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112-78

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

SEPTEMBER 15, 2011.—Ordered to be printed

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

REPORT

[To accompany S. 1572]

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

Total obligational authority, fiscal year 2012

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

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

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

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

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

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

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

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

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

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

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

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

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

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

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

INDUSTRIAL TECHNOLOGY SERVICES

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

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

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

CONSTRUCTION OF RESEARCH FACILITIES

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

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

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

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

NOAA NATIONAL OCEAN SERVICE

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

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

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

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