants. The Committee expects that OJP will take all steps necessary to ensure fairness and objectivity in the award of these and future competitive grants. It is expected that national programs that have previously received funding under the Byrne discretionary program will be eligible to compete for funding under this competitive grant program.

Border Prosecution Initiatives.—The Committee's recommendation provides \$20,000,000 to assist State and local law enforcement, including prosecutors, probation officers, courts and detention facilities along both the Southwestern and Northern borders involved in the investigation and prosecution of drug and immigration cases referred from Federal arrests.

Drug Courts.—The Committee's recommendation provides \$35,000,000 for the Drug Courts program. Drug courts greatly improve substance abuse treatment outcomes, substantially reduce crime, and produce significant societal benefits. The Committee is concerned that while there are 1.47 million nonviolent drug ad-

dicted arrestees who are legally and clinically eligible for Drug Court, only 55,000 are currently served by the program. The Committee supports the expansion of drug courts in order to bring the Drug Court Program to scale and effectively address this population.

The Committee notes the distinct success of the Drug Courts and Mentally Ill Offender grant programs. While the Committee applauds the Department for attempting to consolidate grant programs, the Committee rejects this proposal given that professionals in the field have made a clear distinction between the two programs. However, the Committee encourages the Department to continue looking for ways to consolidate other, more duplicative grant programs.

Veterans Treatment Court.—The Committee is encouraged by the innovative efforts in some communities to create veterans' treatment courts, which result in improved service and justice to military veterans and their families. The Committee encourages OJP to exercise full discretion in considering veterans treatment courts for funding under the Drug Court Discretionary Grant Program.

Second Chance Act.—In order to pay for a nearly half a billion dollar increase above the fiscal year enacted level for Federal Prison Systems costs, the Committee regrettably provides no funds for the Second Chance Act (Public Law 110–199), a comprehensive response to improve outcomes for people released from prisons and jails and returning to our communities.

Bulletproof Vests.—Within the \$24,850,000 provided for bulletproof vests, \$1,500,000 is to be transferred directly to the National Institute of Standards and Technology's [NIST] Office of Law Enforcement Standards [OLEs] to continue supporting ballistic- and stab-resistant material compliance testing programs.

Paul Coverdell Forensic Science.—The Committee's recommendation provides \$15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants. Coverdell grants are intended to improve the quality and timeliness of forensic science and medical examiner services, including services provided by State-operated laboratories and those operated by units of local government. Coverdell grants provide flexibility to State and local crime labs by allowing them to obtain funds to address their most critical needs.

DNA Backlog/Crime Lab Improvements.—The Committee continues its strong support for DNA backlog and crime lab improvements by recommending \$131,000,000 to strengthen and improve Federal and State DNA collection and analysis systems that can be used to accelerate the prosecution of the guilty while simultaneously protecting the innocent from wrongful prosecution. Within the funds provided, \$123,000,000 is for Debbie Smith DNA Backlog Reduction grants, \$4,000,000 is for Kirk Bloodsworth Post-Conviction DNA Testing grants, and \$4,000,000 is for Sexual Assault Nurse Examiners [SANE] 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.

Economic, High-tech and Cybercrime Prevention.—The Committee recommends \$10,000,000 for competitive grants to support and train State and local law enforcement agencies in the prevention, investigation and prosecution of economic, high-tech and Internet crimes, including the intellectual property crimes of counterfeiting and piracy, as authorized under the PRO-IP Act of 2008 (Public Law 110-403).

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.

Adam Walsh Act Implementation.—The Committee provides \$23,000,000 to support the administration's proposal to help all 50 States, the District of Columbia, and 248 jurisdictions that are working to come into compliance with the Sex Offender Registration and Notification Act [SORNA], as well as provide for sex offender management and treatment. These grants will provide critical support to the comprehensive, nationwide effort to locate, register, monitor, apprehend, prosecute and manage child sexual predators and exploiters that was envisioned by SORNA.

National Forum on Youth Violence Prevention.—The Committee provides \$3,000,000 for the administration's proposal for the new National Forum on Youth Violence Prevention. The Forum will allow participating cities to share challenges and promising strategies, and develop or enhance effective comprehensive plans to prevent youth and gang violence in their cities, using multidisciplinary partnerships, balanced approaches, and data-driven strategies. The program aims to reduce violence, improve opportunities for youth and improve public safety, and encourage innovation at the local and Federal levels.

Direct Legal Representation of Crime Victims.—In June 2010, the Office for Victims of Crime [OVC] notified the Victims of Crime Act [VOCA] victim assistance formula administrators that the VOCA funds may be used to support direct legal representation in the enforcement of victims' rights in criminal court proceedings. It remains unclear, however, if VOCA administrators have allotted formula victim assistance funding for enforcement services and, if so, to what extent.

The Committee encourages the use of available VOCA formula funds to include services for the enforcement of victims' rights and reminds OVC that victims and their representatives should have access to these enforcement services in Federal and State criminal cases. The Committee expects OJP and OVC to consult with VOCA administrators and stakeholders who provide legal counsel and support services in criminal cases for the enforcement of victims' rights in determining how victim assistance formula funds may be used to include enforcement services. OVC shall submit a report to the Committee within 60 days of notifying States of their VOCA victim assistance formula allocation for fiscal year 2012 on: (1) if

OVC's guidelines make it clear that enforcement services are an eligible use of VOCA victim assistance funds, including how to access the enforcement services; and (2) whether or not reporting requirements for VOCA formula administrators and sub-recipients of VOCA funding indicate that individuals were notified of the enforcement services, as well as the number of individuals who received enforcement services, including by type of crime.

Examination of DNA and Forensic Analysis Grants Uses.—The Committee remains concerned about NIJ's use of DNA and forensic analysis funding. The primary intent of this funding is to reduce DNA backlogs and enhance the capacity of State and local crime labs to handle and process forensic evidence and ensure that future backlogs do not occur. Despite full DNA analysis funding in the last 3 years, a significant backlog of DNA samples and rape kits remains in public crime laboratories. This backlog imperils prosecutions or exonerations associated with sexual assaults, homicides and other heinous crimes.

Too often, to the Committee's dismay, NIJ appears to fritter away forensic and DNA analysis funding by broadly dispersing grants to agencies and entities of dubious merit. The Committee has uncovered expenditures of forensic DNA funding for: (1) polling firms; (2) colleges and universities; (3) cell phone technology components; (4) entities of uncertain mission that employ heads of influential forensics policy advisory groups; and (5) other outlays that do not appear to contribute to DNA backlog reduction. NIJ persists, however, in tailoring narrow grant solicitations and directing the majority of funds toward questionable projects, such as the Forensic Science Technology Center of Excellence [FSTCE], which has received more than \$22,000,000 for the last 3 years, and other projects that do not contribute directly to accelerating DNA evidence processing for use in felony cases.

The Committee's patience has been exhausted. Based on the combination of past waste and the current bleak budget environment, the Committee directs the Department to ensure that all DNA Initiative and Coverdell Forensic Science Improvement funding be available only to State and local forensic labs for the sole purpose of actively reducing the backlog of DNA evidence. The Committee directs the Department to submit quarterly progress reports on DNA funding distribution beginning 60 days after date of enactment of the accompanying act. Further, if the Department sees the need for FSTCE, it should incorporate these functions into its budget request.

In addition, the Committee directs the DOJ Inspector General to conduct an examination of all of the past 3 years of DNA funding awards to nongovernment entities that are not affiliated with a public DNA laboratory. Criteria should include the methodology and merits in creating the solicitations of these funds; if the results of the awards have a direct and measurable impact on reducing the DNA backlog; and how the obligations of the solicitations have been fulfilled.

JUVENILE JUSTICE PROGRAMS

Appropriations, 2011	\$275,423,000
Budget estimate, 2012	280,000,000
Committee recommendation	251,000,000

The mission of the Office of Juvenile Justice and Delinquency Prevention [OJJDP] is to provide national leadership, coordination and resources to prevent and respond to juvenile delinquency and victimization. OJJDP supports States, tribes and local communities in efforts to develop, implement and improve the juvenile justice system in order to protect the public safety, hold offenders accountable, and provide treatment and rehabilitative services tailored to the needs of juveniles and their families.

The Committee's recommendation provides \$251,000,000 for juvenile justice programs. The recommendation is \$24,423,000 below the fiscal year 2011 enacted level and \$29,000,000 below the budget request.

The Committee's recommendations are displayed in the following table:

JUVENILE JUSTICE PROGRAMS

[In thousands of dollars]

	Committee recommendation
Part B—State Formula	45,000
Youth Mentoring Grants	55,000
Title V—Delinquency Prevention Incentive Grants	33,000
Tribal Youth	(15,000)
Gang and Youth Violence Education and Prevention	(8,000)
Alcohol Prevention	(10,000)
Victims of Child Abuse Programs	20,000
Juvenile Accountability Block Grants	30,000
Community-Based Violence Prevention Initiatives	8,000
Missing and Exploited Children Programs	60,000
Total	251,000

Any deviation from the above plan is subject to the reprogramming requirements of section 505 of this act.

Part B: State Formula Grants.—The Committee provides \$45,000,000 for grants to implement comprehensive State juvenile justice plans, including community-based prevention and intervention programs and activities for juvenile offenders. This amount is \$17,126,000 below the fiscal year 2011 level and \$35,000,000 below the budget request.

Youth Mentoring Grants.—To support the critical work of national, regional and local organizations in nurturing and mentoring at-risk children and youths, the Committee recommends \$55,000,000 for competitive, peer-reviewed youth mentoring grants. Within 60 days of enactment of this act, OJP is directed to provide a report and spend plan to the Committee detailing the criteria and methodology that will be used to award these grants. The Committee expects that OJJDP will take all steps necessary to ensure fairness and objectivity in the award of these and future competitive grants. It is expected that national programs that have received funding under the Byrne discretionary grants program or

the Juvenile Justice Part E program will be eligible to apply for funding under this competitive grant program.

The Committee continues to recognize the alarmingly high level of school dropout, arrest and unemployment rates among youth with disabilities; therefore, within available funds, the Committee encourages OJJDP to fund expansions of mentoring services for youth with disabilities within local, multistate and national mentoring programs. The Committee also encourages OJJDP to include providers of intensive youth mentoring activities associated with nonprofit, long term, residential substance abuse treatment programs focused on juveniles involved with the criminal justice system among the eligible entities for youth mentoring grants.

Gang and Youth Violence Education and Prevention Initiative.—The Committee’s recommendation provides \$8,000,000 for an anti-gang and youth violence education and prevention initiative.

Victims of Child Abuse Act.—The Committee’s recommendation provides \$20,000,000 for the various programs authorized under the Victims of Child Abuse Act [VOCA] (Public Law 101–647).

Within the funds provided, \$5,000,000 shall be for Regional Children’s Advocacy Centers [RCACs] Programs. The RCACs were established to provide information, consultation, training, and technical assistance to communities, and to help establish child-focused programs that facilitate and support coordination among agencies responding to child abuse. The RCACs and the National Children’s Alliance have identified several joint initiatives which include: developing centers in underserved areas; support and development of Tribal CACs; constituent involvement; marketing; and public awareness. In working on these initiatives, the RCACs have created programs such as the National Training Academy, which trains professionals and multi-disciplinary teams investigating child abuse, and the telemedicine pilot project, which assists remote areas in investigating child abuse.

Missing and Exploited Children Programs.—The issue of child abduction and exploitation is a constant part of the national conscience due to the numerous child pornography and missing children cases. OJP works with law enforcement agencies to target, dismantle and prosecute predatory child molesters and those who traffic in child pornography. The Committee continues to strongly support Missing and Exploited Children Programs and recommends \$60,000,000, including funds for the Internet Crimes Against Children [ICAC] task force program, to continue to expand efforts to protect the Nation’s children, focusing on the areas of locating missing children, and addressing the growing wave of child sexual exploitation facilitated by the Internet. The Committee directs OJP to provide a spending plan for the use of these funds as part of the Department’s spending plan for fiscal year 2012.

SALARIES AND EXPENSES

Appropriations, 2011 ¹	\$140,124,000
Budget estimate, 2012 ¹	208,355,000
Committee recommendation	118,572,000

¹In the fiscal year 2011 enacted act, funds for the management and administration of programs at OVW, OJP and COPS were provided within a joint Salaries and Expenses appropriation. The OJP portion of this joint appropriation was \$140,124,000 for the fiscal year 2011 enacted level, and \$208,355,000 in the fiscal year 2012 request.

A total of \$118,572,000 is recommended for salaries and expenses for OJP in fiscal year 2012. The recommendation is \$21,552,000 below the fiscal year 2011 enacted level and \$89,783,000 below the budget request. This account also funds OJP's Office of Audit, Assessment and Management [OAAM], which is responsible for programmatic oversight, including grant compliance and auditing of internal controls to prevent waste, fraud and abuse.

PUBLIC SAFETY OFFICERS BENEFITS

Appropriations, 2011	\$70,082,000
Budget estimate, 2012	78,300,000
Committee recommendation	78,300,000

The Committee's recommendation provides \$78,300,000 for public safety officers benefits. The recommendation is \$8,218,000 above the fiscal year 2011 enacted level and equal to the budget request. This mandatory program provides a one-time death benefit payment to eligible survivors of Federal, State, and local public safety officers whose death was the direct and proximate result of a traumatic injury sustained in the line of duty or certain eligible heart attacks or strokes.

Within funds provided, \$62,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office and considered mandatory for scorekeeping purposes. The Committee also recommends \$16,300,000, as requested, for disability benefits for injured officers and education benefits for the families of officers who have been permanently disabled or killed in the line of duty.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2011	\$494,933,000
Budget estimate, 2012	669,500,000
Committee recommendation	231,500,000

The Committee's recommendation provides \$231,500,000 for community oriented policing services. The recommendation is \$263,433,000 below the fiscal year 2011 enacted level and \$438,000,000 below the budget request.

Local law enforcement is not only essential to ensuring the safety of the public, but also plays a critical role in preventing and responding to terrorist threats. Since its creation, the Community Oriented Policing Services [COPS] office has assisted State and local law enforcement agencies by providing grants, training, and technical assistance that not only ensure public safety from traditional crime, but also better enable law enforcement officers to address the growing threat from terrorist organizations.

The Committee's recommendations are displayed in the following table:

COMMUNITY ORIENTED POLICING SERVICES

[In thousands of dollars]

Program	Committee recommendation
NIST/OLES Transfer	1,500
Tribal Resources Grant Program	20,000
COPS Hiring Grants	200,000
Transfer to Tribal Resources Grant Program	(28,000)
Community Policing Development/Training and Technical Assistance	(10,000)
Methamphetamine Lab Cleanups/Transfer to DEA	10,000
Total	231,500

Any deviations from the above plan are subject to the reprogramming requirements of section 505.

COPS Hiring Program.—The Committee recommends \$200,000,000 for COPS Hiring grants to help State, local or tribal law enforcement agencies to create and preserve approximately 1,500 police officers and to increase their community policing capacity and crime prevention efforts. Like the request, the grants will have an award cap of \$125,000 and require grantees to provide a 25 percent local match.

Training and Technical Assistance.—The Committee's recommendation provides \$10,000,000 within the COPS Hiring Program to provide Training and Technical Assistance to assist agencies with developing innovative community policing strategies through applied research and evaluation initiatives.

Interoperable Standards.—The Committee is pleased that significant progress has been made in the issuance of standards to specify the required functionality for the Project 25 Inter-RF-Subsystem Interface [ISSI], Console Interface, and Fixed Station Interface for land mobile radio systems. The Committee directs that funds provided to NIST/OLES for standards development under this section should be used to complete the remaining aspects of these interfaces, including conformance and interoperability test standards for each of the interfaces. In addition, funds should be used to begin the development of standards for emerging technologies such as VoIP applications for public safety operations.

Methamphetamine Hot Spots.—The Committee's recommendation includes a \$10,000,000 transfer to reimburse the Drug Enforcement Administration [DEA] for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs and to initiate container programs. The Committee encourages the Department to require jurisdictions that receive reimbursements from this program to train and maintain staff with the substantive and practical knowledge to identify, clean-up and dispose of methamphetamine and other hazardous substances related to the manufacture, distribution and use of methamphetamine.

Tribal Resources.—The Committee has provided a total \$48,000,000 in programs targeted entirely to tribal communities through the Tribal Resources Grant Program [TRGP]. Within the TRGP, \$20,000,000 is provided through direct appropriations and \$28,000,000 is provided by transfer from the COPS Hiring program. All funds available to the TRGP can be used for equipment

and hiring or training of tribal law enforcement. This will allow tribes maximum flexibility to respond the priorities they deem most urgent.

SALARIES AND EXPENSES

Appropriations, 2011 ¹	\$32,764,000
Budget estimate, 2012 ¹	40,330,000
Committee recommendation	24,500,000

¹In the fiscal year 2011 enacted act, funds for the management and administration of programs at OVW, OJP and COPS were provided within a joint Salaries and Expenses appropriation. The COPS portion of this joint appropriation was \$32,764,000 for the fiscal year 2011 level and \$40,330,000 in the 2012 request.

This appropriation supports all activities related to the management and administration of Community Oriented Policing Services [COPS] grant programs, grants and cooperative agreements, including peer review. For fiscal year 2012, the Committee recommends \$24,500,000, which is \$15,830,000 below the equivalent amount requested under the joint salaries and expenses appropriation and \$8,264,000 below the equivalent amount enacted in fiscal year 2011.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The Committee recommends the following general provisions:

Section 201 limits the amount of funding the Attorney General can use for official reception and representation.

Section 202 prohibits the use of funds in this title to pay for an abortion except where the life of the mother would be in danger.

Section 203 prohibits the use of funds in this title to require a person to perform or facilitate an abortion.

Section 204 requires female prisoners to be escorted when off prison grounds.

Section 205 allows the Department of Justice, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 206 authorizes the Attorney General to extend a personnel management demonstration project.

Section 207 provides authority for the Bureau of Alcohol, Tobacco, Firearms and Explosives to use confiscated funds during undercover operations.

Section 208 limits the placement of maximum or high security prisoners to appropriately secure facilities.

Section 209 restricts Federal prisoner access to certain amenities.

Section 210 requires review by the Deputy Attorney General and the Department's Investigative Review Board prior to the obligation or expenditure of funds for major 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 to plan for, begin, continue, finish, process, or approve a public-private competition under OMB Circular A-76 for work performed by employees of the Bureau of Prisons or of the Federal Prison Industries, Incorporated.

Section 213 prohibits U.S. Attorneys from simultaneously holding multiple jobs outside of the scope of a U.S. Attorney's professional duties.

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, permits up to 3 percent of grant and reimbursement program funds made available to that office to be transferred to the National Institute of Justice or the Bureau of Justice Statistics for criminal justice research and statistics, and permits 7 percent of grant and reimbursement program funds made available to the Office of Justice Programs to be used for tribal criminal justice assistance.

Section 215 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 216 permits the use of appropriated funds for travel and healthcare of personnel serving abroad.

Section 217 requires a cost and schedule report on the FBI's Sentinel program.

TITLE III
SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriations, 2011	\$6,647,000
Budget estimate, 2012	6,650,000
Committee recommendation	6,000,000

The Committee's recommendation provides \$6,000,000. The recommendation is \$647,000 below the fiscal year 2011 enacted level and \$650,000 less than the budget request.

The Office of Science and Technology Policy [OSTP] was created by the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94–282) and coordinates science and technology policy for the White House. OSTP provides scientific and technological information, analysis and advice for the President and the executive branch; participates in formulation, coordination, and implementation of national and international policies and programs that involve science and technology; maintains and promotes the health and vitality of the U.S. science and technology infrastructure; reviews and analyzes, with the Office of Management and Budget, the research and development budgets for all Federal agencies; and coordinates research and development efforts of the Federal Government to maximize the return on the public's investment in science and technology and to ensure Federal resources are used efficiently and appropriately.

International Cooperation.—As the United States struggles to address its debt, other countries around the world are also implementing their own austerity measures. Some are choosing to keep investments in science and technology high in order to position their economies for recovery and future growth. Many, including the United States, are struggling with how to pay for large scientific infrastructure. The funding of large science projects, both in space and on the ground, is under increasing scrutiny to ensure sound mission and infrastructure investments are being made with limited funds. In this environment, collaboration with international partners in science will be useful to ensure continued progress in fields such as human space exploration, dark energy and astronomy. The Committee directs OSTP to remain engaged with international partners in order to pursue large projects frugally, in partnership. This will allow the United States to make the highest and best use of its limited science funding while ensuring that our scientists have access to world-leading facilities.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Appropriations, 2011	\$18,448,028,000
Budget estimate, 2012	18,724,300,000
Committee recommendation	17,938,773,000

The Committee's recommendation provides \$17,938,773,000 for the National Aeronautics and Space Administration [NASA]. The recommendation is \$509,255,000 below the fiscal year 2011 enacted level and \$785,527,000 below the budget request.

NASA was established by the National Aeronautics and Space Act of 1958 (Public Law 85-568) to conduct space and aeronautical research and development and to conduct flight activities for peaceful purposes. NASA's unique mission of exploration, discovery and innovation is intended to preserve the United States' role as both a leader in world aviation and as the pre-eminent space-faring nation. It is NASA's mission to: advance human exploration, use and development of space; advance and communicate scientific knowledge and understanding of the Earth, the solar system and the universe; and research, develop, verify, and transfer advanced aeronautics and space technologies.

In May 2011, the Nation marked the 50th anniversary of President Kennedy's call to go to the Moon. That speech set a course for the fledgling space agency. Now, 50 years later, NASA is again searching for direction. Congress and the administration worked together to enact the NASA Authorization Act of 2010 (Public Law 111-267) and set that direction.

The Committee's recommendations seek to implement the NASA Authorization Act of 2010, focusing on investments that rebalance the space program. The Committee supports major investments in science that help us understand and save our planet and explore our universe, in aeronautics research that makes air travel here on Earth safer and keeps America competitive, and in extending the International Space Station [ISS] so we can utilize the lab we built.

From the outset, this Committee has sought a human spaceflight program that the President, the Congress and the American people can support. The Committee believes that the restructured program called for in this act should be sustainable from one administration to the next. The United States cannot reinvent its space program every 4 years.

In the wake of the retirement of the space shuttle, the Committee believes this bill represents a solid path forward for human spaceflight that can reach beyond low Earth orbit with affordable crew and launch vehicles, consistent with Public Law 111-267; invests in the burgeoning commercial launch industry that is poised to bring cargo, and eventually crew, to the ISS; and revitalizes NASA science and technology programs. These elements should be viewed as complementary pieces of a balanced whole.

This bill is presented in the context of an austere budget and attempts to make tough choices in order to afford the balanced space program that the Congress authorized. To do that, the Committee was informed by the priorities of the Senate as well as the administration. However, the Committee does not always agree with the administration. While the Committee has often left some amount of discretion to NASA in making choices and offering up a spending

plan submitted in accordance with section 505 of this act, that plan should not be viewed as a license to disregard the Congress's choices about where limited resources should be spent. If NASA requests funding for programs, projects and activities in one account, the Committee expects those programs, projects and activities to be executed in that account, with small and limited exceptions. Moving major initiatives or beginning a new program in an account other than the one in which it was requested thwarts the Committee's deliberative process, rendering its efforts at prioritization and balance meaningless.

NASA's acquisition management remains on the Government Accountability Office's [GAO] "high risk" list. The agency has been on the list for more than 20 years, in such company as Medicare, Department of Defense Weapons Systems acquisition, and enforcement of tax laws. In its most recent assessment of major NASA projects GAO found 5 of 16 projects in the implementation phase had both exceeded their planned budgets by more than 18 percent and delayed their launch date by more than 12 months. The largest budget increase was a 99.9 percent cost increase with a corresponding schedule slip of 27 months over a baseline established in fiscal year 2008. That spacecraft later experienced a launch failure.

While GAO reports that NASA is making progress in strengthening financial management, including better cost estimates and higher standards of accountability for contractors, it is imperative that NASA do a better job of managing these large projects.

In order to improve GAO's analysis, NASA is directed to cooperate fully and to provide timely program analysis, evaluation data, and relevant information to the GAO so that GAO can report to Congress in advance of the annual budget submission of the President and semiannually thereafter on the status of large-scale NASA programs, projects, and activities based on its review of this information.

In addition, NASA is directed to include in its budget justification the reserve assumed by NASA to be necessary within the amount proposed for each directorate, theme, program, project and activity, or, if the proposed funding level for a directorate, theme, program, project or activity is based on confidence level budgeting, the confidence level assumed in the proposed funding level.

On July 13, 2010, the National Research Council released a report "Controlling Cost Growth of NASA Earth and Space Science Missions." The recommendations of that report could be applied throughout NASA, particularly the need for cost realism through independent cost assessment and incentivizing not only technical but also cost and schedule performance. The Committee appreciates the work of the Office of Independent Program and Cost Evaluation [IPCE] to understand how new processes both at NASA and at contractors can help NASA execute projects more wisely and frugally while still achieving mission goals. IPCE can be particularly useful during the formulation of a project when schedule, scope and contracting method are not yet determined. Just as commercial partners are learning from NASA, so too should NASA and all of its mission directorates be learning from the agency's innova-

tive commercial partners, particularly in achieving required performance within tight budgets.

The Committee directs NASA to report, within 60 days of enactment of this act, on any outstanding GAO or Inspector General recommendations to improve NASA’s financial management, the date those recommendations were issued, an expected date for implementing those recommendations, and a thorough explanation of the reasons those recommendations have not been implemented. Special attention should be paid to any recommendations that have the potential to get NASA’s acquisition management off of the GAO high risk list or to improve NASA’s financial statements. Within 90 days of enactment, NASA shall report to the Committee on any efforts taken to reform its acquisition practices to improve cost estimating, improve technical readiness before preliminary design review, better evaluate and reward contractor cost and schedule performance, and ensure sound business practices govern contracting, particularly for large contracts.

Further, to avoid cost overruns and make its programs more affordable, NASA is directed to minimize its use of cost plus fee contracting and to employ fixed price contracts for all systems, components, and projects using proven or high technical readiness technology.

According to the inspector general [IG], NASA has awarded more than \$3,000,000,000 in grants over the past 5 years, including nearly \$570,000,000 in fiscal year 2010 alone. In a report issued on September 12, 2011, the IG found that “NASA does not have an adequate system of controls to ensure proper administration and management of its grant program.” The Committee appreciates the Science mission directorate’s efforts to track grantee performance despite limited NASA-wide requirements.

Despite receipt of a draft of the report on grants management, NASA did not provide an official response to the IG’s findings. Within 30 days of enactment of this act, the Committee directs NASA to report on corrective actions it will take to reform its grants management process, including how the agency will address: (1) evaluation of unsolicited proposals, (2) training for grant and technical officers; (3) internal controls, including periodic reviews and oversight; (4) thresholds for deviation from approved grant budgets; (5) review of procedures for awarding grant supplements; and (6) policies to ensure NASA has adequate documentation to explain its decisions. The Committee directs the IG to issue a report to the Committee evaluating NASA’s response within 30 days of NASA issuing the report described above.

The Committee has chosen to articulate the funding levels of programs within the account structure for NASA in the form of tables. Major mission and program funding is listed within the tables and, if necessary, supplemented with explanatory report language.

SCIENCE

Appropriations, 2011	\$4,935,409,000
Budget estimate, 2012	5,016,800,000
Committee recommendation	5,100,000,000

The Science account encompasses five lines of study: Earth Science, Planetary Science, Astrophysics, the James Webb Space

Telescope and Heliophysics. This funding seeks to answer fundamental questions concerning the ways in which Earth's climate is changing; the comparison of Earth with other planets in the solar system and around other stars; the connections between the Sun and Earth; and the origin and evolution of planetary systems, the galaxy, and the universe, including the origin and distribution of life in the universe. These objectives are achieved through robotic flight missions, ground-based scientific research and data analysis, and the development of new technologies for future missions.

SCIENCE

[In thousands of dollars]

	Committee recommendation
Earth Science:	
Earth Science Research	435,000
Earth Science Research and Analysis	(325,000)
Computing and Management	(110,000)
Earth Systematic Missions	886,800
Global Precipitation Measurement (GPM)	(98,000)
Glory Mission	(159,000)
Landsat Data Continuity Mission (LDCM)	(16,100)
NPOESS Preparatory Project (NPP)	(113,400)
Ice, Cloud, and land Elevation Satellite (ICESat-II)	(137,300)
Soil Moisture Active and Passive (SMAP)	(363,000)
Other Missions and Data Analysis	189,900
Earth System Science Pathfinder	(5,400)
Aquarius	(90,500)
OCO-2	(62,000)
Venture Class Missions	(32,000)
Other Missions and Data Analysis	167,600
Earth Science Multi-Mission Operations	50,200
Earth Science Technology	36,000
Applied Sciences	1,765,500
Subtotal, Earth Science	1,765,500
Planetary Science:	
Planetary Science Research	189,500
Planetary Science Research and Analysis	(139,000)
Other Missions and Data Analysis	(25,000)
Education and Directorate Management	(5,300)
Near Earth Object Observations	(20,200)
Lunar Quest Program	129,600
Lunar Science	(54,400)
Lunar Atmosphere and Dust Environment Explorer	(71,800)
International Lunar Network	(3,400)
Discovery	176,800
Gravity Recovery and Interior Laboratory [GRAIL]	(40,800)
Other Missions and Data Analysis	(136,000)
New Frontiers	176,400
Juno	(31,400)
Other Missions and Data Analysis	(145,000)
Mars Exploration	581,700
2009 Mars Science Lab	(138,000)
MAVEN	(245,700)
Other Missions and Data Analysis	(198,000)
Outer Planets	117,100
Technology	129,300
Subtotal, Planetary Science	1,500,400
Astrophysics:	
Astrophysics Research	164,100

SCIENCE—Continued
[In thousands of dollars]

	Committee recommendation
Astrophysics Research and Analysis	(66,000)
Balloon Project	(32,100)
Other Missions and Data Analysis	(66,000)
Cosmic Origins	239,300
Hubble Space Telescope [HST]	(98,300)
Stratospheric Observatory for Infrared Astronomy [SOFIA]	(84,000)
Other Missions And Data Analysis	(57,000)
Physics of the Cosmos	106,000
Exoplanet Exploration	46,400
Astrophysics Explorer	126,400
Nuclear Spectroscopic Telescope Array (NuStar)	(11,900)
Gravity and Extreme Magnetism	(74,100)
Other Missions and Data Analysis	(40,400)
Subtotal, Astrophysics	682,200
James Webb Space Telescope:	
Subtotal, James Webb Space Telescope	529,600
Heliophysics:	
Heliophysics Research	155,900
Heliophysics Research and Analysis	(30,000)
Sounding Rockets	(49,400)
Research Range	(19,500)
Other Missions and Data Analysis	(57,000)
Living with a Star	206,900
Radiation Belt Storm Probes [RBSP]	(92,200)
Solar Probe Plus	(52,700)
Other Missions and Data Analysis	(62,000)
Solar Terrestrial Probes	181,700
Magnetospheric Multiscale [MMS]	(164,300)
Other Missions and Data Analysis	(17,400)
Heliophysics Explorer Program	77,800
IRIS	(39,100)
Other Missions and Data Analysis	(38,700)
Subtotal, Heliophysics	622,300
Total, Science	5,100,000

Earth Science Decadal Survey Missions.—The Committee supports the ongoing development of the Tier I Earth Science missions, and provides the full budget requests for the Soil Moisture Active and Passive [SMAP]; the Ice, Cloud and Land Elevation Satellite (IceSat-2); and the Climate Absolute Radiance and Refractivity Observatory [CLARREO] missions. The Committee also recommends the Deformation, Ecosystem Structure and Dynamics of the Ice (DESDnyl) mission continue at the fiscal year 2011 level. The National Academies recommended flying a suite of these four missions concurrently to gather critical information about the Earth and its climate.

IceBridge.—The Committee provides the full budget request for IceBridge to continue making high-resolution measurements of polar sea ice and glaciers during the gap between IceSat-1 and IceSat-2. The Committee encourages NASA to use unmanned aerial vehicles [UAVs] for this mission and to seek competitive proposals to improve IceBridge instruments for use on UAVs.

Carbon Monitoring.—The Committee recommends \$10,000,000 from within available funds to continue the development of a carbon monitoring system initially funded in fiscal year 2010. The Committee expects no less than one-half of this amount shall be awarded externally.

Cooperation Between NASA and NOAA.—NASA continues to provide valuable program management expertise to assist NOAA with its satellite program. At the same time, NASA continues its role as the pathfinder, developing new Earth science instruments and pushing the leading edge on experimental missions today that will benefit NOAA's operational missions tomorrow. However, the Committee is discouraged by NASA's lack of cooperation with NOAA's Ocean and Atmospheric Research office in the area of non-space based Earth science. NASA shall better coordinate with NOAA on all aspects of relevant NASA-funded projects, including project planning, project execution and post-project data sharing.

SERVIR.—The Committee directs NASA to move forward, as requested in the fiscal year 2012 budget request, to continue the expanded SERVIR network within the Applied Sciences Program and to enhance its scientific capabilities across a broader set of NASA Earth science products and its service as a testbed for innovative applications.

Planetary Science.—The bill allows for the transfer of up to \$10,000,000 to the Department of Energy to re-establish facilities capable of producing fuel needed to enable future missions. The Committee notes that the most recent decadal survey in planetary science urges NASA to reformulate planetary science flagship missions to fit within the projected budget, as recommended. The NASA budget, like the Federal budget overall, is shrinking, not growing.

Decadal Surveys and Mid-session Reviews.—The Committee supports NASA's flagship missions but notes that future large projects will need to have a scope that is aligned with a sound and executable budget. On the other hand, once NASA has committed to a mission with an executable funding profile, the Committee does not believe mid-session reviews and other management tools that serve to undermine established missions with broad consensus within their scientific discipline do anything more than unnerve the scientific community. The Committee encourages NASA to focus its management efforts on rigorous requirements definition, program management, and cost discipline so that it can meet the commitments it makes within projected budgets.

Astrophysics.—Within funds provided to advance scientific knowledge of the origins of the universe, the Committee provides the full budget requirement of \$98,300,000 for the Hubble Space Telescope.

Wide Field Infrared Survey Telescope [WFIRST].—WFIRST was identified as the first priority in the recent astronomy and astrophysics decadal survey. NASA is strongly encouraged to make a request for WFIRST in fiscal year 2013 that builds on the work of the Joint Dark Energy Mission project.

James Webb Space Telescope.—The Committee strongly supports completion of the James Webb Space Telescope [JWST]. JWST will be 100 times more powerful than the Hubble Space Telescope and

is poised to rewrite the physics books. Last year, the Committee asked for an independent assessment of JWST. That assessment, led by Dr. John Casani, found that while JWST is technically sound, NASA has never requested adequate resources to fund its development. As with many other projects, budget optimism led to massive ongoing cost overruns because the project did not have adequate reserves or contingency to address the kinds of technical problems that are expected to arise in a complex, cutting edge project. Without funds, the only other way to deal with problems is to allow the schedule to slip. That slip, in turn, makes the project cost even more, when accounting for the technical costs as well as the cost of maintaining a pool of highly skilled technical labor through the completion of the project.

In response to the Casani report, NASA has submitted a new baseline for JWST with an overall life cycle cost of \$8,700,000,000. NASA has assured the Committee that this new baseline includes adequate reserves to achieve a 2018 launch without further cost overruns. The Committee intends to hold NASA and its contractors to that commitment, and the bill caps the overall development cost for JWST at \$8,000,000,000.

Explorer Program.—The Committee provides an additional \$16,000,000 for the Explorer Program to ensure that current and future announcements of opportunity can support two stand-alone missions, one in astrophysics and one in heliophysics.

Heliophysics.—Within funds provided to advance scientific knowledge of the Sun’s impact on the Earth, the Committee provides the full budget request of \$164,300,000 for the Magnetospheric Multiscale [MMS] mission. The Committee encourages NASA to provide necessary budget resources in fiscal year 2013 for MMS to achieve a launch in early 2015 with the full complement of instruments and both orbit phases.

The funds provided also include \$52,700,000 for the Solar Probe Plus mission, the same as the budget request. The Committee strongly supports this mission and affirms its commitment to a 2018 launch. According to NASA’s analysis, the advanced technology development funds provided by this Committee have retired substantial technical risk and contributed to a manageable funding profile for this project, which was the highest-priority recommendation of the most recent National Academies’ heliophysics decadal report.

Within funds provided for sounding rockets operations, \$5,000,000 is provided to continue advanced technology development of small satellites and unmanned aerial systems [UAS] at low-cost NASA flight facilities that have the potential of lowering the costs of space and Earth science missions.

The Committee notes that suborbital science missions provide important hands-on experience for science, technology, engineering and mathematics [STEM] undergraduate and graduate students, and directs NASA to increase its participation in these missions.

AERONAUTICS

Appropriations, 2011	\$533,930,000
Budget estimate, 2012	569,400,000
Committee recommendation	501,000,000

The Aeronautics account funds research in key areas related to the development of advanced aircraft technologies and systems, including those related to aircraft safety, environmental compatibility and fuel efficiency; and research that supports the Next Generation Air Transportation System in partnership with the Joint Planning and Development Office.

Within the amount provided, the Committee fully funds aviation safety and unmanned aircraft systems [UAS] integration in the National Airspace System [NAS]. NASA should examine expediting standards for technologies such as positive link control and other systems to allow uninterrupted connectivity to UAS that could enable safe integration of UAS into the NAS. The Committee is aware of the growing need to develop a sustainable STEM pipeline in the field of aeronautics, particularly among minorities and underrepresented populations. The Committee encourages NASA to fund competitive awards to address this need with particular focus on historically black colleges and universities with programs in related scientific fields in order to develop the aeronautics STEM workforce.

SPACE TECHNOLOGY

Appropriations, 2011 ¹	
Budget estimate, 2012	\$1,024,200,000
Committee recommendation	637,000,000

¹Space technology activities were funded within the Space Operations, Exploration, and Cross-Agency Support accounts in 2011.

The Space Research and Technology Program builds on NASA’s current Innovative Partnership Program to fund basic research that can advance multi-purpose technologies to enable new approaches to NASA’s current missions. It includes NASA’s Small Business Innovative Research [SBIR] and Small Business Technology Transfer [STTR] programs.

SPACE TECHNOLOGY
[In thousands of dollars]

	Committee recommendation
SBIR and STTR	184,100
Partnership Development and Strategic Integration	30,000
Crosscutting Space Technology	210,400
Exploration Technology	212,500
TOTAL	637,000

The Committee regrets not being able to fund this promising new program more robustly and has prioritized funding for ongoing activities. Within Crosscutting Space Technology, the Committee encourages NASA to prioritize ongoing efforts funded in fiscal year 2011 under the auspices of Space Technology using Space Operations funds. The Committee recommends Space Technology continue to fund satellite servicing at the fiscal year 2011 level. This funding will contribute to the planned competitive demonstration mission and shall be managed by the Space Operations mission directorate.

EXPLORATION

Appropriations, 2011	\$3,800,683,000
Budget estimate, 2012	3,948,700,000
Committee recommendation	3,775,000,000

The Exploration account funds the capabilities required to develop, demonstrate, and deploy the transportation, life support and surface systems that will enable sustained human presence throughout the solar system, including at the space station, in low Earth orbit and beyond low Earth orbit.

The Committee shares the administration’s enthusiasm for new acquisition models intended to keep the cost of space access low and for investments in new technologies that can radically reduce the cost of human transportation, to and in, space. However, NASA cannot abdicate its responsibility for safety and oversight of entities receiving Federal dollars as an investment in developing launch and crew capabilities.

The Committee also believes the Nation deserves a robust human spaceflight program. This program aims to regularly and reliably provide access to the International Space Station [ISS] and enable exploration beyond low Earth orbit. Capabilities to reach ISS with U.S. vehicles and explore beyond low Earth orbit must work hand in hand. The United States needs to move forward in building a heavy lift rocket to complement commercial activities for a sustainable human spaceflight program that can accomplish both of these goals.

One of the greatest successes of the ISS has been a true partnership between the United States and other space faring nations to live and work in space. For our next stage of space exploration, the United States will need to engage its partners to have a truly robust and successful program. With the funds provided here, the United States will be able to contribute heavy lift launch technology, including the capability to launch humans beyond low Earth orbit, to that effort. Within 180 days of the enactment of this act NASA shall report to the Committee a set of scientific and exploration goals, including mission destinations, for utilizing the new space transportation system funded within this account, including any plans for collaboration with international partners.

EXPLORATION
[In thousands of dollars]

	Committee recommendation
Exploration Research and Development	275,000
Commercial Space Flight	500,000
Orion Multipurpose Crew Vehicle	1,200,000
Heavy Lift Launch Vehicle System	1,800,000
TOTAL	3,775,000

Heavy Lift Launch Vehicle.—The Committee provides \$1,800,000,000 to build the integrated heavy lift launch vehicle system. The system shall enable human transportation at the highest possible safety standards and lowest life cycle costs for beyond low Earth orbit and is being designed, managed, and integrated by the

Marshall Space Flight Center. This funding shall be part of a sustained, evolvable effort around a common core to culminate in an initial human capability by 2017, using fixed price contracts for components wherever possible. The system shall be evolvable to lift the necessary elements for missions beyond low Earth orbit in order to extend human exploration capabilities. The program shall be managed under a strict cost cap of \$11,500,000,000 through fiscal year 2017. Within 60 days of enactment, NASA shall report to the Committee on planned milestones, expected performance of the low Earth orbit and beyond low Earth orbit configurations, planned ground and early flight testing programs and deliverables for the heavy lift launch vehicle program, along with any existing contract vehicles the Agency intends to use for this purpose. As part of this report, NASA shall evaluate the preceding cost cap and validate the cap or provide a viable and validated alternative.

Orion Crew Exploration Vehicle.—The Committee provides \$1,200,000,000 for an Orion crew exploration vehicle that will enable human transportation beyond low Earth orbit. The vehicle shall be capable of being launched on the heavy lift launch vehicle and may also provide alternative access to low Earth orbit, including the ISS by fiscal year 2014, using fixed price contracts for components wherever possible. The program shall be managed under a strict cost cap of \$5,500,000,000 through fiscal year 2017. Within 60 days of enactment, NASA shall report to the Committee on planned milestones, expected performance and configurations, planned testing program, and deliverables for the crew exploration vehicle program, along with any suggestions for streamlining oversight. As part of this report, NASA shall evaluate the preceding cost cap and validate the cap or provide a viable and validated alternative.

Ground Operations.—In fiscal year 2013 and beyond, NASA shall identify ground operations related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system separately from the funding to develop those systems. NASA may request these funds within the Exploration account or the Space Operations account, not both. The Committee notes that the purposes authorized in section 305 of Public Law 111–267 include both ground operations and multi-purpose infrastructure projects that support both crew and cargo launches.

Commercial Crew.—The Committee has provided \$500,000,000 for commercial crew activities, the same as the authorized level. This funding shall be available to continue and competitively expand the number of participants and the activities of the Commercial Crew Development [CCDEV] program in order to reduce risk, develop technologies and lead to other advancements that will help determine most effective and efficient means of advancing the development of commercial crew services.

Of the amount included for commercial crew development activities, \$307,400,000 shall be available on October 1, 2011. This amount is equal to the fiscal year 2011 level for commercial crew development. An additional \$192,600,000 of commercial crew funding will become available after the NASA Administrator has certified, in writing, that NASA has: (1) published the notifications to implement acquisition strategy for the heavy lift launch vehicle

system, also known as the space launch system [SLS], authorized in section 302 of Public Law 111–267 and (2) begun to execute relevant contract actions in support of development of SLS. This certification may not be delegated and will assure the Committee that NASA is committed to all elements of the balanced human spaceflight program authorized in Public Law 111–267. The Committee understands that NASA will be providing more information on the acquisition strategy for SLS in the coming weeks.

Currently, NASA lacks one consolidated set of requirements for crew safety. Within this funding, NASA shall develop and make available to the public detailed human rating processes and requirements to guide the design of all crew transportation capabilities. These requirements shall be at least equivalent to requirements for crew transportation currently in use, as well as any relevant recommendations of the Columbia Accident Investigation Board, and shall apply to all NASA-funded vehicles that carry humans, both commercial and Government-owned.

The Committee is pleased by NASA’s commitment to hold commercially developed launch vehicles to be used to carry out NASA missions to the same safety standards as Government-developed launch vehicles. The Committee encourages NASA to develop plans to fully utilize NASA-owned rocket testing infrastructure for commercially developed launch vehicles to ensure that these vehicles are tested in the same manner as Government-developed launch vehicles.

NASA Policy Directive 1050.1I states that funded Space Act Agreements may be used only when the Agency’s objective cannot be accomplished through the use of a procurement contract, grant, or cooperative agreement. The Committee believes that the current practice by NASA has gone beyond what is cited under NASA’s own policy directive. Such misuse of these authorities undermines the oversight of NASA in the procurement process and threatens crew safety. For future rounds of commercial crew competitions and acquisitions, NASA shall limit the use of funded Space Act Agreements as stated in the directive in order to preserve critical NASA oversight of Federal funds provided for spacecraft and launch vehicle development.

Commercial Orbital Transportation Services [COTS] Cargo.— While funding was neither requested nor provided for COTS cargo, the Committee continues its support for ensuring the continued viability and productivity of the ISS through its extended service life by funding commercial cargo transportation development. Funds provided in prior years will support the existing COTS cargo program, aimed at enabling the commercial space industry in support of NASA to develop reliable means of launching cargo and supplies to the ISS beginning later this calendar year.

SPACE OPERATIONS

Appropriations, 2011	\$5,497,483,000
Budget estimate, 2012	4,346,900,000
Committee recommendation	4,285,000,000

The Space Operations account funds the Space Shuttle, the ISS, and the supporting functions required to conduct operations in space. The Space Shuttle retired in 2011 after 30 years of service.

The ISS is a complex of research laboratories in low Earth orbit in which American, Russian, Canadian, European, and Japanese astronauts are conducting unique scientific and technological investigations in a microgravity environment.

SPACE OPERATIONS
[In thousands of dollars]

	Committee recommendation
Space Shuttle	650,900
International Space Station	2,803,500
Space and Flight Support	662,600
21st Century Launch Complex	168,000
TOTAL	4,285,000

Space Shuttle.—The Committee provides \$650,900,000 for Space Shuttle. This amount includes the full amount of \$547,900,000 that NASA has estimated for its pension liability for the primary Space Shuttle support contract. NASA is under contractual obligation to provide promised retirement benefits for the men and women who kept the Shuttles flying through their retirement in 2011.

Satellite Servicing.—Within the amounts provided, \$75,000,000 shall be to continue efforts to use the next generation of human space flight architecture to service existing and future on-orbit observatory-class scientific spacecraft, as well as spacecraft owned by the Department of Defense and other Government agencies. The activities to be undertaken shall be a joint project of the Space Operations, Space Technology, Science, and Exploration mission directorates and shall include technology demonstrations for both robotic and human servicing. These funds will augment existing Space Technology funds for these activities. Space Operations shall be responsible for the overall direction and management of all agency satellite servicing activities.

International Space Station.—The Committee has provided \$2,803,500,000 for the ISS Program, which includes ISS Operations and ISS Cargo Crew Services. The Committee fully supports the administration’s plan to extend ISS research and operations through 2020. This Committee has consistently supported the construction and operation of the ISS on the promise that it would support world class science that could improve life on Earth. For example, experiments on the ISS may yield a vaccine for salmonella, a food borne illness that sickens 40,000 and kills 600 in the United States annually. Due to the retirement of the space shuttle, commercial cargo transportation of experiments and logistics is essential to ensuring that ISS can function as a national laboratory.

21st Century Launch Complex.—The Committee provides the full budget request of \$168,000,000 for the 21st Century Launch Complex. This program is intended to revitalize the aging infrastructure at the Kennedy Space Center and other NASA facilities to support the human space flight program. NASA should place a priority on the use of funds for future ground operations and to improve only NASA-owned facilities for launch vehicles intended to serve NASA missions, including the heavy lift launch vehicle sys-

tem. Funding for the 21st Century Launch Complex may be used at other NASA flight facilities that are currently scheduled to launch cargo to the International Space Station under the COTS program, to upgrade the launch infrastructure to improve efficiency and safety. NASA shall provide the Committee a 5-year plan for this funding within 60 days of the date of enactment of this act.

EDUCATION

Appropriations, 2011	\$145,508,000
Budget estimate, 2012	138,400,000
Committee recommendation	138,400,000

The Committee provides \$138,400,000 for Education, which is \$7,108,000 below the fiscal year 2011 level and equal to the President's request. The Education account funds science, technology, engineering, and mathematics [STEM] education activities to educate and inspire our next generation of explorers and innovators.

EDUCATION

[In thousands of dollars]

	Committee recommendation
NASA Space Grant	44,200
Experimental Program to Stimulate Competitive Research	24,500
Minority University Research and Education Program	30,400
Informal Education Grants	7,000
NASA Visitors Centers	10,000
STEM Education and Accountability Projects	22,300
TOTAL	138,400

The amount available for the Education account has declined 23 percent since fiscal year 2010, as Congress has accepted NASA's proposed levels for this account. Once again in fiscal year 2012, NASA proposes a fundamental reorientation of its education program based on the Education Design Team's findings. However, in developing its budget, NASA has ignored successful programs like Space Grant and the Experimental Program to Stimulate Competitive Research [EPSCoR] that give students across the Nation access to NASA resources. NASA has also ignored local efforts to expand the reach and effectiveness of its visitors centers which serve as gateways for students and teachers. In developing future budgets, the Committee directs NASA to utilize these existing and proven tools.

In addition to funds provided within the Education account, each mission directorate utilizes funding for education activities. However, NASA has been unable to provide an adequate, full accounting of those activities Agency-wide. Therefore it is impossible for the Committee to know the extent and value of the Agency's STEM education efforts. The Committee therefore directs NASA to include in its annual budget justifications the amount within each mission directorate that will be expended for education activities and the specific purposes for which those funds will be expended.

Educational Activities at NASA Centers.—The Committee provides \$10,000,000 for the development of educational activities at NASA's centers and directs NASA to distribute this amount in

equal amounts to each center's official visitor center for the development of STEM educational activities, including exhibits, without assessing any administrative charges.

Informal Education Grants.—A report by the National Academy of Sciences, “Learning Science in Informal Settings,” found evidence that nonschool science programs involving exhibits, media projects, emerging learning technologies and other informal education programs increase students’ interest in STEM education. The Committee recommends \$7,000,000 for a competitive grant program as authorized by section 616 of Public Law 109–155.

CROSS-AGENCY SUPPORT

Appropriations, 2011	\$3,105,177,000
Budget estimate, 2012	3,192,000,000
Committee recommendation	3,043,073,000

The Cross-Agency Support account funds Agency management, including headquarters and each of the nine NASA field centers, as well as the design and execution of non-programmatic Construction of Facilities and Environmental Compliance and Restoration activities.

Independent Verification and Validation [IV&V] Program.—Within the amounts provided for cross-agency support, the Committee recommends \$39,100,000 for NASA’s IV&V Program.

Employee Performance Communications System [EPCS].—The EPCS is a five-level performance appraisal system that was implemented in 2007. This system superseded a three-level EPCS that encouraged employee participation in establishing performance standards. Information obtained by employees under the Freedom of Information Act [FOIA] reveals that this system, as implemented at the Wallops Flight Facility, resulted in a disproportionate number of less-than fully successful ratings given to African-Americans. Although African-Americans constitute 14 percent of the civil-service workforce at the Wallops Flight Facility, this group constitutes 67 percent of the needs improvement ratings.

The FOIA information also revealed that no supervisor or management official received a rating less than fully successful for the calendar year 2009 appraisal period. An Agency-directed Occupational Safety and Health Administration Voluntary Protection Program [VPP] report found that, with regard to the safety and health performance element (an element assigned to at least 90 percent of the Wallops workforce), the metrics for evaluation and rating of employees is unclear. Therefore, the Committee requests that the Government Accountability Office [GAO] shall assess NASA’s EPCS. To the extent practical, GAO should assess whether EPCS, as implemented by NASA, utilizes leading human capital practices and results in a system that provides both accountability and fairness for all employees. GAO should also include in its assessment the extent to which NASA’s EPCS has a process for planning, monitoring, developing, assessing, and rewarding employee performance that is aligned to the agency’s goals and promotes a performance culture that focuses on two-way communication and accountability for results, and clearly differentiates between high- and low-performing employees.

Data Center Consolidation.—The Committee is disappointed with NASA’s lack of commitment to significant enterprise-wide data center consolidation. While the Committee is pleased with the incremental progress NASA has made with regard to the consolidation of data centers at NASA facilities, the Committee also expects a sound technical and budgetary approach to long-term cost savings through strategic investments. In order to assist in finding the best approach for reducing data center facility space, reducing Information Technology [IT] power consumption and otherwise achieving savings, NASA is directed to provide to the Committee a report by January 6, 2012, that includes a comprehensive analysis for NASA’s alternatives with regard to IT consolidation. The report shall consider security, operational effectiveness and operations and maintenance costs, and compare these considerations over time in scenarios ranging from no consolidation action taken to maximum achievable consolidation as soon as possible. It is anticipated that the results of this report will help to inform the fiscal year 2013 budget request, and future funding decisions and resource allocations by NASA’s Chief Information Officer.

NASA’s Use of Term Positions.—The Committee directs NASA to provide a report no later than 60 days after enactment of this act providing the total number of term positions (both new hires and renewals) to be funded under this act, as well as a summary of NASA’s use of term positions since 1990.

NASA Payments for Academic Training and Degrees.—An August 2011 Inspector General report found that NASA’s management of its academic training program needs significant improvement. According to the report, “NASA has not established adequate internal controls to address these challenges. As a result, from July 2006 through September 2010, NASA paid \$1,440,000 for 57 employees to pursue academic degrees outside of NASA’s established degree programs—all without service commitments to the Agency for the degree.” The Committee directs NASA to report within 90 days of enactment of this act on steps taken to reform and improve its programs for academic training and to ensure degree programs are undertaken as part of a formal NASA program. The report should include steps NASA will take to improve NASA-wide oversight of the program.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriations, 2011	\$393,511,000
Budget estimate, 2012	450,400,000
Committee recommendation	422,000,000

The Construction and Environmental Compliance and Remediation account provides for design and execution of programmatic, discrete and minor revitalization, construction of facilities projects, facility demolition projects, and environmental compliance and remediation activities.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

[In thousands of dollars]

	Committee recommendation
Construction of Facilities	369,500
Institutional CoF	(339,600)
Science CoF	(1,000)
Space Operations CoF	(28,900)
Environmental Compliance and Restoration	52,500
Total, Construction and Environmental Compliance and Restoration	422,000

Hangar One.—Due to concerns raised in a June 2011 NASA inspector general report, the Committee does not provide the requested funding for the re-siding of Hangar One at Moffett Field, California.

Funding for Construction.—NASA continues to request funds for construction of facilities within both the Space Operations and the Exploration accounts. For fiscal year 2012, the Committee has granted NASA authority to transfer funds for construction into the Construction and Environmental Restoration Account. For fiscal year 2013 and beyond, NASA should not request construction funds in its other accounts. The fiscal year 2013 budget should clearly identify any construction requests related to the 21st Century Launch Complex, the Orion Multipurpose Crew Vehicle, and the heavy lift launch vehicle system, including related ground and mission operations and test facility construction projects.

Rocket test facilities.—Within 30 days of enactment of this act, NASA shall submit to the Committees on Appropriations a report detailing its plans to use and rehabilitate, if necessary, NASA-owned systems-level rocket test facilities. The report should include plans for systems-level testing of the Space Launch System, an evaluation of potential commercial uses of such facilities, and a description of resources needed in fiscal year 2012.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2011	\$36,327,000
Budget estimate, 2012	37,500,000
Committee recommendation	37,300,000

The Committee recommendation provides \$37,300,000 for the Office of Inspector General [IG]. The Office is responsible for promoting efficiency and preventing and detecting crime, fraud, waste, and mismanagement.

Continuing to Monitor NASA Conference Expenditures.—In March 2010, the IG issued a report investigating NASA-sponsored conferences exceeding \$20,000. The report highlights a “Procurement Training Conference” for NASA budget employees held in Baltimore, Maryland, in December 2008. Costs for this conference ran \$495,173. A comparable conference costs one-half the price for twice as many attendees. Bagels and coffee cost \$62,000, or \$66 per person, \$7 more than the per diem rate for an entire day’s meals. Under section 538 of the bill, NASA will continue to submit quarterly reports to the IG regarding the costs and contracting procedures relating to each conference or meeting held by NASA for which the cost to the Government was more than \$20,000. The IG

shall continue to audit these expenses to ensure that NASA has taken the corrective actions suggested in the March 2010 report.

ADMINISTRATIVE PROVISIONS

The Committee includes bill language regarding the availability of funds for certain prizes. The Committee also includes bill language regarding: transfers of funds between accounts, the availability of in-kind consideration for certain enhanced use leasing arrangements and the availability of certain funds from previous accounts and from the Endeavor Teacher Fellowship Trust Fund.

NATIONAL SCIENCE FOUNDATION

Appropriations, 2011	\$6,859,867,000
Budget estimate, 2012	7,767,000,000
Committee recommendation	6,698,095,000

The Committee’s recommendation provides \$6,698,095,000 for the National Science Foundation [NSF]. The recommendation is \$161,772,000 below the fiscal year 2011 enacted level and \$1,068,905,000 below the budget request.

The National Science Foundation was established as an independent agency by the National Science Foundation Act of 1950 (Public Law 81–507) and is authorized to support research and education programs that promote the progress of science and engineering in the United States. The Foundation supports research and education in all major scientific and engineering disciplines through grants, cooperative agreements, contracts, and other forms of assistance in all parts of the United States. The Foundation also supports unique, large-scale research facilities and international facilities.

NSF is the principal Federal agency charged with promoting science and engineering education from pre-kindergarten through career development. This helps ensure that the United States has world-class scientists, mathematicians and engineers, and well-prepared citizens for today and the future. In today’s global economy, continued progress in science and engineering and the transfer of the knowledge developed is vital if the United States is to maintain its competitiveness. NSF is at the leading edge of the research and discoveries that will create the jobs and technologies of the future.

The Committee reiterates its long-standing requirement that NSF request reprogrammings when initiating new programs or activities of more than \$500,000 or reorganizing components. The Committee expects to be notified of reprogramming actions which involve less than the above-mentioned amount if such actions would have the effect of changing the agency’s funding requirements in future years, or if programs or projects specifically cited in the Committee’s reports are affected.

The Committee appreciates the NSF’s commitment to terminating programs that are outdated, duplicative or no longer can achieve their goals. The Committee accepts NSF’s proposal for reductions and terminations for the following programs: Deep Underground Science and Engineering Laboratory, Graduate STEM Fellows in K–12 Education, National STEM Distributed Learning (Digital Library), Research Initiation to Broaden Participation in

Biology, Synchrotron Radiation Center, and Science of Learning Centers. These cuts will save more than \$55,000,000 from the fiscal year 2011 level and \$90,000,000 from the fiscal year 2010 level.

RESEARCH AND RELATED ACTIVITIES

Appropriations, 2011	\$5,563,875,000
Budget estimate, 2012	6,253,540,000
Committee recommendation	5,443,000,000

The Committee's recommendation provides \$5,443,000,000. The recommendation is \$120,875,000 below the fiscal year 2011 enacted level and \$810,540,000 below the budget request.

The Research and Related Activities appropriation funds scientific discovery, trains a dynamic workforce, and supports broadly accessible state-of-the-art tools and facilities. Research activities will contribute to the achievement of these outcomes through expansion of the knowledge base; integration of research and education; stimulation of knowledge transfer among academia and public and private sectors; and international activities, and will bring the perspectives of many disciplines to bear on complex problems important to the Nation. The Foundation's discipline-oriented Research and Related Activities account include: Biological Sciences; Computer and Information Science and Engineering; Engineering; Geosciences; Mathematical and Physical Sciences; Social, Behavioral and Economic Sciences; Office of Cyberinfrastructure; Office of International Science and Engineering; Office of Polar Programs; Integrative Activities; and U.S. Arctic Research Commission.

The Committee's fiscal year 2012 recommendation renews its support for Federal long-term basic research that has the potential to be transformative to our economy and our way of life in the context of a Federal budget that is shrinking. As such, the recommendation endorses the Foundation's prioritization of multidisciplinary, high-risk research, including investments in advanced manufacturing, cyber infrastructure and robotics. Each of these programs aim to have a transformative impact across science and engineering, especially in areas of national priority first outlined by the National Academies report "Rising Above the Gathering Storm."

It is not always easy to translate basic scientific discoveries into the ideas and products that build on those discoveries to launch a new product. While the scientist may be aware she has discovered something big, she may not be prepared to become the entrepreneur who creates the next great American company. The Committee is pleased to hear of the NSF's new focus on leveraging its basic research investments to provide the greatest possibility for identifying important discoveries and cutting-edge technologies. NSF's recent launch of Innovation Corps (I-Corps) will help scientists take the first steps from the research lab to commercialization by utilizing a strong private sector mentoring component, and small-scale Federal investment. I-Corps holds the promise to accelerate innovation that can attract subsequent third-party funding so discovery is transformed more rapidly into products that can help keep our Nation globally competitive, prosperous, and secure.

Scientific Facilities and Instrumentation.—A critical component of the Nation's scientific enterprise is the infrastructure that supports researchers in discovery science. Investments to advance the frontiers of research and education in science and engineering are critical to the Nation's innovation enterprise. The Committee expects the NSF to fully fund world-class U.S. scientific research facilities and instruments to adequately support scientists and students engaged in ground-breaking research to maximize sustained investments in research.

Astronomical Sciences.—The Committee is aware of the need to increase access to 8-meter class telescopes for the U.S. astronomical community. Demand for observing time on large telescopes currently exceeds the available time by a factor of 3 to 4. The Committee recognizes that there is an opportunity to meet this need through an increased U.S. share of the Gemini program and provides an additional \$2,000,000 above the request for increased time on Gemini either through a direct increase in the U.S. share or by providing instruments for Gemini.

The Committee encourages NSF to pursue the astronomy and astrophysics decadal survey's recommendation to develop a giant segmented mirror telescope and to develop that telescope on domestic soil as a public-private partnership inclusive of international partners, through the agency's major research equipment and facilities construction process. This will help to continue America's leadership in optical astronomy, while supporting scientific and technical jobs to maintain our level of excellence in this field.

Radio Astronomy.—United States-based astronomy facilities continue to make groundbreaking discoveries and conduct world-class scientific research. NSF should consider allocating adequate funding within the amounts provided to sustain operations at domestic radio astronomy facilities while transitioning to full operation of the Atacama Large Millimeter Array.

Cybersecurity.—The Committee's recommendation includes the full request of \$156,550,000 for cybersecurity research, including \$65,000,000 for NSF's contribution to the Comprehensive National Cybersecurity Initiative. NSF provides 82 percent of the total Federal support for basic computer science research at academic institutions. As government, business and society become more interconnected and dependent on computers, mobile devices and the Internet, it becomes more important that those systems be reliable, resilient and resistant to attacks. The discovery and innovation in cybersecurity supported by NSF will form the intellectual foundations for practical applications that make our information networks safer, more secure, and better able to protect our information.

Experimental Program To Stimulate Competitive Research [EPSCoR].—Within the amount provided, the Committee provides \$146,830,000 for EPSCoR, an amount that is the same as the fiscal year 2011 amount.

Support for Academic Research Fleet.—At a time of rising costs for fuel and material, the Committee is concerned about maintaining an adequate funding level for the Academic Research Fleet and related research to ensure vessels are properly maintained and effectively utilized. The Committee supports the full budget request level for Regional Class Research Vessels of \$2,000,000. Within 180

days of enactment of this act, NSF should report to the Committee on the status of planned acquisition of three vessels to provide regional capabilities in the Atlantic, Pacific, and gulf coast regions.

Giant Segmented Mirror Telescope.—The Committee expects NSF to select a Giant Segmented Mirror project for possible Federal partnership by the end of calendar year 2011, as recommended by the National Research Council’s 2010 decadal survey in Astronomy and Astrophysics. This selection should be made by a competitive process or some other means that will provide long-term certainty for the U.S. projects now under development.

Deep Underground Science and Engineering Laboratory [DUSEL].—The Committee notes the National Science Board’s decision to end NSF involvement in DUSEL and appreciates transition funding provided in fiscal year 2011 to coordinate with the Department of Energy [DOE]. In light of the recent Board decision and National Research Council recommendations, the Committee expects NSF to provide a report within 60 days regarding efforts to collaborate with DOE on the use of a future deep underground science laboratory and any current or planned commitments by the Foundation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriations, 2011	\$117,055,000
Budget estimate, 2012	224,680,000
Committee recommendation	117,055,000

The Committee’s recommendation provides \$117,055,000. The recommendation is the same as the fiscal year 2011 enacted level and \$107,625,000 below the budget request.

The major research equipment and facilities construction appropriation supports the acquisition, procurement, construction, and commissioning of unique national research platforms and facilities as well as major research equipment. Projects supported by this appropriation will push the boundaries of technology and offer significant expansion of opportunities, often in new directions, for the science and engineering community. Preliminary design and development activities, on-going operations, and maintenance costs of the facilities are provided through the Research and Related Activities appropriation account.

The Committee’s recommendation includes funding at the requested level for the following ongoing projects: the Advanced Laser Interferometer Gravitational Wave Observatory [AdvLIGO]; the Atacama Large Millimeter Array [ALMA]; and the Advanced Technology Solar Telescope [ATST]. This amount also includes \$83,095,000 to continue construction of the Ocean Observatories Initiative [OOI]. NSF may transfer up to \$100,000,000 from its Research and Related Activities account to fully fund OOI or begin work on the National Ecological Observatory Network [NEON].

EDUCATION AND HUMAN RESOURCES

Appropriations, 2011	\$861,034,000
Budget estimate, 2012	911,200,000
Committee recommendation	829,000,000

The Committee's recommendation provides \$829,000,000. The recommendation is \$32,034,000 below the fiscal year 2011 enacted level and \$82,200,000 below the budget request.

The education and human resources appropriation supports a comprehensive set of programs across all levels of education in science, technology, engineering and mathematics [STEM]. The appropriation supports activities that unite school districts with institutions of higher learning to improve precollege education. Other precollege activities include the development of the next generation of precollege STEM education leaders, instructional materials and the STEM instructional workforce. Undergraduate activities support curriculum, laboratory and instructional improvement; expand the STEM talent pool; attract STEM participants to teaching; augment advanced technological education at 2-year colleges; and develop dissemination tools. Graduate support is directed to research and teaching fellowships and traineeships and instructional workforce improvement by linking precollege systems with higher education. Programs also seek to broaden the participation of groups underrepresented in the STEM enterprise and promote informal science education. Ongoing evaluation efforts and research on learning strengthen the base for these programs.

The Committee strongly encourages NSF to continue support for undergraduate science and engineering education. At a time when enrollment in STEM fields of study continues to decline, it is important that NSF use its position to support students working towards degrees in these areas.

Creating a strong science and engineering workforce for the future is vital to maintaining the Nation's competitive edge. As the National Academies report "Rising Above the Gathering Storm" and, before that, the Hart-Rudman report on "Road Map for National Security: Imperative for Change" so illustratively point out, the future of U.S. competitiveness rests on our ability to train the next generation of scientists and engineers.

Robert Noyce Scholarship Program.—The Committee has provided the fiscal year 2011 enacted level of \$54,890,000 for the Robert Noyce Scholarship program. This program helps fill the critical need for STEM teachers in elementary and secondary schools by funding institutions of higher education to provide scholarships, stipends and programmatic support to recruit and prepare STEM majors and professionals to become K–12 teachers. Scholarship and stipend recipients are required to complete 2 years of teaching in a high-need school district for each year of support.

Federal Cyber Service: Scholarships for Service.—At the same time that more Americans are relying on the Internet and networked systems for business and pleasure, threats to those systems are growing. The Federal Cyber Service: Scholarships for Service program helps the Federal Government respond to threats to our information technology infrastructure by providing scholarships to train cyber security professionals. In return, scholarship recipients agree to serve in a Federal Government agency position, building the Government's capacity to understand, respond to, and prevent cyber threats. More than 900 students have completed the program, which was initiated in fiscal year 2001; 92.6 percent of students have placed with more than 120 Federal agencies. The

Committee provides \$45,000,000, which is \$20,000,000 above the requested level, to expand the Federal Cyber Service: Scholarships for Service program.

Not less than \$13,000,000 of the additional amount should be used specifically for graduate candidates, to include master's and doctoral students.

Informal Science Education.—The Committee maintains its strong support for NSF's informal science education program. A report from the National Academy of Sciences, "Learning Science in Informal Settings", found evidence that nonschool science programs involving exhibitions, media projects, emerging learning technologies, and other informal education programs stimulate students and increase their interest in STEM education. The Committee encourages NSF to increase its support for the development of online accessible repositories of digital media and other materials to assist teachers and students in STEM education.

Graduate Research Fellowship Program Eligibility.—The Graduate Research Fellowship Program [GRFP] provides 3 years of support for outstanding graduate students who are pursuing research-based master's and doctoral degrees in fields within NSF's mission. The Committee is concerned that meritorious applications from the field of psychology are being rejected without review based solely on the fact that the applicant is enrolled in a Clinical Psychology program, even when his or her application and academic work is focused on areas of basic research within the NSF mission. Therefore, the Committee urges NSF to ensure that the review of GRFP applications is based on the merits of the research proposed and that applicants are not rejected for reasons unrelated to the quality and merits of the proposed research.

Professional Science Master's [PSM] Degree.—The Committee strongly encourages NSF to continue support for the Professional Science Master's [PSM] degree programs funded through the American Reinvestment and Recovery Act (Public Law 111-5) as authorized in the America COMPETES Act (Public Law 110-69). To remain competitive in the global economy, America needs to develop more expertise in STEM fields; the PSM provides a pathway for students with undergraduate degrees in STEM fields and is a critical program for preparing future science professionals and leaders. The Committee strongly recommends that NSF incorporate requests for funding in fiscal year 2013 budget and beyond.

Broadening Participation.—The Committee appreciates the NSF's decision to maintain three existing initiatives to broaden participation, the Historically Black Colleges and Universities Undergraduate Program [HBCU-UP], the Louis Stokes Alliances for Minority Participation [LSAMP] and the Tribal Colleges and Universities Program [T-CUP]. These three programs each have different purposes and engage students and colleges and universities in a different manner. One size will not fit all. The Committee supports NSF's request to maintain HBCU-UP at \$32,000,000; LSAMP at \$44,750,000; and T-CUP at \$14,350,000. The Committee also supports efforts to broaden participation of undergraduates in STEM that include institutions eligible for these three programs as well as institutions eligible under section 7033 of the America COMPETES Act (Public Law 110-69).

The Committee is also committed to growing the STEM workforce by attracting broader participation from all underrepresented groups in STEM fields. While the Committee does not object to the transfer of Research in Disabilities Education [RDE] and Research on Gender in Science and Engineering [GSE] from the Division of Human Resource Development to the Division of Research on Learning in Formal and Informal Settings, the Committee directs NSF to maintain RDE and GSE as separate programs at the fiscal year 2011 enacted level. Any future proposal to consolidate these programs within any broader program should include a plan showing how NSF will maintain or enhance current levels of effort to broaden participation, including diffusion efforts undertaken as part of GSE.

AGENCY OPERATIONS AND AWARD MANAGEMENT

Appropriations, 2011	\$299,400,000
Budget estimate, 2012	357,740,000
Committee recommendation	290,400,000

The Committee recommendation provides \$290,400,000. The recommendation is \$9,000,000 below the fiscal year 2011 enacted level and \$67,340,000 below the budget request.

The salaries and expenses appropriation provides funds for staff salaries, benefits, travel, training, rent, advisory and assistance services, communications and utilities expenses, supplies, equipment and other operating expenses necessary for management of the National Science Foundation’s research and education activities.

The Committee directs NSF to find savings from operating expenses and future headquarters planning.

Workforce Management.—The NSF has received numerous reports from the Office of Inspector General and the Office of Personnel Management critiquing the management environment at NSF and recommending changes to improve the workplace. NSF’s mission is to meet the highest scientific standards. Its managers need to ensure that the workplace meets the highest standards as well and is free from harassment and misconduct. Within 60 days of enactment, NSF shall deliver an action plan to the Committee detailing its plan to implement the recommended changes, along with expected date of implementation and the senior official responsible for implementation.

OFFICE OF THE NATIONAL SCIENCE BOARD

Appropriations, 2011	\$4,531,000
Budget estimate, 2012	4,840,000
Committee recommendation	4,440,000

The Committee recommendation provides \$4,440,000. The recommendation is \$91,000 below the fiscal year 2011 enacted level and \$400,000 below the budget request.

The National Science Board is the governing body of the National Science Foundation. The Board is composed of 24 members, appointed by the President and confirmed by the Senate. The Board is also charged with serving as an independent adviser to the President and Congress on policy matters related to science and engineering research and education.

Merit Review Criteria.—The Committee is aware that the Board, through its Task Force on Merit Review, is examining NSF’s merit review criteria. While progress has been made in broadening access to STEM education and career opportunities for women, underrepresented minorities, and persons with disabilities, more remains to be done to achieve the goals of the Science and Engineering Equal Opportunities Act of 1980. According to the Committee on Equal Opportunities in Science and Education’s 2008 Biennial Report to Congress, “Based on NSF’s own research, NSF needs to provide more guidance to principal investigators, institutions, and proposal reviewers on the definition and importance of broadening participation.” However, broadening participation should remain an essential component of the NSF merit review criteria.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2011	\$13,972,000
Budget estimate, 2012	15,000,000
Committee recommendation	14,200,000

The Committee recommendation provides \$14,200,000. The recommendation is \$228,000 more than the fiscal year 2011 enacted level and \$800,000 less than the budget request.

The Office of Inspector General appropriation provides audit and investigation functions to identify and correct deficiencies that could create potential instances of fraud, waste, or mismanagement. The Committee has provided an increase in this account to enhance accountability at the NSF.

ADMINISTRATIVE PROVISION

The bill includes one administrative provision to allow limited transfers of funds among accounts.

TITLE IV
RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2011	\$9,381,000
Budget estimate, 2012	9,429,000
Committee recommendation	9,193,000

The Committee’s recommendation provides \$9,193,000 for the salaries and expenses of the Commission on Civil Rights. The recommendation is \$188,000 below the fiscal year 2011 enacted level and \$236,000 below the budget request.

Improving Oversight.—Chronic financial and managerial problems at the Commission have been allowed to continue for too long without sufficient attention. In order to rectify this situation, the Committee establishes an inspector general [IG] for the Commission and provides that the post will be filled by the individual holding the position of IG at the Equal Employment Opportunity Commission [EEOC]. The IG is tasked with the duties and responsibilities specified in the Inspector General Act of 1978, to include the conduct of audits and reviews of Commission programs, finances and personnel. Funding for the operation of the Commission’s IG, in the amount of \$800,000, is provided by transfer directly to the EEOC IG.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2011	\$366,568,000
Budget estimate, 2012	385,520,000
Committee recommendation	329,237,000

The Equal Employment Opportunity Commission [EEOC] is the leading Federal law enforcement agency dedicated to eradicating employment discrimination in both the public and private sectors on the basis of race, color, national origin, sex, religion, pregnancy, age, disability and family medical history or genetic information. The EEOC serves both U.S. public and private workplaces by helping provide a fair and inclusive workplace, which engenders employee satisfaction and commitment, and enhances employee retention, productivity and profitability.

The Committee’s recommendation provides \$329,237,000 for EEOC salaries and expenses. Given growing fiscal constraints, the Committee’s recommendation does not include the EEOC’s request for an increase of \$18,952,000 in fiscal year 2012, and must reduce

EEOC’s salaries and expenses by \$7,331,000 compared with the fiscal year 2011 enacted level. This will regrettably risk reversing the progress made by EEOC since 2008 to slow dramatically the growth of backlogged, unresolved discrimination charges to only 1 percent by to hiring investigators, attorneys and other front-line staff; updating technology; and increasing private sector employer/employee training opportunities. This feat was accomplished even as the number of discrimination charges filed with EEOC reached historic levels, peaking at 100,000 cases filed in 2011.

The EEOC anticipates 108,000 discrimination charges will be filed by the end of fiscal year 2012, with the goal of having 93,000 end-of-year pending cases. Budget cuts and expanding enforcement responsibilities will make EEOC hard-pressed to meet this goal, leaving the Commission with an erosion of mission-critical staff, increased discrimination charge inventory, limits on its litigation docket, diminished employment sector enforcement efforts and delayed customer service.

Backlog Reduction.—In order to advance EEOC’s backlog reduction goals, the Committee encourages the Commission to prioritize, within funds provided, the hiring or backfilling positions of front-line mission critical staff that have the biggest impact on case resolutions. To assist in the monitoring of EEOC’s hiring progress, EEOC is directed to continue submitting quarterly staffing reports, consistent with the direction provided in the statement accompanying Public Law 111–117.

Full Service Intake.—EEOC is currently reviewing and considering the adoption of a National Full Service Intake Model, which would create dedicated charge intake units in each field office to handle the intake process from pre-charge counseling through charge filing. The EEOC is directed to submit a report detailing its views on this model to the Committee within 120 days of the enactment of this act.

Federal Sector Hearings.—EEOC is directed to submit a copy of the updated Federal Sector hearing plan (adjusted for stakeholder input) to the Committee prior to the implementation of such plan.

Office of Inspector General [OIG].—The appropriating paragraph for the Commission on Civil Rights establishes that EEOC’s Inspector General will simultaneously hold the post of Inspector General of the Commission on Civil Rights. The funds needed by the EEOC OIG to carry out this new responsibility are provided by transfer directly from the Commission on Civil Rights budget.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

Appropriations, 2011	
Budget estimate, 2012	
Committee recommendation	\$29,400,000

The Committee recommends \$29,400,000 to assist State and local enforcement agencies. The Committee is troubled that the EEOC has failed to provide adequate resources to its State partners and therefore has created a separate account for this funding.

INTERNATIONAL TRADE COMMISSION
SALARIES AND EXPENSES

Appropriations, 2011	\$81,696,000
Budget estimate, 2012	87,000,000
Committee recommendation	80,062,000

The Committee recommendation provides \$80,062,000. The recommendation is \$1,634,000 below the fiscal year 2011 level and is \$6,938,000 below the budget request.

The ITC is an independent, quasi-judicial agency responsible for conducting trade-related investigations, providing Congress and the President with independent technical advice relating to United States international trade policy.

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION

Appropriations, 2011	\$404,190,000
Budget estimate, 2012	450,000,000
Committee recommendation	396,106,000

The Committee recommendation provides \$396,106,000 for payment to the Legal Services Corporation [LSC]. The recommendation is \$8,084,000 below the fiscal year 2011 enacted level, and \$53,894,000 below the budget request.

The Committee recommendation provides \$370,506,000 for basic field programs, to be used for competitively awarded grants and contracts; \$17,000,000 for management and administration; \$3,400,000 for client self-help and information technology; \$4,200,000 for the Office of the Inspector General; and \$1,000,000 for loan repayment assistance.

Governance and Management.—Continuing reports of governance and management issues at LSC undermine the credibility of the organization and complicate efforts to direct additional funds into legal aid, where they are desperately needed. Progress has been made in completing action on reform recommendations identified by GAO and the LSC Inspector General, but some recommendations remain outstanding and additional issues have been raised. The timely resolution of these issues must be a priority of the Corporation so that management and governance questions do not continue to overshadow the good work being done by LSC and its grantees.

Cost Effectiveness Studies.—The Committee directs LSC to continue its collaboration with the Department of Justice to conduct a national level economic study of the cost effectiveness of legal aid that would expand on existing state models and establish more broadly applicable results.

Private Attorney Involvement.—All LSC grantees are required to take steps to incentivize private attorney involvement in their programs, but these efforts are not performing up to their potential. By making a more aggressive push for pro bono private attorney services, grantees could alleviate some pressure on their own budgets and increase the number of clients served. LSC is urged to seek further action from its grantees to improve private attorney participation.

Legal Aid Fellowships.—LSC is reportedly considering a proposal to create a fellowship program for retirees or recent law school graduates who will commit to working in legal aid for a designated period of time. LSC is directed to conduct a study of this proposal in order to further develop how such a fellowship program would work and how much it would cost to implement. LSC shall report to the Committee with the results of that study no later than 120 days after the enactment of this act.

ADMINISTRATIVE PROVISION—LEGAL SERVICE CORPORATION

The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105–119) regarding operation of this program to provide basic legal services to disadvantaged individuals and the restrictions on the use of LSC funds.

LSC funds cannot be used to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) abortion; (6) prisoner litigation; (7) welfare reform; (8) representation of charged drug dealers during eviction proceedings; and (9) solicitation of clients. The exception to the restrictions occurs in a case where there is imminent threat of physical harm to the client or prospective client.

The bill makes no changes to the permanent restrictions established under the Legal Services Corporation Act (42 U.S.C. § 2996 et seq.). As it did in fiscal years 2010 and 2011, the Committee provides language that affects only the 1996 appropriations rider in the following manner: (1) keeps the restriction on use of funds from all private and public sources for abortion-related litigation and representation of prisoners; and (2) lifts the restriction on use of funds from all private sources—but keeps the restriction on use of all public sources—for all other activities currently restricted by the rider. This provision was included to level the playing field between legal aid attorneys and their counterparts in the private sector and open potentially crucial sources of additional revenue to legal aid providers in a year in which State and private funding sources are decreasing.

The manner in which the LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued, along with the provisions on recompetition and debarment.

The Committee recognizes that the LSC current percentage locality pay represents reasonable compensation for LSC officers and employees. The Committee expects that any locality pay will continue to be paid at that percentage.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

Appropriations, 2011	\$3,243,000
Budget estimate, 2012	3,025,000
Committee recommendation	3,025,000

The Committee recommendation provides \$3,025,000. The recommendation is \$218,000 below the fiscal year 2011 enacted level and is the same as the budget request.

The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals provide oversight and recommend actions on domestic and international topics to advance policies and provisions of the Marine Mammal Protection Act. The Commission provides precise, up-to-date scientific information to Congress on issues related to the safety of marine mammals.

Independent Report.—The Committee appreciates the Marine Mammal Commission’s willingness to assess the 2011 statistical analysis prepared by the National Park Service [NPS] regarding the potential displacement of breeding and pupping harbor seals by shellfish aquaculture at Point Reyes National Seashore. As part of this on-going review, the Committee urges the Commission to thoroughly examine the reviews and analyses prepared by other statisticians on the NPS study to ensure a comprehensive assessment of all viewpoints. This should include a response to criticisms that the study: (1) should not have used data points for 1982–1983; (2) did not account fully for the impact of an aggressive elephant seal in the Double Point area on 2003 and 2004 harbor seal populations in Drake’s Estero; and (3) did not accurately interpret aerial photographs and public health records when converting oyster harvest records to high/low values for further analysis. It also should include an analysis of the study’s statistical significance if the 1982–1983 and/or 2003–2004 data are removed.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
SALARIES AND EXPENSES

Appropriations, 2011	\$47,730,000
Budget estimate, 2012	51,251,000
Committee recommendation	46,775,000

The Committee recommendation provides \$46,775,000 for the Office of the United States Trade Representative [USTR]. The recommendation is \$955,000 below the fiscal year 2011 level and \$4,476,000 below the budget request.

USTR is responsible for developing and leading international negotiations for the United States on policies regarding international trade, direct investment, and commodities. Its areas of responsibility include all matters relating to the World Trade Organization; trade, commodity, and direct investment matters dealt with by certain international institutions; industrial, agricultural and services trade policy; and trade-related protection of intellectual property and the environment.

STATE JUSTICE INSTITUTE
SALARIES AND EXPENSES

Appropriations, 2011	\$5,121,000
Budget estimate, 2012	5,131,000
Committee recommendation	5,019,000

The Committee’s recommendation provides \$5,019,000 for the State Justice Institute. The recommendation is \$102,000 below the

fiscal year 2011 enacted level and \$112,000 below the budget request.

The Institute was created in 1984 to further the development and adoption of improved judicial administration in State courts.

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

SALARIES AND EXPENSES

Appropriations, 2011 .....	.....
Budget estimate, 2012 .....	.....
Committee recommendation	\$1,700,000

The Committee's recommendation provides \$1,700,000 for the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.

TITLE V
GENERAL PROVISIONS
(INCLUDING RESCISSIONS)

The Committee recommends the following general provisions for the departments, agencies and commissions funded in the accompanying bill.

Section 501 prohibits the use of appropriations for certain publicity and propaganda purposes.

Section 502 prohibits any appropriations contained in this act from remaining available for obligation beyond the current fiscal year unless expressly provided.

Section 503 limits funds for certain consulting purposes.

Section 504 provides that should any provision of the act be held to be invalid, the remainder of the act would not be affected.

Section 505 stipulates the policy and procedures by which funding available to the agencies funded under this act may be reprogrammed for other purposes.

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

Section 507 provides for a penalty for persons found to have falsely mislabeled products.

Section 508 requires agencies to provide quarterly reports to the Appropriations Committees regarding unobligated balances.

Section 509 requires agencies and departments funded in this act to absorb any necessary costs related to downsizing or consolidation within the amounts provided to the agency or department.

Section 510 limits funds for the sale or export of tobacco or tobacco products.

Section 511 prohibits user fees for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information.

Section 512 stipulates obligation of receipts available under the Crime Victims Fund.

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

Section 514 limits transfers of funds between agencies.

Section 515 provides that funding for E-government initiatives are subject to reprogramming guidelines established by this act.

Section 516 specifies requirements for certain firearms tracing studies.

Section 517 requires the Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation to conduct reviews of activities funded in this act; prohibits the use of funds for certain banquets and conferences; and requires certifications regarding conflicts of interest.

Section 518 prohibits funds to issue certain patents.

Section 519 prohibits the use of funds to support or justify the use of torture.

Section 520 limits funds pertaining to certain activities related to the export of firearms.

Section 521 limits funds to process permits to import certain products.

Section 522 prohibits funds for activities that seek to include certain language in new trade agreements.

Section 523 prohibits funds to authorize a national security letter in contravention of the statutes authorizing the FBI to issue national security letters.

Section 524 requires notification to the Committees in the event of cost overruns.

Section 525 authorizes funds appropriated for intelligence activities for the Department of Justice during fiscal year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

Section 526 directs the departments, agencies, and commissions funded under this act to establish and maintain on the homepages of their Internet websites a link to their Offices of Inspectors General and a method 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 has certified in writing that she has filed all Federal tax returns, has not been convicted of a criminal offense under the IRS Code of 1986, and has no unpaid Federal tax assessment.

Section 528 prohibits the use of funds in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws.

Section 529 specifies rescissions of prior appropriations.

Section 530 prohibits the use of funds to purchase first class or premium airline travel in contravention of current regulations.

Section 531 prohibits the use of funds to pay for the attendance of more than 50 employees at any single conference outside the United States.

Section 532 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 533 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 Naval Station, Guantanamo Bay, Cuba for the purposes of detention or imprisonment in the custody or control of the Department of Defense.

Section 534 prohibits funds to the Association of Community Organizations for Reform Now [ACORN] and its subsidiaries.

Section 535 requires, when practicable, the use of “Energy Star” or “Federal Energy Management Program” designated light bulbs.

Section 536 requires agencies funded in this act to report on undisbursed balances.

Section 537 prohibits the use of funds to relocate the Bureau of Census or employees to the Executive Office of the President.

Section 538 requires agencies to report conference spending to the Inspectors General.

Section 539 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 540 requires the Departments of Commerce and Justice, the National Aeronautics and Space Administration and the National Science Foundation to submit spending plans to the House and Senate Appropriations Committees within 30 days of enactment of this act.

Section 541 authorizes the establishment of a Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.

**COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE
STANDING RULES OF THE SENATE**

Rule XVI, paragraph 7 requires that every report on a general appropriation bill filed by the Committee must identify items of appropriation not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The Committee recommends funding for the following programs or activities that currently lack an authorization for fiscal year 2012, either in whole or in part, and therefore fall under this rule:

APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2012

Agency/Program	Last year of authorization
Department of Commerce:	
International Trade Administration:	
Export Promotion	1996
Economic Development Administration:	
Salaries and Expenses	2008
Economic Development Assistance Programs:	
Public Works and Economic Development	2008
National Telecommunications and Information Administration:	
Salaries and Expenses	1993
National Oceanic and Atmospheric Administration: ¹	
Operations, Research and Facilities:	
National Ocean Service:	
Coral Reef Conservation	2004
Coastal Zone Management	1999
Marine Protection, Research, Preservation & Sanctuaries	2005
National Marine Fisheries Services:	
Endangered Species Act Amendment	1992
Marine Mammal Protection	1999
NOAA Marine Fisheries Program	2000
Pacific Coastal Salmon Recovery	2009
Department of Justice:	
General Administration:	
Salaries and Expenses	2009
Justice Information Sharing Technology	2009
Law Enforcement Wireless Communications	2009
Administrative Review & Appeals:	
Salaries and Expenses	2009
Detention Trustee	2009
Office of Inspector General:	
Salaries and Expenses	2009
U.S. Parole Commission:	
Salaries and Expenses	2009
Legal Activities:	
General Legal Activities:	
Salaries and Expenses	2009
Antitrust Division:	
Salaries and Expenses	2009
U.S. Attorneys:	
Salaries and Expenses	2009
Foreign Claims Settlement Commission:	
Salaries and Expenses	2009

APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2012—Continued

Agency/Program	Last year of authorization
Fees and Expenses of Witnesses	2009
Community Relations Service:	
Salaries and Expenses	2009
Assets Forfeiture Fund Current Budget Authority	2009
U.S. Marshals Service	2009
Salaries and Expenses	N/A
Construction	N/A
National Security Division:	
Salaries and Expenses	N/A
Interagency Law Enforcement:	
Interagency Crime and Drug Enforcement	2009
Federal Bureau of Investigation	2009
Salaries and Expenses	N/A
Construction	N/A
Drug Enforcement Administration:	
Salaries and Expenses	2009
Construction	N/A
Bureau of Alcohol, Tobacco, Firearms and Explosives:	
Salaries and Expenses	2009
Federal Prison System	2009
Salaries and Expenses	N/A
Buildings and Facilities	N/A
Office on Violence Against Women:	
STOP Grants	2011
Children Exposed to Violence	N/A
Transitional Housing Assistance	2011
Research & Evaluation on Violence Against Women	N/A
Grants to Encourage Arrest Policies	2011
Homicide Prevention Initiative	N/A
Sexual Assault Victims Services	2011
Rural Domestic Violence & Child Abuse Enforcement	2011
Violence on College Campuses	2011
Civil Legal Assistance	2011
Elder Abuse Grant Program	2011
Safe Havens Program	2011
Education & Training for Disabled Female Victims	2011
Court Training and Improvements Program	2011
Family Court Initiative	N/A
Research on Violence against Indian Women	2008
Engaging Men and Youth in Prevention	2011
Services for Children/Youth Exposed to Violence	2011
Advocates for Youth/Services for Youth Victims (STAR)	2011
Supporting Teens through Education and Protection	2011
National Resource Center on Workplace Responses	2011
Indian Country—Sexual Assault Clearinghouse	N/A
OWV Program Management and Administration	2009
Office of Justice Programs:	
Research, evaluation and statistics:	
Bureau of Justice Statistics	1995
National Institute of Justice	1995
Evaluation Clearinghouse	N/A
Regional information sharing	2003
State and local law enforcement assistance:	
Byrne Memorial Justice Assistance Grants:	
SLATT Intelligence State and Local Training	N/A
State and Local Assistance Help Desk/Diagnostic Center	N/A
Smart Probation	N/A
VALOR Initiative	N/A
State Criminal Alien Assistance Program	2011
Border Prosecution Initiatives	N/A
Byrne Competitive Grants	N/A
Victims of Trafficking Grants (22 U.S.C. 7110)	2011
Victims of Trafficking Grants (42 U.S.C. 14044c(d))	2011

APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2012—Continued

Agency/Program	Last year of authorization
Drug Courts	2008
Mental Health Courts	2014
Residential Substance Abuse Treatment	2000
Capital Litigation	2009
Economic, High-tech and Cybercrime Prevention	2012
John R. Justice Grants	2014
Adam Walsh Act	2009
Byrne Criminal Justice Innovation Program	N/A
Children Exposed to Violence	N/A
Bulletproof Vests Partnerships	2012
Violent Gang and Gun Crime Reduction	N/A
National Forum on Youth Violence Prevention	N/A
Training for Judicial Personnel	2005
CASA—Special Advocates	2011
NICS	2013
Criminal Records Upgrade	2007
Paul Coverdell Forensic Science	2009
DNA Analysis/Other Forensics	2014
Child Sexual Predator program (for grants under SOMA [42 U.S.C. 16926])	2009
Juvenile Justice Programs:	
Juvenile Justice State Formula Grants	2007
Juvenile Accountability Block Grants	2009
Enforcing Underage Drinking Laws	2009
Juvenile Justice Youth Mentoring Grants	N/A
Community-Based Violence Initiative	N/A
Investigation and Prosecution Of Child Abuse	2005
Missing and Exploited Children programs	2004
COPS Programs:	
Methamphetamine Lab Cleanups	2010
Transfer to DEA .....	.....
Community Policing	2009
Related Agencies:	
Commission on Civil Rights:	
Salaries and Expenses	1995
International Trade Commission:	
Salaries and Expenses	2004
Payment to the Legal Services Corporation:	
Salaries and Expenses	1980
Marine Mammal Commission:	
Salaries and Expenses	1999
Office of the U.S. Trade Representative:	
Salaries and Expenses	2004
State Justice Institute:	
Salaries and Expenses	2008

¹ NOAA authorizations are spread across over 60 separate statutory authorities. In many cases, the authorizations do not match exactly to specific programs.

COMPLIANCE WITH PARAGRAPH 7(c), RULE XXVI OF THE
STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on September 15, 2011, the Committee ordered favorably reported an original bill (S. 1572) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes, provided, that the bill be subject to amendment and that the bill be consistent with its spending allocations, by a recorded vote of 29–1, a quorum being present. The vote was as follows:

Yeas	Nays
Chairman Inouye	Mr. Johnson (WI)
Mr. Leahy	
Mr. Harkin	
Ms. Mikulski	
Mr. Kohl	
Mrs. Murray	
Mrs. Feinstein	
Mr. Durbin	
Mr. Johnson (SD)	
Ms. Landrieu	
Mr. Reed	
Mr. Lautenberg	
Mr. Nelson	
Mr. Pryor	
Mr. Tester	
Mr. Brown	
Mr. Cochran	
Mr. McConnell	
Mr. Shelby	
Mrs. Hutchison	
Mr. Alexander	
Ms. Collins	
Ms. Murkowski	
Mr. Graham	
Mr. Kirk	
Mr. Coats	
Mr. Blunt	
Mr. Moran	
Mr. Hoeven	

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE
STANDING RULES OF THE SENATE

Paragraph 12 of the rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include “(a) the text of the statute or part there-

of which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the Committee.”

In compliance with this rule, the following changes in existing law proposed to be made by this bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

PART II—DEPARTMENT OF JUSTICE

CHAPTER 31—THE ATTORNEY GENERAL

§ 530A. Authorization of appropriations for travel and related expenses and for health care of personnel serving abroad

There are authorized to be **[appropriated]** *used from appropriations*, for any fiscal year, for the Department of Justice, such sums as may be necessary—

(1) for travel and related expenses of employees of the Department of Justice serving abroad and their families, to be payable in the same manner as applicable with respect to the Foreign Service under paragraphs (2), (3), (5), (6), (8), (9), (11), and (15) of section 901 of the Foreign Service Act of 1980, and under the regulations issued by the Secretary of State; and

(2) for health care for such employees and families, to be provided under section 904 of that Act.

TITLE 51—NATIONAL AND COMMERCIAL SPACE PROGRAMS

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) IN GENERAL.— * * *

(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) ESTABLISHMENT.— * * *

* * * * *

(c) PURPOSE.— * * *

(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.

OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996, PUBLIC LAW 104-134

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a "recipient") that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15)) in a manner—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

* * * * *

[(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

[(2) Paragraph (1) shall not prevent a recipient from—

[(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

[(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.]

* * * * *

[(e)] (d) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.

[(f)] (e) As used in this section:

(1) The term “controlled substance” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term “covered individual” means any person who—
 (A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term “public housing project” has the meaning as used within, and the term “public housing agency” has the meaning given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

BUDGETARY IMPACT OF BILL

PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC.
308(a), PUBLIC LAW 93-344, AS AMENDED

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount in bill	Committee allocation	Amount in bill
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the budget resolution for 2012: Subcommittee on Commerce, Justice, Science, and Related Agencies:				
Mandatory	272	272	284	¹ 284
Discretionary	52,701	52,830	63,570	¹ 63,517
Security	84	78	NA	NA
Nonsecurity	52,617	52,752	NA	NA
Projections of outlays associated with the recommendation:				
2012				² 37,893
2013				14,311
2014				3,485
2015				1,900
2016 and future years				2,243
Financial assistance to State and local governments for 2012	NA	- 3,593	NA	11

¹ Includes outlays from prior-year budget authority.

² Excludes outlays from prior-year budget authority.

NA: Not applicable.

Consistent with the funding recommended in the bill for disaster funding and in accordance with section 251(b)(2)(D) of the BBEDCA and section 106 of the Deficit Control Act of 2011, the Committee anticipates that the Budget Committee will file a revised section 302(a) allocation for the Committee on Appropriations reflecting an upward adjustment of \$135,000,000 in budget authority plus associated outlays.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2011 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
FOR FISCAL YEAR 2012
[In thousands of dollars]

Item	2011 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2011 appropriation	Budget estimate
TITLE I—DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	450,106	526,091	441,104	-9,002	-84,987
Offsetting fee collections	-9,439	-9,439	-9,439		
Direct appropriation	440,667	516,652	431,665	-9,002	-84,987
Bureau of Industry and Security					
Operations and administration	68,862	79,845	66,859	-2,003	-12,986
Defense function	31,279	31,342	31,279		-63
Total, Bureau of Industry and Security	100,141	111,187	98,138	-2,003	-13,049
Economic Development Administration					
Economic development assistance programs	245,508	284,300	220,000	-25,508	-64,300
(Disaster relief category)			135,000	+135,000	+135,000
Total, Economic Development Assistance Programs	245,508	284,300	355,000	+109,492	+70,700
Salaries and expenses	37,924	40,631	37,166	-758	-3,465
Total, Economic Development Administration	283,432	324,931	392,166	+108,734	+67,235
Minority Business Development Agency					
Minority business development	30,339	32,322	29,732	-607	-2,590
Economic and Statistical Analysis					
Salaries and expenses	97,060	112,937	95,119	-1,941	-17,818

Bureau of the Census					
Salaries and expenses	258,506	272,054	253,336	- 5,170	- 18,718
Periodic censuses and programs	891,214	752,711	690,000	- 201,214	- 62,711
Total, Bureau of the Census	1,149,720	1,024,765	943,336	- 206,384	- 81,429
National Telecommunications and Information Administration					
Salaries and expenses	40,568	55,827	45,568	+ 5,000	- 10,259
Public telecommunications facilities, planning and construction	1,000	.....	.....	- 1,000	.....
Total, National Telecommunications and Information Administration	41,568	55,827	45,568	+ 4,000	- 10,259
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 .....	.....	.....	.....	.....	.....
National Institute of Standards and Technology					
Scientific and technical research and services	506,984	678,943	500,000	- 6,984	- 178,943
(Transfer out)	(- 9,000)	(- 9,000)	(- 9,000)	.....	.....
Industrial technology services	173,253	237,622	120,000	- 53,253	- 117,622
Manufacturing Extension Partnerships	(128,443)	(142,616)	(120,000)	(- 8,443)	(- 22,616)
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	60,000	- 9,860	- 24,565
Working capital fund (by transfer)	(9,000)	(9,000)	(9,000)	.....	.....
Total, National Institute of Standards and Technology	750,097	1,001,130	680,000	- 70,097	- 321,130
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	3,179,511	3,377,607	3,134,327	- 45,184	- 243,280
(by transfer)	(68,000)	(66,200)	(109,098)	(+ 41,098)	(+ 42,898)
Promote and Develop Fund (transfer out)	(- 68,000)	(- 66,200)	(- 109,098)	(- 41,098)	(- 42,898)
Coastal zone management transfer	3,000	.....	.....	- 3,000	.....
Subtotal	3,182,511	3,377,607	3,134,327	- 48,184	- 243,280

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2011 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2012—Continued

(In thousands of dollars)

Item	2011 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2011 appropriation	Budget estimate
Procurement, acquisition and construction	1,332,682	2,052,777	1,833,594	+ 500,912	- 219,183
Pacific coastal salmon recovery	79,840	65,000	65,000	- 14,840	.....
Fishermen's contingency fund .....	.....	350	350	+ 350	.....
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	5,022,271	+ 434,238	- 463,463
Departmental Management					
Salaries and expenses	57,884	64,871	56,726	- 1,158	- 8,145
Herbert C. Hoover Building, renovation and modernization	14,970	16,150	5,000	- 9,970	- 11,150
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	88,672	- 11,128	- 48,481
Total, title I, Department of Commerce	7,580,857	8,802,638	7,826,667	+ 245,810	- 975,971
Appropriations	(7,580,857)	(8,802,638)	(7,691,667)	(+ 110,810)	(- 1,110,971)
Disaster relief category .....	.....	.....	(135,000)	(+ 135,000)	(+ 135,000)
(by transfer)	(77,000)	(75,200)	(118,098)	(+ 41,098)	(+ 42,898)
(transfer out)	(- 77,000)	(- 75,200)	(- 118,098)	(- 41,098)	(- 42,898)
TITLE II—DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	118,251	134,225	115,886	- 2,365	- 18,339

National Drug Intelligence Center	33,955	25,000	20,000	-13,955	-5,000
Justice information sharing technology	60,164	54,307	47,000	-13,164	-7,307
Law enforcement wireless communications	99,800	102,751	87,000	-12,800	-15,751
Total, General Administration	312,170	316,283	269,886	-42,284	-46,397
Administrative review and appeals	300,084	332,583	294,082	-6,002	-38,501
Transfer from immigration examinations fee account	-4,000	-4,000			
Direct appropriation	296,084	328,583	290,082	-6,002	-38,501
Detention trustee	1,515,626	1,595,360	1,563,453	+47,827	-31,907
Office of Inspector General	84,199	85,057	84,199		-858
United States Parole Commission					
Salaries and expenses	12,833	13,213	12,577	-256	-636
Legal Activities					
Salaries and expenses, general legal activities	863,367	955,391	846,099	-17,268	-109,292
Vaccine injury compensation trust fund	7,833	7,833	7,833		
Salaries and expenses, Antitrust Division	162,844	166,221	159,587	-3,257	-6,634
Offsetting fee collections—current year	-96,000	-108,000	-108,000	-12,000	
Direct appropriation	66,844	58,221	51,587	-15,257	-6,634
Salaries and expenses, United States Attorneys	1,930,135	1,995,149	1,891,532	-38,603	-103,617
United States Trustee System Fund	218,811	234,115	234,115	+15,304	
Offsetting fee collections	-214,250	-234,115	-234,115	-19,865	
Direct appropriation	4,561			-4,561	
Salaries and expenses, Foreign Claims Settlement Commission	2,113	2,124	2,071	-42	-53
Fees and expenses of witnesses	270,000	270,000	270,000		
Salaries and expenses, Community Relations Service	11,456	12,967	11,227	-229	-1,740
Assets forfeiture fund	20,948	20,990	20,990	+42	
Total, Legal Activities	3,177,257	3,322,675	3,101,339	-75,918	-221,336
United States Marshals Service					
Salaries and expenses	1,123,511	1,243,570	1,101,041	-22,470	-142,529

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2011 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
FOR FISCAL YEAR 2012—Continued

(In thousands of dollars)

Item	2011 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2011 appropriation	Budget estimate
Construction	16,592	15,625	12,000	- 4,592	- 3,625
Total, United States Marshals Service	1,140,103	1,259,195	1,113,041	- 27,062	- 146,154
National Security Division					
Salaries and expenses	87,762	87,882	86,007	- 1,755	- 1,875
Interagency Law Enforcement					
Interagency crime and drug enforcement	527,512	540,966	515,962	- 10,550	- 24,004
Federal Bureau of Investigation					
Salaries and expenses	3,385,216	3,358,000	3,270,000	- 115,216	- 88,000
Overseas contingency operations (emergency)	101,066			- 101,066	
Counterintelligence and national security	4,332,873	4,636,991	4,515,000	+ 182,127	- 121,991
Subtotal	7,819,155	7,994,991	7,785,000	- 34,155	- 209,991
Construction	107,095	80,982	75,000	- 32,095	- 5,982
Total, Federal Bureau of Investigation	7,926,250	8,075,973	7,860,000	- 66,250	- 215,973
Drug Enforcement Administration					
Salaries and expenses	2,267,433	2,354,114	2,222,084	- 45,349	- 132,030
Diversion control fund	- 251,790	- 322,000	- 322,000	- 70,210	
Subtotal	2,015,643	2,032,114	1,900,084	- 115,559	- 132,030
Construction		10,000	10,000	+ 10,000	
Total, Drug Enforcement Administration	2,015,643	2,042,114	1,910,084	- 105,559	- 132,030

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2011 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
FOR FISCAL YEAR 2012—Continued

[In thousands of dollars]

Item	2011 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2011 appropriation	Budget estimate
OJP, OWI, COPS Salaries and expenses	186,626	.....	.....	- 186,626	.....
Total, State and Local Law Enforcement Activities	2,797,102	3,083,383	2,326,613	- 470,489	- 756,770
Total, title II, Department of Justice	27,389,150	28,724,339	26,907,016	- 482,134	- 1,817,323
Appropriations	(27,288,084)	(28,724,339)	(26,907,016)	(- 381,066)	(- 1,817,323)
Emergency appropriations	(101,066)	.....	.....	(- 101,066)	.....
(by transfer) .....	.....	63,478	.....	.....	- 63,478
(transfer out) .....	.....	- 63,478	.....	.....	+ 63,478
TITLE III—SCIENCE					
Office of Science and Technology Policy	6,647	6,650	6,000	- 647	- 650
National Aeronautics and Space Administration					
Science	4,935,409	5,016,800	5,100,000	+ 164,591	+ 83,200
Aeronautics	533,930	569,400	501,000	- 32,930	- 68,400
Space technology .....	.....	1,024,200	637,000	+ 637,000	- 387,200
Exploration	3,800,683	3,948,700	3,775,000	- 25,683	- 173,700
Space operations	5,497,483	4,346,900	4,285,000	- 1,212,483	- 61,900
Education	145,508	138,400	138,400	- 7,108	.....
Cross-agency support	3,105,177	3,192,000	3,043,073	- 62,104	- 148,927
Construction and environmental compliance and restoration	393,511	450,400	422,000	+ 28,489	- 28,400
Office of Inspector General	36,327	37,500	37,300	+ 973	- 200
Total, National Aeronautics and Space Administration	18,448,028	18,724,300	17,938,773	- 509,255	- 785,527
National Science Foundation					
Research and related activities	5,496,011	6,185,540	5,375,000	- 121,011	- 810,540
Defense function	67,864	68,000	68,000	+ 136	.....

Subtotal	5,563,875	6,253,540	5,443,000	- 120,875	- 810,540
Major research equipment and facilities construction	117,055	224,680	117,055	.....	- 107,625
Education and human resources	861,034	911,200	829,000	- 32,034	- 82,200
Agency operations and award management	299,400	357,740	290,400	- 9,000	- 67,340
Office of the National Science Board	4,531	4,840	4,440	- 91	- 400
Office of Inspector General	13,972	15,000	14,200	+ 228	- 800
Total, National Science Foundation	6,859,867	7,767,000	6,698,095	- 161,772	- 1,068,905
Total, title III, Science	25,314,542	26,497,950	24,642,868	- 671,674	- 1,855,082
TITLE IV—RELATED AGENCIES					
Commission on Civil Rights	9,381	9,429	9,193	- 188	- 236
Equal Employment Opportunity Commission	366,568	385,520	329,837	- 36,731	- 55,683
State and Local Assistance .....	.....	.....	29,400	+ 29,400	+ 29,400
Total, Equal Employment Opportunity Commission	366,568	385,520	359,237	- 7,331	- 26,283
International Trade Commission	81,696	87,000	80,062	- 1,634	- 6,938
Payment to the Legal Services Corporation	404,190	450,000	396,106	- 8,084	- 53,894
Marine Mammal Commission	3,243	3,025	3,025	- 218	.....
Office of the U.S. Trade Representative	47,730	51,251	46,775	- 955	- 4,476
State Justice Institute	5,121	5,131	5,019	- 102	- 112

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2011 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2012—Continued

(In thousands of dollars)

Item	2011 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2011 appropriation	Budget estimate
Commission On Wartime Relocation and Internment of Latin Americans of Japanese Descent			1,700	+ 1,700	+ 1,700
Salaries and expenses					
Total, title IV, Related Agencies	917,929	991,356	901,117	- 16,812	- 90,239
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					
NTIA, Spectrum fund (rescission)	- 4,800			+ 4,800	
Bureau of the Census (rescission)	- 1,740,000			+ 1,740,000	
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	- 40,000	- 14,000	
DOJ, Assets forfeiture fund (rescission)	- 495,000	- 620,000	- 620,000	- 125,000	
U.S. Marshals Service, salaries and expenses (rescission)		- 7,200	- 7,200	- 7,200	
FBI, Construction (rescission)					
DEA, Salaries and expenses (rescission)		- 30,000	- 30,000	- 30,000	
FPS, Buildings and facilities (rescission)		- 35,000	- 35,000	- 35,000	
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)					
Total, title V, Rescissions	- 2,416,000	- 839,714	- 796,650	+ 1,619,350	+ 43,064
Grand total	58,786,478 (61,101,412)	64,176,569 (65,016,283)	59,481,018 (60,142,668)	+ 694,540 (- 958,744)	- 4,695,551 (- 4,873,615)

Disaster relief category	(101,066)	(135,000)	(+ 135,000)	(+ 135,000)
Emergency appropriations	(- 2,416,000)	(- 796,650)	(- 101,066)	(- 101,066)
Rescissions	(77,000)	(118,098)	(+ 1,619,350)	(+ 43,064)
(by transfer)	(- 77,000)	(- 118,098)	(+ 41,098)	(- 20,580)
(transfer out)	(- 77,000)	(- 118,098)	(- 41,098)	(+ 20,580)

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