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{ REPORT
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DEPARTMENTS OF COMMERCE AND JUSTICE, AND
SCIENCE, AND RELATED AGENCIES APPROPRIATIONS
BILL, 2010

JUNE 25, 2009.—Ordered to be printed

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

REPORT

[To accompany H.R. 2847]

The Committee on Appropriations to which was referred the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, reports the same to the Senate with an amendment, and recommends that the bill, as amended, do pass.

Total obligational authority, fiscal year 2010

Total of bill as reported to the Senate	\$67,492,432,000
Amount of 2009 appropriations	¹ 76,101,698,000
Amount of 2010 budget estimate	67,183,677,000
Amount of House allowance	67,196,907,000
Bill as recommended to Senate compared to—	
2009 appropriations	– 8,609,266,000
2010 budget estimate	+ 308,755,000
House allowance	+ 295,525,000

¹ Includes \$16,209,675,000 in emergency appropriations provided in the American Recovery and Reinvestment Act of 2009 and other supplemental appropriation funding acts.

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NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Navigation Services:	
Mapping & Charting	48,737
Hydrographic Research and Technology Development	7,424
Electronic Navigational Charts	6,128
Shoreline Mapping	2,424
Address Survey Backlog/Contracts	31,173
Geodesy	26,417
National Height Modernization	2,541
Tide & Current Data	33,078
Regional Geospatial Modeling Grants	5,500
Total, Navigation Services	163,422
Ocean Resources Conservation and Assessment:	
Integrated Ocean Observing System—Regional Observatories	27,500
NOAA IOOS	6,555
Coastal Services Centers	26,643
Coastal Storms	2,874
Ocean Health Initiative	4,000
Coral Reef Programs	29,000
Gulf of Mexico Regional Collaboration	5,000
Ocean Research Priorities Plan Implementation	6,000
Subtotal, Ocean Resources Conservation and Assessment	107,572
Response and Restoration:	
Response and Restoration Base	20,134
Estuary Restoration Program	3,000
Marine Debris	4,000
Subtotal, Response and Restoration	27,134
National Centers for Coastal Ocean Science [NCCOS]:	
NCCOS Headquarters	4,500
Competitive External Research (HABs, Hypoxia and Regional Ecosystem)	16,000
Center for Coastal Environmental Health & Biomolecular Research	11,500
Oxford Cooperative Lab	5,000
Center for Sponsored Coastal Ocean Research	2,700
Center for Coastal Monitoring & Assessment	5,000
Center for Coastal Fisheries and Habitat Research	5,000
Marine Env. Health Research Lab—MEHRL	4,100
Subtotal, National Centers for Coastal Ocean Science	53,800
Ocean and Coastal Management:	
CZM Grants	66,500
CZM and Stewardship	8,500
National Estuarine Research Reserve System	22,826
Marine Protected Areas	3,000
Energy Licensing and Appeals	1,900
Marine Sanctuary Program Base	49,946
Total, Ocean and Coastal Management	152,672
Total, Congressionally Designated Projects	6,950
TOTAL, NOS	511,550

Integrated Ocean Observing System [IOOS].—The Committee recommendation provides a total of \$34,055,000 for the Integrated Ocean Observation System, of which \$6,555,000 is for program ad-

ministration, and \$27,500,000 is provided for continued support for a testbed for quantitatively evaluating the performance of new and existing coastal technologies in the laboratory and under diverse environmental conditions, and for a competitive, regional ocean observing systems solicitation. The budget request for IOOS reinforces the Committee's concern that the community's vision for this program is larger than NOAA's own internal initiative. Outside support for IOOS's overall funding—which includes long-standing recommendations from the Joint Ocean Commission—far outweighs this unrealistic budget request. A proven ocean observation network could be the very essence of a true National Ocean Service, maximizing both external and internal resources. Yet, this program instead seems to languish in stagnant funding requests and unachievable goals. Meanwhile, as NOAA struggles with IOOS's intra-agency identify, current assets within the community are being pulled away and shut down. NOAA fails to acknowledge that its own strategic plan for this program, though becoming narrower and more focused as the program matures, has no validity without the support of its State and regional partners. Such a trend suggests that little consideration is given to long-term measurements to support long-term results. Although this Committee has endeavored to bridge this financial gap in past fiscal year recommendations, continual lackluster requests coupled with current funding constraints have left the Committee with no other option than to provide a modest increase compared to the true need. The administration should create a more holistic funding recommendation in 2011, and should consider reorganizing resources within the agency across line offices to create a more salient internal program.

In addition, the Committee recognizes the broad value of the consortium of sensor testbeds and advancing new sensor technologies, and provides \$3,000,000 for these activities. The agency is directed to report to the Committee within 30 days of enactment of this act on the feasibility of establishing a cooperative institute for the purpose of advancing and sustaining this essential capability and including it in future requests. The Committee is aware that IOOS is working to distribute the management and execution of the coastal facets of its observing activities among numerous regional networks. Unfortunately, as the agency builds towards the development of this coastal observation system, it lacks a cost-effective national modeling test bed which integrates data from observing networks throughout multiple regional associations in mesoscale meteorology, landscape hydrology, river flows, coastal inundation, coastal circulation, and marine ecology.

Since the U.S. Atlantic and gulf coasts encompass two-thirds of the Nation's tidal shores and face multiple economic, human health, public safety and operational conditions, the Committee has included \$4,500,000 for NOAA to initiate and competitively award an extramurally based super regional test bed that enables data integration and dissemination to understand, predict, and mitigate the consequences of both extreme events and chronic conditions in the U.S. Atlantic and gulf regions. Such a test bed should include no less than 20 academic partners and research institutions to guarantee it is multi-disciplinary, and inclusive of community-modeling. The test bed must demonstrate how to improve forecasting

of phenomena and require scientists to share use of numerical models, observations, and tools needed to elucidate, prioritize, and resolve issues associated with interoperable coupling of a range of existing and emerging coastal oceanic, atmospheric, hydrologic, and ecological models, including the participation of other portions of NOAA beyond the National Ocean Service. The Committee directs NOAA to outline its approach and timeline for this effort in the Department's fiscal year 2010 operating plan.

Tide and Current Data.—The Committee provides an additional \$3,800,000 above the administration's request to fully support the entire design, installation, maintenance, and operations of the Physical Oceanographic Real-Time System [PORTS], as authorized by Public Law 107-372. The Committee believes these operations, which exist as a partnership between NOAA and local port authorities, have been extremely valuable tools for providing information for safe vessel navigation and data for weather and coastal monitoring used by other national programs. NOAA is directed to request the program's full support, including operation and maintenance, in future budget requests.

Coastal Services Center.—The Committee's recommendation provides an increase of \$6,000,000 above the administration's request, which includes \$4,100,000 more for the Pacific Coastal Services Center for a total of \$5,000,000. The remainder of the increased funding is for the gulf coast and west coast service centers.

Ocean Health Initiative.—The Committee is disappointed with the administration's reduction in this valuable national program, and restores the fiscal year 2009 level of \$4,000,000. All of NOAA's ocean programs touch the lives of people everyday, but this initiative is one that directly and immediately shows the links between humans and the ocean. The Committee expects a more reasonable request for this program in future years.

Response and Restoration.—The Committee provides an additional \$1,000,000 for the Office of Response and Restoration, working jointly with the Office of National Marine Sanctuaries, to solicit an independent assessment of potential man-made undersea threats, that could impact coastal and Great Lakes States. Such an assessment shall be conducted by a reputable outside group working for NOAA to effectively link environmental assessment results with that of the capable expertise of the salvage industry to create a prioritized list of hazardous undersea threats to protect our Nation's coasts and shorelines from the discharge of unsafe material. Careful consideration shall be made by all parties to not disclose sensitive and confidential information that could be protected by the National Historic Preservation Act of 1966 in an effort to protect and preserve non-hazardous, cultural and historical marine resources.

CZM and Stewardship.—The Committee provides an increase of \$1,500,000 over the fiscal year 2009 level for this valuable office, which provides services and expertise to coastal and Great Lakes programs throughout the country. However, the Committee does not support the new coastal task force initiative proposed by the administration which mimics the recent Presidential memorandum assigning such a national ocean policy taskforce to the Council of Environmental Quality announced after the budget request.

Regional Geospatial Modeling Grants.—The Committee provides \$5,500,000 to continue funding for this competitive program for researchers and resource managers to develop models or geographic information systems using existing geodetic, coastal remote sensing data, terrestrial gravity measurements, or other physical datasets.

NOAA NATIONAL MARINE FISHERIES SERVICE

The Committee's recommendation provides \$872,373,000 for the National Marine Fisheries Service [NMFS]. NMFS programs provide for the management and conservation of the Nation's living marine resources and their environment, including fish stocks, marine mammals, and endangered species. Using science-based conservation, management, and restoration activities, these resources can benefit the Nation on a sustained basis. NMFS seeks to build sustainable fisheries, recover protected species, and sustain healthy coastal ecosystems and the communities that depend on them.

Committee recommendations are displayed in the following table:

NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Marine Mammals, Marine Turtles, and Marine Protected Species:	
Protected Species Research and Management Programs	39,850
Species Recovery Grants	10,987
Marine Mammal Protection [MMP]	49,653
Other Protected Species	8,375
Marine Turtles	14,576
Atlantic Salmon	8,000
Pacific Salmon (Salmon Management Activities)	65,000
Total, Marine Mammals, Marine Turtles, and Marine Protected Species	196,441
Fisheries Research and Management:	
Fisheries Research and Management Programs	194,113
Expand Annual Stock Assessments—Improve Data Collection	49,003
Economics and Social Sciences Research	10,744
Salmon Management Activities	34,942
Regional Councils and Fisheries Commissions	31,855
Fisheries Statistics	21,068
Fish Information Networks	22,066
Survey and Monitoring Projects	23,759
Fisheries Oceanography	1,999
American Fisheries Act	5,503
Interjurisdictional Fisheries Grants	2,574
National Standard 8	1,060
Reduce Fishing Impacts on Essential Fish Habitat [EFH]	529
Reducing Bycatch	3,398
Product Quality and Safety	7,342
Total, Fisheries Research and Management	409,955
Enforcement and Observers:	
Enforcement and Surveillance	65,673
Observers/Training	40,074
Total, Enforcement and Observers/Training	105,747
Habitat Conservation & Restoration:	
Sustainable Habitat Management	22,376