

HRpt 112-169

112TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
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COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2012

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

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

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2596]

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

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

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

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

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

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

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

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

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

INDUSTRIAL TECHNOLOGY SERVICES

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

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

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

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

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

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

CONSTRUCTION OF RESEARCH FACILITIES

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

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

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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