On July 13, 2011, the House Appropriations Committee approved by voice vote the fiscal year 2012 Commerce, Justice, Science and Related Agencies Appropriations bill.

The Committee bill recommends a total of $50,565,000,000 for the departments and agencies funded in the bill for fiscal year 2012, including $50,237,000,000 in discretionary budget authority. This level of discretionary budget authority is $7,433,684,000, or 13 percent, below the budget request; $3,090,000,000, or 6 percent, below the amount available to the departments and agencies funded in this bill for fiscal year 2011; and $1,566,000,000, or 3 percent below the pre-Stimulus funding levels appropriated in fiscal year 2008.


DEPARTMENT OF COMMERCE

DEPARTMENT OF JUSTICE

SCIENCE

MAJOR THEMES AND INITIATIVES

The Committee recommendation includes more than $1,400,000,000 in program terminations. Combined with other reductions in the bill these terminations will result in a net total of $7,433,684,000 in savings compared to the amounts requested in the President’s budget, and a net total of $3,090,000,000 in savings compared with fiscal year 2011, according to the Committee Report.

The bill includes $6.9 billion for the National Science Foundation, including an increase of $43 million above fiscal year 2011 for basic scientific research, and $701 million for research and standards work at the National Institute of Standards and Technology, including $128 million for Manufacturing Extension Partnerships to increase the competitiveness of the Nation’s manufacturers.

The bill also provides $2.7 billion for the Patent and Trademark Office, the full estimate of fee collections for fiscal year 2012. Finally, the bill includes over $1 billion for science, technology, engineering and math (STEM) education programs across NSF, NASA, the National Institute of Standards and Technology (NIST) and the National Oceanic and Atmospheric Administration (NOAA).
The bill includes increases above fiscal year 2011 for the International Trade Administration and the Office of the U.S. Trade Representative.

**DEPARTMENT OF COMMERCE**

For the Department of Commerce, the Committee recommends a total of $7.1 billion in discretionary budget authority, a decrease of $464 million below fiscal year 2011, and $1.7 billion below the request.

**International Trade Administration**

The Committee recommends $460,106,000 in total resources for the programs of the International Trade Administration (ITA), which is $10,000,000 above fiscal year 2011 and $65,985,000 below the request. This amount is offset by $9,439,000 in estimated fee collections, resulting in a direct appropriation of $450,667,000.

**National Export Initiative** – The Committee expects that increased resources provided above the fiscal year 2011 level will support components of the National Export Initiative (NEI) request for fiscal year 2012.

**Market Access and Compliance** – The Committee recommends $42,623,000 for market access and compliance activities.

**Trade Promotion and the U.S. & Foreign Commercial Service** – The Committee recommends $264,910,000 for trade promotion and the U.S. & Foreign Commercial Service. This increase of $10,000,000 above fiscal year 2011 shall be for NEI programs.

**Economic Development Administration**

The Committee recommends $257,924,000 for the programs and administrative expenses of the Economic Development Administration (EDA), which is $25,508,000 below fiscal year 2011 and $67,007,000 below the request.

**Economic Development Assistance Programs**

The Committee recommends $220,000,000 for Economic Development Assistance programs, which is $25,508,000 below fiscal year 2011 and $64,300,000 below the request.

**Trade Adjustment Assistance** – The Committee recommends $15,800,000 for Trade Adjustment Assistance (TAA).

**Patent and Trademark Office**

The Committee recommends $2,706,313,000, the requested funding level, for the Patent and Trademark Office (PTO). The Congressional Budget Office (CBO) has re-estimated the fee collections to be $2,678,000,000. Of this amount, the CBO estimates $2,387,000,000 to be collected under the current fee structure and an additional $291,000,000 to be generated by an interim surcharge on patent fees, as provided in this bill. The spending authority provided by this bill represents an increase of $588,000,000, or 28 percent, above fiscal year 2011. The recommendation also includes language making available any excess fee collections above the President’s request.

The Report states: “PTO’s budget authority has nearly doubled from about $1 billion in fiscal year 2001 to more than $2 billion in fiscal year 2010 and its staff has grown by 48 percent, from about 6,500 personnel in fiscal year 2001 to about 9,500 in fiscal year 2010. However, during this time of extraordinary increases in both funding and personnel, the backlog grew from about 344,369 applications and 25 months for final action pendency to about 708,535 applications with final action pendency dragging out to more than 35 months. PTO examiners have become less efficient during this time as well, with the number of examinations in 2001 at about 89 per examiner, whereas in fiscal year
2010 examiners were reviewing on average about 81 patents per examiner. This number had dropped to a low of about 72 in 2008. The Committee directs the PTO to submit a personnel plan showing the growth in the number of patent examiners over the last 5 years, as well as the number that PTO expects to hire over the next 5 years. This report should also show the estimated attrition rates for each of these years as well. In addition, this report should also provide a breakout between the number of examiners, supervisor examiners, and other examiners who do not perform any role with respect to patent examination. This report shall be submitted by November 1, 2011.”

An amendment was adopted by voice vote during Committee markup that adds report language reiterating an underlying bill provision that fees collected by the Patent Trade Office (PTO) are to be used only by PTO.

**National Oceanic and Atmospheric Administration**

The Committee recommends a total of $4,485,052,000 in discretionary funds for the National Oceanic and Atmospheric Administration (NOAA), which is $102,981,000 below fiscal year 2011 and $1,000,682,000 below the request.

During the Committee markup, an amendment offered by Rep. Sam Farr (Carmel) was adopted by voice vote that reduces funding across the bill by $48 million, and adds that amount to NOAA Operations, Research, and Facilities programs.

**National Marine Fisheries Service** – The Committee recommends $685,381,000 for the National Marine Fisheries Service (NMFS) operations, research and facilities. Included in this is $46 million for Protected Species Research and Management for Pacific Salmon.

**Pacific Coastal Salmon Recovery**

The Committee provides $65,000,000 for Pacific Coastal Salmon Recovery, which is $14,840,000 below fiscal year 2011 and the same as the request. In addition, the accompanying bill includes language as requested that requires all funds be allocated based on scientific and merit principles and prohibits the availability of funds for marketing activities.

The bill includes language 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, to be allocated under scientific and merit principles and not available for marketing activities; and requiring a State match.

During the Committee markup of the legislation, an amendment was adopted by voice vote that inserts report language requiring NOAA to work with the National Research Council to expand the scope of a study on the impacts of pesticides on salmon populations in the Pacific.

**DEPARTMENT OF JUSTICE**

For the Department of Justice, the Committee recommends a total of $26 billion in discretionary budget authority, a decrease of $1 billion below fiscal year 2011 and $2.4 billion below the budget request.

**Interagency Law Enforcement - Interagency Crime and Drug Enforcement**

The Committee recommends $527,512,000 for Interagency Crime and Drug Enforcement, which is the same as fiscal year 2011 and $13,454,000 below the request.

The interagency program of the Organized Crime Drug Enforcement Task Forces (OCDETF) focuses participants on the mission of attacking high-level drug trafficking organizations through coordinated, multi-jurisdictional investigations.
Southwest border – The recommendation does not include the requested increase in this account for Southwest border activities, but the Committee encourages OCDETF to prioritize within existing funds the continuation of support for Assistant U.S. Attorney positions and collocated Strike Forces which were initiated with supplemental funding in fiscal year 2010. OCDETF shall submit a report showing the planned distribution of personnel (by bureau) to each of the collocated Strike Forces. This report shall be submitted to the Committee no later than 120 days after the enactment of this Act.

State and Local Law Enforcement Activities

In total, the Committee recommends $1,746,533,000 for State and local law enforcement and crime prevention grant programs. The Committee recommendation consolidates such programs into the following accounts: Violence Against Women Prevention and Prosecution Programs; Research, Evaluation and Statistics; State and Local Law Enforcement Assistance; and Public Safety Officer Benefits. Some programs funded under Juvenile Justice and Community Oriented Policing Services in previous years are included under different headings in this new account structure.

Office of Justice Programs – Research, Evaluation and Statistics

The Committee recommends $182,585,000 for Research, Evaluation and Statistics, which is $51,945,000 below fiscal year 2011 and $4,085,000 above the request. The funds are allocated among the following programs: Bureau of Justice Statistics, National Institute of Justice, regional information sharing, and missing and exploited children.

State and Local Law Enforcement Assistance

The Committee recommends $1,047,985,000 for State and Local Law Enforcement Assistance programs, which is $69,860,000 below fiscal year 2011 and $125,515,000 below the request.

SCAAP, Juvenile Justice, and COPS Program – The bill provides no funding for the State Criminal Alien Assistance Program, Juvenile Justice Programs, and the Community Oriented Policing Services (COPS) Program.

Edward Byrne Memorial Justice Assistance Grant (JAG) program – The recommendation includes $357,265,000 for the Byrne/JAG program.

Byrne competitive grants – The recommendation includes $15,000,000 for competitive grants to improve the functioning of the criminal justice system, prevent or combat juvenile delinquency, and assist victims of crime.

Southwest border – The Committee Report states: “The Committee recognizes the need for additional resources in the Southwest border States as State and local governments struggle to respond to increasing crime and drug trafficking threats. The Committee recommendation includes funding through the Byrne Justice Assistance Grant program for such costs as overtime for State and local law enforcement personnel and operational funding for special response teams. The recommendation also includes $25,730,000 for the Southwest Border Prosecutions program, which reimburses State, local, and tribal governments for costs associated with the prosecution of Federally-initiated and referred criminal drug and alien cases declined by local U.S. Attorneys. No funding was requested for this program for fiscal year 2012. In addition, the Committee encourages the Department to consider the law enforcement needs in this region in the awarding of grants under the competitive grant programs funded under this heading.”

Methamphetamine cleanup – The Committee recommendation includes $15,000,000 for anti-methamphetamine-related 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, and provide for training, technical assistance, a container program and the purchase of equipment. The recommendation is $15,000,000 above the request.
SCIENCE
The Committee recommends a total of $23.7 billion, a decrease of $1.6 billion below fiscal year 2011 and $2.8 billion below the budget request.

Office of Science and Technology Policy
The Committee recommends $3,000,000 for the Office of Science and Technology Policy (OSTP), which is $3,647,000 below fiscal year 2011 and $3,650,000 below the request.

STEM Education – OSTP’s remaining funds shall be prioritized toward its efforts to coordinate and improve government programs designed to increase interest and proficiency in science, technology, engineering and mathematics (STEM) education.

National Aeronautics and Space Administration
The Committee recommends $16,810,257,000 for the National Aeronautics and Space Administration (NASA), which is $1,637,771,000 below fiscal year 2011 and $1,914,043,000 below the request.

Science – The Committee recommends $4,504,000,000 for Science, which is $431,409,000 below fiscal year 2011 and $512,800,000 below the request.

Construction and Environmental Compliance and Restoration – The Committee recommends $424,000,000 for CECR, which is $30,489,000 above fiscal year 2011 and $26,400,000 below the request.

National Science Foundation
The bill includes $6.9 billion for the National Science Foundation, including an increase of $43 million above fiscal year 2011 for basic scientific research.

Research and Related Activities
The Committee recommends $5,606,964,000 for Research and Related Activities (R&RA), which is $43,089,000 above fiscal year 2011 and $646,576,000 below the request.

Education and Human Resources
The Committee recommends $835,000,000 for Education and Human Resources (EHR), which is $26,034,000 below fiscal year 2011 and $76,200,000 below the request.

For the text of the bill and other documents, go to: http://appropriations.house.gov.