

111TH CONGRESS
1ST SESSION

H. R. 2847

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2009

Received; read twice and referred to the Committee on Appropriations

AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 port, and \$496,500,000 shall be for Space and Flight Sup-
2 port.

3 EDUCATION

4 For necessary expenses, not otherwise provided for,
5 in carrying out aerospace and aeronautical education re-
6 search and development activities, including research, de-
7 velopment, operations, support, and services; program
8 management; personnel and related costs, uniforms or al-
9 lowances therefor, as authorized by 5 U.S.C. 5901–5902;
10 travel expenses; purchase and hire of passenger motor ve-
11 hicles; and purchase, lease, charter, maintenance, and op-
12 eration of mission and administrative aircraft,
13 \$175,000,000, to remain available until September 30,
14 2011.

15 CROSS AGENCY SUPPORT

16 For necessary expenses, not otherwise provided for,
17 in the conduct and support of science, aeronautics, explo-
18 ration, space operations and education research and devel-
19 opment activities, including research, development, oper-
20 ations, support, and services; maintenance; space flight,
21 spacecraft control, and communications activities; pro-
22 gram management; personnel and related costs, including
23 uniforms or allowances therefor, as authorized by 5 U.S.C.
24 5901–5902; travel expenses; purchase and hire of pas-
25 senger motor vehicles; not to exceed \$70,000 for official

1 reception and representation expenses; and purchase,
2 lease, charter, maintenance, and operation of mission and
3 administrative aircraft, \$3,164,000,000: *Provided*, That
4 \$2,182,900,000 shall be available for center management
5 and operations: *Provided further*, That notwithstanding 42
6 U.S.C. 2459j, proceeds from enhanced use leases that may
7 be made available for obligation for fiscal year 2010 shall
8 not exceed \$0: *Provided further*, That each annual budget
9 request shall include an annual estimate of gross receipts
10 and collections and proposed use of all funds collected pur-
11 suant to 42 U.S.C. 2459j: *Provided further*, That not less
12 than \$50,000,000 shall be available for independent
13 verification and validation activities: *Provided further*,
14 That within the amounts appropriated \$15,700,000 shall
15 be used for the projects, and in the amounts, specified in
16 the table titled “Congressionally-designated Items” in the
17 report of the Committee on Appropriations of the House
18 of Representatives to accompany this Act.

19 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
20 REMEDIATION

21 For necessary expenses for construction of facilities
22 including repair, rehabilitation, revitalization, and modi-
23 fication of facilities, construction of new facilities and ad-
24 ditions to existing facilities, facility planning and design,
25 and restoration, and acquisition or condemnation of real

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010

JUNE 12, 2009.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2847]

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, 2010, and for other purposes.

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pool by vastly improving Kindergarten through twelfth grade science and mathematics education. In addition, a recent congressionally-mandated task force found that by the end of this year, over one-quarter of the U.S. aerospace workforce will be eligible to retire, with too few engineers graduating from college to replace them. A continuing dearth of students and graduates in math, science and engineering cannot be sustained. Short-term cuts in education programs have long-term effects. Accordingly, for fiscal year 2010, the Committee recommends \$175,000,000, an increase of \$48,900,000 over the budget request, and \$5,800,000 over comparable fiscal year 2009 enacted levels. Funds provided in this appropriation are to be allocated as follows:

Higher education STEM education:	
STEM opportunities (higher education)	\$11,600,000
Space Grants	45,600,000
EPSCoR	25,000,000
MUREP	30,600,000
Global climate change education	10,000,000
K-12 STEM education:	
Student opportunities K-12	10,500,000
STEM teacher development	21,000,000
Competitive educational grant	15,000,000
Informal education:	
Science museums and planetariums	7,000,000
Realign the costs of administrative activities to CAS	- 1,300,000
Total, Education	175,000,000

National Space Grant College and Fellowship program.—For this program, the Committee recommends \$45,600,000 to fund 42 states or jurisdictions at \$900,000 each and 10 states or jurisdictions at \$700,000 each.

CROSS AGENCY SUPPORT

Fiscal Year 2009 enacted	\$3,306,387,000
Fiscal Year 2010 request	3,400,600,000
Recommended in the bill	3,164,000,000
Bill compared with:	
Fiscal Year 2009 enacted	- 142,387,000
Fiscal Year 2010 request	- 236,600,000

This appropriation provides for the agency supporting functions associated with the science, aeronautics, education, space operations and exploration activities of the agency. This account provides for the research; development; operations; salaries and related expenses; and other general and administrative activities supporting the themes within the five other program accounts. Cross Agency Support provides a strategic focus for managing agency mission support functions and some of NASA's unique research facilities. This budget area consists of three themes: center management and operations; agency management and operations; and institutional investments. The center management and operations theme includes the basic costs to manage and operate each of the nine NASA field centers and to maintain the technical capabilities required to support the agency's mission. This budget theme is not directly identified or aligned to a specific program or project requirement, but is necessary for efficient and effective administration and operation of the NASA centers. The agency management and operations theme provides for the management and oversight of agency missions, functions, and the performance of

some agency-wide activities and unique research capabilities and facilities. Theme responsibilities include the determination of programs and projects; establishment of management policies, procedures, and performance criteria; evaluation of progress; and the coordination and integration of all phases of the agency’s mission. The five major programs included in this theme are agency management, safety and mission success, agency IT services, innovative partnerships program, and strategic capability asset program. The institutional investments theme provides for design and execution of non-programmatic discrete and minor revitalization construction of facilities projects, facility demolition projects, and environmental compliance and restoration activities.

For fiscal year 2010, the bill provides \$3,164,000,000, \$236,600,000 below the budget request. Appropriations are made available for one fiscal year, reflecting the administrative nature of the account. The Committee recommendation provides for the following allocation of funds within cross-agency support programs:

Realign the costs of administrative activities to CAS	+\$98,900,000
Consolidate all agency construction in new account	– 355,400,000
Safety and mission success	+25,300,000
Innovative partnership programs	– 21,100,000
Congressionally-designated items	+15,700,000

Center management and operations.—The realignment of NASA’s budget structure required by the fiscal year 2008 Omnibus Appropriations Act was intended to improve the transparency of NASA’s budget by separately funding programmatic and administrative activities. It was the Committee’s intent that the Cross Agency Support account fully fund Center administrative activities, including human resources, financial management, procurement, facilities operations, information technology services, and public affairs. As the 2009 budget is being executed by NASA, it appears that significant numbers of Center FTE in these administrative areas are being charged to programmatic accounts. For fiscal year 2010, the Committee proposes to transfer these administrative FTE from the program accounts to Center management and operations within the CAS account, as follows, and provide a total of \$2,182,900,000 for center management and operations:

Realign SMD administrative activities to CAS	+\$24,300,000
Realign ARMD administrative activities to CAS	+6,000,000
Realign ESMD administrative activities to CAS	+33,500,000
Realign SOMD administrative activities to CAS	+33,800,000
Realign EMD administrative activities to CAS	+1,300,000
Net adjustment	+98,900,000

Safety and mission success.—The Committee recommends a total of \$209,200,000, an increase of \$25,300,000 over the budget estimate, for safety and mission success. These funds shall be available for NASA’s overall software assurance and risk management strategy to ensure the correctness and quality of critical and complex software systems. Within the funds provided for safety and mission success, \$50,000,000 shall be for independent verification and validation activities.

Innovative partnerships.—In total, the recommendation includes \$163,700,000 for innovative partnership programs. This level represents an increase of \$3,500,000 above the fiscal year 2009 enacted level and \$21,100,000 from the budget estimate. The rec-

ommendation does not include funding requested for several new activities that were not funded in fiscal year 2009, including innovation incubator, future centennial challenges and innovative technology, due to affordability considerations.

Congressionally-directed items.—Within the appropriation for cross-agency support programs, the Committee recommendation provides for the following Congressionally-directed activities:

DOJ	OJP—JJ	Zero to Three, Cherokee, NC	Cherokee Court Team for Maltreated Infants and Toddlers	\$100,000	Shuler
DOJ	OJP—JJ	ZERO TO THREE, Douglasville, GA	ZERO TO THREE: Douglas County Court Team for Maltreated Infants and Toddlers	\$100,000	Scott (GA)
DOJ	OJP—JJ	ZERO TO THREE, Hattiesburg, MS	Court Teams for Maltreated Infants and Toddlers	\$300,000	Taylor
NASA	CAS	Bay Area Houston Economic Partnership, Houston, TX	Bay Area Houston SATOP	\$1,000,000	Paul
NASA	CAS	Baylor University, Waco, TX	Advanced Composite Materials Research	\$400,000	Edwards (TX)
NASA	CAS	CORE Philly, Philadelphia, PA	CORE Philly Scholarship Program	\$1,000,000	Fattah
NASA	CAS	Drew University, Madison, NJ	Drew University Environmental Science Initiative	\$1,000,000	Frelinghuysen
NASA	CAS	East Stroudsburg University, East Stroudsburg, PA	Marine Science Consortium Student-Faculty Research Collaborative with NASA Goddard Wallops Flight Facility	\$450,000	Kanjorski
NASA	CAS	Educational Advancement Alliance (EAA), Philadelphia, PA	Math Science and Technology (MST) Program	\$1,000,000	Fattah
NASA	CAS	Embry Riddle Aeronautical University Prescott Campus, Prescott, AZ	NASA Educator Resource Center	\$200,000	Kirkpatrick (AZ)
NASA	CAS	FOTO, Los Angeles, CA	Science Education Programming	\$200,000	Schiff
NASA	CAS	Fulton-Montgomery Community College, Johnstown, NY	Center for Engineering and Technology at Fulton-Montgomery Community College—Phase Two	\$300,000	Tonko
NASA	CAS	Loma Linda University Medical Center, Loma Linda, CA, CA	Space Radiation Health Research Program	\$2,800,000	Lewis (CA)
NASA	CAS	MTSU, Murfreesboro, TN	Aviation Safety and Human Factors Research Using Emerging Technologies	\$700,000	Gordon (TN)

COMMERCE, JUSTICE, SCIENCE—Continued
[Congressionally Directed Spending Items]

Agency	Account	Recipient	Project	Amount	Requester(s)
NASA	CAS	National Youth Science Foundation, Charleston, WV	Youth Science Discovery Experience and science center curriculum	\$200,000	Mollohan
NASA	CAS	ScienceSouth, Florence, SC	Innovative Science Learning Center	\$500,000	Clyburn
NASA	CAS	Tennessee Tech, Cookeville, TN	Center for Teaching & Learning in Science, Technology, Engineering and Math (STEM)	\$400,000	Gordon (TN)
NASA	CAS	Texas Tech University, Lubbock, TX	Engineering support for extended human and robotic space flight missions—Texas Tech University	\$1,000,000	Neugebauer; Hall (TX)
NASA	CAS	The Foundation for Community Empowerment, Inc., Dallas, TX	Dallas Achieves—Transforming Public Education in Dallas, Texas, Through Math, Science and Technology Initiatives	\$500,000	Johnson, Eddie Bernice
NASA	CAS	The Thurgood Marshall College Fund, New York, NY	The Minority Science Initiative	\$100,000	Ruppersberger; Meek (FL); Cummings
NASA	CAS	The University of Alabama, Tuscaloosa, AL	Miniature Antennas for Unmanned Aerial Vehicles	\$350,000	Aderholt; Bachus
NASA	CAS	Towson University, Towson, MD	The Baltimore Excellence in Science Teaching (BEST) Partnership	\$1,000,000	Ruppersberger; Sarbanes
NASA	CAS	University of Toledo, Toledo Ohio, OH	Advanced Photovoltaics Array Testing	\$500,000	Kaptur
NASA	CAS	Universtiy of Mississippi, University, MS	Innovative STEM Eduation	\$200,000	Childers
NASA	CAS	West Virginia University, Morgantown, WV	Aviation Safety Research and Design	\$500,000	Mollohan
NASA	CAS	Wheeling Jesuit University, Wheeling, WV	Great Science Online	\$250,000	Mollohan