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DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2013

APRIL 19, 2012.—Ordered to be printed

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

REPORT

[To accompany S. 2323]

The Committee on Appropriations reports the bill (S. 2323) making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Total obligational authority, fiscal year 2013

Total of bill as reported to the Senate	[1] $60,718,863,000
Amount of 2012 appropriations	60,003,742,000
Amount of 2013 budget estimate	60,423,622,000
Bill as recommended to Senate compared to—	
2012 appropriations	+715,121,000
2013 budget estimate	+295,241,000

[1] This level does not include −$8,528,593,000 in adjustments that the Congressional Budget Office (CBO) scores to the bill. With these scorekeeping adjustments, the bill totals $51,862,000,000 in discretionary budget authority, an amount that is $1,082,000,000 below the fiscal year 2012 enacted level.

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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], and the State Justice Institute [SJI].

SUMMARY OF THE BILL

For fiscal year 2013, the Committee recommends total discretionary appropriations of $51,862,000,000, for the Departments of Commerce and Justice, Science, and Related Agencies. This amount is $1,094,561,000 below the fiscal year 2012 level[1] and equal to the President's fiscal year 2013 budget request.

The bill continues the Committee's longstanding commitment to funding activities that save lives, keep America safe from terrorism and violent crime, and promote scientific research and technology development to foster job creation.

In the area of investments that save lives, the Committee's recommendations include funding for State and local law enforcement to fight crime and violence in America's neighborhoods. The bill provides funding for programs and activities that assist State and local law enforcement in preventing and prosecuting crime. Regrettably, Federal funding for State and local law enforcement has been reduced by 43 percent over the last 3 years due to budgetary constraints, shifting a greater share of the cost of fighting crime onto State and local communities. Maintaining core programs that provide value to America's communities and taxpayers is among the Committee's highest priorities.

The Committee's recommendations also provide resources for: Federal law enforcement agencies—the Federal Bureau of Inves-

[1] The fiscal year 2012 enacted level for the bill included $200,000,000 in disaster relief funding.

tigation, the Drug Enforcement Administration, the U.S. Marshals Service, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, to investigate and capture criminals; the legal system to prosecute criminals; and the Federal Prison System to confine them. These agencies keep 330 million Americans safe from terrorism and violent crime, illegal drugs, sexual predators, and the fraud that can devastate the vulnerable and entire communities. It is a time of fiscal frugality, and the Committee has prioritized funding to ensure these agencies have the staff, equipment, and facilities necessary to catch, prosecute, and confine criminals. The Committee also insists that these agencies reduce unnecessary expenditures and use taxpayer funds wisely.

The National Weather Service saves lives and protects property by providing timely and accurate warnings about severe weather so that Americans can secure their property and get out of harm's way before dangerous storms strike. The Committee's recommendations prioritize resources to ensure that the Weather Service has the staff and technology needed to provide timely and accurate warnings.

The Committee's recommendations also focus on promoting scientific research and technology development to foster job creation in the private sector. The bill provides funding for basic research through the National Science Foundation to develop new ideas that will lead to new products and new jobs of the future. Funding for the National Institute of Standards and Technology will enable the development of standards for those new products and will help their manufacturers become more competitive. The bill also funds the U.S. Patent and Trademark Office, which protects those ideas and technologies, and the International Trade Administration, which helps American businesses sell those products to customers abroad. At the National Aeronautics and Space Administration, the Committee invests in scientific research and technology development to enable America to be the world's leader in aeronautics, space science, and exploration, while inspiring our next generation of scientists and engineers and developing new industries and jobs.

FIGHTING WASTE, FRAUD, AND ABUSE

The departments, agencies, boards, and commissions funded in this bill can and should continue to 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 2013. Plans to achieve these savings in fiscal year 2013 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. 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 continued 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.

Travel Contractors.—The Committee is concerned about the excessive costs incurred upon agencies by Federal travel contractors, in particular, costs related to air fares. These contractors charge Federal agencies hundreds of dollars more per ticket, along with a service fee, than can be purchased on-line or directly through the air carrier. The Committee commends the Drug Enforcement Administration [DEA], which has aggressively pursued savings in this area. The DEA mandates that employees purchase the lowest available fare for all their travel and to use on-line booking in all but a few situations. Booking air travel on-line saves DEA $25.00 every time a reservation is purchased. By purchasing the lowest fare, DEA has saved more than $2,100,000 in just the first 6 months of fiscal year 2012 alone. DEA holds its employees accountable by making them personally liable for any costs incurred from not complying with these policies. In order to spend frugally agency travel dollars, the Committee encourages all Federal agencies funded within this act to implement similar policies to the maximum extent possible and follow this example. Further, the Committee directs the Inspectors General of all agencies funded within this act to examine these travel contractor costs to identify excessive expenditures and identify areas of savings, and to make this report publicly available no later than 180 days of enactment of this act.

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 2012. 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 2013, 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 2014 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 2013 and 2014. 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 2014 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 2014 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 $6,287,857,000 for the Department of Commerce [DOC]. The recommendation is $1,519,892,000 below the fiscal year 2012 enacted level and $1,695,837,000 below the budget request.

The Department of Commerce remains 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.

The Secretary of Commerce is the chief spokesperson for American business, but the Secretary is also the chief manager in charge of addressing major management challenges at the Department. Persistent problems need strong oversight, and accountability remains a top concern for the Committee. Major issues that have been acted upon by this Committee include: planning for the next decennial census; managing procurement of new weather satellites; and protecting our intellectual ideas.

Controlling costs for the 2020 decennial census is a top oversight concern for both the Inspector General and the Government Accountability Office. Cost overruns became a major problem during the 2010 decennial census, and already the Committee has received estimates for the 2020 Census ranging from $22,000,000,000 to $30,000,000,000, which is more than double 2010 Census costs. While this bill provides the Census Bureau with adequate funding for all of its operations, the Committee continues to provide direction to bring costs down because cost overruns and techno-boondoggles will not be tolerated in out-years.

When it comes to protecting intellectual ideas, DOC must create ways to protect its own Dot-Gov systems while working with the private sector to better protect Dot-Com. The National Institute of Standards and Technology [NIST], DOC's outstanding science and research agency, helps the private sector find new ways to solve today's cybersecurity problems. This bill advances cybersecurity ac-

tivities at NIST to protect online consumers and the private sector from cyber attacks.

However, NIST is not the only agency standing sentry over America's intellectual property. The U.S. Patent and Trademark Office [USPTO] protects American ideas and inventions, which are the heart of economic prosperity and jobs. USPTO has made progress in reducing the patent backlog, but more than 657,000 patents are waiting approval, and it takes the agency 2½ years to grant a patent. This bill fully matches USPTO's fee revenue so that the agency can further reduce the backlog to protect ideas quicker, and improve its information network to ensure those ideas remain secure.

When it comes to saving lives, the National Oceanic and Atmospheric Administration's [NOAA] satellites, ships, and planes need to be fit for duty. Operational readiness is important to the scientists and forecasters who depend on this equipment to do their jobs. Information and forecasts from NOAA are vital to our communities—to the coastal States that depend on accurate hurricane forecasts and to the interior States that depend on timely tornado and severe storm warnings. This bill provides sufficient funding to allow NOAA to do its job, even rejecting some proposed cuts that could have negatively affected important national programs that protect lives and livelihoods every day.

Yet, the Committee remains troubled by NOAA's and DOC's plans for procuring the next generation of weather satellites. Ballooning acquisition budgets have already begun to jeopardize funding for NOAA's core ocean and weather operations. The life cycle cost for NOAA's new polar satellites is nearly $1,000,000,000 above last year's revised budget projections, and shows that despite strong warnings from the Committee, this program is going in the wrong direction. This and other management and financial actions have led the Committee make some major changes to the way the Government procures our Nation's weather satellites within this bill.

The Committee has chosen to transfer funding and responsibility for procuring NOAA's operational satellites to NASA. This action is a result of the Committee's long term, intense frustration with NOAA's inability to control procurement costs or articulate reliable funding profiles. The Committee acknowledges that while NASA missions have also experienced cost overruns and schedule slippages, NASA has been infinitely more responsive and competent in correcting these deficiencies. The Committee therefore seeks to stop the hemorrhaging of taxpayer dollars by instituting a new management structure for NOAA's operational satellites.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Appropriations, 2012	$465,000,000
Budget estimate, 2013	526,439,000
Committee recommendation	496,439,000

The Committee's recommendation provides $496,439,000 for the International Trade Administration. The recommendation is

$31,439,000 above the fiscal year 2012 enacted level and $30,000,000 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	46,800
Market Access and Compliance	45,500
Import Administration	80,200
Trade Promotion and U.S. Foreign Commercial Services	299,439
Executive Direction	24,500
Total Direct Obligations	496,439

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.

Manufacturing and Services [MAS].—To ensure that taxpayer funds are being used effectively to support small business exports, the Committee encourages MAS to follow its policy on supporting new export promotion projects and to ensure that the program is conducting sufficient outreach to potential new applicants.

Manufacturing.—While generally supportive of the National Export Initiative, the Committee notes that the administration's request to reduce or eliminate MAS industry outreach activities that do not directly relate to the National Export Initiative could result in a negative impact to manufacturing firms. The Government Accountability Office recently found that MAS set an internal goal for 75 percent of its resources to support the National Export Initiative. MAS's focus only on exports can come at the expense of other support services since manufacturers face larger challenges beyond just exporting. The Committee directs ITA to maintain a balanced MAS support service portfolio.

Organizational Optimization.—The Committee supports ITA's recommendation to optimize the organizational structure and consolidate activities in an effort to reduce overhead costs. When considering reorganization options, ITA is discouraged from consolidating other line offices into Trade Promotion which already is the largest branch of ITA.

Trade Enforcement.—The Committee supports the agency's expansion of trade enforcement activities, including the creation of the Interagency Trade Enforcement Center [ITEC] in partnership with the U.S. Trade Representative, at the requested level of $24,200,000. ITA is directed to provide an updated funding profile for the ITEC as part of its 2013 spend plan.

China Anti-dumping and Countervailing Duty Activities.—The Committee provides no less than $7,000,000 for the Office of China Compliance, and no less than $4,400,000 for the China Countervailing Duty Group. The Committee directs ITA's Import Administration to continue working with Federal partners to resolve issues surrounding the collection of delinquent duties from China.

Survey of International Air Travelers.—The Committee does not support the administration's request to eliminate funding for the collection of travel and tourism data through the In-Flight Survey given to inbound international passengers. The Survey data provides information on passenger trip planning, travel patterns, demographics, and spending for two separate populations—non-U.S. residents traveling to the United States and U.S. residents traveling from the United States. The Committee directs the administration to evaluate alternative survey formats which will achieve the 1 percent sample size required by the Travel Promotion Act of 2009.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

Appropriations, 2012	$101,000,000
Budget estimate, 2013	102,328,000
Committee recommendation	102,328,000

The Committee's recommendation provides $102,328,000 for the Bureau of Industry and Security [BIS]. The recommendation is $1,328,000 above the fiscal year 2012 enacted level and the same as 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, 2012	[1] $457,500,000
Budget estimate, 2013	219,719,000
Committee recommendation	237,719,000

[1] Including $200,000,000 of disaster assistance.

The Committee's recommendation provides $237,719,000 for the Economic Development Administration [EDA]. The recommendation is $219,781,000 below the fiscal year 2012 enacted level and $18,000,000 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, 2012	[1] $420,000,000
Budget estimate, 2013	182,000,000
Committee recommendation	200,000,000

[1] Including $200,000,000 of disaster assistance.

The Committee's recommendation provides $200,000,000 for Economic Development Assistance Programs. The recommendation is $220,000,000 below the fiscal year 2012 level and $18,000,000 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	60,200
Economic Adjustment Assistance	56,500
Trade Adjustment Assistance	15,800
Regional Innovation Program	25,000
Partnership Planning	29,000
Technical Assistance	12,000
Research and Evaluation	1,500
Total	200,000

Innovative Energy Efficiency Grants.—Within the amounts provided for Economic Adjustment Assistance, the Committee provides $2,000,000 to continue innovative energy efficiency finance programs that benefit small businesses.

Regional Innovation Strategies.—The Committee maintains support for EDA's Regional Innovation Strategies Program, and provides funding for both grants and loan guarantees to continue the program. The Committee supports the creation of science parks, the interagency Taskforce for the Advancement of Regional Innovation Clusters, and the i6 Challenge program, which allow the agency to award competitive grants to promote regional innovation. The Committee directs EDA to continue to provide grants and technical assistance to entities supporting clean energy technology commercialization. EDA shall consider new competitions in industries that it has not previously targeted, including the high-tech software and life sciences sectors, which are growing industries with the potential to create jobs and support sustained economic development. EDA shall also consider geographic equity in making award decisions so as to include rural projects among those chosen for funding.

Partnership Planning.—The Committee does not support the requested reduction to Partnership Planning and directs EDA to maintain planning support for short-term projects out of this account.

Persistent Poverty Counties.—Of the funds made available for Economic Development Assistance Programs, 10 percent shall be allocated to persistent poverty counties in the United States. A persistent poverty county is defined as any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses. The Committee directs EDA to submit a progress report to the Committees on Appropriations on the implementation of this direction not later than 180 days after the enactment of this act.

SALARIES AND EXPENSES

Appropriations, 2012	$37,500,000
Budget estimate, 2013	37,719,000
Committee recommendation	37,719,000

The Committee's recommendation provides $37,719,000 for salaries and expenses. The recommendation is $219,000 above the fiscal year 2012 enacted level and the same as 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 remains concerned about the wide geographic coverage areas for some Economic Development Representatives and Economic Development Specialists, 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.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Appropriations, 2012	$30,339,000
Budget estimate, 2013	28,689,000
Committee recommendation	28,689,000

The Committee's recommendation provides $28,689,000 for the Minority Business Development Agency [MBDA]. The recommendation is $1,650,000 below the fiscal year 2012 enacted level and is the same as 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, 2012	$96,000,000
Budget estimate, 2013	100,269,000
Committee recommendation	100,269,000

The Committee's recommendation provides $100,269,000 for Economic and Statistical Analysis [ESA]. The recommendation is $4,269,000 above the fiscal year 2012 enacted level and the same as the budget request. ESA conducts research to provide a better understanding of the U.S. economy which helps Government make more informed policy decisions.

BUREAU OF THE CENSUS

Appropriations, 2012	$888,336,000
Budget estimate, 2013	970,425,000
Committee recommendation	953,425,000

The Committee's recommendation provides $953,425,000 for the Census Bureau. The recommendation is $65,089,000 above the fiscal year 2012 enacted level and $17,000,000 below the budget request. The Committee provides for the use of $17,000,000 in funding from the Working Capital Fund, resulting in a total of $970,425,000 available in fiscal year 2013 for the Census Bureau.

SALARIES AND EXPENSES

Appropriations, 2012	$253,336,000
Budget estimate, 2013	259,175,000
Committee recommendation	259,175,000

The Committee's recommendation provides $259,175,000 for salaries and expenses. The recommendation is $5,839,000 above the fiscal year 2012 enacted level and is the same as 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

Appropriations, 2012	$635,000,000
Budget estimate, 2013	711,250,000
Committee recommendation	694,250,000

The Committee's recommendation provides $694,250,000 for periodic censuses and programs. The recommendation is $59,250,000 above the fiscal year 2012 enacted level and $17,000,000 below the budget request. In addition to the appropriated amount, the Committee also provides $17,000,000 from the Census Working Capital Fund providing a total of $711,250,000 for this account, which is equal to the budget request.

This account provides for the constitutionally mandated decennial census as well as 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 provides $1,000,000 for the Office of Inspector General [OIG] to continue oversight and audits of periodic censuses and to provide the Bureau and Congress with independent recommendations for improving operations, which will be useful for the 2020 decennial census. The Bureau is directed to continue 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.

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.

Working Capital Fund [WCF].—The Committee provides for the Bureau's operations through the Salaries and Expense account and the Periodic Censuses and Programs account, and as such, expects the Bureau to execute the funding to fullest extent possible without any carryover balances. The Bureau's practice of amassing unobligated balances into its WCF—essentially converting 2-year funding into no-year funds—is an untransparent use of taxpayer dollars and a circumvention of the appropriations process. The Committee directs the Bureau to use the WCF only as a repository for reimbursable funds from other agencies and to obligate and execute that funding expeditiously.

The Bureau is required to follow the reprogramming procedures outlined in section 505 of this act before transferring any unobli-

gated funding into the WCF. 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. Census is directed to provide an annual spending plan of its WCF for fiscal year 2013, within 30 days of enactment of this act, incorporating all carryover balances from previous fiscal years. Any changes from the spending plan shall also be subject to section 505 of this act.

2020 Decennial Census.—Controlling costs for the 2020 decennial census remains a top oversight concern for the Committee. Both the Inspector General and the Government Accountability Office track the 2020 census as a high-risk challenge for the Department. Cost overruns were a problem for the 2010 decennial census, which cost more than $12,000,000,000. That cost is 20 percent more expensive than original estimate of $11,000,000,000, and double the cost of 2000 census of $6,500,000,000. The projected cost of the 2020 Census ranges between $22,000,000,000 and $30,000,000,000—more than double the cost of the 2010 decennial census.

As planning for the 2020 decennial census increases in fiscal year 2013, the Committee is aware that the Bureau is already taking steps to reduce the estimated total cost. The Bureau is directed to continue to bring down the cost of 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 an updated report that includes a strategic and budgetary plan for achieving these goals. The plan should include specific actions the Bureau can take to reduce spending 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 levels.

Web-based Questionnaires.—The Committee directs the Bureau to incorporate a web-based version of its census forms when planning for the 2020 decennial census. Such digital tools will likely ensure a more complete initial response and reduce the need for nonresponse follow-up work which is the most expensive phase of census operations. In planning and creating such a tool, Census is further directed to enlist the best cybersecurity practices and protocols to ensure personal information remains secure and confidential.

Economic Census.—The Committee maintains strong supports the Economic Census and directs the Bureau to preserve funding when considering any administrative cost reductions. Any programmatic decreases should first focus on reductions to periodic censuses and agency-wide administrative cost savings.

Group Facilities.—The Committee is disappointed in the Census Bureau's failures in counting significantly-sized group facilities (200 people or more) in decennial censuses, including the 2010 census. In cases where the Bureau failed to count significant group facilities, the cost of providing a new count shall be borne by the Census Bureau, within available resources rather than the local government. Within 90 days of enactment of this act, the Census Bureau shall provide a report to the Committee that includes: the estimated number of group facilities missed during the 2010 decen-

nial census; the estimated cost of enumerating individuals in these facilities; the Bureau's plan to recount these facilities during fiscal year 2013; and how the Bureau will ensure these facilities are included in future population estimates and periodic censuses.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2012	$45,568,000
Budget estimate, 2013	46,925,000
Committee recommendation	46,925,000

The Committee's recommendation provides $46,925,000 for the National Telecommunications and Information Administration [NTIA] salaries and expenses. The recommendation is $1,357,000 above the fiscal year 2012 enacted level and the same as 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, 2013, detailing the collection of reimbursements from other agencies. The Committee directs NTIA to continue monitoring broadband grants to ensure that funds are used appropriately by recipients.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

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

Appropriations, 2012	$2,678,000,000
Budget estimate, 2013	2,933,241,000
Committee recommendation	2,933,241,000

The Committee's recommendation provides $2,933,241,000 for the United States Patent and Trademark Office [USPTO], which is $255,241,000 above the fiscal year 2012 enacted level and 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 allow USPTO full access to patent and trademark fees and provides language allowing USPTO to retain any revenue in excess of appropriated levels.

The Committee provides $2,000,000 for the Office of Inspector General [OIG] to continue oversight and audits of USPTO oper-

ations and budget transparency, and USPTO is directed to work with the Department of Commerce to implement 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 continue to follow the reprogramming procedures outlined in section 505 of this act before using excess fee collections to forward fund expenses beyond fiscal year 2013. 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 spending plan for fiscal year 2013, 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 spending plan shall also be subject to section 505 of this act. USPTO is directed to submit all reprogramming, spending plans and budget justifications to the Committee through the Department of Commerce.

Patent Backlog.—The backlog of unprocessed patent applications has decreased 7 percent since 2011, but over 657,000 patents still need approval. The average wait time has decreased too, but USPTO still takes over 30 months to make a decision. USPTO's goal is to reduce this latency to 18 months by 2016.

The Committee understands that USPTO plans to use increased revenue in 2013 to tackle this backlog by hiring 1,500 more examiners and finishing opening three new satellite offices. In addition, the Inspector General says USPTO's telework program has been successful, allowing more than 2,600 patent examiners to work from home 4 days a week, thereby decreasing PTO's examiner attrition rate and increasing productivity. Changes to the agency's information technology systems, as proposed in the 2013 budget, will undoubtedly streamline the end-to-end patent process.

The Committee is supportive of all of these near-term plans proposed by USPTO, but cautions the agency to be mindful of long-term commitments being created now—namely workforce build-up—as they relate to projected revenues and reserve fund surpluses in out-years. With new hires currently being made in 2012 and more proposed in 2013, amassing a limitless army of examiners is not a realistic strategy for tackling the backlog, much less creating a manageable workforce. USPTO realizes this paradox, and is already considering the right hiring threshold during these times of increased fee revenues.

However, the Committee is less concerned about the agency's plan under a robust revenue scenario and more concerned about the possibility of leaner revenue years ahead. USPTO's own revenue projections—though more refined than previous years—have consistently overestimated real returns. It is imperative USPTO balance sustainable operations with realistic revenue and judicious reserve spending. USPTO must avoid the worst case scenario in future years of not being able to maintain funding for operations

using normal fee revenue, thus needing to burn through the reserve fund. Such a scenario would lead USPTO to request direct appropriations to augment fee revenue in order to continue operations. The Committee endured this scenario in the past, and USPTO is directed to use the tools at its disposal to avoid similar circumstances in the future.

Satellite Offices.—The Committee maintains support of USPTO's nationwide workforce program and the establishment of satellite offices.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Appropriations, 2012	$750,824,000
Budget estimate, 2013	857,000,000
Committee recommendation	826,000,000

The Committee's recommendation provides $826,000,000 for the National Institute of Standards and Technology [NIST]. The recommendation is $75,176,000 above the fiscal year 2012 enacted level and $31,000,000 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, 2012	$567,000,000
Budget estimate, 2013	648,000,000
Committee recommendation	623,000,000

The Committee's recommendation provides $623,000,000 for NIST research and services. The recommendation is $56,000,000 above the fiscal year 2012 enacted level and $25,000,000 below the budget request.

Cybersecurity.—The Committee supports the administration's strong request for cybersecurity activities within NIST, which includes: $10,000,000 for the National Cybersecurity Center of Excellence; $26,000,000 for the Comprehensive National Cybersecurity Initiative; and $24,000,000 for the National Strategy for Trusted Identities in Cyberspace. In addition, the Committee directs NIST to maintain funding for the National Initiative for Cybersecurity Education at $4,000,000.

The Committee encourages DOC to fund multidisciplinary programs of study and research that focus on tackling cybersecurity issues on a global scale. When establishing criteria for external grant funding, consideration should only be given to institutions of higher education, including community colleges, designated by the National Security Agency as Centers of Academic Excellence for Information Assurance Education and Centers for Academic Excellence for Information Assurance Research.

Centers of Excellence.—The Committee supports the administration's proposal to create Centers of Excellence that will produce col-

laborations between NIST, academic, and industry specialists on research focused on innovations in measurement science and new technology developments. Similar collaborations have already yielded significant benefits in areas of nanomaterials, healthcare, batteries and electrochemical energy conversion, and advanced photovoltaic devices. As part of the agency's 2013 spending plan, NIST is directed to provide an updated framework for creating an appropriate number of new centers of excellence from within the funds provided.

Greenhouse Gas Measurements.—The Committee maintains support for NIST's greenhouse gas measurements programs and is aware of the need to develop prototype greenhouse gas observation networks for measuring carbon dioxide and methane in the atmosphere at local scales. In order to increase confidence in greenhouse gas emissions inventories and to improve current measurement and standards infrastructure, NIST is directed to leverage existing assets and services from the private sector that maintain high quality atmospheric weather monitoring systems.

Facility Security.—The Committee continues to provide funding for NIST to maintain security operations for its laboratories and facilities. The Federal Protective Services [FPS] has previously proposed to take over NIST's security operations, yet the Committee has not received a plan from the administration that would detail the transfer of security funding and responsibility from NIST to FPS. Therefore, the Committee does not grant such a transfer during fiscal year 2013.

INDUSTRIAL TECHNOLOGY SERVICES

Appropriations, 2012	$128,443,000
Budget estimate, 2013	149,000,000
Committee recommendation	143,000,000

The Committee's recommendation provides $143,000,000 for Industrial Technology Services. The recommendation is $14,557,000 above the fiscal year 2012 enacted level and $6,000,000 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 $128,500,000 for the Hollings Manufacturing Extension Partnership Program and $14,500,000 for the Advanced Manufacturing Consortia.

CONSTRUCTION OF RESEARCH FACILITIES

Appropriations, 2012	$55,381,000
Budget estimate, 2013	60,000,000
Committee recommendation	60,000,000

The Committee's recommendation provides $60,000,000 for construction of research facilities. The recommendation is $4,619,000 above the fiscal year 2012 enacted level and the same as 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, 2012	$4,893,675,000
Budget estimate, 2013	5,054,546,000
Committee recommendation	3,418,709,000

The Committee's recommendation provides $3,418,709,000 for the National Oceanic and Atmospheric Administration [NOAA]. The recommendation is $1,474,966,000 below the fiscal year 2012 enacted level and $1,635,837,000 below the budget request.

The Committee acknowledges that the administration's January 13, 2012, plan to reorganize the Federal Government called for moving NOAA to the Department of the Interior. However until that plan is approved, NOAA still comprises 54 percent of the Department of Commerce's discretionary appropriations and commands significant Committee oversight. NOAA's fishery decisions affect every coastal community, and NOAA's weather forecasts affect every American's daily life. Anyone who doubts Congress' perception of NOAA as the focal point of the Department's portfolio should revisit the transcripts from the Committee's March 22, 2013, hearing on the Department of Commerce's fiscal year 2013 budget request. The motivations behind the administration's unbalanced and incongruous budget request for NOAA was questioned by this Committee then and continues to be scrutinized in this bill.

As the entire Federal Government has adjusted to more frugal budgets, the Department was expected to balance NOAA's internal overhead costs with that of the agency's external partnerships and commitments. To the Committee's disappointment, the 2013 budget request did not achieve this stability. Satellite acquisition spending continues to rise at the expense of core operations and competitive funding opportunities. Education and restoration programs were disproportionally targeted.

Many proposed cuts to programs long supported by Congress come with little, if any, sensible justifications from the agency. Examples include reductions to the U.S. Tsunami Warning Network less than a year after the devastating Japanese earthquake showed the practical value of this warning network to our own west coast and Pacific Island communities. In addition, proposed reductions to local weather forecasting offices follow a year of some of the most severe weather events on record—but not the deadliest due to NOAA's weather warnings. Financial decisions like these that were made in light of ballooning satellite acquisition costs make the Committee question the guiding forces behind the Department's fiscal compass.

In order to bring greater financial stability to this agency and to eliminate duplicative Government overhead, the Committee has determined that decoupling the ever increasing cost of satellite construction from the fiscal needs of NOAA's core operations is in the best interest of the agency, the Department and the taxpayers. Therefore, funding for NOAA's new environmental satellite acquisitions has been transferred to NASA which is already partnering with NOAA on procuring these critical systems.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2012	$3,022,231,000
Budget estimate, 2013	3,042,460,000
Committee recommendation	3,139,740,000

The Committee's recommendation provides $3,139,740,000 for NOAA's operations, research, and facilities. The recommendation is $117,509,000 above the fiscal year 2012 enacted level and $97,280,000 above the budget request.

NOAA NATIONAL OCEAN SERVICE

The Committee's recommendation provides $487,135,000 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:	
Mapping & Charting Base	49,700
Hydrographic Research and Technology Development	7,000
Electronic Navigational Charts	5,780
Shoreline Mapping	2,300
Address Survey Backlog/Contracts	27,500
Geodesy Base	26,800
National Height Modernization	2,400
Tide & Current Data Base	29,000
Total, Navigation Services	150,480
Ocean Resources Conservation and Assessment:	
Regional Integrated Ocean Observing Systems [IOOS]	31,055
NOAA IOOS	6,533
Coastal Services Centers	32,330
Regional Geospatial Modeling Grants	4,000
Coastal Storms	2,774
Coral Reef Programs	26,775
Response and Restoration Base	25,688
Marine Debris	5,000
National Centers for Coastal Ocean Science	36,400
Competitive External Research	15,200
Total, Ocean Resources Conservation and Assessment	185,755
Ocean and Coastal Management:	
CZM Grants	67,000
CZM and Stewardship (formerly Program Administration)	8,000
Regional Ocean Partnership	4,000
National Estuarine Research Reserve System	22,300
Marine Sanctuary Program	49,600
Total, Ocean and Coastal Management	150,900

NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES—Continued

[In thousands of dollars]

	Committee recommendation
GRAND TOTAL NOS	487,135

Navigation Services.—The Committee does not support the administration's request to terminate funding for navigation response teams. These small, mobile teams located throughout the United States quickly investigate maritime accidents and hazards to navigation to ensure ports and shipping routes remain safe. When not responding to emergencies, the teams work closely with the maritime community to conduct hydrographic surveys for critical chart updates for 175 major ports within the U.S. marine transportation system.

Geospatial Modeling Grants.—The Committee provides $4,000,000 for the competitive Geospatial Modeling Grants Program of which all funding shall be distributed externally.

Integrated Ocean Observing System.—The Committee's recommendation provides no less than $26,055,000 for regional partnerships and $5,000,000 for external funding to test and advance sensor technology development.

Marine Debris.—NOAA shall retain the Marine Debris Program within the Office of Response and Restoration to leverage the office's considerable capacity for the program's primary mission of hazard response. Additional funding is provided above the request for the Marine Debris Program to continue to track and mitigate the immense debris field generated by the Japanese earthquake and tsunami that struck in March 2011, which is anticipated to impact the American Pacific islands and the continental United States during fiscal year 2013.

The Committee is also concerned about the continued buildup of marine debris, especially plastics, in the North Pacific Gyre, also known as the Great Pacific Garbage Patch in the North Pacific Subtropical Convergence Zone. Within 120 days after enactment of this act, NOAA shall, in cooperation with the Environmental Protection Agency and the National Science Foundation, and in consultation with west coast States, submit a report to the Committee detailing efforts to address the sources of marine plastic pollution. Specifically, the report shall: address the responsibilities and efforts of Federal agencies and regional partners to study and mitigate the impacts of marine debris on living marine resources and the ocean environment; detail existing efforts and identify opportunities for improved government-wide coordination; and recommend efficient and immediate action to reduce marine plastic pollution that contributes to the gyre.

Regional Ocean Partnerships.—The Committee provides $4,000,000 for Regional Ocean Partnership [ROP] grants. The Committee notes that the Governor of a given State may send written notification to NOAA requesting that no ROP grants be awarded to his or her State. The goal of such notification would be to prevent any funds from being used in contradiction to a State policy or to support activities inconsistent with a State's coastal management plan.

Response and Restoration.—Within the funds provided for the Office of Response and Restoration, $2,400,000 shall be for operations and staffing of the Gulf of Mexico Disaster Response Center [DRC] since NOAA neglected to request any funding for this coastal crisis support facility. The Committee expects NOAA to appropriately staff and fund the DRC in out-years to achieve operational capacity as the gulf coast hub for NOAA's emergency preparedness, response, and recovery operations.

National Center for Coastal Ocean Science [NCCOS].—The Committee supports the transfer of the Oxford Laboratory from NOS to the National Marine Fisheries Service, and provides funding within that line office for the continuation of existing activities. However, the Committee does not support the closure of the NCCOS laboratory in Kasitsna Bay. NOAA has recently spent $12,000,000 on renovating the Kasitsna Bay facility, and the lab has leveraged significant funds and cooperation from non-Federal partners. NOAA may consider transferring the lab and associated funding from NOS to a different line office in future budget requests.

Coastal Zone Management.—The Committee supports the proposed merger of the Office of Ocean and Coastal Resource Management [OCRM] with the Coastal Services Center, but does not believe that such a merger will result in $1,000,000 worth of administrative efficiencies for either program without reducing much needed capacity to support coastal States. Therefore, the Committee does not support the cut to the OCRM.

National Marine Sanctuaries.—The administration's request to reduce Operations, Research, and Facilities [ORF] funding and eliminate Procurement, Acquisition and Construction [PAC] funding for the Office of National Marine Sanctuaries [ONMS] will have a significant impact on operations at every sanctuary site. Providing adequate funding for facilities, operations, and exhibits enables the public to learn about our coastal resources, including the Great Lakes. Further, these facilities encourage community involvement and have a positive impact on local economies. Therefore, the Committee restores ONMS funding in the PAC and ORF accounts to fiscal year 2012 levels. The Committee also directs NOAA to provide a report within 60 days of enactment of this act on the administration's plans to expand marine sanctuaries. This information is important for making informed decisions about managing our marine resources—cultural and ecological—in the most cost-effective manner.

The Committee supports the consolidation of the Marine Protected Areas program into the ONMS account and provides $2,000,000 for those operations.

NOAA NATIONAL MARINE FISHERIES SERVICE

The Committee's recommendation provides $834,078,000 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:	
Protected Species Research and Management Base	38,972
Species Recovery Grants	4,797
Marine Mammal Protection	49,653
Other Protected Species	7,038
Marine Turtles	12,887
Atlantic Salmon	6,000
Pacific Salmon	65,000
Total, Protected Species Research and Management	184,347
Fisheries Research and Management:	
Fisheries Research and Management Base	177,260
National Catch Share Program	28,000
Expand Annual Stock Assessments	68,645
Economics and Social Sciences Research	7,773
Salmon Management Activities	29,000
Regional Councils and Fisheries Commissions	31,855
Fisheries Statistics	23,500
Fish Information Networks	22,100
Survey and Monitoring Projects	24,336
Fisheries Oceanography	2,200
American Fisheries Act	3,900
Interjurisdictional Fisheries Grants	2,000
National Standard 8	1,017
Reducing Bycatch	3,440
Product Quality and Safety	6,589
Total, Fisheries Research and Management	431,615
Enforcement and Observers:	
Enforcement and Surveillance	67,123
Observers and Training	43,166
Total, Enforcement and Observers	110,289
Habitat Conservation and Restoration	43,678
Other Activities Supporting Fisheries:	
Antarctic Research	2,800
Aquaculture	8,000
Climate Regimes and Ecosystem Productivity	1,807
Computer Hardware and Software	1,842
Cooperative Research	12,000
Information Analyses & Dissemination	15,300
Marine Resources Monitoring, Assessment and Prediction Program	800
National Environmental Policy Act	6,500
NMFS Facilities Maintenance	4,900
Regional Studies	10,200
Total, Other Activities Supporting Fisheries	64,149
GRAND TOTAL NMFS	834,078

Protected Species Research and Management.—The Committee rejects the administration's proposal to terminate the John H. Pres-

cott Marine Mammal Rescue Assistance Grant Program, and provides $49,653,000 for the Marine Mammals account, which includes sufficient funding at the fiscal year 2012 level for Prescott grants and all other activities within this account.

Stock Assessments.—The Committee directs NOAA to take artificial reefs into consideration when updating the stock assessment for red snapper. Additionally, the Committee directs that the assessment should take into consideration any imbalance in the ecosystem that may be occurring between the bigger red snapper in the Gulf and other fish species.

Promote and Develop Fisheries Products and Research Funding Transfer.—The bill includes a new provision restricting the use of the Promote and Develop Fisheries Products and Research funds transferred from the Department of Agriculture to NOAA in a way that better meets the intended purpose of the transfer mandated by the Saltonstall-Kennedy Act. None of the funds may be used for internal NOAA management, but rather funds may only be used for activities that directly help U.S. fisheries and fishery communities. Specifically, these funds may only be used for: cooperative research; annual stock assessments; efforts to improve data collection, including catch monitoring and reporting for commercial, charter, and recreational fisheries; interjurisdictional fisheries grants; and Fisheries Information Networks.

As part of the 2013 spending plan, NOAA shall include a clear accounting of how the Promote and Develop transfer funds will be allocated. Furthermore, starting with the fiscal year 2014 budget request and for every year thereafter, NOAA shall provide a clear accounting of how the agency plans to allocate these transferred funds based on the funding criteria described in this bill.

Regional Facility and Laboratory Consolidation.—NMFS has proposed consolidating the Northwest and Southwest Fisheries Science Centers into one center. The Committee recognizes the need to reduce Federal spending and is not opposed to this consolidation if this action will improve coordination within the region. However, the Committee is concerned that the proposal will diminish services or delay the timely execution of regulatory reviews or scientific support, particularly NOAA's ability to meet the demands on its Endangered Species Act Pacific Salmon program. The Committee directs the administration to use available funds to develop and implement salmon life cycle modeling at NOAA Fisheries that will satisfy NOAA's obligations to address or revise existing salmonid biological opinions pursuant to Federal court orders.

The Committee rejects the proposal to close NOAA's James J. Howard Laboratory and instead provides sufficient funding to operate the laboratory in fiscal year 2013. Furthermore, the Committee does not support the administration's proposal to cease current operations at NOAA's Oxford Laboratory. The Committee is not opposed to the transition of the Oxford Lab from NOS to NMFS, but directs NOAA to maintain current operations and research at the facility as well as continue existing intergovernmental and academic partnerships. The Committee also rejects the administration's proposal to reduce current operational funding for the NOAA Chesapeake Bay Office which included the termination of the Chesapeake Bay Interpretive Buoy System and instead provides

sufficient funding to maintain existing operations. NOAA shall provide the Committee with a revised transition plan for the Oxford Lab with the 2013 spending plan that shall include organizational efficiencies and collaborations with the NOAA Chesapeake Bay Office.

The fiscal year 2013 budget request demonstrates that the administration is obviously experiencing financial difficulties maintaining NOAA's northeast fishery facilities, with small local laboratories in the Mid-Atlantic area receiving a disproportionately larger reduction and elimination. Coastal States find value in local NOAA facilities which have built direct partnerships with the commercial fishing industry and regional external partners to conduct a range of work needed to accomplish NOAA's mission.

Therefore, in order to better balance NOAA's fiscal needs with that of the best local fishery results, NOAA is directed to close the Northeast Regional Office [NERO] and consolidate the entire regional operations and management within NMFS headquarters. This regional office serves the eastern seaboard from Maine to North Carolina, and as far west as Minnesota. Better centrally locating the facility at NMFS headquarters would allow for greater coordination with senior management at NOAA and the Department, while saving an estimated $1,800,000 on rent and a yet unspecified amount on travel costs. The Committee believes this consolidation will provide for efficiencies and enhance management, while still maintaining a strong regional presence.

From the Committee's perspective, some activities at NERO can be conducted at other NOAA facilities without using leased space and incurring the associated lease costs. Since the lease at this facility will expire in September 2013, its termination will save costs now and in the future. Such rationale should be acceptable to NOAA because similar language on not renewing a lease was used by the agency on page 150 of NOAA's fiscal year 2013 Congressional Budget Justification to justify the closure of the James J. Howard Laboratory. However, unlike the circumstances with James J. Howard Laboratory, this closure will actually result in real cost savings to the agency in 2013, not just in out-years. Upon closing NERO, NOAA may continue to support a small local presence in the area.

Survey and Monitoring.—The Committee is concerned that a new stock assessment on Gulf of Maine cod indicates that the stock may not be as healthy as previously thought and believes that more research is needed to better understand the stock structure. The Committee is aware that NMFS is planning spring and fall trawl surveys this year on the cod stock, and encourages NMFS to consider the appropriateness of fixed-gear, hook, and other survey methods that can complement the trawl survey.

Pacific Salmon Treaty.—Within the amount provided for Salmon Management activities, the Committee provides a total of $10,500,000 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 is 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 void of data about the condition of this fishery still exists. To improve coordination and consistency, the Committee continues to direct NMFS 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.

Ecological Markers for the Gulf of Mexico.—The Deepwater Horizon oil spill demonstrated the critical need for scientists to have common biological benchmarks for studying the full extent of ecological disaster in the region. The Committee expects NOAA to use an appropriate portion of the research funding to support projects that will develop specific methodologies and validate model organisms to use as sentinel species that may better forecast the broader impacts of environmental disasters and serve as a common platform for long-term ecosystem studies in the Gulf of Mexico.

Enforcement and Observation.—The Committee is aware that implementation of the Northeast Multispecies fishery sector management program continues to present substantial financial challenges to the sector as well as to the economic sustainability of the fishery and fishing communities throughout the region. Within the funding provided for the National Catch Share Plan and observer coverage, the Committee directs NMFS to provide adequate funding for at-sea and dockside monitoring for fisheries with approved catch share management plans.

Furthermore, NOAA may not conduct a transfer of any funds from any observer program that would jeopardize the operation of a fishery by reducing observer coverage for that fishery below levels required by law or regulation.

Electronic Logbooks.—Within the funds provided for NMFS, the Committee directs NOAA to maintain full funding for the continued installation of electronic logbooks which is both inherent to NOAA's core mission and essential to the implementation of current fishery regulations.

Habitat Conservation and Restoration.—The Committee supports the consolidation of coastal habitat programs into the Habitat Conservation and Restoration program but not at the level the administration requested and not with the inclusion of the Marine Debris program. The reason the Committee encouraged consolidating these programs under one office was to achieve efficiencies in executing the programs. However, the Committee does not support the large cuts proposed by the administration to the coastal restoration and fish habitat protection programs, especially given the addi-

tional non-Federal funding leveraged by States and outside organizations. Within funds provided, no less than $1,500,000 shall be for the Estuary Restoration Program, and no less than $21,000,000 shall be for Community-based Restoration Grants.

Fisheries Law Enforcement.—The Committee is greatly concerned by NOAA's lack of cooperation with the Inspector General regarding the wasteful purchase and use of a 35-foot motor yacht intended for undercover operations that was instead used for carousing in the Puget Sound by government officials. The Committee continues to monitor this situation, and awaits the Inspector General's final report and ongoing assessment, as well as NOAA's subsequent actions that will ensure such inappropriate excesses do not occur in the future.

NOAA OCEANIC AND ATMOSPHERIC RESEARCH

The Committee's recommendation provides $414,636,000 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.

Committee recommendations are displayed in the following table:

OCEANIC AND ATMOSPHERIC RESEARCH OPERATIONS, RESEARCH AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Climate Research:	
Laboratories and Cooperative Institutes	53,483
Climate Data and Information	13,003
Competitive Research Program	146,330
Total, Climate Research	212,816
Weather and Air Quality Research Programs:	
Laboratories and Cooperative Institutes	56,311
U.S. Weather Research Program	4,223
Tornado Severe Storm Research/Phased Array Radar	10,008
Total, Weather and Air Quality Research	70,542
Ocean, Coastal and Great Lakes Research:	
Laboratories and Cooperative Institutes	25,500
National Sea Grant College Program	62,000
Integrated Ocean Acidification	6,200
Ocean Exploration	25,200
Total, Ocean, Coastal and Great Lakes Research	118,900
High Performance Computing Initiatives	12,378
GRAND TOTAL OAR	414,636

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 at appropriate levels in future years. Furthermore, the Committee also provides full funding for operations at NOAA's seven research laboratories. The Committee rejects the administration's request to reduce laboratory funding, including proposed cuts to NOAA's Great Lakes Environmental Research Laboratory which would have shutdown up the lab's research vessels and halted important research in the region.

Phased Array Radar.—The bill includes $10,008,000 for continued development of the multi-function phased-array radar, the same as the budget request. When completed, this system has the potential to significantly extend lead times for detecting tornadoes and other forms of severe and hazardous weather.

Ocean Exploration.—The Committee supports the proposed termination of the National Undersea Research Program [NURP]. For the benefit of maintaining Ocean Exploration's advanced technology and at-sea capabilities, NOAA shall use $4,000,000 from within funds provided to consolidate existing partnerships in the Gulf of Mexico and the central Pacific regions into the Ocean Exploration program. As part of the 2013 spend plan, NOAA shall provide the Committee with an inventory of all NOAA-owned assets that are part of the former NURP program and a plan for either purging or maintaining these items from within the agency's inventory.

The Committee supports the use of autonomous underwater vehicles [AUV] throughout the agency and believes that NOAA can achieve significant savings by using long endurance, long range autonomous underwater vehicles that can operate continuously for months at a time with little or no ship support. These vehicles could also provide critical science and research information on yet unexplored areas of the ocean including under-ice areas in the Arctic and Antarctic. Within 120 days of enactment of this act, NOAA shall provide the Committee with a report detailing: which programs throughout the agency are currently supporting AUV operations; how much funding NOAA has provided for AUV operations and research in the past 3 years, broken out by project; and the requirements for using AUVs to conduct future NOAA missions.

National Sea Grant College Program.—The Committee provides $62,000,000 for NOAA's Sea Grant Office, of which $4,500,000 is for marine aquaculture research. 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 provides a total of $4,000,000 for unmanned aerial systems and encourages NOAA to continue research involving these systems that could support the agency's operations, especially weather forecasting and hurricane tracking.

NOAA NATIONAL WEATHER SERVICE

The Committee's recommendation provides $909,210,000 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.

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

NATIONAL WEATHER SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Operations and Research:	
Local Warnings and Forecasts Base	640,000
Air Quality Forecasting	865
Alaska Data Buoys	1,683
Sustain Cooperative Observer Network	998
NOAA Profiler Network	1,811
Pacific Island Compact	3,775
Strengthen U.S. Tsunami Warning Network	23,541
Advanced Hydrological Prediction Services	8,200
Aviation Weather	21,452
WFO Maintenance	6,588
Central Forecast Guidance	79,624
Weather Radio Transmitters Base	2,297
National Mesonet Network	16,000
Total, Operations and Research	806,834
Systems Operation and Maintenance:	
NEXRAD	46,247
ASOS	11,352
AWIPS	39,495
NWSTG Backup—CIP	5,282
Total, Systems Operation and Maintenance	102,376
GRAND TOTAL NWS	909,210

Local Warnings and Forecasts Base.—The Committee supports the administration's proposal to achieve $2,000,000 in cost savings by improving information technology [IT] related efficiencies throughout the line office. However, the Committee does not approve of the administration's plan to reduce the NWS IT staff by 80 percent, which would affect 122 employees by cutting 98 computer technician positions in local field offices and consolidating the remaining 24 positions into six regional offices. Every Local Weather Field Office across America would be affected by these cuts.

The United States experienced some of the most devastating severe weather on record in 2011, and 2012 is already shaping up to be another damaging year. According to the NWS, the recent February 28 to March 2, 2012, severe storm outbreak spawned 230 tornadoes across 14 States, killing 54 people. Without NOAA's warnings, more lives would have been lost, and IT staff have proven to be valuable parts of the local weather forecast teams. In addition,

NOAA needs a strong IT workforce now for the same reason the agency originally hired more weather IT staff in 2000, which was to help with network upgrades. Today, NOAA says that because that system is finished conversion, the staff are not needed, yet NOAA is currently upgrading to a new system as evidence that IT staff are critical. The fiscal year 2013 request includes $8,200,000 for improving the NWS's telecommunication gateway for managing weather information and a new $12,400,000 to prepare the NWS for more data from new satellites.

U.S. Tsunami Warning Network.—The Committee rejects the administration's request to cut funding for the U.S. Tsunami Warning Network, which would have resulted in unsatisfactory cuts to the National Tsunami Hazard Mitigation Program and reduced operational support for our nation's network of Deep-ocean Assessment and Reporting of Tsunami buoys.

Central Forecast Guidance.—The Committee does not support the proposed $400,000 reduction to the Hurricane Forecast Improvement Project, which would have a negative impact on the agency's ability to improve hurricane track and intensity forecasts. Instead, the Committee maintains current funding levels for this program which yields valuable and meaningful information for States that must weigh the difficult and costly decision of whether to evacuate their coastal communities in advance of approaching hurricanes.

Severe Storm Forecasts.—The Committee remains 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 report on the feasibility of a mid-decade deployment of an advanced geosynchronous 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 120 days of enactment of this act.

Advanced Hydrological Prediction Services.—The Committee provides a total of $8,200,000 for the Advanced Hydrological Prediction Services and rejects the administration's proposal to cut $2,000,000 from flood forecasting operations. Instead, NOAA shall continue working with river commissions throughout the country for the purpose of leveraging stream and river data and information for coordinated flood forecasts, starting with rivers with existing Federal-interstate compact commissions. The Committee also directs NOAA to provide necessary funding in fiscal year 2013 to staff and operate the agency's National Water Center, and to provide the Committee a report within 90 days of enactment of this act detailing a recommended staffing and operations profile in outyears.

National Mesonet Program.—The Committee recommends $16,000,000 for continuation and expansion of the National Mesonet Program through a competitive weather data procurement that maintains coverage of areas now included within the national mesonet, as well as expands coverage in high risk areas. Award of these funds should include a requirement to integrate mesonet observations into National Weather Service severe weather alerts at

the local field office level, initially targeting locations with the greatest probability of severe weather, but expanding over time to include all field offices and States. The 2013 program should also include pilot projects to demonstrate the validity of mesonet observation data in increasing severe warning times and the benefit of mesonet observations for various key challenges including commercial aviation and electric grid management. Due to the highly specialized data required to make the mesonet program effective, NOAA should not utilize generic information technology contract vehicles, such as NOAA Link, to make any data purchase for the mesonet. Up to $750,000 may be used, subject to the standard reprogramming procedures set forth in section 505 of this act, for management of the national mesonet including all study costs on how the national mesonet can be integrated into the Advanced Weather Interactive Processing System in fiscal years beyond 2013. The Committee sees sustainment of the national mesonet as a major component of a "Weather Ready Nation" and expects that future NOAA budget requests contain funding for the mesonet.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The Committee's recommendation provides $187,351,000 for the National Environmental Satellite, Data and Information Service [NESDIS] operations. NESDIS programs operate environmental polar-orbiting and geostationary satellites and collects and archives 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.

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

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Environmental Satellite Observing Systems:	
Satellite Command and Control Base	40,238
NSOF Operations	8,009
Product Processing and Distribution	39,000
Product Development, Readiness & Application	19,545
Ocean Remote Sensing	4,058
Joint Center/Accelerate Use of Satellites	3,384
Commercial Remote Sensing Regulatory Affairs	1,119
Office of Space Commercialization	659
Group on Earth Observations	505
Total, Environmental Satellite Observing Systems	116,517
Data Centers & Information Services:	
Archive, Access & Assessment	48,434
Coastal Data Development	4,500
Regional Climate Services	8,400

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE OPERATIONS, RESEARCH, AND FACILITIES—Continued

[In thousands of dollars]

	Committee recommendation
Environmental Data Systems Modernization	9,500
Total, NOAA's Data Centers & Information Services	70,834
GRAND TOTAL NESDIS	187,351

Regional Climate Services.—The Committee provides $8,400,000 for Regional Climate Services, of which not less than $1,000,000 shall be used to support critical international partnerships including the Global Climate Observing System.

NOAA-WIDE PROGRAM SUPPORT

The Committee's recommendation provides $432,394,000 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:	
Under Secretary and Associate Offices Base	13,700
Facilities	24,500
NOAA Wide Corporate Services and Agency Management	115,000
DOC Accounting System	9,733
IT Security	8,431
DOC Working Capital Fund	37,074
Total, Corporate Services	208,438
NOAA Education Program:	
Competitive Educational Grants	6,200
Educational Partnership Program/Minority Serving Institutions [EPPMSI]	14,000
BWET Regional Programs	7,500
Total, NOAA Education Program	27,700

PROGRAM SUPPORT OPERATIONS, RESEARCH, AND FACILITIES—Continued

[In thousands of dollars]

	Committee recommendation
Fleet and Aircraft Operations:	
Marine Operations and Maintenance	166,015
Aviation Services	30,241
Total, Marine Operations and Maintenance	196,256
GRAND TOTAL, PROGRAM SUPPORT	432,394

Corporate Services.—The Committee remains concerned about administrative costs incurred by NOAA's corporate staff and line offices, including regional and field offices. The Committee directs NOAA to include a report with the 2013 spend plan that identifies total NOAA administrative costs for fiscal years 2012 and 2013 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, $6,200,000 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; $14,000,000 is for the educational partnership program with minority serving institutions; and a total of $7,500,000 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. The Committee also expects the justification to be submitted on time with the rest of the Department's justifications.

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 Operations.—Any decisions related to laying up any vessels, grounding any aircraft, or decommissioning any capital asset are subject to the standard reprogramming procedures set forth in section 505 of this act. As part of the 2013 spending plan, NOAA shall provide the Committee with an annual operational status of the fleet and aircraft in comparison to the previous fiscal year and delineate any charter funding within the agency's entire budget. Any changes from the spending plan shall

also be subject to section 505 of this act. NOAA is further directed to provide the Committee with updated long-term management and acquisitions plans for the fleet and aircraft within 60 days of enactment of this act.

As previously noted in the Department of Commerce hearing and in the fiscal year 2012 bill, the Committee continues to be concerned about the lack of resources and data provided by NOAA in the Northern Gulf of Mexico after the Deepwater Horizon incident. Of particular note, NOAA has proposed to move maritime assets from the region. Due to the void of ocean and coastal data and the unknown extent of the aftermath of the incident that still exists, the Committee encourages NOAA to reassess moving assets from the region and to re-evaluate the lack of resources for the region.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

Appropriations, 2012	$1,817,094,000
Budget estimate, 2013	1,965,736,000
Committee recommendation	217,619,000

The Committee's recommendation provides $217,619,000 for NOAA's procurement, acquisition, and construction. The recommendation is $1,599,475,000 below the fiscal year 2012 enacted level and $1,748,117,000 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	3,000
National Estuarine Research Reserve Construction and Land Acquisition	1,700
Marine Sanctuaries Construction/Acquisition	5,000
Total National Ocean Service—PAC	9,700
Ocean and Atmospheric Research:	
Research Super Computing	10,379
National Weather Service:	
ASOS	1,635
AWIPS	20,592
Cooperative Observer Network Modernization	3,700
NWSTG Legacy Replacement	8,185
Radiosonde Network Replacement	4,014
Weather and Climate Supercomputing	38,169
Complete and Sustain NOAA Weather Radio	5,594
Ground Readiness Project	12,400
WFO Construction	3,150
Total, National Weather Service—PAC	97,439
National Environmental Satellite, Data and Information Services:	
Geostationary Systems [GOES–N]	29,900
Polar Orbiting Systems [POES]	32,241
Satellite Requirements and Integration	13,430
CIP—single point of failure	2,772
NPP Data Exploration	4,455
EOS and Advanced Polar Data Systems	990
Satellite CDA Facility	2,228

PROCUREMENT, ACQUISITION AND CONSTRUCTION—Continued

[In thousands of dollars]

	Committee recommendation
CLASS	6,476
Total, NESDIS—PAC	92,492
Program Support:	
Vessel Equip. and Tech Refresh	11,712
New Vessel Construction	2,897
Total, Program Support—PAC	14,609
Unobligated balances from prior years	[7,000]
GRAND TOTAL, PAC	217,619

NOAA Satellites.—NOAA's satellite acquisition budget has grown considerably over the past few years and currently comprises 37 percent of the agency's overall budget request in 2013. Increases in satellite costs have a direct impact on NOAA's total budget allocation and have started to erode funding for other obligations at NOAA, especially ocean and weather operations.

The Committee provided direction in the fiscal year 2012 bill that framed satellite acquisition spending, highlighting the fact that the current fiscal climate could not sustain an insatiable spending appetite. Yet, the fiscal year 2013 budget request shows that the total lifecycle costs for Joint Polar Satellite System [JPSS] have increased by $1,000,000,000 from $11,900,000,000 to $12,900,000,000. The latest independent cost estimate actually projected the new total to be $16,100,000,000.

In an effort to curb costs and instill confidence in the new $12,900,000,000 figure, NOAA proposed to terminate more sensors from the JPSS program. The plan for the original national polar satellite program called for two satellites with the option of four more, 13 different types of sensors, and in three orbits. Today, the proposed program is down to two satellites, one orbit, and five different types of sensors, and the costs have increased. NOAA is running out of sensors and satellites to cut, and at this rate JPSS–1 will launch in 2017 with an empty spacecraft bus. This new cost overrun is unacceptable and shows that JPSS is going in the wrong direction.

The Committee's fiscal year 2012 bill fully funded the requested level for the next generation of geostationary weather satellites and kept the program on schedule and within budget. A recently passed critical design review incorporated many lessons-learned from the failed National Polar-Orbiting Operational Environmental Satellite System showing that recent acquisition problems would not be repeated. However, even though the fiscal year 2013 request is an expected increase following the anticipated procurement profile, the administration cannot clearly articulate the current program of record. The Department and NOAA cannot provide the Committee with an independent cost estimate for GOES–R and GOES–S to justify the additional $186,000,000 requested in fiscal year 2013.

The administration clearly does not have a long-term financial plan to better manage overall satellite costs with regard to NOAA's entire portfolio, and the new prospectus leaves the Committee with little confidence in the agency's ability to avoid any gaps in weather coverage from satellite data. The added layer of alleged oversight at the Department level only adds to the communication disconnect and complicates the decisionmaking process. Overall cost increases, the lack of accounting transparency, the added government bureaucracy, and the duplicative management overhead have all led the Committee to question whether NOAA should remain in the satellite building business.

Therefore, the Committee transitions NOAA's entire satellite acquisition portfolio to NASA under a new account called Operational Satellite Acquisition. NASA is already managing the acquisition contracts for NOAA and is the established link with the government contractors. By eliminating NOAA and the Department as the middle brokers, the taxpayers can save roughly $117,000,000 in fiscal year 2013 alone while retaining some funding in NOAA within a new Satellite Requirements and Integration line to preserve the agency's role as the provider of requirements-based input to NASA's procurement process.

The transition of these satellite systems from NASA back to NOAA is at the ground system level, when the satellites have successfully launched into orbit and complete positive system checks. NOAA has shown strong leadership in: operating environmental satellites; acquiring, processing and disseminating data; and maintaining a proper data archive. Prior to the transition of completed satellite systems to NOAA, NASA shall oversee the ground station procurement, but the Committee realizes that system testing and data integration on the part of NOAA will be necessary. The Committee directs the Office of Science and Technology Policy to work with OMB to provide recommendations on delineating the proper breakout of funding between NOAA and NASA in the fiscal year 2014 budget request.

Data Management.—The Committee notes the significant increase of NOAA satellite data from the Suomi National Polar-Orbiting Partnership satellite and the anticipated increase from planned satellite missions, and directs NOAA to develop a plan within 90 days of enactment of this Act, identifying preparations and enhancements that need to be made to accommodate the increased volume of satellite data.

NOAA Satellite Reporting.—The Committee directs NOAA to provide 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.

PACIFIC COASTAL SALMON RECOVERY FUND

Appropriations, 2012	$65,000,000
Budget estimate, 2013	50,000,000
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 fiscal year 2012 level and $15,000,000 above the budg-

et 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, 2012	$350,000
Budget estimate, 2013	350,000
Committee recommendation	350,000

The Committee's recommendation provides $350,000 for the Fisherman's Contingency Fund. The recommendation is the same as the fiscal year 2012 enacted level and the same as the President's request.

FISHERIES FINANCE PROGRAM ACCOUNT

Appropriations, 2012	−$11,000,000
Budget estimate, 2013	−4,000,000
Committee recommendation	−4,000,000

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, 2012	$57,000,000
Budget estimate, 2013	56,000,000
Committee recommendation	56,000,000

The Committee's recommendation provides $56,000,000 for Departmental Management Salaries and Expenses. The recommendation is $1,000,000 below the fiscal year 2012 enacted level and the same as 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.

Information Technology.—The Department of Commerce is directed to take proper stock of all information technology investments and to identify and adopt best practices, such as those identified by GAO in an October 2011 report, GAO–12–7, to encourage proper management of these investments.

Business USA.—The Committee is supportive of the administration's request to continue Business USA—an initiative designed to streamline government bureaucracy and create one-stop shops for business assistance. These operations are providing companies with free assessments and referrals to the more than 70 Department of Commerce business-related programs, as well as other government and non-profit services and programs. The Committee provides bill

language allowing the Secretary more flexibility to enter into office space agreements with Business USA partners.

Small Business Innovation Research [SBIR].—The Committee recognizes the important successes SBIR programs make in helping domestic small businesses to commercialize federally funded research and development projects. The Committee therefore directs the Department of Commerce to place an increased focus on awarding SBIR awards to firms with fewer than 50 employees.

Improper Payments.—Supporting recommendations made by the Inspector General on ways DOC can strengthen its improper payment practices and reporting, the Committee directs the department to expand the scope of its review of grants and contracts to include those for which the period of performance ended and last payment was made, but for which the closeout process has not been completed. The lack of timely closeout reviews for grants means DOC might not be identifying and recapturing improper payments quickly enough. The department is also directed to adopt the Office of Management and Budget's updated lower criteria of testing single payments to $5,000 for an individual and $25,000 for an entity for high-risk programs. Currently DOC only tests single payments greater than $100,000. By lowering the threshold, agencies have a better chance of detecting and recouping more improper payments.

RENOVATION AND MODERNIZATION

Appropriations, 2012	$5,000,000
Budget estimate, 2013	2,040,000
Committee recommendation	2,040,000

The Committee recommendation provides $2,040,000, which is $2,960,000 below the fiscal year 2012 enacted level and the same as the budget request, for building renovation at the Department of Commerce.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2012	$26,946,000
Budget estimate, 2013	28,753,000
Committee recommendation	28,753,000

The Committee's recommendation provides $28,753,000 for the Inspector General. The recommendation is $1,807,000 above the fiscal year 2012 enacted level and same as the budget request.

In addition to funds provided under this heading, the Committee has recommended a transfer to the Inspector General of: $2,000,000 from the U.S. Patent and Trademark Office; $500,000 from the National Oceanic and Atmospheric Administration; and $1,000,000 from the Census Bureau for oversight and audits of those activities.

Working Capital Fund Audits.—The Committee directs the Inspector General to audit the Department's working capital funds, which include those available to National Institute of Standards and Technology, the Office of Secretary, and the Census Bureau. These funds do not receive direct appropriations but are funded from component budgetary resources using various reimbursement formulas. Reimbursements are generally supported by agreements with bureau components regarding the extent of funding to be provided. Several bureaus also have appropriation language that lim-

its the level of funding to be provided to an individual fund. The objective of the audit will be to evaluate the budgetary controls over all of the Department's working capital funds. The Inspector General shall assess: the controls in place to develop reimbursement formulas; the relationship of reimbursements to client services; the appropriateness of the level of fund balances; and the extent of compliance with appropriation language.

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. 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 continues management of highly migratory fish stocks.

TITLE II

DEPARTMENT OF JUSTICE

The Committee recommends a total of $27,828,278,000 for the Department of Justice [DOJ]. The recommendation is $420,565,000 above the fiscal year 2012 funding level and $365,000,000 above the budget request. The recommended amount includes $365,000,000 in discretionary funding that the administration had proposed as mandatory spending. Funding recommendations for the Department's classified programs are detailed in the classified annex accompanying this report. The Committee recommendation makes tough 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 the Federal Bureau of Prisons and the United States Marshals Service's Federal Prisoner Detention program an increase of more than $356,000,000 above the fiscal year 2012 level 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 may be approaching when Federal prison and detention demands swallow the Justice Department's budgetary resources.

Financial and Mortgage Fraud.—The Committee strongly supports the Department's efforts to go after the schemers and scammers who prey on hardworking American families, and destabilize our neighborhoods and financial markets. The recommendation provides the requested increase of $70,680,000, for a total of $747,352,000, to combat economic fraud and white collar crime. Within this amount, the Committee provides the requested increase of $55,000,000 and 328 new positions, including 40 new Federal Bureau of Investigation [FBI] agents, 184 new attorneys, 49 new in-house investigators, 31 new forensic accountants, 16 new paralegals and 8 new support staff. These funds and positions will be disbursed among the FBI, the U.S. Attorneys [USAs], and the Department's legal divisions to investigate and prosecute the most complex financial fraud, such as securities and commodities fraud and investment scams, and mortgage foreclosure schemes.

Emmett Till Unsolved Civil Rights Crime Act.—The Committee fully supports the goals of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (Public Law 110–344) to investigate and prosecute previously unresolved civil rights era "cold case" murders suspected of having been racially motivated, through a partnership among the Civil Rights Division [CRT], the FBI, and the Commu-

nity Relations Service [CRS], as well as with State and local grant resources. In the Third Annual Report to Congress Pursuant to the Emmett Till Unsolved Civil Rights Crimes Act of 2007, DOJ reported the conclusion of 79 of 111 cold cases involving 124 victims. To continue supporting Emmett Till activities, the Committee recommends provides full funding of the administration's base request, as follows: up to $1,645,000 for the CRT under the umbrella of CRT's Cold Case Initiative; up to $2,030,000 for the FBI to pursue Emmett Till Act cold cases; and up to $250,000 for the CRS to partner with law enforcement agencies and communities to help resolve conflicts resulting from the investigation of unsolved civil rights era cases. Additionally, the Committee directs the National Institute of Justice [NIJ] and the Bureau of Justice Assistance [BJA] to continue providing grants for cold case DNA investigations to help State and local law enforcement agencies investigate and prosecute unsolved civil rights cold cases.

Program Terminations, Reductions and Consolidations.—The Committee took unprecedented steps in the fiscal year 2012 enacted spending bill and the fiscal year 2013 recommendation to, where possible, find cost savings by terminating, reducing or consolidating discretionary programs at the Department of Justice in an effort to spending and eliminate duplication.

The fiscal year 2012 Consolidated and Further Continuing Appropriations Act took the following steps:

—Eliminated funding for the Drug Enforcement Administration [DEA] Mobile Enforcement Teams [METs] for a savings of $39,117,000 annually;

—Closed the National Drug Intelligence Center [NDIC], which had an annual budget that peaked at $44,000,000;

—Transferred the Office of Dispute Resolution to the Office of Legal Policy;

—Reduced the construction budget for the FBI by $26,113,000;

—Provided no funds for the Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF] construction budget;

—Further reduced the United States Marshals Service [USMS] construction budget to the point where the account had decreased by 44 percent, from $26,625,000 in fiscal year 2010 enacted to $15,000,000 in fiscal year 2012 enacted;

—Reduced allocations for official representation funds by 25 percent Department-wide;

—Consolidated four grant programs administered by the Office on Violence Against Women [OVW] that focused on prevention and intervention services for children and youth victims of domestic violence, dating violence, sexual assault and stalking into one consolidated youth-oriented program;

—Merged grants for the Child Sexual Predator program and Sex Offender Management with Adam Walsh Act Implementation;

—Reduced funding for State and Local Law Enforcement grants by $631,801,000, or 23 percent, including reductions of $5,163,000, or over 1 percent, for OVW grants; $7,904,000, or 16.5 percent, for the National Institute of Justice; $296,433,000, or 60 percent, for Community Oriented Policing Services [COPS] programs; $96,042,000, or 21 percent, for the Edward Byrne Memorial Grant Program; and $12,923,000, or

5 percent, for juvenile justice grants administered by the Office of Juvenile Justice and Delinquency Prevention [OJJDP]; and

—Eliminated seven DOJ grant programs, including the National Tribal Sex Offender Registry, State Automated Victim Notification [SAVIN], Training for Probation and Parole Officers, Stalker Database, Closed Circuit Television Grants, Safe Start, and the Secure Our Schools Act.

The Committee's fiscal year 2013 recommendation builds on the steps taken in the previous fiscal year by implementing the following funding reductions for DOJ's discretionary programs or streamlining operations:

—Reduces the USMS construction budget by another $5,000,000, which means the account has decreased roughly 62 percent in a span of 3 years, from $26,625,000 in fiscal year 2010 to $10,000,000 in the Committee's recommendation;

—Eliminates funding for the National Gang Intelligence Center [NGIC] for a savings of $7,826,000 annually;

—Finalizes the closure of the NDIC, for a savings of $20 million;

—Rescinds $1,000,000 from the ATF's Violent Crime Reduction Program;

—Consolidates two OVW-administered programs—Safe Havens and Court Training and Improvements—into one Family Civil Justice Program;

—Eliminates funding for five programs, including NIJ Domestic Radicalization Research, Presidential Nominating Conventions, Prescription Drug Monitoring, Prison Rape Prevention and Prosecution, and Missing Alzheimer's Patients grants;

—Moves Federal detention functions under the management of USMS leadership, which will provide at least $5,000,000 in savings in the first year; and

—Realigns funding under the management of the FBI for the Department's Radio/Interoperability program for Federal law enforcement components.

Permanent Provisions.—Four provisions carried annually in previous acts are not included in the fiscal year 2013 bill because they were made permanent law in the fiscal year 2012 Consolidated and Further Appropriations Act (Public Law 112–55). From the ATF funding paragraph, the provisions made permanent were the firearms database prohibition, the gun trace data restrictions (known as the Tiahrt amendment), and the information retrieval prohibition. From Title V—General Provisions of division B of Public Law 112–55, the provision made permanent was section 511, the FBI's National Instant Check System [NICS] restriction.

Eliminating Duplication and Improving Efficiencies in DOJ Grants.—The Committee believes that, as the United States experiences budgetary constraints, there is an ever-increasing need to ensure that governmental resources, including those awarded through grants and subgrants, are appropriately targeted and that unnecessary duplication is mitigated. This was evident during the Committee's March 8, 2012, hearing on DOJ's fiscal year 2013 budget request, when several members of the Committee noted the recommendations regarding DOJ grants programs for crime prevention, law enforcement, and crime victim services that were included in GAO's 2012 Annual Report: "Opportunities to Reduce Duplica-

tion, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue".

GAO found that 56 of DOJ's 253 fiscal year 2010 grant solicitations, or more than 20 percent, were providing grant funds that could be used for victim assistance. In addition, more than 50 percent of all grant solicitations provided funding that could be used in support of the same three justice areas—victim assistance, technology and forensics, and juvenile justice—indicating concentrated and overlapping efforts. Additionally, GAO found that, as established in statute, some of the grant programs administered by OJP, OVW, and the COPS Office are similar in scope and grant applicants can apply for and receive grant awards from more than one program. Moreover, grant recipients may choose to award a portion of their grant to subgrantees. These subgrantees may also apply directly to Justice for funding through other grant programs for the same or similar purposes. The number of grant programs and recipients, and the billions of dollars in funds awarded annually, present administrative challenges for Justice.

Therefore, as requested at the Committee's DOJ budgetary oversight hearing, the Attorney General shall follow GAO's recommendations and report to the Committee within 120 days of enactment of this act on the following:

—Conduct an assessment to better understand the extent to which DOJ grant programs overlap with one another and determine if grant programs may be consolidated to mitigate the risk of unnecessary duplication. To the extent that DOJ identifies any statutory obstacles to consolidating its grant programs, it should work with Congress to address them, as needed; and

—Direct granting agencies to coordinate with one another on a consistent basis to review potential or recent grant awards, including subgrant awards reported by DOJ prime grant awardees, to the extent possible, before awarding grants. This could help ensure an accurate understanding of DOJ resources already provided to applicants and the communities they serve, as well as knowledge of those applicants proposing to carry out the same or similar activities with funds from one or more of the granting agencies' programs. The Department should also take steps to establish written policies and procedures to govern this coordination and help ensure that it occurs.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2012	$110,822,000
Budget estimate, 2013	127,667,000
Committee recommendation	127,667,000

The Committee's recommendation provides $127,667,000 for General Administration salaries and expenses. The recommendation is $16,845,000 above the fiscal year 2012 enacted level and equal to 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.

Prison Rape Elimination.—The Committee continues to have grave concerns that, after an inexcusable delay of nearly 3 years, DOJ has yet to issue the final, mandatory rape-prevention policies for Federal prisons and State correctional institutions that receive Federal dollars. The proposed rules issued by DOJ last spring, and now being considered by the Office of Management and Budget [OMB], included more effective ways to investigate alleged attacks, report assaults, and improve medical and psychiatric help for victims. The Committee expects the Department to publish, prior to the end of fiscal year 2012, 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. 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.

In addition to the protracted delay in publishing the final rule, the Committee notes that, unfortunately, the proposed rules failed to end the practice of housing children and youths in adult prisons or jails, a practice that was recommended for elimination in the final report and proposed standards by the National Prison Rape Elimination Commission. The concerns about risks youths face when housed in adult jails and prisons was one of the driving factors behind PREA. The Commission found that the 10,000 juveniles ages 18 and under incarcerated on any given day in adult jails and prisons are at the highest risk for sexual abuse and victimization by peers, older inmates, and staff compared to other incarcerated groups. Because of the extreme risk of sexual victimization for youths in adult facilities, the Committee strongly urges the Department to protect young people in the justice system by banning the placement of youths in adult jails and prisons, and mandate in the final rule that individuals under the age of 18 be held separately from the general offender population.

Review of DOJ's Polices on Legal Representation for Employees.—The Committee understands that the Justice Department has expended more than $1,800,000 in the defense of prosecutors who were under investigation for possible contempt of court charges arising from the conduct of the trial of the late Senator Ted Stevens. Some of these funds may have been expended after the decision was made not to charge the prosecutors with contempt in an attempt to argue that the report of a special counsel empanelled to investigate the allegations be kept secret. Additionally, some of these funds may have been expended on behalf of a deceased employee.

The Committee directs the Government Accountability Office [GAO] to submit to the Committee a report reviewing the policies and practices of DOJ in paying or reimbursing the attorneys fees

and costs of departmental employees in actions relating to this case, and allegations of contempt of court or prosecutorial misconduct, including an accounting of funds paid from calendar years 1997 to 2012. The report shall also evaluate the Department's performance in disciplining prosecutors who are found to have engaged in prosecutorial misconduct or contempt of court.

While the Committee understands that the Department awaits the report from the Office of Professional Responsibility [OPR] before taking action, the Committee questions the judgment of the Department in placing the same prosecutors in leadership roles in high profile cases after the allegations were made public. Therefore, the Committee directs GAO to report also on all cases these prosecutors were involved in, their role in these cases, and the outcome.

NATIONAL DRUG INTELLIGENCE CENTER

Appropriations, 2012	$20,000,000
Budget estimate, 2013	.....
Committee recommendation	.....

No funds are provided under this account for necessary expenses of the National Drug Intelligence Center [NDIC]. The enacted fiscal year 2012 spending bill included $20,000,000 to close the NDIC and reassign functions performed at NDIC to other entities if the continuation of such functions was determined to be necessary by the Attorney General. The Attorney General has, in fact, decided to continue operating the Document and Media Exploitation [DOMEX] and Strategic Intelligence programs within the Drug Enforcement Administration [DEA]. The Committee's recommendation includes the requested $8,000,000 for the DEA to carry out those former NDIC functions.

JUSTICE INFORMATION SHARING TECHNOLOGY

Appropriations, 2012	$44,307,000
Budget estimate, 2013	33,426,000
Committee recommendation	33,426,000

The Committee's recommendation provides $33,426,000 for Justice Information Sharing Technology. The recommendation is $10,881,000 below the fiscal year 2012 enacted level and equal to the budget request.

Cybersecurity.—The Committee's recommendation includes the requested increase of $15,174,000, for a total of $19,350,000, so that DOJ may continue to defend proactively against and respond to new and emerging cyber threats and attacks against DOJ's network infrastructure. The Committee supports the Department's efforts to better protect its networks and other information technology assets and expects that these resources will allow DOJ to maintain successful cybersecurity implementation as documented by its Federal Information Security Management Agency [FISMA] report card.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

Appropriations, 2012	$87,000,000
Budget estimate, 2013	.....
Committee recommendation	.....

No funds are provided under this account for Tactical Law Enforcement Wireless Communications. Instead, the Committee's recommendation supports the administration's proposal to provide funding for these purposes directly to the Federal law enforcement components that utilize the shared Integrated Wireless Network [IWN] system, and provides funding to the Federal Bureau of Investigation to manage operations and maintenance, and new solution development and implementation. Strategic planning, spectrum management, and oversight functions will remain the responsibility of the Justice Management Division.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2012	$305,000,000
Budget estimate, 2013	313,438,000
Committee recommendation	313,438,000

The Committee's recommendation provides $313,438,000 for Administrative Review and Appeals, of which $4,000,000 is a transfer from the U.S. Citizenship and Immigration Services [USCIS] Immigration Examiners Fee Account. The recommendation is $8,438,000 above the fiscal year 2012 enacted level and equal to the budget request.

This account funds the Executive Office for Immigration Review [EOIR], including the Board of Immigration Appeals [BIA], 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.

EOIR receives cases directly from Department of Homeland Security [DHS] enforcement personnel, in which the Federal Government is seeking the removal of immigrants 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 43 percent between fiscal years 2004 and 2011, growing from 300,000 to over 430,000 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, resulting in more than 295,000 matters pending at the end of the first quarter of 2012. Additionally, the BIA receives more than 30,000 appeals per year. Court dockets have been stretched unacceptably far into the future, with most courts backlogged at least a year.

Legal Orientation Program [LOP].—The Committee's recommendation includes $7,963,000, an increase of $1,963,000 above fiscal year 2012, and equal to the budget request, for LOP to improve efficiencies in EOIR immigration proceedings. This program educates unrepresented immigrant detainees about their legal rights and responsibilities in removal proceedings. The increase will respond to elevated demand at existing detention facilities, and

allow LOP to expand to six additional sites that do not currently provide any assistance for immigrant detainees. The Committee directs that attention be paid to geographic equity as LOP expands the reach of its services to additional detention centers. The Committee notes the particular need for legal services at more remote immigration detention sites that are far from legal service providers in urban centers.

The Committee continues to expect that EOIR seek immigrant-specific detention costs and duration of detention data from ICE in order to develop a more accurate estimate of the cost savings to the Federal Government provided by participation in the LOP. As it did in fiscal year 2012, EOIR will submit a report to the Committee providing such data, as well as an estimate of the cost savings generated by the LOP.

The Committee's recommendation includes $2,000,000, as requested in the budget base for LOP, 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, 2012	$1,580,595,000
Budget estimate, 2013	.....
Committee recommendation	.....

No funds are provided under this account for the Office of the Federal Detention Trustee [OFDT]. Instead, the Committee's recommendation supports the administration's proposal to merge detention functions currently performed by the OFDT with the United States Marshals Service under a new Federal Prisoner Detention account.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2012	$84,199,000
Budget estimate, 2013	85,985,000
Committee recommendation	85,985,000

The Committee's recommendation provides $85,985,000 for the Office of Inspector General [OIG]. The recommendation is $1,786,000 above the fiscal year 2012 enacted level and equal to 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.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2012	$12,833,000
Budget estimate, 2013	12,772,000
Committee recommendation	12,772,000

The Committee's recommendation provides $12,772,000 for the United States Parole Commission. The recommendation is $61,000 below the fiscal year 2012 enacted level and equal to the budget request.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Appropriations, 2012	$863,367,000
Budget estimate, 2013	903,603,000
Committee recommendation	903,603,000

The Committee's recommendation provides $903,603,000 for General Legal Activities salaries and expenses. The recommendation is $40,236,000 above the fiscal year 2012 enacted level and equal to 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 directs the Department to maintain funding for the Human Trafficking and Slavery Prosecution Unit [HTSPU] in the Civil Rights Division at the fiscal year 2012 level of $5,300,000 to fight human trafficking and slavery. The Committee encourages the HTSPU and the Anti-Trafficking Coordination Teams to continue working with victim service providers and non-governmental organizations to ensure victim needs are prioritized as part of the overall strategy to combat human trafficking and slavery in the United States.

Civil Rights.—The Committee supports the Civil Rights Division's requested increase of $5,072,335, for a total of $152,022,000, to restore its base capacity to enforce civil rights laws; expand its capacity to prosecute and provide litigation support for human trafficking, hate crimes and unsolved civil rights era crimes; carry out its responsibilities associated with the civil rights of institutionalized persons and the access rights of the disabled; and enhance the enforcement of fair housing and fair lending laws. In addition, as more U.S. military service members return from duty, the Civil Rights Division is protecting service members' rights in securing civil protections in such areas as housing and credit, employment, and voting rights, which will affect the Division's workload for the foreseeable future.

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 inves-

tigate and prosecute serious human rights crimes, including genocide, torture, use or recruitment of child soldiers, and war crimes. For this purpose, the Committee supports the $1,800,000 requested in the base for attorneys, analysts, and support personnel in the Criminal Division to investigate and prosecute individuals who violate Federal laws regarding serious human rights abuses.

Intellectual Property [IP] Enforcement.—The Committee supports the Department's request of $9,772,000, an increase of $5,000,000 and 14 positions, to support the Criminal Division in combating international theft of IP. The request includes 6 International Computer Hacking and Intellectual Property [ICHIP] coordinators located in strategic regions abroad to allow the Department to quickly identify, address, and stop increasing transnational IP crimes and threats.

Combating Financial and Mortgage Fraud.—The Committee fully funds the Department's request of $99,198,000, an increase of $13,500,000 and 94 positions, including 57 new attorneys, 20 new professional support staff, 9 new in-house investigators/auditors, and 1 new financial analyst, for the Criminal, Civil, and Civil Rights Divisions to investigate and prosecute complex financial and mortgage fraud cases.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

Appropriations, 2012	$7,833,000
Budget estimate, 2013	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 2012 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, 2012	$159,587,000
Budget estimate, 2013	164,753,000
Committee recommendation	164,753,000

The Committee's recommendation provides $164,753,000 for the Antitrust Division. The recommendation is $5,166,000 above the fiscal year 2012 enacted level and equal to the budget request. This appropriation is offset by $115,000,000 in pre-merger filing fee collections, resulting in a direct appropriation of $49,753,000.

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

Appropriations, 2012	$1,960,000,000
Budget estimate, 2013	1,974,378,000
Committee recommendation	1,974,378,000

The Committee's recommendation provides $1,974,378,000 for the Executive Office for United States Attorneys [EOUSA] and the 94 U.S. Attorneys' [USAs] offices. The recommendation is $14,378,000 above the fiscal year 2012 enacted level and equal to the budget request.

As in past years, the Committee directs the 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 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, and as part of Project Safe Childhood. Not less than $43,184,000 shall be available for this purpose in fiscal year 2013.

Combating Financial and Mortgage Fraud.—The Committee's recommendation fully funds the Department's request of $300,838,352, an increase of $26,500,000 and 190 new positions, including 120 new attorneys, 20 new forensic accountants, 40 new in-house investigators, and 10 new paralegals, to hold accountable criminals who perpetrate financial and mortgage fraud, deter future perpetrators of fraud, and recover monies stolen from the U.S. taxpayer. The USAs will expand criminal investigations and prosecutions of mortgage and financial fraud, predatory lending, financial fraud, and market manipulation matters. The USAs will also increase civil enforcement efforts to continue to obtain recoveries from individuals and companies that have defrauded the government by violating the terms of Federal contracts, grants, loans, and subsidies.

Human Trafficking.—The Committee expects the EOUSA, in consultation with the USAs, to continue designating 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 improves 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 the Department to continue to make IPR enforcement an investigative and prosecutorial priority for Federal prosecutors. The Committee notes and commends the Department for high-level recent indictments related to such violations of Federal law.

UNITED STATES TRUSTEE SYSTEM FUND

Appropriations, 2012	$223,258,000
Budget estimate, 2013	227,407,000
Committee recommendation	227,407,000

The Committee's recommendation provides $227,407,000 for the U.S. Trustee System Fund. The recommendation is $4,149,000 above the fiscal year 2012 enacted level and equal to the budget request. The appropriation is offset by $226,407,000 in fee collections and $1,000,000 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 2013, the U.S. Trustee Program will participate

in an estimated 1.5 million business and consumer bankruptcy case filings.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

Appropriations, 2012	$2,000,000
Budget estimate, 2013	2,139,000
Committee recommendation	2,139,000

The Committee's recommendation provides $2,139,000 for the Foreign Claims Settlement Commission. The recommendation is $139,000 above the fiscal year 2012 enacted level and equal to 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.

FEES AND EXPENSES OF WITNESSES

Appropriations, 2012	$270,000,000
Budget estimate, 2013	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 2012 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.

Given the substantial resources provided in 2013 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, 2012	$11,456,000
Budget estimate, 2013	12,036,000
Committee recommendation	12,036,000

The Committee's recommendation provides $12,036,000 for the Community Relations Service [CRS]. The recommendation is $580,000 above the fiscal year 2012 enacted level and equal to the budget request.

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.

Hate Crimes Prevention.—Within the funds provided, the Committee supports the budget request of $2,140,000 to handle an increase in workload and responsibilities stemming from passage of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act [HCPA] (Public Law 111–84). The HCPA has greatly expanded CRS's mandate, requiring that it help communities prevent and respond to violent hate crimes committed on the basis of gen-

der, gender identity, sexual orientation, religion, and disability, in addition to race, color, and national origin. These enhancements will maximize CRS crisis response nationwide and enable it to fulfill both its original mandate and expanded mandate under the HCPA.

ASSETS FORFEITURE FUND

Appropriations, 2012	$20,948,000
Budget estimate, 2013	20,948,000
Committee recommendation	20,948,000

The Committee's recommendation provides $20,948,000 for the Assets Forfeiture Fund [AFF]. The recommendation is equal to both the fiscal year 2012 enacted level and the budget request.

The AFF 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

Appropriations, 2012	$1,189,000,000
Budget estimate, 2013	2,881,723,000
Committee recommendation	2,881,723,000

The Committee recommendation provides a total of $2,881,723,000 for the United States Marshals Service [USMS]. The recommendation is $1,692,723,000 above the fiscal year 2012 enacted level and equal to the budget request. The notable increase in the overall budget for the USMS stems from the Committee's support of the administration's proposal to move Federal detention functions under the management of Marshals leadership. Otherwise, the recommendation for the USMS salaries and expenses account includes no new initiatives and provides only the resources needed to continue core Marshals functions, and the construction account is reduced by $5,000,000 from the fiscal year 2012 level.

SALARIES AND EXPENSES

Appropriations, 2012	$1,174,000,000
Budget estimate, 2013	1,203,488,000
Committee recommendation	1,203,488,000

The Committee's recommendation provides $1,203,488,000 for USMS salaries and expenses. The recommendation is $29,488,000 above the fiscal year 2012 enacted level and equal to the budget request.

The core mission of the USMS includes the apprehension of fugitives; protection of Federal court facilities, the judiciary, and witnesses; execution of warrants and court orders; and the custody and transportation of accused and unsentenced prisoners. In fiscal year 2011, the USMS apprehended more than 124,000 fugitives, a 3 percent increase over the previous year.

Southwest Border Protection.—The Committee continues to support strongly USMS efforts to address violence and support immigration enforcement along the Southwest border. The Committee's

recommendation provides the requested total of $151,902,000 to protect the Federal judiciary, witnesses, and prisoners involved in high-threat and high-profile trials relating to drug trafficking and gangs, and to handle increased workload due to immigration enforcement activities and violence on the Southwest border.

Sex Offender Apprehension.—The Adam Walsh Child Protection and Safety Act of 2006 [AWA] (Public Law 109–248) gives the USMS the authority to treat convicted sex offenders who fail to register as fugitives. The act also directs the Marshals to assist jurisdictions in locating and apprehending these individuals. There are more than 100,000 non-compliant offenders in the United States.

To date, the USMS has hired 160 new Deputy Marshals to assist States in locating and apprehending sex offenders who violate sex offender registration requirements. The Committee's recommendation fully funds the budget request of $53,479,000 to continue AWA implementation. However, the USMS estimates it needs a dedicated force of at least 500 Deputy Marshals to expand AWA enforcement activities in districts across the country.

The funds provided will also continue support for the National Sex Offender Targeting Center, improve the USMS information technology backbone, and reinforce infrastructure so that Deputy Marshals have timely, accurate investigative information to track down and arrest those who prey on our Nation's children.

Leveraging Federal, State, Local, and Tribal Partnerships to Target Sex Offenders.—Many USMS investigations of non-compliant and unregistered sex offenders involve multiple jurisdictions. One such partnership is Operation Last Frontier, launched by the USMS in 2010 in rural Alaska. Sexual assault rates in Alaska are 2.5 times the national average, with rural western Alaska accounting for nearly half of sexual assaults involving minors. Operation Last Frontier is a joint initiative between the USMS and Alaska State Troopers that combines law enforcement and community outreach aimed at training civilians to identify and notify law enforcement when sex crimes have occurred. Participants make regular visits to fishing encampments and village schools within 56 remote Native villages to develop trusting relationships with village elders and local residents in an effort to encourage them to report crimes against women and children. Non-compliant sex offenders in these remote areas are also targeted for arrest and prosecution.

The partnership has resulted in over 500 compliance checks in western Alaska, including sex offenders in the most rural villages. These efforts have improved trust in law enforcement and officer safety for Deputy Marshals and Alaska State Troopers deployed in the region, as well as the successful monitoring and apprehension of sex offenders. The Committee encourages USMS to continue working with State, local, and tribal authorities to build relationships that help ensure sexual abuse and misconduct are properly reported, continue support for this innovative program, and to explore similar partnerships with additional partners.

FEDERAL PRISONER DETENTION

Appropriations, 2012	(1)
Budget estimate, 2013	$1,668,235,000
Committee recommendation	1,668,235,000

[1] In fiscal year 2012, $1,580,595,000 was provided under the heading "Detention Trustee".

The Committee's recommendation provides $1,668,235,000 for Federal Prisoner Detention [FPD]. In an effort to streamline operations, improve efficiencies, and render savings, the recommendation follows the fiscal year 2013 request to merge detention functions currently performed by the Office of the Federal Detention Trustee [OFDT] with the USMS under the new FPD account. The amount provided in the recommendation for FPD is $87,640,000 above the fiscal year 2012 enacted level for OFDT, and equal to the budget request. The merger is projected to achieve $5,562,000 in savings in the first year, and the Committee expects FPD to generate further savings in the out-years.

The merger of OFDT and the USMS will align the accountability of resources with the responsibility of Federal detention operations, streamline financial processes, and reduce bureaucracy, and allow detention personnel to continue to carry out the mission of finding efficiencies in the detention system but under a single command and control structure within USMS leadership. This will allow for efficiencies in human and physical capital, while maintaining the functions and expertise in detention management that have been developed over the last decade.

The FPD appropriation will fund the mandatory costs of housing, transportation, medical care, and medical guard services for Federal detainees remanded to USMS custody to await Federal court appearances and actions. FPD is mandated to accept each detainee. FPD's resources are expended from the time a prisoner is brought into USMS custody through the termination of the criminal proceeding and/or commitment to the Federal Bureau of Prisons [BOP]. The fiscal year 2013 request and the Committee's recommendation reflect increasing costs of detention and a growing detention population.

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, FPD expects bookings for immigration offenses alone to increase to 87,500 in 2013, a growth of 3,500 bookings or 4.2 percent over current levels. The Committee expects the merger to enhance the Department's ability to anticipate the true funding needs for this account in order to avoid funding shortfalls and the need for emergency reprogrammings to avert deficiencies. The Committee directs FPD to follow OFDT's practice and report to the Committee on a quarterly basis the number of individuals in the detention system, the projected number of individuals, and the annualized costs associated with them.

CONSTRUCTION

Appropriations, 2012	$15,000,000
Budget estimate, 2013	10,000,000
Committee recommendation	10,000,000

The Committee's recommendation provides $10,000,000 for construction in space controlled, occupied, or utilized by the USMS in Federal courthouses and 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. The recommendation is $5,000,000 below the fiscal year 2012 enacted level, and equal to the budget request.

The Committee notes that the recommendation will result in funding for this account dropping roughly 62 percent in a span of 3 years, from $26,625,000 in fiscal year 2010 to $10,000,000 in the recommendation. The Committee has reduced these funds to be frugal, despite the USMS having approximately $44,000,000 in shovel-ready construction and/or renovation projects pending at Federal courthouses and buildings. These upgrades are essential for maintaining the security and safety of judicial officials, courtroom participants, the public, USMS personnel, and prisoners.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

Appropriations, 2012	$87,000,000
Budget estimate, 2013	90,039,000
Committee recommendation	90,039,000

The Committee's recommendation provides $90,039,000 for the National Security Division [NSD]. The recommendation is $3,039,000 above the fiscal year 2012 enacted level and equal to 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 Federal Bureau of Investigation, 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, 2012	$527,512,000
Budget estimate, 2013	524,793,000
Committee recommendation	524,793,000

The Committee's recommendation provides $524,793,000 for Interagency Crime and Drug Enforcement. The recommendation is $2,719,000 below the fiscal year 2012 enacted level and equal to 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 remains 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, and 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.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Appropriations, 2012	$8,036,991,000
Budget estimate, 2013	8,151,021,000
Committee recommendation	8,151,021,000

The Committee's recommendation provides $8,151,021,000 for the Federal Bureau of Investigation [FBI] salaries and expenses. The recommendation is $114,030,000 above the fiscal year 2012 enacted level and equal to 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.

Electronic Surveillance Capabilities.—Changes in the volume and complexity of today's communications services and technologies present new and emerging challenges to law enforcement's ability to access, intercept, collect, and process wire or electronic communications to which they are lawfully authorized. To improve lawful electronic surveillance capabilities while also protecting privacy and civil liberties, the Committee recommendation provides $54,178,000, which is equal to both the request and the fiscal year 2012 enacted level. These funds will support the Domestic Communications Assistance Center, providing for increased coordination regarding lawful electronic surveillance amongst the law enforcement community and with the communications industry.

Cybersecurity.—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 $136,100,000 for this effort, which sustains fiscal

year 2012 enacted levels, to further the FBI's investigatory, intelligence gathering, and technological capabilities. These funds will support efforts by the Comprehensive National Cybersecurity Initiative [CNCI] to increase coverage of cyber-terrorist threats, and will allow the FBI's National Cyber Investigative Joint Task Force [NCIJTF] to ramp up to 24/7 operations. 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 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 continue using, 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 continue increasing 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.

National Security Threats.—The Committee recommends the full request of $307,756,000 to support the FBI's critical national security efforts to conduct investigations to prevent, disrupt, and deter acts of terrorism. Funds will be used to address national security threats, and allow FBI field offices to develop and strengthen surveillance capabilities related to international terrorism, intelligence analysis, Legal Attaché resources, and working partnerships with Federal, State, and local intelligence and law enforcement agencies.

Financial and Mortgage Fraud.—The FBI continues to develop new approaches and techniques for detecting, investigating, and combating the highest impact and most complex financial crimes—corporate fraud, securities and commodities fraud, and mortgage fraud. The Committee's recommendation includes the requested program increases totaling $15,000,000 and 44 new positions, including 40 new special agents and 4 new forensic accountants, for a total of $162,103,000, to increase the FBI's ability to combat corporate fraud, securities and commodities fraud, and mortgage fraud at all levels of organizations, and will enable the FBI to adapt as new fraud schemes emerge. These resources will establish two hybrid squads to target the most complex financial crimes, provide expertise in analyzing and cross referencing complex financial documents, and increase case production by approximately 240 cases.

The FBI identifies mortgage fraud as the top white collar crime problem in the United States. The Bureau is currently investigating nearly 3,000 mortgage fraud cases, compared to approximately 700 investigations in fiscal year 2005. Roughly 72 percent of the FBI's pending investigations involve losses exceeding $1,000,000 per case. Suspicious Activity Reports [SARs] regarding mortgage fraud are at an all-time high of 93,000. Efforts to combat mortgage fraud are paying off, however, as in 2011 cases successfully pursued by the FBI resulted in more than 1,200 indictments/informations and nearly 2,000 convictions.

Criminal Justice Information Services [CJIS] Division.—The Committee's recommendation provides $640,731,452, including fee collections, for the CJIS Division, including $278,077,852 in appropriated funds and $362,653,600 in user fees.

Elimination of the National Gang Intelligence Center [NGIC].—The Committee's recommendation supports the administration's request to eliminate funding for and close the NGIC, which will provide a savings of $7,826,000 annually. Per the request, the Committee expects that the elimination of the NGIC will not hinder the ability to examine the threat posed to the United States by criminal gangs; rather, it will focus the sharing of intelligence at the field level, where intelligence sharing and coordination between DOJ agencies and State and local partners already exists. The FBI will continue to produce intelligence products in support of Federal, State, and local investigations focused on gangs posing a significant threat to communities.

Law Enforcement Wireless Communications [LEWC].—The Committee's recommendation supports the request to realign the funding for the Department's Radio/Interoperability program, and provides a total of $95,900,000 for the FBI, DEA, ATF, and USMS to reinvest in modernization and cover base operations and management [O&M]. This change will generate savings and allow the Department to increase investments in improved technology and interoperability in order to provide secure, reliable, and effective mission-critical communications capabilities to Federal law enforcement personnel, and foster interoperability with Federal, State, local, and tribal partners. The modernization transition strategy will move O&M and new solution development and implementation to the FBI, while strategic planning, spectrum management, and oversight functions will remain with the Justice Management Division. As part of the realignment, base O&M funding for radios is being transferred back to components.

The Department shall report to the Committee on a semi-annual basis on the status of implementation of the transition model, including a cost and schedule assessment estimate for the final operating capability. The Committee will monitor closely the Department's and FBI's implementation of the LEWC transition model, including the participation of the other Federal law enforcement components, and expects the Department to adhere to the plan presented in the fiscal year 2013 budget rollout.

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 continue its 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's recommendation supports continued funding of $1,500,000 within the FBI's budget base for agents and associated support personnel at FBI headquarters.

Intellectual Property Rights [IPR] Enforcement.—The Committee expects IPR enforcement to remain an investigative priority at the Bureau. The Committee notes and commends the FBI's investigative work related to such violations of Federal law during the last

year. The Committee directs the FBI to submit a report on the activities of its dedicated agents investigating IPR cases. 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's recommendation provides the $66,795,000 requested in base funding for the Innocent Images National Initiative, which allows the FBI to target and investigate sexual predators on the Internet. This funding will address the critical requirements for Federal law enforcement in targeting 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 increase, the Committee expects that future budget requests for the FBI will include adequate resources dedicated to investigate child predators who prey on children online.

Investigations Into Severe Forms of Trafficking in Persons.—The Committee's recommendation includes $10,000,000, from within funds provided, for 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.

CONSTRUCTION

Appropriations, 2012	$80,982,000
Budget estimate, 2013	80,982,000
Committee recommendation	80,982,000

The Committee's recommendation provides $80,982,000 for Federal Bureau of Investigation [FBI] construction. The recommendation is equal to the fiscal year 2012 funding level and the budget request.

Terrorist Explosive Device Analytical Center [TEDAC].—The Committee opposes any efforts to rescind funds previously appropriated by the Congress for Phase II construction of TEDAC. Not only is this action short-sighted given that TEDAC construction for Phase I of the new TEDAC facility on Redstone Arsenal 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 explosives.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2012	$2,347,000,000
Budget estimate, 2013	2,403,504,000
Committee recommendation	2,403,504,000

The Committee's recommendation provides total resources of $2,403,504,000 for the Drug Enforcement Administration [DEA], of which $352,600,000 is derived from DEA's Drug Diversion Control Fee Account. The recommendation is $56,504,000 above the fiscal year 2012 enacted level and equal to 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 $352,600,000 is provided for the Diversion Control Program, which is an increase of $30,600,000 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.

CONSTRUCTION

Appropriations, 2012	$10,000,000
Budget estimate, 2013	.....
Committee recommendation	.....

The Committee's recommendation provides no funds for this account in fiscal year 2013, which is the same as the administration's request.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

Appropriations, 2012	$1,152,000,000
Budget estimate, 2013	1,153,345,000
Committee recommendation	1,153,345,000

The Committee's recommendation provides $1,153,345,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF]. The recommendation is $1,345,000 above the fiscal year 2012 enacted level and equal to 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 efforts to combat weapon trafficking on the border. As begun in fiscal year 2012 and to continue thereafter, the ATF shall provide the Committee with annual data on the total number of firearms recovered by the Government of Mexico, and of those, the number for which an ATF trace is attempted, the number successfully traced and the number determined to be manufactured in or imported into the United States prior to being recovered in Mexico.

Southwest Border Enforcement.—The Committee notes that Operation Fast and Furious was but a small part of ATF's extensive operations along the Southwest border, and should not detract from ATF's efforts to protect Americans from illegal firearms trafficking, gun violence, and parallel drug and human trafficking across the United States-Mexico border and into the Nation's interior. The ATF remains the lead law enforcement agency in combating illegal firearms trafficking on the Southwest border, with Project Gunrunner teams seizing more than 10,500 illegal guns and roughly 1.4 million rounds of ammunition in the last 6 years. This increased vigilance has made the U.S. border region safer, even as drug trafficking-related homicides in Mexico continue to escalate. To that end, the Committee's recommendation fully funds the request of $19,000,000 to maintain the nine existing Project Gunrunner teams to stem illegal trafficking of weapons across the Southwest border, and reduce gun-driven violence on both sides of the United States-Mexico border.

Violent Crime Impact Teams.—The Committee continues to support the ATF's Violent Crime Impact Teams [VCIT] that 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.

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. In order to ensure that NIBIN remains a sustainable and effective national forensic resource, the Committee believes ATF should continue conducting a thorough review of NIBIN, including developing a strategic plan to address utilization gaps to ensure optimal productivity and use of ballistic-imaging technology across workstations and regions. To eliminate program inefficiencies, optimize costs, and sustain effectiveness, ATF should: scrutinize the placement of NIBIN equipment; shut down underutilized sites; and move equipment to high crime regional hubs. This approach may allow ATF to maximize the placement of equipment and personnel, reinforce information sharing across ju-

risdictions, create opportunities to develop protocols for both training and use, and increase the quality and quantity of data being put into NIBIN.

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. NCETR develops, coordinates, conducts, and facilitates the delivery of basic and advanced training courses for ATF personnel, law enforcement community partners, the U.S. military, and other Federal agencies, both in the United States and abroad. The ATF's goals are to foster arson- and explosives-related expertise, and to promote interagency partnerships. NCETR's new facility is a critical national asset, but it remains understaffed and underutilized. The Committee encourages ATF and the Justice Department to explore ways to more actively employ the unique assets possessed by NCETR.

FEDERAL PRISON SYSTEM

The Committee's recommendation provides a total of $6,922,106,000 for the Federal Prison System, or the Bureau of Prisons [BOP]. The recommendation is $278,125,000 above the fiscal year 2012 enacted level and equal to the budget request.

SALARIES AND EXPENSES

Appropriations, 2012	$6,551,281,000
Budget estimate, 2013	6,820,217,000
Committee recommendation	6,820,217,000

The Committee's recommendation provides $6,820,217,000 for BOP salaries and expenses. The recommendation is $268,936,000 above the fiscal year 2012 enacted level and equal to 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	2,542,064
Institution Security and Administration	2,984,833
Contract Confinement	1,088,748
Management and Administration	204,572
Total	6,820,217

The Committee has made great sacrifices to fund BOP salaries and expenses at the request. 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. The 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 229,000 by the end of fiscal year 2013. BOP estimates that its inmate population will increase by approximately 11,500 net new inmates during fiscal years 2012 and 2013. Correspondingly, BOP facilities are operating at 38 percent above noted capacity systemwide. What is more distressing is that the high-security inmate population overcrowding rate is at 53 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 began in fiscal year 2009 to address BOP's understaffing problem, the Committee provides an increase of at least $22,002,000 above fiscal year 2012 to fill 210 vacant correctional worker positions to safely manage the growing inmate population at existing BOP institutions. This will allow BOP to hire enough correctional staff to meet the 90 percent onboard level recognized by BOP as the minimum staffing level for maintaining safety and security.

Contract Confinement.—The Committee's recommendation fully funds the request of $1,088,748,000 for contract confinement needs. 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 fully funds the request to activate prisons constructed by BOP that currently sit empty or partially empty due to prior year budget constraints. These funds will complete the activation of a medium-security prison located in Berlin, New Hampshire, and a medium-security prison for female inmates in Aliceville, Alabama, and begin activations of a high-security prison in Yazoo, Mississippi, and a medium-security prison in Hazelton, West Virginia. 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.

Second Chance Act Implementation.—The Committee's recommendation provides the requested increase of $13,000,000 and 120 positions and FTE, for a total $672,200,000, for the Federal Prison System to meet the requirements of the Second Chance Act (Public Law 110–199). Funding will be used to expand Residential Drug Abuse Program [RDAP] capacity, which will help BOP reach the goal of providing 12-month sentence credits to all eligible inmates, and allow more inmates to complete the programs earlier and, if eligible, receive the full 1-year off their sentence. The current average sentence reduction credit for inmates completing RDAP is 8 months.

Combating Contraband Cell Phone Use.—The Committee is concerned that the BOP has not implemented technologies to effectively combat the use of contraband cell phones by inmates in its detention facilities. The Government Accountability Office [GAO] published a report in September 2011 that found that cell phone confiscations in Federal prisons more than doubled between 2008 and 2010. Although the increase in confiscations is a credit to BOP's efforts, the report found that the BOP "does not have a sound evaluation plan" to determine which cell phone detection technologies to test and, ultimately, purchase and implement. Therefore, within 120 days after enactment of this act, the BOP shall submit to the Committee a detailed account of the Bureau's efforts to implement this technology, including the amount of funding required to purchase and implement a viable cell phone detection technology for use in detention facilities, and the status of discussions with vendors to provide this technology for an acceptable cost. The BOP shall provide the Committee with an annual report on the number of contraband cell phones confiscated in its detention facilities and the number of cases of illicit cell phone use by inmates that it has referred for prosecution. In addition, BOP shall continue its efforts to implement a sound evaluation plan for evaluating cell phone detection technologies.

BUILDINGS AND FACILITIES

Appropriations, 2012	$90,000,000
Budget estimate, 2013	99,189,000
Committee recommendation	99,189,000

The Committee's recommendation provides $99,189,000 for the construction, modernization, maintenance, and repair of prison and detention facilities housing Federal prisoners. The recommendation is $9,189,000 above the fiscal year 2012 enacted level and equal to the budget request. Of the amount provided, $73,796,000 is for modernization and repairs.

The Committee includes bill language in Title V—General Provisions 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 two new prisons in 2017 and five new prisons beginning in 2018, it will be unable to maintain that schedule without significant new construction appropriation requests in coming fiscal years. 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 continue providing the Committee 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, 2012	$2,700,000
Budget estimate, 2013	2,700,000
Committee recommendation	2,700,000

The Committee's 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 2012 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. The Committee expects OVW, OJP, and COPS to continue and improve upon their collaborative efforts, where feasible, in order to avoid duplication of effort and to make the best possible use of their appropriations.

Salaries and Expenses.—During fiscal year 2013, the Committee directs the Department to support management and administration [M&A] expenses with program funding subject to the submission of details related to planned M&A expenses, by program, as part of the Department's fiscal year 2013 spending plan. In addition, the spending plan should include planned expenses for training and technical assistance, research and statistics activities, interagency agreements, cooperative agreements and peer review, along with any additional general category of expense other than grants. The Committee directs grant offices to minimize administrative spending in order to maximize the amount of funding that can be used for grants or training and technical assistance.

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 2013 spending plan. As part of the budget submission for fiscal year 2014 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.

Noncompliant 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 best-practice rules and procedures across the three offices in order to produce the most consistent possible compliance enforcement process possible.

Evidence-Based Programs.—Faced with an era of frugality, 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 of proven effectiveness, innovation, targeted training and technical assistance, and multi-disciplinary collaboration, so as to maximize the result for each dollar spent.

Funding Discretionary Programs Through Crime Victims Fund Receipts.—The Committee rejects the administration's proposal to fund certain grant programs that assist vulnerable populations through Crime Victims Fund receipts. This proposal aimed to alter the funding source for several important OVW and OJP grant programs: Victims of Trafficking, the DNA Initiative, Children Exposed to Violence, Adam Walsh Act implementation, the Missing Children's Program, and the Violence Against Women STOP Formula grants. Rather, the Committee provides funding for these programs in the traditional way, through discretionary budget authority.

GAO Findings on Subgrantee Efficiencies.—The Committee notes GAO's 2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue. Of particular concern, the Committee notes "unnecessary duplication in grant applications," and that often grant recipients do not publicly disclose subgrantee recipients. The Committee directs OVW, OJP, and COPS to publicly disclose, online with all other grant awards announcements, all subgrantees, and to detail the purpose of the award in order to mitigate duplication and to ensure transparency. The Committee also directs DOJ to heed the findings in this study and to proactively respond in a timely manner.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

Appropriations, 2012	$412,500,000
Budget estimate, 2013	[1] 268,000,000
Committee recommendation	412,500,000

[1] The administration requested an additional $144,500,000 through the Crime Victims Fund.

The Committee's recommendation provides $412,500,000 for Office on Violence Against Women [OVW] grants. The recommendation is equal to the fiscal year 2012 enacted level. Resources are provided in OVW above the budget request in order to reject the administration's proposal to shift funding for this discretionary resource to mandatory resources. As in fiscal year 2012, the Office on Violence Against Women is funded as its own heading under this title.

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

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

[In thousands of dollars]

Program	Committee recommendation
STOP Grants	189,000
National Institute of Justice—Research and Evaluation	3,000
Transitional Housing Assistance	25,000
Grants to Encourage Arrest	50,000
Homicide Reduction Initiative	(4,000)
Rural Domestic Violence Assistance Grants	35,000
Violence on College Campuses	9,000
Civil Legal Assistance	39,000
Sexual Assault Victims Services	25,000
Elder Abuse Grant Program	4,250
Family Civil Justice Program	15,000
Education and Training for Disabled Female Victims	5,750
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
Total	412,500

STOP Grants.—Within the discretionary budget authority appropriated, $189,000,000 is for formula grants to the States. The fiscal year 2013 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 $2,000,000 above both the fiscal year 2012 enacted level and the budget request, to fund directly the needs of sexual assault victims.

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, and maintains its strong commitment to ensuring that these rape crisis centers have access to technical assistance, training, and support.

Transitional Housing Assistance Grants.—In response 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 $3,000,000 over the fiscal year 2012 enacted level and the budget request.

Consolidated Youth-Oriented Program.—As in the fiscal year 2012 act, and in an effort to reduce duplication and reduce bureaucratic barriers for grantees, 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. 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 $4,000,000 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.

Consolidated Grants To Support Families in the Justice System.—To further efforts to reduce duplication, the Committee's recommendation includes $15,000,000 for a grant program that combines two programs that train judges and court personnel about the intersection of domestic violence and family court proceedings, and promote safe supervised visitation for families in cases involving domestic violence and sexual assault. Too often the steps victims are encouraged to take to escape violence, such as breaking the silence about abuse, seeking protection, and limiting contact with the abusive partner, put them at a disadvantage in family court proceedings. This crisis in family courts is driven by a number of factors, including the prevalence of judges and court personnel who are not adequately trained to understand domestic violence. The recommended consolidation conserves resources and creates a program that encourages States to focus on training and protocol development for family courts.

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 $1,541,218,000 for OJP programs, which is $300,418,000 above the budget request and $75,082,000 below the fiscal year 2012 enacted level. Resources are provided above the budget request in order to reject the administration's proposal to shift funding for several discretionary resources to mandatory resources.

Approximately 80 grant programs are appropriated by this Committee and administered by the Department. This reflects a reduction from the more than 120 grant programs just 2 years ago. While the intent of these grant programs are noble, the Committee remains concerned that the perpetual authorization and proposal of new grants, while not de-authorizing or omitting redundant and archaic ones, has become unmanageable, particularly during these tight fiscal times. 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.

Funding for Crime Victim Services.—The Committee continues to support strongly the use of evidence-based practices. In the area of victim services, the capacity to obtain, understand, and apply research is particularly critical in a cost-conscious environment. The Committee encourages the Office for Victims of Crime [OVC] to develop a comprehensive research agenda in the area of victimization to strengthen the use of evidence-based practices on the State, local, and tribal levels. The Committee also strongly encourages OVC to prioritize research focused on crime victims most at-risk or in geographic areas with the greatest unmet need. In particular, OVC should support research and evaluation relating to basic incidence and prevalence rates among marginalized communities, especially among communities of color and in the areas of youth victimization, victimization of American Indian and Alaskan native people, elder abuse, victimization of people with disabilities and deaf individuals, and human trafficking. In the current era of limited resources, the Committee also recommends that OVC provide support to improve the ability of grantees to conduct evaluation efforts of their program effectiveness.

RESEARCH, EVALUATION, AND STATISTICS

Appropriations, 2012	$113,000,000
Budget estimate, 2013	136,000,000
Committee recommendation	126,000,000

The Committee's recommendation provides $126,000,000 for the Research, Evaluation, and Statistics account. The recommendation is $13,000,000 above the fiscal year 2012 enacted level and $10,000,000 below the budget request.

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	$50,000
National Crime Victimization Survey [NCVS]	(26,000)
Redesign Work for the NCVS	(10,000)
Indian Country Statistics	(500)
National Institute of Justice	45,000
DNA/Forensics Transfer to NIST/OLES	(5,000)
Evaluation Clearinghouse	1,000
Regional Information Sharing Activities	30,000
TOTAL	126,000

National Institute of Justice [NIJ].—The Committee's recommendation provides $45,000,000 for the NIJ, in addition to $4,000,000 transferred from OVW for research and evaluation on violence against women and Indian women. NIJ's mission is to advance scientific research, development, and evaluation to advance the administration of justice and public safety. The Committee directs that, prior to the obligation of any funds, NIJ submit a spend plan to the Committee for approval on how resources will be allocated.

DNA and Forensics Research and Evaluation.—The fiscal year 2013 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.

Regional Information Sharing Activities.—The Committee recommends $30,000,000, an increase of $3,000,000 above both the fiscal year 2012 enacted level and the budget request, 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.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

Appropriations, 2012	$1,162,500,000
Budget estimate, 2013	[1] 781,500,000
Committee recommendation	1,058,918,000

[1] The administration proposed an additional $220,500,000 through the Crime Victims Fund.

The Committee's recommendation provides $1,058,918,000 for State and local law enforcement assistance. The recommendation is $123,918,000 below the fiscal year 2012 enacted level, and $277,418,000 above the budget request because the Committee has rejected the administration's proposal to fund $220,500,000 in discretionary programs through the mandatory Crime Victims Fund.

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	$392,418
SLATT Intelligence State and Local Training	(2,000)
State and Local Assistance Help Desk and Diagnostic Center	(4,000)
Criminal Justice Reform and Recidivism Reduction	(6,000)
VALOR Initiative	(5,000)
State Criminal Alien Assistance Program	255,000
Border Prosecution Initiatives	10,000
Byrne Competitive Grants	18,000
Victims of Trafficking Grants	10,500
Drug Courts	35,000
Mentally Ill Offender Courts	9,000
Residential Substance Abuse Treatment for State Prisoners	10,000
Capital Litigation/Wrongful Prosecution Review	3,000
Economic, High-tech and Cybercrime Prevention	11,000
John R. Justice Grant Program	4,000
Adam Walsh Act Implementation	20,000
Children Exposed to Violence Initiative	15,000
Byrne Criminal Justice Innovation Program	20,000
Review of Criminal Justice Systems Policies and Strategies	(2,000)
Bulletproof Vests Partnerships	24,000
NIST/OLES	(1,500)
National Sex Offender Website	1,000
Violent Gang and Gun Crime Reduction	5,000
National Instant Criminal Background Check System [NICS]	7,000
Criminal Records Upgrade	6,000
Paul Coverdell Forensic Science	12,000
DNA Analysis Backlog Reduction/Crime Labs	125,000
Debbie Smith DNA Backlog grants	(117,000)
Kirk Bloodsworth Post-Conviction DNA Testing grants	(4,000)
Sexual Assault Nurse Examiners	(4,000)
Court-Appointed Special Advocates [CASA]	6,000
Second Chance Act	25,000
Smart Probation	(4,000)
Tribal Assistance	35,000
Total	1,058,918

Edward Byrne Memorial Justice Assistance Grant Program.—The Committee recommends $392,418,000 for Edward Byrne Memorial Justice Assistance Grants (Byrne-JAG). Funding is not available

for luxury items, real estate, or construction projects. The Committee notes that, should States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures deem it a priority, Byrne-JAG grants may be used for anti-methamphetamine-related activities, including to support investigative task forces to locate or investigate illicit activities such as precursor diversion, laboratories, or methamphetamine traffickers.

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 support the State and Local Assistance Help Desk and Diagnostic Center. This Center provides 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 $5,000,000 within Byrne-JAG for the Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative [VALOR]. This is a national training initiative that promotes 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.

The Committee provides the requested increase of $3,000,000 in response to the disturbing trend of rising numbers of police officers being killed, even as violent crime has decreased nationwide. According to the most recent FBI Uniform Crime Report on "Law Enforcement Officers Killed and Assaulted", 72 officers were killed by perpetrators in 2011, a 25 percent increase from the previous year and a 75 percent increase from 2008. This marks the highest number of on duty police deaths in nearly two decades, excluding the September 11, 2001, attacks, and the 1995 Oklahoma City bombing. In many cases, the officers were trying to arrest or stop a suspect who had previously been arrested for a violent crime. The Committee expects Federal law enforcement to continue and expand on efforts to provide local police with information as to whether or not a suspect has a violent history, to the extent that transference of such information is allowable and available via Federal law enforcement databases, in an effort to prevent officer deaths.

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].

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. Trafficking victims are subjected to physical, mental, and sexual abuse. Victims need various types of assistance to begin healing and recovery, including counseling, housing, medical care, support groups, and legal assistance.

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 $4,700,000 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 2013 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.

An effective national criminal justice response to human trafficking requires quick and accurate identification of victims along with immediate protection and support. The Committee supports further efforts to pursue evidence-based approaches that ensure that trafficking victims' services are comprehensive, culturally competent, and use a trauma-informed care approach that maximizes safety, trust, and choice for survivors.

Byrne Criminal Justice Innovation Program.—The Committee provides $20,000,000 to fully support the administration's proposal for the Byrne Criminal Justice Innovation Program, which provides demonstration grants in communities to support innovative, evidence-based approaches to fighting crime and improving public safety, as well as addressing its underlying problems. OJP will coordinate with the Department of Housing and Urban Development [HUD] and other agencies, to promote interagency collaboration and enable a wide range of new and existing partners to further stabilize neighborhoods that face the severest violence and crime.

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 program will build upon the approach of supporting communities that combine law enforcement, community policing, prevention, intervention, treatment, and neighborhood restoration.

Byrne Competitive Grants.—The Committee's recommendation includes $18,000,000 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.

Drug Courts and Mentally Ill Offender Courts.—For the fourth straight year, the Committee's recommendation rejects the administration's proposal for a new Drug, Mental Health and Problem Solving Courts program. Instead, the Committee provides separate funding at $35,000,000 for the Drug Courts program, and $9,000,000 for Mentally Ill Offender Courts.

The Committee notes the distinct success of the Drug Courts and Mentally Ill Offender Courts grant programs. While the Committee recognizes the Department's attempt to consolidate grant programs, the Committee rejects this proposal given that professionals in the field have made a clear distinction between the two programs, and congressional support for maintaining separate programs remains strong. However, the Committee encourages the Department to continue looking for ways to consolidate other, more duplicative grant programs.

Residential Substance Abuse Treatment [RSAT].—The Committee directs OJP to require applicants for the RSAT formula grant program to include an explanation of how they will coordinate the RSAT program's design and implementation with their State's substance abuse agency. The Committee believes that collaboration with State substance abuse agencies will help to ensure that evidence-based practices and qualified personnel are available to assist offenders in addressing their substance abuse problems.

Collaboration Among State Corrections, Alcohol and Drug Abuse, and Mental Health Program Directors.—The Committee encourages 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].

Bulletproof Vests.—Within the $24,000,000 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.

DNA Backlog/Crime Lab Improvements.—The Committee continues its strong support for DNA backlog and crime lab improvements by recommending $125,000,000 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, $117,000,000 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.

DNA evidence is playing a larger role than ever before in criminal cases, both to convict the guilty and to exonerate those wrongly accused or convicted. This increased role places greater importance on the ability of investigators and prosecutors to handle crime scene DNA evidence to avoid contamination or destruction. Therefore, of the amounts provided in the bill for Debbie Smith DNA Backlog Reduction grants, up to 4 percent may be used to make grants to provide training, technical assistance, education, and in-

formation regarding the identification, collection, preservation, analysis, and use of DNA evidence and samples for law enforcement and corrections personnel and court officers, and forensic science professionals. This is a minimal investment aimed at providing a maximum value return.

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 notes that, according to DOJ, more than 70 percent of DNA funding provided in fiscal year 2012 will go to crime labs for DNA analysis to increase capacity and reduce DNA backlogs. 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.

The Committee is pleased that GAO is moving forward with its analyses of DNA funding, commissioned in fiscal year 2012, and looks forward to receiving GAO's recommendations on how to better address State and local laboratory needs once the study is completed.

Economic, High-tech, and Cybercrime Prevention.—The Committee recommends $11,000,000 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 [IP] crimes of counterfeiting and piracy, as authorized under the PRO–IP Act of 2008 (Public Law 110–403). The Committee encourages OJP to prioritize competitive grants to State and local public safety agencies, with an emphasis on enforcement to combat the IP crimes of counterfeiting and piracy.

Cell Phone Digital Evidence.—As smartphones and the Internet have become integral parts of daily life, these technologies have also become an integral part of a majority of criminal acts and enterprises, from drug deals by text to child pornography websites. Because more than 95 percent of all criminal cases are investigated and prosecuted at the State and local levels, the Committee is concerned that without the Department's support, the ability of State and local law enforcement to effectively investigate and prosecute cases involving digital evidence and computer-based crimes will diminish. The Committee encourages the Department to prioritize State and local assistance toward computer forensics and digital evidence training and investigations surrounding drug and violent crimes, and crimes against children.

Collaborative Efforts To Fight Cybercrime.—According to the Norton Cybercrime Report 2011, more than 69 percent of online adults have been a victim of cybercrime in their lifetime, resulting in an annual price of $388,000,000,000 globally. The Committee is aware of the important progress that has been made in the fight against cybercrime by collaborative efforts that bring together prosecutors, researchers, and DOJ in a multidisciplinary effort to identify and prosecute cybercrimes such as "phishing." These collaborative efforts involve experts in computer forensics that help to identify the source of phishing, train prosecutors in the intricacies

of the crime and how best to prosecute cybercriminals, and conduct research to stay ahead of cybercriminals and their ever changing tactics. The Committee believes these collaborative efforts have made good progress against cybercrime and encourages the Department to continue funding these important initiatives.

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 (Public Law 110–180). At present, only 16 States are eligible for grants. The recommended funding level reflects the fact that there is a significant amount of carryover funds of approximately $6,000,000 available for obligation under this program.

The Committee directs the Department to submit a report to the Committee within 120 days after enactment of this act describing the Department's efforts to implement provisions of Public Law 110–180. The report shall include: a detailed list of the Department's activities to train and support Federal and State agencies in working toward compliance for sharing domestic violence, drug abuse, mental health, and felony records with the FBI's NICS database; updated data on the number of mental health, drug abuse, felony, and domestic violence records submitted to NICS to date by Federal agencies and by each State; if the penalties for noncompliance listed in Public Law 110–180 have been applied to States and, if so, to which States; and an explanation as to why penalties were not applied to States. Finally, the report shall describe the Department's enforcement plan to bring Federal and State agencies into compliance with the NICS Improvement Amendments Act.

Sex Offender Location, Arrest and Prosecution/Adam Walsh Act Implementation.—The Committee provides $20,000,000 to help States, the District of Columbia, Indian tribes, and territories 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.

Tribal Assistance.—The Committee provides $35,000,000 for tribal grant programs. The Committee expects OJP to consult closely with tribal stakeholders in determining how tribal assistance funds will be allocated among grant programs that help improve public safety in tribal communities, such as grants for detention facilities under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), civil and criminal legal assistance as authorized by title I of Public Law 106–559, tribal courts, and alcohol and substance abuse reduction assistance programs. The Committee directs OJP to submit, as part of the Department's spending plan for fiscal year 2013, a plan for the use of these funds that has been informed by such consultation. The Committee notes that the bill includes additional grant funding for tribal law enforcement programs through COPS and OVW.

Children Exposed to Violence.—The Committee's recommendation includes $15,000,000 for the Children Exposed to Violence Initiative. These funds will be used to build on investments made by

Congress in recent years to advance effective practices at the State, local, and tribal levels that help children and adolescents who are victims of, or witnesses to, violence in their homes, schools, and neighborhoods, and may suffer devastating consequences beyond the physical harm. According to DOJ's National Survey on Children Exposed to Violence, 61 percent of children experienced some type of violence, crime, or abuse in 2011 alone. Without the proper support and treatment, children who survive serious early-life trauma are more likely to abuse drugs and alcohol; suffer from depression, anxiety, and post-traumatic disorders; fail or have difficulty in school; and become future victims or offenders.

JUVENILE JUSTICE PROGRAMS

Appropriations, 2012	$262,500,000
Budget estimate, 2013	245,000,000
Committee recommendation	278,000,000

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 $278,000,000 for juvenile justice programs. The recommendation is $15,500,000 above the fiscal year 2012 enacted level and $33,000,000 above the budget request. Resources are provided in OJJDP above the budget request in order to reject the administration's proposal to shift funding for this discretionary resource to mandatory resources, and then transfer funds to the OJP "State and Local Law Enforcement Assistance" account to administer funding.

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

JUVENILE JUSTICE PROGRAMS

[In thousands of dollars]

	Committee recommendation
Part B—State Formula	55,000
Emergency Planning—Juvenile Detention Facilities	(500)
Youth Mentoring Grants	61,000
Title V—Delinquency Prevention Incentive Grants	30,000
Tribal Youth	(10,000)
Gang and Youth Violence Education and Prevention	(5,000)
Alcohol Prevention	(10,000)
Incentive Grants	(5,000)
Victims of Child Abuse Programs	19,000
Juvenile Accountability Block Grants	30,000
Community-Based Violence Prevention Initiatives	14,000
Missing and Exploited Children Programs	65,000
Internet Crimes Against Children	(21,000)
Training for Judicial Personnel	2,000
National Forum on Youth Violence Prevention	2,000
Total	278,000

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 $55,000,000 for grants to implement comprehensive State juvenile justice plans, including community-based prevention and intervention programs and activities for juvenile offenders. This amount is $15,000,000 above the fiscal year 2012 level and $15,000,000 below the budget request.

As recommended in the 2010 final report of the National Commission on Children and Disasters, OJJDP should work with State, local, and tribal juvenile justice agencies, including residential treatment, correctional, and detention facilities that house children, to identify common gaps and shortcomings, as well as best practices, in juvenile justice disaster planning, and ensure that facilities have comprehensive disaster plans in place. Therefore, within the amounts provided, the Committee's recommendation includes $500,000 for competitive demonstration grants for State, local, and tribal juvenile justice detention facilities and systems to meet the needs of children and adolescents housed in detention facilities in preparation for, during and after a disaster, as detailed in the 2011 emergency planning guidance issued by OJJDP. This approach should support and highlight successful planning models in specific States, which will in turn facilitate the development of best practices, and provide models to assist other States, local jurisdictions and tribes in improving their disaster plans. As a condition of funding, grantees should collaborate with their respective State and local emergency management, health, and other relevant agencies.

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 $61,000,000 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.

Victims of Child Abuse Act.—The Committee's recommendation provides $19,000,000 for the various programs authorized under the Victims of Child Abuse Act [VOCA] (Public Law 101–647). The Committee rejects the administration's request to eliminate this program.

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 troubling 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 support strongly Missing and Exploited Children Programs and recommends $65,000,000, including $21,000,000 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 2013.

The Committee supports efforts across the country to train child protection professionals in the field, including law enforcement officers, social workers, mental and medical health professionals, and prosecutors. Therefore, the Committee directs OJJDP to provide training and technical assistance to improve forensic interview training for investigation and prosecution professionals, evidence-based community prevention programs for child protection professionals, and undergraduate and graduate curricula on the maltreatment and exploitation of children.

Enforcing Underage Drinking Laws.—The Committee provides $10,000,000 for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training. The Committee expects OJJDP to administer these funds to programs adopting recognized best practices in the field of underage drinking prevention.

PUBLIC SAFETY OFFICERS BENEFITS

Appropriations, 2012	$78,300,000
Budget estimate, 2013	78,300,000
Committee recommendation	78,300,000

The Committee's recommendation provides $78,300,000 for public safety officers benefits. The recommendation is equal to both the fiscal year 2012 enacted level and 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

Appropriations, 2012	$198,500,000
Budget estimate, 2013	289,587,000
Committee recommendation	247,500,000

The Committee's recommendation provides $247,500,000 for community oriented policing services. The recommendation is $49,000,000 above the fiscal year 2012 enacted level and $42,087,000 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
Tribal Resources Grant Program	20,000
COPS Hiring Grants	215,000
Transfer to Tribal Resources Grant Program	(15,000)
Community Policing Development/Training and Technical Assistance	(10,000)
Methamphetamine Lab Cleanups/Transfer to DEA	12,500
Total	247,500

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

COPS Hiring Program.—The Committee recommends $215,000,000 for COPS Hiring grants to help State, local, or tribal law enforcement agencies to create and preserve approximately 1,700 police officers and to increase 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.

Methamphetamine Hot Spots.—The Committee's recommendation includes a $12,500,000 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. This is the level DEA estimates will be sufficient in fiscal year 2013 to operate the full cleanup program for an additional 10 States to transition to container program cleanups, for a total 19

States, and to cover the costs of smaller methamphetamine cleanups in States where the problem is intermittent.

Tribal Resources.—The Committee has provided a total $35,000,000 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 $15,000,000 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.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The Committee recommends the following general provisions, all of which were included in the enacted fiscal year 2012 act:

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, and permits up to 2 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.

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

Section 216 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 217 prohibits funds, other than funds for the national instant criminal background check system established under the Brady Handgun Violence Prevention Act, from being used to facilitate the transfer of an operable firearm to a known or suspected agent of a drug cartel where law enforcement personnel do not continuously monitor or control such firearm.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriations, 2012	$4,500,000
Budget estimate, 2013	5,850,000
Committee recommendation	5,850,000

The Committee's recommendation provides $5,850,000. The recommendation is $1,350,000 above the fiscal year 2012 enacted level and equal to 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.

Science, Technology, Engineering, and Mathematics [STEM] Education.—STEM education helps build technically literate citizens who become scientists, entrepreneurs, and technicians ready to work in the innovation jobs of the future. Federal STEM education programs engage students and teachers from kindergarten through post-graduate work. In its annual report on potentially duplicative programs, the GAO found that 173 of 209 Federal STEM education programs funded in fiscal year 2010 overlap to some degree, for example targeting similar age groups or populations, addressing shortages in the same STEM fields, or aiming at similar objectives. GAO stated that "even when programs overlap, the services they provide and the populations they serve may differ in meaningful ways and would therefore not necessarily be duplicative." GAO also discussed the lack of meaningful effectiveness data for many of these programs and noted that one-third of STEM education programs funded in fiscal year 2010 were first funded in fiscal year 2005–2010.

OSTP's government-wide STEM education strategic plan required under the America COMPETES Reauthorization Act of 2010 (Public Law 111–358) is due to be provided to the Congress. As a follow-up to the strategic plan, the Committee directs OSTP to pro-

vide a report containing the concrete actions that OSTP and other relevant Federal agencies will take to avoid duplication in STEM education programs, including a specific list of programs targeted for elimination, consolidation, or joint administration, along with concrete steps agencies will take to evaluate the effectiveness of STEM education programs, within 60 days of enactment of this Act. The Committee continues to support STEM education programs at mission-oriented agencies such as NASA and NOAA, particularly those with a long record of success.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Appropriations, 2012	[1] $17,800,000,000
Budget estimate, 2013	[1] 17,711,400,000
Committee recommendation	19,399,647,000

[1] Does not include funds for operational satellite acquisition previously provided within NOAA.

The Committee's recommendation provides $19,399,647,000 for the National Aeronautics and Space Administration [NASA]. The recommendation is $1,599,647,000 above the fiscal year 2012 enacted level and $1,688,247,000 above the budget request. The large increase is derived from a reorganization which moves responsibility for purchasing operational weather satellites from NOAA, the client agency, to NASA, which had been NOAA's contracting agency. The reoganization is discussed under the heading for the new Operational Satellite Acquisition account. Without the new account, the total recommendation for NASA is $41,500,000 below the fiscal year 2012 enacted level and $47,100,000 above 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.

The Committee's recommendations seek to implement the NASA Authorization Act of 2010 (Public Law 111–267), 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.

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 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 15 projects in the implementation phase had both exceeded their planned budgets by more than 17 percent and delayed their launch date by more than 11 months.

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.

In November 2011, the NASA OIG identified five top management challenges for NASA: (1) the future of U.S. human spaceflight, (2) project management, (3) infrastructure and facilities management, (4) acquisition and contract management, and (5) information technology security and governance. The Committee believes the report is a roadmap of the challenges that face the agency and directs NASA to submit a report within 60 days of enact-

ment of this act outlining NASA's specific progress in responding to the issues and recommendations highlighted in the report.

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.

The Committee notes that NASA has divided the functions of the former Office of Independent Program and Cost Evaluation [IPCE]. One of IPCE's vital functions was to conduct self-initiated technical analyses, providing a truly independent perspective not influenced by others within NASA. NASA will need to vigilantly guard the independence of the new organizations, particularly with regard to program analysis, cost evaluation, and study initiation and conclusions.

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, 2012	$5,090,000,000
Budget estimate, 2013	4,911,200,000
Committee recommendation	5,021,100,000

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	433,600
Earth Science Research and Analysis	(324,300)
Computing and Management	(109,300)
Earth Systematic Missions	886,000
Global Precipitation Measurement [GPM]	(88,000)
Landsat Data Continuity Mission [LDCM]	(54,800)
Ice, Cloud, and land Elevation Satellite (IceSat-2)	(157,100)
Soil Moisture Active and Passive [SMAP]	(237,400)
Other Missions and Data Analysis	(348,700)
Earth System Science Pathfinder	219,400
OCO–2	(75,300)
Venture Class Missions	(106,200)
Other Missions and Data Analysis	(37,900)
Earth Science Multi-Mission Operations	161,700
Earth Science Technology	49,500

SCIENCE—Continued

[In thousands of dollars]

	Committee recommendation
Applied Sciences	34,500
Subtotal, Earth Science	1,784,700
Planetary Science:	
Planetary Science Research	188,500
Planetary Science Research and Analysis	(125,300)
Other Missions and Data Analysis	(38,700)
Education and Directorate Management	(4,000)
Near Earth Object Observations	(20,500)
Lunar Quest Program	61,500
Lunar Science	(17,300)
Lunar Atmosphere and Dust Environment Explorer	(41,400)
Surface Science Lander Technology	(2,800)
Discovery	189,600
New Frontiers	175,000
OSIRIS–REx	(137,500)
Other Missions and Data Analysis	(37,500)
Mars Exploration	460,900
MAVEN	(146,400)
Other Missions and Data Analysis	(314,500)
Outer Planets	84,000
Technology	132,800
Subtotal, Planetary Science	1,292,300
Astrophysics:	
Astrophysics Research	172,000
Astrophysics Research and Analysis	(63,000)
Balloon Project	(31,000)
Other Missions and Data Analysis	(78,000)
Cosmic Origins	249,300
Hubble Space Telescope	(98,300)
Stratospheric Observatory for Infrared Astronomy [SOFIA]	(85,500)
Other Missions And Data Analysis	(65,500)
Physics of the Cosmos	110,000
Exoplanet Exploration	55,000
Astrophysics Explorer	83,100
Nuclear Spectroscopic Telescope Array [NuSTAR]	(4,700)
Gravity and Extreme Magnetism	(46,400)
Other Missions and Data Analysis	(32,000)
Subtotal, Astrophysics	669,400
James Webb Space Telescope	627,600
Heliophysics:	
Heliophysics Research	177,100
Heliophysics Research and Analysis	(32,000)
Sounding Rockets	(56,000)
Research Range	(20,100)
Other Missions and Data Analysis	(69,000)
Living with a Star	227,500
Radiation Belt Storm Probes [RBSP]	(37,700)
Solar Probe Plus	(112,100)
Solar Orbiter Collaboration	(21,300)
Other Missions and Data Analysis	(56,400)
Solar Terrestrial Probes	188,300
Magnetospheric MultiScale [MMS]	(168,300)
Other Missions and Data Analysis	(20,000)
Heliophysics Explorer	54,100
IRIS	(12,100)

SCIENCE—Continued

[In thousands of dollars]

	Committee recommendation
Other Missions and Data Analysis	(42,000)
Subtotal, Heliophysics	647,000
Total, Science	5,021,000

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] and the Ice, Cloud and land Elevation Satellite (IceSat-2) missions. The Committee is disappointed in plans to delay the Climate Absolute Radiance and Refractivity Observatory [CLARREO] and the Deformation, Ecosystem Structure and Dynamics of the Ice [DESDynI] missions. The National Academies recommended flying a suite of these four missions concurrently to gather critical information about the Earth and its climate.

The Committee supports the pre-Aerosol, Clouds, Ecosystem [PACE] mission, originally introduced as a climate continuity mission in the fiscal year 2011 request. PACE will address ocean ecology, ocean color, and Climate Data Record [CDR] continuity as the primary objectives and aerosol interaction and measurement as a secondary objective.

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.—Of the funds provided within the earth science research and analysis activity, the Committee recommends $10,000,000 to continue efforts for the development of a carbon monitoring system initially funded in fiscal year 2010. The majority of the funds should be directed toward acquisition, field sampling, quantification and development of a prototype Monitoring Reporting and Verification [MRV] system which can provide transparent data products achieving levels of precision and accuracy required by current carbon trading protocols. The Committee recognizes that the current orbital and suborbital platforms are insufficient to meet these objectives. Therefore, the use of commercial off-the-shelf technologies is recommended as these products could provide robust calibration validation datasets for future NASA missions. Up to 20 percent of these funds should be made available to international Reducing Emissions from Deforestation and Forest Degradation [REDD] projects. Furthermore, the Committee is deeply disappointed with the lack of progress that NASA has made on this initiative thus far within the agency. Therefore, it directs that the above funds shall be competitively awarded within 120 days of enactment of this act.

Cooperation Between NASA and NOAA.—The Committee remains 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 SERVIR initiative within the Applied Sciences Program integrates satellite observations, ground-based data, and forecast models to monitor and forecast environmental changes and to improve response to natural disasters. The program allows people in developing regions to use Earth observations for addressing challenges in agriculture, biodiversity conservation, climate change, disaster response, weather forecasting, and energy and health issues.

As part of this program, SERVIR intends to initiate up to three new hubs that were selected during fiscal year 2012 to expand the SERVIR program and advance the use of Earth observations to serve U.S. international development interests. The Committee is pleased to see continued support by NASA, in conjunction with the U.S. Agency for International Development and other agencies, for advancing this program.

Planetary Science.—The bill allows for the transfer of up to $14,500,000 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, rather than abandoning flagships altogether.

Mars Exploration.—The budget request proposes to cut and radically restructure the program of robotic rovers and in-space observatories expected to culminate in a Mars sample return, which was identified as the top priority for planetary science by the National Research Council's Decadal Survey. The Committee provides $460,900,000 which is $100,100,000 above the request level for Mars Exploration. This amount includes the full budget request of $146,400,000 for MAVEN and also supports any re-planned Mars program that can take advantage of upcoming opportunities to launch robotic science platforms to Mars as early as 2016. NASA is expected to use these funds to retain core U.S. competencies in areas such as entry, descent, and landing.

Competitive Planetary Programs.—The Committee recommends the budget request of $189,600,000 for Discovery and $175,000,000 for New Frontiers. The Committee fully expects NASA to continue both programs as distinct opportunities awarded on a merit-based, competitive basis, in order maximize the delivery of more high-quality science within a constrained fiscal environment. The Committee is also insistent that NASA select proposals for both programs based upon the ability to deliver the highest quality science that is evaluated by peer review.

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.

Dark Energy.—The 2011 Nobel Prize in Physics was awarded to Saul Perlmutter, Brian Schmidt, and Adam Riess for discovering that the expansion of the universe was accelerating. The acceleration implies that the universe is being pushed apart by a force known as dark energy. While scientists have proven that dark energy exists, little is known about it even though it makes up nearly three-quarters of the universe. To understand dark energy, scientists identified the Wide Field Infared Survey Telescope [WFIRST] as the highest priority in the recent astronomy and astrophysics decadal survey. Within funds provided for Cosmic Origins, Other Missions and Data Analysis, the Committee provides $10,000,000 in fiscal year 2013 to begin planning and technology development for a cost-effective WFIRST project 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 science books. In 2011, the Committee asked for an independent assessment of JWST. That assessment, led by Dr. John Casani, found that while JWST is technically sound, NASA had 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. The Committee expects to be kept fully informed on issues relating to program and risk management, achievement of cost and schedule goals, and program technical status.

Explorer Program.—The Committee recommends an additional $16,000,000 for the Explorer program in fiscal year 2013, split between astrophysics and heliophysics. The Committee expects NASA to select one stand-alone mission for heliophysics and one stand alone mission for astrophysics from proposals submitted as part of

the most recent Explorer Announcement of Opportunity. These selections should be made regardless of any missions of opportunity in which NASA elects to participate. The Committee directs NASA to ensure that future Announcements of Opportunity allow for two stand alone missions to be chosen, one in the field of astrophysics and the other in heliophysics and encourages NASA to request sufficient funds to accommodate this two mission profile.

Heliophysics.—Within funds provided to advance scientific knowledge of the Sun's impact on the Earth, the Committee provides the full budget request of $168,300,000 for the Magnetospheric Multiscale [MMS] mission. The Committee encourages NASA to provide necessary budget resources in fiscal year 2014 for MMS to achieve a launch in early 2015 with the full complement of instruments and both orbit phases.

The funds provided also include $112,100,000 for the Solar Probe Plus mission, the same as the budget request. The Committee strongly supports this mission and affirms its multi-year 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.

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.

OPERATIONAL SATELLITE ACQUISITION

Appropriations, 2012	.....
Budget estimate, 2013	.....
Committee recommendation	$1,641,147,000

The Committee's recommendation provides $1,641,147,000 for the acquisition and procurement of operational weather satellites which are displayed in the following table:

OPERATIONAL SATELLITE ACQUISITION

[In thousands of dollars]

	Committee recommendation
Geostationary Operational Environmental Satellite-R Series	746,700
Joint Polar Satellite System	842,064
Deep Space Climate Observatory	30,000
Altimetry Mission (Jason-3)	22,383
TOTAL, OSA	1,641,147

Cost Overruns.—Funding for these four satellite programs matches the administration's fiscal year 2013 request, minus NOAA's portion of the management costs. Contract costs have not been cut at this time. The program of record for JPSS currently remains capped at $11,900,000,000 and GOES–R remains at $7,670,000,000. The Committee expects NASA to further reduce overall life-cycle costs. NASA shall also work with NOAA in finding efficiencies in scale by reducing multiple ground stations for mul-

tiple systems. Before executing the T and U satellite options under the current GOES program, the Committee directs NASA to provide a detailed cost benefit analysis of maintaining the current cost-plus contract versus entering into a new fixed-cost contract.

Life-Cycle Cost Reporting.—Beginning with fiscal year 2014 and for every fiscal year thereafter, the Committee directs NASA to provide multi-year budget projections for all active satellite systems funded under this account at the time of the agency's budget request that cover the full life-cycle costs, including previous appropriations, broken out by year. For each satellite, NASA shall clearly state the intended launch date listed to the closest quarter.

Operational Requirements.—NASA will not operate these satellites. NASA is the procurement agency and not the weather service. NASA shall continue to incorporate NOAA's operational requirements into the design and acquisition of these satellite systems. The goals for all aspects of these satellites are to: create a low risk of operational failure; ensure a high probability of staying on schedule and within budget; maximize the amount of meaningful data that can be acquired with available funding; and preserve the continuity of weather data.

Transition of Responsibility.—The transition of these satellite systems from NASA to NOAA will occur at the ground station level, when the satellites have successfully launched into orbit and completed positive system checks. Leading up to this transition, NASA shall oversee the ground station procurement, with NOAA directly participating in data system testing for the purposes of seamlessly integrating new data into its data pipeline. The Committee directs the Office of Science and Technology Policy to work with OMB to provide recommendations on delineating the proper breakout of funding between NOAA and NASA with the fiscal year 2014 budget request.

AERONAUTICS

Appropriations, 2012	$569,900,000
Budget estimate, 2013	551,500,000
Committee recommendation	551,500,000

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. The Committee supports advanced materials research that can improve aircraft safety.

The Committee is disappointed in the cuts to NASA's hypersonics research program and expects to be informed as NASA seeks other Federal partners to support its world-leading research in this area. The Committee expects, within 30 days of enactment of this act, to receive a report on how NASA plans to maintain this hypersonics research expertise either with NASA funds or through collaboration with other agencies.

SPACE TECHNOLOGY

Appropriations, 2012	$575,000,000
Budget estimate, 2013	699,000,000
Committee recommendation	651,000,000

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	173,700
Partnership Development and Strategic Integration	29,500
Crosscutting Space Technology	245,800
Exploration Technology	202,000
TOTAL	651,000

Within Space Technology, the Committee prioritizes funding for ongoing activities including the Flight Opportunities Program. Within Crosscutting Space Technology, the Committee encourages NASA to prioritize ongoing efforts funded in fiscal year 2012. The Committee recommends Space Technology continue to fund satellite servicing at the fiscal year 2012 level. This funding will contribute to the planned competitive demonstration mission and shall be managed by the Space Operations mission directorate.

The Committee recognizes the importance of the SBIR program and its previous success in commercialization from federally funded research and development projects. The SBIR program encourages domestic small business to engage in Federal research and development and creates jobs in the smallest firms. The Committee recognizes that, for the past 3 years, NASA has awarded more than 75 percent of Phase 1 SBIR awards to firms of less than 50 employees, and encourages NASA to continue this level of investment, consistent with the SBIR competitive process.

Given the significant budget challenges facing NASA, the Committee encourages NASA to focus advanced exploration system resources on technology commercialization. Existing NASA technologies in space energy systems have terrestrial applications, including developments in solar and thermal systems. The Committee encourages Research Centers to develop or continue part-

nerships with state and local governments, nonprofit organizations, institutions of higher education, and private corporations to commercialize existing NASA technologies.

EXPLORATION

Appropriations, 2012	$3,770,800,000
Budget estimate, 2013	3,932,800,000
Committee recommendation	3,908,900,000

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 regardless of the acquisition model used.

The Committee 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 continue 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.

In its annual report for 2011, the Aerospace Safety Advisory Panel [ASAP] notes that NASA's new methods to set safety standards for human spaceflight allow NASA to permit riskier operations. For example, the requirement for probability of a loss of crew on the ISS has changed from 1 in 1,000 to 1 in 270—less than one-third as safe as the old standard. "The ASAP continues to recommend that NASA reconsider its criteria for future human spaceflight." The Committee considers astronaut safety its highest priority and directs NASA to report on the agency's plan to ensure NASA's safety standards improve rather than slip as NASA develops new vehicles and begins to purchase crew transportation services from commercial providers.

EXPLORATION

[In thousands of dollars]

	Committee recommendation
Exploration Research and Development	308,000
Commercial Space Flight	525,000
Orion Multipurpose Crew Vehicle	1,200,000
Heavy Lift Launch Vehicle System	1,481,900
Exploration Ground Systems	394,000
TOTAL	3,908,900

Heavy Lift Launch Vehicle.—The Committee provides $1,481,900,000 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 $10,000,000,000 through fiscal year 2017, as evaluated by the Independent Cost Analysis [ICA]. Within 60 days of enactment, NASA shall update its previous 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 Committee is encouraged by NASA's plans for a test-flight of Orion in 2014. The program shall be managed under a strict cost cap of $6,000,000,000 through fiscal year 2017, as evaluated by the ICA. Within 60 days of enactment, NASA shall update its previous 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.

Exploration Ground Systems.—The Committee provides $394,000,000 for Exploration Ground Systems. The Committee appreciates NASA identifying ground operations related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system

separately from the funding to develop those systems. The program shall be managed under a strict cost cap of $2,000,000,000 through fiscal year 2017, as evaluated by the ICA. Within 60 days of enactment, NASA shall report to the Committee on planned milestones, expected performance, planned testing program, and deliverables for the exploration ground systems program. As part of this report, NASA shall evaluate the preceding cost cap and validate the cap or provide a validated and viable alternative. 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 recommends $525,000,000 for commercial crew activities. 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. NASA must have reliable U.S. transportation to the ISS.

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 intends to use funds provided for commercial spaceflight to fund Space Act agreements intended to result in the design of multiple, end-to-end crew transportation systems. Within the funds available, NASA should strive to ensure that multiple competitors remain, but should also be mindful that, faced with a stagnant future budget, NASA should not take on obligations to more companies than can be practically supported. It is vital that NASA wisely invest available funds in companies that agree to adhere to NASA's safety guidelines. The Committee shares concern expressed by the ASAP, the OIG, and others that Space Act agreements may not give NASA sufficient oversight to correct safety defects. NASA has assured the Committee that any subsequent phase of the commercial crew program will be awarded as a contract under the Federal Acquisition Regulations [FAR]. The Committee directs NASA to only place astronauts on a commercial crew vehicle that NASA acquired under a contract that allows NASA to require the company to meet all safety requirements. The Committee encourages NASA to continue working closely with commercial companies, even under Space Act agreements, so that those companies know what will be acceptable should NASA eventually contract for crew transportation services aboard those companies' vehicles.

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. NASA is directed to continue efforts to ensure both competitors launch this calendar year. The Committee notes that funding is provided in Space Operations to procure cargo launch services.

SPACE OPERATIONS

Appropriations, 2012	$4,233,600,000
Budget estimate, 2013	4,013,200,000
Committee recommendation	3,961,700,000

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	70,000
International Space Station	2,957,600
Space and Flight Support	893,000
21st Century Launch Complex	41,100
TOTAL	3,961,700

Space Shuttle.—The Committee provides $70,000,000 for Space Shuttle to continue transition and retirement activities.

Satellite Servicing.—Within the amounts provided, $50,000,000 shall be to continue development of a flight robotic servicing capability for servicing satellites in geosynchronous Earth orbits, as well as in low-Earth orbits. This effort is a continuation of the flight development effort funded in fiscal year 2012 and shall include the capability to service other Government satellites operated by NOAA, Department of Defense, and other agencies. NASA shall seek a U.S. commercial partner in the support of the initial mission, so as to foster the creation of a follow-on commercial satellite servicing capability that meets the needs of both the commercial and government sectors. These funds will be augmented by existing Space Technology funds for these activities. Space Operations shall be responsible for the overall direction and management of all agency satellite servicing activities and funds.

International Space Station.—The Committee has provided $2,957,600,000 for the ISS Program, which includes ISS Operations, ISS Research, 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 $41,100,000 for the 21st Century Launch Com-

plex. 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 system. 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 an updated 5-year plan for this funding within 60 days of the date of enactment of this act that includes all NASA-owned flight facilities.

EDUCATION

Appropriations, 2012	$138,400,000
Budget estimate, 2013	100,000,000
Committee recommendation	125,000,000

The Committee provides $125,000,000 for Education, which is $13,400,000 below the fiscal year 2012 level and $25,000,000 above the budget 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	40,000
Experimental Program to Stimulate Competitive Research	18,000
Minority University Research and Education Program	30,000
NASA Visitors Centers	10,000
STEM Education and Accountability Projects	27,000
TOTAL	125,000

Once again in developing its fiscal year 2013 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.

The Committee is concerned with potential duplication of Federal STEM education efforts and encourages NASA to ensure its education programs are fully evaluated for effectiveness and to exploit NASA's unique potential to reach students through space and aeronautics without duplicating other efforts. The Committee applauds NASA's efforts to augment evaluation and encourages NASA to fully participate in OSTP-led efforts to ensure STEM education programs are efficient, effective, and coordinated.

NASA Space Grant.—The Committee is disappointed at NASA efforts to hold back funds appropriated for NASA Space Grant and directs that within the $40,000,000 provided for Space Grant, NASA fund 42 States or jurisdictions at $790,000 and 10 States or jurisdictions at $620,000. NASA's administrative fee is limited to $620,000.

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.

CROSS-AGENCY SUPPORT

Appropriations, 2012	$2,995,000,000
Budget estimate, 2013	2,847,500,000
Committee recommendation	2,822,500,000

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.

Cybersecurity.—According to the NASA OIG, "NASA spends more than $1,500,000,000 annually on its IT-related activities, including approximately $58,000,000 for IT security." Despite this spending, the OIG revealed that NASA suffered more than 5,000 cyber attacks in 2010 and 2011. Control of NASA's IT assets is diffuse, leaving NASA's chief information officer without adequate authority to mandate IT security practices. One example of these suboptimal IT security practices is NASA's laptop computers. While these computers often carry important control protocols, only 1 percent of NASA laptops are encrypted, compared to a Government-wide average of 54 percent. Cybersecurity has been identified as one of NASA's top management challenges by the OIG. Within 60 days of the date of enactment of this act, NASA shall report to the Committee on specific actions it will take to improve IT security, with particular focus on IT-security governance, a defect identified by the OIG. NASA shall also submit these actions to the OIG for an evaluation of whether these actions meet the recommendations of the OIG and have the potential to remove cybersecurity from the top management challenges list.

NASA Supplemental Classification System [NSCS].—Within funds provided, NASA shall use $500,000 to contract with an orga-

nization or other Government agency with expertise in laws governing the Federal civil service to review NASA's NSCS to analyze whether reclassifications of professional administrative employees that have resulted in jobs being reclassified as exempt under the Fair Labor Standards Act [FLSA] or as being excluded from an existing bargaining unit meet the requirements of FLSA and Federal civil service law, regulation, and policy. The analysis should focus on reclassifications within the last 4 years. Within 180 days of enactment of this act, NASA shall return any employees filling improperly reclassified positions to bargaining unit status, using the results of the analysis. If the analysis is not complete, NASA shall return all employees filling reclassified positions described above to bargaining unit status pending the outcome of the review. Any such future reclassifications shall clearly detail the specific job duties that have resulted in the job being reclassified.

Employee Performance Communications System [ECPS].—The Committee is awaiting the results of GAO's assessment of NASA's EPCS. GAO's pending assessment should not be used as an impediment to performance system reforms that result in increased accountability and fairness for NASA employees.

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 2008.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriations, 2012	[1] $390,000,000
Budget estimate, 2013	619,200,000
Committee recommendation	679,000,000

[1] Does not include $101,500,000 transferred from Space Operations and Exploration in fiscal year 2012.

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 (CoF)	619,000
Institutional CoF	(350,200)
Science CoF	(3,200)
Exploration CoF	(243,700)
Space Operations CoF	(21,900)
Environmental Compliance and Restoration	60,000
Total, Construction and Environmental Compliance and Restoration	679,000

Funding for Construction.—The Committee appreciates NASA requesting funds for construction related to the 21st Century Launch Complex, the Orion Multipurpose Crew Vehicle, the heavy lift launch vehicle system, and Exploration Ground Systems within

this account. However, NASA still seems to have emerging construction needs, including those related to test facilities, that necessitate updates to the construction priorities list subsequent to the budget submission.

The Committee provides NASA an additional $100,000,000 for Exploration Construction of Facilities to be used for test facilities related to the heavy lift launch vehicle system. The Committee understands that NASA's requirement for these facilities is still being analyzed and that the full cost may exceed the funds provided herein. While the Committee is sympathetic to emerging needs, fiscal year 2013 represents the third budget year for these programs, and therefore, the Committee expects NASA to have a well developed and consistent construction plan related to these vehicles and ground and test facilities articulated in the fiscal year 2014 budget request.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2012	$37,300,000
Budget estimate, 2013	37,000,000
Committee recommendation	37,800,000

The Committee recommendation provides $37,800,000 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 537 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.

Use of Space Act Agreements.—The Committee is concerned that NASA's current process by which Space Act agreements are entered into do not follow the guidelines set forth in NASA Policy Directive 1050.1I. This directive 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 asked NASA to follow these guidelines for future rounds of commercial crew competitions and acquisitions in order to preserve critical NASA oversight of Federal funds provided for spacecraft and launch vehicle development. NASA has chosen to use Space Act agreements. The Committee requests that the Inspector General conduct a review and report to the Committee, no less than 45 days from enactment, on NASA's use of Space Act agreements, including recommendations for implementation by which NASA can remain in compliance with its own directives. For the purposes of the review, guidance provided by the

Office of General Counsel and the Budget Office shall be reviewed for consistency with NASA's policy directive. The review shall include agreements currently in place, in process, and those proposed for future procurement by NASA.

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 NASA spending plan for fiscal year 2013, and the availability of enhanced use leasing funds.

NATIONAL SCIENCE FOUNDATION

Appropriations, 2012	$7,033,095,000
Budget estimate, 2013	7,373,100,000
Committee recommendation	7,273,100,000

The Committee's recommendation provides $7,273,100,000 for the National Science Foundation [NSF]. The recommendation is $240,005,000 above the fiscal year 2012 enacted level and $100,000,000 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.

In order to achieve these lofty goals, NSF must rely on its employees to ensure fairness and integrity in the merit review process, to provide support and oversight to grantees, and to soundly manage NSF's investments so that taxpayers get value for the dollar. The NSF OIG can and should be a partner in ensuring that NSF's management of its funds matches the world-class status of its science. The Committee is, therefore, disappointed in NSF management responses to NSF OIG reports. For example, NSF's response to a March 16, 2012, OIG report on NSF's Independent Research and Development Program was to "welcome the recommendations" seeing them as "valuable" and to agree "additional steps" were needed. NSF vowed to "reevaluate" and "explore" two specific recommendations, but no action plan was articulated, nor

did NSF management articulate a schedule for responding more proactively.

The OIG identified this lack of follow through and implementation in its March 2011 report on improving workforce management. The report describes recommendations made by workforce committees that resulted in no action because no official seemed to have both the will and the authority to implement them. OIG went on to say: "Absent such authority, it is far too easy for the 'paralysis of analysis' to set in and inhibit much-needed progress." The OIG has also made meritorious recommendations on NSF management of wireless devices, on contract administration, and on the treatment of contingency funding within NSF's Major Research Equipment and Facilities Construction [MREFC] account. The Committee directs NSF to provide, within 30 days of the enactment of this act, a report listing every outstanding OIG recommendation, NSF's strategy for implementation of the recommendation, any interim progress, expected date of completion, and the official responsible for implementing the recommendation. This report should be updated monthly. In addition, the Committee expects future NSF responses to OIG reports to include more robust and specific responses.

With regard to workforce management, NSF has fallen from the Federal Government's 2nd best place to work in 2005 to 5th among small agencies in 2009 to 18th among small agencies in 2011, according to the Partnership for Public Service's Best Places to Work. Rather than treating this as a cause for alarm, NSF continues to drag its feet on workplace management issues, as noted above. In its report delivered to the Committee on April 5, 2012, NSF outlined the inclusion of workforce management sub-goals in its performance plan as evidence that NSF is committed to addressing workforce management issues. However, the report failed to detail for each of the more than 100 recommendations analyzed by the OIG when or if NSF intends to implement the recommendation, the schedule, and the senior responsible official for implementation. NSF shall deliver an update to the report within 15 days of the enactment of this act providing such information for each of the specific recommendations, including those already implemented.

Within 30 days of the enactment of this act, NSF shall deliver a report to the Committee outlining the number of positions staffed under the Intergovernmental Personnel Act [IPA] for each year since fiscal year 2008. The report should include the number of IPA personnel in management positions, along with the percentage of management and senior management positions held by IPA personnel for each year. The report should also include the number and percentage of management and senior management positions that came open during each of those years that were filled by IPA personnel, by career civil servants, and by other personnel arrangements. Statistics on associate director and higher positions should be reported both within the total and as a separate category.

The Committee reiterates its long-standing requirement that NSF submit 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 achieving their goals. The Committee accepts NSF's proposal for 11 cuts and consolidations totaling $67,000,000 in savings from the fiscal year 2012 level, including elimination of three Computer and Information Science and Engineering Research programs; termination of the Cyber-enabled Discovery and Innovation [CDI] program; elimination of four Mathematics and Physical Sciences Research programs; reduced funding for Nanoscale Science and Engineering Centers [NSECs]; and elimination of two duplicative public outreach programs.

RESEARCH AND RELATED ACTIVITIES

Appropriations, 2012	$5,719,000,000
Budget estimate, 2013	5,983,280,000
Committee recommendation	5,883,280,000

The Committee's recommendation provides $5,883,280,000. The recommendation is $164,280,000 above the fiscal year 2012 enacted level and $100,000,000 below the budget request.

The Research and Related Activities [R&RA] 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 R&RA account includes: 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 2013 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. However, the Foundation has chosen, in its budget request, to prioritize new initiatives while cutting support for core, merit-based science grants and for scientific infrastructure like ships and facilities. The seven "OneNSF" framework priority activities have grown nearly fivefold from $166,750,000 in fiscal year 2011 to $807,100,000 in the fiscal year 2013 request. While the Committee supports these multi-disciplinary initiatives, it cannot do so by cutting NSF's core programs. The Committee directs that the $100,000,000 reduction below the fiscal year 2013 request level for R&RA be taken from the proposed $290,850,000 increases in OneNSF initiatives and not from core NSF program or infrastructure funding. The Committee urges NSF to reconsider cuts to key scientific infrastructure when

delivering its spending plan by further reducing proposed increases for OneNSF initiatives.

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.

Astronomy.—The Committee recommends the full budget request of $244,550,000 for astronomical sciences in fiscal year 2013, of which $161,890,000 shall be used for infrastructure. The additional funds should be applied within astronomical infrastructure so that all existing observatories receive not less than 98 percent of the higher of their fiscal year 2011 or fiscal year 2012 funding level as specified in the congressional justification for fiscal year 2013. The research resources line is funded at the budget request as is pre-construction planning. No funds should be applied to the Telescope System Instrumentation Program. Research investment in the EARS program from astronomy should be reduced on a dollar-for-dollar basis from the level proposed in the budget request. Funding for EARS will be considered from non-astronomical division sources if the Foundation seeks a reprogramming in the fiscal year 2013 spending plan.

The Committee notes that the Foundation has proposed a wide-ranging review of the portfolio for investments in astronomy including optical astronomy facilities, radio astronomy facilities, and individual investigator grants. Although the overall budget request level for fiscal year 2013 proposed an increase for NSF of 4.8 percent over fiscal year 2012, astronomy infrastructure was proposed to be held constant in the fiscal year 2013 request. The Committee intends to review any proposed restructuring of the portfolio for astronomy to ensure balance among the competing programs, and that core infrastructure capabilities needed to preserve U.S. leadership and broad access for the community are preserved.

The Committee welcomes the line item identification of pre-construction funds for future major MREFC projects, including the Large Synoptic Survey Telescope, the astrophysics decadal survey's top ranked ground-based priority in the coming decade. This joint NSF-Department of Energy project will provide unprecedented views of the changing sky and will drive key advances in cyber-infrastructure and large-volume data management. The Committee provides funding at the request level in order to make progress towards a potential new start in a subsequent year, subject to the project meeting the necessary conditions for such action.

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 $161,000,000 for cybersecurity research, including $57,000,000 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 $158,000,000 for EPSCoR, an amount that is $19,000 less than the fiscal year 2013 request.

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 but is concerned this amount may not be adequate to support needed design work for planned acquisition of three regional class vessels.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriations, 2012	$167,055,000
Budget estimate, 2013	196,170,000
Committee recommendation	196,170,000

The Committee's recommendation provides $196,170,000. The recommendation is $29,115,000 above the fiscal year 2012 enacted level and the same as 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 Advanced Technology Solar Telescope [ATST]; the Ocean Observatories Initiative [OOI]; and the National Ecological Observatory Network [NEON]. It represents the completion of funding for construction of the Atacama Large Millimeter Array [ALMA].

EDUCATION AND HUMAN RESOURCES

Appropriations, 2012	$829,000,000
Budget estimate, 2013	875,610,000
Committee recommendation	875,610,000

The Committee's recommendation provides $875,610,000. The recommendation is $46,610,000 above the fiscal year 2012 enacted level and the same as 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.

Advanced Technological Education.—The Committee supports the full request level of $64,000,000 for Advanced Technological Education.

Robert Noyce Scholarship Program.—The Committee has provided the fiscal year 2012 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 cybersecurity 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 $5,000,000 of the additional amount should be used to include community colleges that have been designated a Center of Academic Excellence in Information Assurance 2-Year Education [CAE2Y] by the National Security Agency and the Department of Homeland Security.

Informal Science Education.—The Committee maintains its strong support for NSF's informal science education program and rejects the proposed cut to Advancing Informal STEM Learning [AISL], formerly known as Informal Science Education. 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 invest AISL funds in the design, development, and implementation of models, resources, and public engagement programs for STEM learning. Such proposals could use a broad range of communication formats and experiences, such as mobile and broadcast media, virtual learning environments, exhibitions, TV, radio, films, citizen science, science festivals, and out-of-school programs. Research funded by the AISL program should advance an informal learning infrastructure that deepens student, teacher, and public STEM expertise.

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.

Broadening Participation.—The Committee continues its longstanding support for existing initiatives to broaden participation in STEM fields and recognizes these programs have different purposes and engage students in a different manner. The Committee notes support for these programs has stagnated in spite of increases to the overall NSF budget. The Committee recommends $33,000,000 for the Historically Black Colleges and Universities Undergraduate Program, $45,750,000 for the Louis Stokes Alliances for Minority Participation, $13,350,000 for the Tribal Colleges and Universities Program, and $25,000,000 for Centers for Research Excellence in Science and Technology. In proposal selection, the Committee encourages NSF to give priority to grant pro-

posals that have demonstrated maturity, including previous partnerships with other Federal agencies.

The Committee is also committed to growing the STEM workforce by attracting broader participation from all underrepresented groups in STEM fields. The Committee directs NSF to maintain Research in Disabilities Education [RDE] and Research on Gender in Science and Engineering [GSE] as separate programs at the fiscal year 2012 enacted level.

AGENCY OPERATIONS AND AWARD MANAGEMENT

Appropriations, 2012	$299,400,000
Budget estimate, 2013	299,400,000
Committee recommendation	299,400,000

The Committee's recommendation provides $299,400,000. The recommendation is the same as the fiscal year 2012 enacted level and the budget request.

The appropriation provides salaries and expenses 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.

OFFICE OF THE NATIONAL SCIENCE BOARD

Appropriations, 2012	$4,440,000
Budget estimate, 2013	4,440,000
Committee recommendation	4,440,000

The Committee recommendation provides $4,440,000. The recommendation is the same as the fiscal year 2012 enacted level and 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.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2012	$14,200,000
Budget estimate, 2013	14,200,000
Committee recommendation	14,200,000

The Committee recommendation provides $14,200,000. The recommendation is the same as the fiscal year 2012 enacted level and 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.

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, 2012	$9,193,000
Budget estimate, 2013	9,400,000
Committee recommendation	9,400,000

The Committee's recommendation provides $9,400,000 for the salaries and expenses of the Commission on Civil Rights. The recommendation is $207,000 above the fiscal year 2012 enacted level and equal to 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, in fiscal year 2012 the Congress established an inspector general [IG] for the Commission and provided that the post be filled by the individual holding the position of IG at the Government Accountability Office [GAO]. 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 $250,000, is provided by transfer directly to the GAO IG as requested in the budget.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2012	$360,000,000
Budget estimate, 2013	373,711,000
Committee recommendation	373,711,000

The Equal Employment Opportunity Commission [EEOC] is the leading Federal 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 $373,711,000 for EEOC salaries and expenses. This is $13,711,000 above the fiscal year 2012 enacted level, and equal to the request. This funding will support the progress made by EEOC to slow dramatically the

growth of backlogged, unresolved discrimination charges by 10 percent at the end of 2011 with 78,136 charges pending. This is the first significant decline in the inventory level in 10 years, which EEOC achieved by hiring investigators, attorneys and other frontline 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 99,947 charges filed in 2011.

The EEOC anticipates roughly 98,000 discrimination charges will be filed by the end of fiscal year 2013, with the goal of having an estimated 74,425 end-of-year pending cases. The Committee expects the EEOC to meet this goal given the increase in resources provided in the recommendation.

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 of positions of frontline mission critical staff that have the biggest impact on case resolutions and to reduce 9-month case processing delays. 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.—The conference report to accompany the Consolidated and Further Continuing Appropriations Act, 2012, incorporated by reference the Senate-passed bill's language directing EEOC to submit to the Committee a report detailing the Commission's views on 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. However, neither the EEOC's Draft Strategic Plan nor the EEOC's fiscal year 2013 congressional budget justification referenced the Full Service Intake Plan. Therefore, the Committee reiterates its direction to EEOC to submit a report detailing its views on this model to the Committee within 60 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. The Committee is concerned by the lack of subpoena authority and resurrection of the "Fast Track" proposal in EEOC's Draft Strategic Plan, which may threaten full and fair hearings, including discovery, for Federal employees before independent Administrative Judges [AJs]. Therefore, the EEOC shall submit to the Committee within 60 days of the enactment of this act an implementation plan for the new Federal sector hearing process, including background on the need for these changes, the proposed implementation schedule, and an analysis of the potential impact, both positive and negative, on the ability of Federal employees to get a full and fair hearing under the track system.

Guidance on Criminal Background and Credit Checks.—The Committee notes that EEOC's litigation activities have received rebuke from Federal Courts in the Fifth and Eighth Circuits, including the extraordinary reprimand of awarding $4,400,000 in attorney fees against EEOC. The Committee is also concerned about

EEOC's plans to issue new guidance on the use of criminal and credit background checks in the employment context that may limit the ability of conscientious employers to hire with confidence and create conflict with Federal and State laws. Therefore, the Committee urges EEOC to use litigation resources more wisely by operating within the bounds of the law, and directs that stakeholders be engaged in discussion about the intended changes to background check guidance, and that new guidance on the use of criminal background checks and credit checks be circulated for public input at least 6 months before adoption.

Implementing Efficiencies and Cost Savings.—The Committee encourages the EEOC to seriously review proposals that may increase efficiencies and generate cost savings, which in turn may improve services provided to the public. Such proposals include a cost efficient full service intake plan, redeploying staff to the frontline, and using voluntary telework.

State and Local Enforcement Assistance.—The Committee recommends $30,000,000 to assist State and local enforcement agencies. This will ensure that EEOC provides adequate resources to its State partners.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2012	$80,000,000
Budget estimate, 2013	82,800,000
Committee recommendation	82,800,000

The Committee's recommendation provides $82,800,000. The recommendation is $2,800,000 above the fiscal year 2012 level and is the same as 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 related to United States international trade policy.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Appropriations, 2012	$348,000,000
Budget estimate, 2013	402,000,000
Committee recommendation	402,000,000

The Committee's recommendation provides $402,000,000 for payment to the Legal Services Corporation [LSC]. The recommendation is $54,000,000 above the fiscal year 2012 enacted level, and equal to the budget request.

The Committee's recommendation provides the full request of $376,800,000 for basic field programs, to be used for competitively awarded grants and contracts; $17,000,000 for management and administration; $3,000,000 for client self-help and information technology; $4,200,000 for the Office of the Inspector General [OIG]; and $1,000,000 for loan repayment assistance.

Headquarters Management.—The Committee is concerned about LSC headquarters' efforts to incite stakeholders into actively lobbying Congress on budget issues with Federal dollars appropriated

to headquarters. The Committee feels that the funding expended in these efforts may be better used towards providing services to those in need of LSC counseling in the field. The Committee directs LSC to re-examine its headquarters' structure and identify areas of duplication for consolidation or elimination in an effort to provide a more efficient and cost-saving structure, and sending more funding to those in the field in need of LSC services. LSC is to report these findings to the Committee within 90 days of enactment of this act.

Governance and Management.—Continuing governance and management problems 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.

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

ADMINISTRATIVE PROVISION—LEGAL SERVICE CORPORATION

The Committee's 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.). 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, representation of prisoners, and class action suits; 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.

Unauthorized Uses of Funds.—The Committee encourages the Inspector General of the LSC to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The Committee also recommends the removal of funds from any LSC grantee determined by the Inspector General to have engaged in political activity.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

Appropriations, 2012	$3,025,000
Budget estimate, 2013	3,081,000
Committee recommendation	3,081,000

The Committee recommendation provides $3,081,000. The recommendation is $56,000 above the fiscal year 2012 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.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

Appropriations, 2012	$51,251,000
Budget estimate, 2013	53,041,000
Committee recommendation	53,041,000

The Committee's recommendation provides $53,041,000 for the Office of the United States Trade Representative [USTR]. The recommendation is $1,790,000 above the fiscal year 2012 level and is the same as 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. The Committee's recommendation supports the administration's request for the Interagency Trade Enforcement Center.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

Appropriations, 2012	$5,121,000
Budget estimate, 2013	5,121,000
Committee recommendation	5,121,000

The Committee's recommendation provides $5,121,000 for the State Justice Institute. The recommendation is equal to both the fiscal year 2012 enacted level and the budget request.

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

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

The Committee recommends the following general provisions for the departments, agencies and commissions funded in the accompanying bill. Each of these provisions was included in the fiscal year 2012 act.

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

Section 507 requires agencies to provide quarterly reports to the Appropriations Committees regarding unobligated balances.

Section 508 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 509 limits funds for the sale or export of tobacco or tobacco products.

Section 510 stipulates obligation of receipts available under the Crime Victims Fund.

Section 511 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 512 limits transfers of funds between agencies.

Section 513 provides that funding for E-government initiatives are subject to reprogramming guidelines established by this act.

Section 514 specifies requirements for certain firearms tracing studies.

Section 515 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 516 prohibits funds for information technology acquisitions unless the acquiring department or agency has assessed the risk of cyber-espionage or sabotage.

Section 517 prohibits the use of funds to support or justify the use of torture.

Section 518 limits funds pertaining to certain activities related to the export of firearms.

Section 519 limits funds to process permits to import certain products.

Section 520 prohibits funds for activities that seek to include certain language in new trade agreements.

Section 521 prohibits funds to authorize a national security letter in contravention of the statutes authorizing the FBI to issue national security letters.

Section 522 requires notification to the Committees in the event of cost overruns.

Section 523 authorizes funds appropriated for intelligence activities for the Department of Justice during fiscal year 2013 until the enactment of the Intelligence Authorization Act for Fiscal Year 2013.

Section 524 directs the departments, agencies, and commissions funded under this act to establish and maintain on the homepages of their Internet Web sites a link to their Offices of Inspectors General and a method by which individuals may anonymously report cases of waste, fraud, or abuse.

Section 525 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 526 specifies rescissions of prior appropriations.

Section 527 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 528 prohibits the use of funds to purchase first class or premium airline travel in contravention of current regulations.

Section 529 prohibits the use of funds to pay for the attendance of more than 50 employees at any single conference outside the United States.

Section 530 prohibits the use of funds in this or any other act for the transfer or release of certain individuals detained at Naval Station, Guantánamo Bay, Cuba, to or within the United States, its territories or possessions.

Section 531 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, Guantánamo Bay, Cuba for the purposes of detention or imprisonment in the custody or control of the Department of Defense.

Section 532 prohibits funds to the Association of Community Organizations for Reform Now [ACORN] and its subsidiaries.

Section 533 requires, when practicable, the use of "Energy Star" or "Federal Energy Management Program" designated light bulbs.

Section 534 requires agencies funded in this act to report on undisbursed balances.

Section 535 prohibits the use of funds to relocate the Bureau of Census or employees to the Executive Office of the President.

Section 536 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 45 days of enactment of this act.

Section 537 requires agencies to report conference spending to the Inspectors General.

Section 538 prohibits funds made available by this act from being used to deny the importation of certain shotgun models.

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 prohibits funds made available by this act from being used for contract, memorandum of understanding, cooperative agreement, grant, or loan activities if the proposed recipient has been convicted of a felony criminal violation.

Section 541 prohibits funds made available by this act from being used for contract, memorandum of understanding, cooperative agreement, grant, or loan activities if the proposed recipient has unpaid Federal tax liabilities.

Section 542 specifies reporting requirements regarding vehicle fleets for all agencies and departments funded by this act.

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 is filing an original bill, which is not covered under this rule, but reports this information in the spirit of full disclosure.

The Committee recommends funding for the following programs or activities that currently lack an authorization for fiscal year 2013, either in whole or in part, and therefore fall under this rule:

APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2013

Agency/program	Last year of authorization
Department of Commerce:	
International Trade Administration:	
Export Promotion	2012
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
Hydrographic Services	2012
Coastal Zone Management	1999
Marine Protection, Research, Preservation & Sanctuaries	2005
Estuary Restoration	2012
National Marine Fisheries Services:	
Endangered Species Act Amendment	1992
Interjurisdictional Fisheries	2012
Marine Mammal Protection	1999
NOAA Marine Fisheries Program	2000
Oceanic and Atmospheric Research:	
Federal Ocean Acidification Research and Monitoring	2012
National Integrated Drought Information System	2012
National Weather Service:	
Tsunami Warning and Education	2012
Pacific Coastal Salmon Recovery	2012
Department of Justice:	
General Administration:	
Salaries and Expenses	2009
Justice Information Sharing Technology	2009
Administrative Review & Appeals:	
Salaries and Expenses	2009
Office of Inspector General:	
Salaries and Expenses	2009

APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2013—Continued

Agency/program	Last year of authorization
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
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
Federal Prison Detention	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
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
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
Family Civil Justice Program	N/A
Education & Training for Disabled Female Victims	2011
Research on Violence Against Indian Women	2008
Consolidated Youth-oriented Program	N/A
National Resource Center on Workplace Responses	2011
Indian Country—Sexual Assault Clearinghouse	N/A
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
Justice For All Act/DNA and Forensics (including NIST/OLES)	1995; 2009
State and local law enforcement assistance:	
Byrne Memorial Justice Assistance Grants	2012
SLATT Intelligence State and Local Training	N/A
State and Local Assistance Help Desk/Diagnostic Center	N/A
VALOR Initiative	N/A
Criminal Justice Reform and Recidivism Efforts	N/A

APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2013—Continued

Agency/program	Last year of authorization
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
Drug Courts	2008
Mental Health Courts	2014
Residential Substance Abuse Treatment	2000
Capital Litigation/Wrongful Prosecution Review	2009
Economic, High-tech and Cybercrime Prevention	N/A
John R. Justice Grants	N/A
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
CASA—Special Advocates	2011
NICS	2013
Criminal Records Upgrade	2007
Paul Coverdell Forensic Science	2011
DNA Analysis/Other Forensics	2014
Child Sexual Predator program (for grants under SOMA [42 U.S.C. 16926(d)])	2009
Second Chance Act/Prisoner Reentry	2010
Smart Probation	N/A
Indian Programs:	
Tribal Courts	2004
Alcohol and Substance Abuse	N/A
Indian Prison Grants	2000
Training/TA Civil and Criminal Legal Assistance	N/A
DNA/Other Forensics:	
Kirk Bloodsworth post-conviction DNA testing	2009
Sexual Assault Nurse Examiners Program	2009
DNA Analysis and Capacity Enhancement/Debbie Smith Act	N/A; 2014
National Sex Offender Public Web site	N/A
Juvenile Justice Programs:	
Juvenile Justice State Formula Grants	2007
Emergency Planning—Juvenile Detention Facilities	N/A
Juvenile Accountability Block Grants	2009
Enforcing Underage Drinking Laws	2007
Juvenile Justice Youth Mentoring Grants	N/A
Community-Based Violence Prevention Initiative	N/A
Investigation and Prosecution of Child Abuse	2005
Missing and Exploited Children programs	2004; 2013
National Forum on Youth Violence Prevention	N/A
Title V JJDPA Incentive Grants	2008
COPS Programs:	
Methamphetamine Lab Cleanups	N/A
Transfer to DEA	N/A
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 April 19, 2012, the Committee ordered favorably reported en bloc an original bill (S. 2323) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes, and reported an original bill (S. 2322) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, provided, that each bill be subject to further amendment and that each bill be consistent with its spending allocations, by a recorded vote of 28–1, 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. 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 thereof 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.

CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012, PUBLIC LAW 112–55

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF COMMERCE

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(RESCISSION)

SEC. 113. (a) * * *
(b) * * *

* * * * * * *

(c) Subsection (a) shall remain in effect until the earlier of December 31, [2012] *2013*, or such time as—

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 sec-

tion as a "recipient") *that uses Federal funds (or funds from any source with regard to paragraphs (7), (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 2013: Subcommittee on Commerce, Justice, Science, and Related Agencies:				
Mandatory	328	328	358	[1] 358
Discretionary	51,862	51,862	63,445	[1] 63,395
Security	4,850	4,850	NA	NA
Nonsecurity	47,012	47,012	NA	NA
Projections of outlays associated with the recommendation:				
2013	.....	.....	.....	[2] 38,597
2014	.....	.....	.....	14,162
2015	.....	.....	.....	3,651
2016	.....	.....	.....	1,630
2017 and future years	.....	.....	.....	3,111
Financial assistance to State and local governments for 2013	NA	−5,949	NA	−119

[1] Includes outlays from prior-year budget authority.
[2] Excludes outlays from prior-year budget authority.
NA: Not applicable.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2012 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2013

[In thousands of dollars]

Item	2012 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2012 appropriation	Budget estimate
TITLE I—DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	465,000	526,439	496,439	+31,439	−30,000
Offsetting fee collections	−9,439	−9,439	−9,439	.....	.....
Direct appropriation	455,561	517,000	487,000	+31,439	−30,000
Bureau of Industry and Security					
Operations and administration	69,721	68,049	68,049	−1,672	.....
Defense function	31,279	34,279	34,279	+3,000	.....
Total, Bureau of Industry and Security	101,000	102,328	102,328	+1,328	.....
Economic Development Administration					
Economic Development Assistance Programs	220,000	182,000	200,000	−20,000	+18,000
Disaster relief category	200,000	.....	.....	−200,000	.....
Subtotal	420,000	182,000	200,000	−220,000	+18,000
Salaries and expenses	37,500	37,719	37,719	+219	.....
Total, Economic Development Administration	457,500	219,719	237,719	−219,781	+18,000
Minority Business Development Agency					
Minority Business Development	30,339	28,689	28,689	−1,650	.....
Economic and Statistical Analysis					
Salaries and expenses	96,000	100,269	100,269	+4,269	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2012 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2013—Continued

[In thousands of dollars]

Item	2012 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2012 appropriation	Budget estimate
Bureau of the Census					
Salaries and expenses	253,336	259,175	259,175	+5,839	.....
Periodic censuses and programs	635,000	711,250	694,250	+59,250	−17,000
Total, Bureau of the Census	888,336	970,425	953,425	+65,089	−17,000
National Telecommunications and Information Administration					
Salaries and expenses	45,568	46,925	46,925	+1,357	.....
United States Patent and Trademark Office					
Salaries and expenses, current year fee funding	2,678,000	2,933,241	2,933,241	+255,241	.....
Offsetting fee collections	−2,678,000	−2,933,241	−2,933,241	−255,241	.....
Total, United States Patent and Trademark Office	.....	.....	.....	.....	.....
National Institute of Standards and Technology					
Scientific and Technical Research and Services	567,000	648,000	623,000	+56,000	−25,000
Industrial Technology Services	128,443	149,000	143,000	+14,557	−6,000
Manufacturing extension partnerships	(128,443)	(128,000)	(128,500)	(+57)	(+500)
Advanced manufacturing technology consortia	.....	(21,000)	(14,500)	(+14,500)	(−6,500)
Construction of research facilities	55,381	60,000	60,000	+4,619	.....
Working Capital Fund (by transfer)	(9,000)	(9,000)	(9,000)	.....	.....
Total, National Institute of Standards and Technology	750,824	857,000	826,000	+75,176	−31,000
National Oceanic and Atmospheric Administration					
Operations, Research, and Facilities	3,022,231	3,042,460	3,139,740	+117,509	+97,280
(By transfer)	(109,098)	(119,064)	(119,064)	(+9,966)	.....
Subtotal	3,022,231	3,042,460	3,139,740	+117,509	+97,280

Procurement, Acquisition and Construction	1,817,094	1,965,736	217,619	−1,599,475	−1,748,117
Pacific Coastal Salmon Recovery	65,000	50,000	65,000	.....	+15,000
Fishermen's Contingency Fund	350	350	350	.....	.....
Fisheries Finance Program Account	−11,000	−4,000	−4,000	+7,000	.....
Fisheries Enforcement Asset Forfeiture Fund	8,000	.....	.....	−8,000	.....
Offsetting receipts	−8,000	.....	.....	+8,000	.....
Sanctuaries Enforcement Asset Forfeiture Fund	1,000	.....	.....	−1,000	.....
Offsetting receipts	−1,000	.....	.....	+1,000	.....
Total, National Oceanic and Atmospheric Administration	4,893,675	5,054,546	3,418,709	−1,474,966	−1,635,837
Departmental Management					
Salaries and expenses	57,000	56,000	56,000	−1,000	.....
Renovation and Modernization	5,000	2,040	2,040	−2,960	.....
Office of Inspector General	26,946	28,753	28,753	+1,807	.....
Total, Departmental Management	88,946	86,793	86,793	−2,153	.....
Total, title I, Department of Commerce	7,807,749	7,983,694	6,287,857	−1,519,892	−1,695,837
Appropriations	(7,607,749)	(7,983,694)	(6,287,857)	(−1,319,892)	(−1,695,837)
Disaster relief category	(200,000)	.....	.....	(−200,000)	.....
(By transfer)	118,098	128,064	128,064	+9,966	.....
TITLE II—DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	110,822	127,667	127,667	+16,845	.....
National Drug Intelligence Center	20,000	.....	.....	−20,000	.....
Justice Information Sharing Technology	44,307	33,426	33,426	−10,881	.....
Tactical Law Enforcement Wireless Communications	87,000	.....	.....	−87,000	.....
Total, General Administration	262,129	161,093	161,093	−101,036	.....
Administrative review and appeals	305,000	313,438	313,438	+8,438	.....
Transfer from immigration examinations fee account	−4,000	−4,000	−4,000	.....	.....
Direct appropriation	301,000	309,438	309,438	+8,438	.....
Detention Trustee	1,580,595	.....	.....	−1,580,595	.....
Office of Inspector General	84,199	85,985	85,985	+1,786	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2012 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2013—Continued

[In thousands of dollars]

Item	2012 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2012 appropriation	Budget estimate
United States Parole Commission					
Salaries and expenses	12,833	12,772	12,772	−61	.....
Legal Activities					
Salaries and expenses, general legal activities	863,367	903,603	903,603	+40,236	.....
Vaccine Injury Compensation Trust Fund	7,833	7,833	7,833	.....	.....
Salaries and expenses, Antitrust Division	159,587	164,753	164,753	+5,166	.....
Offsetting fee collections—current year	−108,000	−115,000	−115,000	−7,000	.....
Direct appropriation	51,587	49,753	49,753	−1,834	.....
Salaries and expenses, United States Attorneys	1,960,000	1,974,378	1,974,378	+14,378	.....
United States Trustee System Fund	223,258	227,407	227,407	+4,149	.....
Offsetting fee collections	−223,258	−227,407	−227,407	−4,149	.....
Direct appropriation	.....	.....	.....	.....	.....
Salaries and expenses, Foreign Claims Settlement Commission	2,000	2,139	2,139	+139	.....
Fees and expenses of witnesses	270,000	270,000	270,000	.....	.....
Salaries and expenses, Community Relations Service	11,456	12,036	12,036	+580	.....
Assets Forfeiture Fund	20,948	20,948	20,948	.....	.....
Total, Legal Activities	3,187,191	3,240,690	3,240,690	+53,499	.....
United States Marshals Service					
Salaries and expenses	1,174,000	1,203,488	1,203,488	+29,488	.....
Federal Prisoner Detention	.....	1,668,235	1,668,235	+1,668,235	.....
Construction	15,000	10,000	10,000	−5,000	.....
Total, United States Marshals Service	1,189,000	2,881,723	2,881,723	+1,692,723	.....

National Security Division					
Salaries and expenses	87,000	90,039	90,039	+3,039	.....
Interagency Law Enforcement					
Interagency Crime and Drug Enforcement	527,512	524,793	524,793	−2,719	.....
Federal Bureau of Investigation					
Salaries and expenses	3,376,000	3,403,030	3,403,030	+27,030	.....
Counterintelligence and national security	4,660,991	4,747,991	4,747,991	+87,000	.....
Construction	80,982	80,982	80,982	.....	.....
Total, Federal Bureau of Investigation	8,117,973	8,232,003	8,232,003	+114,030	.....
Drug Enforcement Administration					
Salaries and expenses	2,347,000	2,403,504	2,403,504	+56,504	.....
Diversion control fund	−322,000	−352,600	−352,600	−30,600	.....
Subtotal	2,025,000	2,050,904	2,050,904	+25,904	.....
Construction	10,000	.....	.....	−10,000	.....
Total, Drug Enforcement Administration	2,035,000	2,050,904	2,050,904	+15,904	.....
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses	1,152,000	1,153,345	1,153,345	+1,345	.....
Federal Prison System					
Salaries and expenses	6,551,281	6,820,217	6,820,217	+268,936	.....
Buildings and facilities	90,000	99,189	99,189	+9,189	.....
Limitation on administrative expenses, Federal Prison Industries, Incorporated	2,700	2,700	2,700	.....	.....
Total, Federal Prison System	6,643,981	6,922,106	6,922,106	+278,125	.....
State and Local Law Enforcement Activities					
Office on Violence Against Women:					
Prevention and prosecution programs	412,500	268,000	412,500	.....	+144,500
(By transfer)	.....	(144,500)	.....	.....	(−144,500)
Office of Justice Programs:					
Research, evaluation and statistics	113,000	136,000	126,000	+13,000	−10,000
State and local law enforcement assistance	1,162,500	781,500	1,058,918	−103,582	+277,418

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2012 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2013—Continued

[In thousands of dollars]

Item	2012 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2012 appropriation	Budget estimate
(By transfer)	.....	(220,500)	.....	.....	(−220,500)
Juvenile justice programs	262,500	245,000	278,000	+15,500	+33,000
Public safety officer benefits:					
Death benefits	62,000	62,000	62,000	.....	.....
Disability and education benefits	16,300	16,300	16,300	.....	.....
Subtotal	78,300	78,300	78,300	.....	.....
Total, Office of Justice Programs	1,616,300	1,240,800	1,541,218	−75,082	+300,418
Community Oriented Policing Services:					
COPS programs	198,500	289,587	247,500	+49,000	−42,087
Total, State and Local Law Enforcement Activities	2,227,300	1,798,387	2,201,218	−26,082	+402,831
Total, title II, Department of Justice	27,407,713	27,463,278	27,866,109	+458,396	+402,831
Appropriations	(27,407,713)	(27,463,278)	(27,866,109)	(+458,396)	(+402,831)
(By transfer)	.....	(365,000)	.....	.....	(−365,000)
TITLE III—SCIENCE					
Office of Science and Technology Policy	4,500	5,850	5,850	+1,350	.....
National Aeronautics and Space Administration					
Science	5,090,000	4,911,200	5,021,100	−68,900	+109,900
Operational Satellite Acquisition	.....	.....	1,641,147	+1,641,147	+1,641,147
Aeronautics	569,900	551,500	551,500	−18,400	.....
Space Technology	575,000	699,000	651,000	+76,000	−48,000
Exploration	3,770,800	3,932,800	3,908,900	+138,100	−23,900
Space Operations	4,233,600	4,013,200	3,961,700	−271,900	−51,500
Education	138,400	100,000	125,000	−13,400	+25,000

Cross-agency Support	2,995,000	2,847,500	2,822,500	−172,500	−25,000
Construction and environmental compliance and restoration	390,000	619,200	679,000	+289,000	+59,800
Office of Inspector General	37,300	37,000	37,800	+500	+800
Total, National Aeronautics and Space Administration	17,800,000	17,711,400	19,399,647	+1,599,647	+1,688,247
National Science Foundation					
Research and related activities	5,651,000	5,915,280	5,815,280	+164,280	−100,000
Defense function	68,000	68,000	68,000		
Subtotal	5,719,000	5,983,280	5,883,280	+164,280	−100,000
Major Research Equipment and Facilities Construction	167,055	196,170	196,170	+29,115	
Education and Human Resources	829,000	875,610	875,610	+46,610	
Agency Operations and Award Management	299,400	299,400	299,400		
Office of the National Science Board	4,440	4,440	4,440		
Office of Inspector General	14,200	14,200	14,200		
Total, National Science Foundation	7,033,095	7,373,100	7,273,100	+240,005	−100,000
Total, title III, Science	24,837,595	25,090,350	26,678,597	+1,841,002	+1,588,247
TITLE IV—RELATED AGENCIES					
Commission on Civil Rights					
Salaries and expenses	9,193	9,400	9,400	+207	
Equal Employment Opportunity Commission					
Salaries and expenses	360,000	373,711	373,711	+13,711	
International Trade Commission					
Salaries and expenses	80,000	82,800	82,800	+2,800	
Payment to the Legal Services Corporation					
Salaries and expenses	348,000	402,000	402,000	+54,000	
Marine Mammal Commission					
Salaries and expenses	3,025	3,081	3,081	+56	
Office of the U.S. Trade Representative					
Salaries and expenses	51,251	53,041	53,041	+1,790	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2012 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2013—Continued

[In thousands of dollars]

Item	2012 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2012 appropriation	Budget estimate
State Justice Institute					
Salaries and expenses	5,121	5,121	5,121	.....	.....
Total, title IV, Related Agencies	856,590	929,154	929,154	+72,564	.....
TITLE V—RESCISSIONS					
Emergency steel, oil gas guarantees prgm (rescission)	−700	.....	.....	+700	.....
NTIA, Information Infrastructure grants (rescission)	−2,000	.....	.....	+2,000	.....
NTIA, Public Telecommunications Facilities, Planning and Construction (rescission)	−2,750	.....	.....	+2,750	.....
Foreign Fishing Observer Fund (rescission)	−350	.....	.....	+350	.....
Digital TV Transition Public Safety Fund (rescission)	−4,300	.....	.....	+4,300	.....
DOJ, Working Capital Fund (rescission)	−40,000	−26,000	−26,000	+14,000	.....
Violent Crime Reduction Program (rescission)	.....	−1,028	−1,028	−1,028	.....
DOJ, Assets Forfeiture Fund (rescission)	−675,000	−675,000	−675,000	.....	.....
FBI, Salaries and expenses (rescission)	.....	−162,226	−162,226	−162,226	.....
U.S. Marshals Service, salaries and expenses (rescission)	−2,200	−14,400	−14,400	−12,200	.....
ATF (rescission)	.....	−12,400	−12,400	−12,400	.....
DEA, Salaries and expenses (rescission)	−10,000	−15,600	−15,600	−5,600	.....
FPS, Buildings and facilities (rescission)	−45,000	−75,000	−75,000	−30,000	.....
Office of Justice programs (rescission)	−55,000	−43,000	−43,000	+12,000	.....
Community oriented policing services (rescission)	−23,605	−12,200	−12,200	+11,405	.....
Violence against women prevention and prosecution programs (rescission)	−15,000	−6,000	−6,000	+9,000	.....
NASA (rescission)	−30,000	.....	.....	+30,000	.....
Total, title V, Rescissions	−905,905	−1,042,854	−1,042,854	−136,949	.....
Grand total	60,003,742	60,423,622	60,718,863	+715,121	+295,241
Appropriations	(60,709,647)	(61,466,476)	(61,761,717)	(+1,052,070)	(+295,241)
Rescissions	(−905,905)	(−1,042,854)	(−1,042,854)	(−136,949)	.....

Disaster relief category	(200,000)	.....	.....	(−200,000)	.....
(By transfer)	118,098	493,064	128,064	+9,966	−365,000

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