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HOUSE OF REPRESENTATIVES

{ REPORT
111-366

DEPARTMENTS OF TRANSPORTATION AND
HOUSING AND URBAN DEVELOPMENT,
AND RELATED AGENCIES APPROPRIA-
TIONS ACT, 2010

CONFERENCE REPORT

TO ACCOMPANY

H.R. 3288



DECEMBER 8, 2009.—Ordered to be printed

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,305,178,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition \$104,600,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the \$3,412,778,000 provided for in direct obligations under this heading \$3,305,178,000 is appropriated from the general fund, and \$107,600,000 is provided by transfer: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$235,549,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$41,944,000: Provided further, That within the amounts appropriated, \$99,295,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,358,353,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: Pro-

vided, That of the \$1,360,353,000 provided for in direct obligations under this heading, \$1,358,353,000 is appropriated from the general fund and \$2,000,000 is provided from recoveries of prior year obligations: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration Procurement, Acquisition or Construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: Provided further, That the Secretary of Commerce is authorized to enter into a lease, at no cost to the United States Government, with the Regents of the University of Alabama for a term of not less than 55 years, with two successive options each of 5 years, for land situated on the campus of University of Alabama in Tuscaloosa to house the Cooperative Institute and Research Center for Southeast Weather and Hydrology: Provided further, That within the amounts appropriated, \$18,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$80,000,000, to remain available until September 30, 2011: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, obligations of direct loans may not exceed \$16,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official reception and representation, \$58,000,000: Provided, That the Secretary, within 60 days of enactment of this Act, shall provide a report to the Committees on Appropriations of the House and Senate that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: Provided further, That of the amounts provided to the Secretary within this account, \$5,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations of the House and Senate that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, \$22,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$27,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the

The conferees direct NIST to refrain from charging administrative costs to these grants. The conferees expect that NIST will provide appropriate management and oversight of each grant.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conferees provide a total of \$4,737,531,000 in discretionary appropriations for the National Oceanic and Atmospheric Administration (NOAA).

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total program level of \$3,412,778,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA. This total funding level includes \$3,305,178,000 in direct appropriations; a transfer of \$104,600,000 from balances in the “Promote and Develop Fishery Products and Research Pertaining to American Fisheries” account; and a transfer of \$3,000,000 from the Coastal Zone Management Fund.

Within this amount, the conference agreement provides funds for congressionally-directed activities listed within the obligation tables for each line office, and directs NOAA to refrain from charging administrative costs to these grants. The conferees expect that NOAA will provide appropriate management and oversight of each grant.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act:

National Ocean Service (NOS).—The conference agreement provides \$522,220,000 for NOS operations, research and facilities.

Mapping and charting.—The conference agreement provides \$49,487,000 for mapping and charting, of which \$750,000 is provided for the development and demonstration of unmanned surface vehicles for hydrographic survey operations.

Tide and current data.—The conference agreement provides an additional \$3,800,000 above the request to support fully the entire design, installation, maintenance, and operations of the Physical Oceanographic Real-Time System (PORTS), as authorized by Public Law 107–372.

Regional geospatial modeling grants.—The conference agreement 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.

Integrated Ocean Observing System (IOOS).—The conference agreement provides a total of \$33,555,000 for IOOS, of which \$6,555,000 is for program administration; \$20,000,000 is for a competitive, regional ocean observing systems solicitation; \$4,000,000 is for a competitive extramural regional test bed for the Atlantic and Gulf coasts described in the Senate report, for which NOAA shall outline this effort’s approach and timeline in its fiscal year 2010 operating plan; and \$3,000,000 is for a consortium for testing and advancing new sensor technologies. NOAA is directed to report

to the House and Senate Committees on Appropriations 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 its inclusion in future requests.

Coral reef programs.—Given the magnitude of the effect of climate change on coral reefs worldwide and the vital role that coral reefs play in protecting the Nation's beaches, sustaining fisheries and providing other economic benefits, the conference agreement provides \$29,000,000 for the coral reef program, which includes \$2,273,000 in competitive funding above the request for external coral reef institute partners. In awarding this competitive funding, the conferees encourage NOAA to consider comparative regional needs, geographic scope, historic funding levels and other available funding. The conferees direct NOAA to include base funding for the external coral reef institutes in future budget requests.

Response and restoration.—The conference agreement includes \$27,134,000 for response and restoration, which provides \$3,000,000 for estuary restoration and \$9,300,000 for damage assessment and restoration. The conference agreement provides an additional \$1,000,000 for the Office of Response and Restoration, working jointly with the Office of National Marine Sanctuaries, to solicit a one-time independent assessment of potential man-made undersea threats that could impact coastal and Great Lakes States.

Coastal Zone Management (CZM) grants.—The conference agreement provides \$2,000,000 above the request, and NOAA is directed to use a portion of the increase provided for a competitive program for efforts to modernize and improve State information systems to assess, track and manage permitting and land-use tracking procedures.

National Estuarine Research Reserve System (NERRS).—The conference agreement provides an increase of \$1,174,000 above the request for the NERRS operations.

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

	Conference Recommendation
Navigation Services:	
Mapping & Charting	49,487
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
Regional Geospatial Modeling Grants	5,500
Tide & Current Data	33,078
Total, Navigation Services	164,172
Ocean Resources Conservation and Assessment:	
Ocean Assessment Program (OAP):	
Ocean Research Priorities Plan/Ocean Acidification	6,000
Integrated Ocean Observing System	27,000
NOAA IOOS	6,555
Coastal Services Centers	26,643
Coastal Storms	2,800
Ocean Health Initiative	4,000
Coral Reef Programs	29,000
Gulf Of Mexico Regional Collaboration	4,750
Subtotal, Ocean Assessment Program (OAP)	106,748
Response and Restoration:	
Response and Restoration Base	10,834
Estuary Restoration Program	3,000
Damage Assessment Program	9,300
Marine Debris	4,000
Subtotal, Response and Restoration	27,134
National Centers for Coastal Ocean Science (NCCOS):	
NCCOS Headquarters	4,000
Competitive External Research (HABs, Hypoxia and Regional Ecosystem)	16,000
Center for Coastal Environmental Health & Biomolecular Research	11,300
Oxford Cooperative Lab	4,500
Center for Sponsored Coastal Ocean Research	2,700
Center for Coastal Monitoring & Assessment	7,000
Center for Coastal Fisheries and Habitat Research	5,000
Marine Env. Health Research Lab - MEHRL	4,000
Subtotal, National Centers for Coastal Ocean Science	54,500
Total, Ocean Resources Conservation and Assessment	188,382
Ocean and Coastal Management:	
CZM Grants	68,146
CZM and Stewardship (formerly Program Administration)	8,500
National Estuarine Research Reserve System	23,500
Marine Protected Areas	3,000
Marine Sanctuary Program	49,000
Energy Licensing and Appeals	1,900
Total, Ocean and Coastal Management	154,046
Congressionally Directed Projects	15,620
GRAND TOTAL NOS	522,220

**National Oceanic and Atmospheric Administration
Operations, Research and Facilities
National Ocean Service
Congressionally-designated Items
(\$ in thousands)**

Recipient	Project	Amount
California State Coastal Conservancy, Oakland, CA	California Seafloor Mapping Program	300
Caribbean Coral Reef Institute, University of Puerto Rico, Mayaguez, PR	Caribbean Coral Reef Institute Grant Program	100
Chesapeake Biological Laboratory, Solomons, MD	Alliance for Coastal Technologies	500
Department of Lands and Natural Resources, Saipan, MP	Mariana Islands Sanctuary Scoping and Outreach	220
Eastern Kentucky PRIDE, Inc., Somerset, KY	Eastern Kentucky PRIDE, Inc.	1,000
Illinois State Geological Survey, Champaign, IL	Illinois Height Modernization	800
Louisiana State University A&M College, Baton Rouge, LA	The Louisiana Geodetic Spatial Reference Center	700
Mobile County Commission, Mobile, AL	Coastal tidal gauges	600
Monmouth University, West Long Branch, NJ	The Resilient Coastal Urban Community and Ecosystem (RESCUE) Initiative	250
National Oceanic and Atmospheric Administration, Silver Spring, MD	West Coast Governors' Agreement on Ocean Health	500
Northwest Straits Commission, Mount Vernon, WA	Northwest Straits Marine Conservation Initiative	1,600
Nova Southeastern University, Fort Lauderdale, FL	National Coral Reef Institute	200
Provincetown Center for Coastal Studies, Provincetown, MA	Northeast Coastal Monitoring Collaborative	550
State of Wisconsin, Madison, WI	Wisconsin Height Modernization Program	1,000
Texas A&M University - Corpus Christi, Corpus Christi, TX	Texas Height Modernization	300
Town of Dauphin Island, Dauphin Island, AL	Engineering feasibility study	1,500
University of Alaska at Fairbanks, Fairbanks, AK	Extended Continental Shelf Mapping	300
University of Guam, Mangilao, GU	Coral Reef Research Institute	300
University of Hawaii, Honolulu, HI	Hawaii Coral Reef Initiative (HCRI)	1,000
University of Hawaii, Honolulu, HI	International Pacific Research Center	1,500
University of Hawaii, Kaneohe Bay, HI	Hawaii Institute of Marine Biology (HIMB) Coral Research	2,250
University of North Carolina, Wilmington, NC	Aquarius Reef Base Program	150

National Marine Fisheries Service (NMFS).—The conference agreement provides \$904,539,000 for NMFS operations, research and facilities.

Protected species research and management.—The conference agreement provides \$15,623,000 for the species recovery grants program. The conferees concur with the need for increased funding for endangered, threatened, and at-risk marine species.

Marine mammals, marine turtles, and marine protected species.—The conference agreement provides total funding of \$4,275,000 for Hawaiian Monk Seal activities; \$7,800,000 for Hawaiian Sea Turtle and incident take activities; and \$1,500,000 for the study and protection of cetaceans in the Pacific.

The conferees encourage NOAA to demonstrate and utilize biological pattern recognition technology where appropriate for tagging fish or threatened or endangered animal species.

Fisheries research and management.—The conference agreement provides \$424,717,000 for fisheries research and management. Within this amount, \$190,883,000 is recommended for fisheries research and management programs. Within the amounts provided, the conference agreement includes a programmatic increase of \$750,000 for regulation activities associated with the Pacific Marine Monuments.

Magnuson-Stevens Reauthorization Act (MSRA).—The conference agreement provides all requested increases for MSRA requirements. These funds are necessary to prevent fisheries collapses and obviate the need for disaster funding. The conferees recognize the need to ensure sustainable fisheries. Within amounts provided, funding is designated to implement a sector-based management approach for New England and to transition to catch shares, a new tool that provides flexibility for fishermen while maintaining sustainability. Funding is provided to support the costs of expanded stock assessments and for regional councils that make recommendations on annual catch limits (ACLs).

The conference agreement also provides funding to continue development of a State-Federal national registry program for marine recreational fishing participants, and to expand commercial fisheries' biological sampling programs and electronic reporting of commercial fisheries' landings. In addition, the conferees direct NMFS to provide a report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act on recreational fishing under catch share program management. Specifically, the report shall include how data collection for recreational catches will improve in fisheries where the commercial sector receives catch shares; and how allocation conflicts between recreational and commercial sectors will be resolved.

Economic and social science research.—The conference agreement includes the requested increase to address significant economic and social science research data gaps in major Federal fisheries that are crucial to developing support tools to conduct MSRA-mandated cost-benefit analyses of regulatory options, such as ACLs and limited access privilege programs (LAPPs). These resources will allow the affected regions to provide input and engage in solutions in their own sectors, and to forge new relationships between the regions and NMFS.

Salmon management activities.—An increase of \$10,000,000 above the request is provided to begin implementation of reforms developed by the Hatchery Scientific Review Group to operate these facilities in a manner more conducive to salmon recovery.

Enforcement.—The conference agreement provides the requested increase to fund the enforcement requirements of the MSRA. The conference recommendation includes a total of \$1,500,000 to continue installing electronic logbooks on shrimp boats to monitor and reduce bycatch; end overfishing; rebuild overfished stocks such as red snapper; and ensure the sustainability of shrimp fisheries. The conferees note that this program is inherent to NOAA's core mission and implementation of current shrimp fishery regulations, and expect that sufficient funding will be reflected in future budget requests.

Observer/training.—The conference agreement provides the requested MSRA increase for implementation of annual catch limits. This includes supplementing observer coverage in three fisheries, including the Gulf of Mexico reef fish fishery, and will implement pilot programs for three additional fisheries. The conference agreement also provides an increase above the request of \$3,015,000 for the Hawaiian Longline Observer Program.

Gulf coast management activities.—The conferees encourage NOAA to solicit, evaluate and incorporate independent fishery data when developing fishery regulations, and to create a thorough report detailing the potential economic impact any new restrictions would have on Gulf of Mexico communities before moving forward with any changes impacting the red snapper fishery.

Habitat conservation and restoration.—The conference agreement provides a total of \$27,967,000 for fisheries habitat restoration. Within this amount, \$18,600,000 is provided for the community based restoration program and \$7,034,000 is provided for the open rivers program.

Other activities.—The conference agreement provides \$500,000 for fishery demonstration projects that develop and protect traditional fishing practices in communities represented on the Western Pacific Fishery Management Council.

The conferees recognize the importance of ongoing surfclam and ocean quahog surveys to sustainable fisheries management and encourages NOAA to work closely with stakeholders on this matter.

Regional studies: Chesapeake Bay.—The conferees direct NOAA's Chesapeake Bay Office to continue to collaborate with the States of Maryland and Virginia, and to continue to utilize the Sea Grant programs from both States in developing the program to advance multiple species management by focusing on blue crabs, oysters, and other resource species.

Chesapeake Bay oyster restoration.—The conference agreement provides \$3,000,000 for oyster restoration in the Chesapeake Bay. Of these funds, \$2,000,000 is provided for oyster restoration in the Maryland waters of the Chesapeake Bay which shall be for on-the-ground and in-the-water restoration efforts, and \$1,000,000 of these funds is for oyster restoration in Virginia waters of the Chesapeake Bay. Funds shall not be used for administrative costs, including banquets or salaries.

Alaskan marine mammal protection.—With regard to congressionally-designated funding for the Indigenous People’s Council for Marine Mammals (IPCoMM), the conferees expect NOAA to assist IPCoMM in developing a competitive process to allocate new co-management funding provided in this Act.

**NATIONAL MARINE FISHERIES SERVICE
OPERATIONS, RESEARCH, AND FACILITIES**
(In thousands of dollars)

	Conference Recommendation
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Marine Mammals, Marine Turtles, and Marine Protected Species:	
Protected Species Research and Management Programs	39,850
Species Recovery Grants	15,623
Marine Mammal Protection (MMP)	49,653
Other Protected Species	8,375
Marine Turtles	14,576
Atlantic Salmon	8,500
Pacific Salmon (Salmon Management Activities)	65,000
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Total, Marine Mammals, Marine Turtles, and Marine Protected Species	201,577
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Fisheries Research and Management:	
Fisheries Research and Management Programs	190,883
Expand Annual Stock Assessments - Improve Data Collection	50,995
Economics and Social Sciences Research	10,744
Salmon Management Activities	50,942
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
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Total, Fisheries Research and Management	424,717
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Enforcement and Observers:	
Enforcement and Surveillance	65,673
Observers and Training	41,074
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Total, Enforcement and Observers/Training	106,747
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Habitat Conservation & Restoration:	
Sustainable Habitat Management	22,376
Fisheries Habitat Restoration (Open Rivers & CBRP)	27,967
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Total, Habitat Conservation & Restoration	50,343
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Other Activities Supporting Fisheries:	
Antarctic Research	2,718
Aquaculture	6,000
Climate Regimes & Ecosystem Productivity	4,811
Computer Hardware and Software	3,460
Cooperative Research	17,567
Information Analyses & Dissemination	19,905
Marine Resources Monitoring, Assessment & Prediction Program (MarMap)	842
National Environmental Policy Act (NEPA)	8,336
NMFS Facilities Maintenance	6,535
Southwest Fisheries Center	1,000
Regional Studies	7,206
New England Fisheries Assistance	9,000
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Total, Other Activities Supporting Fisheries	87,380
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Congressionally Directed Projects	33,775
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GRAND TOTAL NMFS	904,539

**National Oceanic and Atmospheric Administration
Operations, Research and Facilities
National Marine Fisheries Service
Congressionally-designated Items
(\$ in thousands)**

Recipient	Project	Amount
Commercial Fisheries Research Foundation, Saunderstown, RI	Cooperative Research and Technical Assistance	600
Dauphin Island Sea Lab, Dauphin Island, AL	Biological and economic consideration of coastal fisheries population	750
Florida Fish and Wildlife Conservation Commission, Tallahassee, FL	Gulf of Mexico Recreational Fishery Electronic Logbook Pilot	50
Hawaii Community Foundation, Honolulu, HI	Hawaii Marine Fund	1,000
Hawaii Division of Forestry and Wildlife, Hawaii Department of Land and Natural Resources, Honolulu, HI	Protected Species Habitat at Kure Atoll (HI)	100
Indigenous People's Council for Marine Mammals, Anchorage, AK	Marine Mammal Research	500
Institute for Marine Mammal Studies, Gulfport, MS	Center for Marine Education and Research-Ocean Expo - Learning Center	1,000
Maine Department of Marine Resources, Augusta, ME	Continuation of Protected Species Bycatch Reduction Maine Groundline Exchange Program	550
Maine Department of Marine Resources, Augusta, ME	Groundfish Industry Emergency Economic Assistance	1,000
Maine Department of Marine Resources, Augusta, ME	Herring Monitoring Research	300
Maine Department of Marine Resources, Augusta, ME	Maine Lobster Research	200
Marine Mammal Center, Sausalito, CA	Emergency Response and Health Investigations for Endangered and Threatened Pinniped Populations in the Pacific	300
Massachusetts Marine Fisheries Institute, New Bedford, MA	Scallop Fishery Assessment (MFI)	1,000
Morgan State University Estuarine Research Center, St. Leonard, MD	Oyster Hatchery Economic Pilot Program	200
Mote Marine Laboratory, Sarasota, FL	Science Consortium for Ocean Replenishment (SCORE)	1,500
National Marine Fisheries Service, Silver Spring, MD	Shrimp Industry Fishing Effort Research Continuation	700
Nature Conservancy, Middletown, CT	Ecosystem Vitality Through Habitat Restoration	200
New England Aquarium, Boston, MA	Consortium for Wildlife Bycatch Reduction	1,250
New Hampshire Fish & Wildlife, Concord, NH	NH Commercial Fishermen Sustainability Initiative	825
Nicholls State University Department of Biological Sciences, Thibodaux, LA	Institute for Seafood Studies	325
NOAA Chesapeake Bay Office, Annapolis, MD	Chesapeake Bay Oyster Restoration	3,000
NOAA Office of Protected Resources, Silver Spring, MD	Hawaiian Monk Seal Recovery Plan Implementation	275

National Oceanic and Atmospheric Administration
Operations, Research and Facilities
National Marine Fisheries Service
Congressionally-designated Items
(\$ in thousands)

Recipient	Project	Amount
NOAA Southeast Science Center, Miami, FL	Turtle Protection Funding/Gulf of Mexico Grouper Fishery	250
NOAA/Fisheries, Honolulu, HI	Hawaii Seafood Safety and Sustainability	1,500
NOAA/Fisheries, Honolulu, HI	Magnuson-Stevens: Marine Education and Training	1,000
NOAA/Fisheries, Honolulu, HI	Western and Central Pacific Fisheries Commission (WCPFC) Big Eye Tuna Quotas	3,000
NOAA/Fisheries, Honolulu, HI	Western Pacific Integrated Ecosystem Assessments	500
Oceanic Institute, Waimanalu, HI	Hawaii Fisheries Development	400
Oregon State University, Corvallis, OR	Disease Reduction in Klamath River Salmon	600
Pacific Coast Shellfish Growers Association, Port Townsend, WA	Emergency Plan to Save Oyster Production on the West Coast	500
Partnership for Mid-Atlantic Fisheries Science (PMAFS), Mellville, NY	Partnership for Mid-Atlantic Fisheries Science (PMAFS) - Fish stock improvement initiative	1,000
Roger Williams University, Bristol, RI	Narragansett Bay Shellfish Restoration	500
School for Marine Science and Technology (SMAST), New Bedford, MA	New England Multi-Species Surveys and Development	3,000
Society for the Preservation of New Hampshire Forests (SPNHF), Concord, NH	Merrimack River Fish Habitat Conservation	300
State of Alaska, Coastal Alaska, AK	Seal and Steller Sea Lion Biological Research	300
State of Alaska, Statewide, AK	Bering Sea Crab Management and Research	300
State of Alaska, Yukon River, AK	US/Canada Yukon River Salmon Agreement Studies	500
University of Hawaii, Honolulu, HI	Joint Institute of Marine and Atmospheric Research (JIMAR) Pelagic Fisheries Research Program (PFRP)	1,250
University of Maryland Biotechnology Institute, Baltimore, MD	Metagenomic Analysis of Chesapeake Bay	100
University of New Orleans, New Orleans, LA	Pontchartrain Basin Restoration	250
Virginia Institute of Marine Science, Gloucester Point, VA	Virginia TRAWL Survey	300
West Virginia Department of Natural Resources, Charleston, WV	Natural Stream Design and Restoration	1,500
Wildlife Conservation Society, Bronx, NY	Bronx River and South Bronx Waterfront	1,000
Yukon River Drainage Fisheries Association, Anchorage, AK	The Yukon River Drainage Fisheries Association	100

Oceanic and Atmospheric Research (OAR).—The conference agreement includes \$438,766,000 for OAR operations, research and facilities. The conferees provide additional support for activities appropriately conducted by a national climate service and direct the agency to accelerate its current efforts towards the creation of such an entity.

The conferees direct NOAA to enter into a contract with the National Academy of Public Administration (NAPA) within 60 days after the enactment of this Act for a study and analysis of organizational options for a National Climate Service within NOAA, emphasizing maximum effectiveness and efficiency. The study should consider how to provide information at the global, regional, and State levels over varying timescales; support interaction among the government and various users, stakeholders, researchers, and information providers of climate information in both the private and public sectors; develop and distribute products and information that will support decision-making to better prepare the Nation for climate variability and climate change; coordinate and align existing programs and resources internal and external to NOAA to reduce duplications and leverage existing climate-related resources; and provide estimates on projected funding levels. The study shall be completed no later than 120 days after the contract is awarded.

Climate research.—The conference agreement provides \$221,040,000 for climate research. Within the recommendation, the conferees provide \$9,000,000 for climate assessment services to synthesize, evaluate and report on climate change research findings; evaluate the effects of climate variability and change for different regions and sectors; and identify climate vulnerabilities and uncertainties as part of an ongoing effort to understand what climate change means for the United States. The recommendation also includes \$2,200,000 to continue chemical climate research important to climate modeling and atmospheric science research.

Weather and air quality research.—The conference agreement includes \$650,000 above the request for instrumentation and operation of state-of-the-art monitoring of nutrients and mercury speciation measurement stations and laboratories.

Ocean, Coastal and Great Lakes research.—The conferees encourage NOAA to conduct long-term ice cover and water level outlooks for the Great Lakes and to report on the impact of climate change on the habitats, fish and wildlife, commerce, recreational opportunities and water supply of the Great Lakes.

The conferees direct NOAA to provide a report on the potential of ocean fertilization for climate change mitigation to the House and Senate Committees on Appropriations within 60 days of enactment of this Act, and encourage NOAA to support further research, as appropriate, within funds provided.

Laboratories and cooperative institutes.—The conference agreement provides a total of \$26,340,000 for laboratories and cooperative institutes, of which \$4,500,000 is for the Northern Gulf Institute (NGI). The NGI is a cooperative institute that was solicited and competitively selected by NOAA to develop regional approaches to ecosystem management and research the interface between human, watershed, coast, ocean, and atmosphere continuums. The Gulf region is a significant contributor to the Nation's economy,

and NOAA's own data shows that the Gulf experiences the highest frequency of severe weather and is affected by more disasters than any other region. Therefore, the conferees expect NOAA to provide adequate base funding for this activity in future budget requests.

National Sea Grant College Program.—The conference agreement provides \$63,000,000, of which \$4,800,000 is for marine aquaculture research and \$2,000,000 is for aquatic invasive species research; both activities shall be coordinated by NOAA's Sea Grant office. The conferees recognize the important role the Sea Grant program plays in connecting coastal and Great Lakes communities with practical research and results, and encourage the growth of this program in future budget requests.

Ocean exploration.—The conference agreement funds the ocean exploration program and the national undersea research program separately, as they are two distinct authorizations in the Omnibus Public Lands Management Act (Public Law 111-11). The conferees provide \$3,000,000 in additional funding to support further ongoing operations in the Pacific and to advance exploration in the Indian Ocean.

**OCEANIC AND ATMOSPHERIC RESEARCH
OPERATIONS, RESEARCH AND FACILITIES**
(In thousands of dollars)

	Conference Recommendation
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Climate Research:	
Laboratories & Cooperative Institutes	54,848
Climate Data & Information	12,080
Competitive Research Program	144,199
Climate Operations	913
Regional Climate Assessments	9,000
Total, Climate Research	221,040
Weather & Air Quality Research Programs:	
Laboratories & Cooperative Institutes	55,075
U.S. Weather Research Program	5,500
Tornado Severe Storm Research/Phased Array Radar	3,972
Total, Weather & Air Quality Research	64,547
Ocean, Coastal & Great Lakes Research:	
Laboratories & Cooperative Institutes	21,840
National Sea Grant College Program	63,000
Ocean Exploration & Research	21,816
NOAA's Undersea Research Program	8,900
Total, Ocean, Coastal & Great Lakes Research	115,556
Info Tech, R&D, & Science Education	
High Performance Computing Initiatives	13,028
Congressionally Directed Projects	24,595
GRAND TOTAL OAR	438,766

National Oceanic and Atmospheric Administration
Operations, Research and Facilities
Office of Oceanic and Atmospheric Research
Congressionally-designated Items
(\$ in thousands)

Recipient	Project	Amount
Appalachian Mountain Club, Boston, MA	Climate Change and Air Pollutant Impacts to New Englands Rare Alpine Zone	350
Bowling Green State University, Bowling Green, OH	Monitoring of Lake Erie Water Quality with Remote Sensing	500
Eastern Michigan University, Ypsilanti, MI	Hyperspectral Remote Sensing and Science-Based Management of Invasive Species in the Detroit River International Wildlife Refuge	500
Embry-Riddle Aeronautical University, Daytona Beach, FL	Aviation and Hurricane Research Utilizing Unmanned Aerial Systems	300
Florida International University, Miami, FL	Observing, Modeling, and Visualizing Storm Surge Inundation	100
Florida State University, Tallahassee, FL	Center for the Study of Vapor Mercury in the Atmosphere	500
Idaho State University, Pocatello, ID	Boise Center Aerospace Laboratory Watershed Modeling Utilizing LIDAR	500
Mississippi State University, Starkville, MS	NOAA Northern Gulf Institute	4,500
Plymouth State University, Plymouth, NH	New England Weather Technology and Research Initiative	250
Redstone Arsenal, Huntsville, AL	Redstone UAS Development for Weather and Atmospheric Research	300
State University of New York, College of Environmental Science and Forestry, Syracuse, NY	Carbon Sequestration and Climate Change Models for NY State Forests	100
University of Maryland Baltimore County (UMBC); University of Maryland Center for Environmental Science (UMCES), Solomons and Baltimore, MD	Integrating Climate Change into the Restoration of the Chesapeake Bay and Watershed	3,000
University of Maryland, College Park, MD	Development of Earth System Information Delivery and Assessment	150
University of Massachusetts-Amherst, Amherst, MA	Climate System Research Center	495
University of Mississippi, Oxford, MS	National Institute for Undersea Science and Technology	5,000
University of Mississippi, Oxford, MS	National Sea Grant Law Center	750
University of New Hampshire, Durham, NH	AIRMAP at University of New Hampshire	500
University of Oklahoma, Norman, OK	National Weather Radar Testbed Phased Array Radar	2,000
University of Southern Mississippi, Hattiesburg, MS	Marine Aquaculture Lab Operations	3,700
University of Tennessee Space Institute, Tullahoma, TN	Atmospheric Science Research	1,000
University of Toledo, Toledo, OH	Lake Erie Hydrological & Climate Modeling	100

National Weather Service (NWS).—The conference agreement provides \$892,118,000 for National Weather Service operations, research and facilities. This includes the requested increase of \$10,000,000 to accelerate significantly the improvement of hurricane track and intensity forecasts and fully funds the request for the Center for Weather and Climate Prediction operations.

Aviation weather.—The conferees are concerned about the plans under consideration by the Federal Aviation Administration (FAA) and the NWS to restructure the way aviation weather services are provided at en route centers that require the consolidation of weather service offices. GAO's September 2009 report on this issue recommended that the Departments of Commerce and Transportation document baseline performance for several measures and take steps to address the significant challenges that FAA and NWS face to improve the current aviation weather structure. The conferees direct NWS to report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act on steps taken to implement GAO's recommendations and the consequences, if any, of plans to restructure aviation weather services.

National Centers for Environmental Prediction (NCEP).—The conferees encourage NCEP to continue to improve the performance of its computer modeling for weather, climate, hydrological and ocean prediction to ensure U.S. forecasting capabilities lead the world. The conferees encourage NCEP to draw fully upon the resources of the U.S. academic community to better implement emerging scientific and technological advances.

National mesonet program.—The conference agreement provides \$19,000,000 for continuation and expansion of the national mesonet program. Funds shall be allocated as follows: (1) \$8,000,000 to maintain data procurements from existing surface in situ mesonet observations, including those observations added as a result of the fiscal year 2009 expansion of the national mesonet program; (2) \$5,500,000 for competitive expansion of the national mesonet program to include integration of additional surface in situ observational data from existing networks, with 75 percent of the funds for data acquisition from urban and 25 percent from non-urban (rural, mountainous, and coastal) areas; (3) \$500,000 for the national mesonet program office for program oversight and data utilization initiatives; (4) \$3,500,000 for the continued development and expansion of the Mobile Platform Environment (MoPED) System pilot program to ensure that mobile platform environmental data is available to support efforts of the NWS and Meteorological Assimilation Data Ingest System (MADIS); and (5) \$1,000,000 for data validation tools for quality control and network monitoring and reliability, with up to \$500,000 of these funds for MADIS expansion. The conferees expect NOAA to include in its fiscal year 2011 budget a robust and expanded national mesonet program, as called for by the National Research Council. Further, the conferees note that NOAA was required to submit a plan 90 days after enactment of the fiscal year 2009 Omnibus Appropriations Act on implementation of the national mesonet program, a deadline with which the agency has not complied. The conferees expect this plan to be submitted within 30 days of the enactment of this Act.

National Weather Service.—The conferees direct that NOAA contract with the National Academy of Sciences to conduct an assessment of the now completed NWS modernization. During the 1980s and 1990s NOAA launched a major program to modernize the NWS, investing \$5,000,000,000 to modernize NWS technologies to advance weather forecasting. However, a complete assessment of the entire end-to-end NWS modernization enterprise has not been completed. The conferees require a report that not only addresses the past modernization, but also focuses on lessons learned to support future improvements to NWS capabilities. The report shall address high-impact weather and new science and technologies that allow for even better forecasts; the integration of new technologies and better models into NWS operations; and improving current partnerships with private industry, academia and other governmental agencies.

Williston radar.—The conferees remain concerned about the ability of the NWS to forecast weather adequately, especially snow events, without the Williston radar. NOAA is directed to continue operations and staffing at the Williston Radar Station until independent research substantiates that any other radars in the forecast area can provide coverage for all light and heavy weather activity in the region.

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

	<u>Conference Recommendation</u>
Observations, Forecasts, and Communications:	
Local Warnings and Forecasts:	
Local Warnings and Forecasts Base	617,842
Air Quality Forecasting	5,445
Alaska Data Buoys	1,683
Sustain Cooperative Observer Network	1,871
National Mesonet Network	19,000
NOAA Profiler Network	4,756
Pacific Island Compact	3,515
Strengthen U.S. Tsunami Warning Network	23,264
Subtotal, Local Warnings and Forecasts	<u>677,376</u>
Operations and Research:	
Advanced Hydrological Prediction Services	6,037
Aviation Weather	11,363
WFO Maintenance	7,316
Central Forecast Guidance	79,525
Subtotal, Operations and Research	<u>104,241</u>
Total, Observations, Forecasts, and Communications	<u><u>781,617</u></u>
Systems Operation & Maintenance:	
NEXRAD	46,121
ASOS	11,000
Weather Radio Transmitters and Communications	2,297
AWIPS	39,346
NWSSTG Backup - CIP	5,512
Total, Systems Operation & Maintenance	<u><u>104,276</u></u>
Congressionally Directed Projects	<u><u>6,225</u></u>
GRAND TOTAL NWS	<u><u>892,118</u></u>

National Oceanic and Atmospheric Administration
Operations, Research and Facilities
National Weather Service
Congressionally-designated Items
(\$ in thousands)

Recipient	Project	Amount
City of Hardy, Hardy, AR	Upper Spring River Flood Warning System	125
Delaware River Basin Commission, West Trenton, Delaware River Enhanced Flood Warning System NJ		200
Jackson State University, Jackson, MS	Regional Ensembling System for Atmospheric Dispersion Forecasting	1,000
Susquehanna River Basin Commission, Harrisburg, PA	Susquehanna Flood Forecast and Warning System	2,400
University of Hawaii and University of Mississippi, Honolulu, HI	Remote Infrasonic Monitoring of Natural Hazards	2,000
University of Miami, Miami, FL	Joint Center for Hurricane Research	500

National Environmental Satellite, Data and Information Service (NESDIS).—The conference agreement provides \$199,165,000 for NESDIS operations, research and facilities.

Data centers and information services.—The conference agreement provides \$67,255,000. This level includes \$10,000,000 for climate data records (CDRs) to ensure the availability of authoritative climate reference data upon which to base investments and strategic plans; and additional funding for environmental data archiving, access and assessment activities.

Regional climate centers (RCCs).—The conference agreement provides a total of \$4,350,000 for RCCs.

Scatterometer.—The conferees direct NOAA, together with NASA which is similarly directed, to continue co-funding joint studies within available funds that should lead to a fiscal year 2011 request to build and fly an operational scatterometer providing sea surface vector wind measurements. NOAA should aggressively pursue negotiations to secure a flight opportunity for this instrument that is both reliable and timely.

**NATIONAL ENVIRONMENTAL SATELLITE, DATA &
INFORMATION SERVICE
OPERATIONS, RESEARCH, AND FACILITIES**
(In thousands of dollars)

	Conference Recommendation
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Environmental Satellite Observing Systems:	
Satellite Command and Control Base	39,562
NSOF Operations	7,810
Product Processing and Distribution	32,698
Product Development, Readiness & Application	20,671
Ocean Remote Sensing	3,979
Joint Center/Accelerate Use of Satellites	3,320
Commercial Remote Sensing Licensing & Enforcement	1,301
Office of Space Commercialization	649
Group on Earth Observations (GEO)	500
Total, Environmental Satellite Observing Systems	110,490
Data Centers & Information Services:	
Climate Data Records and Archive, Access & Assessment	67,255
Coastal Data Development	4,559
Regional Climate Centers	3,500
Environmental Data Systems Modernization	9,511
Total, NOAA's Data Centers & Information Services	84,825
Congressionally Directed Projects	3,850
GRAND TOTAL NESDIS	199,165

646

National Oceanic and Atmospheric Administration
Operations, Research and Facilities
National Environmental Satellite Data and Information Service
Congressionally-designated Items
(\$ in thousands)

Recipient	Project	Amount
NOAA/Satellite, Honolulu, HI	Integrated Data and Environmental Applications (IDEA) Center	3,000
Southern Regional Climate Center, Baton Rouge, LA	NOAA Regional Climate Center program	850

Program support (PS).—The conference agreement provides \$455,970,000 for PS operations, research and facilities.

IT security.—The conference agreement provides \$7,000,000 for NOAA's new cyber security and email communications system. This system is needed to reduce NOAA's high vulnerability to cyber threat and to ensure that NOAA's observing and modeling systems provide high quality information for continuous public use. The conferees note that funds provided in fiscal year 2009 were diverted without notification and NOAA has not requested adequate funds for these critical efforts in the current request. The conferees direct the agency to provide a detailed spend plan for all IT expenditures within 30 days of enactment of this Act, including funds from all sources. In addition, the conferees expect that future budget requests will include descriptions of significant IT expenditures and appropriate request levels, and that NOAA will follow the reprogramming procedures outlined in section 505 of this Act, as appropriate.

NOAA education program.—The conferees strongly support NOAA's education programs to increase environmental and ocean literacy and the conference agreement includes \$38,523,000 to ensure a robust program. Within funding provided, \$12,000,000 is for competitive educational grants, of which \$8,000,000 is to increase the number of successful applications, and \$4,000,000 is to continue the ocean education initiative created in fiscal year 2009. NOAA is also encouraged to support informal education partnership efforts to use new online broadband and digital media technologies to improve STEM education related to weather, climate, the Great Lakes and the ocean.

GLOBE.—The conference agreement provides \$3,000,000 for the GLOBE Program. The conferees recognize NOAA's past role in GLOBE and direct NOAA to support the OSTP review of the program and to work cooperatively with NASA and NSF on this inter-agency program.

Marine operations.—The conference agreement provides \$120,125,000, which includes \$2,500,000 for purchase and installation of an integrated vessel electronics bridge system for any ships or boats within NOAA.

Justification improvement.—The conferees direct NOAA to work with the House and Senate Committees on Appropriations to reformat its justification into a more useable and user-friendly document, starting with the fiscal year 2011 submission. The conferees note the lack of funding transparency, justification for base programs, and other cross-cutting information, including the lack of personnel costs.

GAO report on management and administration costs.—The conferees note NOAA's inability to identify the costs of administering NOAA's programs and direct GAO to identify salaries and expenses within each line item of the NOAA budget and explain how agency, line office, and program management and administration costs are financed. The conferees expect that the report be completed within one year and that a preliminary report be prepared and presented to the House and Senate Committees on Appropriations by May 3, 2010.

Research and development (R&D) tracking and outcomes.—The conferees continue their direction that NOAA track the division of R&D funds between intramural and extramural research, and assure consistency and clarity in the collection and reporting of data. NOAA is directed to clearly state its expected research outcomes and available funding in order to provide transparency into the competitive grant process for extramural researchers. The conferees further direct NOAA to increase extramural research funding in future requests to build broad community support and leverage external funding for mission-oriented research.

Laboratories and cooperative institutes.—Within 60 days of enactment of this Act, NOAA is directed to provide the House and Senate Committees on Appropriations a report detailing the status of existing and expected regional cooperative institutes including current and planned funding and activities on a program by program basis. This report should make clear the programmatic origin of existing funding and contain an explanation of how NOAA expects to use these institutes in the future.

Commercial satellites.—The conferees direct NOAA to report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act on how the agency could benefit from acquiring space-based scientific data from commercial sources over the next three years, its plans to obtain such data, and an analysis of expected availability.

PROGRAM SUPPORT OPERATIONS, RESEARCH, AND FACILITIES

(In thousands of dollars)

	Conference Recommendation
Corporate Services:	
Under Secretary and Associate Offices Base	28,438
Facilities	30,346
NOAA Wide Corporate Services & Agency Management	115,561
Commerce Business System	10,171
IT Security	9,089
DOC Working Capital Fund	41,944
Total, Corporate Services	<u>235,549</u>
NOAA Education Program:	
Education Program / Initiative	2,000
Competitive Educational Grants	12,000
Educational Partnership Program/Minority Serving Institutions (EPPMSI)	14,323
GLOBE	3,000
BWET Regional Programs	7,200
Total, NOAA Education Program	<u>38,523</u>
Marine Operations & Maintenance:	
Marine Services	120,125
Fleet Planning and Maintenance	17,034
Aviation Services	29,509
Total, Marine Operations & Maintenance	<u>166,668</u>
Congressionally Directed Projects	<u>15,230</u>
GRAND TOTAL PS	<u>455,970</u>

National Oceanic and Atmospheric Administration
 Operations, Research and Facilities
 Program Support
 Congressionally-designated Items
 (\$ in thousands)

Recipient	Project	Amount
Blue Guardians, Philadelphia, PA	Coastal Environmental Education Outreach	500
Chesapeake Bay Environmental Center, Grasonville, MD	Chesapeake Bay Environmental Center	250
Great Lakes Science Center, Cleveland, OH	Great Lakes Water Project	250
JASON Project, Ashburn, VA	Science education through exploration	8,300
NOAA Chesapeake Bay Office, Annapolis, MD	Chesapeake Bay Interpretive Buoy System	500
NOAA Office of Education, Monterey, CA	California Bay Watershed Education and Training Program (B-WET)	2,500
NOAA Office of Education, Silver Spring, MD	Marine Education Program in Hawaii	1,750
San Jose State University, San Jose, CA	Training the Next Generation Weather Forecasters	180
Save the Bay, Providence, RI	Marine Education Program	1,000

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes a total program level of \$1,360,353,000 in direct obligations under this heading, of which \$1,358,353,000 is appropriated from the general fund and \$2,000,000 is derived from recoveries of prior year obligations.

The bill includes language making any deviation from amounts designated for specific activities in this report, or any use of deobligated balances of funds provided under this heading in previous years subject to the reprogramming procedures set forth in section 505.

National Ocean Service (NOS).—The recommendation includes \$36,890,000 for NOS acquisition and construction. This includes \$5,000,000 above the request for the coastal and estuarine land conservation (CELCP) program. As a result of the Omnibus Public Lands Act, no less than 15 percent of CELCP funds shall be available for acquisitions benefitting National Estuarine Research Reserves System (NERRS). The conference agreement funds the NERRS Acquisition and Construction account at the request of \$3,890,000, which provides a total of \$6,890,000 for NERRS.

Great Lakes restoration initiative.—The conferees understand that NOAA is expected to receive funding through the Environmental Protection Agency for the Great Lakes Restoration Initiative, including funds for land conservation projects. The conferees expect that this external funding will supplement, not replace, funding provided in this Act for CELCP projects, and the existence of this additional funding source shall not affect NOAA's consideration of proposals under the CELCP program.

National Environmental Satellite, Data and Information Service (NESDIS).—The recommendation includes \$1,199,357,000 for NESDIS acquisition and construction. The conference agreement reduces the total funding provided for satellite acquisition and construction in recognition of reduced requirements for GOES-R resulting from delays in awarding the ground system contract.

National Polar-orbiting Operational Environmental Satellite System (NPOESS).—The conferees are concerned that NPOESS' management structure, potential growth in the projected life-cycle cost of more than \$15,000,000,000, and repeated schedule delays portend an unacceptably high risk of weather and climate satellite observation gaps. Recognizing that this satellite program is critical to forecasting the Nation's weather, the conferees' recommendation fully funds the NPOESS budget request for 2010 based on current information. However, the budget request does not reflect the true need and the program's long-term projections for success remain in doubt. In fact, to date this experiment in combining disparate elements has been a horrendous and costly failure.

A recent independent review team tasked with assessing all aspects of the program found many overarching flaws, ultimately determining that NPOESS is a program with a low probability of success. A June 2009 GAO report found that the NPOESS Executive Committee responsible for overseeing the program lacks the membership and leadership needed to effectively and efficiently oversee and direct the program. The conferees note that this situa-

tion has been developing for some time and is the result of a dysfunctional tri-agency management approach.

Yet decisions made now—including delays or postponements of decisions—have long-term consequences for both the sustained robustness of the operational observing system and for the Nation's industrial capacity. Nothing short of an immediate and out-of-the-box solution will do. The program needs a cooperative solution that will take advantage of the strengths of the three agencies involved, sustain the integrated operations of the various satellites, and should not be based on financial projections that have proven to be consistently and abysmally unreliable.

NOAA is encouraged to request appropriate contingency funding to avoid delays and additional management and industrial policy challenges when programmatic funding is diverted to solve an imminent crisis. In addition, NOAA is encouraged to request funding for and to develop back up capabilities to ensure continuity of climatological observations. Accordingly, the conference agreement removes the 50/50 NOAA/DoD funding split requirement to allow for more creative funding decisions to avert the critical climate and weather gaps that are sure to occur if a management solution is not identified soon.

Changes to the overall management structure are also needed to bring the program back in line, which includes modifying existing relationships between NOAA, the Department of Defense, and the contractor and enlisting more help from an agency with real space acquisition experience, such as NASA. Furthermore, a clear line of authority embodied in a project manager with the ability to make timely and cost effective decisions and avoid further delays is crucial.

Finally, the conferees direct NESDIS to employ NASA cost analysis capabilities, and in consultation with the Office of the Secretary of Defense (OSD), Cost Analysis Improvement Group (CAIG), to perform an independent cost analysis of all programmatic and acquisition alternatives at the 80 percent confidence level, and to include management structure change options. The conferees direct NOAA to report these findings and recommendations to the House and Senate Committees on Appropriations along with all appropriate congressional oversight committees no later than January 4, 2010.

Comprehensive large array stewardship system (CLASS).—The conference agreement includes \$18,476,000 for CLASS. Of these funds, \$5,500,000 is for maintenance, operations, and implementation of enhancements from development activity, and \$12,976,000 is for contracted development, with project administration and oversight to be at NOAA's National Climatic Data Center.

NOAA Cooperative Institute and Research Center for Southeast Weather and Hydrology.—The conference agreement provides \$14,000,000 for the continued construction of a research facility and weather related instrumentation and equipment to address the impact of severe weather in the Southeast.

The conference agreement provides funding for congressionally-designated activities listed within the obligation table for the PAC appropriation and directs NOAA to refrain from charging adminis-

trative costs to these grants. The conferees expect that NOAA will provide appropriate management and oversight of each grant.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(In thousands of dollars)

	Conference Recommendation
National Ocean Service:	
Coastal and Estuarine Land Protection Program	20,000
National Estuarine Research Reserve Construction & Land Acquisition	3,890
Marine Sanctuaries Construction/Acquisition	13,000
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Total, National Ocean Service - PAC	<u>36,890</u>
Oceanic and Atmospheric Research:	
Research Supercomputing/CCRI	10,379
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Total, Oceanic and Atmospheric Research - PAC	<u>10,379</u>
National Weather Service:	
Systems Acquisition:	
ASOS	1,635
AWIPS	24,000
NEXRAD	7,976
NWSTG Legacy Replacement	1,195
Radiosonde Network Replacement	4,014
Weather and Climate Supercomputing	29,169
Cooperative Observer Network Modernization (NERON)	3,734
Complete and Sustain NOAA Weather Radio	11,000
NOAA Profiler Network	7,500
Subtotal, NWS Systems Acquisition	<u>90,223</u>
Construction:	
WFO Construction	3,504
Subtotal, NWS Construction	<u>3,504</u>
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Total, National Weather Service - PAC	<u>93,727</u>
NESDIS:	
Systems Acquisition & Construction:	
Geostationary Systems - N	57,601
Geostationary Systems - R	667,500
Polar Orbiting Systems - POES	43,135
Polar Orbiting Systems - NPOESS	382,200
Jason - 3	20,000
EOS & Advanced Polar Data Processing, Distribution & Archiving Systems	990
CIP - single point of failure	2,772
Comprehensive Large Array Data Stewardship System (CLASS)	18,476
NPOESS Preparatory Data Exploration	4,455
Satellite CDA Facility	2,228
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Total, NESDIS - PAC	<u>1,199,357</u>
Program Support:	
OMA0 Fleet Replacement:	
Temporary Berthing for HENRY B. BIGELOW	1,000
Ship Acquisition, Conversion & Maintenance	1,000
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Total, Program Support - PAC	<u>2,000</u>
Congressionally Directed Projects	<u>18,000</u>
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GRAND TOTAL PAC	1,360,353

National Oceanic and Atmospheric Administration
Operations, Research and Facilities
Procurement, Acquisition and Construction
Congressionally-designated Items
(\$ in thousands)

Recipient	Project	Amount
Great Bay Resource Protection Partnership, Portsmouth, NH	Great Bay Land Acquisition	3,000
Thunder Bay, Alpena, MI	Thunder Bay National Marine Sanctuary - Phase II	1,000
University of Alabama, Tuscaloosa, AL	Cooperative Institute and Research Center for Southeast Weather and Hydrology	14,000

PACIFIC COASTAL SALMON RECOVERY

The conference agreement includes \$80,000,000 for Pacific Coastal Salmon Recovery.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes language transferring not to exceed \$3,000,000 from the Coastal Zone Management Fund to the “Operations, Research, and Facilities Account.”

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement includes language under this heading limiting obligations of direct loans to \$16,000,000 for Individual Fishing Quota loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides \$58,000,000 for Departmental Management.

Climate change.—The conferees are concerned that local and regional governments and the private sector of the United States make wise and timely investments to adapt to climate changes that will occur based on continuing growth in the amounts of atmospheric greenhouse gases. The conferees direct the Secretary of Commerce to develop a plan for how the needs of the private sector and local and State governments, as users of specific and tailored climate forecasts, will be addressed by new investments in climate services funded in this Act, and how a National Climate Service could incorporate the needs for such forecasts, if established. This plan is to be reported to the House and Senate Committees on Appropriations by April 1, 2010.

Minority serving institutions digital and wireless opportunity program.—Not later than 60 days after enactment of this Act, the Secretary of Commerce shall submit to the House and Senate Committees on Appropriations a report describing the Department’s plans to support and assist minority serving institutions (MSI) in improving their instrumentation, connectivity, hardware and software for instructional and research purposes as contemplated by the amendments to the Stevenson-Wydler Technology Innovation Act of 1980. The conferees also encourage the Secretary to work with the MSI national stakeholder organizations in developing such strategies.

Justification improvement.—The conferees direct the Department to work with the House and Senate Committees on Appropriations to reformat all Commerce justifications into more useable and user-friendly documents, starting with the fiscal year 2011 submission.

Departmental oversight.—The conferees direct the Department to develop oversight capacity of the USPTO, and to track fee collections and other pertinent policy and economic impacts, to avoid budgetary shortfalls, and ensure that the Department and the