1970s, have not been updated to address the ever more complex technologies that encompass today's patent applications. The unrealistic goals are encouraging junior examiners to leave, and that will make it difficult to replace the productivity rates of senior examiners when they retire. Thus, the bill includes language withholding $5,000,000 of fees from obligation pending a comprehensive re-evaluation of the work productivity goals for patent examiners and submission of the results to the House and Senate Committees on Appropriations.

Spend plan.— Any deviations from the funding distribution provided for in this Act and in its accompanying statement, including carryover balances, are subject to the standard reprogramming procedures set forth in section 505 of this Act. The USPTO is directed to submit a spending plan to the House and Senate Committees on Appropriations, incorporating all carryover balances from previous years and describing any changes to the patent or trademark fee structure, within 30 days of enactment of this Act.

Fee estimate.—It is noted that the USPTO's actual fee collections for the last four fiscal years have been less than the earlier estimates. The uncertainty of fees is understandable; however, results in excess appropriations. USPTO is therefore directed to provide revised fee estimates for fiscal year 2010 to the House and Senate Committees on Appropriations, no later than September 1, 2009.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The bill includes $819,000,000 for the National Institute of Standards and Technology (NIST), which is $183,000,000 above the request.

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The bill includes $472,000,000 for NIST's scientific and technical core programs, of which no less than $8,522,000 shall be for the Baldrige National Quality Program. Within 30 days of enactment of this Act, NIST is directed to provide a spend plan that coincides with the budget restructuring the agency proposed to the House and Senate Committees on Appropriations on July 7, 2008. NIST is encouraged to devote resources to its Measurement & Standards for Climate Change Program and the Office of Law Enforcement Standards.

Printed electronics study.—Flexible, large area and printed electronics technology holds great promise for the competitiveness of the United States. NIST shall enter into an agreement with the National Academy of Sciences to undertake a study that examines the position of the United States in flexible electronics relative to efforts in other countries. The National Academies shall also consider the particular technologies and commercial sectors to which flexible electronics apply and the recommendations that must be undertaken at a Federal level for a national initiative.

Working Capital Fund (WCF).—Within the appropriation, the bill provides up to $9,000,000 for transfer to NIST's WCF, which is $3,300,000 less than the budget request.

NIST is directed to refrain from charging administrative costs for congressionally directed projects, and is expected to provide appropriate management and oversight of each grant. Within the appropriation, $3,000,000 is provided for the following congressionally directed activities:

Estimated at $475K

Printed Electronics Study

National Institute of Standards and Technology
Scientific and Technical Research and Services
Congressionally-designated Items
($ in thousands)

Recipient	Project	Location	Amount
University at Albany College of Nanoscale Science and Engineering	for a nanoscale fabrication and measurement project.	Albany, NY	1,000
University of Maryland, Baltimore County and College Park	for ultrafast dynamics for next generation nanotechnology research and development.	College Park, MD	2,000

INDUSTRIAL TECHNOLOGY SERVICES

The bill includes $175,000,000 for industrial technology services. Of this amount, $110,000,000 is provided for the Manufacturing Extension Partnerships (MEP) and $65,000,000 is provided for the Technology Innovation Program (TIP).

CONSTRUCTION OF RESEARCH FACILITIES

The bill includes $172,000,000 for construction of research facilities. NIST is directed to provide to the House and Senate Committees on Appropriations a spend plan for the funding provided within 30 days of enactment of this Act. NIST is further directed to provide annual reports on the status of all construction projects, and to provide an accounting of such projects to the House and Senate Committees on Appropriations.

Funds for NIST construction are to be available as follows:

Boulder Bldg. 1E; JILA expansion; Safety, capacity, major modifications & repairs	$90,800,000
NIST Child care center	7,200,000
Construction grants program	30,000,000
Congressionally directed projects	44,000,000

Competitive construction grants.—The bill provides $30,000,000 for competitive construction grants for research science buildings. These grants shall be awarded to colleges, universities and other non-profit science research organizations on a merit basis.

NIST is further directed to refrain from charging administrative costs for congressionally directed projects and competitive construction grants, and is expected to provide appropriate management and oversight of each grant. Within the appropriation, $44,000,000 is provided for the following congressionally directed activities:

National Institute of Standards and Technology
Construction of Research Facilities
Congressionally-designated Items
($ in thousands)

Recipient	Project	Location	Amount
Mississippi State University	for construction for a research and technology park.	Starkville, MS	6,500
The University of Mississippi Medical Center	for developing a biotechnology research park.	Jackson, MS	6,500
The University of Southern Mississippi	to create, develop, and commercialize new technology for advanced materials.	Hattiesburg, MS	1,000
University of Alabama	for an interdisciplinary science and engineering teaching and research corridor.	Tuscaloosa, AL	30,000