

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

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MAY 2, 2012.—Committed to the Committee of the Whole House on the State of the  
Union and ordered to be printed

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

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5326]

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, 2013, and for other purposes.

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## BILL TOTALS

The Committee recommends a total of \$51,459,000,000 for the departments and agencies funded in this bill for fiscal year 2013, including \$51,131,000,000 in discretionary budget authority. This level of discretionary budget authority is \$1,613,000,000, or 3 percent, below fiscal year 2012, and \$731,029,000, or 1.4 percent below the budget request. The fiscal year 2012 appropriation also included an additional \$200,000,000 in disaster relief assistance. The recommendation for fiscal year 2013 does not include funding for disaster relief.

The funding allocation for the fiscal year 2013 bill reflects the critical need to rein in government expenditures in the face of record-high deficits. Spending reductions are an essential component of putting the Nation on the path to economic recovery, job creation and financial security. Reductions in discretionary spending such as those included in the Committee recommendation are one part of the overall effort that will be required to avoid economic crisis. The Committee recommendation terminates 37 programs, resulting in savings of more than \$300,000,000 from the fiscal year 2012 level and more than \$140,000,000 from the President's request for these programs.

## OVERSIGHT AND BUDGET REVIEW

During its review of the fiscal year 2013 budget request and execution of appropriations for fiscal year 2012, the Subcommittee on Commerce, Justice, Science, and Related Agencies held 11 budget and oversight hearings. In addition to receiving testimony from Administration officials representing the departments and agencies funded in this bill, the Committee received testimony from expert witnesses, Members of Congress and 57 public witnesses. The Committee hearings are listed below:

Hearing	Hearing date
Attorney General .....	2/28/2012
Office of Science and Technology Policy Director .....	2/29/2012
Patent and Trademark Office Director .....	3/1/2012
National Science Foundation Director .....	3/6/2012
Bureau of Prisons Director .....	3/6/2012
Federal Bureau of Investigation Director .....	3/7/2012
Secretary of Commerce .....	3/20/2012
National Oceanic and Atmospheric Administration Administrator ...	3/20/2012
National Aeronautics and Space Administration Administrator .....	3/21/2012
Members of Congress and Public Witnesses .....	3/22/2012
U.S. Manufacturing and Job Repatriation .....	3/28/2012

As part of the Committee's oversight and analysis of the annual budget request from the Administration, the Committee submitted a number of requests for additional information and written questions to be answered by the departments and agencies in support of the underlying budget request. These materials are important for the Committee in conducting oversight and making funding recommendations.

In furtherance of this oversight responsibility, the Committee began in fiscal year 2012 to require the major agencies funded in this bill to provide information on the status of balances of appro-

priations, including amounts that are: unobligated and uncommitted; committed to contracts, grants or other planned obligations; and obligated but unexpended. The Committee found that the agencies cannot, in all cases, provide a comprehensive picture of the status of balances.

The accurate and comprehensive reporting of balances enables the Committee to determine the amount of appropriations necessary to accomplish program purposes. The Committee directs the agencies included in section 507 of this Act to take the necessary administrative actions (including, when necessary, the reconfiguration of internal accounting systems) to capture and routinely report this information.

Section 507 requires detailed quarterly reports from the Departments of Commerce and Justice, the National Aeronautics and Space Administration (NASA), and the National Science Foundation (NSF) on the status of unobligated balances, commitments and obligations, including the source year, or obligation year, of balances. The Committee expects that agency reports will show the status of balances at the appropriation account level, as well as at budget activity or other lower levels where such levels are reflected in the Committee's report accompanying an appropriations act.

#### MAJOR THEMES AND INITIATIVES

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

*Law enforcement and national security.*—Defending the Nation from both internal and external threats remains the highest priority of the Department of Justice. This bill demonstrates a commitment to providing essential technological and human capital to detect, disrupt and deter threats to our national security. The bill provides \$8.3 billion for the Federal Bureau of Investigation, an increase of \$148 million above fiscal year 2012 and \$34 million above the request. This level includes a program increase of \$23 million to prevent and investigate state-sponsored, terrorist and criminal cyber intrusions.

*American innovation and competitiveness.*—Investments in scientific research are a key to long-term economic growth. Basic research leads to innovation and improves the competitiveness of American businesses, leading, in turn, to positive impacts on the quality of life for all Americans. The bill includes \$7.3 billion for the NSF, including an increase of \$224 million, or 3.9 percent, above fiscal year 2012 for basic scientific research, and \$830 million for research and standards work at the National Institute of Standards and Technology (NIST), including \$128 million for Manufacturing Extension Partnerships to increase the competitiveness of the Nation's manufacturers. An efficient patent process is also critical for innovation and economic growth. The bill provides \$2.9 billion for the Patent and Trademark Office (PTO), the full estimate of fee collections for fiscal year 2013, and an increase of \$255 million above fiscal year 2012. Finally, the bill includes over \$1 billion for science, technology, engineering and math (STEM) education programs across NSF, NASA, NIST and the National Oceanic and Atmospheric Administration (NOAA).

*Enhancing trade while strengthening enforcement and national security.*—Also critical to the Nation’s economic growth and security are efforts to increase American exports and enhance trade compliance and enforcement. The bill includes \$468 million for the International Trade Administration, \$51 million for the Office of the U.S. Trade Representative and \$83 million for the International Trade Commission. In addition, the bill includes \$101 million for the Bureau of Industry and Security to ensure that sensitive U.S. dual-use goods and technologies are not misused by proliferators, terrorists and others working contrary to our national security interests. The Committee report includes language pursuant to several conclusions and recommendations of the 2011 Report to the Congress of the U.S.-China Economic and Security Review Commission. This language reinforces efforts to understand and react appropriately to the implications of China’s rise for U.S. economic and national security interests.

#### COMMITTEE RECOMMENDATION BY TITLE

*Department of Commerce.*—In title I of the bill, for the Department of Commerce, the Committee recommends a total of \$7.7 billion in discretionary budget authority, an increase of \$96 million above fiscal year 2012 and \$280 million below the request. Highlights of the Committee’s recommendation include:

- \$468 million for the International Trade Administration, an increase of \$3 million above fiscal year 2012;
- \$2.9 billion for the Patent and Trademark Office, which is equal to the amount of fee collections estimated by the Congressional Budget Office, and an increase of \$255 million, or 9.5 percent, above fiscal year 2012;
- \$830 million for the National Institute of Standards and Technology, including an increase of \$54 million above fiscal year 2012 for scientific and technical research, and \$128 million for Manufacturing Extension Partnerships; and
- \$5 billion for the National Oceanic and Atmospheric Administration, an increase of \$68 million above fiscal year 2012. The bill supports critical weather forecasting programs, including \$916 million for Joint Polar Satellite System development, and \$22.3 million above the request for National Weather Service operations.

*Department of Justice.*—In title II of the bill, for the Department of Justice, the Committee recommends a total of \$27.1 billion in discretionary budget authority, which is \$11 million above fiscal year 2012 and \$44 million below the request. Highlights of the Committee’s recommendation include:

- \$8.3 billion for the Federal Bureau of Investigation, an increase of \$148 million above fiscal year 2012 and \$34 million above the request, including program increases for national security programs, investigations of cyber attacks, violent gang crime and financial and mortgage fraud;
- \$2.4 billion for the Drug Enforcement Administration, which is \$50 million above fiscal year 2012, including an enhancement of \$31 million for prescription drug abuse regulatory and enforcement initiatives;

- \$6.9 billion for the Bureau of Prisons, an increase of \$269 million above fiscal year 2012 to address overcrowded conditions in Federal prisons; and
- \$1.8 billion for State and local law enforcement assistance, including \$415 million for violence against women prevention and prosecution programs.

*Science.*—In title III of the bill, for the Office of Science and Technology Policy (OSTP), NASA and NSF, the Committee recommends a total of \$24.9 billion, which is \$75 million above fiscal year 2012 and \$178 million below the request. Highlights of the Committee’s recommendation include:

- \$17.6 billion for the National Aeronautics and Space Administration, which is \$226 million below fiscal year 2012 and \$138 million below the request, including:
  - \$3.7 billion for Exploration, including funding to keep NASA on schedule for upcoming Multi-Purpose Crew Vehicle and Space Launch System flight milestones, and to maintain progress on a reconfigured commercial crew program;
  - \$4 billion for Space Operations, continuing the closeout of the Space Shuttle program for a savings of \$503 million; and
  - \$5.1 billion for Science programs, including \$1.4 billion for planetary science to ensure the continuation of critical research and development programs that were imperiled by the President’s request.
- \$7.3 billion for the National Science Foundation, an increase of \$299 million above fiscal year 2012 for basic scientific research and science education programs.

*Related agencies.*—In title IV of the bill, the Committee recommends a total of \$846 million, a decrease of \$10 million below fiscal year 2012 and \$83 million below the request. Highlights of the Committee’s recommendation include:

- \$328 million for the Legal Services Corporation, which is \$20 million below fiscal year 2012; and
- \$367 million for the Equal Employment Opportunity Commission, which is \$7 million above fiscal year 2012.

#### CYBERSECURITY AT FEDERAL AGENCIES

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

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

and agency to submit this annual cybersecurity report by February 5, 2013.

In addition, section 516 of the recommended bill requires the Departments of Commerce and Justice, NASA and NSF to assess the risk of cyber-espionage or sabotage before acquiring any information technology system. Further, if those same agencies plan to acquire systems produced by entities owned, directed or subsidized by the People's Republic of China, they must first make a determination that to do so is in the national interest.

#### REPROGRAMMING AND SPENDING PLAN PROCEDURES

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

The Committee expects that each department and agency funded in this bill shall follow the directions set forth in this bill and the accompanying report, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to funds provided in this bill, unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2013, and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2013. As specified in section 505, the Committee expects that the Appropriations Subcommittees on Commerce, Justice, Science, and Related Agencies of the House and Senate will be notified by letter a minimum of 15 days prior to any reprogramming of funds that—

- (1) creates or initiates a new program, project or activity;
- (2) eliminates a program, project or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes or renames offices, programs or activities;
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees;
- (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or
- (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress.

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

## RELATIONSHIP WITH BUDGET AND COMPTROLLER'S OFFICES

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

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

## OPPORTUNITIES FOR DOMESTIC MANUFACTURERS

The Committee directs the Departments of Commerce and Justice, NASA and NSF each to provide a report to the Committee on manufactured products they purchase on a regular basis (or which are purchased on their behalf) that are not currently manufactured in the United States. An interim report is required no later than 180 days after enactment of this Act, with a final report due no later than 365 days after the enactment of this Act. The final report shall also be shared with the President's Manufacturing Council and the Administrator of the Manufacturing Extension Partnership.

## TITLE I

## DEPARTMENT OF COMMERCE

## INTERNATIONAL TRADE ADMINISTRATION

## OPERATIONS AND ADMINISTRATION

The Committee recommends \$467,737,000 in total resources for the programs of the International Trade Administration (ITA), which is \$2,737,000 above fiscal year 2012 and \$58,702,000 below the request. This amount is offset by \$9,439,000 in estimated fee collections, resulting in a direct appropriation of \$458,298,000. 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:

Manufacturing and Services .....	\$42,130,000
Market Access and Compliance .....	44,683,000
Import Administration .....	77,296,000
Trade Promotion and the U.S. and Foreign Commercial Service ..	277,824,000
Executive Direction/Administration .....	24,365,000
Consolidation .....	-8,000,000
Total .....	\$458,298,000

*ITA reorganization.*—The Committee notes that the budget request hints at plans for organizational changes at ITA, but does not

propose any specific changes. The Committee encourages ITA to examine its organizational structure and redirect resources to key export promotion programs; target emerging markets; expand market access; and more aggressively enforce trade agreements. The Committee reminds ITA that any organizational changes that it intends to effect, including any plan to consolidate its four business units into three, is subject to the reprogramming requirements of section 505 of this Act. Any such notification shall include additional cost savings that may be identified, and the timeframes for implementation. Any reorganization should include a description of ITA's participation in the Interagency Trade Enforcement Center (ITEC) and how ITA's proposed organizational structure will enable ITA to most effectively utilize its resources to expand American business export opportunities and enforce trade agreements.

*Trade Promotion and the U.S. and Foreign Commercial Service.*—The Committee recommends \$277,824,000 for Trade Promotion and the U.S. and Foreign Commercial Service, which is \$8,020,000 above fiscal year 2012 and \$40,353,000 below the amount requested. This increase is in addition to enhancements provided by the Committee in fiscal year 2012 for the National Export Initiative. The Committee directs ITA to submit a deployment plan no later than 90 days after enactment of this Act for the enhancements provided in fiscal year 2012 and an additional enhancement provided in fiscal year 2013.

*SelectUSA.*—The Committee recommends \$6,125,000 for the SelectUSA initiative, which is \$3,425,000 more than the fiscal year 2012 level and \$6,125,000 less than the request. The ITA redirected \$2,700,000 in fiscal year 2012 base resources to provide assistance to States through a new interagency investment facilitation task force; engage in advocacy and outreach to promote the United States as the best market for business operations; and consolidate all information on Federal programs and services available to companies that operate in the United States. No later than November 30, 2013, the Secretary shall report on the location and type of assistance provided, the State to which firms sought to relocate and why, as well as the number of foreign firms that actually decided to locate in the United States as a result of the SelectUSA process. The Secretary shall notify the Committee promptly if any foreign direct investment proposals facilitated by SelectUSA are referred to the Committee on Foreign Investment in the United States.

*Interagency Trade Enforcement Center.*—The Administration proposed the creation of the ITEC in March 2012 to collocate personnel from ITA, the Office of the U.S. Trade Representative and other executive branch agencies to improve trade enforcement. ITA redirected \$4,400,000 in base resources during fiscal year 2012 to support its involvement in this initiative. The Committee notes that no new authorities were requested to establish this program and that it is intended to augment existing capabilities. The Committee is supportive of efforts to enhance trade enforcement and therefore recommends \$15,075,000 for these activities in fiscal year 2013 to enable ITA to augment its existing enforcement capabilities. Personnel from ITA's Import Administration, Market Access and Compliance and Manufacturing and Services programs will be detailed to the ITEC during fiscal year 2013 to assist with specific



trade enforcement issues. The Committee directs ITA to submit a report no later than 180 days after enactment of this Act describing performance goals, timeframes for achieving these goals, as well as how ITA intends to support the ITEC in the context of any future reorganization.

*China anti-dumping and countervailing duty activities.*—The Committee includes revised bill language directing ITA to spend no less than \$11,400,000 for China anti-dumping and countervailing duty enforcement and compliance activities. ITA shall submit a report to the Committee no later than 120 days after enactment of this Act detailing the amounts planned and full time equivalents (FTE) assigned to these activities, including the organizational unit to which these are assigned. Any proposed reorganization of ITA shall include information on how the ITEC will enhance ITA’s capability with respect to pursuing additional cases against China.

*Trade enforcement remedies.*—The Committee directs ITA, in cooperation with the Office of the U.S. Trade Representative and other trade enforcement agencies, to employ all remedies authorized by World Trade Organization rules to counter the effects of the Chinese government’s extensive subsidies and their impact on U.S. products and services. The Committee also directs the Secretary of Commerce, in consultation with other relevant executive branch agencies, to assess the extent to which existing laws provide remedies against anticompetitive actions of Chinese state-owned or state-invested enterprises operating in the U.S. market. This assessment shall include for possible consideration additional legal remedies that may be necessary. The ITA shall submit this report to the Committee no later than 120 days after enactment of this Act.

*Bilateral investment treaties.*—The Committee directs ITA to ensure that any bilateral investment treaty with China includes language on the principles of nondiscrimination and competitive neutrality between state-owned enterprises and other state-invested or state-supported entities and private enterprises. ITA shall submit a report to the Committee no later than November 30, 2013, detailing any such treaties and compliance with this directive.

*Chinese investment in the U.S.*—The Committee directs ITA to report annually on Chinese investment in the United States, including data on investments by Chinese state-owned enterprises and other state-affiliated entities. The first such report shall be submitted to the Committee by the end of the first quarter of fiscal year 2013.

*Export.gov*—The Committee supports ITA’s efforts to upgrade its website and procure a new customer relationship management system and directs ITA to fund these upgrades within existing resources. ITA shall submit a spending plan as soon as practicable showing what base resources ITA intends to devote to this process and the timeframes for transitioning to the new website and system.

*Offsetting fee collections.*—The Committee notes that a report on ITA’s review of fee-based programs was to be completed by mid-summer 2011. The Committee directs ITA to submit this report as soon as possible.

*Human rights training.*—The Committee directs ITA to continue to ensure that current and new customer-facing employees receive

human rights training and to report to the Committee no later than 120 days after enactment of this Act regarding the number of staff trained during fiscal years 2011 and 2012, a description of this training, and any improvements or changes ITA has documented as a result of this training.

*Support for firms.*—The Committee encourages ITA to ensure that it is providing adequate support and services for women-, minority- and veteran-owned firms that are seeking assistance in gaining access to foreign markets for their products and services. The Committee recognizes that these firms possess tremendous economic potential if they participate more actively and effectively in export markets. As such, the Committee urges ITA to conduct outreach and promotional activities to such firms to enable them to assist in our trade goals of creating jobs and increasing exports.

BUREAU OF INDUSTRY AND SECURITY  
OPERATIONS AND ADMINISTRATION

The Committee recommends \$101,000,000 for the Bureau of Industry and Security (BIS), which is the same as fiscal year 2012 and \$1,328,000 below the request. Of the amounts provided, funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

Export Administration .....	\$57,083,000
Export Enforcement .....	38,623,000
Management and Policy Coordination .....	5,294,000
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Total .....	\$101,000,000

*Export control reform.*—The Committee directs BIS to begin providing quarterly updates, beginning with the first quarter of fiscal year 2013, regarding ongoing export control reforms and process improvements that BIS will incorporate to ensure that it can conduct due diligence before an export license is granted and adequately conduct post-sale verification.

ECONOMIC DEVELOPMENT ADMINISTRATION

The Committee recommends \$219,500,000 for the programs and administrative expenses of the Economic Development Administration (EDA), which is \$238,000,000 below fiscal year 2012 and \$219,000 below the request. The fiscal year 2012 appropriation included \$200,000,000 for disaster assistance for areas that received a disaster designation in fiscal year 2011.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The Committee recommends \$182,000,000 for Economic Development Assistance programs, which is \$38,000,000 below the comparable non-disaster fiscal year 2012 level and the same as the request. The Committee expects EDA to continue its efforts to assist communities impacted by economic dislocations in the coal and timber industries at no less than the fiscal year 2006 level, and to prioritize assistance to distressed rural communities. The Committee also directs EDA to ensure that grant decision-making authority is maintained in the regional offices. Of the amounts provided, funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

Public Works .....	\$85,500,000
Planning .....	27,000,000
Technical Assistance .....	12,000,000
Research and Evaluation .....	1,500,000
Trade Adjustment Assistance .....	15,800,000
Economic Adjustment Assistance .....	40,200,000
Total .....	\$182,000,000

*Repatriation grants.*—Of the amount provided for Economic Adjustment Assistance, EDA shall use no less than \$5,000,000 to continue efforts to encourage U.S. firms to relocate their manufacturing or services back to the United States. The Committee encourages EDA to include Native American communities as potential locations for these repatriation activities. The Committee established this program in fiscal year 2012 and directs EDA to submit a report no later than 120 days after enactment of this Act describing the number and types of industries that sought to take advantage of this program as well as a list of grants approved during fiscal year 2012.

*Innovative manufacturing loans.*—Of the amount provided for Economic Adjustment Assistance, \$5,000,000 is for Federal loan guarantees to small- and medium-sized manufacturers for the use or production of innovative technologies, as authorized by section 26 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3721). The Committee believes this program has the potential to boost manufacturing output and create manufacturing jobs in the United States. EDA shall report to the Committee in its fiscal year 2014 budget request regarding the implementation of this program, to include the number of loans provided, the amount of the loans, and the businesses supported. EDA shall continue to consult with the Commerce Inspector General to ensure that EDA incorporates appropriate oversight protocols and meets Federal Credit Reform Act requirements.

*Vocational training opportunities.*—The Committee encourages EDA to consider developing programs that include supporting vocational and post-secondary training in economically distressed rural areas with high unemployment rates in order to address the shortage of skilled workers in various industries.

#### SALARIES AND EXPENSES

The Committee recommends \$37,500,000 for EDA salaries and expenses, which is the same as fiscal year 2012 and \$219,000 below the request. The Committee directs EDA to prioritize filling vacancies in the field rather than at headquarters to enable EDA to provide assistance to distressed communities in a timely manner.

*Cyber intrusion.*—The Department of Commerce Chief Information Officer shall provide a report to the Committee no later than 90 days after enactment of this Act describing the cyber intrusion incident at EDA and the steps implemented to ensure that the Department's networks are hardened according to the information technology security requirements established in the Federal Information Security Management Act (Public Law 107-347) and other relevant Federal cybersecurity mandates. Additional discussion about Commerce Department information technology networks is included in the Departmental Management section of this report.

*Shift from traditional economic development role.*—The Committee remains concerned that EDA is shifting away from providing traditional infrastructure development assistance to rural communities impacted by systemic, long-term unemployment and economic distress. For example, a recent rural economic development initiative announced by the Administration includes language in the accompanying Federal Funding Opportunity announcement that states in part, “Projects must benefit rural communities, but applicants need not be physically located in a rural community.” The Committee directs the Government Accountability Office (GAO) to review EDA grants provided between fiscal years 2006 through 2012, to include the criteria EDA used to determine eligibility for each grant, the unemployment rate of the county of the grantee as compared to the state and national average during that year, the total number of persons living in poverty in the county of the grantee as compared to the state and national average during that year, the population density of the county that received the grant and the type of project funded. This review, to be submitted to the Committee by February 5, 2013, shall include a review of grants provided under the Economic Adjustment Assistance and Public Works programs.

*Nexus with manufacturing.*—The Committee encourages EDA and the National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership (MEP) program to collaborate on ways to encourage manufacturers or manufacturing supply chain firms to locate in areas impacted by severe and continued economic distress as indicated by high rates of unemployment and poverty.

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

The Committee recommends \$28,689,000 for the Minority Business Development Agency (MBDA), which is \$1,650,000 below fiscal year 2012 and the same as the request.

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

#### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

The Committee recommends \$96,000,000 for economics and statistical analysis, which is the same as fiscal year 2012 and \$4,269,000 below the request.

#### BUREAU OF THE CENSUS

The Committee recommends a total of \$878,693,000 for the Bureau of the Census, which is \$9,643,000 below fiscal year 2012 and \$91,732,000 below the request.

*Census Working Capital Fund.*—In fiscal year 2012, the Bureau had large unobligated balances in its Working Capital Fund. Therefore, the Committee transferred \$55,000,000 in such balances from its Working Capital Fund to the Periodic Censuses and Programs account to meet current year program requirements. The Committee notes that GAO’s November 2011 report, *Intragovernmental Revolving Funds: Commerce Departmental and Census Working Capital Funds Should Better Reflect Key Operating Principles*, identified several areas in need of improvement for effective management of the Census Working Capital Fund. The Committee understands that as a result of this review, the Bureau is conducting an evaluation of its Working Capital Fund and that this review is expected to be complete in August 2012. The Committee expects that the Department shall review suggested changes to the management of the Census Working Capital Fund and brief the Committee on the results of this review no later than September 28, 2012.

#### SALARIES AND EXPENSES

The Committee recommends \$253,336,000 for the salaries and expenses of the Bureau of the Census, which is the same as fiscal year 2012 and \$5,839,000 below the request. Of the amounts provided, funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

Current Economic Statistics .....	\$177,758,000
Current Demographic Statistics .....	72,995,000
Survey Development and Data Services .....	2,583,000
Total .....	\$253,336,000

#### PERIODIC CENSUSES AND PROGRAMS

The Committee recommends a total of \$625,357,000 for periodic censuses and programs, which is \$9,643,000 below fiscal year 2012 and \$85,893,000 below the request. The fiscal year 2012 appropriation included a \$55,000,000 transfer from the Census Working Capital Fund. 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 Statistics Programs	
Economic Censuses .....	\$132,292,000
Census of Governments .....	10,471,000
Demographic Statistics Programs	
Intercensal Demographic Estimates .....	10,092,000
2010 Decennial Census Program .....	284,373,000
2020 Decennial Census .....	79,829,000
Demographic Surveys Sample Redesign .....	9,833,000
Geographic Support .....	66,035,000
Data Processing System .....	32,432,000
Total .....	\$625,357,000

*Economic Census.*—The Committee recommends \$132,292,000 for the Economic Census, which is \$20,000,000 above fiscal year 2012 and \$20,446,000 less than the request. Funding is reduced for collection and processing activities because responses are not due

until five months into fiscal year 2013, and for data tabulation and macro analysis because Census will not begin these efforts until the end of fiscal year 2013.

*2020 Decennial Census.*—The Committee recommendation for the 2020 Decennial Census is \$79,829,000 which is \$13,199,000 above fiscal year 2012 and \$51,596,000 below the request. The Committee recommends reduced funding because the Bureau has not yet established procedures that will enable it to increase response rates while containing costs. As recommended by the GAO in its report, *Decennial Census: Additional Actions Could Improve the Census Bureau’s Ability to Control Costs for the 2020 Census*, the Committee directs the Bureau to develop a method to identify and address specific factors that contribute to significant cost increases, identify key decision points, and finalize guidance for the 2020 life cycle cost estimate. The Committee directs the Bureau to analyze data from key census-taking activities to determine their marginal costs and benefits, and use this information to inform decisions on developing more cost-effective methods for 2020. The Committee directs the Bureau to submit yearly cost estimates and a total life cycle cost estimate for the 2020 Decennial as part of its fiscal year 2014 Congressional budget submission. Further, GAO’s report, *2010 Census: Preliminary Lessons Learned Highlight the Need for Fundamental Reforms*, estimated the cost of the 2010 Decennial at \$13 billion. The Committee expects that the total life cycle cost for the 2020 Decennial will not exceed this amount. The Committee directs the Census Bureau to submit a spending plan for the 2020 Decennial Census funds no later than 90 days after enactment of this Act, to include activities and milestones that will be accomplished with the fiscal year 2013 appropriation.

*Cloud computing initiative.*—The Committee understands that the Bureau is establishing a cloud computing infrastructure to support future IT business requirements. The Committee expects that the Bureau will collaborate with the Commerce Chief Information Officer and leverage the expertise of NIST’s research in cloud computing to ensure that the systems developed are appropriately secure from cyber intrusion, and will increase efficiencies and savings.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

##### SALARIES AND EXPENSES

The Committee recommends \$45,568,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA), which is the same as fiscal year 2012 and \$1,357,000 below the request.

*Public Safety Broadband Corporation.*—The Committee directs NTIA and NIST to provide an implementation schedule to the Committee no later than 120 days after enactment of this Act that describes the timeframes for deploying the “FirstNet” public safety broadband network established under Public Law 112–96 and includes a description of the types of research NIST will undertake and how this research will inform the NTIA grant-making process.

*Broadband Technology Opportunities Program.*—The Committee directs NTIA to continue submitting quarterly reports on the

Broadband Technology Opportunities Program. As part of this report, NTIA shall include a particular emphasis on the seven projects that are supporting deployment of 700 MHz public safety broadband networks and describe how these projects will be coordinated with “FirstNet” noted above.

*Institute for Telecommunications Sciences (ITS).*—The recommendation includes a requested \$1,886,000 reduction to eliminate multimedia quality research at the NTIA’s ITS. The Committee directs the Secretary of Commerce to examine the research on public safety wireless communication conducted by ITS and make recommendations by February 5, 2013, for merging all or some of these research components into NIST. Further, the Committee expects NTIA to engage the National Academy of Sciences to analyze the research and activities of ITS and make recommendations regarding the extent to which ITS research is addressing future telecommunications challenges and spectrum needs. This report shall be provided to the Committee by June 2013.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The Committee recommends \$2,933,241,000 for the United States Patent and Trademark Office (PTO), the full amount of fiscal year 2013 fee collections estimated by the Congressional Budget Office. The spending authority provided by this bill represents an increase of \$255,241,000, or 9.5 percent, above fiscal year 2012. The recommendation maintains language making available any excess fee collections above the level provided in this Act.

*Quarterly reports.*—The Committee directs PTO to continue providing quarterly reports on actual and projected fee collections. In addition, PTO shall include in this report the number of examiners and administrative patent judges hired and the number separated; the average pendency time to first action and average pendency to disposal; and updates on the backlog.

*Reprogramming and reserve.*—The recommendation maintains bill language making available fee collections above the appropriated funding level and requiring PTO to follow the reprogramming notification procedures outlined in section 505 of this Act before using such excess fee collections. In addition, the Committee understands that PTO plans to establish and grow an operating reserve that will equal one third of its yearly operating budget. Prior to obligating any of the funds in its operating reserve during fiscal year 2013, the PTO shall submit to the Committee a reprogramming notification with a spending plan describing how it intends to use these funds. The Committee expects that PTO will establish a schedule for submitting such notifications that is predictable and describes how the expenditure of these reserve funds will improve patent quality, reduce the backlog of pending applications and appeals, improve the information technology infrastructure, or otherwise improve the efficiency and effectiveness of PTO.

*Secrecy orders.*—During fiscal year 2012, PTO convened national security agencies in order to review the current standards for issuing a secrecy order to determine whether those standards

should be updated, and to examine the extent to which these agencies take into account export control subject matter. The Committee directs PTO to continue its efforts to ensure that the secrecy order process is updated as appropriate. The PTO shall conduct a review of this process and provide an annual report, to be submitted at the end of the second quarter of fiscal year 2014, on the secrecy order process, the recommendations of each participating agency, and any recommendations that are adopted.

*Third party cybersecurity standards.*—The Committee directs PTO to add advisory language to the notices it sends to applicants informing them that their application has been placed under a secrecy order or may be sensitive from an economic or national security perspective. The Committee understands that PTO does not have statutory authority to require inventors and their lawyers to meet certain information security standards at their offices or other locations but expects PTO to advise applicants on minimum cybersecurity standards and best practices for private entities that electronically store private data on patent applications. PTO shall report to the Committee no later than 120 days after enactment of this Act regarding its implementation of this initiative.

*Trademark squatting.*—The Committee directs PTO to submit a report to the Committee within 90 days of enactment of this Act detailing its efforts to date and future plans to combat the malicious practice of trademark squatting.

*Satellite offices.*—The Committee supports PTO's satellite office program and directs PTO to submit a report to the Committee no later than 120 days after enactment of this Act showing patent applications by State between fiscal years 2007 through 2011, the types of patent applications by State during this timeframe, the criteria PTO used to select the site of the first satellite office as well as the factors that PTO will use to determine the location of the remaining two satellite offices. This report shall also include an estimate of the yearly operating cost of each of the three satellite offices, to include breakouts of salaries and benefits, rent and other operating expenses, and information technology infrastructure needs. This report shall also include an update on the establishment of the first office as well as the number of applicants that this office has assisted since opening.

*Promoting stories of inventors.*—The Committee notes that PTO is developing educational materials for use in K–12 schools, highlighting the accomplishments of inventors and the advances realized as a result of inventions. The Committee is greatly supportive of these efforts and believes that these efforts could be further enhanced by helping to educate students about the accomplishments of inventors who lived or are living in the same geographic areas in which the students themselves are residing. Furthermore, the Committee believes that highlighting the inventions of women and minority inventors could help spur interest in innovation and Science, Technology, Engineering, and Mathematics (STEM) education among female and minority students, who are too often underrepresented in STEM fields. The Committee directs PTO, in consultation with the National Science Foundation, the Department of Education, and other Federal agencies, to further enhance its educational outreach efforts by developing a strategic plan to: (1) develop educational materials aimed at highlighting the innova-



tion accomplishments of inventors from specific geographic areas, so as to help inspire students and promote STEM education and STEM fields among students residing in these same areas; and (2) develop educational materials aimed at highlighting the innovation accomplishments of women and minority inventors in the United States, so as to help inspire female and minority students and further promote STEM education and boost representation in STEM fields among historically underrepresented groups. The Committee further directs PTO to submit this plan along with a schedule for implementing related actions no later than 120 days after enactment of this Act. In addition, the Committee directs PTO to include in its fiscal year 2014 Congressional budget request an accounting of any PTO costs associated with these actions.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The Committee recommendation includes \$830,173,000 for NIST, which is \$79,349,000 above fiscal year 2012 and \$26,827,000 below the request.

#### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The Committee recommendation includes \$621,173,000 for NIST's scientific and technical core programs, which is \$54,173,000 above fiscal year 2012 and \$26,827,000 below the request. The recommendation provides funding above the current year for metrology infrastructure and standards to support biomanufacturing, standards to support nanomanufacturing, the Materials Genome Initiative, measurement science and standards to support smart manufacturing, the NIST Manufacturing Fellowship Program, secure and interoperable communications, and disaster resilience and natural hazards risk reduction. The Committee encourages NIST, as Federal coordinator for the National Initiative for Cybersecurity Education, to explore establishing a training program at NIST dedicated to cybersecurity education for veterans. The Committee encourages NIST to continue to explore the research field of graphene ribbon and carbon-based nanomanufacturing.

*Centers of Excellence.*—The recommendation includes \$20,000,000 as requested to establish four Centers of Excellence which are designed to focus on innovations in measurement science and emerging technology areas, including advanced communications, advanced manufacturing, biomanufacturing, cyberphysical systems, or quantitative biology. NIST shall use its existing organizational structure to implement this program and not develop another program office.

*National Strategy for Trusted Identities in Cyberspace (NSTIC).*—The recommendation does not include funding for NSTIC. The Committee understands that fiscal year 2012 funding for pilots will not be obligated until the end of fiscal year 2012. NIST shall report to the Committee no later than 120 days after enactment of this Act listing the pilots funded and then, subsequently, regarding the results of these pilots. These reports shall also detail the activities and accomplishments of the National Program Office and Steering Group. NIST may support the work of the National Program Office in fiscal year 2013 with remaining balances of fiscal year 2012 ap-

proportions. The report mentioned above shall include a spending plan for any such proposed use of fiscal year 2012 balances.

#### INDUSTRIAL TECHNOLOGY SERVICES

The Committee recommends \$149,000,000 for Industrial Technology Services, which is \$20,557,000 above fiscal year 2012 and the same as the request. This amount includes \$128,000,000 for the Manufacturing Extension Partnership (MEP) program, which is \$443,000 below fiscal year 2012 and the same as the request.

*Manufacturing Extension Partnership program (MEP).*—The MEP consists of 60 centers around the country that work with small- and medium-sized manufacturers to deliver technical assistance to improve their manufacturing processes. The Committee expects the MEP program to reduce overhead costs, which represent 13 percent of the total program budget in fiscal year 2012, and use this funding to provide direct assistance to additional manufacturers. The GAO shall evaluate the extent to which the MEP program achieves administrative efficiencies and provide a report to the Committee by February 5, 2013.

The Committee is disappointed that the Secretary has not submitted the report requested in the statement accompanying Public Law 112–55 regarding the MEP program and directs the Secretary to submit this report no later than May 1, 2012.

*National Innovation Marketplace (NIM).*—Within the amount provided for the MEP program for fiscal year 2013, not less than \$2,500,000 is for the NIM, a web-based tool being developed by NIST to help companies, communities, colleges and universities, inventors, and entrepreneurs accelerate supply chain connections and facilitate partnerships. The Committee commends the Department's efforts to increase participation in the NIM, but notes that significant work remains to ensure that potential participants are aware of and able to access this helpful resource. The Committee directs the Department to provide, no later than 60 days after enactment of this Act, a specific and detailed plan for publicizing and promoting the NIM, with an aim toward greatly increasing participation throughout the country and across the Nation's economy. The Committee directs the Department to include in this plan specific timetables paired with specific numerical goals for each category of NIM participant.

*Advanced Manufacturing Technology Consortia.*—The Committee recommendation includes \$21,000,000, the full amount requested, to establish industry-led Advanced Manufacturing Technology Consortia to identify and prioritize research projects supporting long-term industrial research needs. NIST shall provide a report and overall assessment to the Committee by February 5, 2013, that includes actual and planned obligation and expenditure data for each activity funded as well as a description of the activities, accomplishments, research areas identified, and long-term goals and milestones of the Advanced Manufacturing Technology Consortia program. The Committee expects NIST to allocate no more than \$1,000,000 under this program for administrative costs and to ensure that competitive research awards under this program benefit all industry members and are based on open access to intellectual property.

## CONSTRUCTION OF RESEARCH FACILITIES

The Committee recommends \$60,000,000 for NIST construction, which is \$4,619,000 above fiscal year 2012 and the same as the request.

*Boulder Building 1 renovation.*—Of the amounts provided, \$11,800,000 is provided as requested for continued renovation activities at the Boulder, Colorado, facility. NIST shall provide an update on the status of these renovations, to include obligations and expenditures of prior year funds, no later than 120 days after enactment of this Act.

*Safety, Capacity, Maintenance, and Major Repairs.*—The remaining \$48,200,000 in construction funds are provided for Safety, Capacity, Maintenance, and Major Repairs, as requested. NIST shall provide a report to the Committee no later than 30 days after enactment of this Act regarding the projects that will be funded and the milestones for completion. This report shall also include a description of projects previously funded between fiscal years 2009 and 2012, to include a report on the obligations and expenditures of funds associated with each activity. NIST shall also provide a report, including obligations and expenditures, of projects funded with the \$180,000,000 NIST received in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) to address NIST’s backlog of maintenance and renovation projects.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The Committee recommends a total of \$4,961,669,000 in discretionary funds for the National Oceanic and Atmospheric Administration (NOAA), which is \$67,994,000 above fiscal year 2012 and \$92,877,000 below the request.

*Congressional justifications.*—The Committee did not receive budget justification materials from NOAA until over a month after the President’s budget submission. The Committee depends on the timely submission of this information in order to provide oversight and make funding recommendations and expects NOAA and the Department will ensure that this situation does not occur in the future.

*Science Advisory Board.*—The Committee understands that the NOAA Science Advisory Board is evaluating NOAA’s research enterprise and the effectiveness of its management structure to meet its science requirements. Preliminary recommendations will be available later this year. The Committee requests that the NOAA Science Advisory Board brief the Committee no later than 30 days after providing its recommendations to NOAA.

*Administrative overhead.*—The Committee directs NOAA to conduct a review of its programs with the goal of reducing and consolidating administrative overhead. For example, the Committee understands that during fiscal year 2011, NOAA administrative costs for the Coastal Zone Management (CZM) program were funded in at least three different lines on the NOAA funding table. NOAA shall submit a report no later than 120 days after enactment of this Act displaying administrative or other charges assessed by NOAA in fiscal years 2011 and 2012 to each of the lines on the NOAA “Control Table,” to include the amount assessed and the purpose.

*Data sources.*—The Committee directs GAO to examine NOAA’s various ocean and coastal data collection systems, including but not limited to: Integrated Ocean Observing System (IOOS), Physical Oceanographic Real-Time System (PORTS), National Water Level Observation Network (NWLON), Coastal-Marine Automated Network (C-MAN), Argo, Deep-ocean Assessment and Reporting of Tsunamis (DART), drifting buoys, the Toga Tao array, and gliders. This report, to be submitted no later than 180 days after enactment of this Act, shall include the location of these sensors; the yearly cost to maintain these systems; the NOAA line office that is responsible for the system; how these systems are used by the various NOAA line offices, other Federal government agencies and the private sector; and a review of the data that these systems provide, how this data is used and a determination as to whether or not the data they collect is duplicative of, different from or complements other data available to NOAA.

*Facilities Maintenance.*—The Committee is concerned that NOAA does not maintain a standard for assessing facilities maintenance funding requirements. The Committee expects NOAA to provide more transparency and clarity in the ongoing maintenance needs of its labs and other facilities and therefore directs NOAA to include in its fiscal year 2014 Congressional budget submission separate facilities maintenance funding requests for each of the line offices.

*Biological opinions related to pesticide registration.*—The Committee directs NOAA to submit a report on how it has complied with the March 2009 Presidential Memorandum to all executive branch departments and agencies that instructs each agency to conduct peer reviews on certain scientific information that the agency intends to disseminate. Specifically, the Committee directs NOAA to provide a report no later than 120 days after enactment of this Act on NOAA’s development of biological opinions on pesticide registrations in compliance with consultation requirements under section 7 of the Endangered Species Act.

*Coastal and marine spatial planning.*—The Committee notes that coastal and marine spatial planning was funded as a separate line item in the National Ocean Service in fiscal year 2011. No funding was provided in fiscal year 2012 and none was requested in fiscal year 2013. Consequently, this bill includes no funds for coastal and marine spatial planning activities under any NOAA program, project or activity in this Act.

#### OPERATIONS, RESEARCH, AND FACILITIES

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommendation includes a total program level of \$3,102,435,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA. This total funding level includes \$2,968,371,000 in direct appropriations, a transfer of \$119,064,000 from balances in the “Promote and Develop Fishery Products and Research Pertaining to American Fisheries” account and \$15,000,000 derived from recoveries of prior year obligations. The direct appropriation of \$2,968,371,000 is \$53,860,000 below fiscal year 2012 and \$74,089,000 below the request.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act.

*National Ocean Service.*—The recommendation provides \$427,275,000 for National Ocean Service (NOS) operations, research and facilities.

*Navigation Services.*—The Committee recommendation includes \$150,829,000 for Navigation Services and restores the \$1,240,000 reduction proposed for the Navigation Response Teams. These teams respond to accidents and natural events that create navigation hazards but also spend a majority of their time conducting regular mapping and charting production activities that also contribute to navigation safety and efficiency. However, the Committee directs NOAA to pursue reimbursable agreements as appropriate with respect to providing assistance requested by other agencies in response to accidents or natural disasters.

*Ocean Resources Conservation and Assessment.*—The Committee recommendation includes \$148,589,000 for Ocean Resources Conservation and Assessment programs. Within this amount, NOAA recommends a total of \$31,468,000 for IOOS, which is \$2,080,000 above the fiscal year 2012 amount. Within the amounts provided, NOAA shall ensure that sufficient resources are allocated for verification and validation of existing equipment.

*Marine debris.*—The Committee does not approve of the transfer of these activities to the National Marine Fisheries Service and includes \$3,000,000 for marine debris activities within NOS.

*Lessons learned from the Deepwater Horizon oil spill.*—The Committee encourages NOAA to develop specific biosensor methodologies and validate specific model organisms to use as biological sentinels to detect the impacts of environmental disasters. In addition, the Committee encourages NOAA to draw on lessons learned from its response to the Deepwater Horizon oil spill and engage with its academic partners to develop a response plan in the event of an oil spill in the Caribbean. NOAA shall provide a report to the Committee no later than 120 days after enactment of this Act outlining a response plan.

*Competitive Research.*—The Committee recommends \$11,000,000 for Competitive Research within NOS, which is \$1,968,000 higher than fiscal year 2012 and the same as the request. All \$11,000,000 shall be used for competitive research and not for NOAA administrative activities or expenses. The Committee directs NOAA to assess the placement of this program within the NOS and whether this program is more appropriately funded in the Office of Oceanic and Atmospheric Research. NOAA shall report to the Committee on this assessment no later than 90 days after enactment of this Act.

*Coastal and Ocean Management.*—The Committee recommends a total of \$127,857,000 for coastal management and the Marine Sanctuary Program. The Committee directs the GAO to submit an evaluation of NOAA's implementation of the Coastal Zone Management Act since it was enacted by Congress 40 years ago. This report shall include: amounts provided by year to each State since the program's inception; a sampling of yearly milestones presented by NOAA and the States and whether or not those milestones and overall program goals have been achieved; a discussion of how the types of projects funded over time have changed; and any rec-

ommendations for improvements in NOAA's oversight of the program. This review shall include a sampling and description of how the States used the funds provided. The GAO shall provide this report to the Committee no later than 180 days after enactment of this Act.

**NATIONAL OCEAN SERVICE**  
Operations, Research, and Facilities  
(in thousands of dollars)

Program	Amount
<b>Navigation Services</b>	
Mapping and Charting	
Mapping and Charting Base .....	\$50,584
Hydrographic Research and Technology Development .....	6,964
Electronic Navigational Charts .....	5,780
Shoreline Mapping .....	2,272
Address Survey Backlog/Contracts .....	26,946
Subtotal, Mapping and Charting .....	92,546
Geodesy	
Geodesy Base .....	26,822
National Height Modernization .....	2,406
Subtotal, Geodesy .....	29,228
Tide and Current Data	
Tide and Current Data .....	29,055
Subtotal, Tide and Current Data .....	29,055
<b>Total, Navigation Services .....</b>	<b>150,829</b>
<b>Ocean Resources Conservation and Assessment</b>	
Ocean Assessment Program	
IOOS Regional Observations .....	26,568
NOAA IOOS .....	4,900
Coastal Storms .....	2,495
Coastal Services Center .....	22,237
Coral Reef Program .....	24,098
Subtotal, Ocean Assessment Program .....	80,298
Response and Restoration	
Response and Restoration Base .....	21,859
Marine Debris .....	3,000
Subtotal, Response and Restoration .....	24,859
National Centers for Coastal Ocean Science	
National Centers for Coastal Ocean Science .....	32,432
Competitive Research .....	11,000
Subtotal, National Centers for Coastal Ocean Science .....	43,432
<b>Total, Ocean Resources Conservation and Assessment .....</b>	<b>148,589</b>
<b>Ocean and Coastal Management</b>	
Coastal Management	
Coastal Zone Management Grants .....	59,531
Coastal Zone Management Act and Stewardship .....	5,313
Regional Ocean Partnership Grants .....	4,000
National Estuarine Research Reserve System .....	17,081
Subtotal, Coastal Management .....	85,925
Ocean Management	
Marine Sanctuary Program	

NATIONAL OCEAN SERVICE—Continued  
Operations, Research, and Facilities  
(in thousands of dollars)

Program	Amount
Marine Sanctuary Program .....	41,932
Subtotal, Ocean Management .....	41,932
Total, Coastal and Ocean Management .....	127,857
Total, National Ocean Service, Operations, Research, and Facilities .....	\$427,275

*National Marine Fisheries Service.*—The Committee recommends \$775,427,000 for the National Marine Fisheries Service (NMFS) operations, research and facilities.

*Protected Species Research and Management.*—The Committee recommends \$154,234,000 for Protected Species Research and Management programs, including the full request of \$38,972,000 for base programs. NMFS shall submit a detailed breakout of this base funding to the Committee no later than 60 days after enactment of this Act. Within available resources, the Committee encourages NOAA to maintain funding for marine mammal stranding grants.

*Fisheries Research and Management.*—The Committee recommends \$425,042,000 for Fisheries Research and Management programs, including the full amount requested, \$177,560,000, for base activities. NMFS shall submit a detailed breakout of this base funding to the Committee no later than 60 days after enactment of this Act. The Committee recommends \$68,645,000, the full amount requested, for Expand Annual Stock Assessments and Improve Data Collection, which is \$5,083,000 more than the fiscal year 2012 level for these activities. The Committee expects that NMFS will use these funds to improve its ability to accurately estimate fish stocks and urges NMFS to review recent National Academy of Sciences reports on stock assessments and other relevant topics and update its methodologies as appropriate.

*Salmon Management Activities.*—The Committee recommends \$36,920,000 for Salmon Management Activities. Within this amount, an increase of \$10,000,000 is provided above the request to allow hatcheries to be reformed according to the recommendations of the Hatchery Scientific Review Group.

*Enforcement and Observers Training.*—The Committee recommends \$110,289,000 for Enforcement and Observers Training, which is \$4,928,000 above the fiscal year 2012 level and the same as the request. The Committee directs NOAA to implement the recommendations from the Commerce Inspector General report OIG-12-019-I, More Action Needed to Improve Controls in Asset Forfeiture Fund, particularly with respect to implementing controls to ensure that all proceeds received are accurately recorded. NOAA shall report to the Committee no later than 120 after enactment of this Act regarding progress made in addressing the problems raised in the Inspector General report.

*Habitat Conservation and Restoration.*—The Committee does not approve of the transfer of the Marine Debris program from NOS to NMFS; funds are provided for these activities in NOS, as in previous years.

*Cooperative research.*—The recommendation includes the full \$12,000,000 requested for cooperative research, which is \$1,035,000 more than the fiscal year 2012 level. The Committee expects that all funding provided shall be used for cooperative fisheries research and not for NOAA activities or administrative overhead costs.

*Marine invasive species.*—The Committee encourages NMFS to strengthen partnerships with states and interstate fisheries commissions on the management and research of marine invasive species.

**NATIONAL MARINE FISHERIES SERVICE**  
Operations, Research, and Facilities  
(in thousands of dollars)

Program	Amount
<b>Protected Species Research and Management</b>	
Protected Species Research and Management Programs Base .....	\$38,972
Species Recovery Grants .....	4,317
Marine Mammals .....	39,969
Marine Turtles .....	9,569
Other Protected Species (marine fish, plants, and invertebrates) .....	6,433
Atlantic Salmon .....	2,700
Pacific Salmon .....	52,274
<b>Total, Protected Species Research and Management .....</b>	<b>154,234</b>
<b>Fisheries Research and Management</b>	
Fisheries Research and Management Programs Base .....	177,560
National Catch Share Program .....	25,200
Expand Annual Stock Assessments—Improve Data Collection .....	68,645
Economics and Social Sciences Research .....	6,996
Salmon Management Activities .....	36,920
Regional Councils and Fisheries Commissions .....	24,614
Fisheries Statistics .....	21,178
Fish Information Networks .....	19,937
Survey and Monitoring Projects .....	21,902
Fisheries Oceanography .....	6,432
American Fisheries Act .....	5,058
National Standard 8 .....	915
Reducing Bycatch .....	3,096
Product Quality and Safety .....	6,589
<b>Total, Fisheries Research and Management .....</b>	<b>425,042</b>
<b>Enforcement and Observers/Training</b>	
Enforcement .....	67,123
Observers/Training .....	43,166
<b>Total, Enforcement and Observers/Training .....</b>	<b>110,289</b>
<b>Habitat Conservation and Restoration</b>	
Habitat Management and Restoration .....	29,388
<b>Total, Habitat Conservation and Restoration .....</b>	<b>29,388</b>
<b>Other Activities Supporting Fisheries</b>	
Antarctic Research .....	2,489
Aquaculture .....	5,115
Climate Regimes and Ecosystem Productivity .....	1,626
Computer Hardware and Software .....	1,658
Cooperative Research .....	12,000
Information Analyses and Dissemination .....	16,163
Marine Resources Monitoring, Assessment and Prediction Program .....	758
National Environmental Policy Act .....	5,910
NMFS Facilities Maintenance .....	3,052



NATIONAL MARINE FISHERIES SERVICE—Continued  
Operations, Research, and Facilities  
(in thousands of dollars)

Program	Amount
Regional Studies .....	7,703
Total, Other Activities Supporting Fisheries .....	56,474
Total, National Marine Fisheries Service, Operations, Research, and Facilities .....	\$775,427

*Oceanic and Atmospheric Research.*—The Committee recommends \$404,941,000 for Oceanic and Atmospheric Research (OAR) operations, research, and facilities activities. This amount is \$30,519,000 above the fiscal year 2012 level and \$1,500,000 more than the request. This funding level underscores the Committee's prioritization of research across the broad spectrum of NOAA programs.

*Balancing the research portfolio.*—The Committee notes that the overall request for Climate Research activities exceeds that for Weather and Air Chemistry Research and Ocean, Coastal, and Great Lakes Research combined. Therefore, the Committee recommends a more balanced funding allocation across NOAA's research programs, including additional funding for Weather and Air Chemistry and Ocean, Coastal, and Great Lakes Research programs. This reallocation provides for the ongoing operation at no less than current operating levels of NOAA's research labs funded within OAR. The Committee encourages NOAA and its Science Advisory Board to review NOAA's overall research portfolio to ensure that it is appropriately allocated to support NOAA's core operational mission requirements.

*Weather and Air Chemistry Research.*—The Committee directs NOAA to provide a report no later than 120 days after enactment of this Act regarding the use of unmanned aerial systems in hurricane research.

The recommendation includes requested funding for Multi-function Phased-Array Radar research and development for improved forecast accuracy. The Committee supports NOAA's ongoing deployment of dual polarization capability which is critical for improving the ability of weather forecasters to better distinguish precipitation types. The Committee encourages NOAA to continue its internal and external research and development activities in this area, and to submit a report no later than February 5, 2013, on these efforts.

In addition, the Committee directs NOAA to collaborate with the National Science Foundation and academic and private sector partners to study tornadoes and other severe weather events, including, but not limited to, variables in humidity and topography and how these factors can impact the formation, intensity, and storm path of tornadoes. NOAA shall report to the Committee, within 90 days of enactment, on plans for this research.

*Ocean Exploration and Research.*—The Committee supports ocean exploration and research and educational programs and provides \$23,000,000 for these activities, which is \$545,000 below fiscal year 2012 and \$3,335,000 above the request. The Committee encourages NOAA to utilize its two exploration ships, the *Oceanos*

Explorer and the E/V Nautilus, on research and exploration missions in the U.S. Exclusive Economic Zone.

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH  
Operations, Research, and Facilities  
(in thousands of dollars)

Program	Amount
Climate Research	
Laboratories and Cooperative Institutes .....	\$53,350
Climate Data and Information .....	13,003
Climate Competitive Research, Sustained Observations and Regional Information .....	120,000
Total, Climate Research .....	186,353
Weather and Air Chemistry Research	
Laboratories and Cooperative Institutes .....	63,476
U.S. Weather Research Program .....	7,553
Tornado Severe Storm Research/Phased Array Radar .....	13,008
Total, Weather and Air Chemistry Research .....	84,037
Ocean, Coastal, and Great Lakes Research	
Laboratories and Cooperative Institutes .....	31,125
National Sea Grant College Program Base .....	57,092
Marine Aquaculture Program .....	4,556
Ocean Exploration and Research .....	23,000
Integrated Ocean Acidification .....	6,400
Total, Ocean, Coastal, and Great Lakes Research .....	122,173
High Performance Computing Initiatives .....	12,378
Total, Office of Oceanic and Atmospheric Research, Operations, Research, and Facilities .....	\$404,941

*National Weather Service.*—The Committee recommends \$897,055,000 for National Weather Service (NWS) operations, research and facilities, which is \$3,709,000 below the enacted level and \$22,301,000 above the request. The Committee continues to prioritize funding for these core life and safety programs.

*Local Warnings and Forecasts base.*—The recommendation for Local Warnings and Forecasts base activities is \$639,905,000, which is \$8,737,000 more than the current level and \$11,341,000 more than the request. The Committee does not support NOAA's proposal to reduce funding for information technology positions at each of the Weather Forecast Offices (WFO). Eliminating these positions during deployment of Advanced Weather Interactive Processing System (AWIPS) upgrades is risky. In addition, NOAA has not yet developed a thorough concept for where the proposed information technology deployment teams would be located, how many technicians would be on each team, or how they would be deployed if more than four information technology needs arose at the same time. The recommendation supports the continuation of such positions at each WFO.

*NOAA Profiler Network.*—The recommendation includes \$4,228,000 to maintain NOAA's Profiler Network (NPN), which is the same as the fiscal year 2012 level and \$2,417,000 more than the request. The NPN consists of 35 operational and two support radars that observe wind direction and velocity at various alti-

tudes. The data collected have improved probability of detection, decreased false alarm rates, and improved lead time for tornado warnings and other severe weather events. Thirty of these wind profilers are located along “Tornado Alley.” The Committee does not agree with the proposal to eliminate funding for technology refreshments for the NPN. The Committee is disappointed that NOAA chose to eliminate this funding and not propose alternative data sources to ensure continuity of the types of data collected by the NPN. The Committee directs NOAA to submit a report no later than 90 days after enactment of this Act with a plan for utilizing other data sources that can provide similar or better data than that currently provided by the NPN.

*Strengthen U.S. tsunami warning network.*—The recommendation includes \$23,466,000 for NOAA’s tsunami program, which is the same as fiscal year 2012 and \$4,554,000 above the request. The Committee does not approve of NOAA’s proposal to terminate partner funding for education and awareness programs of the National Tsunami Hazard Mitigation Program or NOAA’s proposal to reduce funding for maintenance of the DART buoy network. The Committee expects NOAA to repair any DART stations that are not currently operational and report to the Committee no later than 30 days after enactment of this Act regarding the status of the entire DART network. The Committee also expects NOAA to engage the National Academy of Sciences to review the need for, and assess the utility of, establishing a third tsunami warning center in the Caribbean, collocated at one of NOAA’s existing facilities.

#### NATIONAL WEATHER SERVICE

Operations, Research, and Facilities

(in thousands of dollars)

Program	Amount
<b>Local Warnings and Forecasts</b>	
Local Warnings and Forecasts Base .....	\$639,905
Air Quality Forecasting .....	3,987
Alaska Data Buoys .....	1,683
Sustain Cooperative Observer Network .....	1,865
NOAA Profiler Network .....	4,228
Strengthen U.S. Tsunami Warning Network .....	23,466
Pacific Island Compact .....	3,775
<b>Subtotal, Local Warnings and Forecasts .....</b>	<b>678,909</b>
<b>Operations and Research</b>	
Advanced Hydrological Prediction Services .....	6,209
Aviation Weather .....	21,452
WFO Maintenance .....	6,588
Weather Radio Transmitters .....	2,297
<b>Subtotal, Operations and Research .....</b>	<b>36,546</b>
Central Forecast Guidance .....	79,224
<b>Total, Local Warnings and Forecasts, Operations and Research, Central Forecast Guidance .....</b>	<b>794,679</b>
<b>Systems Operation and Maintenance</b>	
NEXRAD .....	46,247
ASOS .....	11,352
AWIPS .....	39,495
NWSTG Backup—CIP .....	5,282

NATIONAL WEATHER SERVICE—Continued  
Operations, Research, and Facilities  
(in thousands of dollars)

Program	Amount
Total, Systems Operation and Maintenance .....	102,376
Total, National Weather Service, Operations, Research, and Facilities .....	\$897,055

*National Environmental Satellite, Data and Information Service.*—The Committee recommends \$176,907,000 for National Environmental Satellite, Data and Information Service (NESDIS) operations, research and facilities.

*Data Centers and Information Services.*—The Committee recommends \$66,028,000 for these activities, including not less than the current level for each activity currently funded under archive, access and assessment programs.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE  
Operations, Research, and Facilities  
(in thousands of dollars)

Program	Amount
Environmental Satellite Observing Systems	
Office of Satellite and Product Operations	
Satellite Command and Control .....	\$36,214
NSOF Operations .....	7,208
Product, Processing and Distribution .....	41,114
Subtotal, Office of Satellite and Product Operations .....	84,536
Product Development, Readiness and Application	
Product Development, Readiness and Application .....	17,591
Product Development, Readiness and Applications (Ocean Remote Sensing) .....	3,652
Joint Center for Satellite Data Assimilation .....	3,046
Subtotal, Product Development, Readiness and Application .....	24,289
Commercial Remote Sensing Regulatory Affairs .....	1,006
Office of Space Commercialization .....	593
Group on Earth Observations .....	455
Total, Environmental Satellite Observing Systems .....	110,879
Data Centers and Information Services	
Archive, Access and Assessment .....	48,510
Coastal Data Development .....	3,600
Regional Climate Services .....	5,177
Environmental Data Systems Modernization .....	8,741
Total, Data Centers and Information Services .....	66,028
Total, NESDIS, Operations, Research, and Facilities .....	\$176,907

*Program Support.*—The Committee recommends \$420,830,000 for Program Support (PS) operations, research and facilities, which is \$13,674,000 below the enacted level and \$11,128,000 below the request.

*Aircraft services.*—The recommendation includes \$30,241,000 for Aircraft Services, which is \$2,557,000 above the enacted level and the same as the request. Within the amount provided for Aircraft

Services, NOAA shall distribute resources to ensure that hurricane research and reconnaissance aircraft are funded at levels to maintain prior year operating tempos sufficient to meet hurricane research and reconnaissance needs. The Committee expects NOAA to reduce funding for lower priority flights and ensure that NOAA hurricane research and reconnaissance needs are prioritized. The Committee understands that the NOAA fiscal year 2013 budget includes funds to operate two of NOAA's three hurricane research and reconnaissance aircraft; the third aircraft has reached the end of its service life and has been taken out of service. The Committee directs GAO to assess the status of NOAA's aircraft and its ability to meet core research and operational needs and provide a report to the Committee by February 5, 2013. As part of this review, GAO shall examine the data collected by NOAA aircraft and determine if this data is being collected by other assets including NOAA or NASA satellites, or other government assets such as data buoys and determine if operating the NOAA aircraft is the best or most cost effective method for fulfilling the operational and research requirements of NOAA. Lastly, this review should include a review of the cost effectiveness of NOAA maintaining its own aircraft for non-hurricane research needs.

*Management and administrative costs.*—The recommendation includes language capping NOAA corporate services administrative support costs at \$207,013,000, which equals the amount recommended in this bill for corporate services, Chief Information Officer activities and facilities management. As directed by the Committee, NOAA submitted a report during fiscal year 2012 on management and administrative costs which showed that in fiscal year 2011 NOAA spent \$338,822,700 on management and administration activities across all of the line offices. The Committee commends NOAA for undertaking the review but finds that the report raises additional questions about how the line offices are accounting for administrative overhead. The Committee expects NOAA to continue to work with the Committee to standardize the treatment of management and administrative costs in a manner that maximizes transparency and accountability.

*NOAA education program.*—The Committee recommends \$17,561,000 for NOAA's Competitive Educational Grants and Programs, which is \$7,529,000 below fiscal year 2012 and \$6,295,000 above the request. The Committee directs NOAA to spend no less than \$7,561,000 of the amount provided to continue its Educational Partnership Program with Minority Serving Institutions, with remaining funds supporting NOAA's general competitive education program.

*Extramural research.*—The Committee believes that NOAA benefits from its collaboration with academia and the private sector with respect to cooperative institutes and competitive research as these relationships build broad community support and leverage external funding for mission-oriented research. The Committee expects NOAA to continue to track intra- and extramural research and report on such expenditures in subsequent budget requests.

**PROGRAM SUPPORT**  
Operations, Research, and Facilities  
(in thousands of dollars)

Program	Amount
Program Support	
Corporate Services	
Under Secretary and Associate Offices Base .....	\$27,420
NOAA-Wide Corporate Services and Agency Management .....	99,820
DOC Accounting System .....	9,733
Payment to the DOC Working Capital Fund .....	37,074
Subtotal, Corporate Services .....	174,047
Office of the Chief Information Officer	
IT Security .....	8,431
Total, Corporate Services and Chief Information Officer .....	182,478
NOAA Education Program	
Education Partnership Program/Minority Serving Institutions .....	7,561
NOAA Education Program Base .....	10,000
Total, NOAA Education Program .....	17,561
NOAA Facilities Management, Maintenance, Construction and Safety .....	24,535
Total, Program Support .....	224,574
Office of Marine and Aviation Operations	
Marine Operations and Maintenance .....	166,015
Aircraft Services .....	30,241
Total, Office of Marine and Aviation Operations .....	196,256
Total, Program Support and OMAO, Operations, Research, and Facilities .....	\$420,830

**PROCUREMENT, ACQUISITION AND CONSTRUCTION**

The Committee recommendation includes a total program level of \$1,946,948,000 in direct obligations under this heading, of which \$1,931,948,000 is appropriated from the general fund and \$15,000,000 is derived from recoveries of prior year obligations. The direct appropriation is \$114,854,000 above fiscal year 2012 and \$33,788,000 below the request. The following narrative descriptions and tables identify the specific activities and funding levels included in this Act:

*National Weather Service (NWS).*—The Committee recommends \$99,139,000 for NWS systems acquisitions and construction, which is \$8,029,000 above fiscal year 2012 and \$1,700,000 above the request, to maintain NOAA's Profiler Network. This amount includes the full amount requested, \$12,400,000, for the Ground Readiness Project to enable the NWS to update its information technology infrastructure to ensure that the Weather Forecast Offices can receive the data from the Suomi National Polar-orbiting Partnership (NPP) satellite, Joint Polar Satellite System (JPSS), and Geostationary Operational Environmental Satellites (GOES). NOAA shall provide a report to the Committee no later than 30 days after

enactment of this Act with a spending plan for these funds as well as the status of deploying the upgrades to each of the Weather Forecast Offices.

*National Environmental Satellite, Data and Information Service (NESDIS).*—The recommendation includes \$1,822,821,000 for NESDIS acquisition and construction. This amount is \$126,176,000 above fiscal year 2012 and \$27,488,000 below the request. NOAA shall notify the Committee prior to obligating any of its reserve funds for either the GOES–R or JPSS programs.

*Geostationary Operational Environmental Satellite-R (GOES–R) Series.*—The Committee recommends \$796,000,000 for GOES–R, which is \$180,378,000 above fiscal year 2012 and \$6,000,000 below the request.

*Joint Polar Satellite System.*—The Committee recommends \$916,364,000 for the JPSS program, which is \$7,650,000 below fiscal year 2012 level and the same as the request. Funding provided will continue development of the JPSS instruments, ground systems and spacecraft, including funding to continue development of the OMPS-Nadir instrument as requested. The Committee understands that failure to complete OMPS-Nadir could lead to a need to redesign the JPSS–1 spacecraft and redo thermal and mechanical analyses for certain other instruments which would have an impact on schedule and cost. The Committee notes that no alternatives exist to fill the anticipated gap in weather data between the end of the expected operational capabilities of the Suomi NPP, estimated to be in 2016, and the time when JPSS–1 becomes fully operational in 2018. Therefore, NOAA shall report to the Committee within 30 days after enactment of this Act, and on a monthly basis thereafter, on program progress and adherence to the JPSS budget and schedule.

*Quarterly satellite briefings.*—The Committee directs NOAA to continue providing quarterly satellite briefings to the Committee regarding NOAA major system acquisition programs. NOAA shall provide quarterly obligations reports for each of the satellite programs beginning with funds expended during fiscal year 2012.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

(in thousands of dollars)

Program	Amount
Office of Oceanic and Atmospheric Research	
Research Supercomputing/CCRI .....	\$10,379
National Weather Service	
Systems Acquisition	
ASOS .....	1,635
AWIPS .....	20,592
NWSTG Legacy Replacement .....	8,185
Radiosonde Network Replacement .....	4,014
Weather and Climate Supercomputing .....	38,169
Cooperative Observer Network Modernization (NERON) .....	3,700
Complete and Sustain NOAA Weather Radio .....	5,594
NOAA Profiler Conversion .....	1,700
Ground Readiness Project .....	12,400
Subtotal, NWS Systems Acquisition .....	95,989
WFO Construction .....	3,150

PROCUREMENT, ACQUISITION, AND CONSTRUCTION—Continued  
(in thousands of dollars)

Program	Amount
Subtotal, NWS Construction .....	3,150
Total, NWS—PAC .....	99,139
National Environmental Satellite, Data and Information Service	
Systems Acquisition	
Geostationary Systems—N .....	23,412
Geostationary Systems—R .....	796,000
Polar Orbiting Systems—POES .....	28,741
Jason-3 .....	19,000
Joint Polar Satellite System (JPSS) .....	916,364
DSCOVR .....	22,383
EOS and Advanced Polar Data Processing, Distribution and Archiving Systems .....	990
CIP—single point of failure .....	2,772
Comprehensive Large Array Data Stewardship System (CLASS) .....	6,476
NPOESS Preparatory Data Exploitation .....	4,455
Subtotal, NESDIS Systems Acquisition .....	1,820,593
Construction	
Satellite CDA Facility .....	2,228
Total, NESDIS—PAC .....	1,822,821
Office of Marine and Aviation Operations	
Fleet Replacement	
Fleet Capital Improvements and Tech Infusion (Vessel Equip and Tech Refresh) .....	11,712
New Vessel Construction .....	2,897
Total, Office of Marine and Aviation Operations, PAC .....	14,609
Total, Procurement, Acquisition, and Construction .....	\$1,946,948

PACIFIC COASTAL SALMON RECOVERY

The Committee provides \$65,000,000 for Pacific Coastal Salmon Recovery, which is the same as fiscal year 2012 and \$15,000,000 above the request. In addition, the accompanying bill includes language that requires all funds to be allocated based on scientific and merit principles and prohibits the availability of funds for marketing activities.

FISHERMEN'S CONTINGENCY FUND

The Committee recommends \$350,000, which is the same as fiscal year 2012 and the request, for the Fishermen's Contingency Fund, to compensate U.S. commercial fishermen for damage or loss caused by obstructions related to oil and gas exploration. The funds used to provide this compensation are derived from fees collected by the Secretary of the Interior.

FISHERIES FINANCE PROGRAM ACCOUNT

The Committee recommends language under this heading limiting obligations of direct loans to \$24,000,000 for Individual Fishing Quota loans and \$59,000,000 for traditional direct loans. NOAA shall provide a report to the Committee by January 1, 2013, providing the current status of loans under this program.



DEPARTMENTAL MANAGEMENT  
SALARIES AND EXPENSES

The Committee recommendation includes \$55,000,000 for Departmental Management, which is \$2,000,000 below fiscal year 2012 and \$1,000,000 below the request.

*Reprogramming procedures.*—The Committee reminds the Secretary of Commerce of section 505 of this Act. Unfortunately, over the last year the Department has chosen to announce a range of new activities that create new programs and relocate employees without first notifying the Committee. The Committee expects the Department to adhere to all reprogramming notification procedures.

*Cybersecurity.*—The Committee remains concerned about the cyber intrusion at EDA and the subsequent negative impacts on the agency and its ability to efficiently and quickly assist economically distressed communities. The Committee directs the Department of Commerce Chief Information Officer to provide a quarterly report, to begin with the second quarter following enactment of this Act, on progress made by the Department in implementing information technology security standards mandated in the Federal Information Security Management Act and other relevant Federal cybersecurity requirements. Further, the Department shall ensure that it uses to the fullest extent possible the toolkits and protocols developed by NIST. The Committee expects that the Department will coordinate with the Department of Homeland Security with respect to cybersecurity to ensure that Commerce information technology systems are appropriately protected. The Committee directs the Secretary to ensure that no later than 60 days after enactment of this Act appropriate personnel within each bureau and within the Office of the Secretary have received a briefing as directed in the fiscal year 2012 appropriations Act. The Secretary, in cooperation with other Federal agencies, shall submit a report no later than 30 days after enactment of this Act regarding the cyber intrusion that occurred at EDA and steps taken to address this issue.

*Repatriation and manufacturing initiatives.*—The Committee expects the Secretary to continue the Department's efforts with respect to the repatriation task force and other repatriation and manufacturing initiatives established in Public Law 112-55 and to provide a report to the Committee on the Department's activities with respect to these programs no later than 120 days after enactment of this Act.

*Commercialization of Federally-funded research.*—The Committee is concerned that some businesses, after developing a commercial application for Federally-funded research and development, choose to use that application to produce goods and services overseas. Such occurrences damage the economic interests and competitiveness of the United States and reduce the return on taxpayers' investment in Federal research. The Committee directs the Department to report to the Committee no later than 90 days after the enactment of this Act on efforts to prevent the outsourcing of commercialized Federal research and development, including the development of a U.S. Government-wide policy.

*Economic Security Commission.*—The recommendation includes \$1,000,000 for the Economic Security Commission established by

the Secretary in fiscal year 2012. The Committee expects the first report by the Commission to focus on the strategic economic security activities and investments made by China, Russia, Brazil, India, Japan and the European Union during 2009 through 2011 and, to the extent possible, those planned for the next five years. The Committee expects the Secretary of Commerce to consult with other Federal agencies with respect to gathering this data. Funds provided will support the research necessary for this annual report. The Committee expects that the first such report shall be submitted no later than 180 days after enactment of this Act.

*Domestic production capabilities.*—The Committee directs the Secretary to submit a report no later than 120 days after enactment of this Act that reviews the percentage of steel slabs manufactured by integrated steel mills in the U.S. that are internally consumed by the producer versus those made available for commercial sale to other U.S. rolling mills, and whether and to what extent U.S. rolling mills with insufficient or no capacity to manufacture slabs are able to meet their demand for steel slabs from domestic sources. The study shall evaluate the ability of rolling mills with insufficient or no slab production capacity to meet their demand for steel slabs from domestic sources over the past 15 years.

*Cooperatives.*—With more than \$3 trillion in assets, over \$500 billion in total revenue, \$25 billion in wages and benefits, and nearly one million jobs, cooperatives have proven themselves to be vital components of the nation's economy. The Committee encourages the Department of Commerce to build on its efforts to create opportunities for community wealth building, workforce training, and job creation by working with national and local stakeholders in the cooperative sphere to look at the role that business cooperatives can play in stimulating industrial and commercial growth in economically distressed areas of the United States. The Department shall report to the Committee, within 120 days of enactment of this Act, with a plan to strengthen business cooperatives and to assist communities and organizations attempting to form cooperatives. Additionally, this report should include plans to assist employee-owned businesses.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$28,753,000 for the Office of the Inspector General (IG), which is \$1,807,000 above fiscal year 2012 and the same as the request. The increase will enable the IG to enhance its oversight of the Department's acquisition and contracting activities. An additional \$2,000,000 is provided under the PTO heading for transfer to the IG in order to provide adequate oversight of that agency.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

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

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

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

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

Section 105 extends Congressional notification requirements for NOAA satellite programs.

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

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

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

Section 109 requires a monthly report on official travel to China.

## TITLE II

### DEPARTMENT OF JUSTICE

#### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

The Committee recommends \$110,322,000 for Department of Justice, General Administration, Salaries and Expenses, which is \$500,000 below fiscal year 2012 and \$17,345,000 below the request.

*Liaison partnerships.*—The Council on American-Islamic Relations (CAIR) was listed as an unindicted co-conspirator in a case in which the Holy Land Foundation was found guilty of material support of a terrorist organization. The Committee acknowledges the Attorney General's refusal to attend certain meetings knowing that CAIR officials would be present, as indicated in testimony before the Committee on February 28, 2012. The Committee understands that the Federal Bureau of Investigation (FBI) has an existing policy prohibiting its employees from engaging in any formal non-investigative cooperation with CAIR. The Committee encourages the Attorney General to adopt a similar policy for all Department officials.

*Prescription drug abuse.*—The number of Americans abusing controlled substance pharmaceuticals far exceeds the number abusing cocaine, heroin and hallucinogens combined. According to the Centers for Disease Control and Prevention (CDC), opioid pain reliever overdose deaths rose nearly 300 percent between 1999 and 2008. The Committee urges the Attorney General to convene a national summit on the prescription drug abuse problem as a means of sharing best practices for reducing prescription drug diversion and abuse, including the establishment of prescription drug monitoring

programs, proper drug disposal, and increased enforcement on pill mills and doctor shopping.

*Prison Rape Elimination Act (PREA).*—On June 23, 2009, the bipartisan National Prison Rape Elimination Commission presented its recommended standards to the Attorney General. PREA requires the Attorney General to promulgate binding standards within one year of receiving the Commission's recommendations. Nearly two years have elapsed since that deadline. In the meantime, about 434,000 more inmates in the United States have become victims of sexual abuse while behind bars, according to the Department's own statistics. The Committee once again directs the Department of Justice to publish, as soon as possible, this final rule, and to continue efforts to provide assistance in the form of training, technical assistance, and implementation grants to assist State, local, and tribal jurisdictions in achieving compliance with the PREA national standards.

*Obscenity enforcement.*—The Committee remains concerned that the Department's incorporation of the responsibilities of the Obscenity Prosecution Task Force into the Child Exploitation and Obscenity Section of the Criminal Division may weaken adult obscenity enforcement. The Task Force was designed to draw upon the expertise of several other Criminal Division sections, such as the Organized Crime and Racketeering Section (now known as the Money Laundering and Gang Section), the Asset Forfeiture and Money Laundering Section, and the Computer Crime and Intellectual Property Section. The Committee supports the work of the Department in investigating and prosecuting major producers and distributors of hardcore adult pornography that meets the test for obscenity, as defined by the Supreme Court, and expects that the responsibilities that had been assigned to the Task Force have not and will not be diminished by this reorganization. The Committee believes that targeted enforcement of adult obscenity is necessary to protect the welfare of families and children as traffickers in illegal adult obscenity extend their influence through advances in technology. The Committee directs the Department to submit a report no later than 90 days after the enactment of this Act on its adult obscenity investigation and prosecution workload statistics and accomplishments during the twelve months prior to the enactment of this Act.

*Product procurements.*—The recommendation continues language from the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012, directing that, to the extent practicable, promotional items purchased with funds provided by this Act shall be produced in the United States. Additional language in the Act provided Federal Prison Industries (FPI) with the authority to manufacture products that are no longer made in the United States. Therefore, the Committee directs the Attorney General to survey annually the Department and other Federal agencies to determine which promotional products purchased by such agencies are manufactured outside the United States, and might otherwise be procured through FPI. The Committee expects that FPI will maintain this information in a database in order to help inform its board of directors of new opportunities to repatriate manufacturing, and that any manufacturing activities initiated as a result are intended

to create new American jobs, not compete with existing United States businesses.

*Human trafficking.*—The recommendation includes resources and guidance throughout this title to combat trafficking in persons. The Committee expects the Attorney General to make the investigation and prosecution of such crimes a top priority. Trafficking frequently targets the most vulnerable in society and in many instances is the equivalent of modern-day slavery. The Attorney General shall submit a comprehensive report on all Department anti-trafficking activities no later than 60 days after the date of enactment of this Act, including any recommendations for additional legislation that may be necessary or helpful to these efforts.

In addition, the Committee directs the Attorney General to provide a report to the Committee detailing any actions the Department has taken to investigate allegations of trafficking or abuse of nonimmigrants holding an A-3 or a G-5 visa (as such terms are defined in section 203(f) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008) and actions the Department has taken under section 3271 of title 18, United States Code, to enforce the United States' policy of zero-tolerance for sex and labor trafficking by contractors and subcontractors working for the United States.

*Drug-related violence.*—The Committee is aware that efforts by Federal law enforcement to reduce drug trafficking and associated violence in the Southwest border region have affected trafficking routes and crime rates in the Caribbean. The Committee expects the Attorney General to address these trends by allocating necessary resources to areas substantially affected by drug-related violence, and reporting such actions to the Committee.

*Gang violence.*—Gangs remain a significant threat to public safety in the United States. Gangs often operate across multiple jurisdictions, and in these cases, Federal assistance is often necessary to facilitate the efforts of State and local law enforcement agencies. The Committee appreciates that the Department has an extensive plan to combat gangs and recognizes the critical importance of State and local law enforcement and community groups working in a coordinated fashion against gang violence. Because of this, the Committee does not adopt the Department's proposal to eliminate funding for the National Gang Intelligence Center (NGIC) under the FBI. The NGIC collects, analyzes, produces, and disseminates gang intelligence and intelligence products to support Federal, State, local, and tribal law enforcement as well as correctional agencies throughout the U.S. The Committee appreciates the Department's continued attention to the threat of organized gang violence, and directs the Department to continue to produce the National Gang Threat Assessment, which shall include a description of efforts to date and future plans to cooperate with state and local law enforcement in a concerted effort to combat the unlawful activities of multijurisdictional gangs.

*Oil and Gas Price Fraud Working Groups.*—The Committee directs the Department of Justice to report to the Committees on Appropriations the status of the Oil and Gas Price Fraud Working Group's activities no later than 60 days after the enactment of this Act.

## JUSTICE INFORMATION SHARING TECHNOLOGY

The Committee recommends \$33,426,000 for Justice Information Sharing Technology, which is \$10,881,000 below fiscal year 2012 and the same as the request.

## ADMINISTRATIVE REVIEW AND APPEALS

## (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$313,438,000 for the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney, of which \$4,000,000 is from immigration examination fees. The recommendation is \$8,438,000 above fiscal year 2012 and the same as the request. The recommendation fully funds the request in order to allow EOIR to fill vacant positions, augment its highly successful Legal Orientation Program (LOP), and keep pace with its increase in workload. The Committee recommends that the Department consider lifting the EOIR hiring freeze in light of the current case backlog and the fact that the Committee has fully funded the request.

*Legal Orientation Program.*—The recommendation includes a total program increase of \$1,963,000 for the LOP. The LOP increases detained aliens' awareness of their rights with regard to EOIR immigration proceedings, allowing them to make more informed decisions earlier in the adjudication process and increasing efficiencies for both EOIR courts and Department of Homeland Security detention programs. A 2008 Vera Institute of Justice study found that LOP participants conclude their immigration court cases an average of 13 days sooner than alien detainees who do not receive LOP assistance. There are currently 26 LOP sites, 24 of which are in detention settings. The recommendation supports the addition of six sites, in response to increasing demand.

## OFFICE OF INSPECTOR GENERAL

The Committee recommends \$84,199,000 for the Office of Inspector General, which is the same as fiscal year 2012 and \$1,786,000 below the request.

The Committee notes that the Department convened a task force in January 1996 to act on the findings of an Inspector General (IG) report on FBI laboratory practices, and that this task force concluded its work in 2004. The task force identified impacted cases, undertook independent reviews in certain cases and notified the relevant prosecutors so that they could determine what information needed to be disclosed to defense counsel. The Committee encourages the IG to undertake a follow-up review of these activities and to recommend any further actions, as appropriate, to uphold defendants' rights to fair trials.

## UNITED STATES PAROLE COMMISSION

## SALARIES AND EXPENSES

The Committee recommends \$12,772,000 for the United States Parole Commission, which is \$61,000 below fiscal year 2012 and the same as the request.

## LEGAL ACTIVITIES

## SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The Committee recommends \$863,367,000 for General Legal Activities, which is the same as fiscal year 2012 and \$40,236,000 below the request. This appropriation supports the establishment of litigation policy, the conduct of litigation, and other legal responsibilities of the Department of Justice through the Office of the Solicitor General, the Tax Division, the Criminal Division, the Civil Division, the Environment and Natural Resources Division, the Civil Rights Division, the Office of Legal Counsel, INTERPOL Washington and the Office of Dispute Resolution. The Committee expects the Criminal Division to prioritize, within available resources, prosecution of cases in connection with the Project Safe Childhood program. The Committee further expects INTERPOL Washington to prioritize, within available resources, efforts to arrest fugitive sex offenders, track convicted sex offenders that travel to foreign countries, combat child sex tourism and locate missing and exploited children.

*INTERPOL.*—An INTERPOL red notice is the closest instrument to an international arrest warrant in use today. The Committee is concerned by news reports that have suggested that some foreign governments have fabricated criminal charges against opposition activists who have been given refuge in other countries, and then sought their arrest by obtaining red notices from INTERPOL. The Committee expects the Department and INTERPOL Washington to ensure that safeguards are in place to prevent the alleged abuse of the red notice protocols by foreign countries to target political or religious dissidents.

In addition, the Committee notes that Egypt recently requested INTERPOL red notices seeking the arrest of American and other nongovernmental workers it accused of illegally operating democracy programs and stirring unrest. The Committee expects the Department to ensure that no such politically-motivated red notices are issued by INTERPOL.

*Human trafficking.*—The Committee recommendation includes not less than the fiscal year 2012 funding level for the Human Trafficking and Slavery Prosecution Unit (HTSPU) in the Civil Rights Division 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.

*Intellectual property.*—U.S. industries lose billions of dollars each year due to counterfeiting and global trade of illegitimate goods. Within the funding provided, the Committee expects the Criminal Division to make combating international piracy of intellectual property a priority, including by allocating appropriate resources both domestically and overseas to support anti-piracy efforts.

## VACCINE INJURY COMPENSATION TRUST FUND

The recommendation includes \$7,833,000 as a reimbursement from the Vaccine Injury Compensation Trust Fund for costs of liti-

gating cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660).

SALARIES AND EXPENSES, ANTITRUST DIVISION

The Committee recommends \$159,587,000 for salaries and expenses of the Antitrust Division, which is the same as fiscal year 2012 and \$5,166,000 below the request. The recommended funding level is offset by \$115,000,000 in fee collections for a net direct appropriation of \$44,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The Committee recommends \$1,965,000,000 for the Executive Office for United States Attorneys and the 94 United States Attorneys' offices, which is \$5,000,000 above fiscal year 2012 and \$9,378,000 below the request.

*Adam Walsh Act.*—The recommendation includes not less than the fiscal year 2012 level for the investigation and prosecution of cases involving the sexual exploitation of children, as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248).

*Human trafficking.*—In fiscal year 2012, Congress directed each U.S. Attorney to establish or participate in a regional human trafficking task force. The accompanying statement of the managers also directed, “Task force meetings should focus specifically on combatting human trafficking, with an emphasis on undertaking proactive investigations. Such investigations shall include, for example, the investigation of persons or entities facilitating trafficking in persons through the use of classified advertising on the Internet.” The Committee currently awaits a response to questions from its February 28, 2012, hearing at which the Attorney General appeared as a witness, regarding the status of these task forces and whether a directive from the Attorney General had been sent to the field on this matter. The Committee expects U.S. Attorneys to maintain their task force participation and leadership roles in fiscal year 2013 and to undertake proactive investigations, including investigations of persons or entities facilitating trafficking in persons through the use of classified advertising on the Internet. The Committee directs the Department to submit an annual report regarding the work of these task forces. This report shall also identify any U.S. Attorney's office that is not in compliance with this directive.

In addition, the Committee directs the Department to continue to undertake outreach efforts in the form of public notices with regard to the prevalence of human trafficking activities and to report to the Committee regarding such outreach efforts.

*Pill mills.*—The dispensing of addictive prescription pain medication under the guise of a doctor's care at so-called “pill mill” pain clinics has become an escalating law enforcement and public health challenge, and the CDC has classified the abuse of prescription drugs as a national epidemic. The Committee notes that the Department has undertaken impressive efforts to reduce these rogue pill mills in Florida. While the number of Florida doctors in the nationwide list of the top 100 oxycodone-purchasing physicians dropped from 90 to 13 in 2012, the Drug Enforcement Administration's (DEA) Automation of Reports and Consolidated Orders Sys-



tem now indicates that many of these pill mills have relocated to other States. Because of the widespread nature of prescription drug abuse, within the funds provided, the Committee expects U.S. Attorneys to prioritize the investigation and prosecution of pain clinics serving as fronts for the illegal distribution of addictive pain killers.

#### UNITED STATES TRUSTEE SYSTEM FUND

The Committee recommends \$223,258,000 for the United States Trustee Program (USTP), which is the same as fiscal year 2012 and \$4,149,000 below the request. The recommended funding is fully offset by fee collections.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The Committee recommends \$2,000,000 for the Foreign Claims Settlement Commission, which is the same as fiscal year 2012 and \$139,000 below the request.

#### FEEES AND EXPENSES OF WITNESSES

The Committee recommends \$270,000,000 for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, which is the same as fiscal year 2012 and the request. This appropriation is considered mandatory for scorekeeping purposes.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The Committee recommends \$11,456,000 for the Community Relations Service, which is the same as fiscal year 2012 and \$580,000 below the request.

#### ASSETS FORFEITURE FUND

The Committee recommends \$20,948,000 for the Assets Forfeiture Fund, which is the same as fiscal year 2012 and the request. The Committee expects the Department, in exceptional circumstances, to allow the use of equitable sharing monies for the cost of support personnel.

#### UNITED STATES MARSHALS SERVICE

##### SALARIES AND EXPENSES

The Committee recommends \$1,188,488,000 for the salaries and expenses of the United States Marshals Service (USMS), which is \$14,488,000 above fiscal year 2012 and \$15,000,000 below the request.

#### CONSTRUCTION

The Committee recommends \$10,000,000 for construction and related expenses in space controlled, occupied or utilized by the USMS for prisoner holding and related support, which is \$5,000,000 below fiscal year 2012 and the same as the request.

## FEDERAL PRISONER DETENTION

## (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$1,647,383,000 for Federal Prisoner Detention (FPD), which is \$66,788,000 above the amount appropriated in fiscal year 2012 to the Office of the Federal Detention Trustee (OFDT) and \$20,852,000 below the request.

Since 2002, the care of Federal detainees in private, State and local facilities and the costs associated with these efforts have been funded under OFDT. The Committee adopts the proposal in the request to eliminate the OFDT and merge its activities and resources into the USMS. The resulting merger will align the accountability of resources with the responsibility of Federal detention operations under a single command and control structure within the USMS leadership. The Committee expects that the USMS will expand upon OFDT's work to achieve efficiencies, cost reductions and cost avoidance in detention through process and infrastructure improvements.

## NATIONAL SECURITY DIVISION

## SALARIES AND EXPENSES

The Committee recommends \$90,039,000 for the National Security Division (NSD), which is \$3,039,000 above fiscal year 2012 and the same as the request.

## INTERAGENCY LAW ENFORCEMENT

## INTERAGENCY CRIME AND DRUG ENFORCEMENT

The Committee recommends \$521,793,000 for Interagency Crime and Drug Enforcement, which is \$5,719,000 below fiscal year 2012 and \$3,000,000 below the request. Funds are included under this heading to support the interagency program of the Organized Crime Drug Enforcement Task Forces (OCDETF), which focuses participants on the mission of attacking high-level drug trafficking organizations through coordinated, multi-jurisdictional investigations.

*Decision unit subtotals.*—The Committee recommendation includes \$370,602,000 for investigations and \$151,191,000 for prosecutions. The Committee adopts the requested program reduction of \$12,799,000, applied primarily to investigations, in order to avoid further imbalance to the agent-to-attorney ratio in the OCDETF program. The Committee notes that the DEA routinely allocates personnel funded from the DEA Salaries and Expenses account to OCDETF cases as these are, by definition, high priority drug cases. Other investigative agencies also devote direct appropriations to OCDETF cases. The Committee directs OCDETF to submit a report, no later than 120 days after the enactment of this Act, presenting and justifying an optimal agent-to-attorney ratio on OCDETF cases, and displaying current and historical levels of investigative and prosecutorial FTE devoted to OCDETF cases, including FTE funded under this account and FTE funded from other appropriations.

*Transnational organized crime.*—The recommendation does not include a requested program increase of \$3,000,000 for trans-

national organized crime investigations, which was intended to support the operations of the International Organized Crime Intelligence and Operations Center (IOC-2). The Committee notes that no funding was provided specifically for IOC-2 in fiscal year 2012, and that the Committee has not received any reprogramming notifications proposing to fund IOC-2 in fiscal year 2012. The Committee directs the Department to submit a report by October 15, 2012, detailing any amounts allocated for IOC-2, and the corresponding staffing levels, in each fiscal year since its establishment.

FEDERAL BUREAU OF INVESTIGATION  
SALARIES AND EXPENSES

The Committee recommends \$8,185,007,000 for the Salaries and Expenses account of the Federal Bureau of Investigation (FBI), which is \$148,016,000 above fiscal year 2012 and \$33,986,000 above the request. The recommendation includes \$3,310,258,000 and 12,835 positions for the Counterterrorism/Counterintelligence decision unit.

*Computer intrusions.*—Cyber attacks and crimes are becoming more common, more sophisticated, and more dangerous. The threat from state-sponsored, terrorist and criminal computer intrusions continues to increase. The recommendation includes a program increase of \$23,132,000 and 112 positions for investigative, intelligence and technology improvements to prevent and combat malicious cyber intrusions. Just as the FBI developed its counterterrorism capabilities after 9/11, the Committee supports a similar approach to the cyber threat. The FBI must ensure that agents, analysts and other staff have the skills and resources to operate proactively in the cyber environment. The recommended increase will support an additional 35 computer specialists, 14 special agents, 40 intelligence analysts and 23 professional staff to further develop the FBI capabilities in this area. The Committee encourages the FBI to develop a national network of cyber task forces, based upon the Joint Terrorism Task Force model, to leverage the participation of State, local and international partners. The Committee directs the FBI to continue to produce an annual national cyber threat assessment, in both classified and unclassified versions, and submit such reports to the Committee no later than 120 days after the enactment of this Act. The Committee expects the report to include an identification and ranking of the foreign governments and non-state actors posing the greatest cyber threats to the United States.

*Gangs.*—According to the 2011 National Gang Threat Assessment, the most notable recent gang crime trends have been “the overall increase in gang membership, and the expansion of criminal street gangs’ control of street-level drug sales and collaboration with rival gangs and other criminal organizations.” In light of this growing threat, the recommendation rejects the Administration’s proposal to eliminate the National Gang Intelligence Center (NGIC). Instead, the recommendation includes \$9,000,000 above the request for gang programs. This funding is intended to restore funding for NGIC and provide additional resources to existing Safe Streets Task Forces to combat violent gang crime. The Committee

expects the Bureau to deploy any additional agents or other personnel to the task forces experiencing the most severe violent gang crime, and report to the Committee on the allocation of these resources.

*Surveillance.*—The recommendation includes a program increase of \$10,244,000 for additional surveillance specialists to improve the FBI's ability to provide physical surveillance for both national security and criminal investigations. The Committee expects the FBI to report, no later than 120 days after enactment of this Act, on the planned uses of funds, the number of new specialists and teams expected to be added as a result of this increase, and a plan for their deployment.

*Financial crime.*—The recommendation includes a program increase of \$6,610,000 to combat corporate, securities, commodities and mortgage fraud. The Committee expects that this increase will support the creation of at least two hybrid squads to assist in the investigation of the highest impact complex financial crime cases. The recommended funding also includes the requested resources to continue the additional positions provided in fiscal year 2009 to enhance the investigation of white collar and financial crime.

*Stimulus fraud.*—The Committee notes that another major activity under the FBI's white collar crime program is the investigation of fraud related to the \$787,000,000,000 provided in the American Recovery and Reinvestment Act (Public Law 111-5). The Committee understands that the FBI has 147 pending stimulus fraud cases, almost double the 2011 caseload. The fraud threats in this regard include bribery by public officials and contractors, and fraud tied to rapid implementation of programs and minimal oversight such as falsification of documents and manipulation of contracts for personal benefit. The pressure for expedited obligation of funds for stimulus projects makes them particularly vulnerable to corruption and fraud. The Committee directs the FBI to submit a report, no later than 120 days after enactment of this Act, detailing stimulus fraud trends and the FBI's work on such cases from 2009 to the present.

*Electronic surveillance capabilities.*—The FBI received additional resources in fiscal year 2012 to enhance law enforcement's ability to access, intercept, collect and process wire or electronic communications to which they are lawfully authorized, including funds to establish and operate a Domestic Communications Assistance Center, which will serve as a hub for the management of knowledge and technical expertise regarding lawful electronic surveillance and facilitate the sharing of solutions among Federal, State and local law enforcement. The Committee directs the FBI to submit a report, no later than 90 days after enactment of this Act, detailing the fiscal year 2013 budget requirements of the Center, the participation by other agencies, and the accomplishments of the Center to date.

*Human trafficking.*—The Committee understands that the FBI increased funding dedicated to the investigation of severe forms of trafficking in persons by 17 percent in fiscal year 2012. Within the amount recommended for fiscal year 2013, the Committee expects the Bureau to further increase such activities. The FBI shall submit a report to the Committee no later than 120 days after the enactment of this Act on agent utilization and overall staff resources

dedicated to trafficking in fiscal years 2010 through 2013. The report shall also include details on the participation of FBI personnel in human trafficking task forces. In addition, the Committee expects the Bureau to share trafficking case information on an ongoing basis with other law enforcement agencies and task forces working similar cases.

There is an acute need for better data collection in order to effectively combat severe forms of trafficking in persons in the United States. The Committee notes that the William Wilberforce Trafficking Victims Protection Act of 2008 (Public Law 110–457) created the new category of “Human Trafficking” among the serious crimes included in the FBI’s Uniform Crime Report (UCR). The Committee directs the FBI to take the necessary steps to enable participating law enforcement agencies to report crimes meeting the definition of human trafficking under the UCR as soon as possible, but no later than January 1, 2013. The Committee believes that the inclusion of this data in the UCR will improve law enforcement response to these offenses.

*Domestic radicalization.*—A significant element of the overall terrorist threat to the United States is domestic radicalization. Individuals in the United States can become radicalized and motivated to conduct terror attacks in the United States. Others can become radicalized in the United States and attempt to travel abroad to participate in terrorist or insurgent activities. Finally, individuals in the United States can become radicalized and use the Internet to further their radicalization and contribute to the radicalization of others. The Committee directs the FBI to submit a report in classified and unclassified form, no later than 120 days after enactment of this Act, on its efforts to counter the domestic radicalization threat. The report should include a specific focus on combating radicalization efforts that involve the use of the Internet. The Committee also understands that the FBI intends to establish a Countering Violent Extremism Office within the National Security Branch. The Committee reminds the FBI that section 505 requires notification regarding any reprogramming of funds that reorganizes or renames offices, programs or activities. The Committee expects to receive such a notification explaining and justifying the proposed organizational change.

*Human rights violations.*—The Committee expects the FBI to continue the current level of effort to investigate and support DOJ’s criminal prosecution of serious human rights crimes committed by foreign nationals who are in the United States. The Committee directs the FBI to submit an annual report on such investigations and prosecutions, with the first annual report to be received by the Committee no later than 120 days after enactment of this Act.

*Counterterrorism training materials.*—Materials developed or approved by the FBI to train agents and other FBI personnel on counterterrorism matters should exhibit the highest standards of accuracy and completeness. While all such materials should undergo rigorous review before being approved for use, the Committee expects that such review will be conducted by qualified and objective subject matter experts. Further, the FBI shall keep the Committee aware of any such review process and ensure that reviews do not prevent legitimate information from being presented.

*Centralizing FBI records.*—FBI files are dispersed in more than 265 locations worldwide, and are in locations that leave them vulnerable to environmental damage and often lack adequate security. Recently over 8,700 linear feet of files were damaged as a result of flooding, requiring costly and time-consuming remediation. The Committee is aware of the FBI's long-standing plans to establish a permanent facility for storage of FBI records. The Committee directs the FBI to continue supporting its nationwide file inventory efforts, and to submit a plan for the establishment of a permanent facility with the fiscal year 2014 budget request. Such plan should include the use of existing balances of prior year appropriations.

*Liaison partnerships.*—The Committee supports the FBI's policy prohibiting any formal non-investigative cooperation with the Council on American-Islamic Relations (CAIR), and continues to expect the FBI to report to the Committee regarding any violations of this policy. The Committee also encourages the FBI to adopt similar policies, where appropriate, with regard to other individuals and organizations identified as unindicted co-conspirators in terrorism-related cases.

*Intelligence analysis.*—The work performed by FBI intelligence analysts is essential to the FBI's ability to analyze threats to national security and identify potential courses of action. The recommendation includes full funding to support the requested base cadre of 3,025 intelligence analysts plus an additional 40 analyst positions funded by the program increase for computer intrusions in this Act. The recommendation also includes requested funding for intelligence training, including training for three distinct intelligence analyst career paths.

*Terrorist Screening Center.*—The recommendation includes \$87,901,000 and 130 positions for the Terrorist Screening Center. The Committee notes that the FBI's Terrorist Screening Center integrates information from the law enforcement and intelligence communities to support the ability of front-line screening agencies to identify known or suspected terrorists. The Committee directs the FBI to submit a report, not later than January 15, 2013, on current systems in place to similarly identify known and suspected war criminals and international organized crime figures. The report shall include recommendations for ways to facilitate integration and dissemination of information to better identify and apprehend such individuals.

*Foreign Terrorist Tracking Task Force (FTTTF).*—The recommendation includes \$61,549,000 and 82 positions for the FTTTF to provide information to keep foreign terrorists out of the United States or to lead to the removal, detention or prosecution of foreign terrorists.

*Counterintelligence.*—According to the 2011 Report to Congress of the U.S.-China Economic and Security Review Commission, the Chinese government makes extensive use of front organizations that purport to have educational, cultural or professional purposes, but are frequently controlled by military, intelligence or Communist Party entities. The Committee directs the FBI to report to the Committee, no later than 120 days after enactment of this Act, on any such organizations engaged in exchange programs involving officials of the U.S. government and on efforts within the U.S. government to ensure that the U.S. officials taking part in such pro-

grams are made aware of the Chinese institutional actors involved with these exchange programs.

*Economic warfare.*—The Committee is concerned that the Federal government may be unprepared to deal with the potential threat of economic warfare, which could occur when a foreign country or actor uses its sovereign wealth funds or other state-directed financial tools to try to undermine U.S. markets and inflict damage on the economy. The Committee directs the Bureau to study this potential threat and how it may be mitigated, and to report to the Committee no later than 120 days after enactment of this Act. The Committee also urges the FBI to involve other agencies in this effort, including, but not limited to, the Department of the Treasury and the Securities and Exchange Commission.

*Intellectual property rights (IPR) enforcement.*—The Committee expects the FBI to continue to prioritize the investigation of IPR cases, and to coordinate with IPR units at the U.S. Attorneys and the Criminal Division. The Committee notes and commends the investigative work of the FBI related to such violations of Federal law over the last year. The FBI shall submit a report, not later than 120 days after enactment of this Act, on the activities of its dedicated agents investigating IPR cases.

*Next Generation Identification.*—The Committee encourages continued enhancements of established interoperability and real-time data sharing among interagency biometric identity management systems in light of the demonstrated value to national security and public safety that has come from these efforts. The Committee expects the FBI's Criminal Justice Information Services Division (CJIS) to continue to develop the Next Generation Identification system, including the Rap Back capability that will enable recurrent vetting of known identities. The Committee encourages the FBI to develop a Rap Back fee strategy that will accommodate both the Federal and non-Federal users to ensure the most cost effective fee administration across CJIS Rap Back services for these users.

*Law enforcement wireless communications.*—The recommendation under this heading reflects a base transfer of \$66,900,000 to this account as part of a Department-wide proposal to allocate to different DOJ entities the funding for radio operations and maintenance and terminate the separate Tactical Law Enforcement Wireless Communications account. The Committee notes that this transfer did not include any funding for modernization activities and that no funds have been requested under any DOJ account for radio system modernization. The FBI shall submit a spending plan for this funding no later than 30 days after the enactment of this Act, and shall notify the Committee in advance of any reallocation of operations and maintenance funding to modernization efforts.

#### CONSTRUCTION

The Committee recommends \$80,982,000 for the construction of FBI facilities and related activities, which is the same as fiscal year 2012 and the request.

DRUG ENFORCEMENT ADMINISTRATION  
SALARIES AND EXPENSES

The Committee recommends total budget authority of \$2,396,504,000 for Drug Enforcement Administration (DEA) salaries and expenses, of which \$352,600,000 is derived from fees deposited in the Diversion Control Fund, and \$2,043,904,000 is provided by direct appropriation. The recommended direct appropriation is \$18,904,000 above fiscal year 2012 and \$7,000,000 below the request.

The recommendation includes \$8,026,000 to continue certain activities formerly carried out by the National Drug Intelligence Center, specifically document exploitation and the production of high priority strategic intelligence reports. The recommendation terminates the Center and the separate appropriation account for the Center and transfers these functions to DEA. The recommendation also includes reductions that assume the achievement of operational, administrative and information technology efficiencies totaling \$23,034,000.

*Diversion control.*—The recommendation includes \$352,600,000 for the regulatory and enforcement activities of DEA's Diversion Control Program, an increase of \$30,600,000 above the fiscal year 2012 level and the same as the request. The Diversion Control Program is fully funded by fee collections. The Committee understands that a new fee rule has been posted and collections under the new rule are anticipated to increase by about \$6,000,000 per month, beginning in mid-2012. The Committee expects the recommended funding level for fiscal year 2013 to support the filling of an additional 87 vacant positions to provide investigative support for new Tactical Diversion Squads initiated in fiscal year 2012, and to support increased frequency of scheduled regulatory investigations.

*Methamphetamine lab cleanup.*—The funding recommendation for Community Oriented Policing Services includes \$12,500,000 for transfer to DEA to assist State, local and tribal law enforcement agencies with the proper removal and disposal of hazardous materials at clandestine methamphetamine labs, including funds for training, technical assistance, purchase of equipment, and a container program. In fiscal year 2011, there were 5,598 methamphetamine lab cleanups administered by DEA, and an increase above that number is projected for fiscal year 2012. The Committee encourages DEA to continue to work with States to implement container programs, which result in a substantial reduction in the unit cost of lab cleanups. The Committee understands that there are currently seven States with such programs in operation. The recommended funding level is intended to support container pickups from six additional State container programs in fiscal year 2013.

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

The Committee recommends \$1,153,345,000 for the salaries and expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which is \$1,345,000 above fiscal year 2012 and the same as the request.



The recommendation makes permanent three long-standing funding prohibitions under this heading related to the definition of “curios and relics,” physical inventories, and the denial of applications due to a lack of business activity.

*Gangs.*—Within the amount provided, the Committee expects ATF to prioritize, and preserve current funding levels for, Violent Crime Impact Teams, which bring focused law enforcement attention to communities plagued by gang violence.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$6,820,217,000 for the salaries and expenses of the Federal Prison System, which is \$268,936,000 above fiscal year 2012 and the same as the request.

*Reentry research and reforms.*—The Committee continues its efforts to understand and address the drivers of overcrowding, costs and recidivism. The Committee directs the Bureau of Prisons (BOP) to undertake a comprehensive analysis of its policies and determine the reforms and best practices that will help reduce costs and recidivism. The Committee is aware that most State corrections systems began their reform process by providing outside experts with corrections data in order to obtain a comprehensive analysis. The Committee encourages the Director to share additional corrections data with outside experts in order to build upon prior efforts.

In addition, the Committee directs the BOP to report to the Committee not later than 60 days after the enactment of this Act on successful State-level reforms that have the potential to be adapted to the Federal prison system in order to reduce recidivism and the costs of incarceration. Such report shall distinguish between reforms that could be implemented under existing Department authority and reforms that would require statutory changes in order to be implemented.

*Sentence reduction opportunities.*—In its fiscal year 2012 budget request, the Department submitted two proposals to amend the statutory law on Federal inmate good conduct time to provide inmates additional incentives to encourage positive behavior and save \$41,000,000 during the fiscal year. The two proposals were not enacted. For fiscal year 2013, the Department again included the proposals in its request and built a \$41,000,000 offset into its request. The Committee expects that the BOP will not base its future budget requests on the assumption of significant savings from unrealistic legislative proposals. The Committee expects the BOP to find alternative ways to accomplish savings and operate within the budget request.

*Growth in inmate population.*—The recommendation supports the anticipated growth in the inmate population by completing the activation of two prisons and starting the activation of an additional two newly constructed prisons.

*Contract confinement.*—The recommendation supports the requested program increase of \$25,865,000 for 1,000 low security contract confinement beds. The Committee expects the BOP to meet

bed space needs using State, local and private prison capacity, if these facilities meet the BOP's standards, as a means to control overcrowding.

*Inmate data.*—The Committee encourages the National Institute of Corrections to recommend best practices for State corrections agencies to develop, maintain, and update inmate home address data.

#### BUILDINGS AND FACILITIES

The Committee recommends \$90,000,000 for the construction, acquisition, modernization, maintenance, and repair of prison and detention facilities housing Federal inmates, which is the same as fiscal year 2012 and \$9,189,000 below the request.

*Construction.*—Although the BOP anticipates activating up to seven new prisons by fiscal year 2018, it will be unable to maintain that schedule without significant new construction appropriation requests in fiscal years 2014 and beyond. The Committee has already provided initial appropriations for the construction of four new prisons, which the Department proposed to rescind. Due to inmate population and overcrowding growth estimates, the Committee encourages the BOP to include funding for construction in future requests. In addition, the Committee directs the BOP to continue to provide a monthly status of construction report, and to notify the Committee of any deviation from the construction and activation schedule identified in those reports.

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

The Committee recommends a limitation on administrative expenses of \$2,700,000 for Federal Prison Industries, Incorporated, which is the same as fiscal year 2012 and the request.

*Federal Prison Industries.*—The Committee directs FPI to maintain a database of foreign products being procured by Federal agencies and to provide a quarterly report to the Committee on FPI's capacity to provide these services as an alternative to foreign manufacturers.

#### STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

In total, the Committee recommends \$1,849,800,000 for State and local law enforcement and crime prevention grant programs, which is \$377,500,000 below fiscal year 2012 and \$51,413,000 above the request.

*Spending plan.*—The Committee directs the Department to submit a spending plan for the programs funded under this heading to the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after the enactment of this Act.

*Management and administration expenses.*—The Committee directs the Department, in preparation of its fiscal year 2013 spending plan, to assess management and administration expenses against program funding. The spending plan shall include a description of the proposed assessment methodology. The Committee directs the Department to ensure that this methodology is equitable and reflects a fair representation of the share of each pro-

gram devoted to common management and administration costs. The Committee notes that an across-the-board percentage assessment may not be the most equitable solution. The Committee is aware that, in general, the Department's grant offices for State and Local Law Enforcement Activities have authority to allocate certain expenses administratively to various categories that are ancillary to the core purposes of the appropriation (e.g., peer review for a competitive program, training and technical assistance, and research and statistical activities). The Committee requests that the Department's spending plan identify such planned ancillary expenses by category or object code. The Committee encourages grant offices to minimize administrative spending in order to maximize funding for grants or training and technical assistance.

*Areas experiencing increases in both population and crime.*— The Committee is aware that portions of the country are experiencing a dramatic increase in population due to unique geographic and economic factors. Along with the increase in population, some of these communities are also experiencing a significant increase in crime that is exhausting already-limited law enforcement resources. The Committee directs the Office of Justice Programs to provide the Committee with a report on any efforts currently underway to address the unique challenges that face law enforcement in these communities and the effectiveness of the current State and Local Law Enforcement Assistance grants in addressing areas that have experienced this significant increase in population and crime.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

The Committee recommends \$415,000,000 for the Office on Violence Against Women (OVW), which is \$2,500,000 above fiscal year 2012 and \$147,000,000 above the request. The recommendation instead provides direct appropriations for violence against women programs, rather than providing partial funding from Crime Victims Fund balances as proposed in the request. The recommendation includes funding above the request for transitional housing assistance and research and evaluation on violence against women programs. Funds are distributed as follows:

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(in thousands of dollars)

Program	Amount
STOP Grants .....	\$189,000
Transitional Housing Assistance .....	25,000
Research and Evaluation on Violence against Women .....	3,500
Consolidated Youth-oriented Program .....	10,000
Grants to Encourage Arrest Policies .....	50,000
Sexual Assault Victims Services .....	23,000
Rural Domestic Violence and Child Abuse Enforcement .....	36,500
Violence on College Campuses .....	9,000
Civil Legal Assistance .....	41,000
Elder Abuse Grant Program .....	4,250
Safe Havens Program .....	11,500
Education and Training for Disabled Female Victims .....	5,750
Court Training and Improvements Program .....	4,500
National Resource Center on Workplace Responses .....	500

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS—Continued  
(in thousands of dollars)

Program	Amount
Research on Violence against Indian Women .....	1,000
Indian Country—Sexual Assault Clearinghouse .....	500
TOTAL, Violence Against Women Prevention and Prosecution Programs .....	\$415,000

*STOP grants.*—The recommendation includes \$189,000,000 for STOP grants. The STOP Grant Program is one of the most far-reaching programs authorized under the Violence Against Women Act. STOP grants are used to assist thousands of victims in finding safety and receiving recovery services, and to assist law enforcement and prosecutors in holding perpetrators accountable for their actions. Under the STOP Grant Program, OVW awards funds to every State and territory through a formula-based system, and many recipients use STOP funding to establish special units in law enforcement agencies and prosecutors' offices to address violence against women.

*Transitional housing assistance.*—The recommendation includes \$25,000,000 for transitional housing assistance grants, which is \$3,000,000 above the request. The Committee understands that domestic violence victims and their families have a critical need for safe and affordable housing as they seek to rebuild their lives after escaping a dangerous environment. Under this program, grantees may offer individualized services such as counseling, support groups, safety planning, and advocacy services as well as practical services including licensed child care, employment services, transportation vouchers, and referrals to other agencies.

*Research on violence against women.*—“Honor violence” is a form of violence against women committed with the motive of protecting or regaining the honor of the perpetrator, family or community. There is currently a lack of statistical information on the occurrence of honor violence in the United States. Within the funds provided, the Committee expects OVW and the National Institute of Justice (NIJ) to study this matter and recommend ways to determine the prevalence of honor violence and recommend best practices for law enforcement and service providers for prevention and response.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

The Committee recommends \$112,000,000 for Research, Evaluation and Statistics, which is \$1,000,000 below fiscal year 2012 and \$24,000,000 below the request. Funds are distributed as follows:

RESEARCH, EVALUATION AND STATISTICS

(in thousands of dollars)

Program	Amount
Bureau of Justice Statistics .....	\$45,000
National Institute of Justice .....	40,000
Regional information sharing activities .....	27,000

RESEARCH, EVALUATION AND STATISTICS—Continued  
(in thousands of dollars)

Program	Amount
TOTAL, Research, Evaluation and Statistics .....	\$112,000

*Domestic radicalization.*—According to the Congressional Research Service, there have been 53 homegrown jihadist terrorist plots and attacks since 9/11, including 32 plots or attacks since May 2009. The Committee appreciates the efforts of the NIJ in examining the drivers of domestic radicalization and defining the role of State and local law enforcement in breaking the radicalization and recruitment cycle that sustains terrorism. The Committee is concerned that violent radicalization—the process of adopting or promoting an extremist belief system for the purpose of facilitating ideologically based violence to advance political, religious, or social change—is a significant and elusive aspect of the terrorism threat to the U.S. Therefore, in addition to the resources provided under this heading to NIJ, \$4,000,000 is provided under the State and Local Enforcement Assistance account for such research.

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

*Regional information sharing activities.*—The Committee recommendation includes \$27,000,000 for regional information sharing activities, which is the same as fiscal year 2012 and the 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.

*Blue Alerts.*—Blue Alerts provide the means to speed the apprehension of violent criminals who kill or seriously injure local, State, or Federal law enforcement officers. Fifteen states have adopted Blue Alert notification systems. The Committee encourages the Department to examine the utility and feasibility of establishing a national Blue Alert communications network to issue Blue Alerts in coordination with States, units of local government, local law enforcement agencies, and other appropriate entities.

*Spending plans.*—The Committee directs the Department to submit as part of its spending plan for State and Local Law Enforce-

ment Activities a plan for the use of all funding administered by NIJ and the Bureau of Justice Statistics, respectively.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The Committee recommends \$962,500,000 for State and Local Law Enforcement Assistance programs, which is \$200,000,000 below fiscal year 2012 and \$181,000,000 above the request. The recommendation provides direct appropriations for programs under this heading rather than providing partial funding from Crime Victims Fund balances as proposed in the request. Funds are distributed as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(in thousands of dollars)

Program	Amount
Byrne Memorial Justice Assistance Grants .....	\$370,000
Domestic Radicalization Research .....	(4,000)
VALOR Initiative .....	(5,000)
State Criminal Alien Assistance Program .....	165,000
Byrne Competitive Grants .....	20,000
Missing Alzheimer's Patients Grants .....	1,000
Victims of Trafficking Grants .....	13,500
Drug Courts .....	41,000
Veterans' Treatment Courts .....	4,000
Prescription Drug Monitoring .....	7,000
Prison Rape Prevention and Prosecution .....	12,500
Residential Substance Abuse Treatment .....	15,000
Capital Litigation and Wrongful Conviction Review .....	1,000
Mentally Ill Offender Act .....	9,000
Tribal Assistance .....	38,000
Economic, High-tech and Cybercrime Prevention .....	7,000
CASA—Special Advocates .....	4,500
Bulletproof Vests .....	20,000
National Instant Criminal Background Check System .....	12,000
Criminal Records Upgrade .....	6,000
Second Chance Act/Offender Reentry .....	70,000
Smart Probation .....	(6,000)
Adam Walsh Act Implementation .....	20,000
National Sex Offender Public Website .....	1,000
DNA Initiative .....	125,000
Debbie Smith DNA Backlog Grants .....	(117,000)
Post-Conviction DNA Testing Grants .....	(4,000)
Sexual Assault Forensic Exam Program Grants .....	(4,000)
TOTAL, State and Local Law Enforcement Assistance .....	\$962,500

*Edward Byrne Memorial Justice Assistance Grant (Byrne/JAG) program.*—The recommendation includes \$370,000,000 for the Byrne/JAG program. Funding under this formula program is authorized for law enforcement programs; prosecution and court programs; prevention and education programs; corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs, other than compensation. Within the amount provided, \$4,000,000 is for research on domestic radicalization and \$5,000,000 is for the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability (VALOR) initiative. Adjusting for one-time costs related to the 2012 presidential nominating conventions, the recommendation for Byrne/JAG is the same as the fiscal year 2012 level. The Committee understands

that pretrial services programs are an eligible purpose area under the Byrne/JAG program. The Committee urges the Department of Justice to require all pretrial release programs receiving Byrne/JAG funds to report annually on program performance.

*State Criminal Alien Assistance Program (SCAAP).*—SCAAP provides grants that reimburse States and localities for the costs incurred in incarcerating undocumented criminal aliens. The recommendation includes \$165,000,000 for SCAAP, an increase of \$95,000,000 above the request.

*Byrne competitive grants.*—The recommendation includes \$20,000,000, an increase of \$5,000,000 above the fiscal year 2012 level, for competitive grants to improve the functioning of the criminal justice system, prevent or combat juvenile delinquency, and assist victims of crime.

*Human trafficking.*—The recommendation includes \$13,500,000 for human trafficking task force activities and for services for victims, an increase of \$3,000,000 above fiscal year 2012 and the request. According to NIJ, the Department of Justice has funded 53 jurisdictions and 43 trafficking victim services providers focusing on collaborative efforts to identify, rescue and assist victims of trafficking.

*Drug courts.*—The recommendation includes \$41,000,000 for drug courts, which is \$6,000,000 above the fiscal year 2012 level. Drug courts help reduce recidivism and substance abuse among non-violent offenders and increase an offender's likelihood of successful rehabilitation through intense, judicially-supervised treatment, mandatory periodic drug testing, community supervision, and appropriate sanctions. The Committee expects these funds to be used to provide grants and technical assistance to State, local, and tribal governments to support the development, expansion, and enhancement of drug courts, based upon their efficacy as a systematic response to substance abuse and crime.

*Mentally ill offenders.*—The recommendation includes \$9,000,000 for mentally ill offender programs. Many people with serious mental illnesses become caught-up in the criminal justice system, often with tragic results. Grants provided under the Mentally Ill Offender Treatment and Crime Reduction Act (Public Law 108-414) provide support for a broad range of activities, including mental health courts, mental health and substance abuse treatment for incarcerated mentally ill offenders, community reentry services, and cross-training of criminal justice, law enforcement, and mental health personnel. Such grants also promote improved training of State and local law enforcement to help them identify and improve responses to people with mental illnesses.

*Veterans treatment courts.*—The recommendation includes \$4,000,000 to establish a funding source specifically to support veterans treatment courts. The Committee expects the Department to work in conjunction with the Department of Veterans Affairs, as appropriate, to provide grant support for collaborative, rehabilitative approaches for continuing judicial supervision over offenders who are veterans.

*Economic, high-technology and cyber crime.*—The Committee recommendation includes \$7,000,000 for economic, high-technology, and cyber crime prevention. The Committee encourages the Department to assist State and local law enforcement agencies with

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

*Prescription drug monitoring.*—The Committee recommendation includes \$7,000,000 for the Prescription Drug Monitoring Program (PDMP). The diversion and abuse of prescription medications has become our Nation's fastest growing drug problem, with overdose deaths now surpassing motor vehicle accidents as the number one cause of accidental deaths nationwide. The Committee supports BJA's long-standing goal of increasing the quantity and quality of State-run prescription drug monitoring programs through the PDMP, as well as efforts in recent years to combat interstate diversion through the secure exchange of data among prescription monitoring programs (PMPs) via the Prescription Monitoring Information Exchange (PMIX) Architecture and the RxCheck hub. However, the Committee notes that a number of States, including PDMP grantees, have committed to data exchange through another hub, the PMP InterConnect hub. The Committee encourages BJA to allow past and future PDMP grant recipients to utilize enhancement funds to facilitate interstate data exchange, irrespective of the grantee's hub of choice. The Committee further encourages BJA to collaborate with all stakeholders in the development and finalization of the PMIX Architecture so that the goal of 50 interconnected States can be achieved through hub-to-hub communication.

*NICS Improvement Amendments Act (NIAA) program.*—The recommendation includes \$12,000,000 for the NIAA program, which is an increase of \$7,000,000 above fiscal year 2012 and the request. The National Instant Criminal Background Check System (NICS) is a critical tool for keeping firearms out of the hands of prohibited persons, but it is only as effective as the information entered into the databases upon which it relies. The NIAA seeks to address gaps in the information available to NICS by providing grants to States for the establishment or upgrade of information and identification technologies related to firearms purchasing eligibility determinations. According to OJP, jurisdictions continue to struggle with meeting the eligibility requirements mandated by the NIAA. At present, only 16 States are eligible for grants. The Committee understands that ATF is willing to provide technical assistance to all States seeking to establish programs that meet the eligibility requirements for grants under the NIAA. The Committee urges OJP and ATF to assist States that are not currently eligible for NIAA grants in meeting the eligibility requirements and thereby enable them to begin contributing to the nationwide strengthening of NICS. In addition, the Committee directs OJP to make available prior year unobligated NIAA funding to augment this program.

*Reentry.*—The recommendation includes \$70,000,000 for Second Chance Act grants. The Committee remains concerned that despite a dramatic increase in corrections spending over the past two decades, recidivism and re-incarceration rates are largely unchanged. The Committee is aware that case studies of innovative, evidence-based practices provide a strong indication that this pattern can be reversed. In fact, Kansas, Texas, Ohio and North Carolina have



demonstrated how data-driven justice reinvestment strategies can have a remarkable impact on prison populations and costs. The Committee expects that Second Chance Act grants will foster the implementation of strategies that have been proven to reduce recidivism and ensure safe and successful reentry back to their communities of adults released from prisons and jails. The Committee directs the Department to submit as part of its spending plan for State and Local Law Enforcement Activities a plan for the use of all funds appropriated for Second Chance Act programs. The Committee expects such plan to designate funds for proven, evidenced-based programs that will further the goal of maximizing public safety.

*Tribal assistance.*—The recommendation includes \$38,000,000 for tribal grant programs. The Committee expects OJP to continue to consult closely with tribal stakeholders in determining how tribal assistance funds will be allocated among grant programs that 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, an allocation of these funds that has been informed by such consultation. The Committee notes that the recommendation includes additional grant funding for tribal law enforcement programs through COPS and OVW.

*DNA backlog elimination.*—The Committee recommendation includes \$125,000,000 for DNA-related and forensic programs and activities. The request proposed to make available \$100,000,000 to fund the DNA Initiative. Within the funding provided, the Committee provides \$4,000,000 each for Post-Conviction DNA Testing grants and Sexual Assault Forensic Exam Program grants. The Committee expects that OJP will make funding for DNA analysis and capacity enhancement a priority to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The Committee directs the Department to submit as part of its spending plan for State and Local Law Enforcement Activities a plan for the use of all 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.

*Adam Walsh Act.*—The recommendation includes \$20,000,000 for the implementation of Adam Walsh Act programs. The Committee understands that the Adam Walsh Act is a crucial tool for protecting children from dangerous predators who wish to exploit them. The Committee encourages the Department to allocate a portion of the funds available for Adam Walsh Act implementation for grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination as authorized by section 624 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248).

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

## JUVENILE JUSTICE PROGRAMS

The Committee recommends \$209,500,000 for Juvenile Justice programs, which is \$53,000,000 below fiscal year 2012 and \$35,500,000 below the request. The recommendation provides direct appropriations for programs under this heading rather than providing partial funding from Crime Victims Fund balances as proposed in the request. Funds are distributed as follows:

JUVENILE JUSTICE  
(in thousands of dollars)

Program	Amount
Part B—State Formula Grants .....	\$33,000
Youth Mentoring Grants .....	90,000
Victims of Child Abuse Programs .....	18,000
Missing and exploited children programs .....	67,000
Child Abuse Training for Judicial Personnel .....	1,500
TOTAL, Juvenile Justice .....	\$209,500

*Youth mentoring.*—The recommendation includes \$90,000,000 for youth mentoring grants, which is \$12,000,000 above fiscal year 2012 and \$32,000,000 above the request.

*Victims of child abuse programs.*—The recommendation includes \$18,000,000 for programs authorized under the Victims of Child Abuse Act, including grants for technical assistance and training for professionals involved in investigating, prosecuting and treating child abuse. The Department had proposed to eliminate this program.

*Spending plan.*—The Committee directs the Department to submit as part of its spending plan for State and Local Law Enforcement Activities a plan for the use of all funding administered by the Office of Juvenile Justice and Delinquency Prevention. The Committee expects this plan to include details pertaining to the competitive awarding of grants under this heading and a plan for the use of all funding provided for missing and exploited children programs.

## PUBLIC SAFETY OFFICER BENEFITS

The Committee recommends a total of \$78,300,000 for the Public Safety Officer Benefits program, which is the same as the fiscal year 2012 level and the request. Within the funds provided, \$62,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes. Also within the total, \$16,300,000 is recommended, as requested, for disability benefits for public safety officers who are permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty, and for education benefits for the spouses and children of officers who are killed in the line of duty or who are permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

The Committee recommends \$72,500,000 for community oriented policing services, which is \$126,000,000 below fiscal year 2012 and \$217,087,000 below the request. Funds are distributed as follows:

COMMUNITY ORIENTED POLICING SERVICES

(in thousands of dollars)

Program	Amount
Transfer to DEA for Methamphetamine Lab Cleanup .....	\$12,500
Tribal Resources Grant Program .....	20,000
COPS Hiring Grants .....	40,000
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TOTAL, Community Oriented Policing Services .....	\$72,500

*Methamphetamine lab cleanup.*—The recommendation includes \$12,500,000 for methamphetamine activities, which shall be transferred to the DEA to assist State, local and tribal law enforcement agencies with the proper removal and disposal of hazardous materials at clandestine methamphetamine labs, including funds for training, technical assistance, the purchase of equipment, and a container program.

*Anti-methamphetamine investigatory efforts.*—The Committee acknowledges the dramatic increase of methamphetamine production, trafficking and sale across the Nation. It also is aware of the devastating effects that this drug has to the individual user, to society, and to the economy. The production and use of meth has societal costs, including explosions and fires triggered by illegal manufacture of methamphetamine, environmental contamination, increased criminal activity, domestic violence, emergency room and other medical costs, the spread of infectious disease, including HIV/AIDS and hepatitis, and lost worker productivity. The majority of the economic burden of meth falls on State and local governments. In this regard, the Committee recognizes the role that the COPS office can play and has played in supporting anti-methamphetamine investigatory efforts, especially in States with high seizures of methamphetamine, precursor chemicals, laboratories, and laboratory dump sites.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 213 prohibits U.S. Attorneys from holding additional responsibilities that exempt U.S. Attorneys from statutory residency requirements.

Section 214 permits up to 3 percent of grant and reimbursement program funds made available to OJP to be used for training and technical assistance and permits up to 2 percent of grant or reimbursement funds made available to that office to be used for criminal justice research, evaluation and statistics. The Committee expects OJP to give priority to training and technical assistance activities that are evidence-based and help State, local, and tribal communities develop and implement comprehensive, system-wide strategies for public safety that also improve criminal justice systems. In light of the resurgence of methamphetamine production and trafficking, the Committee encourages OJP to support methamphetamine training and technical assistance initiatives that advance problem-solving strategies to combat methamphetamine, and which demonstrate the capacity to have a national impact through direct training and the distribution of information and resources.

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; drug treatment programs; and prison rape elimination 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.

Section 218 prohibits funds made available by this Act from being used to require public entities, places of public accommodation and commercial facilities to provide a permanent means of accessible entry to pools and spas.

Section 219 prohibits funds made available by this Act from being used to require licensed firearms dealers to report on the sale of multiple rifles and shotguns to the same person.

### TITLE III

### SCIENCE

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The Committee recommends \$5,850,000 for the Office of Science and Technology Policy (OSTP), which is \$1,350,000 above fiscal year 2012 and the same as the request.

*Coordination with China.*—Section 539 of the Commerce, Justice, Science and Related Agencies Appropriations Act, 2012 (Public Law 112–55) prohibits OSTP from engaging in bilateral activities with China or a Chinese-owned company unless OSTP has certified to the Congress that the activity in question will not result in the transfer of information with national or economic security implications. In a written exchange on the implementation of section 539, the White House communicated an intention to provide certifications 30 days prior to any bilateral activity and to include additional information along with any such certification, including a commitment that OSTP will not knowingly interact with individuals known by the United States to have been involved in the violation of human rights. Section 534 of this bill repeats the language from fiscal year 2012 while modifying it to conform with the existing agreement.

*Science, Technology, Engineering and Math (STEM) education.*—An inventory of Federal investments conducted last year found that the government has more than 250 discrete programs seeking to improve the quality of STEM instruction and to increase the number of STEM students and teachers. Although the inventory determined that there was no duplication among those programs, the full portfolio appears to be fragmented and lacking in focus. The Committee expects that OSTP will use the results of the inventory, along with a forthcoming government-wide STEM education strategic plan, to consider and propose some consolidation and streamlining within that portfolio in future years.

The Committee remains interested in improving the dissemination of K–16 STEM education research generated by Federal agencies. The Committee believes that a consolidated, easily accessible “one-stop” source for STEM information, including curricula and classroom materials, would greatly improve the ability of educational practitioners to identify and use existing findings on effective STEM practices. The forthcoming strategic plan referenced above will incorporate a goal of producing a comprehensive and robust dissemination strategy based on a review of successful Federal and non-Federal best practices. OSTP shall keep the Committee informed about the continuing development of its dissemination

strategy and how the implementation of that strategy will achieve the goals and intentions of a “one-stop” source for improving research dissemination.

The Committee also notes the emerging consensus that the U.S. economy is little served when the flexibility of U.S. employers to retain graduate-level talent in STEM fields from American universities is hampered. The Committee encourages OSTP to work with the relevant authorizing committees to ensure the U.S. economy has the talent it needs to maintain its position at the forefront of competitiveness and innovation in the global marketplace.

*President’s Council of Advisors on Science and Technology (PCAST).*—The Committee’s recommendation adopts the Administration’s proposal to leave funding for the administrative support of the PCAST at the Department of Energy (DOE). OSTP is directed to immediately notify the Committees on Appropriations if the loss of direct control over the PCAST’s administrative budget causes problems in effectively directing and executing the work of the Council.

*Neuroscience Working Group.*—The Committee understands that OSTP, through the National Science and Technology Council (NSTC), is establishing an interagency Neuroscience Working Group, consistent with language encouraging such an effort in the statement accompanying Public Law 112–55. The Committee continues to believe there is a potential in the near future for significant, transformative advances in our fundamental understanding of learning, brain development, and brain health and recovery, requiring enhanced tools to better understand the working of the brain, enhanced data and data infrastructure, and expanded interdisciplinary and large-scale research efforts. The interagency working group is intended to help coordinate, focus and enhance Federal efforts related to neuroscience, including efforts to develop future clinical treatments for traumatic and acquired brain injuries; increase our understanding of cognition and apply that knowledge to the improvement of education and learning; and improve our understanding of, and develop better therapies for, neurodegenerative diseases, childhood developmental disorders, and other neurological conditions.

*Public access to Federally-funded research publications.*—The America COMPETES Reauthorization Act of 2010 (Public Law 111–358) tasked OSTP, through the NSTC, with coordinating agency policies relating to the dissemination of unclassified scientific research, including peer-reviewed scholarly publications, supported wholly or in part by Federal funds. In partial fulfillment of that directive, the NSTC has conducted numerous solicitations of public comment, and the feedback from those solicitations has been in favor of allowing public access to scholarly publications after an appropriate embargo period. The Committee understands that the NSTC is continuing to assess public comment and to develop recommendations for possible new policies based on that input and other considerations. The Committee supports these efforts and directs OSTP to provide the Committee with semiannual status reports on the NSTC’s progress as discussions continue.

*Nanotechnology.*—The National Research Council (NRC) recently released a strategy for developing the science and research infrastructure necessary to address the potential environmental, health

and safety risks of engineered nanomaterials. The Committee agrees that these risks need to be studied and encourages OSTP to ensure that sufficient investments in the NRC’s recommended research priorities, tools and approaches are made through the National Nanotechnology Initiative and related efforts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The Committee recommends \$17,573,800,000 for the National Aeronautics and Space Administration (NASA), which is \$226,200,000 below fiscal year 2012 and \$137,600,000 below the request.

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

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

*Reprogramming notifications.*—The Committee’s program and project recommendations for NASA are included in the consolidated funding table below and in additional narrative direction throughout this report. When executing its budget for fiscal year 2013, NASA shall incorporate the funding levels established in both the table and the narrative direction. Remaining funding decisions not otherwise specified may be made at NASA’s discretion but should be reported as part of the spending plan required by an administrative provision accompanying title III of this Act. The spending plan should be presented at the traditional level of detail down to the activity level. The plan itself and any subsequent changes made to the established spending plan amounts that meet the notification requirements of section 505 of this Act should be reported to the Committee via the notification procedures outlined in that section.

The Committee’s table of recommendations for NASA follows:

PROGRAMS, PROJECTS AND ACTIVITIES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(in thousands of dollars)

Program	Recommendation
Science:	
Earth Science .....	\$1,775,000

PROGRAMS, PROJECTS AND ACTIVITIES OF THE NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION

(in thousands of dollars)

Program	Recommendation
Planetary Science .....	1,400,000
Astrophysics .....	650,000
James Webb Space Telescope .....	628,000
Heliophysics .....	642,000
Total, Science .....	5,095,000
Aeronautics .....	569,900
Space Technology .....	632,500
Exploration:	
Human Exploration Capabilities .....	2,881,900
Multi-Purpose Crew Vehicle .....	(1,024,900)
Space Launch System (Vehicle Development and Exploration Ground Systems) .....	(1,857,000)
Commercial Spaceflight .....	500,000
Exploration Research and Development .....	330,000
Total, Exploration .....	3,711,900
Space Operations:	
Space Shuttle .....	70,000
International Space Station .....	2,990,000
Space and Flight Support .....	925,000
Total, Space Operations .....	3,985,000
Education:	
Aerospace Research and Career Development .....	33,000
NASA Space Grant .....	(24,000)
EPSCoR .....	(9,000)
STEM Education and Accountability .....	67,000
Minority University Research Education Program .....	(30,000)
STEM Education and Accountability Projects .....	(37,000)
Total, Education .....	100,000
Cross Agency Support .....	2,843,500
Construction and Environmental Compliance and Restoration .....	598,000
Inspector General .....	38,000
Total, NASA .....	\$17,573,800

SCIENCE

The Committee recommends \$5,095,000,000 for Science, which is \$5,000,000 above fiscal year 2012 and \$183,800,000 above the request.

*Earth Science and Heliophysics.*—The Committee’s recommendation includes \$1,775,000,000 for Earth Science and \$642,000,000 for Heliophysics. In both instances, the modest increases provided are attributable to increased prices in the launch vehicle market and the development phasing of high priority decadal missions already underway.

*Planetary Science.*—The Committee understands that budget pressures within and outside of the Science Mission Directorate



have required reductions in NASA's science portfolio. The Committee is concerned, however, by the Administration's proposal to make those reductions disproportionately within the planetary science program. Planetary science has long been one of NASA's most successful programs, and the cuts proposed in the budget request will endanger this strong record and deviate significantly from the program plan envisioned by the most recent planetary science decadal survey. The Committee's recommendation of \$1,400,000,000 seeks to address programmatic areas where the Administration's proposal is most deficient in meeting the decadal survey's goals while also ensuring that the program, as a whole, maintains balance among program elements.

The first area of deficiency in the request is Planetary Science Research. The decadal survey recommended increasing research funding by a specified rate above inflation, but the request only achieves this standard by including in the total a new Joint Robotics Program for Exploration (JRPE), which is not a traditional research program as envisioned by the NRC. The Committee has addressed this problem by providing \$192,000,000 for Planetary Science Research. This level is sufficient to support both the requested level for JRPE and an additional \$3,500,000 above the request for traditional research and analysis activities in order to achieve better consistency with the decadal recommendation.

The request also proposes insufficient funding for the Discovery and New Frontiers programs, resulting in significant delays relative to the mission tempos outlined in the decadal. To improve these tempos, the Committee has provided a total of \$480,000,000 for Discovery and New Frontiers, which is \$115,400,000 above the aggregate requests for these programs. NASA is directed to divide these funds between Discovery and New Frontiers in a manner that optimizes the potential mission tempos for both programs.

The final areas of deficiency in the request are Mars Exploration and Outer Planets. The decadal survey chose a Mars sample return mission and a Jupiter Europa orbiter as its top two flagship-class priorities, but the budget request reduces funds for a future Mars mission ("Mars Next Decade") to a fraction of previous planning estimates and eliminates all funding for substantive work on a new outer planets mission. As such, the request will inhibit significant progress from being made on either priority, even in descoped form.

The Committee rectifies this situation by increasing the funds available for Mars Next Decade to \$150,000,000, or \$88,000,000 above the request, in order to allow for a more substantial mission concept to be developed. According to the decision rules of the decadal survey, however, that mission concept must lead to the accomplishment of sample return in order to remain a top funding priority. Because the Committee is unable to discern whether this condition is being met from the scant information provided to date about Mars Next Decade, NASA is directed to promptly submit its Next Decade mission concept to the NRC for evaluation. The recommendation includes language prohibiting the obligation of funds for the mission unless and until the NRC submits to the Committees on Appropriations a certification confirming that the mission concept will lead to the accomplishment of sample return as described in the Mars Astrobiology Explorer-Cacher section of the decadal survey. If the NRC instead determines that NASA's chosen

mission concept will not lead to the accomplishment of sample return, NASA is directed to immediately: (1) notify the Committees; (2) reallocate the funds provided for Mars Next Decade to the Outer Planets Flagship program in order to begin substantive work on the second priority mission, a descoped Europa orbiter; and (3) submit the Mars Next Decade mission concept, or any substitute Mars mission concept, for competition in the Discovery or New Frontiers programs.

*Plutonium-238.*—Progress on a Europa orbiter or any other long-range planetary science mission will require a sustainable source of Plutonium-238 (Pu-238), a radioisotope that is an essential source of electricity for spacecraft venturing beyond the range of solar power. The bill makes available \$14,500,000 from this account, as requested, to restart production of Pu-238. The Committee directs NASA to provide a plan, including an anticipated schedule and milestones, for the Pu-238 program through the reestablishment of production. This plan should be coordinated with NASA's partners at DOE and should be provided to the Committees on Appropriations no later than 120 days after the enactment of this Act.

The Committee also directs the Planetary Science Division, in conjunction with elements of the Space Technology program, to continue working on Advanced Stirling Radioisotope Generator (ASRG) technology, which will enable NASA to make more efficient use of available radioisotope fuels in the future.

*James Webb Space Telescope (JWST).*—The recommendation includes \$628,000,000 for JWST in order to keep the program on track for a 2018 launch. NASA is expected to continue cooperating with the GAO review of JWST that was begun in fiscal year 2012 and to give GAO access to all relevant and necessary program information.

The bill retains language establishing a cap of \$8,000,000,000 for JWST formulation and development costs and requiring NASA to have the program reauthorized by Congress in the event of further cost increases. These provisions are necessary to ensure that NASA is appropriately managing risks and containing costs.

As another means of cost control, NASA committed to calculating new cost and schedule estimates for the program. The Committee expected that this process would result in estimates that meet the agency's 70 percent joint cost and schedule confidence level (JCL) standards, but the actual JWST JCL is only 66 percent. NASA has assured the Committee that the lower JCL is not due to any weakness in its estimates but is an artifact resulting from the late application of the JCL tool to a fairly mature project. In the absence of a high confidence JCL, however, the Committee requires additional information in order to regularly monitor the program's fiscal health. NASA shall submit to the Committees on Appropriations, on a quarterly basis, a listing of all JWST performance milestones met and not met for that quarter; a description of the budget and schedule ramifications associated with those milestones; and an overall assessment of the current budget and schedule posture of the program.

*Astrophysics.*—The recommendation includes \$650,000,000 for Astrophysics.

The Committee believes that NASA's proposal to spend up to \$9,000,000 in fiscal year 2013 on a hardware contribution to the European Space Agency's Euclid mission is in conflict with the NRC's recommendation to make such an investment only in the context of a strong commitment to NASA's Wide Field Infra-Red Survey Telescope, for which no funding is requested. Prior to obligating any funding for Euclid hardware, therefore, NASA is directed to report to the Committees on Appropriations on how its proposed plans are consistent with the results of the NRC Euclid review.

#### AERONAUTICS

The Committee recommends \$569,900,000 for Aeronautics, which is the same as fiscal year 2012 and \$18,400,000 above the request.

*Aeronautics and the economy.*—Research and development conducted by the Aeronautics program produces innovative technologies that, when transferred to other Federal agencies and to the aviation industry, create jobs, bolster the competitive position of American aviation companies, improve aviation safety and make better flying experiences for the general public. Consistent with the bill's focus on research programs with ties to manufacturing and domestic job creation, the Committee has prioritized funds for Aeronautics and rejected NASA's proposal to reduce activity in this area.

*Entry, descent and landing (EDL) technology.*—The recommendation does not adopt the proposed transfer of the EDL technology development work done by the Aeronautics program to the Space Technology account. However, NASA is encouraged to take all necessary steps to ensure that EDL work performed across all relevant accounts is appropriately coordinated.

*Hypersonic research.*—The budget request proposes a drastic reduction in NASA's hypersonic research program. While it is possible that the Department of Defense (DOD) could provide programmatic continuity by assuming responsibility for any discontinued work, discussions to confirm and formalize such an arrangement have not been completed, and therefore the outcome is not assured. The Committee believes that acting on NASA's reduction request without an assured plan for the transition of these activities would pose a risk to critical national capabilities and has consequently rejected the proposed cuts. However, the Committee encourages NASA to continue working with DOD to define appropriate agency roles in hypersonic research and to propose changes to rationalize the division of responsibilities and work in future fiscal years.

*Flight research.*—A recent report of the NRC found that decreasing budgets and increasing risk aversion have led NASA to significantly reduce the Aeronautics program's use of flight research, which is a critical tool for establishing the necessary confidence in new technologies leading to acceptance among end users. The Committee directs NASA to provide to the Committees on Appropriations a response to the NRC's report, including an assessment of the recommendations made by the NRC for the reprioritization and restructuring of the program. This report should be provided no later than 120 days after the enactment of this Act.

*Unmanned Aircraft Systems (UAS).*—The Committee supports NASA’s UAS integration project, which conducts research and development to enable the safe and efficient operation of UAS within the National Airspace System, and has provided \$30,500,000, as requested, for UAS-related activities. NASA is encouraged to continue pursuing UAS research priorities as identified through NASA’s own planning processes, as well as through joint planning efforts with the Department of Defense, the Federal Aviation Administration and the Department of Homeland Security.

*Environmentally Responsible Aviation.*—NASA is directed to report to the Committees on Appropriations on its five year plans for research and development in the Environmentally Responsible Aviation program, including expected interagency activities. This report should be provided no later than 120 days after the enactment of this Act.

#### SPACE TECHNOLOGY

The Committee recommends \$632,500,000 for Space Technology, which is \$57,500,000 above fiscal year 2012 and \$66,500,000 below the request.

*Entry, descent and landing technology.*—As noted above, the Committee has not adopted NASA’s proposal to transfer \$7,500,000 from Aeronautics to Space Technology for further development of EDL technology. Consequently, these funds remain within the total provided under the Aeronautics heading.

*Advanced Stirling Radioisotope Generators.*—The Planetary Science Division has been working on the development and maturation of ASRG technology as described above. This technology is vital to maximize our use of limited Pu-238 stocks and enable future missions to distant locations like Europa in the solar system. Consistent with the recommendation contained in the recent NRC report on NASA’s space technology roadmaps, the Office of the Chief Technologist shall assist the Planetary Science Division in maturing ASRG technology to a flight demonstration level so that it can be appropriately utilized on a long distance space mission.

#### EXPLORATION

The Committee recommends \$3,711,900,000 for Exploration, which is \$58,900,000 below fiscal year 2012 and \$220,900,000 below the request.

*Space Launch System (SLS) development.*—The Committee remains committed to the development of the full 130 metric ton SLS capability, which is necessary for NASA to achieve its most aggressive beyond Earth orbit exploration goals. In order to achieve this capability, NASA has laid out a development plan that begins with a 70 metric ton capability and evolves to 130 metric tons as work is completed on critical upper stage components and an advanced booster competition is completed. The Committee supports this plan as long as its execution remains consistent with NASA’s legal obligations to design the system from inception to the 130 metric ton standard and to proceed with simultaneous development of the core and upper stages. However, the Committee urges NASA to continue seeking innovative design and management strategies that will accelerate the currently projected schedule for attaining the 130 metric ton capability.

To give the Committee more insight into the level of effort being dedicated to each component of the SLS, NASA shall continue submitting quarterly reports on SLS spending by major program element, as first requested in the statement accompanying Public Law 112–55. The first such quarterly report of fiscal year 2013 should also include a narrative description of how NASA’s design and development approach is currently supporting the ultimate attainment of a 130 metric ton SLS capability. The report should include a discussion of how the SLS will evolve from a 70 metric ton to a 130 metric ton capability and provide objective evidence showing that the ultimate 130 metric ton capability is being advanced through current activities, such as the design and development of common manufacturing systems for the core and upper stage and planning and implementation of ground launch systems that can accommodate the 130 metric ton capability. Finally, the report should also include an explanation of the technical benefits that NASA believes are provided by developing a system that can be flown with a variety of different lift capabilities.

*SLS funding.*—The statement accompanying Public Law 112–55 mandated several changes to NASA’s presentation of the human exploration program budget, primarily affecting the SLS. These changes included: (1) requesting exploration-related construction funding in the Construction and Environmental Compliance and Restoration (CECR) account rather than the Exploration account; (2) identifying SLS-related ground operations needs separately from the SLS vehicle development budget; and (3) moving the portions of the 21st Century Space Launch Complex (21CSLC) budget that directly support SLS from the Space Operations account to the Exploration account to be combined with the rest of the SLS ground operations budget. NASA has made these changes by shifting funds between accounts as directed and identifying SLS ground operations as a separate, consolidated program line entitled Exploration Ground Systems (EGS).

The Committee continues to believe these are beneficial changes that improve oversight by reducing the transfer of funds after an appropriation is enacted and eliminating the programmatic split of the 21CSLC funding that obscured true EGS requirements. However, the Committee also understands that the change in display complicates an attempt to directly compare total annual SLS-related funding, as it is now split between the SLS and EGS lines and the Exploration and CECR accounts. For purposes of enabling that comparison, the table below shows the fiscal year 2012 and 2013 SLS vehicle development and EGS budgets in both the fiscal year 2012 appropriations structure and the fiscal year 2013 appropriations structure.

**CROSSWALK OF SPACE LAUNCH SYSTEM APPROPRIATIONS**  
(in thousands of dollars)

Activity, Budget Account	In FY 2012 Account Structure		In FY 2013 Account Structure	
	FY 2012	FY 2013	FY 2012	FY 2013
SLS Vehicle Development .....	\$1,543,500	1,543,500	1,543,500	1,543,500
Exploration .....	(1,543,500)	(1,543,500)	(1,503,000)	(1,454,200)
Construction and Environmental Compliance and Restoration .....	—	—	(40,500)	(89,300)
SLS Ground Operations/Exploration Ground Systems .....	399,700	453,900	399,700	453,900
Exploration .....	(316,500)	(357,200)	(387,700)	(402,800)
Space Operations .....	(83,200)	(96,700)	—	—

CROSSWALK OF SPACE LAUNCH SYSTEM APPROPRIATIONS—Continued  
(in thousands of dollars)

Activity, Budget Account	In FY 2012 Account Structure		In FY 2013 Account Structure	
	FY 2012	FY 2013	FY 2012	FY 2013
Construction and Environmental Compliance and Restoration .....	—	—	(12,000)	(51,100)
Total, Space Launch System .....	\$1,943,200	1,997,400	1,943,200	1,997,400

These tables show that, across all accounts, the fiscal year 2013 appropriation for SLS vehicle development and EGS is \$1,997,400,000, which is \$54,200,000 above the comparable fiscal year 2012 level.

The recommendation aligns the SLS vehicle development budget with the fiscal year 2013 levels established in the SLS Independent Cost Assessment (ICA) plus an additional amount to account for cost margins, which external evaluators found to be a weakness in the ICA. The Committee feels that the ICA remains the safest basis for program budgetary estimates until such time that NASA has finished a comprehensive, bottom-up cost estimate for the program; definitized remaining contracts; and completed other actions that could have a significant impact on cost. The Committee expects, consistent with NASA's assertions, that the recommended funding levels for SLS and EGS will keep these programs on track for the attainment of a joint Multi-Purpose Crew Vehicle (MPCV)—SLS test flight in 2017.

*MPCV development and funding.*—In keeping with the Committee's approach to the SLS budget, the Committee looked to the MPCV ICA as an indicator of the sufficiency of NASA's request for the MPCV program. Although the request represents a decrease from fiscal year 2012, it is consistent with the ICA for fiscal year 2013 and, according to NASA, will keep the program on track for an MPCV flight test in 2014, an ascent abort test in 2016 and a joint MPCV—SLS test flight in 2017.

The table below shows total MPCV appropriations contained in this Act, to include funds provided under the CECR heading.

CROSSWALK OF MULTI-PURPOSE CREW VEHICLE APPROPRIATIONS  
(in thousands of dollars)

Activity, Budget Account	FY 2012 in FY 2013 Structure	FY 2013
Multi-Purpose Crew Vehicle .....	\$1,200,000	1,028,210
Exploration .....	(1,200,000)	(1,024,900)
Construction and Environmental Compliance and Restoration .....	—	(3,310)
Total, Multi-Purpose Crew Vehicle .....	\$1,200,000	1,028,210

*Mission destinations.*—The Committee continues to believe that NASA needs to establish specific mission goals for the MPCV and SLS and set target destinations that will enable the achievement of those goals. These actions will help to focus the program and provide a common vision for future achievements. NASA shall report to the Committees on Appropriations on the mission goals for the test flights of MPCV and SLS currently scheduled for 2017 and 2021, including the expected flight paths and any anticipated mission activities beyond testing and validation of flight systems. The

report, which should be submitted no later than 180 days after the enactment of this Act, should also include an assessment of systems, technology or other capabilities, if any, that are necessary to achieve the chosen mission goals but are not supported in the current budget runout.

*Commercial crew.*—The Committee supports the goal of achieving independent and redundant access to the International Space Station (ISS) but remains concerned about many aspects of NASA’s approach to the commercial crew development program. First, the Committee believes that the program’s total estimated development costs of \$4,868,000,000 are too high given that the current commitment to the ISS leaves NASA with only a few years to make use of commercial crew services and no sufficient additional market has been clearly demonstrated in the absence of NASA as a base customer.

Second, the current structure of the program has insufficient safeguards in place to protect the government’s interests in intellectual or physical property developed with Federal money in the event that companies are terminated from or opt to leave the program. As such, there is a risk of repeating the government’s experience from last year’s bankruptcy of the solar energy firm Solyndra, in which the failure of a high risk, government subsidized development venture left taxpayers with no tangible benefit in exchange for their substantial investment.

Third, the Administration appears to be pursuing potentially inconsistent goals for the program: (1) the achievement of the fastest, safest, most cost effective means of domestic access to the ISS, and (2) the “seeding” of a new commercial spaceflight industry. Given the overwhelming importance of the first of these goals, any funding, time and effort expended in pursuit of the second is potentially a distraction from other necessary work, and, in an environment of fiscal constraint, a dilution of limited resources.

Finally, the program’s current acquisition strategy lacks any defined plan to transition from the planned Space Act Agreement (SAA)-based Commercial Crew Integrated Capability (CCiCap) round of awards to a Federal Acquisition Regulation (FAR)-based certification and service contract. As a result, the strategy presents a significant risk of costly, lengthy delays as NASA attempts to retroactively assess competitors’ designs on safety and other standards and companies attempt to make changes in fully mature integrated designs to address instances in which NASA cannot verify that a necessary qualification criterion has been met.

The Committee believes that many of these concerns would be addressed by an immediate downselect to a single competitor or, at most, the execution of a leader-follower paradigm in which NASA makes one large award to a main commercial partner and a second small award to a back-up partner.

With fewer companies remaining in the program, NASA could reduce its annual budget needs for the program and fund other priorities like planetary science, human exploration or aeronautics research. In addition, an accelerated downselect would allow NASA to focus its remaining funds and technical assistance resources on the most promising contender, potentially enabling that competitor to produce a final capability faster than otherwise possible. It would also allow NASA to return to its previous acquisition strat-

egy of holding an open competition (to include current funding recipients and new entrants) and following a more traditional FAR-based management approach, avoiding a complex transition from SAAs late in the development process and allowing the government to better protect its interests in intellectual and physical property developed with taxpayer funds. Finally, this strategy is more consistent with current overarching fiscal guidance included in the fiscal year 2013 House budget resolution. In a climate of decreasing non-defense discretionary spending, the Committee does not believe that the Administration's proposed budget runout for commercial crew is sustainable.

For all of these reasons, the Committee believes that the advantages offered by an immediate downselect and a return to FAR-based contracts outweigh the potential benefits of maintaining the current program structure. As a result, the Committee directs NASA to execute the program as described above and in accordance with a fiscal year 2013 funding level of \$500,000,000, which is equal to the level agreed to by Congress and the Administration in the NASA Authorization Act of 2010 (Public Law 111-267).

*Human spaceflight safety.*—The Committee appreciates the work of the Aerospace Safety Advisory Panel (ASAP), which provides advice and recommendations to NASA and the Congress on matters relating to safety. In its next annual report to Congress, the Committee encourages the ASAP to pay specific attention to NASA's strategy for transitioning the commercial crew program from the development to certification phases; its planned processes for completing commercial crew certification; and the safety requirements and testing and verification schedules being used for the MPCV and SLS.

#### SPACE OPERATIONS

The Committee recommends \$3,985,000,000 for Space Operations, which is \$248,600,000 below fiscal year 2012 and \$28,200,000 below the request.

*Space Shuttle.*—The recommendation includes a total of \$70,000,000 for continuing Space Shuttle transition and retirement (T&R) activities in fiscal year 2013.

The statement accompanying Public Law 112-55 directed NASA to provide by September 30, 2012 a report with comprehensive outcome data for the Shuttle workforce. According to the current schedule for completing Shuttle T&R, however, some Shuttle workers may remain on the job beyond the requested due date for that report. Consequently, NASA is directed to provide to the Committees on Appropriations a supplement to the Shuttle workforce report no later than 90 days after the formal completion of T&R activities. This supplement should provide the previously requested outcome data for any Shuttle workers who continued to execute Shuttle T&R beyond the original report completion date.

*ISS research.*—The Administration's commitment to the ISS currently lasts through 2020. Whether the Station continues to be utilized beyond that point is a critical factor in the decision making about the future of NASA's other human spaceflight activities, especially the commercial crew and beyond Earth orbit exploration programs. NASA is urged to begin as soon as possible the process



of making a firm decision on whether the ISS program will continue beyond 2020.

An important element in the decision making about the long term status of ISS is whether it can demonstrate sufficient research value to justify the continuation of its operating budget. Currently, the fraction of the overall ISS budget devoted to research is extremely small, and plans for leveraging outside funding through the ISS National Lab are moving slowly because the National Lab's manager, the Center for the Advancement of Science in Space (CASIS), is still establishing its management and governance structures. If the ISS is going to demonstrate its long-term value as a research facility and technology testbed, all research-related planning and support will need to be executed with greater urgency to maximize utilization of the space. NASA is directed to take all necessary steps to do this, including providing appropriate technical and management support for the ISS National Lab.

*ISS operations.*—The Committee remains concerned that NASA does not have a short-term back-up plan to provide access to the ISS in the event of a Soyuz failure or delay. While recent Soyuz complications have been resolved in a timely manner, future incidents of greater severity could force the evacuation of the Station, with a resultant loss of scientific and other opportunities. NASA is directed to report to the Committees on Appropriations on its planned means of providing short-term emergency access to the Station, including the potential use of the MPCV from its earliest availability, and the timeline necessary to bring such an emergency access capability online under existing budgetary assumptions.

*Launch Services Program.*—The Committee remains concerned about the lack of a certified medium class launch vehicle currently in production. While NASA remains confident that sufficient medium class vehicle options will be available when needed, the Committee encourages NASA to ensure that the budgets of its medium class missions reflect an appropriate amount of risk associated with this uncertainty.

The Committee is also concerned about the causes and impacts of a recent increase in launch vehicle prices across all classes. GAO and other sources attribute this increase, in part, to the failure of the government to effectively leverage its full bargaining power by consolidating the purchase of launch vehicles across agencies. The Committee urges NASA to continue working with DOD to ensure that launch vehicle services are procured in the most efficient and cost effective manner.

*21st Century Space Launch Complex.*—The Committee has provided \$41,100,000 for 21CSLC, as requested. All multi-user projects and other launch infrastructure activities not associated with the ground operations needs of the SLS should be supported with this funding and not with EGS funds in the Exploration account.

NASA shall submit to the Committees on Appropriations a five year strategic plan for upgrades and modernization associated with the launch infrastructure at the Wallops Flight Facility. This report, which should be prepared in consultation with the Wallops user community, shall be provided no later than 180 days after the enactment of this Act.

## EDUCATION

The Committee recommends \$100,000,000 for Education, which is \$38,400,000 below fiscal year 2012 and the same as the request.

*Portfolio restructuring.*—The Committee supports NASA’s ongoing efforts to restructure its education portfolio. This restructuring will reduce the programmatic fragmentation documented in the NSTC’s inventory of STEM education investments; address the goals and priorities of the upcoming government-wide STEM education strategic plan; and be responsive to the findings of a recent GAO report on potential duplication in Federal STEM education programs. While the restructuring has led, in part, to a reduced total funding level for NASA education activities, the Committee notes that NASA is working to leverage partnership and other coordination opportunities to expand its reach and influence at low cost.

*Aerospace Research and Career Development.*—The recommended level includes \$24,000,000 for NASA Space Grant and \$9,000,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR). The Committee urges NASA to minimize the administrative costs associated with these programs in order to maximize funding available for programmatic purposes. In furtherance of administrative cost oversight, NASA is directed to include an accounting of its administrative costs for both Space Grant and EPSCoR in the spending plan prepared pursuant to the administrative provisions of title III of this Act and in the fiscal year 2014 budget request.

*Informal science education.*—Within funds provided for STEM Education and Accountability projects, NASA may offer competitive grant opportunities for informal science education programs to qualifying institutions as described in section 616 of the NASA Authorization Act of 2005 (Public Law 109–155) and/or NASA Visitors Centers.

## CROSS AGENCY SUPPORT

The Committee recommends \$2,843,500,000 for Cross Agency Support (CAS), which is \$151,500,000 below fiscal year 2012 and \$4,000,000 below the request.

*Cybersecurity.*—The Committee is concerned by the persistence of significant security vulnerabilities in NASA’s information technology systems, including those systems that control spacecraft and maintain critical data sources. Mitigating some of these vulnerabilities will be a long-term process, as the issues involved are complex and the potential solutions are not straightforward. Other vulnerabilities such as the nearly universal lack of encryption on agency laptops are discrete and easily addressed, and the Committee believes more substantial progress must be made to resolve them.

Many of the findings on NASA’s information technology security vulnerabilities stem from oversight work by the NASA Office of Inspector General (OIG), which has done 21 cybersecurity-related audits over the past 5 years. As part of its cybersecurity report submitted pursuant to the requirement contained at the front of this report, NASA shall include a listing of all open OIG recommendations relating to those audits, along with a description of NASA’s

current progress in resolving those recommendations and a date by which the agency anticipates completing that resolution.

*Independent Verification and Validation (IV&V).*—The budget request again proposes a reduction to the IV&V program despite substantial ongoing needs for IV&V services. In order to ensure that all necessary work continues to be performed despite a smaller dedicated IV&V budget in fiscal year 2013, NASA shall fund any IV&V shortfall from within the mission directorates that make use of IV&V services. However, the purchase of IV&V reviews with mission directorate funds raises questions of objectivity and therefore should not become a longstanding NASA practice. The Committee expects NASA to address this issue in its fiscal year 2014 budget request.

*Working Capital Fund (WCF) reporting.*—The Committee directs NASA to continue submitting quarterly reports to the Committees on Appropriations on the expenditures and unobligated balances of NASA's WCF, as first requested in the statement accompanying Public Law 112–55.

*Knowledge management.*—The Committee has supported NASA's efforts to identify project management problems commonly experienced across the agency and to develop and apply lessons learned from those experiences to projects currently underway. The positive potential for such an exercise seems significant, but the Committee has not seen evidence that NASA is using the lessons learned process to the extent expected. The reasons for this were recently documented in an assessment by the OIG, which found that NASA's strategy for lessons learned (as well as knowledge management generally) is undefined, and that the Lessons Learned Information System is underutilized across the agency.

The Committee continues to believe that rigorous self-assessment is the most effective means for NASA to avoid a repeat of significant project management lapses like those that led to JWST's cost overruns. Therefore, it is critical that NASA define and aggressively implement a comprehensive lessons learned strategy as soon as possible. The Office of the Chief Engineer has indicated an intention to complete a broader knowledge management strategy, to include lessons learned, by March of 2013. NASA shall report to the Committees on Appropriations with a summary of the strategy and a plan for ensuring its agency-wide implementation no later than April 30, 2013.

*Comprehensive independent assessment.*—The NRC is currently conducting the comprehensive independent assessment called for in Public Law 112–55. NASA shall report to the Committees on Appropriations on the agency's response to that assessment, including any recommendations contained therein, no later than 90 days after the public release of the NRC's final report.

#### CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

The Committee recommends \$598,000,000 for CECR, which is \$208,000,000 above fiscal year 2012 and \$21,200,000 below the request. The increase in funding over fiscal year 2012 is primarily attributable to the direct appropriation of \$143,700,000 of Exploration construction funds and \$21,900,000 of Space Operations construction funds to this account. In fiscal year 2012, such funds

were appropriated under the Exploration and Space Operations accounts and transferred to CECR after enactment.

*Institutional construction.*—The Committee supports NASA’s ongoing efforts to address critical facilities-related safety issues; replace old facilities with smaller, more efficient facilities; and demolish unneeded structures. These actions will help to reduce NASA’s annual operating costs and the current replacement value of its infrastructure. In order to carry out these activities, the recommendation includes \$362,800,000 for institutional construction. The Committee expects that these funds will be spent in a manner consistent with NASA’s agency facilities master plan.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$38,000,000 for the OIG, which is \$700,000 above fiscal year 2012 and \$1,000,000 above the request.

The recommendation for the OIG represents a current services budget in order to ensure that there will be no diminution of oversight efforts.

#### ADMINISTRATIVE PROVISIONS

The Committee has included the following administrative provisions for NASA:

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

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

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

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

The bill includes a provision that allows NASA to retain within its WCF refunds or rebates received through NASA’s credit card programs.

#### NATIONAL SCIENCE FOUNDATION

##### RESEARCH AND RELATED ACTIVITIES

The Committee recommends \$5,942,693,000 for Research and Related Activities (R&RA), which is \$223,693,000 above fiscal year 2012 and \$40,587,000 below the request.

*Research priorities.*—The Committee appreciates the National Science Foundation’s (NSF) commitment to reviewing its portfolio of programs and proposing reductions or terminations where appropriate. Such proposals provide a more fiscally sustainable way to support new or expanded programs. Accordingly, the recommendation adopts all of the reduction and termination proposals contained in the R&RA budget request except for the proposed termination of the Communicating Science Broadly (CSB) program. The Committee supports the continuation of CSB activities to ensure taxpayers have access to information about the impact and relevance of NSF’s scientific research.

The funds made available through reductions and terminations, together with the increase provided by the Committee, will allow NSF to expand or enhance its activities across a range of research areas with significant potential impacts on national security and economic competitiveness. The Committee directs NSF to prioritize these new activities toward cybersecurity and cyberinfrastructure improvements; advanced manufacturing (as further discussed below); materials research; and disciplinary and interdisciplinary research in the natural and physical sciences, math and engineering. Not later than 90 days after the enactment of this Act, NSF shall report to the Committees on Appropriations on the detailed distribution of funding by program within this account.

*Advanced Manufacturing.*—The recommendation includes the proposed funding level of \$148,900,000 for the Advanced Manufacturing initiative. Future economic prosperity in the United States will depend largely on our ability to develop and manufacture new products based on advanced technologies, both for the domestic market and for export. Basic research supported through NSF and other Federal science agencies is critical to this effort because it will help provide the foundation for the development of such new products and technologies by the private sector.

*Commercialization of NSF-funded research.*—Many technical and scientific products, tools and processes in regular commercial use today can trace their origins back to basic research funded by NSF. It is the Committee's hope that such commercial applications of taxpayer-funded research would always benefit the domestic economy, but there are occasions where such applications are used instead for the production of goods and services (and, therefore, jobs) overseas. NSF lacks the means to predict how and where the technology produced from its basic research grants will eventually be utilized, but the connection between Federal funding and commercial utilization is much clearer for Innovation Corps (i-Corps) grants, where a potential path to commercialization has already been identified and recipients are actively working to transition into the marketplace. Therefore, in order to maximize return to the taxpayer on i-Corps investments, NSF is directed to require all recipients of i-Corps funding to commit to the domestic production of the goods or services being commercialized with NSF's assistance.

*Neuroscience.*—NSF is uniquely positioned to advance the non-medical aspects of cognitive sciences and neurosciences, particularly through interdisciplinary research, computational models, visualization techniques, innovative technologies, and the underlying data and data infrastructure needed to transform our understanding of these areas. To help focus and coordinate future investments in this area, the Committee encourages NSF to establish a neuroscience crosscutting budget theme, in conjunction with the interagency Neuroscience Working Group that is being established by OSTP through the NSTC.

*Management of scientific facilities.*—It is the policy of the National Science Board (NSB) that all NSF awards should be made through peer-reviewed competition and recompetition in order to best serve the interests of science and education. The Committee understands, however, that the NSB has also endorsed a modified recompetition policy for major facilities awards that is intended to prevent the interruption of significant construction projects under-

way at the time that an award expires. While the Committee supports this policy, it must be carefully exercised in order to ensure that noncompetitive award extensions are not overused in the name of programmatic continuity. Consequently, NSF shall report to the Committees on Appropriations on plans for recompeting all major facilities awards set to expire within five years of the enactment of this Act. This report shall be provided no later than 90 days after the enactment of this Act.

The Committee notes that the utilization of interdisciplinary research facilities does not always align with the way these facilities are budgeted. For example, one research division may provide all of the operations and maintenance funding for a facility that supports scientific activity across several other divisions. The misalignment between a facility's users and its funding source reduces transparency in NSF's budget request and places a potentially unsustainable burden on the funding division. NSF shall report to the Committees on Appropriations with a listing of all active NSF-funded interdisciplinary research facilities, a description of the source(s) of funding support for each facility and an analysis of the utilization of each facility by research division. The report should also include a description of options for addressing the issues presented by any misalignment of facilities utilization and funding and NSF's assessment of those options. This report shall be provided no later than 120 days after the enactment of this Act.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The Committee recommends \$196,170,000 for Major Research Equipment and Facilities Construction (MREFC), which is \$29,115,000 above fiscal year 2012 and the same as the request.

*Funding profiles.*—Significant peaks and valleys in projected MREFC spending make it difficult for NSF and the Committee to anticipate and accommodate critical funding needs over time. The Committee encourages NSF to continue managing the transition of projects in and out of the MREFC account, as well as their phasing while under construction, to maintain a relatively steady overall account profile from year to year.

*Project contingency funding.*—NSF has been engaged in a lengthy discussion process with the NSF OIG to resolve an ongoing dispute about project contingency budgets. Tens of millions of dollars of potentially unallowable contingency costs hinge on the resolution of this dispute, and the Committee believes that it is taking too long for a consensus resolution to be reached. NSF is directed to provide the Committees on Appropriations with an immediate update on the status of efforts to resolve these issues and to provide quarterly updates thereafter until such time that NSF and the OIG reach an agreement.

#### EDUCATION AND HUMAN RESOURCES

The Committee recommends \$875,610,000 for Education and Human Resources (EHR), which is \$46,610,000 above fiscal year 2012 and the same as the request.

*Program changes.*—The recommendation incorporates NSF's proposed program reductions in the EHR account. The reallocation of funds from these reduced programs, combined with additional new resources, will allow NSF to expand its efforts in strategic edu-

cation research, workforce development and short-term, goal-oriented education partnerships, such as a new joint NSF-Department of Education initiative in K–16 math education.

*Broadening participation programs.*—The Committee recognizes the importance of ensuring that there is a strong pipeline of students and workers preparing to pursue STEM-related careers. The current pipeline, however, fails to take full advantage of the potential of substantial portions of the population, including women and minorities. To broaden the participation of underrepresented populations in STEM education programs and, ultimately, the STEM workforce, the Committee has provided the requested level for the Historically Black Colleges and Universities Undergraduate Program, the Louis Stokes Alliance for Minority Participation and the Tribal Colleges and Universities Program.

The Committee has previously asked NSF to consider the concept of creating a program within EHR to focus on Hispanic Serving Institutions (HSIs). NSF shall provide to the Committees on Appropriations a report outlining how the needs of HSIs will be addressed in fiscal year 2013 and any plans to establish an HSI-focused program in fiscal year 2014. This report shall be submitted no later than 120 days after the enactment of this Act.

*Advanced Technological Education (ATE).*—The Committee heard testimony this year from a number of manufacturing industry representatives as well as government witnesses about critical shortages in technical workers coming out of the American vocational education system. However, despite unanimity on this concern and a focus on manufacturing-related programs in the budget, the NSF request proposes no additional resources for ATE, the agency's major technical education initiative. The Committee has addressed this oversight by providing ATE with \$69,000,000, an increase of \$5,000,000 above both the budget request and the fiscal year 2012 level. This increase is offset by a corresponding reduction of \$5,000,000 from the requested amount for the Graduate Research Fellowship program, which has grown significantly over the past several fiscal years and is still projected to receive a total increase of \$39,840,000 in the Committee recommendation.

*Best practices in K–12 STEM education.*—NSF shall continue working to develop and carry out a tracking and evaluation methodology to assess the implementation of the recommendations contained in the NRC's 2011 report entitled Successful K–12 STEM Education: Identifying Effective Approaches in Science, Technology, Engineering and Mathematics. This work should expand on efforts begun using funds provided in fiscal year 2012.

*STEM-focused K–12 schools.*—The Committee notes that recent reports of the NRC and the NSB have encouraged education researchers and policymakers to give increased consideration to STEM-focused K–12 schools as an effective means of increasing STEM literacy. With those reports in mind, the Committee encourages NSF to work within its existing programs to promote opportunities for collaboration between universities or non-profit research institutions and STEM-focused schools serving K–12 students.

*Informal STEM education.*—The Committee believes that exposure to STEM concepts outside of a traditional school setting plays a valuable role in promoting STEM literacy and engagement. NSF has proposed a number of changes to its Advancing Informal STEM

Learning program that are intended to increase its focus on innovative learning and engagement strategies, especially as these strategies relate to underrepresented groups, and the Committee accepts these changes. The Committee encourages NSF to work with the informal STEM education stakeholder community as it transitions the program to ensure that sufficient opportunities exist for worthy proposals to compete for funding, including those that implement public engagement and non-school programs. 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, science festivals, and citizen science programs.

#### AGENCY OPERATIONS AND AWARD MANAGEMENT

The Committee recommends \$299,400,000 for Agency Operations and Award Management, which is the same as fiscal year 2012 and the request.

*Contracting.*—The Committee supports NSF’s efforts to improve its acquisitions practices. GAO is currently conducting a comprehensive review of those practices and other associated issues, and the Committee expects NSF to continue facilitating that review and providing GAO with access to all relevant information.

*Program evaluation and impact.*—The Committee believes that NSF and other Federal science agencies need to do a better job of systematically documenting the impact of research activities on the economy and the achievement of scientific and societal goals. The Committee supports efforts to create, test and implement an empirical system to accomplish this and encourages NSF to continue pursuing these efforts in fiscal year 2013.

*NSF headquarters.*—The recommendation includes \$3,390,000, as requested, for expenses associated with the expiration of NSF’s current headquarters lease. NSF shall immediately notify the Committees on Appropriations if events indicate that these funds will be insufficient to accommodate actual costs. The Committee also directs NSF to continue working with the General Services Administration to ensure that any new lease agreement does not result in an undue burden on NSF employees.

*Grants management.*—The Committee is concerned that NSF is not devoting sufficient resources to grants management functions needed to ensure that Federal funds are being efficiently and effectively spent. Due to a mismatch between the rates of growth in NSF’s grant making budget and its grants management budget, site visits and other oversight activities have decreased while questioned costs and other potential indicators of problems have increased.

In response to an OIG report looking at how NSF was addressing these challenges, NSF indicated that it will use its annual workforce planning process to assess opportunities for streamlining procedures, applying risk-based management principles and utilizing other possible tools for strengthening oversight while continuing to operate within a constrained budget environment. NSF shall report to the Committees on Appropriations on the outcome of that workforce planning process, including a description of the options considered and adopted, as well as their expected impact. The report



should be submitted no later than 60 days after the completion of the planning process.

*Cross-Foundation activities.*—The Committee supports NSF’s efforts to craft cross-Foundation initiatives that leverage the resources and capabilities of multiple research divisions and overcome disciplinary stovepipes. However, the Committee has noted some confusion both in the Congress and the academic community about how these cross-Foundation activities, such as OneNSF initiatives, are being administered. For example, there seems to be no predictable standard for when such an initiative will be administered by a consolidated solicitation; whether entities such as Federally Funded Research and Development Centers are eligible applicants; and whether the amount of funding contributed to an initiative by a research division will correspond to the amount of grant activity ultimately funded in that division’s jurisdiction. The Committee encourages NSF to promulgate some clear standards and guidance on administrative issues surrounding these cross-Foundation activities and to share them broadly with interested stakeholders.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

The Committee recommends \$4,440,000 for the National Science Board, which is the same as fiscal year 2012 and the request.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$14,200,000 for the OIG, which is the same as fiscal year 2012 and the request.

#### ADMINISTRATIVE PROVISION

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

### TITLE IV

#### RELATED AGENCIES

##### COMMISSION ON CIVIL RIGHTS

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$9,193,000 for the Commission on Civil Rights, which is the same as fiscal year 2012 and \$207,000 below the request.

The Committee recommends language, as included in previous years, which provides: a limitation of four full-time positions under schedule C of the Excepted Service, exclusive of one special assistant for each Commissioner; and a prohibition against reimbursing Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days. The Committee also recommends language, first included in fiscal year 2012, providing for an inspector general for the Commission. The bill specifies that the Inspector General (IG) of the Government Accountability Office (GAO) shall also serve as the IG of the Commission. The Committee recommends a \$250,000 transfer from the

Commission to the GAO IG to carry out this function, which is the same as fiscal year 2012 and the request.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$366,568,000 for the Equal Employment Opportunity Commission (EEOC), which is \$6,568,000 above fiscal year 2012 and \$7,143,000 below the request. The recommendation includes language making up to \$29,500,000 available for payments to State and local enforcement agencies.

*Backlog reduction.*—The Committee is pleased with EEOC's progress in reducing the backlog of private sector charges. The Committee expects the EEOC to continue to prioritize inventory reduction and to examine new ways to address the backlog and increase productivity. EEOC shall keep the Committee informed about its progress in reducing the backlog.

#### INTERNATIONAL TRADE COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$83,000,000 for the International Trade Commission (ITC), which is \$3,000,000 above fiscal year 2012 and \$200,000 above the request.

*Internal controls.*—The Committee is pleased with ITC's progress in addressing internal control issues. However, ITC must continue to take aggressive action to address its remaining shortcomings. The Committee directs ITC to submit a status report on the actions it has taken to address internal control deficiencies no later than 120 days after enactment of this Act.

*Cybersecurity.*—The ITC handles sensitive and proprietary data and therefore is a potential target for cyber attacks. The recommendation is \$200,000 above the request, and the Committee expects these funds to be used to improve ITC's cybersecurity posture. The Committee also encourages ITC to work with other relevant Federal agencies to inform its actions. As part of the cybersecurity report required by the front matter of this report, ITC should detail how it plans to use these additional funds.

*New courtroom.*—In 2011, ITC began the process for construction of a new courtroom to handle large increases in the number of intellectual property cases. The Committee understands that construction was originally scheduled to begin in September 2011, but instead began in April 2012. ITC shall keep the Committee informed of progress in the construction and of any additional delays.

#### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

The Committee recommends \$328,000,000 for the Legal Services Corporation (LSC), which is \$20,000,000 below fiscal year 2012 and \$74,000,000 below the request.

*Pro bono legal services.*—Obtaining more services at no or low cost through private attorney involvement is one means for LSC to increase legal aid services. The Committee is pleased that LSC launched a pro bono task force in 2011, and urges the LSC to im-

plement 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 PROVISIONS—LEGAL SERVICES CORPORATION

The bill continues restrictions on the uses of LSC funding. None of the funds appropriated in this Act to the LSC shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the LSC shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively.

*Unauthorized uses of funds.*—The Committee remains concerned about LSC grantees’ use of funds for unauthorized activities. Because LSC routinely testifies that it lacks funds to serve all of the many low income Americans in need of civil legal assistance, it is critical that LSC grantees not squander funds on political activism or other unauthorized activities. Grantee actions violating the letter—or the spirit—of LSC statutes undermine support for LSC funding. The Committee continues to hear about such cases and will refer them to the LSC IG and LSC management, as appropriate. The Committee expects LSC to examine such matters and report back to the Committee. The Committee again encourages the LSC Inspector General to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of funding restrictions, and again recommends the removal of funds from any LSC grantee found engaging in political or other unauthorized activities. The Committee also directs LSC to report, not later than 120 days after enactment of this Act, on the proactive steps it takes to ensure grantees do not engage in political activism or other unauthorized activities.

*Allocation of basic field grants.*—The bill includes language making a technical change to the allocation formula for basic field grants. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134) required that the allocation for grantees in each geographic area be based on poverty statistics from the “most recent decennial census.” The Census Bureau has since stopped collecting poverty data in the decennial census and instead collects those data in the American Community Survey (ACS). The recommended language alters the formula to reflect this shift. Since ACS data are released more frequently, the language allows reallocation of funding every three years.

#### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$3,025,000 for the Marine Mammal Commission, which is the same as fiscal year 2012 and \$56,000 below the request.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
SALARIES AND EXPENSES

The Committee recommends \$51,251,000 for the Office of the U.S. Trade Representative (USTR), which is the same as fiscal year 2012 and \$1,790,000 below the request.

*Quarterly staffing reports.*—The Committee directs the USTR to provide quarterly reports to the Committee, not later than 30 days after the end of each quarter, on projected and actual staffing at USTR, to include detail on the number of full time equivalents by program initiative as well as on the number of critical vacancies. These reports should also provide an assessment of current staffing in China with respect to enforcement needs. The first such report shall be submitted no later than January 30, 2013.

*China.*—The Committee expects that USTR will coordinate and implement a comprehensive and robust strategy to address the trade imbalance with China. Within the amounts provided, the USTR is encouraged to hire sufficient staff who can translate trade documents that USTR receives from China. The Committee believes that USTR should have its own translators on staff given the challenges associated with enforcing existing U.S. trade laws with China.

*Interagency Trade Enforcement Center (ITEC).*—Within the amounts provided, the Committee includes funds for the ITEC established during fiscal year 2012. The Committee supports the goal of more rigorous trade enforcement, but has concerns about the implementation of ITEC. The Committee believes the ITEC proposal was poorly developed and justified, especially given USTR's existing mandate to coordinate trade efforts—including trade enforcement—across the government. The Committee directs USTR to continue to submit detailed budget information on a monthly basis detailing the execution of ITEC funding. In addition, the Committee directs USTR to report no later than 180 days after enactment of this Act on performance goals, timeframes for achieving these goals, as well as a discussion of how USTR intends to support ITEC in the future. The Committee also directs USTR to include in its quarterly staffing reports details of ITEC projected and actual staffing, including details on USTR and International Trade Administration assignees and on detailees from other agencies.

*Non-tariff barriers.*—In August 2011, the Chinese Ministry of Commerce finalized new rules restricting foreign investment in sectors it deems critical to national security. The Committee shares USTR's concerns about ambiguity in this regulation, which does not actually define "national security." The Committee fears this regulation could be used by China's central planners as a tool to limit U.S. investment in China. The Committee is also concerned that subsidies provided to Chinese industry may be in violation of World Trade Organization (WTO) agreements. The Committee is pleased USTR has engaged with China regarding these subsidies and encourages USTR to continue investigation and, as appropriate, pursuit of cases at the WTO. The Committee directs USTR to report no later than 120 days after enactment of this Act regarding the steps it has taken to address these matters.

*Report on China's WTO compliance.*—The Committee directs USTR to include conclusions and recommendations in the report

required under section 421 of the U.S.-China Relations Act of 2000 (Public Law 106–286) beginning in the 2012 report and each year thereafter.

*Free trade agreements.*—The Committee welcomes the passage into law of the long-pending free trade agreements with South Korea, Colombia, and Panama. The Committee is encouraged by the work being done on the Trans Pacific Partnership (TPP) and directs the USTR to complete the TPP in an expeditious manner so that it may be submitted to Congress for ratification. The Committee further directs the USTR to continue to pursue free trade agreements with additional countries and trading blocs to continue advancing trade to and from the United States.

#### STATE JUSTICE INSTITUTE

##### SALARIES AND EXPENSES

The Committee recommends \$5,121,000 for the State Justice Institute, which is the same as fiscal year 2012 and the request.

#### TITLE V

#### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS)

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

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

Section 503 provides that the expenditure of any appropriation contained in the Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or under existing Executive Order issued pursuant to existing law.

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

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates offices or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Section 506 provides that if it is determined that any person intentionally affixes a “Made in America” label to any product that was not made in America that person shall not be eligible to receive any contract or subcontract made with funds made available in this Act. The section further provides that to the extent practicable, with respect to purchases of promotional items, funds made available under this Act shall be used to purchase items manufactured, produced or assembled in the United States or its territories or possessions.

Section 507 requires quarterly reporting to Congress on the status of balances of appropriations.

Section 508 provides that any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions in the Act shall be absorbed with the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 509 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 510 delays the obligation of any receipts deposited into the Crime Victims Fund in excess of \$720,000,000 until October 1, 2013. This represents an increase of \$15,000,000 above the fiscal year 2012 level of obligations. This language is continued to ensure that a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the Fund.

Section 511 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 512 prohibits the transfer of funds in the Act to any department, agency or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

Section 513 provides that funds provided for E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

Section 514 permanently requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crimes.

Section 515 requires certain timetables and procedures for specified audits performed by inspectors general of the departments and agencies funded in this Act and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

Section 516 prohibits funds for information technology acquisitions unless the acquiring department or agency has assessed the

risk of cyber-espionage or sabotage. Each department or agency covered under section 516 shall submit a quarterly report to the Committees on Appropriations describing assessments made pursuant to this section and any associated findings or determinations of risk. Any acquisition of information technology produced by entities that are owned, directed or subsidized by the People's Republic of China must be preceded by a determination that the acquisition is in the national interest.

Section 517 prohibits the use of funds in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 518 permanently prohibits the use of funds to require certain export licenses.

Section 519 permanently prohibits the use of funds to deny certain import applications regarding "curios or relics" firearms, parts, or ammunition.

Section 520 prohibits the use of funds to include certain language in trade agreements.

Section 521 prohibits the use of funds in this Act to authorize or issue a National Security Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

Section 522 requires congressional notification regarding any project within the Departments of Commerce or Justice, or the National Science Foundation and the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of at least 10 percent.

Section 523 deems funds for intelligence or intelligence related activities as authorized by Congress during fiscal year 2013 until the enactment of the Intelligence Authorization Act for fiscal year 2013.

Section 524 requires the departments and agencies funded in this Act to establish and maintain on the homepages of their Internet websites direct links to the websites of their Offices of Inspector General, and a mechanism by which individuals may anonymously report cases of waste, fraud or abuse.

Section 525 prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed Federal tax returns, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has no unpaid Federal tax assessment, except in specified circumstances.

(RESCISSIONS)

Section 526 provides for rescissions of unobligated balances in the Department of Justice. The rescission of \$64,700,000 from the Federal Prison System, Buildings and Facilities account rescinds all remaining balances associated with the "Acquire Existing Institution for Higher Security FSI" project.

Section 527 prohibits the use of funds in this Act for the purchase of first class or premium air travel.

Section 528 prohibits the use of funds to pay for the attendance of more than 50 department or agency employees at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of

Federal attendees are law enforcement personnel stationed outside the United States.

Section 529 prohibits the use of funds in this or any other Act for the transfer or release of certain individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories or possessions.

Section 530 prohibits the use of funds in this or any other Act to construct, acquire or modify any facility in the United States, its territories, or possessions to house certain individuals who, as of June 24, 2009, were located at United States Naval Station, Guantanamo Bay, Cuba for the purposes of detention or imprisonment in the custody or control of the Department of Defense.

Section 531 prohibits the distribution of funds contained in this Act to the Association of Community Organizations for Reform Now or its subsidiaries.

Section 532 requires, when practicable, the use of funds in this Act to purchase light bulbs that have the “Energy Star” or “Federal Energy Management Program” designation.

Section 533 requires tracking and reporting of undisbursed balances in expired grant accounts.

Section 534 prohibits the use of funds by the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to engage in bilateral activities with China or a Chinese-owned company unless the activities are authorized by subsequent legislation or NASA or OSTP have made a certification pursuant to subsections (c) and (d) of this section.

Section 535 specifies reporting requirements for certain conferences held by any department, agency, board or commission funded by this Act.

Section 536 prohibits funds made available by this Act from being used to deny the importation of shotgun models if no application for the importation of such models, in the same configuration, had been denied prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Section 537 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 538 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

Section 539 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

Section 540 prohibits funds in this Act from being used to implement, administer, or enforce Equal Employment Opportunity Commission regulations on “Disparate Impact and Reasonable Factors



Other Than Age Under the Age Discrimination in Employment Act”.

SPENDING REDUCTION ACCOUNT

Section 541 establishes a Spending Reduction Account, as required by clause 2(j) of rule XXI of the Rules of the House of Representatives.

HOUSE OF REPRESENTATIVES REPORTING REQUIREMENTS

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

FULL COMMITTEE VOTE

## FULL COMMITTEE VOTES

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

## ROLL CALL NO. 1

Date: April 26, 2012

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2013

Motion by: Mr. Rehberg

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

Results: Adopted 30 yeas to 19 nays.

*Members Voting Yea*

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

*Members Voting Nay*

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

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

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

## RESCISSION OF FUNDS

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

DOJ, Working Capital Fund .....	\$26,000,000
DOJ, Assets Forfeiture Fund .....	675,000,000
ATF, Violent Crime Reduction Program .....	1,028,000
FPS, Buildings and facilities .....	64,700,000
Violence Against Women Prevention and Prosecution Programs ..	12,000,000
Office of Justice Programs .....	43,000,000
Community Oriented Policing Services .....	12,200,000

## TRANSFERS OF FUNDS

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

In title I, under U.S. Patent and Trademark Office, Salaries and Expenses, language is included to transfer funds to the Civil Service Retirement and Disability Fund, the Federal Employees Health Benefit Fund, and the Federal Employees Group Life Insurance Fund.

Under National Oceanic and Atmospheric Administration, Operations, Research, and Facilities, language is included to transfer funds from the Promote and Develop Fishery Products and Research Pertaining to American Fisheries fund.

In title II, under General Administration, Administrative Review and Appeals, language is included to transfer funds to the Executive Office for Immigration Review from fees deposited in the Immigration Examinations Fee account.

Under United States Marshals Service, Federal Prisoner Detention, language is included transferring available unobligated balances from General Administration, Detention Trustee to this new account.

Under Federal Prison System, Salaries and Expenses, language is included to allow the transfer of funds to the Health Resources and Services Administration.

In title IV, under Commission on Civil Rights, Salaries and Expenses, language is included to transfer funds to the Office of Inspector General of the Government Accountability Office.

## DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

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

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

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

**SECTION 105 OF THE COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

SEC. 105. (a) \* \* \*

\* \* \* \* \*

(f) NOAA shall complete an analysis initiated under [paragraph (2)] *subsection (e)(2)* not later than 6 months after the Under Secretary makes a determination under [this subsection] *subsection (e)*. The Under Secretary shall transmit the analysis to the appropriate congressional committees not later than 30 days after its completion.

\* \* \* \* \*

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

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

Prior to receipt by the Congress of the study, recommendations, and implementation strategy developed pursuant to section 1103, none of the funds authorized for use under this Act may be used to transfer the functions, missions, or activities, and associated civil service and contractor positions, from any NASA facility without authorization by the Congress to implement the proposed strategy. The Administrator shall preserve the critical skills and competencies in place at NASA centers prior to enactment of this Act in order to facilitate timely implementation of the requirements of this Act and to minimize disruption to the workforce. [The Administrator may not implement any reduction-in-force or other involuntary separations of permanent, non-Senior-Executive-Service, civil servant employees before September 30, 2013, except for cause on charges of misconduct, delinquency, or inefficiency.]

\* \* \* \* \*

**SECTION 30102 OF TITLE 51, UNITED STATES CODE**

**§ 30102. Working capital fund**

(a) \* \* \*

\* \* \* \* \*

(c) CONTENTS.—The capital of the fund consists of—

(1) \* \* \*

(2) the reasonable value of stocks of supplies, equipment, and other assets and inventories on order that the Administrator transfers to the fund, less the related liabilities and unpaid obligations; [and]

(3) payments received for loss or damage to property of the fund[.]; and

(4) refunds or rebates received on an on-going basis from a credit card services provider under the National Aeronautics and Space Administration's credit card programs.

\* \* \* \* \*

**SECTION 501 OF THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996**

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) \* \* \*

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined [on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code] *triennially by the Bureau of the Census* (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

\* \* \* \* \*

CHANGES IN THE APPLICATION OF EXISTING LAW

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

Language is included for a number of accounts which places limitations on representation and reception allowances in order to reduce the amount of money that would otherwise be spent on these activities. The bill also provides that a number of appropriations shall remain available for obligation beyond the current fiscal year. While these provisions are not specifically authorized for all of the items, it is deemed desirable to include such language for certain programs in order to provide for orderly administration and effective use of funds.

In title I, Department of Commerce, under International Trade Administration, Operations and Administration, language is included providing that funds may be used for engaging in trade promotion activities abroad, including expenses of grants and cooperative agreements for the purposes of promoting exports of U.S. firms. Language is also provided allowing for full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel

and transportation of employees of the International Trade Administration; employment of Americans and aliens by contract for services; rental of space abroad and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; and payment of tort claims. In addition, language is included regarding official representation expenses abroad, purchase of passenger motor vehicles for official use abroad, obtaining insurance on official motor vehicles, and rental of tie lines. Language is also recommended deriving a portion of available funds from fees. Furthermore, language is included designating funding for China antidumping and countervailing duty enforcement and compliance activities. Moreover, language is included providing for two-year availability of funds. Finally, language is included regarding the contribution to the Mutual Educational and Culture Exchange Act of 1961 to include payment for assessment.

Under Bureau of Industry and Security, Operations and Administration, the language provides for no-year availability of funds. Language is included regarding the costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims; official representation expenses abroad; awards of compensation to informers; and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use without regard to any price limitation established by law. In addition, language is included regarding the Mutual Educational and Cultural Exchange Act of 1961. Finally, language is recommended providing that payments and contributions collected and accepted for materials or services may be retained for use in covering the cost of those activities and other communications.

Under Economic Development Administration, Economic Development Assistance Programs, the language provides for no-year availability of funds. Language is also included specifying amounts for certain grants and loan guarantees. In addition, language is included providing that the cost of modifying certain loan guarantees be as defined in section 502 of the Congressional Budget Act of 1974. Finally, the account includes language limiting funds available to subsidize total loan principal.

Also, under Salaries and Expenses, language is included regarding the monitoring of approved projects.

Under Minority Business Development Agency, Minority Business Development, language is included making funds available for fostering, promoting, and developing minority business enterprises, including expenses of grants, contracts and other agreements.

Under Economic and Statistical Analysis, Salaries and Expenses, language is included providing for two-year availability of funds.

Under Bureau of the Census, Salaries and Expenses, language is included providing that funds may be used for collecting, compiling, analyzing, preparing and publishing statistics and for promotion, outreach and marketing activities.

Also, under Periodic Censuses and Programs, language is included providing two-year availability of funds. Language is also included providing that funds may be used for collecting, compiling,

analyzing, preparing and publishing statistics and for promotion, outreach and marketing activities.

Under National Telecommunications and Information Administration, Salaries and Expenses, language is included providing for two-year availability of funds. Language is also included permitting the Secretary of Commerce to charge Federal agencies for costs in spectrum management, analysis, operations, and related services; and to use such collections in telecommunications research. The language also allows the Secretary to retain and use as offsetting collections all funds transferred, or previously transferred for telecommunications research, engineering and activities by the Institute for Telecommunication Sciences of NTIA. Finally, language is included providing that funds so transferred shall remain available until expended.

Also, under Public Telecommunications Facilities, Planning and Construction, language is included allowing recoveries and unobligated balances of funds previously appropriated to be available for the administration of all open grants until their expiration.

Under Patent and Trademark Office, Salaries and Expenses, language is included providing that appropriated funds be reduced as offsetting collections are assessed and collected. The language also provides that funds received in excess of appropriations be deposited in a Patent and Trademark Fee Reserve fund, to be available until expended pursuant to the Director submitting a spending plan subject to section 505 of this Act. In addition, language is included limiting representation expenses. Language is also included regarding basic pay and certain retirement benefits. Additional language is included regarding USPTO's financial statements. Furthermore, language is included providing that fees and surcharges charged are available to USPTO pursuant to section 42(c) of title 35, United States Code. Finally, the language provides that an amount be transferred to the Inspector General.

Under National Institute of Standards and Technology, Scientific and Technical Research and Services, language is included providing for no-year availability of funds. In addition, language is included allowing transfers to the working capital fund. Finally, language is included limiting funds for official reception and representation expenses.

Also, under Industrial Technology Services, language is included providing no-year availability of funds. The language also designates an amount for the Manufacturing Extension Partnership and for the Advanced Manufacturing Technology Consortia.

In addition, under Construction of Research Facilities, language is included providing for no-year availability of funds. Language is also included regarding the submission of certain materials in support of construction budget requests.

Under National Oceanic and Atmospheric Administration, Operations, Research, and Facilities, language is included allowing for two-year availability for funds, except for cooperative enforcement funds, which are available for three years. Language is also included allowing maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities. Language is included allowing fees and donations received by a particular office to be re-

tained and used for expenses related to certain activities. In addition, language is included that provides that certain funds be derived from various sources. Furthermore, language is included limiting the amount of funds that can be provided for corporate services administrative support. Moreover, language is included specifying that deviations from amounts included in the report accompanying the Act shall be subject to section 505 of this Act. Finally, language is included providing for retired pay expenses.

Also, under Procurement, Acquisition and Construction, language is included providing for three-year availability for funds, except for construction funds, which are available until expended. Language is also included providing that certain funds be derived from various sources. In addition, language is included specifying that deviations from amounts included in the report accompanying the Act shall be subject to section 505 of this Act. Finally, language is included regarding the submission of certain materials in support of construction budget requests.

In addition, under Pacific Coastal Salmon Recovery, language is included providing for two-year availability of funds. Language is also included allowing the Secretary of Commerce to issue grants to specific States and Federally-recognized tribes for conservation projects for listed endangered or threatened salmon and steelhead populations, populations at risk to be so listed, and for maintaining populations necessary for the exercise of tribal treaty fishing rights, and for conservation of Pacific coastal salmon and steelhead habitat, to be allocated under scientific and merit principles and not available for marketing activities; and requiring a State match.

Furthermore, under Fishermen's Contingency Fund, language is included providing for the appropriation of funds to be derived from receipts collected pursuant to title IV of Public Law 95-372.

Moreover, under Fisheries Finance Program Account, language is included placing limitations on individual fishing quota loans and traditional direct loans. Language is also included that prohibits direct loans for any new fishing vessel that will increase the harvesting capacity in any U.S. fishery.

Under Departmental Management, Salaries and Expenses, language is included limiting funds for official reception and representation expenses. In addition, language is included continuing a task force on job repatriation and manufacturing growth.

Under Department of Commerce, General Provisions, the following general provisions that fall within the rule are recommended:

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

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

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

Section 104 provides that any costs incurred by the Department in response to funding reductions shall be absorbed within the total



budgetary resources available to the Department and shall be subject to the reprogramming limitations set forth in this Act.

Section 105 extends Congressional notification requirements for NOAA satellite programs.

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

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

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

Section 109 specifies certain reporting requirements.

In title II, Department of Justice, under General Administration, Salaries and Expenses, language is included providing for an amount for security and construction of Department of Justice facilities remain available until expended.

Also, under Justice Information Sharing Technology, language is included providing that funds be available until expended.

In addition, under Administrative Review and Appeals, language is included providing that an amount shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

Moreover, under Office of Inspector General, language is included providing for not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

Under Legal Activities, Salaries and Expenses, General Legal Activities, language is included providing not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General. Language is also included providing for rental of space in the District of Columbia. Language is included making an amount available until expended for litigation support contracts. In addition, language is included limiting the amount of funds for official representation and reception expenses available to INTERPOL Washington. Furthermore, language is included allowing, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General to transfer funds to this account from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances. Moreover, language is included providing funds to reimburse the Office of Personnel Management for expenses associated with the election monitoring program and providing for extended availability. Finally, language is included for expenses associated with processing cases under the National Childhood Vaccine Injury Act of 1986.

Also, under Salaries and Expenses, Antitrust Division, language is included providing for no-year availability of funds. The language also provides that fees collected for premerger notification filings, regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended.

In addition, under Salaries and Expenses, United States Attorneys, language is included regarding inter-governmental and cooperative agreements and limiting funds for official reception and representation expenses. Language is also included extending the availability of certain funds. Finally, language is included requiring each United States Attorney to establish a task force on human trafficking.

Furthermore, under United States Trustee System Fund, language is included regarding refunds due depositors. Language is also included providing for the extended availability of certain funds and the use of offsetting collections.

Moreover, under Fees and Expenses of Witnesses, language is included regarding contracts for the procurement and supervision of expert witnesses. In addition, language is included regarding funds for construction of buildings for safesites, armored and other vehicles, and telecommunication equipment. The language also provides for no-year availability of funds.

And under Salaries and Expenses, Community Relations Service, language is included regarding the transfer of funds for conflict resolution and violence prevention activities, which shall be subject to the provisions of section 505 of this Act.

Under United States Marshals Service, Salaries and Expenses, language is included limiting official reception and representation expenses, and providing for no-year availability for part of the appropriation.

Also, under Construction, language is included providing for no-year availability.

In addition, under Federal Prisoner Detention, language is included providing for no-year availability. Language is also included providing that the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System. In addition, language is included limiting the amount of funds considered "funds appropriated for State and local law enforcement assistance". Finally, language is included transferring available unobligated balances from General Administration, Detention Trustee to this new account.

Under National Security Division, Salaries and Expenses, language is included providing for the no-year availability of funds for IT systems. Language is also included providing that upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances. The language provides such a transfer be treated as a reprogramming under section 505 of this Act.

Under Interagency Law Enforcement, Interagency Crime and Drug Enforcement, language is included regarding certain reimbursements.

Under Federal Bureau of Investigation, Salaries and Expenses, language is included providing for no-year availability of certain funds. Language is also included providing for a limitation on representational expenses.

Under Drug Enforcement Administration, Salaries and Expenses, language is included providing for funds to meet unforeseen emer-

gencies of a confidential character. Language is also included allowing conduct of drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs. In addition, language is included providing for no-year availability of certain funds. Finally, language is included providing for a limitation on representational expenses.

Under Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses, language is included allowing training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection, and allowing provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement. Language is also included limiting official reception and representation expenses. In addition, language is included providing funds for the payment of attorneys' fees. In addition, language is included providing for no-year availability of certain funds. Furthermore, language is included that permanently prohibits funds to implement amendments to section 478.118 of title 27, Code of Federal Regulations, change the definition of "Curios or relics" or remove items from ATF publication 5300.11. Additional language is included prohibiting expenses to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code. Language is further included regarding expenses to investigate applications filed by corporations for relief from section 925(c) of title 18, United States Code. Moreover, language is included that prohibits funds to transfer the functions, missions or activities of ATF to other agencies or departments. Also, language is included that permanently prohibits expenses to promulgate or implement any rule requiring a physical inventory of licensed businesses. Finally, language is included that permanently prohibits expenses to deny an application for certain licenses.

Under Federal Prison System, Salaries and Expenses, language is included that provides for the transfer to the Health Resources and Services Administration funds necessary for medical relief for inmates. Language is also included that provides authority to the Director to enter into contracts to furnish health care. In addition, language is included placing a limitation on funds for reception and representation expenses. Furthermore, language is included extending the availability of certain funds. Moreover, language is included providing for the use of certain funds for the care and security of Cuban and Haitian entrants. Finally, language is included providing authority for the Federal Prison System to accept donated property and services.

Also, in Building and Facilities, language is included providing for no-year availability of funds and establishing maximum and minimum funding levels for certain activities. Language is also included stating labor of prisoners may be used for work under this heading.

Additionally, under Federal Prison Industries, Incorporated, language is included authorizing Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to

make such contracts and commitments, without regard to fiscal year limitations, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles.

Furthermore, under Limitation on Administrative Expenses, Federal Prison Industries, Incorporated, language is included making available funds for its administrative expenses, and for certain services, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

Under State and Local Law enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs, language is included making funds available until expended. Language is also included placing a limitation on funds to be made available for expenses related to evaluation, training, and technical assistance. In addition, language is included providing for specific appropriations for various programs within the Office on Violence Against Women. Furthermore, language is included making available certain unobligated balances for specified programs. The language also applies certain conditions to specified grants. It provides for certain funds to be transferred to "Research, Evaluation, and Statistics" for administration by the Office of Justice Programs. Finally, language is included to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

Under Office of Justice Programs, Research, Evaluation and Statistics, language is included to provide for no-year availability of funds. Language is also included to provide for specific appropriations for various programs within the Office of Justice Programs.

Also, under State and Local Law Enforcement Assistance, language is included to provide for no-year availability of funds. Language is also included regarding Puerto Rico. In addition, language is included regarding a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative as well as the domestic radicalization phenomenon. In addition, language is included regarding Federal immigration and other detainees housed in State and local detention facilities. Furthermore language is included regarding local government use of funds to increase the number of law enforcement officers. Finally, the language specifies appropriations for various programs within the Office of Justice Programs.

In addition, under Juvenile Justice Programs, language is included providing for no-year availability of funds. Language is also included regarding research, evaluation, and statistics activities designed to benefit the programs or activities authorized, with certain exceptions. In addition, language is included regarding funds for training and technical assistance, with certain exceptions. Further-

more, language is included regarding the National ICAC Task Force Program. Finally, the language delineates certain amounts for various programs under this heading.

Furthermore, under Public Safety Officer Benefits, language is included providing for no-year availability of funds. Language is also included providing for the transfers of funds in emergent circumstances, which shall be subject to the provisions of section 505 of this Act.

Under Community Oriented Policing Services, Community Oriented Policing Services Programs, language is included providing for no-year availability of funds. Language is also included requiring that balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. In addition, language is included regarding transfers of funds for anti-methamphetamine activities. Furthermore, language is included waiving a provision of law that provided that the COPS Hiring Program would terminate after September 2000. Finally, language is included providing that funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation.

Under Department of Justice, General Provisions, the following general provisions that fall within the rule are recommended:

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

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

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

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

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

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

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

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

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

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

Section 211 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts speci-

fied in this title or the reuse of specified deobligated funds provided in previous years.

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

Section 213 prohibits U.S. Attorneys from holding additional responsibilities that exempt U.S. Attorneys from statutory residency requirements.

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 or reimbursable program funds made available to that office to be used for criminal justice research, evaluation and statistics.

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

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

Section 217 prohibits funds, with certain exceptions, to be used to facilitate certain firearm transfers.

Section 218 prohibits funds made available by this Act from being used to require public entities, places of public accommodation, and commercial facilities to provide a permanent means of accessible entry to pools and spas.

Section 219 prohibits funds made available by this Act from being used to require licensed firearms dealers to report on the sale of multiple rifles and shotguns to the same person.

In title III, Science, under Office of Science and Technology Policy, language is included providing that certain funds be available for reception and representation expenses, and rental of conference rooms.

Under National Aeronautics and Space Administration, Science, language is included providing for the multi-year availability of funds. Language is also included designating funds for a certain reimbursable agreement. In addition, language is included concerning implementation of the planetary science decadal survey. Finally, language is included regarding costs for a certain space-based telescope.

Also, under Aeronautics, language is included providing for the multi-year availability of funds.

In addition, under Space Technology, language is included providing for the multi-year availability of funds.

Under Exploration, language is included providing for the multi-year availability of funds. Language is also included that delineates amounts for program components.

In Space Operations, language is included providing for the multi-year availability of funds.

Additionally, under Education, language is included providing for the multi-year availability of funds. Language is also included delineating amounts for program components.

Under Cross Agency Support, language is included providing for the multi-year availability of funds. Language is also included to limit official reception and representation expenses.

Under Construction and Environmental Compliance and Restoration, language is included providing for the multi-year availability of funds. Language is also included restricting receipts and expenditures made pursuant to enhanced use lease arrangements and requiring the inclusion of estimates in future budget requests.

Under Office of Inspector General, language is included providing for the multi-year availability of some funds.

In the Administrative Provisions, language is included regarding: availability of funds for announced prizes; transfers of funds; certain personnel actions; the submission of a spending plan; and credit card programs.

Under National Science Foundation, Research and Related Activities, language is included that provides for the multi-year availability of funds. Language is also included that governs funding availability for polar research and operational support. In addition, language is included providing that certain receipts may be credited to this appropriation.

Also, under Major Research Equipment and Facilities Construction, language is included providing for no-year availability of funds. Language is also included prohibiting reimbursement of the Judgment Fund.

In addition, under Education and Human Resources, language is included providing for the multi-year availability of funds.

Furthermore, under Agency Operations and Award Management, language is included regarding contracts for maintenance and operation of facilities and other services. Language is also included limiting representation expenses.

Under Office of the National Science Board, language is included limiting funds for official reception and representation.

Under Office of Inspector General, language is included providing for the multi-year availability of some funds.

Under Administrative Provision, a general provision is included regarding transfers of funds.

In title IV, Related Agencies, under Commission on Civil Rights, Salaries and Expenses, language is included prohibiting expenses to employ in excess of a specific level of full-time individuals or to reimburse Commissioners for certain billable days. Language is also included prohibiting certain unauthorized activities. Finally, language is included regarding the establishment of an inspector general.

Under Equal Employment Opportunity Commission, Salaries and Expenses, language is included designating amounts for payments to State and local enforcement agencies. Language is also included limiting funds for official reception and representation expenses. Finally, language is included authorizing the Chair to accept donations or gifts to carry out the work of the Commission.

Under International Trade Commission, Salaries and Expenses, language is included limiting funds for official reception and representation expenses. Language is also included providing for no-year availability of funds.

Under Legal Services Corporation, Payment to Legal Services Corporation, language is included regarding pay for officers and

employees. Language is also included delineating amounts for specific programs and regarding authorities to transfer funds.

Under Administrative Provisions, Legal Services Corporation, language is included that prohibits the use of funds for certain activities. Language is also included regarding the distribution of funds.

Under Office of the United States Trade Representative, Salaries and Expenses, language is included providing for the no-year availability of some funds. Language is also included limiting funds for official reception and representation expenses.

Under State Justice Institute, Salaries and Expenses, language is included limiting funds for reception and representation expenses. Language is also included providing for multi-year availability of some funds.

In title V, General Provisions, the following general provisions that fall within the rule are recommended:

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

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

Section 503 provides that the expenditure of any appropriation contained in the Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or under existing Executive Order issued pursuant to existing law.

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

Section 505 specifies requirements for reprogramming funds.

Section 506 provides that if it is determined that any person intentionally affixes a "Made in America" label to any product that was not made in America that person shall not be eligible to receive any contract or subcontract made with funds made available in this Act. The section further provides that to the extent practicable, with respect to purchases of promotional items, funds made available under this Act shall be used to purchase items manufactured, produced or assembled in the United States or its territories or possessions.

Section 507 requires quarterly reporting to Congress on the status of balances of appropriations.

Section 508 provides that any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions in the Act shall be absorbed with the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 509 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.



Section 510 limits the obligation of certain funds.

Section 511 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 512 prohibits the transfer of funds in the Act to any department, agency, or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

Section 513 provides that funds provided for E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

Section 514 permanently requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crimes.

Section 515 requires certain timetables and procedures for specified audits performed by Inspectors General of the departments and agencies funded in this Act and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

Section 516 prohibits funds for information technology acquisitions unless the acquiring department or agency has assessed the risk of cyber-espionage or sabotage. Any acquisition of information technology produced by entities that are owned, directed, or subsidized by the People's Republic of China must be preceded by a determination that the acquisition is in the national interest.

Section 517 prohibits the use of funds in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 518 permanently prohibits the use of funds to require certain export licenses.

Section 519 permanently prohibits the use of funds to deny certain import applications regarding "curios or relics" firearms, parts, or ammunition.

Section 520 prohibits the use of funds to include certain language in trade agreements.

Section 521 prohibits the use of funds in this Act to authorize or issue a National Security Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

Section 522 requires congressional notification regarding any project within the Departments of Commerce or Justice, or the National Science Foundation and the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of at least 10 percent.

Section 523 deems funds for intelligence or intelligence related activities as authorized by the Congress during fiscal year 2013 until the enactment of the Intelligence Authorization Act for fiscal year 2013.

Section 524 requires the departments and agencies funded in this Act to establish and maintain on the homepages of their Internet websites direct links to the websites of their Offices of Inspector General, and a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse.

Section 525 prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed Federal tax returns, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has no unpaid Federal tax assessment, except in specified circumstances.

Section 526 provides for rescissions of unobligated balances in the Department of Justice.

Section 527 prohibits the use of funds in this Act for the purchase of first class or premium air travel.

Section 528 prohibits the use of funds to pay for the attendance of more than 50 department or agency employees at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of Federal attendees are law enforcement personnel stationed outside the United States.

Section 529 prohibits the use of funds in this or any other Act for the transfer or release of certain individuals detained at Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories or possessions.

Section 530 prohibits the use of funds in this or any other Act to construct, acquire or modify any facility in the United States, its territories, or possessions to house certain individuals who, as of June 24, 2009, were located at United States Naval Station, Guantanamo Bay, Cuba for the purposes of detention or imprisonment in the custody or control of the Department of Defense.

Section 531 prohibits the distribution of funds contained in this Act to the Association of Community Organizations for Reform Now or its subsidiaries.

Section 532 requires, when practicable, the use of funds in this Act to purchase light bulbs that have the "Energy Star" or "Federal Energy Management Program" designation.

Section 533 requires tracking and reporting of undisbursed balances in expired grant accounts.

Section 534 prohibits the use of funds by the National Aeronautics and Space Administration or the Office of Science and Technology Policy to engage in bilateral activities with China or a Chinese-owned company unless the activities are authorized by subsequent legislation or NASA or OSTP have made a certification pursuant to subsections (c) and (d) of this section.

Section 535 specifies reporting requirements for certain conferences held by any department, agency, board or commission funded by this Act.

Section 536 prohibits funds made available by this Act from being used to deny the importation of shotgun models if no application for the importation of such models, in the same configuration, had been denied prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Section 537 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 538 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan

or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

Section 539 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

Section 540 prohibits funds in this Act from being used to implement, administer, or enforce Equal Employment Opportunity Commission regulations on "Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act".

Section 541 establishes a Spending Reduction Account.

#### APPROPRIATIONS NOT AUTHORIZED BY LAW

The Committee, in a number of instances, has found it necessary to recommend funding for ongoing activities and programs for which authorizations have not been enacted to date. These include some or all of the programs under the Department of Commerce, Department of Justice, Commission on Civil Rights, International Trade Commission, Legal Services Corporation, Marine Mammal Commission, Office of the U.S. Trade Representative, and State Justice Institute. Pursuant to clause 3(f)(1)(B) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law for the period concerned:

Agency/Program	Last year of authorization	Authorization level	Appropriation in last year of authorization	Appropriations in this bill
Department of Commerce:				
International Trade Administration				
Operations and Administration				
Export Promotion Activities .....	1996	such sums	\$264,885	\$277,824
Economic Development Administration				
Salaries and Expenses .....	2008	such sums	30,832	37,500
Economic Development Assistance Programs .....	2008	500,000	349,100	182,000
Economic and Statistical Analysis				
Salaries and Expenses .....	n/a	n/a	n/a	96,000
Minority Business Development Agency				
Minority Business Development .....	n/a	n/a	n/a	28,689
National Telecommunications and Information Administration				
Salaries and Expenses .....	1993	17,900	18,493	45,568
National Oceanic and Atmospheric Administration				
Operations, Research and Facilities				
Oceanic and Atmospheric Research ..	1993	1,589,081	202,172	404,941
Climate and air quality research activities .....	1993	(103,877)	a	a
Atmospheric research activities .....	1993	(44,781)	a	a
National Ocean Service .....	1993	121,183	150,864	427,275
Coral Reef Conservation .....	2004	(16,000)	(16,000)	(24,098)
Coastal Zone Management .....	1999	(55,300)	(52,700)	(64,844)

Agency/Program	Last year of authorization	Authorization level	Appropriation in last year of authorization	Appropriations in this bill
Marine Protection, Research, Preservation & Sanctuaries .....	2005	(40,000)	(57,958)	(41,932)
Marine debris prevention, removal, and information .....	2010	(10,000)	(4,000)	(3,000)
National Marine Fisheries Service .....		various		775,427
Endangered Species Act Activities .....	1992	6,750	b	b
Marine Mammal Protection Act Activities .....	1999	34,768	b	b
NOAA Marine Fisheries Program Activities .....	2000	110,470	b	b
National Weather Service				
Operations and research activities .....	1993	395,822	a	a
Public warning and forecast systems .....	1993	132,034	a,c	a,c
NESDIS				
Satellite observing systems activities (NESDIS) .....	1993	336,000	a,c	a,c
Data and information services activities .....	1993	39,596	10,300	a,c
Program Support				
Executive Direction and Administrative Activities .....	1993	75,750	25,000	99,820
Marine Services .....	1993	68,518	61,200	166,015
Aircraft Services .....	1993	10,336	9,500	30,241
Procurement, Acquisition and Construction				
Office of Marine and Aviation Operations				
Fleet modernization and replacement .....	1997	such sums	8,000	14,609
Pacific Coastal Salmon Recovery .....	2009	90,000	80,000	65,000
Departmental Management				
Salaries and Expenses .....	n/a	n/a	n/a	55,000
Office of Inspector General .....	n/a	n/a	n/a	28,753
Department of Justice:				
General Administration				
Salaries and Expenses .....	2009	181,561	105,805	110,322
Justice Information Sharing Technology .....	2009	204,152	80,000	33,426
Administrative review and appeals .....	2009	243,291	270,000	313,438
Office of Inspector General .....	2009	81,922	80,681	84,199
United States Parole Commission				
Salaries and Expenses .....	2009	12,711	12,570	12,772
Legal Activities				
Salaries and Expenses, General Legal Activities .....	2009	764,526	805,655	863,367
Salaries and Expenses, Antitrust Division .....	2009	162,488	157,788	159,587
Salaries and Expenses, United States Attorneys .....	2009	1,829,194	1,851,336	1,965,000
Salaries and Expenses, Foreign Claims Settlement Commission .....	2009	1,429	1,823	2,000
Fees and Expenses of witnesses .....	2009	203,755	168,300	270,000
Salaries and Expenses, Community Relations Service .....	2009	10,977	9,873	11,456
Assets Forfeiture Fund .....	2009	22,000	20,990	20,948
United States Marshals Service .....	2009	900,178	954,000	2,845,871
Salaries and Expenses .....		<sup>d</sup>	(960,000)	(1,188,488)
Construction .....		<sup>d</sup>	(4,000)	(10,000)
Federal Prisoner Detention <sup>e</sup> .....	2009	1,858,509	1,355,319	(1,647,383)
National Security Division				
Salaries and Expenses .....	n/a	n/a	n/a	90,039
Interagency Law Enforcement				
Interagency Crime and Drug Enforcement .....	2009	744,593	515,000	521,793
Federal Bureau of Investigation .....	2009	6,480,608	7,301,191	8,265,989

Agency/Program	Last year of authorization	Authorization level	Appropriation in last year of authorization	Appropriations in this bill
Salaries and Expenses .....		d	(7,182,700)	8,185,007
Construction .....		d	(153,491)	(80,982)
Drug Enforcement Administration				
Salaries and Expenses .....	2009	1,930,462	1,959,084	2,396,504
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and Expenses .....	2009	1,038,939	1,078,215	1,153,345
Federal Prison System .....	2009	5,698,292	6,171,561	6,910,217
Salaries and Expenses .....		d	(5,600,792)	(6,820,217)
Buildings and Facilities .....		d	(575,807)	(90,000)
Office on Violence Against Women				
Violence Against Women Prevention and Prosecution Programs				
STOP Grants .....	2011	225,000	f	189,000
Transitional Housing Assistance .....	2011	40,000	f	25,000
Research and Evaluation on Violence against Women .....	n/a	n/a	n/a	3,500
Grants to Encourage Arrest Policies ..	2011	75,000	f	50,000
Sexual Assault Victims Services .....	2011	50,000	f	23,000
Rural Domestic Violence and Child Abuse Enforcement .....	2011	55,000	f	36,500
Violence on College Campuses .....	2011	15,000	f	9,000
Civil Legal Assistance .....	2011	65,000	f	41,000
Elder Abuse Grant Program .....	2011	10,000	f	4,250
Safe Havens Program .....	2011	20,000	f	11,500
Education and Training for Disabled Female Victims .....	2011	10,000	f	5,750
Court Training and Improvements Program .....	2011	5,000	f	4,500
Research on Violence against Indian Women .....	2008	1,000	940	1,000
Consolidated Youth-oriented Program		various		10,000
Engaging Men and Youth in Prevention .....	n/a	n/a	n/a	g
Grants to Assist Children and Youth Exposed to Violence .....	n/a	n/a	n/a	g
Supporting Teens Through Education Program .....	2011	5,000	f	g
Services to Advocate and Respond to Youth .....	n/a	n/a	n/a	g
National Resource Center on Workplace Responses .....	2011	1,000	f	500
Indian Country—Sexual Assault Clearinghouse .....	n/a	n/a	n/a	500
Office of Justice Programs				
Research, Evaluation and Statistics				
Bureau of Justice Statistics .....	1995	33,000	32,335	45,000
National Institute of Justice .....	1995	33,000	58,879	40,000
Regional information sharing activities .....	2003	100,000	29,000	27,000
State and Local Law Enforcement Assistance				
Byrne Memorial Justice Assistance Grants .....	2012	1,095,000	470,000	370,000
Domestic Radicalization Research .....	n/a	n/a	n/a	(4,000)
VALOR Initiative .....	n/a	n/a	n/a	(5,000)
State Criminal Alien Assistance Program .....	2011	950,000	f	165,000
Byrne Competitive Grants .....	n/a	n/a	n/a	20,000
Missing Alzheimer's Patients Grants .....	1999	900	898	1,000
Victims of Trafficking Grants .....	2011	10,500	f	13,500
Drug Courts .....	2008	70,000	15,200	41,000
Veterans Treatment Courts .....	n/a	n/a	n/a	4,000

Agency/Program	Last year of authorization	Authorization level	Appropriation in last year of authorization	Appropriations in this bill
Prescription Drug Monitoring .....	n/a	n/a	n/a	7,000
Prison Rape Prevention and Prosecution .....	2010	40,000	15,000	12,500
Residential Substance Abuse Treatment .....	2000	72,000	61,677	15,000
Capital Litigation and Wrongful Conviction Review .....	2009	75,000	5,500	1,000
Tribal Assistance .....		various		38,000
Tribal Courts .....	2004	such sums	(8,000)	<sup>h</sup>
Alcohol and Substance Abuse ...	n/a	n/a	n/a	<sup>h</sup>
Indian Prison Grants .....	2000	(2,753)	(5,000)	<sup>h</sup>
Training/TA Civil and Criminal Legal Assistance .....	n/a	n/a	n/a	<sup>h</sup>
Economic, High-tech, Cybercrime Prevention .....	n/a	n/a	n/a	7,000
CASA—Special Advocates .....	2011	12,000	<sup>f</sup>	4,500
Bulletproof Vests .....	2012	50,000	24,000	20,000
Criminal Records Upgrade .....	2007	250,000	<sup>i</sup>	6,000
Second Chance Act/Offender Re-entry .....	2010	55,000	100,000	70,000
Smart Probation .....	n/a	n/a	n/a	(6,000)
Adam Walsh Act Implementation ..	2009	such sums		20,000
National Sex Offender Public Web Site .....	n/a	n/a	n/a	1,000
DNA Initiative				
Post-Conviction DNA Testing Grants .....	2009	5,000	5,000	(4,000)
Juvenile Justice Programs				
Part B—State Formula Grants .....	2007	such sums	<sup>i</sup>	33,000
Youth Mentoring Grants .....	2007	such sums	<sup>i</sup>	90,000
Victims of Child Abuse Programs	2005	8,481	11,000	18,000
Training for Judicial Personnel .....	2005	2,300		1,500
Community Oriented Policing Services				
Community Oriented Policing Services Programs .....	2009	1,047,119	1,550,500	72,500
Tribal Resources Grant Program ...		<sup>j</sup>	(20,000)	(20,000)
COPS Hiring Grants .....		<sup>j</sup>	(1,000,000)	(40,000)
Related Agencies:				
Commission on Civil Rights				
Salaries and Expenses .....	1995	9,500	8,904	9,193
International Trade Commission				
Salaries and Expenses .....	2004	57,240	58,295	83,000
Legal Services Corporation				
Payment to the Legal Services Corporation .....	1980	205,000	300,000	328,000
Marine Mammal Commission				
Salaries and Expenses .....	1999	1,750	1,240	3,025
Office of the U.S. Trade Representative				
Salaries and Expenses .....	2004	33,108	41,552	51,251
State Justice Institute				
Salaries and Expenses .....	2008	7,000	3,760	5,121

<sup>a</sup> The National Oceanic and Atmospheric Administration Authorization Act of 1992 (P.L. 102–567) provides authorizations for general categories of activities, rather than specific programs. Since a program may cut across several authorizations, it is impossible to determine the exact amount of unauthorized appropriations.

<sup>b</sup> Authorization covers multiple lines in the NOAA control table.

<sup>c</sup> This authorization provides for both procurement and operations activities, but does not provide a breakdown for each.

<sup>d</sup> Authorization does not provide amounts for specific accounts within this agency.

<sup>e</sup> This was formerly the “General Administration, Detention Trustee” account.

<sup>f</sup> The authorization for this program expired in FY2011. Since the government was funded by a full-year continuing resolution, the Committee did not provide a specific appropriation for this program.

<sup>g</sup> These programs have been combined into the Consolidated Youth-oriented Program.

<sup>h</sup> The recommendation includes an overall amount for tribal assistance but does not specify amounts for each particular program.

<sup>i</sup> The authorization for this program expired in FY2007. Since the government was funded by a full-year continuing resolution, the Committee did not provide a specific appropriation for this program.

<sup>j</sup> Authorization does not provide amounts for specific programs within this account.

COMPARISON WITH THE BUDGET RESOLUTION

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

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

	302(b) Allocation		This Bill <sup>1</sup>	
	Budget Authority	Outlays	Budget Authority	Outlays
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the First Concurrent Resolution of 2013:				
Subcommittee on Commerce, Justice, Science				
General purpose discretionary .....	51,131	62,953	51,131	62,953
Mandatory .....	328	358	328	358

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

FIVE-YEAR OUTLAY PROJECTIONS

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

Projection of outlays associated with the recommendation:	
2013 .....	<sup>1</sup> 38,155
2014 .....	13,882
2015 .....	3,491
2016 .....	1,557
2017 and future years .....	3,073

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

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

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

[In millions of dollars]

Budget Authority .....	- 6,281
Outlays .....	<sup>1</sup> - 186

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

CONSTITUTIONAL AUTHORITY

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

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

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL)  
AUTHORITY

The following table provides a detailed summary, for each department and agency, comparing the amounts recommended in the bill with fiscal year 2012 enacted amounts and budget estimates presented for fiscal year 2013:



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I - DEPARTMENT OF COMMERCE</b>					
International Trade Administration					
Operations and administration.....	465,000	526,439	467,737	+2,737	-58,702
Offsetting fee collections.....	-9,439	-9,439	-9,439	---	---
Direct appropriation.....	455,561	517,000	458,298	+2,737	-58,702
Bureau of Industry and Security					
Operations and administration.....	69,721	68,049	67,333	-2,388	-716
Defense function.....	31,279	34,279	33,667	+2,388	-612
Total, Bureau of Industry and Security.....	101,000	102,328	101,000	---	-1,328
Economic Development Administration					
Economic Development Assistance Programs.....	220,000	182,000	182,000	-38,000	---
Disaster relief category.....	200,000	---	---	-200,000	---
Subtotal.....	420,000	182,000	182,000	-238,000	---
Salaries and expenses.....	37,500	37,719	37,500	---	-219
Total, Economic Development Administration.....	457,500	219,719	219,500	-238,000	-219

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
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	96,000	---	-4,269
Bureau of the Census					
Salaries and expenses.....	253,336	259,175	253,336	---	-5,839
Periodic censuses and programs.....	635,000	711,250	625,357	-9,643	-85,893
Total, Bureau of the Census.....	888,336	970,425	878,693	-9,643	-91,732
National Telecommunications and Information Administration					
Salaries and expenses.....	45,568	46,925	45,568	---	-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	---	---	---	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>National Institute of Standards and Technology</b>					
Scientific and Technical Research and Services..... (transfer out).....	567,000 (-9,000)	648,000 (-9,000)	621,173 (-9,000)	+54,173 ---	-26,827 ---
Industrial Technology Services.....	128,443	149,000	149,000	+20,557	---
Manufacturing extension partnerships.....	(128,443)	(128,000)	(128,000)	(-443)	---
Advanced manufacturing technology consortia.....	---	(21,000)	(21,000)	(+21,000)	---
Construction of research facilities.....	55,381	60,000	60,000	+4,619	---
Working Capital Fund (by transfer).....	(9,000)	(9,000)	(9,000)	---	---
<b>Total, National Institute of Standards and Technology.....</b>	<b>750,824</b>	<b>857,000</b>	<b>830,173</b>	<b>+79,349</b>	<b>-26,827</b>
<b>National Oceanic and Atmospheric Administration</b>					
Operations, Research, and Facilities.....	3,022,231	3,042,460	2,968,371	-53,860	-74,089
(by transfer).....	(109,098)	(119,064)	(119,064)	(+9,966)	---
Promote and Develop Fund (transfer out).....	(-109,098)	(-119,064)	(-119,064)	(-9,966)	---
<b>Subtotal.....</b>	<b>3,022,231</b>	<b>3,042,460</b>	<b>2,968,371</b>	<b>-53,860</b>	<b>-74,089</b>
Procurement, Acquisition and Construction.....	1,817,094	1,965,736	1,931,948	+114,854	-33,788
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	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
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	---
<b>Total, National Oceanic and Atmospheric Administration.....</b>	<b>4,893,675</b>	<b>5,054,546</b>	<b>4,961,669</b>	<b>+67,994</b>	<b>-92,877</b>
Departmental Management					
Salaries and expenses.....	57,000	56,000	55,000	-2,000	-1,000
Renovation and Modernization.....	5,000	2,040	---	-5,000	-2,040
Office of Inspector General.....	26,946	28,753	28,753	+1,807	---
<b>Total, Departmental Management.....</b>	<b>88,946</b>	<b>86,793</b>	<b>83,753</b>	<b>-5,193</b>	<b>-3,040</b>
===== =====					
<b>Total, title I, Department of Commerce.....</b>	<b>7,807,749</b>	<b>7,983,694</b>	<b>7,703,343</b>	<b>-104,406</b>	<b>-280,351</b>
Appropriations.....	(7,607,749)	(7,983,694)	(7,703,343)	(+95,594)	(-280,351)
Disaster relief category.....	(200,000)	---	---	(-200,000)	---
(by transfer).....	118,098	128,064	128,064	+9,966	---
(transfer out).....	-118,098	-128,064	-128,064	-9,966	---
===== =====					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE II - DEPARTMENT OF JUSTICE</b>					
General Administration					
Salaries and expenses.....	110,822	127,667	110,322	-500	-17,345
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	143,748	-118,381	-17,345
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	84,199	---	-1,786
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	863,367	---	-40,236
Vaccine Injury Compensation Trust Fund.....	7,833	7,833	7,833	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Salaries and expenses, Antitrust Division.....	159,587	164,753	159,587	---	-5,166
Offsetting fee collections - current year.....	-108,000	-115,000	-115,000	-7,000	---
Direct appropriation.....	51,587	49,753	44,587	-7,000	-5,166
Salaries and expenses, United States Attorneys.....	1,960,000	1,974,378	1,965,000	+5,000	-9,378
United States Trustee System Fund.....	223,258	227,407	223,258	---	-4,149
Offsetting fee collections.....	-223,258	-227,407	-223,258	---	+4,149
Direct appropriation.....	---	---	---	---	---
Salaries and expenses, Foreign Claims Settlement Commission.....	2,000	2,139	2,000	---	-139
Fees and expenses of witnesses.....	270,000	270,000	270,000	---	---
Salaries and expenses, Community Relations Service.....	11,456	12,036	11,456	---	-580
Assets Forfeiture Fund.....	20,948	20,948	20,948	---	---
<b>Total, Legal Activities.....</b>	<b>3,187,191</b>	<b>3,240,690</b>	<b>3,185,191</b>	<b>-2,000</b>	<b>-55,499</b>
<b>United States Marshals Service</b>					
Salaries and expenses.....	1,174,000	1,203,488	1,188,488	+14,488	-15,000
Construction.....	15,000	10,000	10,000	-5,000	---
Federal Prisoner Detention.....	---	1,668,235	1,647,383	+1,647,383	-20,852
<b>Total, United States Marshals Service.....</b>	<b>1,189,000</b>	<b>2,881,723</b>	<b>2,845,871</b>	<b>+1,656,871</b>	<b>-35,852</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>National Security Division</b>					
Salaries and expenses.....	87,000	90,039	90,039	+3,039	---
<b>Interagency Law Enforcement</b>					
Interagency Crime and Drug Enforcement.....	527,512	524,793	521,793	-5,719	-3,000
<b>Federal Bureau of Investigation</b>					
Salaries and expenses.....	3,376,000	3,403,030	3,320,657	-55,343	-82,373
Counterintelligence and national security.....	4,660,991	4,747,991	4,864,350	+203,359	+116,359
Subtotal.....	8,036,991	8,151,021	8,185,007	+148,016	+33,986
Construction.....	80,982	80,982	80,982	---	---
Total, Federal Bureau of Investigation.....	8,117,973	8,232,003	8,265,989	+148,016	+33,986
<b>Drug Enforcement Administration</b>					
Salaries and expenses.....	2,347,000	2,403,504	2,396,504	+49,504	-7,000
Diversion control fund.....	-322,000	-352,600	-352,600	-30,600	---
Subtotal.....	2,025,000	2,050,904	2,043,904	+18,904	-7,000
Construction.....	10,000	---	---	-10,000	---
Total, Drug Enforcement Administration.....	2,035,000	2,050,904	2,043,904	+8,904	-7,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
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	90,000	---	-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	6,912,917	+268,936	-9,189
State and Local Law Enforcement Activities					
Office on Violence Against Women:					
Prevention and prosecution programs.....	412,500	268,000	415,000	+2,500	+147,000
(by transfer).....	---	(145,000)	---	---	(-145,000)
Office of Justice Programs:					
Research, evaluation and statistics.....	113,000	136,000	112,000	-1,000	-24,000
State and local law enforcement assistance.....	1,162,500	781,500	962,500	-200,000	+181,000
(by transfer).....	---	(221,000)	---	---	(-221,000)
Juvenile justice programs.....	262,500	245,000	209,500	-53,000	-35,500



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
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	1,362,300	-254,000	+121,500
Community Oriented Policing Services:					
COPS programs.....	198,500	289,587	72,500	-126,000	-217,087
Total, State and Local Law Enforcement Activities.....	2,227,300	1,798,387	1,849,800	-377,500	+51,413
Total, title II, Department of Justice.....	27,407,713	27,463,278	27,419,006	+11,293	-44,272
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	5,095,000	+5,000	+183,800
Aeronautics.....	569,900	551,500	569,900	---	+18,400
Space Technology.....	575,000	699,000	632,500	+57,500	-66,500
Exploration.....	3,770,800	3,932,800	3,711,900	-58,900	-220,900
Space Operations.....	4,233,600	4,013,200	3,985,000	-248,600	-28,200
Education.....	138,400	100,000	100,000	-38,400	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Cross-agency Support.....	2,995,000	2,847,500	2,843,500	-151,500	-4,000
Construction and environmental compliance and restoration.....	390,000	619,200	598,000	+208,000	-21,200
Office of Inspector General.....	37,300	37,000	38,000	+700	+1,000
Total, National Aeronautics and Space Administration.....	17,800,000	17,711,400	17,573,800	-226,200	-137,600
National Science Foundation					
Research and related activities.....	5,651,000	5,915,280	5,874,693	+223,693	-40,587
Defense function.....	68,000	68,000	68,000	---	---
Subtotal.....	5,719,000	5,983,280	5,942,693	+223,693	-40,587
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	7,332,513	+299,418	-40,587
Total, title III, Science.....	24,837,595	25,090,350	24,912,163	+74,568	-178,187

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE IV - RELATED AGENCIES</b>					
<b>Commission on Civil Rights</b>					
Salaries and expenses.....	9,193	9,400	9,193	---	-207
<b>Equal Employment Opportunity Commission</b>					
Salaries and expenses.....	360,000	373,711	366,568	+6,568	-7,143
<b>International Trade Commission</b>					
Salaries and expenses.....	80,000	82,600	83,000	+3,000	+200
<b>Payment to the Legal Services Corporation</b>					
Salaries and expenses.....	348,000	402,000	328,000	-20,000	-74,000
<b>Marine Mammal Commission</b>					
Salaries and expenses.....	3,025	3,081	3,025	---	-56
<b>Office of the U.S. Trade Representative</b>					
Salaries and expenses.....	51,251	53,041	51,251	---	-1,790

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
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(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>State Justice Institute</b>					
Salaries and expenses.....	5,121	5,121	5,121	---	---
=====					
Total, title IV, Related Agencies.....	856,590	929,154	846,158	-10,432	-82,996
=====					

TITLE V - RESCISSIONS

Emergency steel, oil gas guaranteees prgm (rescission).....	-700	---	---	+700	---
NTIA, Information Infrastructure grants (rescission).....	-2,000	---	---	+2,000	---
NTIA, Public Telecommunications Facilities, Planning and Construction.....	-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	---
DOJ, Assets Forfeiture Fund (rescission).....	-675,000	-675,000	-675,000	---	---
FBI, Salaries and expenses (rescission).....	---	-162,226	---	---	+162,226
US Marshals Service, salaries and expenses (rescission)	-2,200	-14,400	---	+2,200	+14,400
ATF (rescission).....	---	-12,400	---	---	+12,400
ATF Violent Crime Reduction Program (rescission).....	---	-1,028	-1,028	-1,028	---
DEA, Salaries and expenses (rescission).....	-10,000	-15,600	---	+10,000	+15,600
FPS, Buildings and facilities (rescission).....	-45,000	-75,000	-64,700	-19,700	+10,300
Violence against women prevention and prosecution programs (rescission).....	-15,000	-6,000	-12,000	+3,000	-6,000
Office of Justice programs (rescission).....	-55,000	-43,000	-43,000	+12,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2012  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2013  
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Community oriented policing services (rescission).....	-23,605	-12,200	-12,200	+11,405	---
NASA (rescission).....	-30,000	---	---	+30,000	---
<b>Total, title V, Rescissions.....</b>	<b>-905,905</b>	<b>-1,042,854</b>	<b>-833,928</b>	<b>+71,977</b>	<b>+208,926</b>
<b>Grand total.....</b>	<b>60,003,742</b>	<b>60,423,622</b>	<b>60,046,742</b>	<b>+43,000</b>	<b>-376,880</b>
Appropriations.....	(60,709,647)	(61,466,476)	(60,880,670)	(+171,023)	(-585,806)
Rescissions.....	(-905,905)	(-1,042,854)	(-833,928)	(+71,977)	(+208,926)
Disaster relief category.....	(200,000)	---	---	(-200,000)	---
(by transfer).....	118,098	494,064	128,064	+9,966	-366,000
(transfer out).....	-118,098	-128,064	-128,064	-9,966	---

## MINORITY VIEWS

We want to begin by thanking Chairman Wolf for being a model chairman for this Subcommittee. He is a professional, he is principled, and he has once again involved us at every appropriate level of deliberation. We appreciate the Chairman's adherence to regular order in drafting the bill and throughout the committee process.

The fiscal year (FY) 2013 bill approved by the Committee provides net budget authority of \$51.1 billion, a cut of \$1.6 billion (3.1 percent) below FY 2012, when excluding FY 2012 emergency funding, and \$731 million (1.4 percent) below the Administration's request.

### DEPARTMENT OF COMMERCE

For the Department of Commerce, the bill provides a total of \$7.7 billion, an increase of \$95.6 million above the FY 2011 enacted level and \$280.4 million below the Administration's request.

The International Trade Administration (ITA) is funded at \$458.3 million, an increase of \$2.7 million above FY 12 but a cut of \$58.7 million below the request, preventing ITA from funding, among other things, the vast majority of the additional Foreign Commercial Service Officers and locally engaged staff it had hoped to post in high-growth overseas markets in FY 2013. These staff help create jobs here at home by helping American businesses increase their exports. We should provide additional resources for ITA's efforts, which are important for our economy.

We are pleased that the bill provides up to \$5 million to the Economic Development Administration (EDA) for a new program, first funded in last year's bill, to provide loan guarantees to small and medium-sized businesses to help develop innovative new products and new technologies. The bill also provides \$5 million to continue a grant program to relocate jobs back to the United States that had previously been placed outside the United States. Funding is also maintained for the Trade Adjustment Assistance for Firms program. However, it is troubling that the bill cuts EDA programs overall by \$38 million (17 percent) below FY 2012. This is an unwise cut, in our judgment, particularly at a time when unemployment remains high. EDA program grants have proven to be of great help in creating jobs in many of the most distressed communities across the country.

We will need to find more funding for the Census Bureau, which is cut by \$91.7 million (9.5 percent) below the request. The largest part of this cut comes from the Bureau's 2020 Census research, preparation, and testing activities, which are cut by \$51.6 million (39.3 percent) below the request. The 2020 Census is still several years away, but the effort to control its ultimate cost must begin immediately. As The Census Project, an informal network of census stakeholder organizations, has written, "To save potentially billions

of dollars in future years, as Congress has directed, the Census Bureau must invest resources early in the decade to ensure cost-effective, successful implementation of census operations.” In particular, the Bureau needs to expand its research and testing infrastructure to effectively test new enumeration methods, new processes to support field operations, more cost-effective information technology (IT) systems, and other efforts aimed at saving billions of dollars later in the decade. It is unwise to cut back on these efforts, as this will lead to far greater costs in the long term.

The bill makes significant and laudable investments in the National Institute of Standards and Technology, providing a total of \$830.2 million, including \$621.2 million for scientific and technical research and services, an increase of \$54.2 million above FY 2012 though \$26.8 million below the request. \$128 million is provided for the Manufacturing Extension Partnership program, including \$2.5 million to continue the work of the National Innovation Marketplace, to help expand our manufacturing base by connecting manufacturers, parts suppliers, purchasers and others. We are also pleased that the bill provides \$21 million, as requested by the President, for a new Advanced Manufacturing Technology Consortia program, which will expand research and development in support of manufacturing. All of these programs are important investments in American innovation, competitiveness, and future job growth.

Within the National Oceanic and Atmospheric Administration (NOAA), we are concerned that some important NOAA programs have been cut, in part to pay for necessary new weather satellites. We strongly support the development and deployment of these satellites, along with the funding necessary to accomplish this work. At the same time, however, we feel it is important to find a way to pay for them without making such drastic reductions in other important NOAA programs. We are appreciative of the NOAA programs that have been protected in the committee mark. For example, the bill provides \$65 million for the Pacific Coastal Salmon Recovery Fund, as well as an increase for the Mitchell Act program so that the hatcheries along the Columbia River system can be reformed to better operate toward the goal of recovery under the Endangered Species Act. Funding is continued for integrated ocean acidification research. In addition, the committee mark wisely rejects the Administration’s proposed cuts in National Weather Service IT personnel, air quality forecasting, tsunami warning capability, and wind profile measurements.

However, it is clear that we need to invest more, especially in the NOAA Operations, Research, and Facilities account, which overall is cut by \$54 million (1.8 percent), below 2012, and by \$74 million (2.4 percent) below the request. The committee mark cuts funding for an array of programs across NOAA. In particular, the National Ocean Service is cut by \$32.1 million (7 percent) below FY 2012 and by \$48.2 million (10.1 percent) below FY 2011. The National Marine Fisheries Service overall is cut by \$29.3 million (3.6 percent) below FY 2012 and by \$69.8 million (8.3 percent) below FY 2011. NOAA Education is cut by \$7.5 million (30 percent) below FY 12. These cuts will have significant consequences across a wide

array of NOAA's important efforts aimed at strengthening our environment, economy, and public safety.

DEPARTMENT OF JUSTICE

For the Department of Justice (DOA the bill provides \$27.42 billion, an increase of \$11 million above the FY 2012 level, but \$44.3 million below the request. When including the request by the Department to transfer \$365 million in mandatory Crime Victims Fund receipts to a number of discretionary grant programs, the bill provides a total of \$409.3 million less than proposed by the Department.

The bill provides funding at or near the requested level for the Department of Justice law enforcement agencies, including an increase above the request for the FBI to augment key capabilities related to cyber investigations, surveillance, and gang enforcement. Earlier this year, FBI Director Mueller warned that cyber attacks are becoming one of the biggest threats to America's safety, possibly surpassing the threat level posed by terrorism. We believe that the Director is absolutely correct, and we are pleased that the Chairman has provided \$23 million above the request for this priority. This additional funding is desperately needed in order to protect our nation, and we thank Chairman Wolf for his leadership in this area.

Funding for the U.S. Marshals Service and the Drug Enforcement Administration is provided above the FY 2012 level, although below the requested amounts. This reduction below the request is mitigated, however, by the fact that the bill does not impose rescissions of prior year balances proposed by the Department of Justice.

Unfortunately, the bill provides no cost-of-living increases for the litigation divisions of the Department of Justice. The litigation offices, as a whole, received no funding increases in FY 2011 or FY 2012, and the funding level in the bill is \$11.7 million less than the FY 2010 level and \$40.2 million below the request.

Without annual funding increases to cover inflationary costs, the litigation divisions are able to do less each year. The Civil Division returns \$7 to the Treasury for every \$1 we appropriate, by defeating unmeritorious claims against the United States and through recovering monies lost through fraud, waste, and violations of consumer protection laws.

Under the House funding level, the Environment and Natural Resources Division (ENRD) could lose 12 attorney positions, and reduced resources could impact the ability of ENRD to vigorously pursue litigation against parties potentially responsible for the Deepwater Horizon oil spill.

The Tax Division could lose up to 56 attorneys (14 percent), requiring the Division to decline approximately 2,000 cases and preventing the Division from pursuing affirmative litigation involving collections and bankruptcy cases. On average over the last three fiscal years, the Tax Division has annually collected \$335 million in outstanding taxes, interest, and penalties through affirmative litigation.

After a significant effort in FY 2010 to restore its base enforcement capacity, the Civil Rights Division has been hit particularly hard over the past few years, losing all of the ground it gained in



FY 2010 to restore its capacity to protect civil rights and voting rights, enforce laws against hate crimes and human trafficking, and engage in other efforts to protect vulnerable individuals. Flat funding for the litigation offices in FY 2013 would cause the Civil Rights Division to fall even further behind.

The bill also fails to provide the proposed program increases for financial and mortgage fraud enforcement by the litigation divisions. It provides only a portion of the increase proposed for the FBI for financial and mortgage fraud enforcement, and potentially makes available only a small portion of the funds proposed for the U.S. Attorneys for this purpose. We were pleased to hear Chairman Wolf state, during Committee consideration of the bill, that he is open to considering additional funding for financial and mortgage fraud enforcement at the FBI as we move further through the process. We believe the final allocation available to the subcommittee will be at or near the Senate level, and we hope the majority will also work with us to provide the requested financial and mortgage fraud enforcement funding for the litigation divisions and the U.S. Attorneys in the final bill.

The bill provides \$6.82 billion for the salaries and expenses of the Federal Bureau of Prisons (BOP), an increase of \$268.9 million, as requested. Because the request assumed the enactment of legislation to increase “good time” credit that inmates can earn, however, we may need to consider additional funding for BOP as we continue through the process to ensure that it has sufficient resources to maintain a safe and secure environment for Federal inmates during FY 2013.

The cost of BOP operations has grown 41.2 percent since FY 2006, and now represents 25 percent of DOJ’s entire budget. The BOP inmate population is 38 percent above the rated capacity of BOP facilities, and BOP plans to build several additional prisons by 2018 to keep up with its inmate population growth. We would need to appropriate billions of additional dollars in the next few years, however, to keep that construction schedule on track.

While it was probably unrealistic of DOJ to assume the enactment of “good time” credit legislation in the development of its budget request, there is no doubt that we are in desperate need of reforms in our criminal justice system, similar to the “Justice Reinvestment” efforts that many states have successfully carried out, including Texas, Kansas, Michigan and many others. The House must be a full and engaged partner in this effort. Otherwise, we will continue to experience annual growth in our Federal inmate population and continued growth in the cost of incarcerating those inmates.

The bill provides a small increase for Office on Violence Against Women grant programs, as well as a small increase for Crime Victims Fund programs. Many important grant programs are protected through level funding or healthy increases, including the Byrne-JAG formula grant program, the Victims of Trafficking program, the Youth Mentoring program, and the National Instant Background Check System grant program.

However, State and Local grant programs at DOJ overall are cut by \$378 million, or 17 percent, compared to FY 2012, even as state and local budgets continue to recover from historic losses in rev-

enue. This represents a 50 percent cut to the grant programs just since FY 2010, and more than a 60 percent cut in these programs since FY 2001.

Several important grant programs are eliminated entirely, including cutting edge, evidence-based programs like the Byrne Criminal Justice Innovation Program, the Children Exposed to Violence Initiative, the Community-Based Violence Prevention program, and the State and Local Help Desk and Diagnostic Center. Juvenile Justice programs overall are hit particularly hard, including the elimination of the Juvenile Accountability Block Grant program and the Local Delinquency Prevention Incentive Grant program. The COPS Hiring program is funded at only \$40 million, a cut of \$126 million (76 percent) from the FY 2012 level. The final FY 2013 CJS Act must invest more in these State and 1061 grant programs.

#### SCIENCE

The Committee bill provides \$24.9 billion for Title III science agencies, an increase of \$74.6 million above FY 2012, but \$178.2 million below the request.

The bill fully funds the Office of Science and Technology Policy, which plays a critical oversight and coordination function for science and technology activities across the executive branch, including a new initiative begun at the request of this subcommittee to better coordinate and strengthen neuroscience research. We are at the cusp of significant breakthroughs related to the treatment of brain injuries, cognitive developmental disorders, and neurodegenerative diseases like Parkinson's and Alzheimer's that will have tremendous implications for the mental health of the American people and the cost of healthcare. The National Science and Technology Council, which is coordinated through OSTP, is in the process of establishing a Neuroscience Working Group that we hope will lead to larger investments and better interagency coordination related to neuroscience research and technologies.

The bill provides a total of \$17.6 billion for the National Aeronautics and Space Administration (NASA), \$137.6 million below the request, and \$226.2 million below FY 2012. However, the bill provides strong funding levels for many important NASA programs.

We are pleased that the James Webb Space Telescope is funded at the President's request of \$628 million. This telescope, scheduled to be launched in 2018, will be 100 times more powerful than the Hubble Space Telescope, and will greatly advance our scientific understanding of the universe, allowing us to see images of the first glows (or glimmers of light) after the Big Bang.

NASA Space Technology is funded at \$632.5 million, an increase of \$57.5 million above FY 2012 though \$66.5 million below the request. The activities funded in this account are critically important to the future of space travel, and will enable us to solve the technological challenges associated with traveling into deep space.

NASA Commercial Crew Development is funded at \$500 million, an increase of \$94 million above FY 2012 though \$330 million below the request. A strong funding level for this program is important to ensure that American-built and operated spacecraft will be

able to transport astronauts to the International Space Station as soon as possible. Until then, the United States will need to pay Russia at least \$63 million per seat for the use of Soyuz spacecraft for this purpose. We strongly believe that it is important to ensure competition among multiple American companies for these transportation services, which will help ensure safe designs, affordability and sustainability.

In the area of NASA Education, we are pleased that the committee mark maintains funding for the Minority University Research and Education program at the current level of \$30 million. However, we are disappointed that NASA Education overall is cut by \$38 million (28 percent) below the current level, including a 40 percent cut to the Space Grant program and a 51 percent cut to the Experimental Program to Stimulate Competitive Research (EPSCOR) program. NASA's education efforts help inspire students to pursue future careers in science, technology, engineering, and mathematics.

The bill provides a healthy increase of \$299.4 million (4.3 percent) for the National Science Foundation, although still \$41 million below the request. We should keep in mind, however, that the *Rising Above the Gathering Storm* report prescribed a doubling of NSF funding that would have required a 44 percent higher funding level for NSF Research and Related Activities in FY 2013 than the bill actually provides and 50 percent more funding for NSF overall. Chairman Wolf is to be commended for making NSF funding a priority in the bill, but we believe we should be making much more of an investment in NSF than the allocation allows.

#### RELATED AGENCIES

Title IV of the Committee bill provides \$846.2 million for the related agencies under the jurisdiction of the CJS Subcommittee, a cut of \$10.4 million below the FY 2012 level and \$83 million below the amounts requested.

Like last year, the Legal Services Corporation takes a disproportionate hit to its funding, with a cut of \$20 million, or nearly 6 percent, when it should be getting an increase. This cut would come on top of the \$56 million cut to LSC in FY 2012. With some 60 million impoverished Americans eligible for legal aid services, the recession has drastically increased the need for legal aid for those who cannot afford it.

At the funding level in the House Committee bill, local legal services programs would be forced to lay off of at least 110 staff attorneys, approximately 24 offices would be forced to close, primarily in rural areas, and access to an attorney would be significantly reduced for Americans living outside of major cities. Overall, an estimated 55,000 fewer impoverished Americans would be served nationwide, and 22,000 fewer cases would be closed. This includes returning veterans seeking benefits, elderly victims of foreclosure, and women seeking safety for themselves and their children from domestic violence. There would be a disproportionately large impact on those programs that currently rely most heavily on LSC grants, including those in Alabama, Mississippi, South Dakota, Wyoming, Connecticut, Massachusetts and Nevada.

This additional cut would come at a time when the still-recovering economy has translated into declining funding from non-LSC sources, reduced by \$12 million in the last year alone. LSC, and the legal aid programs it supports, helps to ensure that access to justice is not limited to only those who can afford an attorney. Both the President and the Senate Committee recognize the need for additional funding by recommending \$402 million for the LSC. We are hopeful that we can reach an agreement at the end of this process that allows for this level of funding.

The bill provides \$366.6 million for the Equal Employment Opportunity Commission (EEOC), an increase of \$6.7 million above the FY 2012 level but \$7.1 million below the amount requested.

#### ALLOCATION

It is unfortunate that the process has been unable, so far, to overcome the limitations imposed by the Ryan budget. We are extremely disappointed that House Republicans walked away from the bipartisan agreement to establish \$1.047 trillion as the Committee's allocation. A majority of their conference voted for the Budget Control Act agreement less than nine months ago. By renegeing on the agreement, House Republicans put themselves at odds with House Democrats, the White House, Senate Democrats, and Senate Republicans. Senate Minority Leader McConnell recently voted for allocations at \$1.047 and Ranking Member Cochran stated that it's appropriate "for the Committee to proceed on the basis of the discretionary caps enacted into law." House Republicans have introduced uncertainty about the discretionary allocation, and about whether the House majority will threaten to shut down the government. This uncertainty will slow down the appropriations process, and the austere House allocation, if it stands, will stall economic growth and impede job creation.

While the level of funding in the FY 2013 Commerce, Justice, Science and Related Agencies (CJS) Appropriations bill may not be as low as a strict proportional reduction based on the Ryan budget, and it is certainly better than what the subcommittee had to work with at the beginning of the FY 2012 process, it is nevertheless inadequate to meet the needs of many programs and activities in the bill.

In comparison, the allocation for the Senate CJS bill is \$731 million higher than the House allocation. It is no coincidence, then, that the Senate Appropriations Committee approved its CJS bill on April 19, 2012, with significant bipartisan support. The House bill, on the other hand, contains funding levels in several areas that are difficult for Democrats to support.

#### COMMITTEE AMENDMENTS

Although the Chairman's mark was free of any new controversial riders, three amendments were adopted during Committee consideration of the bill that we find troubling. First, the Committee adopted an amendment that would prevent the enforcement of an existing requirement that Federal firearms licensees (FFLs) in four southwest Border States report to the National Tracing Center on the sale of certain kinds of rifles favored by the Mexican drug cartels. This reporting requirement is narrow and targeted, applying

only to the four border states (Texas, Arizona, New Mexico and California), and only when a dealer sells two or more qualifying long guns to a single individual within five business days. Qualifying guns are rifles that (1) are semi-automatic; (2) are greater than .22 caliber; and (3) can hold a detachable magazine. It does not apply to shotguns or the vast majority of rifles regularly used for hunting or sporting purposes.

This reporting requirement is identical to one that has existed for decades for handguns, and in no way does it hinder the ability of any law-abiding person to purchase as many rifles as they desire. It is not an undue burden on FFLs, with the time to complete a multiple sales form estimated at 12 minutes and an estimated annual cost in employee time of only \$16.

During the first six months it has been in effect, this very limited reporting requirement has already proven to be an important tool for Federal law enforcement in the effort to uncover illegal trafficking operations intended to supply semi-automatic weapons to the violent drug gangs across the border. According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), these multiple sales reports have led to the recommendation of 100 defendants for prosecution, including both alleged straw purchasers and others further up the firearms trafficking chain. Also according to ATF, the reporting requirement is forcing firearms traffickers to change tactics, making straw purchases more difficult and serving as a deterrent for many people who might have engaged in straw purchasing in the past.

This is not about gun control or compiling a registry of long gun owners. Information that does not become part of a trafficking investigation is purged from ATF records within two years. This is a law enforcement response to the evidence from successful tracings of weapons recovered in Mexico. Recent tracings show that a large number of these weapons were first sold by licensed gun dealers in California, Arizona, New Mexico, or Texas.

A U.S. District Judge ruled in January that this reporting requirement is a reasonable law enforcement tactic. Given that an appeal of that decision is likely, we should let the courts resolve the legal question. This Committee simply has no business in tying the hands of law enforcement agencies as they attempt to carry out Federal law.

A second amendment was adopted that would prohibit the use of funds to implement, administer, or enforce final regulations on "Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act," published by the Equal Employment Opportunity Commission (EEOC) in the federal Register on March 30, 2012. The EEOC regulation this amendment would negate is a response to a Supreme Court ruling against an earlier, stricter EEOC standard. The regulation requires that business be prepared to show that their practices are based on a reasonable factor other than age, which means that they are reasonably designed and administered to achieve a legitimate business purpose, while taking into account potential harm to older workers.

A third adopted amendment would prohibit the use of funds to implement an existing regulatory requirement for public entities, places of public accommodation, and commercial facilities to pro-

vide a permanent means of accessible entry to pools and spas under titles II and III of the Americans with Disabilities Act, even when it is readily achievable to do so.

Disagreements about the appropriateness of agency regulations are natural and understandable. It is problematic, however, when the appropriations process is used to categorically circumvent the statute-based agency rulemaking process.

We want to reiterate our appreciation for the Subcommittee Chairman's adherence to regular order in drafting the bill and taking it through the full Committee. We look forward to continuing to work cooperatively with him and our Committee colleagues to improve the CJS bill as we continue through the appropriations process.

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CHAKA FATTAH.

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