



# Commerce, Justice, Science and Related Agencies: FY2009 Appropriations

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## Summary

This report provides an overview of actions taken by Congress to provide FY2009 appropriations for Commerce, Justice, Science, and Related Agencies (CJS). On March 11, 2009, President Obama signed into law the Omnibus Appropriations Act, 2009 (P.L. 111-8). In the Omnibus, Congress appropriated \$60.538 billion for CJS agencies. This amount was \$4.578 billion more than the FY2008 enacted level (an 8.2% increase) and \$3.488 billion more than the amended FY2009 request (a 6.1% increase). The Omnibus included \$9.268 billion for the Department of Commerce, \$26.120 billion for the Department of Justice, \$24.278 billion for science agencies, and \$872 million for related agencies.

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA; P.L. 111-5). In the ARRA, Congress appropriated \$15.922 billion for CJS agencies. Among other amounts, the act provided \$1.000 billion for the Census Bureau, \$5.350 billion for the National Telecommunications and Information Administration, \$580 million for the National Institute of Standards and Technology, \$830 million for the National Oceanic and Atmospheric Agency, \$4.002 billion for state and local law enforcement assistance, \$1.002 billion for the National Aeronautics and Space Administration (NASA), and \$3.004 billion for the National Science Foundation (NSF).

On September 30, 2008, then-President Bush signed a continuing resolution (CR) (P.L. 110-329) that funded most CJS agencies at their FY2008 levels through March 6, 2009. Under this act, several CJS agencies were funded at rates above their FY2008 levels. For example, the Census Bureau was funded at a rate that would have equaled a full-year FY2009 appropriation of \$3.109 billion—more than double the amount provided for FY2008. This act also included FY2008 supplemental funding for several CJS accounts. On March 6, 2009, President Obama extended this CR through March 11, 2009, signing another resolution into law (P.L. 111-6; H.J.Res. 38).

On June 20, 2008, then-President Bush signed into law the Supplemental Appropriations Act, 2008 (P.L. 110-252; H.R. 2642). In this act, Congress appropriated \$210.0 million for the Census Bureau, \$449.0 million for Justice, and \$62.5 million for NASA, and \$62.5 million for the NSF.

While the House and Senate Appropriations Committee reported FY2009 CJS appropriations bills (H.R. 7322 and S. 3182), the 110<sup>th</sup> Congress did not consider these bills further. Nevertheless, the House bill would have provided \$59.657 billion for CJS departments and agencies, the Senate bill, \$60.724 billion. For FY2009, the Administration initially requested \$56.563 billion for CJS agencies, but later amended its request several times, increasing it to \$57.050 billion. For Commerce, the FY2009 request initially included \$8.217 billion, but the amended request included almost \$546.0 million more for the 2010 Census that was to be offset by reducing, canceling, or shifting other amounts for Commerce and certain other entities. The amended FY2009 request included \$8.664 billion for Commerce, \$23.128 billion for Justice, \$24.474 billion for science, and \$784 million for related agencies. The amended FY2009 request was nearly 1.9% less than the amount (\$55.960 billion) appropriated by Congress for CJS departments and agencies for FY2008. This report will not be updated.

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## Overview of FY2009 CJS Appropriations, Including FY2008 Supplemental and Economic Stimulus Funding

The 111<sup>th</sup> Congress passed economic stimulus and omnibus legislation providing funding for Commerce, Justice, Science, and related Agencies (CJS) for both FY2008 and FY2009. In the 110<sup>th</sup> Congress, neither the House nor Senate considered the FY2009 spending measures reported by the Appropriations Committees. Congress passed two continuing resolutions that funded most CJS departments and agencies at their FY2008 enacted levels until work on a permanent FY2009 appropriations measure could be enacted. The 111<sup>th</sup> Congress also passed legislation that provided CJS departments and agencies with FY2008 supplemental funding.

### FY2009 Omnibus

On March 11, 2009, President Barrack Obama signed into law the Omnibus Appropriations Act, 2009 (P.L. 111-8). The House passed the Omnibus (H.R. 1105) on February 25 and the Senate on March 10, 2009. As **Table 1** shows, Congress appropriated \$60.538 billion for CJS departments and agencies in this act. This amount was \$4.578 billion more than the FY2008 enacted level (an 8.2% increase) and \$3.488 billion more than the amended FY2009 request (a 6.1% increase). The FY2009 enacted amount was 1.5% greater than the House Appropriations Committee recommendation, but 0.3% less than the Senate Appropriations Committee recommendation.

**Table 1. CJS Appropriations,  
FY2008 Enacted, FY2009 Proposed, and FY2009 Enacted**  
(budget authority in millions of dollars)

Departments and Related Agencies	FY2008 Enacted <sup>a</sup>	FY2009 Request <sup>b</sup>	House-Reported	Senate-Reported	FY2009 Enacted
Department of Commerce	7,658.5	8,664.8 <sup>b</sup>	8,706.9	9,402.4	9,267.5
Department of Justice	23,958.3	23,127.9 <sup>c</sup>	25,438.8	25,778.6	26,120.2
Science Agencies	23,534.6	24,473.6	24,628.4	24,673.3	24,278.1
Related Agencies	808.8	784.0	883.1	869.4	872.4
<b>Total</b>	<b>55,960.1</b>	<b>57,050.3</b>	<b>59,657.1</b>	<b>60,723.6</b>	<b>60,538.2</b>

**Source:** U.S. Congress, House Committee on Appropriations, *Omnibus Appropriations Act, 2009*, committee print, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 2009, Book 1 of 2 – Divisions A-E (Washington: GPO, 2009), pp. 548-552.

**Note:** Amounts may not add to totals due to rounding.

- a. The Consolidated Appropriations Act, 2008 (P.L. 110-161) included \$285.5 million in emergency funding for Department of Justice (DOJ) for FY2008. The Supplemental Appropriations Act, 2008 (P.L. 110-252) included \$800.4 million in emergency funding for Department of Commerce (DOC), DOJ, and science agencies. In addition, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) included \$522.0 million in FY2008 emergency, supplemental funding for DOC and National Aeronautics and Space Administration (NASA).
- b. On June 9, 2008, the Office of Management and Budget (OMB) submitted to Congress an FY2009 budget amendment that substantially changed the amount requested for the DOC, by shifting amounts in certain accounts, and increasing the total request for that department by \$445.3 million. In addition, on August 1,

2008, OMB submitted to Congress an FY2009 budget amendment that included a request for another \$3.0 million for the National Oceanic and Atmospheric Administration (NOAA).

- c. On May 2, 2008, the Office of Management and Budget submitted an FY2009 budget amendment that included an additional \$39.1 million for the Federal Bureau of Investigation.

For Commerce, the Omnibus included \$9.268 billion. This amount was \$1.609 billion more than the FY2008 enacted level (a 21% increase) and \$602.8 million more than the amended FY2009 request (a 7% increase). The Census Bureau appropriation more than doubled, from \$1.440 billion to \$3.140 billion (an 118% increase), matching the Administration's amended request. In addition, Congress appropriated another \$1 billion for the Bureau in economic stimulus legislation (P.L. 111-5) described below. The Economic Development Agency (EDA) appropriation was reduced from \$779.9 million to \$272.8 million (a 65% decrease), but the FY2008 enacted level included \$400.0 million in supplemental funding (P.L. 110-329) and another \$150 million for FY2009 in the economic stimulus legislation (P.L. 111-5) described below.<sup>1</sup>

For Justice, the Omnibus included \$26.120 billion. This amount was \$2.162 billion more than the FY2008 enacted level (a 9% increase) and \$2.992 billion more than the amended FY2009 request (a 12.9% increase). Appropriations for state and local law enforcement assistance, which include the Office on Violence Against Women (OVW), Office of Justice Programs (OJP), and Community Oriented Policing Services (COPS), were \$495 million more than the FY2008 enacted level (an 18.5% increase) and \$2.104 billion more than the FY2009 request (an 196.2% increase). In addition, the economic stimulus legislation (P.L. 111-5) provided another \$4.000 billion for state and local law enforcement assistance (described below). Compared to the FY2008 enacted levels, appropriations were also increased for

- General Administration to \$370.8 million (a 43.9% increase),
- the U.S. Attorneys to \$1.836 billion (a 4.3% increase),
- the U.S. Marshals to \$954 million (a 6.6% increase),
- the National Security Division to \$83.8 million (a 14.2% increase),
- the Federal Bureau of Investigation (FBI) to \$7.301 billion (a 7.9% increase),
- the Drug Enforcement Agency (DEA) to \$1.939 billion (a 2.7% increase),
- the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to \$1.54 billion (a 4.2% increase), and
- the Bureau of Prisons to \$6.173 billion (a 10% increase).

For science agencies, the Omnibus included \$24.278 billion. This amount was \$743.5 million more than the FY2008 enacted level (a 3.2% increase) and \$195.5 million less than the amended FY2009 request (a 0.8% decrease). The FY2009 appropriation included \$17.782 billion for the National Aeronautics and Space Administration (NASA), \$6.490 billion for the National Science Foundation (NSF), and \$5.3 million of the Office of Science and Technology Policy (OSTP).

For related agencies, the Omnibus included \$872.4 million. This amount was \$63.6 million more than the FY2008 enacted level (a 7.9% increase) and \$88.4 million more than the FY2009 request

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<sup>1</sup> By comparison the enacted FY2007 appropriation for the Economic Development Agency was \$280.6 million.

(an 11.3% increase). Among other amounts, the FY2009 appropriation for related agencies included \$343.9 million for the Equal Employment Opportunities Commission (EEOC), a 4.4% increase compared to the FY2008 enacted level, and \$390.0 million for the Legal Services Corporation (LSC), an 11.3% increase.

## **Economic Stimulus**

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). The House and Senate passed the conference report on this economic stimulus legislation (H.R. 1; H.Rept. 111-16) on February 13, 2009. The amounts appropriated by Congress in the Stimulus act are in addition to the amounts appropriated in the Omnibus Appropriations Act, 2009 (P.L. 111-8) (described above). In this act, Congress appropriated \$15.922 billion for CJS departments and agencies. For Commerce, the act provided \$7.916 billion, including the following amounts:

- \$150.0 million of the EDA,
- \$1.000 billion for the Census Bureau,
- \$5.350 billion for the National Telecommunications and Information Administration (NTIA),
- \$580.0 million for the National Institute of Standards and Technology (NIST),
- \$830.0 million for the National Oceanic and Atmospheric Agency (NOAA), and
- \$6.0 million for the DOC Office of Inspector General (OIG).

For Justice, the act provided \$4.002 billion for the department and state and local law enforcement assistance, including the following amounts:

- \$225.0 million for the Office on Violence Against Women,
- \$2.765 billion for OJP state and local law enforcement assistance,
- \$1.000 billion for Community Oriented Policing Services (COPS),
- \$10.0 million for OJP and COPS management and administration,
- and \$2.0 million for the DOJ OIG.

For science agencies, the act provided \$4.004 billion, including \$1.002 billion for NASA and \$3.004 billion for the National Science Foundation (NSF).

## **FY2009 Continuing Resolutions**

Congress passed a continuing resolution (CR) (H.R. 2638) to fund those departments and agencies, including those funded under the CJS appropriations bill for which a full-year appropriation had not been passed by the end of FY2008. On September 30, 2008, then-President George W. Bush signed into law the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329; H.R. 2638) on September 30, 2008. This law included a CR that funded most CJS and related agencies at their FY2008 levels through March 6, 2009. As described below, this act also included FY2008 supplemental funding for EDA, NOAA, and



NASA. On March 6, 2009, President Obama extended this CR through March 11, 2009, by signing a another resolution into law (P.L. 111-6; H.J.Res. 38).

For several accounts, however, the CR included funding at levels above those appropriated for FY2008. For example, the CR funded the Census Bureau through March 6, 2009 (then March 11, 2009), at a rate that would have equaled a full-year FY2009 appropriation of \$3.109 billion. By comparison, Congress appropriated \$1.440 billion for the Bureau for FY2008 (including a \$210.0 million supplemental appropriation).

The CR funded the Federal Prison System at a rate of \$5.397 billion, the Detention Trustee at \$1.246 billion, and DOJ Legal Activities at \$3.390 billion. The CR required that about a third of the funding provided for Legal Activities be transferred to the Office of Personnel Management for costs associated with the federal observer program authorized under the Voting Rights Act of 1965. Finally, for most agencies, the CR stipulated that FY2008 emergency funding would not be regarded in calculating FY2009 funding levels, except for certain agencies, which included the Federal Bureau of Investigation (FBI).

P.L. 110-329 also included FY2008 supplemental emergency funding for three CJS-related accounts for relief and recovery from recent hurricanes and other natural disasters, even though the bill was enacted on the last day of FY2008. The act provided \$400.0 million for EDA to provide disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Other amounts were provided for NOAA (\$92.0 million) and NASA (\$30.0 million). For FY2009, the NASA provision also allowed the Administration to maintain its current seven decision unit budget structure rather than reverting to its previous budget structure of three units.

## **FY2008 Supplemental**

On June 20, 2008, then-President Bush signed into law the Supplemental Appropriations Act, 2008 (P.L. 110-252; H.R. 2642).<sup>2</sup> This bill was cleared by House and Senate on June 19 and 26, 2009, respectively, following an exchange of amendments that resolved differences (principally related to domestic spending) in previous House- and Senate-passed versions of this bill. For DOJ, the Administration had requested \$185.8 million for DOJ in FY2008 supplemental funding for counterterrorism-related activities and programs. In this supplemental appropriations act, Congress provided the Census Bureau with \$210.0 million, DOJ with \$449.0 million, NASA with \$62.5 million, and NSF with \$62.5 million.

## **Amended FY2009 Budget Request**

Just prior to House and Senate CJS appropriations subcommittee markups, the Bush Administration submitted an FY2009 budget amendment to its FY2009 budget request for the DOC on June 9, 2008. This amendment addressed difficulties associated with the 2010 Decennial Census that had been encountered by the Census Bureau, by requesting an additional \$546.0 million for the 2010 Census that was partly offset by \$111.0 million in reductions in other DOC programs and by shifts in other amounts within the Census Bureau account. In addition, the

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<sup>2</sup> For further information, see CRS Report RL34451, *FY2008 Spring Supplemental Appropriations and FY2009 Bridge Appropriations for Military Operations, International Affairs, and Other Purposes (P.L. 110-252)*, by (name redacted) et al.

Administration submitted two other CJS-related FY2009 budget amendments. On May 2, 2008, the Administration requested an additional \$39.1 million for the FBI. On August 1, 2008, the Administration requested an additional \$3.0 million for NOAA.

As **Table 1** shows, the Administration's amended request for those departments and agencies funded through the CJS appropriation totaled \$57.050 billion, an amount that was \$1.090 billion over the amount finally appropriated for FY2008 (a 1.9% increase). As described above, Congress also appropriated \$1.322 billion in FY2008 supplemental emergency funding for CJS departments and agencies in P.L. 110-329 and P.L. 110-252.

## **FY2009 House-Reported Bill**

As the House CJS appropriations subcommittee chair, Representative Alan Mollohan observed that the Administration's June 9, 2008, budget amendment was submitted too late for the subcommittee to consider it before the scheduled June 12, 2008, markup and approval of an FY2009 spending measure. The House Appropriations Committee approved a draft bill on June 25, 2008; however, this bill was not filed and reported until December 10, 2008 (H.R. 7322; H.Rept. 110-919). The House-reported bill would have provided CJS departments and agencies with \$59.657 billion, including \$8.707 billion for Commerce, \$25.439 billion for Justice, \$24.628 billion for science agencies, and \$883 million for related agencies.

## **FY2009 Senate-Reported Bill**

Like her House counterpart, the Senate CJS appropriations subcommittee chair, Senator Barbara Mikulski, did not consider the Administration's June 9, 2008, budget amendment timely enough for the subcommittee to consider during the June 18, 2008, markup and approval of an FY2009 spending measure. The Senate Appropriations Committee reported an FY2008 CJS appropriations bill (S. 3182; S.Rept. 110-397) on June 29, 2008. The Senate-reported bill would have provided CJS departments and agencies with \$60.724 billion, including \$9.402 billion for Commerce, \$25.779 billion for Justice, \$24.673 billion for science agencies, and \$869 million for related agencies.

## **Initial FY2009 Request (Without Amendments)**

The Administration's original FY2009 request included \$56.563 billion (without amendments) for those departments and agencies funded through the CJS appropriation, or \$1.926 billion more than the enacted FY2008 appropriation of \$54.637 billion (a 3.5% increase) (excluding emergency supplemental funding). For Commerce, the FY2009 request initially included \$8.217 billion, or \$1.360 billion more than the enacted FY2008 level (a 19.8% increase). This increase included an additional \$1.374 billion for Bureau of the Census, but also included decreases of \$147.1 million (-52.6%) for the EDA and \$17.1 million (-47.1%) for the NTIA.

For Justice, the FY2009 budget request included \$23.089 billion, or \$502.8 million less than the enacted FY2008 level (a 2.1% decrease). This decrease largely reflected proposed reductions in state and local law enforcement assistance. The FY2009 request, for example, included \$792.7 million for the OJP, or nearly \$1.489 billion less than the FY2008 enacted level of \$2.282 billion (a 65.3% decrease). And, the FY2009 request included \$280.0 million for the OVW, or a proposed reduction of \$120.0 million less than the FY2008 enacted level of \$400.0 million (a

30% decrease). Conversely, the FY2009 request included new funding of \$492.7 million for national security investigations, \$100.0 million for a Southwest border crime fighting initiative, and \$67.1 million to support essential federal detention and incarceration programs.

For science agencies, the FY2009 request included \$24.474 billion, or \$1.094 billion more than the enacted FY2008 level (a 4.7% increase). Among other things, the FY2009 request included \$396.8 million for the NSF and the National Nanotechnology Initiative.

For related agencies, the FY2009 request included \$784.0 million, or nearly \$24.8 million less than the enacted FY2008 level (a 3.1% decrease). The LSC would have absorbed the bulk of this decrease, as the FY2009 budget request for the corporation only included \$311.0 million, a reduction of \$39.5 million, as compared to the corporation's enacted FY2008 appropriation (an 11.3% decrease).

## FY2008 CJS Appropriations

On December 26, 2007, the President signed into law the Consolidated Appropriations Act, 2008 (H.R. 2764) into law (P.L. 110-161). This act included the FY2008 CJS appropriations bill, as well as 10 other appropriations bills, in addition to emergency military funding for Iraq and Afghanistan. Congressional leaders opted to use the Department of State, Foreign Operations, and Related Appropriations bill, 2008 (H.R. 2764) as the legislative vehicle for the FY2008 omnibus spending measure. In this measure, Congress appropriated \$54.637 billion for the federal departments, bureaus, agencies, administrations, offices and activities funded under the CJS appropriations bill in P.L. 110-161. Congress had previously passed continuing resolutions to fund those departments and agencies in the absence of the regular FY2008 CJS appropriation.<sup>3</sup> As described above, Congress also appropriated FY2008 supplemental funding in P.L. 110-252 and P.L. 110-329.

## Funding Trends, FY2002-FY2008

**Table 2** shows CJS appropriations over a seven year period FY2002-FY2008, including supplemental appropriations. Funding for the Department of Commerce increased by 14.1% from FY2002 through FY2005. Due to rescissions, it decreased by 1.9% for FY2006, but when compared to the previous year increased by 3.1% for FY2007 and 15.6% for FY2008.

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<sup>3</sup> For further information, see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by (name redacted).

**Table 2. Funding Trends for CJS Departments and Agencies,  
FY2002-FY2008**

(final enacted budget authority in millions of dollars)

Department/Agencies	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008
Department of Commerce	5,739	5,796	5,943	6,550	6,426	6,625	7,659
Department of Justice	23,707	19,648	19,850	21,000	21,404	23,210	23,958
Science Agencies	19,710	20,600	20,960	21,676	22,833	22,207	23,535
Related Agencies	739	753	778	781	782	801	808
<b>Total</b>	<b>49,895</b>	<b>46,681</b>	<b>47,584</b>	<b>50,201</b>	<b>51,499</b>	<b>52,931</b>	<b>55,960</b>

**Sources:** Funding totals for the Department of Commerce, Department of Justice, and Science Agencies provided by the U.S. House of Representatives, Committee on Appropriations. Funding totals for related agencies compiled by CRS from the *Appendixes to the Budgets for the United States Government for FY2003-FY2009*.

**Note:** Amounts may not add to totals due to rounding.

Funding for the Department of Justice decreased by 17.1% from FY2002 to FY2003. This one-year decrease largely reflects the transfer of the former Immigration and Naturalization Service to the Department of Homeland Security. Since then, Justice funding has increased by 21.9% from FY2003 to FY2008.

Funding for the science agencies gradually increased by 15.8% from FY2002 to FY2006, decreased by 2.7% for FY2007 and increased by 5.6% for FY2008. Funding for related agencies increased by 9.5% from FY2002 to FY2008. Total funding for all departments and agencies currently under the CJS appropriations bill decreased by 6.4% from FY2002 to FY2003, but it has increased from FY2003 to FY2008 by 19.9%.

## Survey of Selected Issues

### Department of Commerce

For the Department of Commerce (DOC), the Administration's original budget did not anticipate some problems which later emerged with the equipment for the 2010 Decennial Census. Consequently, on June 9, 2008, the Administration submitted a revised Department of Commerce budget that addressed the Census Bureau's equipment problems and adjusted funding in other DOC accounts. Another key issue included export promotion and funding for Commerce trade and technology programs, as the deficit in the U.S. current account has nearly doubled from \$98.8 billion in January 2000 to \$183.1 billion in second quarter 2007.<sup>4</sup> In addition, the anniversary of hurricanes Katrina and Rita also drew attention to the Department's weather and ocean-stewardship programs.

<sup>4</sup> Second quarter 2008 data was released by the Bureau of Economic Analysis on September 17, 2008. A current account deficit is a measure of the U.S. position in international financial flows. It includes the combined balances on trade in goods and services, income, and net unilateral current transfers. A current account deficit means that the United States is a net borrower.

Other issues could have included the following:

- implementation of the American Competitiveness Initiative, announced in February 2006, that called for the provision of \$50 billion for research and another \$86 billion in tax incentives over 10 years across several Commerce and related agencies accounts, to increase U.S. leadership in technological research, development, and education;
- the ability of U.S. trade agencies and the U.S. Patent and Trademark Office to fight intellectual property infringement abroad;
- proposed increases in funds for Economic and Statistics Administration to revise the measure of the health sector in gross domestic product (GDP);
- the efficacy of U.S. trade agency enforcement of U.S. trade remedy laws against unfair foreign competition;
- proposed consolidation of activities currently funded under the Economic Development Administration's Public Works, Technical Assistance, Research and Evaluation, Economic Adjustment Assistance and Defense Economic Adjustment Assistance programs under a Regional Development Administration (RDA);
- implementation of the Technology Innovation Program at the National Institute of Standards and Technology, which replaced the Advanced Technology Program, given the Administration's budget request included no funding for the effort;
- continuation of federal funding for the Manufacturing Extension Partnership at the National Institute of Standards and Technology given the Administration's budget proposal that recommended termination of federal support for this program;
- addressing aging equipment serving the National Oceanic and Atmospheric Administration's (NOAA) technical missions; and
- funding levels for NOAA's satellite programs, ocean and coastal research-related projects, and tsunami research systems.

## **Department of Justice**

During consideration of the Administration's FY2009 budget request, several issues had been brought to Congress' attention that have had implications for the appropriations process. Those issues included the following:

- continuing oversight of the FBI's transformation and the redirection of a larger share of its resources towards combating domestic and international terrorism, and away from traditional crime;
- rising crime rates in medium-size and smaller cities (in 2006 as compared to 2005, cities with populations of 100,000 to 249,999 reported a 2.3% increase in the reported number of violent crime; and cities with populations of 50,000 to 99,999, 25,000 to 49,999, and 10,000 to 24,999 reported violent crime increases of 3.5%, 3.8%, and 2.8%, respectively);

- proposed consolidation of the existing 38 federal law enforcement assistance programs into four “competitive” grant programs and a reduction in such assistance to \$589.0 million for FY2009 (\$1.422 billion less than the amount appropriated by Congress for FY2008, or a 70.7% decrease);
- proposed consolidation of Office on Violence Against Women programs into a single “competitive” grant program, and a reduction in that Office’s budget to \$280.0 million for FY2009 (30% decrease as compared to the FY2008 appropriation);
- proposed \$100.0 million Southwest Border Enforcement Initiative that would increase resources to bolster DOJ’s efforts to combat illegal immigration, drug trafficking, and firearms smuggling across the Southwest border between the United States and Mexico in the Administration’s FY2009 budget request;
- FY2008 budget shortfall for the Bureau of Prisons (BOP) in light of projections that its facilities could have been 39% over capacity in 2008 and could be 42% over capacity in 2009;<sup>5</sup> and
- proposed elimination of a prisoner reentry initiative under the Administration’s FY2009 grant consolidation plan, when an estimated 650,000 offenders are being released from prison annually.<sup>6</sup>

## Science Agencies

As the United States works to remain competitive in the global world economy, key science issues included

- providing funding for the America COMPETES Act (P.L. 110-69), a law that authorizes increases in the nation’s investment in science and engineering research at the NSF, National Institute of Standards Technology laboratories, and Department of Energy (DOE) Office of Science and science, technology, engineering, and mathematics (STEM) education programs at NSF, DOE, and the Department of Education,<sup>7</sup> and the American Competitiveness Initiative (ACI), which responds to similar concerns (the White House’s Office of Science and Technology Policy reports that the FY2009 budget request includes funding for America COMPETES Act initiatives at 88% of the FY2009 authorization level);<sup>8</sup>
- funding NASA budget priorities that are driven by the President’s Vision for Space Exploration, which were endorsed by Congress in the NASA

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<sup>5</sup> U.S. Department of Justice, Bureau of Prisons, *Quick Facts About the Bureau of Prisons*, available online at <http://www.bop.gov/news/quick.jsp>.

<sup>6</sup> U.S. Department of Justice, Office of Justice Programs, “Learn About Reentry,” available at <http://www.reentry.gov/learn.html>.

<sup>7</sup> For more information, see CRS Report RL34396, *The America COMPETES Act and the FY2009 Budget*, by (name redacted), and CRS Report RL34328, *America COMPETES Act: Programs, Funding, and Selected Issues*, by (name redacted).

<sup>8</sup> Testimony of Dr. John Marburger, III, Director, White House Office of Science and Technology Policy, House Committee on Science and Technology, Funding for the America COMPETES Act in the FY2009 Administration Budget Request, hearing, 110<sup>th</sup> Congress, 2<sup>nd</sup> session, February 14, 2008, available at [http://democrats.science.house.gov/Media/File/Commdocs/hearings/2008/Full/14feb/Marburger\\_Testimony.pdf](http://democrats.science.house.gov/Media/File/Commdocs/hearings/2008/Full/14feb/Marburger_Testimony.pdf).

Authorization Act of 2005 (P.L. 109-155), and include goals like returning the space shuttle to flight status (already accomplished), then retiring it by 2010; completing the International Space Station (ISS), but discontinuing U.S. use of it by 2017; returning humans to the moon by 2020; and sending humans to Mars and “worlds beyond;” and

- funding for the NSF’s work under the National Nanotechnology Initiative directed at understanding and exploiting the unique properties of matter that can emerge at the nanoscale, including fabrication of new materials and devices as well as related environmental, health, and safety concerns (\$396.8 million in the FY2009 request).<sup>9</sup>

## Related Agencies

For related agencies, a key issue for Congress was whether to fund the Legal Services Corporation’s FY2009 budget at \$311.0 million as requested by the Administration, a reduction of \$39.5 million as compared to the FY2008 enacted level of funding.

## Department of Commerce<sup>10</sup>

The origin of the Department of Commerce dates to 1903 with the establishment of the Department of Commerce and Labor (32 Stat. 825). The separate Department of Commerce was established on March 4, 1913 (37 Stat. 7365; 15 U.S.C. 1501). The department’s responsibilities are numerous and quite varied, but its activities center on five basic missions: (1) promoting the development of U.S. business and increasing foreign trade; (2) improving the nation’s technological competitiveness; (3) encouraging economic development; (4) fostering environmental stewardship and assessment; and (5) compiling, analyzing, and disseminating statistical information on the U.S. economy and population.

The following agencies within the Commerce Department carry out these missions:

- *International Trade Administration (ITA)* seeks to develop the export potential of U.S. firms and to improve the trade performance of U.S. industry;
- *Bureau of Industry and Security (BIS)*, formerly the Bureau of Export Administration, enforces U.S. export laws consistent with national security, foreign policy, and short-supply objectives;
- *Economic Development Administration (EDA)* provides grants for economic development projects in economically distressed communities and regions;
- *Minority Business Development Agency (MBDA)* seeks to promote private and public sector investment in minority businesses;
- *Economic and Statistics Administration (ESA)*, excluding the Census Bureau, provides (1) timely information on the state of the economy through preparation, development, and interpretation of economic data; and (2) analytical support to

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<sup>9</sup> For further information, see CRS Report RL34511, *Nanotechnology: A Policy Primer*, by (name redacted)

<sup>10</sup> This section was coordinated by Oscar Gonzales and (name redacted), CRS Government and Finance Division.

department officials in meeting their policy responsibilities. Much of this analysis is conducted by the Bureau of Economic Analysis (BEA);

- *United States Census Bureau*, a component of ESA, collects, compiles, and publishes a broad range of economic, demographic, and social data;
- *National Telecommunications and Information Administration (NTIA)* advises the President on domestic and international communications policy, manages the federal government's use of the radio frequency spectrum, and performs research in telecommunications sciences;
- *United States Patent and Trademark Office (USPTO)* examines and approves applications for patents for claimed inventions and registration of trademarks;
- *National Institute of Standards and Technology (NIST)* assists industry in developing technology to improve product quality, modernize manufacturing processes, ensure product reliability, and facilitate rapid commercialization of products on the basis of new scientific discoveries; and
- *National Oceanic and Atmospheric Administration (NOAA)* provides scientific, technical, and management expertise to (1) promote safe and efficient marine and air navigation; (2) assess the health of coastal and marine resources; (3) monitor and predict the coastal, ocean, and global environments (including weather forecasting); and (4) protect and manage the nation's coastal resources.

As **Table 3** shows, the original FY2009 requested appropriation amount of \$8.217 billion was \$558.0 million more than the FY2008 enacted amount of \$7.659 billion (P.L. 110-161, P.L. 110-252, and P.L. 110-329) for the Department of Commerce, a 7.3% increase. The largest percentage increase for a single agency was 118.0% for the Census Bureau. Its request was increased on June 9, 2008, at the expense of other programs, as part of a revised budget request for the entire Department of Commerce.<sup>11</sup> The June 9 revision sought to reduce, cancel, or shift funding in several Commerce programs, including some in the Census Bureau, to provide almost \$546.0 million in additional funds for the 2010 Census.

The June 9 revision would have reduced funding in the following Department of Commerce accounts: International Trade Administration, reduced \$3.2 million; Bureau of Industry and Security, reduced \$0.5 million; Economic Development Administration, reduced \$9.2 million; Minority Business Development Administration, reduced \$0.4 million; Economics and Statistics Administration, reduced \$0.5 million; other programs in the Census Bureau, reduced \$10.8 million;<sup>12</sup> National Telecommunications and Information Administration, reduced \$0.8 million; National Institute of Standards and Technology, reduced \$2.0 million; National Oceanic and Atmospheric Administration, reduced \$13.0 million;<sup>13</sup> and Departmental Management, reduced \$0.5 million. Under general provisions, Department of Commerce, the Administration also requested cancellation of \$70.0 million in unobligated balances associated with the Food,

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<sup>11</sup> Letter from the Executive Office of the President to Congress, June 9, 2008. OMB Estimate No. 5, 110<sup>th</sup> Congress, 2<sup>nd</sup> Session, at [http://www.whitehouse.gov/omb/budget/amendments/amendment2\\_6\\_9\\_08.pdf](http://www.whitehouse.gov/omb/budget/amendments/amendment2_6_9_08.pdf).

<sup>12</sup> This \$10.8 million reduction within the Census Bureau included reductions to other periodic census programs and a \$5.2 million reduction in salaries and expenses.

<sup>13</sup> The June 9 FY2009 announcement for the budget request revision presented individual program account changes. Figures reflect estimated net changes for agencies as a whole. The August 1, 2008 revised Administration request restored \$13 million to the NOAA budget, resulting in no net change from the original NOAA request.



Conservation, and Energy Act of 2008 (P.L. 110-246). The discussions of each agency below reflect the original budget request, except when otherwise noted.

The House Committee did not consider the June 9 revision timely and proceeded on the basis of the original budget submission. For the Commerce Department, the House Committee recommended \$8.707 billion, which was 27.0% more than the FY2008 enacted amount and 6.0% more than the original FY2009 requested amount (excluding supplemental appropriations).

Although the Senate Committee, like its House counterpart, considered the revised Commerce request untimely, it recommended an increase of \$546.4 million over the original budget request for the Census Bureau's periodic censuses and programs account, which funds the 2010 Census. For Commerce as a whole, the Senate Committee recommended \$9.402 billion, which was 37.1% more the FY2008 enacted amount (without supplemental appropriations) and 14.4% more than the original FY2009 requested amount.

On March 11, 2009, President Obama signed into law the Omnibus Appropriations Act, 2009 (P.L. 111-8), which appropriated \$9.268 billion for the Department of Commerce. This amount was 12.8% greater than President Bush's original FY2009 request of \$8.217 billion. NOAA received 47.1% of the Department of Commerce funding, followed by the Census Bureau, which received 33.9%. The National Institute of Standards and Technology received 8.8% of the funding, with the remaining entities receiving 11.0%.

**Table 3. Funding for the Department of Commerce**

(budget authority in millions of dollars)

Bureau or Agency	FY2008 Enacted	FY2009 Request <sup>a</sup>	FY2009 Revised <sup>b</sup>	House-Reported	Senate-Reported	FY2009 Enacted
International Trade Administration <sup>c</sup>	405.2	420.4	417.3	425.4	420.4	420.4
Bureau of Industry and Security	72.9	83.7	83.2	83.7	83.7	83.7
Economic Development Administration <sup>d</sup>	779.9	132.8	123.6	282.8	232.8	272.8
Minority Business Development Agency	28.6	29.0	28.6	31.5	29.0	29.8
Economic and Statistics Administration (excluding Census)	81.1	90.6	90.1	89.1	90.6	90.6
Census Bureau	1,440.2	2,604.6	3,139.9	2,604.6	3,151.0	3,139.9
National Telecommunications and Information Administration <sup>e</sup>	36.3	19.2	18.4	40.9	59.2	39.2
Patent and Trademark Office <sup>f</sup>	(1,915.5)	(2,075.0)	(2,075.0)	(2,087.0)	(2,075.0)	(2,010.1)
Negative BAs						-76.9
National Institute of Standards and Technology	755.8	638.0	636.0	816.9	813.5	819.0

Bureau or Agency	FY2008 Enacted	FY2009 Request <sup>a</sup>	FY2009 Revised <sup>b</sup>	House- Reported	Senate- Reported	FY2009 Enacted
National Oceanic and Atmospheric Administration	3,988.5	4,103.9	4,103.9	4,252.6	4,445.9	4,365.2
Departmental Management	70.0	94.2	93.7	79.3	76.2	83.8
Section 107 Budget Amendment, June 2009			-70.0			
<b>Total: Department of Commerce</b>	<b>7,658.5</b>	<b>8,216.5</b>	<b>8,664.8</b>	<b>8,706.9</b>	<b>9,402.4</b>	<b>9,267.5</b>

**Sources:** House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161); U.S. Department of Commerce Budget Justifications, available at <http://www.osec.doc.gov/bmi/budget/FY09CBJ.html>; House Appropriations Committee- approved draft bill and report; and S. 3182 (S.Rept. 110-397). P.L. 111-8, omnibus legislation committee tables are available on p. 548 at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_house\\_committee\\_prints&docid=f:47494b.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_house_committee_prints&docid=f:47494b.pdf)

**Note:** Amounts may not add to totals due to rounding.

- a. Original FY2009 Administration request.
- b. June 9, 2008 revised Administration request. The June 9 FY2009 announcement for the budget request revision presented individual program account changes. Figures reflect estimated net changes for agencies as a whole.
- c. Total funding for ITA may be higher than these amounts due to retained fees.
- d. Does not include \$100 million under P.L. 110-252, \$400 million under P.L. 110-329, and \$150 million under P.L. 111-5, for an additional \$650 million in funds provided in FY2009 for EDA.
- e. Does not include \$45 million in mandatory spending from the Digital Television Transition and Public Safety Fund.
- f. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected, but not obligated during the current year are available for obligation in the following fiscal year and do not count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals.
- g. For FY2009, the PTO account includes \$76.9 million in negative budget authority (BA). The Administration initially estimated \$2.087 billion in offsetting fee receipts for the PTO for FY2009. That estimate was subsequently revised downward to \$2.010 billion, but the timing of the revision was such that the Omnibus appropriations bill (H.R. 1105) was scored against a CBO baseline that included the previous estimate of \$2.087 billion in offsetting fee receipts, resulting in negative BA of \$76.9 million for FY2009.

The American Recovery and Reinvestment Act of 2009 (P.L. 111-5), included \$7.916 billion for the Department of Commerce (DOC). This amount is 85% of the \$9.268 billion in the FY2009 regular appropriations for DOC, resulting in a total appropriation of \$17.184 billion for FY2009.<sup>14</sup> A total of \$5.350 billion, or 68% of the DOC total in P.L. 111-5, was appropriated for the National Telecommunications and Information Administration for activities such as broadband deployment in the United States and the conversion from analog to digital television broadcasts.<sup>15</sup> For the 2010 census, the Bureau of the Census received \$1.000 billion to hire and

<sup>14</sup> Committee tables for the Department of Commerce are available at [http://appropriations.house.gov/pdf/2009\\_Con\\_Statement\\_DivB.pdf](http://appropriations.house.gov/pdf/2009_Con_Statement_DivB.pdf)

<sup>15</sup> CRS Report RL34165, *The Transition to Digital Television: Is America Ready?*, by (name redacted). CRS Report (continued...)

train additional personnel, increase targeted media purchases as part of the census communications program (which includes paid advertising), and improve risk management. Up to \$250.0 million of the \$1.000 billion is to be used for partnership and outreach efforts to minorities and other hard-to-count groups. The National Oceanic and Atmospheric Administration received \$830.0 million. Of this amount, \$600.0 million is for facility and fleet construction and maintenance; \$230.0 million is for research, restoration, navigation, conservation, and management activities.<sup>16</sup> The National Institute of Standards and Technology received \$580.0 million for construction and research activities, plus \$20.0 million transferred from the Department of Health and Human Services for a health information technology initiative.<sup>17</sup> The Economic Development Administration received \$150.0 million for Economic Development Assistance programs, and the DOC Office of Inspector General received \$6.0 million. **Table 4** provides a summary of DOC funding under ARRA.

**Table 4. Funding for DOC Programs in the American Recovery and Reinvestment Act of 2009**

(budget authority in millions of dollars)

Bureau or Agency	House-passed	Senate-passed	Enacted
Bureau of Industry and Security	—	20.0	—
Economic Development Administration	250.0	150.0	150.0
Bureau of the Census	1,000.0	1,000.0	1,000.0
National Telecommunications and Information Administration	3,825.0	7,650.0	5,350.0
National Institute of Standards and Technology	500.0	475.0	580.0 <sup>a</sup>
National Oceanic and Atmospheric Administration	1,000.0	1,022.0	830.0
Office of the Inspector General	10.0	6.0	6.0
<b>Total: Department of Commerce</b>	<b>6,585.0</b>	<b>10,323.0</b>	<b>7,916.0</b>

**Sources:** P.L. 111-5. Tables for CJS are on p. 7 of 53 in the PDF. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2009\\_record&docid=cr13fe09-90.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2009_record&docid=cr13fe09-90.pdf).

**Note:** Numbers may not add to totals due to rounding.

- a. Amount does not include \$20.0 million transferred from the Department of Health and Human Services for a health information technology initiative.

(...continued)

RS21469, *The National Telecommunications and Information Administration (NTIA): Budget, Programs, and Issues*, by (name redacted).

<sup>16</sup> CRS Report RS22825, *The National Oceanic and Atmospheric Administration (NOAA) Budget for FY2009*, by (name redacted).

<sup>17</sup> CRS Report 95-30, *The National Institute of Standards and Technology: An Appropriations Overview*, by (name redacted).

## **International Trade Administration (ITA)<sup>18</sup>**

The ITA provides export promotion services, works to assure compliance with trade agreements, administers trade remedies such as antidumping and countervailing duties, and provides analytical support for ongoing trade negotiations. ITA's mission is to improve U.S. prosperity by strengthening the competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements. ITA strives to accomplish this through the following four policy units and the Executive and Administrative Directorate: (1) Manufacturing and Services Unit, responsible for certain industry analysis functions and promoting the competitiveness and expansion of the U.S. manufacturing sector; (2) Market Access and Compliance Unit, responsible for monitoring foreign country compliance with trade agreements, identifying compliance problems and market access obstacles, and informing U.S. firms of foreign business practices and opportunities; (3) Import Administration Unit, responsible for administering the trade remedy laws of the United States; (4) Trade Promotion/U.S. Foreign Commercial Service program, responsible for conducting trade promotion programs, providing U.S. companies with export assistance services, and leading interagency advocacy efforts for major overseas projects; and (5) the Executive and Administrative Directorate, responsible for providing policy leadership, information technology support, and administration services for all of ITA.

The FY2009 enacted amount for ITA was \$420.4 million, the same as the President's request<sup>19</sup> and \$15.2 million (3.8%) more than the FY2008 funding level of \$405.2 million. The enacting legislation anticipated the collection of \$9.4 million in fees, raising available FY2009 funds to \$429.9 million. The *ITA Budget Estimates* for FY2009 presented a priority list of new programmatic and base-level changes from the FY2008 budget.<sup>20</sup> These included budget increases for an Adjustments to Base (ATB) and for a China Countervailing Duty Group Initiative; budget decreases due to the closure of a Trade Compliance Office in Seoul, Korea; and streamlining of the Domestic Office Structure. The House Appropriations Committee-approved bill would have provided \$425.4 million, 5.0% over the FY2008 funding level and 1.2% over the FY2009 enacted amount. The Senate-reported bill would have provided \$420.4 million, 3.8% over the FY2008 funding level and the same as the FY2009 enacted amount.

## **Bureau of Industry and Security (BIS)<sup>21</sup>**

The BIS administers export controls on dual-use goods and technology through its licensing and enforcement functions. It cooperates with other nations on export control policy and provides assistance to the U.S. business community to comply with U.S. and multilateral export controls. BIS also administers U.S. anti-boycott statutes and is charged with monitoring the U.S. defense industrial base. Authorization for the activities of BIS, the Export Administration Act (50 U.S.C. 2401, *et seq.*), last expired in August 2001. On August 17, 2001, President Bush invoked the

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<sup>18</sup> The sections on ITA, USTR, and ITC were written by (name redacted), Analyst in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

<sup>19</sup> Figures do not reflect the \$3.2 million reduction in the revised budget request, which would have provided \$417.3 million instead of \$420.4 million to ITA.

<sup>20</sup> International Trade Administration, *Budget Estimates: Fiscal Year 2009*, Congressional Submission.

<sup>21</sup> This section was written by (name redacted), Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

authorities granted by the International Economic Emergency Powers Act (50 U.S.C. 1703(b)) to continue in effect the system of controls contained in the act and by the Export Administration Regulations (15 C.F.R., Parts 730-799) and has renewed that authority yearly.

The President's original FY2009 request for BIS was \$83.7 million, and the FY2009 enacted amount was the same, a \$10.8 million (14.8%) increase from the FY2008 enacted funding level of \$72.9 million.<sup>22</sup> The FY2009 funding request for BIS was divided between licensing activity (\$41.0 million), enforcement activity (\$36.8 million), and management and policy coordination (\$5.9 million). Of these amounts, \$14.8 million was requested for Chemical Weapons Convention (CWC) enforcement. Slightly more than half of the requested increase (\$5.8 million) was for restoration of FY2008 base reductions; \$2.6 million was for cost-of-living adjustments; and \$2.4 million was for new programmatic initiatives. These included enhancing counter-proliferation efforts through the addition of BIS criminal investigators, placing an export control officer in Singapore to prevent the illegal transshipments of controlled items, and adding export compliance specialists for the Validated End-User program. In FY2008, BIS had budget authority for 365 positions. With the restorations to base and new initiatives, BIS sought budget authority for 396 positions for FY2009. Both the House and Senate Appropriations Committees recommended the amount of the President's request (\$83.7 million). The Administration's June 9, 2008 budget amendment sought to reduce the amount of the BIS budget by \$500,000 to be taken from the proposed inflation adjustment for the agency's account. (For more information on this amendment, please refer to the section in this report on the U.S. Census Bureau.)

The Senate version of the American Recovery and Reinvestment Act (S. 336, Inouye) included \$20 million for BIS to upgrade its secure information technology systems; however, this amount was not approved in the final legislation. The Omnibus rejected the reduction called for in the June 9, 2008, amendment, provided the agency's original request of \$83.7 million, and affirmed the \$2.4 million for the new programmatic initiatives.

## **Economic Development Administration (EDA)<sup>23</sup>**

EDA was established under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121). EDA's mission is to help communities and regions generate new jobs and retain existing jobs by stimulating industrial and commercial growth in economically distressed areas. EDA assistance emphasizes the needs of urban areas with high unemployment, low income, or other severe conditions of economic distress.

In the past three budget requests, the Bush Administration sought to replace EDA assistance with new initiatives. In FY2006, the Administration budget proposed terminating EDA and 16 other federal community and economic programs and replacing them with a new, but lower-funded, program known as Strengthening America's Community Initiative. In its FY2007 and FY2008 budget requests, the Bush Administration proposed consolidating EDA assistance programs under a new Regional Development Account (RDA). As proposed by the Administration, the past initiatives would have been funded at a level below EDA's current year appropriations. During

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<sup>22</sup> Figures do not reflect the \$0.5 million reduction in the revised budget request. See above.

<sup>23</sup> This section was written by Oscar Gonzales, Analyst in Economic Development Policy, CRS Government and Finance Division.

the past three years, Congress has consistently rejected the Administration's proposals to reduce and restructure EDA assistance programs.

For the fourth consecutive year, the Bush Administration budget proposed a reduction in EDA assistance programs. For FY2009, the Administration's original budget request included \$132.8 million for EDA assistance, which was significantly less than the regular FY2008 enacted amount of \$279.9 million, representing a reduction of 60.0%.

On June 9, 2008, the Administration forwarded to Congress a revised budget request for Department of Commerce programs. The revised budget request was sought in order to offset a proposed increase in funding for decennial census activities. It proposed eliminating \$7.2 million initially requested for EDA's public works grants. If approved, the reduction would have terminated the program. The Administration also sought a reduction in funding for the EDA salaries and expenses by \$2.0 million, for a total proposed reduction of \$9.2 million.

On June 23, 2008, the Senate Appropriations Committee recommended \$232.8 million in funding for EDA activities (\$200.0 million) and salaries and expenses (\$32.8 million). This was \$100.0 million more than requested by the Administration, but \$47.1 million less than appropriated in FY2008. The House Appropriations Committee also took action on the appropriations measure in June 2008. The House Appropriations Committee recommended an appropriation of \$282.8 million for EDA. This included \$250.0 million for economic development assistance and \$32.8 million for salaries and expenses. This was \$2.9 million more than appropriated in FY2008, \$150.0 million more than requested by the Administration, and \$50.0 million more than recommended by the Senate.

In addition to regular appropriations of \$279.9 million for FY2008, P.L. 110-252 provided \$100.0 million in supplemental funding for EDA under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a Presidential declaration of major disaster.

The Continuing Resolution signed into law by President Bush on September 30, 2008 (P.L. 110-329), allocated \$400.0 million in supplemental EDA funds for expenses including disaster relief, long-term recovery, and restoration of infrastructure related to the consequences of hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under Title IV of the Stafford Act. Thus, for FY2008, EDA received a total of \$779.9 million, including regular and supplemental, disaster-relief funding (P.L. 110-252 and P.L. 110-329).

In the 111<sup>th</sup> Congress, the FY2009 omnibus legislation (P.L. 111-8) provided \$272.8 million for EDA. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included an additional \$150.0 million for EDA, for a total of \$422.8 million for FY2009.

## Minority Business Development Agency (MBDA)<sup>24</sup>

The MBDA, established by Executive Order 11625 on October 13, 1971 (36 FR 19967, 3 C.F.R., 1971-1975 Comp., p. 616) is charged with the lead role in coordinating all the federal government's minority business programs. As part of its strategic plan, the MBDA seeks to develop a more industry-focused, data-driven, technical assistance approach to give minority business owners the tools essential for becoming first or second tier suppliers to private corporations and the federal government in the new procurement environment. Progress will be measured in relation to entrepreneurial parity and strategic growth through increased gross receipts, number of employees, and size and scale of firms associated with minority business enterprise.

The Bush Administration's original FY2009 request for MBDA was \$29.0 million, while the June 9, 2009 revised request was \$28.6 million. The FY2009 original request was \$377,000 more than the FY2008 enacted amount of \$28.6 million, a 1.4% increase. MBDA programs are primarily delivered through National and Regional Enterprise Centers (NECs and RECs), which service strategic growth firms, identify new opportunities, and provide project management of grantees. The amount requested for grants, subsidies, and contributions in FY2009 remains the same as FY2008, \$11.2 million.

The Senate Committee recommendation included \$29.0 million. The recommendation was \$377,000 above the FY2008 enacted level and the same as the original budget request. The increase provided for inflationary adjustments and ensured that funds will be available for the existing Native American Business Development Centers. The House Committee recommendation included \$31.5 million for MBDA, which was \$2.9 million above the FY2008 appropriated level.

The FY2009 Omnibus (P.L. 111-8), provided \$29.8 million for the MBDA, a 4% increase over the FY2008 enacted appropriation. No economic stimulus funds were appropriated for the MBDA.

## Economic and Statistics Administration (ESA)<sup>25</sup>

The ESA provides economic data, analysis, and forecasts to government agencies and, where appropriate, to the public. The ESA includes the Census Bureau (discussed separately), the Bureau of Economic Analysis (BEA), and STAT-USA. The ESA has three core missions: to compile a system of economic data, to interpret and communicate the forces at work in the economy, and to support the information and analytical needs of the executive branch. Census is excluded from the following discussion of ESA because its budget is submitted separately. The regional input-output modeling system (RIMS) is also excluded because it is funded entirely through user fees instead of annual appropriations.

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<sup>24</sup> This section was written by Oscar Gonzales, Analyst in Economic Development Policy, CRS Government and Finance Division.

<sup>25</sup> This section was written by (name redacted), Analyst in Financial Institutions, CRS Government and Finance Division.

The Administration's original FY2009 requested amount for ESA was \$90.6 million, while the June 9, 2009, revised request was \$90.1 million. The original request represented a 10.5% increase over the comparable FY2008 enacted amount of \$81.1 million. BEA represented 96% of the FY2009 ESA budget request. The most prominent ESA programs are BEA's four statistical accounts: (1) National Income and Product Accounts, (2) Regional Economic Accounts, (3) Industry Input-Output Tables, and (4) International Balance of Payments. BEA's four core programs support other agencies and policymakers. The National Economic Accounts support federal budget projections and macroeconomic policy. Regional data are used to allocate federal funds and for state budget forecasts. Industry accounts are used to compile the other datasets and also by the Bureau of Labor Statistics for the Producer Price Index. Balance of payments data are required by international agreements on exchange rates.

ESA has an initiative to revise the measure of the health sector in gross domestic product (GDP). The initiative requested \$3.2 million in additional FY2009 funds to address the question, "do the large increases in U.S. health expenditures represent increases in costs or increases in the delivery of real medical services to an aging population?" In putting forth the initiative, the Administration argued that health care spending will continue to be the most important long-term issue confronting the federal budget. Improper measurement of productivity in health services might cause significant errors in Medicare spending projections. Erroneous productivity measures could also affect the formula used to compensate service providers participating in federal programs.

The Senate Committee recommendation included \$90.6 million. The recommendation was 11.8% more than the FY2008 enacted level and the same as the original FY2009 budget request. The House Committee recommendation included \$89.1 million for ESA, which was 9.9% more than the FY2008 enacted amount and 1.7% less than the original FY2009 requested amount.

The FY2009 Omnibus (P.L. 111-8) provided \$90.6 million for ESA, an 11.8% increase over the FY2008 enacted appropriation. No economic stimulus funds were provided for ESA.

## **U.S. Census Bureau<sup>26</sup>**

A census of the U.S. population, conducted every 10 years, is authorized by the Constitution (Article I, Section 2, clause 3, as modified by Section 2 of the 14<sup>th</sup> Amendment). The Bureau of the Census, established as a permanent office on March 6, 1902 (32 Stat. 51), conducts this decennial census under Title 13 of the *U.S. Code*, which also authorizes the Census Bureau to collect and compile a wide variety of other demographic, economic, housing, and governmental data.

To fund the Bureau in FY2009, the Administration initially requested \$2.605 billion, including \$238.7 million for salaries and expenses and \$2.366 billion for periodic censuses and programs. By comparison, the FY2008 enacted amounts were \$1.230 billion for the Bureau as a whole, with \$202.8 million for salaries and expenses and \$1.027 billion for periodic censuses and programs. The large difference (+\$1.374 billion) between the FY2009 request and FY2008 enacted amount for the Bureau primarily reflected heightened preparations, known as the "ramp up," for the 2010 Census. About 91%, or \$2.143 billion, of the initial periodic censuses and programs request was for these activities.

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<sup>26</sup> This section was written by (name redacted), Specialist in American National Government, CRS Government and Finance Division.



In preparation for 2010, the Bureau planned three new initiatives, the first of which involved reengineering the census to prepare for a short-form only enumeration. The short-form questionnaire is designed to gather data from all households for, among other purposes, the constitutionally mandated reapportionment of the U.S. House of Representatives and within-state redistricting. The census long-form questionnaire, which since 1940 had collected detailed data from a sample of households, will be replaced by the American Community Survey (ACS). The ACS is an ongoing survey of about 250,000 households per month. By 2010, it will provide the equivalent of long-form data yearly, instead of once a decade, to states and sub-state jurisdictions. Data already are available for states and localities with at least 65,000 persons.

Second, the Bureau is making improvements to its Master Address File (MAF) and Topologically Integrated Geographic Encoding and Referencing mapping system (TIGER). As described by the Bureau director, “the MAF/TIGER Enhancement Program is a multi-year effort to collect and correct the locations of streets and other geographic information.”<sup>27</sup> Because the census involves mailing out questionnaires and having them mailed back to the Bureau, the accuracy of MAF/TIGER is essential for sending questionnaires to the right housing units.

Third, the Bureau intended to automate fully the pre-census address verification and post-census nonresponse follow-up (NRFU) processes. Address verification will be conducted to improve MAF accuracy. In the NRFU process, enumerators will try to obtain correct data from those who have not completed and returned their census forms. Due to contract delays, significant cost overruns, and scheduling and performance problems, however, the handheld computers on which the Bureau was relying for both address verification and NRFU will be used only for the former process. The Bureau will resort to the traditional paper-based NRFU, and thus will require additional funds for, among other purposes, hiring more temporary census workers than originally anticipated. The altered nonresponse follow-up plan could increase the overall cost of the 2010 Census from a projected \$11.5 billion to between \$13.7 billion and \$14.5 billion.<sup>28</sup>

The Supplemental Appropriations Act, 2008 (P.L. 110-252) included an extra \$210.0 million for the 2010 Census in FY2008, and after the Bureau’s initial FY2009 budget request, it sought additional FY2009 funds. On June 9, 2008, the Administration submitted an FY2009 budget amendment requesting almost \$546.0 million more for the 2010 Census, to be offset by reducing, canceling, or shifting funds for other Census Bureau activities, elsewhere in the Commerce Department, and in other entities. The net increase in the Bureau’s periodic censuses and programs request was \$540.4 million; the amended request for the periodics account was \$2.906 billion. The amount requested for salaries and expenses account decreased by \$5.2 million to \$233.6 million. The Bureau’s total amended request was almost \$3.140 billion.

House and Senate appropriators deemed the amended request submission untimely, although the Senate Appropriations Committee recommended an amount for the Bureau that exceeded the original FY2009 request of \$2.605 billion by \$546.4 million. House appropriators recommended the amount originally requested.

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<sup>27</sup> Testimony of U.S. Census Bureau Director Steve H. Murdock in U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *The Fiscal Year 2009 Budget*, April 3, 2008, p. 3, at <http://www.census.gov/Press-Release/www/2008/murdock4-3-08.htm>.

<sup>28</sup> U.S. Government Accountability Office, *2010 Census: Plans for Decennial Census Operations and Technology Have Progressed, but Much Uncertainty Remains*, GAO-08-886T, June 11, 2008, p. 1.

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, H.R. 2638 (Division A, Section 120, of P.L. 110-329), funded the Bureau at a full-year equivalent of \$3.109 billion. The CR funded the salaries and expenses account at the FY2008 level of \$202.8 million until March 6, 2009 (extended to March 11, 2009, by H.J.Res. 38, amending P.L. 110-329), but gave periodic censuses and programs \$2.906 billion—equal to the FY2009 amended request. “From such amounts,” according to Section 120, “funds may be used for additional promotion, outreach, and marketing activities.”

Under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009, H.R. 1105 (Division B of P.L. 111-8), the Census Bureau received almost \$3.140 billion, the same as the amended FY2009 budget request, and almost \$1.700 billion, or 118.0%, more than the \$1.440 billion total amount for FY2008. (The \$1.440 billion included a \$210.0 million FY2008 supplemental appropriation.) The Bureau’s salaries and expenses account received \$233.6 million for FY2009, the same as the amended budget request and \$5.2 million less than initially requested. Periodic censuses and programs received \$2.906 billion, equal to the amount in the budget amendment and \$540.4 million more than originally requested.

The Bureau also received, through the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), a \$1.000 billion FY2009 supplemental appropriation to address problems with the 2010 Census. The supplemental was to be used for hiring and training additional personnel and increasing targeted media purchases. Up to \$250.0 million of the \$1.000 billion was for partnership and outreach efforts to minority and other hard-to-count groups.

## **National Telecommunications and Information Administration (NTIA)<sup>29</sup>**

The National Telecommunications and Information Administration (NTIA) was created within the Department of Commerce in 1978. It replaced or subsumed by a number of different regulatory authorities that managed federal use of radio frequencies. Non-federal radio frequency spectrum is managed by the Federal Communications Commission, created by the Communications Act of 1934.

The NTIA has diverse responsibilities. Its role in federal spectrum management includes acting as a facilitator and mediator in negotiations among the various federal agencies regarding usage, priority access, causes of interference, and other radio spectrum questions. The NTIA is the executive branch’s principal advisory office on domestic and international telecommunications and information technology policies. Its mandate is to provide greater access for all Americans to telecommunications services, support U.S. attempts to open foreign markets, advise on international telecommunications negotiations, fund research grants for new technologies and their applications, and assist nonprofit organizations converting to digital transmission in the 21<sup>st</sup> century. In recent years, one of the responsibilities of the NTIA has been to oversee the transfer of some frequencies from the federal domain to the commercial domain. It also has responsibility for administering a number of grant programs, discussed below.

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<sup>29</sup> This section was prepared by (name redacted), Specialist in Telecommunications and Spectrum Policy, CRS Resources, Science, and Industry Division.

There are two major components to the NTIA annually appropriated budget. The Salaries and Expenses category received an appropriation of \$19.2 million dollars for FY2010, the same amount appropriated for FY2009. In addition, the NTIA receives appropriated funds for Public Telecommunications and Facilities Planning and Construction (PTFPC); \$20 million was appropriated for the program for FY2010. For 2009, the House Appropriations Committee had approved \$21.7 million, and the Senate Appropriations Committee \$20.0 million. The NTIA also collects management fees from federal agencies, based on each agencies' spectrum holdings, to defray the cost of its activities on their behalf.

The NTIA manages the distribution of several key grants programs. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) provided \$4.7 billion to the NTIA for the Broadband Technology Opportunities Program (Division B, Title VI) for a "national broadband service development and expansion program." The Deficit Reduction Act of 2005 (P.L. 109-171, Title III) created the Digital Television Transition and Public Safety Fund, which received funds that included \$2.7 billion for grant programs. The fund received the receipts of the 2008 auction of spectrum licenses created by the transition from analog to digital television broadcasting. The two principal fund beneficiaries were the digital-analog converter box program to assist consumers in meeting the 2009 deadline for receiving television broadcasts in digital format (\$1.5 billion), and public safety interoperable communications (PSIC) grants (\$1 billion). The PSIC grant program was contracted to the Department of Homeland Security for implementation. The NTIA also is responsible for establishing a grants program authorized by the ENHANCE 911 Act of 2004 (P.L. 108-494, Title I), to benefit the implementation of 911 services. Additionally, the New and Emerging Technologies 911 Improvement Act of 2008 (P.L. 110-283) required the NTIA and the Department of Transportation to develop a National Plan to prepare 911 for the transition to an IP-enabled emergency communications network.

## **U.S. Patent and Trademark Office (USPTO)<sup>30</sup>**

The USPTO examines and approves applications for patents on claimed inventions and administers the registration of trademarks. It also assists other federal departments and agencies to protect American intellectual property in the international marketplace. The USPTO is funded by user fees paid by customers that are designated as "offsetting collections" and subject to spending limits established by the Committee on Appropriations.

The Administration's FY2009 budget request recommended providing the U.S. Patent and Trademark Office with \$2.075 billion in budget authority, an increase of 8.3% over the previous fiscal year. The budget proposal also stated that the USPTO should have "full access" to all fees collected and that fee increases enacted in 2005 and 2006, and extended through 2008, be continued.

No appropriations legislation was enacted by the close of the 110<sup>th</sup> Congress. P.L. 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, provided the USPTO with the budget authority to use fees at FY2008 levels through March 6, 2009.

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<sup>30</sup> This section was written by (name redacted), Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

The FY2009 Omnibus Appropriations Act (P.L. 111-8), gave the U.S. Patent and Trademark Office \$2.010 billion in budget authority (4.9% more than FY2008) and continued prior legislatively mandated increases in fees charged to users.

The Consolidated Appropriations Act, FY2008 (P.L. 110-161), gave the USPTO the budget authority to spend \$1.916 billion in fees collected (8.2% above FY2007) and mandated the continuation of existing fee increases.

Beginning in 1990, appropriation measures have at times limited the ability of the USPTO to use the full amount of fees collected in each fiscal year. Although over the past several years the USPTO has been given the budget authority to use all collected fees, this issue remains an area of controversy. Opponents of this approach argue that agency operations are supported by payments for services that must be financed in the year the expenses are incurred. Proponents of methods to limit USPTO fee usage maintain that the fees are necessary to help balance the budget and that the budget authority given to the USPTO is sufficient to cover operating costs.

## **National Institute of Standards and Technology (NIST)<sup>31</sup>**

NIST is a laboratory of the Department of Commerce. The organization's mandate is to increase the competitiveness of U.S. companies through appropriate support for industrial development of pre-competitive generic technologies and the diffusion of government-developed technological advances to users in all segments of the American economy. NIST research also provides the measurement, calibration, and quality assurance techniques that underpin U.S. commerce, technological progress, improved product reliability, manufacturing processes, and public safety.

For FY2009, the Bush Administration's original budget proposed \$638.0 million in funding for NIST. On June 6, 2008, the former President submitted a series of amendments to his budget, including a reduction of \$2.0 million in the amount requested for NIST (from the Manufacturing Extension Partnership (MEP) program). The new request of \$636.0 million was 15.9% below FY2008 due to an absence of support for the Technology Innovation Program (TIP)<sup>32</sup> and a significant decrease in financing MEP. Funding for in-house research and development under the Scientific and Technical Research and Services (STRS) account (including the Baldrige National Quality Program) was to increase 21.5% to \$535.0 million; MEP would have been provided \$2.0 million to close out the federally financed portion of the program such that "MEP centers will become independent, as intended in the program's original authorization." Construction support would have declined 38.3% to \$99.0 million.

During the 110<sup>th</sup> Congress, H.R. 7322, as reported from House Committee on Appropriations, would have funded NIST at \$816.9 million, 8.1% above FY2008. The STRS account would have increased 13.7% to \$500.7 million while support for TIP at \$65.2 million would remain constant and MEP funding would increase 36.2% to \$122.0 million. Construction spending was to decrease 19.6% to \$129.0 million. S. 3182, as reported by the Senate Committee on Appropriations in the 110<sup>th</sup> Congress, would have provided \$813.5 million for NIST, an increase of 7.6% over FY2008. Included was \$489.5 million for the STRS account (an 11.1% increase),

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<sup>31</sup> This section was written by (name redacted), Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

<sup>32</sup> The Technology Innovation Program replaced the Advanced Technology Program as mandated by P.L. 110-69.

\$65.0 million for TIP, and \$110.0 million for MEP (a 22.8% increase). The construction budget would have declined 7.2% to \$149.0 million.

No final FY2009 appropriations legislation was enacted by the close of the 110<sup>th</sup> Congress. P.L. 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, provided, in part, funding for NIST at FY2008 levels through March 6, 2009.

In the 111<sup>th</sup> Congress, P.L. 111-8, the FY2009 Omnibus Appropriations Act, funded NIST at \$819.0 million with the STRS account receiving a 7.2% increase to \$472.0 million. Support for MEP totaled \$110.0 million, a 22.8% increase, and financing for TIP remained constant at \$65.0 million. The \$172.0 million for the construction budget reflected a 7.2% increase in funding.

The final version of the American Recovery and Reinvestment Act of 2009, P.L. 111-5, provided an extra \$220.0 million for the STRS account to be used for “research, competitive grants, additional research fellowships and advanced research and measurement equipment and supplies,” as noted in the Joint Explanatory Statement of the Committee on Conference. An additional \$360.0 million was included for construction, of which \$180.0 million “shall be for the competitive construction grant program for research science buildings.” The law also directed the transfer of \$20.0 million from the Health Information Technology initiative to NIST to “create and test standards related to health security and interoperability in conjunction with partners at the Department of Health and Human Services,” according to the Joint Statement.

The Consolidated Appropriations Act, FY2008, P.L. 110-161, funded NIST at \$755.8 million, 11.7% above the FY2007 figure. Support for the STRS account increased 1.4% to \$440.5 million (including the Baldrige National Quality Program). The Technology Innovation Program (formerly the Advanced Technology Program (ATP)) was appropriated \$65.2 million (with an additional \$5.0 million from FY2007 unobligated balances under ATP), 17.6% below FY2007. Funding for the MEP program decreased 14.4% to \$89.6 million. Support for construction almost tripled to \$160.5 million.

Continued support for the Advanced Technology Program was a major funding issue. ATP was created to provide “seed financing,” matched by private sector investment, to businesses or consortia (including universities and government laboratories) for development of generic technologies that have broad applications across industries. Opponents of the program cited it as a prime example of “corporate welfare,” whereby the federal government invests in applied research activities that, they emphasize, should be conducted by the private sector. Others defended ATP, arguing that it assisted businesses in developing technologies that, while crucial to industrial competitiveness, would not or could not be developed by the private sector alone. Although Congress maintained (often decreasing) funding for ATP, the initial appropriation bills passed by the House since FY2002 failed to include financing for the program. In FY2006, support for the program was cut 41.0% and in 2007, P.L. 110-69 replaced ATP with the Technology Innovation Program, which focuses on small and medium sized firms. The Consolidated Appropriations Act, FY2008 provided funding for this new initiative. The Bush Administration’s FY2009 budget request did not include financing for TIP, although the final appropriation was similar to that provided in FY2008.

The budget for the Manufacturing Extension Partnership, another extramural program administered by NIST, has been debated since the FY2004 appropriations deliberations. Although congressional support for MEP remained constant in the recent past, the Administration’s FY2004 budget request, the initial House-passed bill, and the FY2004 Consolidated Appropriations Act

substantially decreased federal funding for this initiative, reflecting the President's recommendation that manufacturing extension centers "with more than six years experience operate without federal contribution." P.L. 108-447, however, restored financing for MEP in FY2005 to the level that existed prior to the 63.0% reduction taken in FY2004. While support decreased in FY2006, it remained significantly above the FY2004 figure; FY2007 funding remained similar to the previous fiscal year. For FY2008, funding for MEP was reduced. The President's FY2009 budget proposal recommended curtailing the federally financed portion of the program and provided \$2.0 million to accomplish this objective; however, the final appropriation included a significant increase in support.

As part of the American Competitiveness Initiative,<sup>33</sup> announced by the President in his 2006 State of the Union message, the Administration indicated intentions to double funding over 10 years for "innovation-enabling research" performed at NIST. This was to be accomplished through increased support of NIST's "core" programs, defined as internal research in the STRS account and the construction budget. To this end, the President's FY2007 budget requested an 18.3% increase in funding for intramural R&D at the laboratory; support for research performed within the NIST facilities under P.L. 110-5 increased 9.6% over FY2006. For FY2008, the omnibus appropriations legislation provided for a small increase in the STRS account. The President's FY2009 budget proposed an additional 21.5% in funding for this in-house research and development. The FY2009 Omnibus Appropriations bill contained a 7.2% increase in support for both the STRS account and construction, while the American Recovery and Reinvestment Act of 2009 included significant additional funding for both initiatives.

## **National Oceanic and Atmospheric Administration (NOAA)<sup>34</sup>**

The mission of NOAA is to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet the nation's economic, social, and environmental needs. NOAA supplies information on the oceans and atmosphere, provides stewardship of coastal and marine environment, and leads scientific research in such fields as ecosystems, climate, global climate change, weather, and water.<sup>35</sup>

**Table 5** is organized by the FY2009 NOAA budget structure and includes the Operations, Research, and Facilities (ORF) discretionary account; the Procurement, Acquisition, and Construction (PAC) discretionary account; and "Other Accounts." ORF is composed of NOAA's five line offices and NOAA Program Support (PS), a cross-cutting budget activity that funds agency administration, facilities maintenance, education, and the Office of Marine and Aviation Operations (OMAO). Other accounts include discretionary funding for programs such as the Pacific Coastal Salmon Recovery Fund (PCSRF), the Coastal Zone Management Fund (CZMF), and NOAA fisheries financing. Offsetting budget authority for NOAA may also be transferred to or from another agency, such as with the Promote and Develop American Fishery Products Fund (PDAF), which is transferred to NOAA from the Department of Agriculture. In some years

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<sup>33</sup> For further information, see The White House, Office of Science and Technology Policy, Domestic Policy Counsel, *American Competitiveness Initiative: Leading the World in Innovation*, February 2006, 23 pp.

<sup>34</sup> This section was prepared by Harold Upton, Natural Resources Policy Analyst, Resources, Science, and Industry Division.

<sup>35</sup> Mission statement, Department of Commerce, *NOAA FY2009 Budget Summary*, February 4, 2008, at [http://www.corporateservices.noaa.gov/~nbo/FY08%20Rollout%20Materials/1\\_31\\_07\\_ROLLOUT/Blue\\_Book/Ch.0\\_TOC\\_and\\_INTRO\\_08\\_Final.pdf](http://www.corporateservices.noaa.gov/~nbo/FY08%20Rollout%20Materials/1_31_07_ROLLOUT/Blue_Book/Ch.0_TOC_and_INTRO_08_Final.pdf).

Congress has also approved additional budget authority from previous fiscal year(s) unobligated appropriations. From time to time, the agency has also received emergency appropriations or has been subject to congressionally mandated rescissions.

## The President's FY2009 Budget Request

The Bush Administration's overarching budget priorities for NOAA for FY2009 included (1) receiving congressional authorization to use unobligated appropriations and reprogramming budget authority for programs it did not request in FY2008, that is, "congressionally directed programs"; (2) "recapitalizing" NOAA by infusing funding into aging facilities, equipment, technology, vessels, buildings, and other agency infrastructure; (3) assuring that NOAA satellite programs are able to meet mission requirements and keep to schedule; (4) managing and maintaining meteorological, climate, and environmental data; and (5) implementing the President's Ocean Initiative.<sup>36</sup>

The Bush Administration's FY2009 budget request recommended \$4.104 billion in funding for NOAA (see **Table 5**). The request was 2.9 %, or \$115.4 million more than FY2008 enacted amount of \$3.989 billion. Of the \$4.104 billion originally requested for FY2009, \$2.840 billion was for ORF; \$1.233 billion for PAC; and a net total of \$31.0 million for NOAA's Other Accounts (**Table 5**).<sup>37</sup> The President's revised FY2009 budget reprogrammed \$4.0 million from ORF and \$9.0 million from PAC to increase funding for hurricane forecasts, but the overall NOAA budget was not affected. The President requested Congress to restore approximately \$150 million of funding for NOAA programs cut in FY2008 in favor of "congressionally directed programs."<sup>38</sup> Funding for these directed programs was not requested by the Administration for FY2009.

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<sup>36</sup> See Department of Commerce, NOAA, FY2009 Budget Highlights, "President's Ocean Initiative," at [http://www.corporateservices.noaa.gov/~nbo/FY09\\_Rollout\\_Materials/POI\\_One\\_Pager\\_FINAL.pdf](http://www.corporateservices.noaa.gov/~nbo/FY09_Rollout_Materials/POI_One_Pager_FINAL.pdf).

<sup>37</sup> The request for PCSF was \$35.0 million. However, NOAA's accounting is sensitive to offsetting budget authority and, therefore, the amount of \$30.9 million is a net total for Other Accounts.

<sup>38</sup> CRS estimated this amount according to funding reported by conferees in the Joint Explanatory Statement to accompany H.R. 2764 (amended), House Appropriation Committee Print, *Consolidated Appropriations Act, 2008, Division B-Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008*, pp. 618-791, January 30, 2008. Available at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_house\\_committee\\_prints&docid=f:39564b.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_house_committee_prints&docid=f:39564b.pdf).

**Table 5. NOAA Appropriations For FY2008,  
the FY2009 Request, and Congressional Action**

(budget authority in millions of dollars)

Item	FY2008 Enacted	FY2009 Request <sup>c</sup>	House- Reported	Senate- Reported	FY2009 Enacted
<b>Operations, Research, and Facilities (ORF)<sup>a</sup></b>	<b>2,945.3</b>	<b>2,840.3</b>	<b>2,982.3</b>	<b>3,054.9</b>	<b>3,048.5</b>
<b>Procurement, Acquisition, &amp; Construction (PAC)</b>	<b>985.2</b>	<b>1,232.7</b>	<b>1,212.3</b>	<b>1,258.0</b>	<b>1,243.6</b>
<b>Other Accounts (net total) PCSRF/CZMF/Finance</b>	<b>58.0</b>	<b>31.0</b>	<b>58.0</b>	<b>133.0</b>	<b>73.0</b>
<b>Total: NOAA<sup>b</sup></b>	<b>3,988.5</b>	<b>4,103.9</b>	<b>4,252.6</b>	<b>4,445.9</b>	<b>4,365.2</b>

**Sources:** Senate Committee on Appropriations, Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2009 (S. 3182; S.Rept. 110-397) June 23, 2008; House Committee on Appropriations, Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2009 (H.R. 7322; H.Rept. 110-919) December 10, 2008, and explanatory statement submitted by Mr. Obey, *Congressional Record*, H1737-H1769, February 23, 2009.

**Note:** Numbers may not add to totals due to rounding.

- a. ORF totals include budget authority offsets (transfers and deobligations).
- b. The FY2008 enacted total includes \$92 million (\$86 million in ORF and \$6 million in PAC) provided in the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act (P.L. 110-329). The FY2008 enacted total also reflects a rescission of \$11.3 million required by P.L. 110-161.
- c. In the President's revised FY2009 budget, \$4.0 million from ORF and \$9.0 million from PAC were reprogrammed within NOAA to cover various inflationary cost increases.

## House and Senate Appropriations Committee Recommendations

For FY2009, the House CJS Subcommittee on Appropriations recommended a total appropriation of \$4.253 billion for NOAA (**Table 5**). This amount was 6.6%, or \$264.1 million more than the FY2008 enacted level of \$3.989 billion. It also was 3.6%, or \$148.7 million more than the FY2009 request of \$4.104 billion. The subcommittee recommended funding for NOAA discretionary accounts as follows: ORF \$2.982 billion; PAC \$1.212 billion; and Other Accounts, a net of \$58.0 million.

The Senate CJS Subcommittee on Appropriations recommended a total of \$4.446 billion for NOAA for FY2009 (**Table 5**). This amount was 11.5% or \$457.4 million more than the \$3.989 billion FY2008 enacted funding level, 8.3% or \$342.0 million more than the \$4.104 billion Administration request for FY2009, and 4.5% or \$193.3 million more than the \$4.253 recommended by the House CJS Subcommittee. The Senate CJS Subcommittee on Appropriations recommended funding for NOAA discretionary accounts as follows: ORF \$3.055 billion; PAC \$1.258 billion; and a net \$133.0 million for NOAA's Other Accounts including a \$50.0 million Disaster Mitigation Fund (DMF) to support fishermen and related industries affected by recent fishery disasters.

The President's request and recommendations of both congressional appropriations committees would have increased total funding for NOAA relative to the \$3.989 billion enacted funding level for FY2008. However, discretionary FY2009 funding requested by the President for ORF was



less than FY2008 appropriations. NOS, OAR, and NESDIS would have been most affected by cuts proposed by the Administration for ORF FY2009 funding. The House committee recommendation for PAC was less than the Administration's request because \$32.4 million of PS funding for construction would have been transferred to the National Institute of Standards and Technology (NIST). The Senate committee had no similar proposal. In general, the Senate committee recommendation showed substantial increases for NOAA across the board. The Senate bill report stated that the committee's recommendation would strengthen the national response to the U.S. Joint Ocean Commission findings on U.S. ocean policy.<sup>39</sup> The Bush Administration request and both congressional appropriations committees recommended \$992.6 million for NESDIS Procurement, Acquisition, and Construction. Support of major NESDIS programs included \$550.0 million for the NOAA Geostationary Earth-orbiting Observation Satellite (GOES), \$65.4 million for the management of the last of NOAA's current Polar-orbiting Earth Observations Satellites (POES), and \$288.0 million for the NOAA/DOD/NASA National Polar-orbiting Earth Observation Satellite System (NPOESS).

No final FY2009 appropriations legislation was enacted by the close of the 110<sup>th</sup> Congress. The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act (P.L. 110-329) provided funding for NOAA at FY2008 levels through March 6, 2009. In addition, it provided supplemental appropriations for FY2008 of \$75.0 million for fisheries disaster assistance and \$17.0 million for NOAA to improve its hurricane track and intensity forecasts for the protection of life and property.

### **Actions in the 111<sup>th</sup> Congress**

The Omnibus Appropriations Act, 2009 (P.L. 111-8) funded NOAA at \$4.365 billion, including \$3.049 billion for the ORF account and \$1.244 billion for the PAC account (**Table 5**). When compared to the FY2008 funding level, support for the NOAA budget increased by 9.4% or \$376.7 million. Relative to FY2008, ORF funding increased by 3.5%, or \$103.2 million and PAC funding increased by 26.2%, or \$258.4 million. Funding for all six ORF line office accounts increased relative to FY2008 enacted levels.

The American Recovery and Reinvestment Act (ARRA) of 2009 (P.L. 111-5) provided \$230.0 million for NOAA's Operations, Research and Facilities account, "to address a backlog of research, restoration, navigation, conservation, and management activities." The ARRA also included \$600.0 million for NOAA's Procurement, Acquisitions, and Construction account to (1) construct and repair NOAA facilities, ships, and equipment; (2) improve weather forecasting and to support satellite development; (3) address gaps in climate modeling; and (4) establish climate data records for climate change research.

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<sup>39</sup> U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Departments of Commerce, Justice, Science, and Related Agencies, *Departments of Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2009, Report to Accompany S. 3182* (S.Rept. 110-397), June 23, 2008, p. 29, "Joint Ocean Commission Initiative."

## Department of Justice<sup>40</sup>

### Background

Established by an act of 1870 (28 U.S.C. 501) with the Attorney General at its head, the Department of Justice provides counsel for citizens in federal cases and protects them through law enforcement. It represents the federal government in all proceedings, civil and criminal, before the Supreme Court. In legal matters, generally, the department provides legal advice and opinions, upon request, to the President and executive branch department heads. The major functions of DOJ agencies and offices are described below.

- *United States Attorneys* prosecute criminal offenses against the United States, represent the federal government in civil actions, and initiate proceedings for the collection of fines, penalties, and forfeitures owed to the United States.
- *United States Marshals Service* provides security for the federal judiciary, protects witnesses, executes warrants and court orders, manages seized assets, detains and transports unsentenced prisoners, and apprehends fugitives.
- *Federal Bureau of Investigation (FBI)* investigates violations of federal criminal law; helps protect the United States against terrorism and hostile intelligence efforts; provides assistance to other federal, state, and local law enforcement agencies; and shares jurisdiction with Drug Enforcement Administration over federal drug violations.
- *Drug Enforcement Administration (DEA)* investigates federal drug law violations; coordinates its efforts with state, local, and other federal law enforcement agencies; develops and maintains drug intelligence systems; regulates legitimate controlled substances activities; and conducts joint intelligence-gathering activities with foreign governments.
- *Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)* enforces federal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. It was transferred from the Department of the Treasury to the Department of Justice by the Homeland Security Act of 2002 (P.L. 107-296).
- *Federal Prison System* (Bureau of Prisons) provides for the custody and care of the federal prison population, the maintenance of prison-related facilities, and the boarding of sentenced federal prisoners incarcerated in state and local institutions.
- *Office on Violence Against Women* coordinates legislative and other initiatives relating to violence against women and administers grant programs to help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking.

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<sup>40</sup> This section was written by (name redacted), CRS Specialist in Crime and Drug Policy; (name redacted), CRS Analyst in Crime Policy; and (name redacted), CRS Specialist in Domestic Security and Crime Policy; CRS Domestic Social Policy Division. For further information, see CRS Report RL34530, *Department of Justice (DOJ) Appropriations for FY2008 and FY2009*, by (name redacted), (name redacted), and (name redacted).

- *Office of Justice Programs (OJP)* manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime.
- *Community Oriented Policing Services (COPS)* advances the practice of community policing by awarding grants to law enforcement agencies to hire and train community policing professionals, acquire and deploy crime-fighting technologies, and develop and test innovative policing strategies.

Most crime control has traditionally been a state and local responsibility. With the passage of the Crime Control Act of 1968 (P.L. 90-351), however, the federal role in the administration of criminal justice has increased incrementally. Since 1984, Congress has approved five major omnibus crime control bills, designating new federal crimes, penalties, and additional law enforcement assistance programs for state and local governments.

## FY2009 Budget Request and Congressional Action

The FY2009 DOJ budget request included almost \$23.128 billion<sup>41</sup> as shown in **Table 6**, or a \$830.3 million reduction, as compared to the FY2008 enacted appropriation of \$23.958 billion.<sup>42</sup> This reduction of 3.5% was largely reflected in proposed cuts to grant programs administered by the Office of Justice (OJP), Community Oriented Policing Services (COPS) program, and Office of Violence Against Women (OVW).

**Table 6. Funding for the Department of Justice**

(budget authority in millions of dollars)

Accounts	FY2008 Enacted	FY2009 Request	House-Reported	Senate-Reported	FY2009 Enacted <sup>a</sup>
General Administration	1,798.8	1,952.1	2,014.2	1,928.4	2,007.8
General Administration	257.6	321.3	384.7	292.7	370.8
Administrative Review & Appeals	240.6	259.8	264.8	264.8	266.0
Detention Trustee	1,225.9	1,295.3	1,289.1	1,295.3	1,295.3
Office of the Inspector General	74.6	75.7	75.7	75.7	75.7
U.S. Parole Commission	11.5	12.6	12.6	12.6	12.6
Legal Activities	3,619.3	3,829.7	3,841.9	3,864.7	3,855.6
General legal activities	747.2	804.0	804.0	804.0	804.0
United States Attorneys	1,759.8	1,831.3	1,836.3	1,831.3	1,836.3
United States Marshals Service	895.1	933.1	940.3	968.1	954.0
Other <sup>b</sup>	217.1	261.2	261.2	261.2	261.2
National Security Division	73.4	83.8	83.8	83.8	83.8

<sup>41</sup> The FY2009 requested amount reflects a May 2, 2008 budget amendment that included an additional \$39.1 million for the Federal Bureau of Investigation.

<sup>42</sup> The FY2008 enacted level includes supplemental appropriations provided in P.L. 110-252 and P.L. 110-329.

Accounts	FY2008 Enacted	FY2009 Request	House- Reported	Senate- Reported	FY2009 Enacted <sup>a</sup>
Interagency Law Enforcement	497.9	531.6	521.9	511.7	515.0
Federal Bureau of Investigation	6,763.8	7,147.2	7,108.1	7,270.1	7,301.2
Salaries and expenses	4,291.0	3,349.2	3,310.1	4,359.7	3,392.7
Counterintelligence and National Security	2,308.6	3,755.0	3,755.0	2,725.5	3,755.0
Construction	164.2	43.0	43.0	185.0	153.5
Drug Enforcement Administration	1,887.4	1,936.6	1,939.1	1,954.4	1,939.1
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,011.6	1,027.8	1,054.2	1,042.8	1,054.2
Federal Prison System	5,612.6	5,533.9	5,733.9	5,973.9	6,173.9
Office on Violence Against Women	400.0	280.0	435.0	415.0	415.0
Office of Justice Programs	2,282.0	792.7	2,694.1	2,721.1	2,762.1
Justice assistance	196.2	134.6	95.0	240.0	220.0
State and local law enforcement assistance	1,008.1 <sup>c</sup>	404.0	1,277.0	1,387.0	1,328.5
Weed and seed program fund	32.1	—	—	25.0	25.0
Community oriented policing services	587.2	—	627.0	600.0	550.5
Salaries and Expenses <sup>d</sup>	—	—	195.0	—	195.0
Juvenile justice programs	383.5	185.0	431.0	400.0	374.0
Public safety officers benefits	74.8	69.1	69.1	69.1	69.1
<b>Total: Department of Justice</b>	<b>23,958.3</b>	<b>23,127.9</b>	<b>25,438.8</b>	<b>25,778.6</b>	<b>26,120.2</b>

**Sources:** U.S. Congress, House Committee on Appropriations, *Omnibus Appropriations Act, 2009*, committee print, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 2009, Book 1 of 2 – Divisions A-E (Washington: GPO, 2009), pp. 548-552.

**Note:** Amounts may not add to totals due to rounding.

- The FY2009 enacted amounts do not reflect any funding that was included in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- Other includes subaccounts for the Antitrust Division, Vaccine Injury Compensation Trust Fund, U.S. Trustee System Fund, Foreign Claims Settlement Commission, Fees and Expenses of Witnesses, Community Relations Service, and the Asset Forfeiture Fund.
- Includes \$100.0 million in emergency funding that was appropriated for security at the Presidential Nominating Conventions.
- The House-reported bill and the Omnibus Appropriations Act of 2009 (P.L. 111-8) included an account that provided \$195.0 million for salaries and expenses of OJP, OVW, and COPS.

The House Appropriations Committee reported bill (H.R. 7322; H.Rept. 110-919) that would have provided DOJ with \$25.439 billion for FY2009. This amount would have included \$7.108 billion for the FBI, \$1.939 billion for the DEA, \$1.054 billion for the ATF, and \$5.734 billion for the Bureau of Prisons. The House reported bill also would have included \$3.129 billion in state and local law enforcement assistance (OJP and OVW), an amount that would have been \$2.056 billion more than the amount requested for FY2009.

The Senate Appropriations Committee reported a bill (S. 3182; S.Rept. 110-252) that would have provided DOJ with \$25.779 billion for FY2009. This amount included \$7.270 billion for the FBI, \$1.954 billion for the DEA, \$1.043 billion for the ATF, and \$5.974 billion for the Bureau of Prisons. The Senate-reported bill also included \$3.136 billion in state and local law enforcement assistance (OJP and OVW), an amount that would have provided \$2.063 billion more than the FY2009 request.

The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$26.120 billion in DOJ funding for FY2009. This amount included \$7.301 billion for the FBI, \$1.939 billion for the DEA, \$1.054 billion for the ATF, and \$6.174 billion for the Bureau of Prisons. The Omnibus included \$3.177 billion in state and local law enforcement assistance (OJP and OVW), \$2.104 billion more than the amount requested for FY2009 and \$495.1 million more than the enacted FY2008 appropriation.

### **FY2008 Supplemental Funding Request and Congressional Action**

For FY2008, the Administration requested \$185.8 million in supplemental funding for DOJ as shown in **Table 7**. The House-passed bill (H.R. 2642) would have provided DOJ with \$407.3 million in supplemental funding, and the Senate-passed bill (also H.R. 2642) would have provided \$1.131 billion. In an exchange of amendments, the House and Senate resolved their differences, and the bill was cleared for the President on June 26, 2008. The Supplemental Appropriations Act, 2008 (P.L. 110-252) included an additional \$449.0 million for DOJ. These amounts are reflected in the FY2008 enacted amounts provided in **Table 6** and provided separately at the account and subaccount level in **Table 7**.

### **FY2009 Continuing Resolution (CR)**

On September 30, 2008, the President signed into law the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329). This law included a CR that funded most DOJ agencies at FY2008 levels through March 6, 2009; however, a few DOJ accounts received funding over those FY2008 levels. For example, the CR funded the Bureau of Prisons' salaries and expenses account at a rate that would have been equal to a full-year FY2009 appropriation of \$5.397 billion; the Detention Trustee at a rate that was equal to a full-year appropriation of \$1.246 billion; and departmental Legal Activities at a rate that would have equaled a full-year appropriation of \$3.390 billion. Of the amount provided for Legal Activities, the CR required that an amount corresponding to \$1.090 billion of a full-year appropriation be transferred to the Office of Personnel Management for costs associated with the federal observer program provided under Section 8 of the Voting Rights Act of 1965 (42 U.S.C. §1973f).

Furthermore, the CR funded the FBI at its FY2008 level of funding through March 6 and stipulated that \$144.0 million in FY2008 emergency supplemental funding that Congress appropriated for the FBI would be regarded as part of that calculation. In the discussions below of the DOJ budget accounts, the CR is not mentioned, unless it provided amounts that were different from those provided for FY2008.

**Table 7. FY2008 Supplemental Funding for the Department of Justice**

(budget authority in millions of dollars)

Accounts	Request	House-Passed	Senate-Passed	Enacted
General Administration	—	4.0	4.0	4.0
Office of the Inspector General	—	4.0	4.0	4.0
Legal Activities	24.0	25.3	75.3	35.3
General Legal Activities	4.1	1.7	1.7	1.7
U.S. Attorneys	5.0	5.0	5.0	5.0
U.S. Marshals Service	14.9	18.6	68.6	28.6
Federal Bureau of Investigation	140.2	174.8	247.6	188.7
Counterterrorism	101.1	92.2	165.0	106.1
FY2009 Advanced Appropriation	39.1	82.6	82.6	82.6
Drug Enforcement Administration	8.5	12.2	22.7	29.9
Bureau of Alcohol, Tobacco, Firearms and Explosives	4.0	4.0	4.0	4.0
Federal Prison System	9.1	187.1	187.1	187.1
State and Local Law Enforcement Assistance	—	—	590.0	—
<b>Total: FY2008 DOJ Supplemental</b>	<b>185.8</b>	<b>407.3</b>	<b>1,130.6</b>	<b>449.0</b>

**Sources:** For House amounts, see *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4012. For Senate amounts, see *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4302. For enacted amounts, see the Supplemental Appropriations Act, 2008 (P.L. 110-252).

**Note:** Amounts may not add to totals due to rounding.

## American Recovery and Reinvestment Act of 2009

In the American Recovery and Reinvestment Act (P.L. 111-5), Congress provided DOJ with \$4.0 billion in emergency/stimulus funding. This amount includes \$2.0 million for the Inspector General and the rest for grant programs. Specifically, it includes \$225 million for the Office on Violence Against Women, \$1.0 billion for the Community Oriented Policing Services Office, and \$2.77 billion for state and local law enforcement assistance, including \$2.00 billion for the Edward Byrne Memorial Justice Assistance Grant program, \$225.0 million for Byrne Competitive grants, \$225.0 million for construction of correctional facilities on tribal lands, \$125.0 million for rural law enforcement assistance, \$100.0 million for victim compensation grants, \$50.0 million for Internet Crimes Against Children taskforces, and \$40.0 million for law enforcement assistance along the southern border and in High-intensity Drug Trafficking Areas.

**Table 8. Funding for DOJ in the American Recovery and Reinvestment Act (ARRA)**  
(budget authority in millions of dollars)

Accounts	House-passed	Senate-passed	Enacted
General Administration	—	100.0	—
Tactical Law Enforcement Wireless Communications	—	100.0	—
Detention Trustee	—	100.0	—
Office of the Inspector General	2.0	2.0	2.0
U.S. Marshals Service	—	150.0	—
Salaries and Expenses	—	50.0	—
Construction	—	100.0	—
Federal Bureau of Investigation	—	375.0	—
Salaries and Expenses	—	75.0	—
Construction	—	300.0	—
Federal Prison System	—	800.0	—
Buildings and Facilities	—	800.0	—
Office on Violence Against Women	—	300.0	225.0
STOP Formula Grants	—	250.0	175.0
Transitional Housing Assistance Grants	—	50.0	50.0
State and Local Law Enforcement Assistance	3,000.0	2,190.0	2,765.0
Byrne Justice Assistance Grants (JAG)	3,000.0	1,200.0	2,000.0
Byrne Competitive Grants	—	300.0	225.0
Rural Law Enforcement Assistance	—	150.0	125.0
Southern Border and HIDTA Grants	—	90.0a	40.0a
Victims Compensation Grants	—	100.0	100.0
Tribal Correctional Facilities Construction Grants	—	250.0	225.0
Tribal Courts Initiative	—	25.0	—
Tribal Alcohol and Substance Abuse Reduction Grants	—	25.0	—
Internet Crimes Against Children Task Forces	—	50.0	50.0
Community Oriented Policing Services	1,000.0	1,000.0	1,000.0
Salaries and Expenses for OJP and COPS	—	10.0	10.0
<b>ARRA Total</b>	<b>4,002.0</b>	<b>5,027.0</b>	<b>4,002.0</b>

**Source:** Conference Report on H.R. 1 (P.L. 111-5), American Recovery and Reinvestment Act of 2009, H.Rept. 111-16, as published in the *Congressional Record*, daily edition, vol. 155 (Feb. 12, 2009), pp. H1307-H1516.

a. Includes \$10 million for the Bureau of Alcohol, Tobacco, Firearms, and Explosives for Project Gunrunner.

## **General Administration**

The General Administration account provides funds for salaries and expenses for the Attorney General's office, the Inspector General's office, as well as other programs designed to ensure that the collaborative efforts of DOJ agencies are coordinated to help fight crime as efficiently as possible. The General Administration budget request was \$1.952 billion for FY2009. This amount was \$157.3 million more than the enacted FY2008 appropriation of almost \$1.799 billion, an increase of 8.5%. The House-reported bill would have provided \$2.014 billion for General Administration, 12% more than the FY2008 enacted level and 3.2% more than the FY2009 request. The Senate-reported bill would have provided \$1.928 billion for General Administration, 7.2% more than the FY2008 level and 1.2% less than the FY2009 request. In the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided the Office of the Inspector General (OIG) with an additional \$4.0 million. Described below are several General Administration subaccounts, such as the OIG.

The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$2.007 billion for the General Administration account, 0.3% less than what was recommended in the House-reported bill and 4.1% more than what was recommended in the Senate-reported bill. The enacted amount for the General Administration account included in the Omnibus represented an 11.6% increase over what was appropriated for FY2008 and 2.9% more than was requested for FY2009.

## **General Administration**

For DOJ's General Administration subaccount, the FY2009 budget request included \$321.3 million dollars, an increase of \$63.7 million over the \$257.6 million appropriation for FY2008 (an increase of 24.7%). Examples of programs funded under this subaccount include the Joint Automated Booking System and the Automated Biometric Identification System. The latter is designed to integrate fingerprint identification systems maintained by DOJ and Department of Homeland Security (DHS). Under this subaccount, DOJ also continues to enhance its counterterrorism and intelligence capabilities through the Law Enforcement Wireless Communications program (LEWC, formerly known as Narrowband Communications), through which nationwide integrated wireless networks are being developed and implemented to support the federal law enforcement and homeland security missions of DOJ. In addition, funding for the Justice Information Sharing Technology (JIST) program provides for investments in information technology to further support the Department's strategic goals.

The House-reported bill would have provided \$384.7 million, 49.3% more than FY2008 level and 19.7% more than the FY2009 budget request. The Senate-reported bill would have provided \$292.7 million, 13.6% more than FY2008 enacted level, but 8.9% less than the FY2009 request.

The Omnibus included \$370.8 million for General Administration, -3.6% less than the amount recommended in the House-reported bill, although almost 26.7% more than what was recommended in the Senate-reported bill. The amount enacted in the Omnibus represented a 43.9% increase over what was appropriated for General Administration for FY2008 and 15.4% more than the FY2009 requested amount.



## **Administrative Review and Appeals (ARA)**

ARA includes the Executive Office of Immigration Review (EOIR) and the Office of the Pardon Attorney (OPA). The Attorney General is responsible for the review and adjudication of immigration cases in coordination with the DHS's efforts to secure the nation's borders. The EOIR handles these matters. The OPA receives and reviews petitions for executive clemency. For FY2008, Congress appropriated \$240.6 million for ARA. The FY2009 budget request included \$259.8 million for ARA funding in FY2009. The requested amount exceeded the FY2008 funding level by \$19.1 million, representing an increase of 8.0%. The House-reported bill would have provided \$264.8 million, 10% more than the FY2008 enacted level and 1.9% more than the FY2009 budget request. The Senate-reported bill would have provided the same amount as the House-reported bill.

The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$266.0 million for ARA, an increase of almost 0.5% over the amount recommended in the House- and Senate-reported bills. The amount included in the Omnibus for ARA represented a 10.5% increase over FY2008 appropriations and almost 2.4% more than what was requested for FY2009.

## **Federal Office of Detention Trustee (OFDT)**

The OFDT provides overall management and oversight for federal detention services relating to federal prisoners in non-federal institutions or otherwise in the custody of the U.S. Marshals Service. The FY2009 budget request for OFDT was \$1.295 billion. This amount was 5.7% more than the FY2008 appropriation of almost \$1.226 billion. The House-reported bill would have provided \$1.289 billion for OFDT, 5.1% more than FY2008 enacted level and 0.5% less than the FY2009 request. The Senate-reported bill would have provided the same amount as the President's request.

The CR (P.L. 110-329) funded the Detention Trustee through March 6, 2009, at a rate equal to the amount that would have been available if Congress had appropriated \$1.246 billion in full-year funding, or until a full-year appropriation were enacted.

The FY2009 Omnibus (P.L. 111-8) provided \$1.295 billion for OFDT, 0.5% more than the amount recommended for OFDT in the House-reported bill, and the same amount that was recommended in the Senate-reported bill and the FY2009 request. The enacted FY2009 appropriation for OFDT represented an increase of just over 5.7% compared to FY2008 appropriations.

## **Office of the Inspector General (OIG)**

The OIG is responsible for detecting and deterring waste, fraud, and abuse involving DOJ programs and personnel; promoting economy and efficiency in DOJ operations; and investigating allegations of departmental misconduct. The FY2009 budget request included nearly \$75.7 million for the OIG. This amount was \$1.1 million greater than the amount appropriated by Congress for FY2008 and would have represented a 1.4% increase in funding for FY2009. Both the House- and Senate-reported bills would have provided the same amount as the FY2009 budget request. As noted above, the Supplemental Appropriations Act, 2008 (P.L. 110-252) included an additional \$4.0 million for the OIG.

The Omnibus (P.L. 111-8) included \$75.7 million for the OIG, an amount equal to what was reported by the House and Senate Appropriation Committees, and the amount requested for FY2009. The FY2009 enacted appropriation for the OIG represented a 1.4% increase over enacted FY2008 appropriation levels.

## **U.S. Parole Commission**

The U.S. Parole Commission adjudicates parole requests for prisoners who are serving felony sentences under federal and District of Columbia code violations. For FY2009, the FY2009 budget request for the Parole Commission was just under \$12.6 million, or a 9.7% increase as compared to the FY2008 appropriation of almost \$11.5 million. Both the House- and Senate-reported bills would have provided the same amount as included in the FY2009 request. P.L. 111-8, the Omnibus Appropriations Act, 2009 (P.L. 111-8), provided the Parole Commission with an appropriation of \$12.6 million for FY2009.

## **Legal Activities**

The Legal Activities account includes several subaccounts: general legal activities, U.S. Attorneys, U.S. Marshals Service, and other legal activities. For FY2009, the budget request for legal activities included almost \$3.830 billion, an increase of 5.8% and just over \$210.4 million more than the FY2008 enacted funding level of \$3.619 billion for these activities. The House-reported bill would have provided almost \$3.842 billion for legal activities, 6.2% more than the FY2008 enacted level and 0.3% more than the FY2009 request. The Senate-reported bill would have provided almost \$3.865 billion, 6.8% more than the FY2008 enacted level and 0.9% more than the FY2009 budget request.

The Supplemental Appropriations Act, 2008 (P.L. 110-252), provided an additional \$35.3 million in FY2008 funding for certain Legal Activities program accounts, including General Legal Activities, U.S. Attorneys, and the U.S. Marshals Service. This was followed by the CR (P.L. 110-329), which funded the Legal Activities account through March 6, 2009, as if Congress had appropriated \$3.390 billion in full-year funding for those activities, or until a full-year FY2009 appropriation was enacted. The CR also specified that an amount corresponding to \$1.090 billion of the \$3.390 billion in full-year funding was to be transferred to the Office of Personnel Management's salaries and expenses account for costs associated with the federal observer program provided under Section 8 of the Voting Rights Act of 1965 (42 U.S.C. §1973f).

The Omnibus (P.L. 111-8) included \$3.856 billion for Legal Activities, almost 0.4% more than the amount recommended in the House-reported bill and 0.2% less than what was recommended in the Senate-reported bill. The amount enacted in the Omnibus represented a 6.5% increase over what was appropriated for General Administration for FY2008 and 0.7% more than the FY2009 requested amount.

## **General Legal Activities**

The General Legal Activities account funds the Solicitor General's supervision of the department's conduct in proceedings before the Supreme Court. It also funds several departmental divisions (tax, criminal, civil, environment and natural resources, legal counsel, civil rights, and antitrust). The FY2009 budget request included \$804.0 million for general legal

activities, \$56.8 million more than the FY2008 enacted appropriation, or a proposed 7.6% increase in funding. The House- and Senate-reported bills would have included the same level of funding as the FY2009 budget request. In addition, as part of the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided an additional \$1.7 million for the General Legal Activities account.

The Omnibus (P.L. 111-8) included \$804.0 million for General Legal Activities, an amount equal to what was recommended in the House- and Senate-reported bills, and the FY2009 request. The FY2009 enacted appropriation for General Legal Activities in the Omnibus represented an increase of 7.6% over FY2008 appropriations.

### **Office of the U.S. Attorneys**

The U.S. Attorneys enforce federal laws through prosecution of criminal cases and represent the federal government in civil actions in all of the 94 federal judicial districts. For FY2009, the budget request would have provided \$1.831 billion for the U.S. Attorneys Office, a 4.1% increase over the prior year. For FY2008, the U.S. Attorneys' appropriated budget was almost \$1.760 billion. The House-reported bill would have included \$1.836 billion for the U.S. Attorneys Office, 4.3% more than enacted FY2008 appropriations, and 0.3% more than the FY2009 budget request. The Senate-reported bill would have included the same level of funding as requested for FY2009. The Supplemental Appropriations Act, 2008 (P.L. 110-252) also included an additional \$5.0 million for the Office of the U.S. Attorneys.

The Omnibus (P.L. 111-8) included \$1.836 billion for the U.S. Attorneys Office, an amount equal to that recommended in the House-reported bill, and almost 0.3% more than what was recommended in the Senate-reported bill and the FY2009 request. The enacted FY2009 appropriation for the Office of the U.S. Attorneys included in the Omnibus represented a 4.3% increase over FY2008 appropriated funding levels and a 0.3% increase over the FY2009 budget request.

### **U.S. Marshals Service (USMS)**

The USMS is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. For FY2008, the appropriation for the USMS was \$895.1 million. The budget request for FY2009 proposed USMS funding of \$933.1 million, an increase of \$38 million, or 4.2% over the FY2008 enacted level. The House-reported bill would have provided \$940.3 million for USMS, 5.0% more than FY2008 enacted levels and 0.8% more than the FY2009 budget request. The Senate-reported bill would have provided \$968.1 million, 8.2% more than FY2008 enacted funding and 3.8% more than the FY2009 budget request. The Supplemental Appropriations Act, 2008 (P.L. 110-252) included an additional \$28.6 million for the USMS.

The Omnibus (P.L. 111-8) included \$954.0 million for the USMS, an amount that was almost 1.5% more than the recommended level in the House-reported bill and almost 1.5% less than what was recommended in the Senate-reported bill. The enacted FY2009 appropriation for the USMS included in the Omnibus represented a 6.6% increase over the amount appropriated for FY2008, and a 2.2% increase over the amount requested for FY2009.

## **Other Legal Activities**

For other legal activities—the Community Relations Service, the U.S. Trustee Fund (which is responsible for maintaining the integrity of the U.S. bankruptcy system by, among other things, prosecuting criminal bankruptcy violations), and the Asset Forfeiture program—the FY2009 budget request included \$261.2 million. This amount reflected an increase in funding of \$44.1 million, or a 20.3% increase over the FY2008 enacted level of \$217.1 million. The House- and Senate-reported bills would have provided the same funding level as requested in the FY2009 budget request.

The Omnibus (P.L. 111-8) included \$261.2 million for other legal activities, an amount equal to the House- and Senate-recommended levels, and an amount equal to the FY2009 request. The enacted FY2009 appropriation provided a 20.3% increase in funding for the other legal activities subaccounts over FY2008 levels.

## **National Security Division (NSD)**

The NSD coordinates DOJ's national security and terrorism missions through law enforcement investigations and prosecutions. The NSD was established in DOJ in response to the recommendations of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission), and authorized by Congress on March 9, 2006, in the USA PATRIOT Improvement and Reauthorization Act of 2005 (P.L. 109-177). Under the NSD, the DOJ resources of the Office of Intelligence Policy and Review and the Criminal Division's Counterterrorism and Counterespionage Sections were consolidated to coordinate all intelligence-related resources and ensure that criminal intelligence information is shared, as appropriate.

For FY2009, the budget request proposed NSD funding of \$83.8 million. In FY2008, Congress appropriated nearly \$73.4 million for NSD. The proposed funding level for FY2009 reflected a 14.2% increase over the FY2008 enacted appropriation. The House-reported and Senate-reported bills would have provided the same funding level as requested in the FY2009 budget submission.

For FY2009, the Omnibus (P.L. 111-8) included \$83.8 million for NSD, an amount equal to the House- and Senate-recommended levels, and equal to the FY2009 request. The enacted FY2009 appropriation represented a 14.2% increase in NSD funding.

## **Interagency Law Enforcement**

The Interagency Law Enforcement account reimburses departmental agencies for their participation in the Organized Crime Drug Enforcement Task Force (OCDETF) program. Organized into nine regional task forces, this program combines the expertise of federal agencies with the efforts of state and local law enforcement to disrupt and dismantle major narcotics-trafficking and money-laundering organizations. From DOJ, the federal agencies that participate in OCDETF are the Drug Enforcement Administration; the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Marshals Service; the Tax and Criminal Divisions of DOJ; and the U.S. Attorneys. From DHS, the U.S. Bureau of Immigration and Customs Enforcement and the U.S. Coast Guard participate in OCDETF. In addition, from the Department of the Treasury, the Internal Revenue Service and Treasury Office of Enforcement

also participate. State and local law enforcement agencies participate in approximately 90% of all OCDETF investigations.<sup>43</sup>

For FY2009, the budget request would have provided almost \$531.6 million for OCDETF. The proposed FY2009 funding level would have exceeded the FY2008 OCDETF enacted funding level of \$497.9 million by 6.8%. The House-reported bill would have provided \$521.9 million, 4.8% more than the FY2008 enacted level, but 1.8% less than the budget request. The Senate-reported bill would have provided \$511.7 million, 2.8% more than the FY2008 enacted level, but 3.7% less than the budget request.

The Omnibus (P.L. 111-8) included \$515 million for OCDETF, an amount that was almost 1.3% less than the recommended level in the House-reported bill, although 0.6% more than the level recommended in the Senate-reported bill. The enacted FY2009 OCDETF appropriation represented a 3.4% increase over the amount appropriated for FY2008, although it provided 3.1% less than the amount requested for FY2009.

## **Federal Bureau of Investigation (FBI)**

The FBI is the lead federal investigative agency charged with defending the country against foreign terrorist and intelligence threats; enforcing federal laws; and providing leadership and criminal justice services to federal, state, municipal, tribal, and territorial law enforcement agencies and partners. Since the September 11, 2001 terrorist attacks, the FBI has reorganized and reprioritized to focus more sharply on preventing terrorism and related criminal activities.

For FY2009, the budget request would have provided \$7.147 billion for the FBI, including \$3.755 billion for counterterrorism investigations, foreign counterintelligence, and other national security activities, as well as construction funding of nearly \$43.0 million. The enacted FY2008 FBI budget included almost \$6.764 billion, of which almost \$2.309 billion was provided for counterterrorism and national security activities, and \$164.2 million was provided for construction. Taken as a whole, the FY2009 budget request would have exceeded the FBI's FY2008 funding level by \$383.4 million, an overall funding increase of almost 5.7%.

The House-reported bill would have provided total FY2009 FBI funding of \$7.108 billion, almost 5.1% more than FY2008 appropriations, although 0.5% less than the FY2009 budget request. The Senate-reported bill would have provided \$7.270 billion for the FBI, almost 7.5% more than the FY2008 funding level and 1.7% more than the FY2009 request, and 2.2% more than the House-reported amount.

In the Supplemental Appropriations Act, 2008 (P.L. 110-252), Congress provided the FBI with an additional \$188.7 million for counterterrorism purposes, of which \$106.1 million was a supplemental appropriation for FY2008 and \$82.6 million was an advanced FY2009 appropriation to ensure operational continuity in the event that the FY2009 appropriations were not enacted by the end of FY2008.

The CR (P.L. 110-329) funded the FBI at its FY2008 level of funding through March 6, 2009, and stipulated further that \$144.0 million in FY2008 emergency supplemental funding that Congress

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<sup>43</sup> U.S. Department of Justice, Interagency Law Enforcement, *FY2009 Interagency Crime and Drug Enforcement Congressional Submission*, February 2008, p. 9.

appropriated for the FBI would be regarded as part of that calculation. As a result, the FBI was funded at a rate that would be equal to a full-year appropriation of \$6.802 billion.

The Omnibus (P.L. 111-8) included total appropriations of \$7.301 billion for the FBI, an amount that was 2.7% more than the recommended level in the House-reported bill, 0.4% more than what was recommended in the Senate-reported bill, and 2.2% more than the FY2009 request. The total enacted FY2009 appropriation for the FBI represented a 7.9% increase over FY2008 appropriations. Of the total FBI appropriation, the Omnibus provided \$3.393 billion for salaries and expenses, \$3.755 billion for FBI counterintelligence and national security, and \$153.5 million for construction.

## **Drug Enforcement Administration (DEA)**

The DEA is the lead federal agency tasked with reducing the illicit supply and abuse of dangerous narcotics and drugs through drug interdiction and seizures of illicit revenues and assets from drug trafficking organizations. According to DEA, the agency's efforts to reduce the drug supply have contributed to a 23% drop in national drug use over the past five years.<sup>44</sup> By 2009, one of DEA's goals is to recover \$3.0 billion in illegal proceeds annually from international drug trafficking networks operating in the United States. In congressional testimony, DEA noted that they continue to face evolving challenges in limiting the supply of illicit drugs such as the illicit use of pharmaceutical drugs available through the Internet; enforcement along the Southwest border with Mexico where DEA estimates that 85% of illicit drugs are smuggled into the United States.<sup>45</sup>

For FY2009, the budget request included almost \$1.937 billion in funding for DEA. This amount would have exceeded the enacted FY2008 funding level of \$1.887 billion by \$49.2 million and would have reflected a 2.6% funding increase. The House-reported bill would have provided \$1.939 billion, 2.7% above the FY2008 enacted level and 0.1% over the FY2009 request. The Senate-reported bill would have provided \$1.954 billion, 3.5% above the FY2008 enacted level and 0.9% over the FY2009 request. As part of the Supplemental Appropriations Act, 2008 (P.L. 110-252), DEA received an additional \$29.9 million.

The Omnibus (P.L. 111-8) included total appropriations of \$1.939 billion for DEA, an amount that was equal to the recommended level in the House-reported bill, almost 0.8% less than what was recommended in the Senate-reported bill, and 0.1% more than the FY2009 request. The enacted FY2009 appropriation for DEA included in the Omnibus represented a 2.7% increase over the amount appropriated for FY2008.

## **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)**

The ATF enforces federal criminal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. ATF works both independently and through partnerships with industry groups, international, state and local governments, and other federal

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<sup>44</sup> Statement of Karen Tandy, Administrator, Drug Enforcement Agency, Hearing before the Senate Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Drug Threats and Enforcement Challenges*, April 19, 2007.

<sup>45</sup> Ibid.

agencies to investigate and reduce crime involving firearms and explosives, acts of arson, and illegal trafficking of alcohol and tobacco products.

For FY2009, the budget request included nearly \$1.028 billion for ATF. The FY2009 request would have provided a funding increase of \$16.2 million, or 1.6% more than FY2008 enacted level. The House-reported bill would have provided \$1.054 billion, 4.2% above the FY2008 enacted level and 2.6% over the FY2009 request. The Senate-reported bill would have provided \$1.043 billion, 3.1% above the FY2008 enacted level and 1.5% over the FY2009 request. As part of the Supplemental Appropriations Act, 2008 (P.L. 110-252), ATF received a supplemental appropriation of \$4.0 million for “Project Gunrunner,” an effort to suppress Southwest border gun trafficking. In the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), Congress provided ATF with another \$10 million for Project Gunrunner.

The Omnibus (P.L. 111-8) included total appropriations of \$1.054 billion for ATF, an amount that was equal to the recommended level in the House-reported bill, almost 1.1% more than what was recommended in the Senate-reported bill, and 2.6% more than the FY2009 request. The enacted FY2009 appropriation for ATF represented a 4.2% increase over the amount appropriated for FY2008.

## **Federal Prison System (Bureau of Prisons)**

The Bureau of Prisons (BOP) maintains federal penal institutions nationwide and contracts with state, local, and private facilities for additional detention space. BOP projects that in 2008 there will be 207,020 inmates in the federal prison system population; the bureau further estimates that this population will grow to approximately 213,220 by the end of 2009.<sup>46</sup> Of the total number of federal inmates, nearly 167,000 are in facilities operated by BOP, while the remaining 17% are in contract care at privately operated secure facilities, residential reentry centers, or serving a sentence of home confinement. BOP estimates that its facilities were operating at 39% above capacity as of January 29, 2008, and they estimate that by 2009 the facilities will be operating at 42% above capacity.<sup>47</sup>

The FY2009 budget request proposed BOP funding of almost \$5.534 billion, of which \$95.8 million would have been provided for the acquisition of sites and construction of facilities. This amount would have provided \$79 million less than the total enacted FY2008 appropriations of almost \$5.613 billion, reflecting a 1.4% decrease. The House-reported bill included \$5.734 billion for the BOP, a 2.2% increase over the FY2008 enacted level and a 3.6% increase over the FY2009 request. The Senate-reported bill included \$5.974 billion for BOP, a 6.4% increase over the FY2008 enacted level and an 8% increase over the FY2009 request. The Supplemental Appropriations Act, 2008 (P.L. 110-252) included an additional \$187.1 million for the BOP.

The Omnibus Appropriations Act, 2009 (P.L. 111-8) included almost \$6.174 billion for BOP, 7.7% more than what was recommended for BOP in the House-reported bill and 3.3% more than what was recommended in the Senate-reported bill. The amount provided for BOP included in the Omnibus Appropriations Act represented a 10.0% increase over what was appropriated for BOP for FY2008 and 11.6% more than what was requested.

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<sup>46</sup> U.S. Department of Justice, Federal Bureau of Prisons, *FY2009 Congressional Budget Submission*, p. 2.

<sup>47</sup> *Ibid.*, pp. 2-3.

## Office on Violence Against Women

The Office on Violence Against Women (OVW) was created to administer programs created under the Violence Against Women Act (VAWA) of 1994 and subsequent legislation. These programs provide financial and technical assistance to communities around the country to facilitate the creation of programs, policies, and practices designed to improve criminal justice responses related to domestic violence, dating violence, sexual assault, and stalking.

The FY2009 budget request would have provided \$280.0 million for OVW, a reduction of \$120.0 million or a 30% decrease in funding compared to FY2008 funding of \$400.0 million. Under the FY2009 budget request proposal, OVW's current formula and discretionary grant programs would have been consolidated into a single grant program, the *Prevention and Prosecution of Violence Against Women and Related Victim Services Program*. Grants under the proposed consolidated program would have been awarded on a competitive basis to state, local, and tribal governments. Funding would have supported efforts to develop and implement effective, coordinated prevention and prosecution of domestic violence, dating violence, sexual assault and stalking, and support related victims services. According to the FY2009 budget request proposal, the consolidated grant awards would have been "designed to forge state, local and tribal partnerships among police, prosecutors, the judiciary, victim advocates, health care providers, faith leaders, and others to help provide victims with protection and needed services, while enabling communities to hold offenders accountable."<sup>48</sup>

Both the House-reported bill and the Senate-reported bill rejected the Administration's consolidation proposal and would have maintained OVW's current program structure. The House-reported bill would have provided OVW with \$435.0 million, an increase of 8.8% over the FY2008 enacted level and 55.4% over the FY2009 request. The Senate-reported bill would have provided \$415.0 million, an increase of 3.8% over the FY2008 enacted level and 48.2% over the FY2009 request.

The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$415.0 million for the Office on Violence Against Women, 4.6% less than the House-reported bill and the same amount as the Senate-reported bill. The \$415.0 million for the Office on Violence Against Women is 3.8% more than the FY2008 appropriation and 48.2% more than the FY2009 request. In addition to the amount included in the Omnibus Appropriations Act, the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included \$225.0 million for the Office on Violence Against Women.

## Office of Justice Programs

The Office of Justice Programs (OJP) manages and coordinates the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crimes, Bureau of Justice Assistance, and related grant programs. For OJP, the Administration's FY2009 budget request included \$792.7 million, or nearly \$1.489 billion less than the FY2008 appropriation of \$2.282 billion. The House reported-bill would have included \$2.694 billion, an increase of 18.1% over the FY2008 enacted level and an increase of 239.8% over the FY2009 request. The Senate-reported bill would have included \$2.721 billion, an

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<sup>48</sup> U.S. Executive Office of the President, Office of Management and Budget, *Budget for Fiscal Year 2009*, Appendix, p. 728.



increase of 19.2% over the FY2008 enacted level and an increase of 243.2% over the FY2009 request. The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$2.762 billion for OJP, 2.5% more than the House-reported bill and 1.5% more than the Senate-reported bill. The amount included in the Omnibus Appropriations Act represented a 21.0% increase over the FY2008 appropriation for OJP and a 248.4% increase over the FY2009 request. In addition to the amount included in the Omnibus Appropriations Act, the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included \$3.765 billion for OJP, of which \$2.765 billion was for State and Local Law Enforcement Assistance and \$1.0 billion was for Community Oriented Policing Services.

## **Justice Assistance**

The Administration's FY2009 request included \$134.6 million for this account, or 31.4% less than what was appropriated in FY2008. The FY2009 request included funding for the following programs:

- \$34.7 million for National Institute of Justice (NIJ);
- \$53.0 million for the Bureau of Justice Statistics (BJS);
- \$34.2 million for the Regional Information Sharing System (RISS); and
- \$12.7 million for support services and administrative expenses for the Office of Victims of Crime.

By comparison, the enacted FY2008 appropriation for Justice Assistance was \$196.2 million. The FY2008 appropriations for some of those programs included the following:

- \$37.0 million for NIJ;
- \$34.8 million for BJS;
- \$40.0 million for RISS;
- \$50.0 million for missing children programs; and
- \$11.3 million to support state and local law enforcement agencies in the prevention, investigation and prosecution of Internet, high-tech and economic crimes.<sup>49</sup>

The House-reported bill would have provided \$95.0 million for the Justice Assistance account, 51.6% less than the FY2008 enacted level and 29.4% less than the FY2009 request.<sup>50</sup> The Senate-reported bill would have provided \$240.0 million for the Justice Assistance account, 22.3% more than the FY2008 enacted level and 78.2% more than the FY2009 request. The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$220.0 million for the Justice Assistance account, 131.6% more than the House-reported bill, but 8.3% less than the Senate-reported bill. The

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<sup>49</sup> *Congressional Record*, Daily Edition, vol. 153 (December 17, 2007), p. H15800.

<sup>50</sup> The House-reported bill included funding for several programs that received appropriations for FY2008 under the Justice Assistance account under different accounts for FY2009. For example, the House-reported bill included \$63.0 million for missing children program under the Juvenile Justice Programs account, \$18.0 million for grants to support state and local law enforcement agencies in the prevention, investigation and prosecution of Internet, high-tech and economic crimes under the State and Local Law Enforcement Assistance account, and \$45.0 million for RISS under the Community Oriented Policing Services account.

amount included in the Omnibus Appropriations Act is 12.1% more than what was enacted in FY2008 and 63.4% more than the FY2009 request.

## **State and Local Law Enforcement Assistance**

The Administration requested \$404.0 million for the State and Local Law Enforcement Assistance account for FY2009. In addition, the Administration proposed collapsing 16 State and Local Law Enforcement Assistance grant programs, 14 COPS grant programs (described below), along with the Weed and Seed program (also described below), into three competitive grant programs. Under this proposal, the FY2009 request included:

- \$200.0 million for a *Violent Crime Reduction Partnership Initiative* to assist communities experiencing high rates of violent crime—with an emphasis on reducing drug trafficking and gang activity—by providing resources for forming and participating in multi-jurisdictional task forces that would include members of federal, state, and local law enforcement;
- \$200.0 million for a *Byrne Public Safety and Protection Program* to assist and allow state, municipal, local, tribal, and territorial governments with developing programs that address the particular needs of their jurisdiction; and
- \$4.0 million for community policing training and technical assistance for state, municipal, local, tribal and territorial governments and other public and private entities to advance community policing, expand cooperation between law enforcement agencies and community members, and enhance public safety.

By comparison, the FY2009 budget request of \$404.0 million for the State and Local Law Enforcement Assistance grants program was \$504.1 million less than the \$908.1 million<sup>51</sup> Congress appropriated for this program for FY2008.

The House-reported bill would have included \$1.277 billion for the State and Local Law Enforcement Assistance account, 40.6% more than the FY2008 enacted level and 216.1% more than the FY2009 request. The Senate-reported bill would have included \$1.387 billion for this account, 52.7% more than the FY2008 enacted level and 243.3% more than the FY2009 request. The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$1.329 billion for the State and Local Law Enforcement Assistance Account, 4.0% more than the House-reported bill, but 4.2% less than the Senate-reported bill. The \$1.329 billion included in the Omnibus Appropriations Act for State and Local Law Enforcement Assistance represents a 46.3% increase over the FY2008 appropriation and a 229.0% increase over the FY2009 request. As mentioned above, the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included \$2.765 billion for State and Local Law Enforcement Assistance.

## **Weed and Seed Program**

The Weed and Seed program is designed to provide grants to help communities build stronger, safer neighborhoods by implementing local-level approaches to solve and prevent crimes. The program provides assistance for community-based strategies of “weeding and seeding” activities

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<sup>51</sup> Excluding the \$100.0 million in emergency funding that Congress appropriated for security at the Presidential Nominating Conventions under this program.

based on the premise that leaders from neighborhood and community organizations, including faith-based organizations, law enforcement and private enterprise, must be involved in leveraging resources to solve community problems at the local level. Site funding generally provides resources for “weeding” activities, which include joint law enforcement operations and community policing, and “seeding” activities, which range from prevention activities, including physically improving the neighborhood and economic development.

The enacted FY2008 level of funding for the Weed and Seed program was \$32.1 million. The Bush Administration did not request any funding for the Weed and Seed program for FY2009. Instead, the Administration’s grant consolidation proposal would have incorporated the Weed and Seed program into the proposed Byrne Public Safety and Protection program (described above). The House-reported bill would have included \$15.0 million for the Weed and Seed program, 53.3% less than the FY2008 enacted level.<sup>52</sup> The Senate-reported bill would have included \$25.0 million for Weed and Seed, 22.1% less than the FY2008 enacted level. The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$25.0 million for the Weed and Seed program, 66.7% more than the House-reported bill and the same as the Senate-reported bill. The amount included in the Omnibus Appropriations Act was 22.1% less than the FY2008 appropriation.

### **Community Oriented Policing Services**

For FY2009, the Bush Administration’s budget request did not include specific funding for a number of COPS programs and initiatives. Instead, the Administration proposed consolidating COPS grant programs under the proposed \$4.0 million “competitive” community policing training and technical assistance program (described above). By comparison, for FY2008 Congress enacted \$587.2 million in appropriations for COPS programs. For FY2009, the House-reported bill would have included \$627.0 million for COPS, 6.8% more than the FY2008 enacted level. The Senate-reported bill would have included \$600.0 million for COPS, 2.2% more than the FY2008 enacted level. The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$550.5 million for COPS, 12.2% less than the House-reported bill, and 8.3% less than the Senate-reported bill. The amount included in the Omnibus Appropriations Act for COPS was 6.3% less than the FY2008 appropriation. As mentioned above, the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included \$1.0 billion for COPS.

### **Juvenile Justice Programs**

The Bush Administration FY2009 budget included \$185.0 million for Juvenile Justice programs in FY2009, or 51.8% less than what was appropriated in FY2008. The Administration’s grant consolidation proposal would have consolidated the seven existing juvenile justice programs into a single competitive *Child Safety and Juvenile Justice* grant program that would have been awarded to state and local governments. According to the Administration, the proposed grant program would have allowed state and local governments to develop juvenile justice or child safety programs that addressed local needs, including reducing incidents of child exploitation and abuse, improving juvenile justice outcomes, and addressing school safety needs.

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<sup>52</sup> The House Committee-reported bill included funding for the Weed and Seed program under the Community Oriented Policing Services account instead of appropriating funding for the program under its own account.

Both the House and Senate Appropriations Committees rejected the Bush Administration's consolidation proposal and approved funding along the lines of the FY2008 juvenile justice program account and subaccount structure. The House-reported bill would have provided \$431.0 million for Juvenile Justice Programs, 12.4% more than the FY2008 enacted level and 133% more than the FY2009 request. The Senate-passed bill would have included \$400.0 million, 4.3% more than the FY2008 enacted level and 116.2% more than the FY2009 request. The Omnibus Appropriations Act, 2009 (P.L. 111-8) included \$374.0 million for Juvenile Justice Programs, 13.2% less than the House-reported bill and 6.5% less than the Senate-reported bill. The amount enacted for FY2009 was 2.5% less than what was appropriated for Juvenile Justice Programs for FY2008, but it was 102.2% more than what was requested for FY2009.

## **Public Safety Officers Benefits Program**

The Public Safety Officers' Benefits (PSOB) program provides three different types of benefits to public safety officers or their survivors: death, disability, and education. The PSOB program is intended to assist in the recruitment and retention of law enforcement officers, firefighters, and first responders and to offer peace of mind to men and women who choose careers in public safety. For FY2008, Congress appropriated \$74.8 million for the PSOB program.<sup>53</sup> For FY2009, the Administration requested \$69.1 million for the PSOB program, which was 7.7% less than what was appropriated for FY2008. Both the House- and Senate-reported bills would have provided the same amount as requested by the Administration. The Omnibus Appropriations Act, 2009 (P.L. 111-8) included the same amount as the House- and Senate-reported bills. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included another \$10 million for these purposes.

## **Salaries and Expenses**

The House-reported bill included an account that would have provided \$195.0 million for salaries and expenses of OJP, OVW, and COPS. Of the \$195.0 million, up to \$14.0 million would have been provided for OVW, up to \$130.0 million for OJP, and up to \$30.0 million for COPS. In addition, up to \$21.0 million would have been provided for the Office of Audit, Assessment, and Management (OAAM) under OJP. The Omnibus Appropriations Act, 2009 (P.L. 111-8) included the same amount as the House-reported bill.

## **Science Agencies**

President Bush's FY2009 budget request included \$24.474 billion for science agencies, or \$939 million over the enacted FY2008 amount of \$23.535 billion,<sup>54</sup> an increase of 4.0% (see **Table 9**). The FY2009 request included \$396.8 million for the National Science Foundation's (NSF) participation in the National Nanotechnology Initiative. The House-reported bill included \$24.628 billion for science agencies, 4.6% above the FY2008 enacted level. The Senate-reported bill

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<sup>53</sup> U.S. Department of Justice, *FY2009 Budget and Performance Summary*, Part III: Department of Justice Request Information by Appropriation, Office of Justice Programs (OJP) and Community Oriented Policing Services (COPS), available online at <http://www.usdoj.gov/jmd/2009summary/>.

<sup>54</sup> Including additional FY2008 funding of \$62.5 million for the National Aeronautics and Space Administration and \$62.5 million for the National Science Foundation under the Supplemental Appropriations Act, 2008 (P.L. 110-252).

included \$24.673 billion for science agencies, 4.8% above the FY2008 enacted level. The Omnibus Appropriations Act, 2009 (P.L. 111-8) provided \$24.278 billion for the science agencies in FY2009, 3.2% above the FY2008 enacted level.

**Table 9. Funding for Science Agencies in the Omnibus Appropriations Act, 2009**

(budget authority in millions of dollars)

Accounts	FY2008 Enacted	FY2009 Request	House- Reported	Senate- Reported	FY2009 Enacted
Office of Science and Technology Policy (OSTP)	5.2	5.3	5.3	5.2	5.3
National Aeronautics and Space Administration (NASA)	17,401.9	17,614.2	17,769.0	17,814.0	17,782.4
National Science Foundation (NSF)	6,127.5	6,854.1	6,854.1	6,854.1	6,490.4
<b>Total: Science Agencies</b>	<b>23,534.6</b>	<b>24,473.6</b>	<b>24,628.4</b>	<b>24,673.3</b>	<b>24,278.1</b>

**Sources:** U.S. Congress, House Committee on Appropriations, *Omnibus Appropriations Act, 2009*, committee print, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 2009, Book 1 of 2 – Divisions A-E (Washington: GPO, 2009), pp. 548-552.

**Note:** Numbers may not add to totals due to rounding.

Congress provided additional funding for research and development under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), often referred to informally as “the stimulus bill.” The act included approximately \$22.7 billion for R&D, facilities, equipment and related activities across all agencies. The act provided \$4.004 billion for the CJS science agencies, including \$1.002 billion for the National Aeronautics and Space Administration (NASA) and \$3.002 billion for NSF (see **Table 10**). A third CJS science agency, the White House Office of Science and Technology Policy, received no funding under the act.

**Table 10. Funding for Science Agencies in the American Recovery and Reinvestment Act of 2009**

(budget authority in millions of dollars)

Accounts	House-passed	Senate-passed	Enacted
Office of Science and Technology Policy (OSTP)	0.0	0.0	0.0
National Aeronautics and Space Administration (NASA)	602.0	1,302.0	1,002.0
National Science Foundation (NSF)	3,002.0	1,202.0	3,002.0
<b>Total: Science Agencies</b>	<b>3,604.0</b>	<b>2,504.0</b>	<b>4,004.0</b>

**Source:** *Congressional Record*, p. H1543, February 13, 2009.

**Note:** Numbers may not add to totals due to rounding.

## **Office of Science and Technology Policy (OSTP)<sup>55</sup>**

The Office of Science and Technology Policy (OSTP) is one of two offices in the Executive Office of the President (EOP) funded in the CJS appropriations bill.<sup>56</sup> Established in 1976 by the National Science and Technology Policy and Organization Act,<sup>57</sup> OSTP provides advice within the EOP on scientific and technical aspects of policy issues, assists in the development of the federal R&D budget, coordinates and evaluates federal R&D programs, and consults with non-federal entities on science and technology matters.

For FY2009, President Bush requested \$5.3 million for OSTP, \$119,000 more than the FY2008 enacted funding level. The FY2008 explanatory statement directed the National Science Foundation (NSF) to transfer funds for the Science and Technology Policy Institute (STPI), OSTP's federally funded research and development center, to OSTP. These funds were not included in the OSTP budget request for FY2009. Instead, funding for STPI was again requested by NSF. Policy issues related to OSTP include its oversight and coordination of interagency R&D activities, such as the National Nanotechnology Initiative and the American Competitiveness Initiative, its role in maintaining the nation's international scientific stature, and its leadership in federal support of science and mathematics education.

The House committee recommended the requested amount for OSTP. The Senate committee recommended \$5.2 million, \$119,000 less than the President's request. The Senate committee report directed OSTP to convene a series of federal meetings over the next six months to coordinate the research and development of ground-based radar. The Senate committee report also required OSTP to provide a report to the committee containing the results of these meetings and a plan for future year budget requests.

The Omnibus Appropriations Act, 2009 (P.L. 111-8) provided \$5.3 million for OSTP. It did not mention funding for STPI. The explanatory statement directed OSTP to work with NASA and the Department of Energy to develop a plan for restarting and sustaining domestic production of radioisotope thermoelectric generator material. The explanatory statement also directed OSTP to develop a plan and program to encourage commercial solutions to space-based weather observation, considering various funding factors. Finally, the explanatory statement directed OSTP to convene a series of meeting to coordinate research and development of next-generation ground-based radar, report the results of those meetings, and report a budget plan. Unlike the Senate committee report, the explanatory statement gave no deadline for holding the meetings.

## **National Aeronautics and Space Administration (NASA)<sup>58</sup>**

NASA was created by the 1958 National Aeronautics and Space Act (P.L. 85-568) to conduct civilian space and aeronautics activities. The agency is managed from headquarters in

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<sup>55</sup> This section was prepared by Dana Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>56</sup> The other is the Office of the United States Trade Representative.

<sup>57</sup> P.L. 94-282, codified at 42 U.S.C. 6611-18.

<sup>58</sup> This section was prepared by (name redacted), Analyst in Science and Technology Policy, Resources, Science, and Industry Division.

Washington, DC. It has nine major field centers around the country, plus the Jet Propulsion Laboratory, which is operated under contract by the California Institute of Technology.

NASA requested \$17.614 billion for FY2009, a 1.8% increase over its FY2008 appropriation. The House Committee recommended \$17.769 billion. The Senate Committee recommended \$17.814 billion. The final appropriation was \$17.782 billion. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) provided an additional \$1.002 billion. See **Table 11** for a breakdown of these amounts by appropriations account. As directed by Congress, there are now seven appropriations accounts rather than the previous three. In addition, a change in how NASA accounts for overhead expenses complicates comparisons between FY2009 and previous years. In the new system, overhead costs formerly included in program budgets are instead budgeted in the Cross-Agency Support account. This change reduces the stated cost of most programs without affecting actual program content. As a result, amounts expressed in the new system are not directly comparable with amounts expressed in the previous system. In **Table 11** and in the discussion of specific NASA programs that follows, all FY2008 amounts have been adjusted for the accounting change to make them comparable with FY2009.

Budget priorities throughout NASA were being driven by the Vision for Space Exploration, announced by President Bush in January 2004 and endorsed by Congress in the NASA Authorization Act of 2005 (P.L. 109-155) and NASA Authorization Act of 2008 (P.L. 110-422). The Vision included returning the space shuttle to flight status (already accomplished) then retiring it by 2010; completing the International Space Station (ISS), but discontinuing U.S. use of it by 2017; returning humans to the moon by 2020; and then sending humans to Mars and “worlds beyond.” President Bush did not propose significantly increased funding for NASA to accomplish the Vision. Instead, most of the funding was to come from redirecting funds from other NASA activities. Moreover, subsequent NASA funding overall was less than projected at the time of the Vision announcement. The funding requirements of the Vision thus constrain other NASA programs. It is not yet clear whether or how President Obama will seek to modify the Vision.

**Table 11. Funding for NASA**  
(budget authority in millions of dollars)

Accounts	FY2008 Enacted <sup>a</sup>	FY2009 Request	House- Reported	Senate- Reported	FY2009 Enacted	FY2009 Stimulus
Science	4,706.2	4,441.5	4,518.0	4,522.9	4,503.0	400.0
Aeronautics	511.7	446.5	515.0	500.0	500.0	150.0
Exploration	3,143.1	3,500.5	3,505.7	3,530.5	3,505.5	400.0
Space Operations	5,526.2	5,774.7	5,764.7	5,774.7	5,764.7	0.0
Education	146.8	115.6	187.2	130.0	169.2	0.0
Cross-Agency Support	3,242.9	3,299.9	3,244.8	3,320.4	3,306.4	50.0
Inspector General	32.6	35.5	33.6	35.5	33.6	2.0
FY2008 Supplementals <sup>b</sup>	92.5					
<b>Total: NASA</b>	<b>17,401.9</b>	<b>17,614.2</b>	<b>17,769.0</b>	<b>17,814.0</b>	<b>17,782.4</b>	<b>1,002.0</b>

**Sources:** NASA Fiscal Year 2009 Budget Estimates, available at <http://www.nasa.gov/news/budget/>; H.R. 7322 (110<sup>th</sup> Congress) as reported and H.Rept. 110-919; S. 3182 (110<sup>th</sup> Congress) as reported and S.Rept. 110-397; P.L. 111-8 and explanatory statement, *Congressional Record*, February 23, 2009; and P.L. 111-5.

**Notes:** Numbers may not add to totals due to rounding.

- a. FY2008 amounts have been adjusted for the accounting change (see text) to make them comparable with FY2009.
- b. Supplemental FY2008 appropriations of \$62.5 million under the Supplemental Appropriations Act, 2008 (P.L. 110-252) and \$30 million under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329).

The requested \$4.442 billion for Science in FY2009 was a 6% decrease. Within this total, increases for Earth Science and Planetary Science would be offset by decreases for Heliophysics and Astrophysics. The request for Earth Science would fund two new missions recommended by the National Research Council, while the request for Planetary Science would initiate a new program in lunar robotic science. The decrease for Heliophysics reflected a transfer of the Deep Space and Near Earth Networks to the Space Operations account and corresponded to almost the entire decrease in the Science account overall. In Astrophysics, two programs have been of particular congressional interest: the NASA/Department of Energy Joint Dark Energy Mission (JDEM) and the Space Interferometer mission (SIM). The request included funds for JDEM, as directed by Congress in the FY2008 explanatory statement,<sup>59</sup> but not for SIM. NASA explained that a new exoplanet exploration initiative could include a smaller, medium-class version of SIM, as recommended by the FY2008 Senate report (S.Rept. 110-124). The House committee recommended \$4.518 billion, including additions to the request to cover cost growth in the Glory, Mars Science Laboratory, and James Webb Space Telescope missions, as well as \$50.0 million additional for Earth Science decadal survey missions and \$20.0 million to initiate development of a thermal infrared sensor (TIRS) for the Landsat Data Continuity Mission. The Senate committee recommended \$4.523 billion, including similar additions to cover cost growth and fund decadal survey missions, but only “available funds” for TIRS. The final appropriation of \$4.503 billion included a total of \$150 million for Earth Science decadal survey missions, \$10 million for TIRS, and \$20 million to assess lower-cost versions of SIM; the explanatory statement directed NASA to report to the appropriations committees on its plans for the Mars Science Laboratory, whose expected cost has increased by \$400 million. The additional \$400 million provided by the American Recovery and Reinvestment Act included funds to accelerate Earth Science mission recommended by the NRC decadal survey and to increase NASA’s supercomputing capabilities.

The FY2009 request for Aeronautics was \$447.0 million, a 13% decrease. According to NASA, its aeronautics research portfolio is “closely aligned” with the national aeronautics R&D plan issued by the White House in December 2007 and addresses 47 of the 51 foundational technology challenges identified by the National Research Council in June 2006.<sup>60</sup> The House committee recommended \$515.0 million, with the additional funds to be devoted to R&D on “green” aircraft and support of the Next Generation Air Transportation System. The Senate committee recommended \$500.0 million. The final appropriation was \$500 million. The American Recovery and Reinvestment Act provided an additional \$150 million for system-level R&D and demonstration activities related to aviation safety, environmental mitigation, and the Next Generation Air Transportation System.

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<sup>59</sup> *Congressional Record*, December 17, 2007, pp. H15820 and H15923.

<sup>60</sup> Executive Office of the President, National Science and Technology Council, *National Plan for Aeronautics Research and Development and Related Infrastructure*, December 2007, at [http://www.aeronautics.nasa.gov/releases/aero\\_rd\\_plan\\_final\\_21\\_dec\\_2007.pdf](http://www.aeronautics.nasa.gov/releases/aero_rd_plan_final_21_dec_2007.pdf); and National Research Council, *Decadal Survey of Civil Aeronautics: Foundation for the Future*, 2006, at <http://www.nap.edu/catalog/11664.html>.



The requested \$3.501 billion for Exploration in FY2009 was an 11% increase. Within this amount, Constellation Systems would receive \$3.048 billion, a 23% increase, while Advanced Capabilities would receive \$452.0 million, a 33% decrease. Constellation Systems is responsible for development of the Orion crew vehicle and Ares I launch vehicle, successors to the space shuttle. The proposed 23% increase was consistent with NASA's previous projections as the program moves toward a planned initial operating capability for Orion and Ares I (i.e., a first crewed flight) in March 2015. NASA describes the current level of budget reserves within Constellation Systems as "minimal" and is seeking to compensate for it through "rigorous risk management."<sup>61</sup> The FY2009 request for Constellation Systems also restored full funding for Commercial Orbital Transportation Services (COTS), which seeks to help private-sector companies develop space transportation systems that could service the ISS after the shuttle is retired. The House committee recommended \$3.506 billion, including an increase of \$25.0 million for research on the space station and a decrease of \$20.0 million for COTS. The Senate committee recommended \$3.530 billion, including an increase of \$30.0 million to accelerate development of the Ares V heavy lift rocket. The final appropriation was \$3.505 billion. The American Recovery and Reinvestment Act provided an additional \$400 million to accelerate the availability of Orion and Ares I.

The FY2009 request for Space Operations, which funds the space shuttle, the ISS, and the Space and Flight Support program, was \$5.775 billion. A requested decrease of \$285.0 million for the space shuttle was largely offset by a requested increase of \$247.0 million for the ISS. Both changes were consistent with NASA's previous projections: they reflected the trend toward the shuttle program's completion in 2010 and the planned construction schedule of the ISS. A requested increase for Space and Flight Support resulted mostly from transferring the Deep Space and Near Earth Networks from the Science account. The gap between the end of shuttle flights in 2010 and the expected availability of Orion and Ares I in 2015 raises several issues. Some analysts are concerned that placing a fixed termination date on the shuttle may create schedule pressure similar to that identified as a contributing factor in the *Columbia* disaster. Some question whether the United States should be dependent on Russia to launch U.S. astronauts to the ISS during the gap period. A major concern is how NASA will retain its skilled workforce during the transition from shuttle to Orion, especially if Orion's schedule slips and the gap lengthens. The House committee recommended \$5.765 billion for Space Operations, including \$10.0 million less than the request for Space and Flight Support, and directed NASA to consider two final shuttle logistics flights to the ISS, currently manifested as "contingency" flights, as baseline flights. A House administrative provision would direct NASA to provide a report on costs for shuttle retirement and transition activities for FY2006 through FY2015. The Senate committee recommended the requested amount, \$5.775 billion. The final appropriation was \$5.765 billion.

## **National Science Foundation (NSF)<sup>62</sup>**

The NSF was created by the National Science Foundation Act of 1950, as amended (64 Stat.149).<sup>63</sup> The NSF has the broad mission of supporting science and engineering in general and

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<sup>61</sup> Budget reserves are funds that have been allocated to a program but have not yet been assigned to a particular component of the program. Instead they are held in reserve, in the expectation that as development proceeds, some components will require additional resources to overcome unforeseen technical challenges.

<sup>62</sup> This section was prepared by (name redacted), Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>63</sup> P.L. 81-507 (64 Stat.149), 42 U.S.C. §1861.

funding basic research across many disciplines. The majority of the research supported by the NSF is conducted at U.S. colleges and universities. In addition to helping to ensure the nation's supply of scientific and engineering personnel, the NSF promotes academic basic research and science and engineering education across many disciplines. Other federal agencies, in contrast, support mission-specific research. The NSF provides support for investigator-initiated, merit-reviewed, competitively selected awards, state-of-the-art tools, and instrumentation and facilities. Also, NSF provides almost 30% of the total federal support for science and mathematics education. Support is provided to academic institutions, industrial laboratories, private research firms, and major research facilities and centers. Although the NSF does not operate any laboratories, it does support Antarctic research stations, selected oceanographic vessels, and national research centers. In addition, the NSF supports university-industry relationships and U.S. participation in international scientific ventures.

The Omnibus Appropriations Act, 2009 (P.L. 111-8) provided a total of \$6,490.4 million for the NSF in FY2009, a 7% increase (\$425 million) over the enacted FY2008 level of \$6.065 billion (see **Table 12**).<sup>64</sup> Included in the total for NSF was \$5,183.1 million for R&RA, approximately \$410.9 million below the Bush Administration's request, and \$361.6 million above the FY2008 level. Other funding levels for programs in FY2009 included \$152.0 million for MREFC, \$845.3 million for EHR, \$294.0 million for Agency Operations and Award Management, and \$12.0 million for the Office of Inspector General.

NSF identified several strategies in the FY2009 appropriation: maintain a portfolio with "powerful momentum" across all disciplines; build a world-class science and engineering workforce; perform effectively with the highest standards of accountability; and support potentially transformative research. Transformative research is described as "cutting edge" and revolutionary, and several reports have recommended that funds be allocated specifically for this type of research. NSF contends that in the global environment of science and engineering, support for transformative, high-risk, high-reward research is critical to U.S. competitiveness. These strategies are intended to promote research that will drive innovation and support the design and development of world-class facilities, instrumentation, and infrastructure.

Included in the FY2009 appropriation was \$5.183 billion for Research and Related Activities (R&RA), a 7.5% increase (\$361 million) above the enacted FY2008 level of \$4.822 billion.<sup>65</sup> The R&RA funds research projects, research facilities, and education and training activities. The scientific and academic community have voiced concerns about the imbalance between support for the life sciences and the physical sciences. Research is multidisciplinary and transformational in nature, and very often, discoveries in the physical sciences lead to advances in other disciplines. The America COMPETES ACT authorized increased federal research support in the physical sciences, mathematics, and engineering. The FY2009 request was to provide a 20.2% increase for the Mathematical and Physical Sciences (MPS) directorate. The MPS portfolio supports investments in fundamental research, facilities, and instruments, and provides approximately 44.0% of the federal funding for basic research conducted at colleges and universities. The R&RA includes Integrative Activities (IA) and is a source of funding for the acquisition and development of research instrumentation at institutions. The FY2009 request was

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<sup>64</sup> The FY2008 estimate does not include a rescission of \$33.0 million from prior year unobligated balances as required by P.L. 110-161. For comparability, it excludes also the FY2008 supplemental.

<sup>65</sup> Disaggregated data are not yet available for specific directorates, programs, and activities in R&RA for FY2009. Email communication with NSF's Office of Legislative and Public Affairs, March 24, 2009.

to provide \$276.0 million for IA. IA also funds Partnerships for Innovation, disaster research teams, the Science and Technology Policy Institute, and the Experimental Program to Stimulate Competitive Research (EPSCoR). FY2009 was to provide \$113.5 million for three funding mechanisms in the EPSCoR jurisdictions—research infrastructure improvement grants, co-funding, and outreach. Approximately 67.0% of the funding for EPSCoR was to be directed for a combination of new awards and research infrastructure improvement grants. The balance of funding was to be in support of co-funding (31.7%) and outreach activities (1.3%).

**Table 12. National Science Foundation**

(budget authority in millions of dollars)

	<b>FY2008 Enacted</b>	<b>FY2009 Request</b>	<b>House- Reported</b>	<b>Senate- Reported</b>	<b>FY2009 Enacted</b>	<b>FY2009 Stimulus</b>
Biological Sciences	612.0	675.1				
Computer & Information Sci. & Eng.	534.5	638.8				
Engineering	636.9	759.3				
Geosciences	752.7	848.7				
Math and Physical Sciences	1,167.3	1,402.7				
Social, Behavioral, & Economic Sciences	215.1	233.5				
Office of Cyberinfrastructure	185.3	220.1				
Office of International Sci. and Eng.	41.3	47.4				
U.S. Polar Programs	442.5	491.0				
Integrative Activities	232.3	276.0				
U.S. Arctic Research Commission	1.5	1.5				
2008 Supplemental <sup>b</sup>	22.5					
<b>Subtotal Res. &amp; Rel. Act</b>	<b>4,844.</b>	<b>5,594.0</b>	<b>5,544.1<sup>a</sup></b>	<b>5,594.0<sup>a</sup></b>	<b>5,183.1<sup>c</sup></b>	<b>2,500.0</b>
Education and Human Resources	765.6	790.4	840.3	790.4	845.3	100.0
Major Res. Equip. & Facil. Constr.	220.7	147.5	147.5	152.0	152.0	400.0
Agency Ops. & Award Mgmt.	281.8	305.1	305.1	300.6	294.0	
National Science Board	4.0	4.0	4.0	4.0	4.0	
Office of Inspector General	11.4	13.1	13.1	13.1	12.0	2.0
<b>Total NSF<sup>d</sup></b>	<b>6,127.5</b>	<b>6,854.1</b>	<b>6,854.1</b>	<b>6,854.1</b>	<b>6,490.4</b>	<b>3,002.0</b>

**Sources:** NSF FY 2009 Budget Request to Congress, available at <http://www.nsf.gov/about/budget/fy2009/index.jsp#>, and P.L. 111-8, H.R. 1105 (legislative text and explanatory statement).

**Note:** Numbers may not add to totals due to rounding.

- a. Specific allocations for each directorate or for individual programs and activities are not yet ready.
- b. Supplemental FY2008 appropriations of \$62.5 million were provided under the Supplemental Appropriations Act, 2008 (P.L. 110-252). Of these funds, the act allocated \$40.0 million to the Education and Human Resources account, and \$22.5 million to the Research and Related Activities account.
- c. Specific allocations for each directorate or for individual programs and activities are not yet available.
- d. The totals do not include carryovers or retirement accruals.

The Office of Polar Programs (OPP) is funded in the R&RA. The FY2009 request for addressing the challenges in polar research was \$491.0 million. NSF continued in its leadership role in planning U.S. participation in observance of the International Polar Year. The NSF also serves in a leadership capacity for several international research partnerships in the Arctic and Antarctic. Increases in OPP in FY2009 were to be directed at research programs for arctic and antarctic sciences—glacial and sea ice, terrestrial and marine ecosystems, the ocean and the atmosphere, and biology of life in the cold and dark. In FY2006, responsibility for funding the costs of three icebreakers that support scientific research in the polar regions was transferred from the U.S. Coast Guard to the NSF. While the NSF does not own the ships, it is responsible for the operation, maintenance, and staffing of the vessels. Since 2004, back-up icebreaking support has been needed because of maintenance problems with the polar icebreakers and with the heavy ice conditions in certain polar regions. It was determined that there is still a need for back-up icebreaking services, and as a result, the FY2009 request included an additional \$9.0 million for contracting of back-up vessels.

The FY2009 appropriation for the Education and Human Resources Directorate (EHR) was \$845.3 million, \$119.7 million (16.5%) above the FY2008 level. The EHR portfolio is focused on, among other things, increasing the technological literacy of all citizens, preparing the next generation of science, engineering, and mathematics professionals, and closing the achievement gap in all scientific fields. Support at the various educational levels in the FY2009 appropriation was to be as follows: research on learning in formal and informal settings (includes precollege), \$226.5 million; undergraduate, \$219.8 million; and graduate, \$190.7 million. In addition, the EHR supports a portfolio of programs directed at expanding the participation of underrepresented groups and diverse institutions in the scientific and engineering enterprise. It was anticipated that these programs would total approximately \$82.6 million in FY2009.

The Major Research Equipment and Facilities Construction (MREFC) account was funded at \$152.0 million in FY2009, a decrease of 31.1% from the FY2008 estimate. The MREFC supports the acquisition and construction of major research facilities and equipment that extend the boundaries of science, engineering, and technology. NSF required that in order for a project to receive support, it must have “the potential to shift the paradigm in scientific understanding and/or infrastructure technology.” The FY2009 appropriation supported three ongoing projects: Advanced Laser Interferometer Gravitational Wave Observatory, Atacama Large Millimeter Array, and the IceCube Neutrino Observatory. The FY2009 appropriation also provided funding to support design activities for a new start—the Advanced Technology Solar Telescope.

The NSF states that all projects seeking funding in the MREFC move through a “progressive sequence of increasingly detailed development and assessment steps” in order to be considered for construction support.<sup>66</sup> In FY2009, tighter standards and requirements for receiving funding in MREFC were instituted. Included in the more stringent procedures was the implementation of a “no cost overrun” policy for major projects. The cost estimates for projects developed at the preliminary design phase must include adequate contingencies. In the absence of such contingencies, any cost increases would result in reduction in scope for the project. Three projects that appeared in the FY2008 request—Alaska Regional Research Vessel, Ocean Observatories Initiative, and the National Ecological Observatory Network—had to undergo revised baseline budgets and cost contingencies. In August 2008, an award was made to fund the first phase of construction on the Alaska Region Research Vessel. The other two projects are to be considered

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<sup>66</sup> National Science Foundation, *2008 Facility Plan*, NSF08-24, February 2008, Arlington, VA, p. 40.

for inclusion in the next budget cycle following submission of final design reviews and risk management plans.

Improving proposal funding rates and increasing grant size and duration have been long-term priorities for NSF. A report on NSF's grant applications found that the merit-review process had become increasingly strained, for both program managers and principal investigators.<sup>67</sup> Program managers have faced increased workloads in overseeing the review of grants, and principal investigators have found their chances of obtaining grants reduced. During the period FY2000 to FY2006, the number of grant applications increased by 47.0%. However, the funding rate for research grant applications decreased from 30.0% in FY2000, 27.0% in FY2002, and 21.0% in both FY2006 and FY2008 (even as the average award size increased). There has been concern in the scientific and education community that the decline in funding rates for grants might have a deleterious affect on academic research infrastructure. In FY2009, NSF anticipated increasing the funding rate for grants to 23.0%.<sup>68</sup>

The Supplemental Appropriations Act, 2008 (P.L. 110-252) provided, among other things, \$62.5 million in emergency supplemental funding for the NSF. Included in the total is \$22.5 million for R&RA, of which \$5.0 million is to be available solely for the Integrative Graduate Education and Research Traineeship program. The supplemental provided \$40.0 million for the EHR, of which \$20.0 million is directed for activities of the Robert Noyce scholarship program.

The American Recovery and Reinvestment Act, 2009 (P.L. 111-5), provided approximately \$3.0 billion for the NSF—\$2.5 billion for R&RA, \$400.0 million for MREFC, \$100.0 million for EHR, and \$2.0 million for the Office of Inspector General. Language in the conference agreement directed that within the R&RA, \$300.0 million be available solely for the Major Research Instrumentation program. Additional conference language directed that of the total provided to EHR, \$60.0 million be directed to the Robert Noyce Program, \$25.0 million be directed to the MSP, and \$15.0 million used primarily for the Professional Science Master's Program. The House-passed version of the legislation had provided similar funding levels for the selected directorates and programs. The Senate-passed version of the legislation, however, would have provided slightly more than \$1.2 billion for the NSF—\$1.0 billion for R&RA, \$150.0 million for MREFC, \$50.0 million for EHR, and \$2.0 million for the Office of Inspector General.

## Related Agencies

As shown in **Table 13**, the Omnibus Appropriations Act, 2009 (P.L. 111-8; H.R. 1105) included \$872.4 million for related agencies. This amount is \$63.6 million more than the FY2008 enacted level (a 7.9% increase) and \$88.4 million more than the FY2009 request (an 11.3% increase). As did the House- and Senate-reported bills, the Omnibus included \$390.0 million for the Legal Services Corporation, an increase of 11.3% over the FY2008 enacted level.

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<sup>67</sup> National Science Foundation, *Impact of Proposal and Award Management Mechanisms*, Final Report, NSF07-45, August 1, 2007, Arlington, VA, 58 pp.

<sup>68</sup> This funding rate for grants was anticipated prior to passage of the American Recovery and Reinvestment Act (ARRA). On March 18, 2009, NSF released implementation plans and procedures for the ARRA (stimulus package). NSF plans to use the bulk of the funding received from the ARRA to award to proposals that they have highly rated but were unable to put in the funding cycle. The proposals are already in house ("shovel ready") and are anticipated to be reviewed and/or awarded before September 30, 2009.

For related agencies, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329; H.R. 2638) included an FY2009 continuing resolution (CR) that funded these agencies at their FY2008 levels through March 6, 2009. Congress later extended this CR through March 11, 2009 (P.L. 111-6; H.J.Res. 38).

Earlier in the year, the House Appropriations Committee-approved bill included \$883.1 million for related agencies, an increase of 9.2% over the FY2008 enacted level. The Senate-reported bill included \$869.4 million for related agencies, an increase of 7.5% over the enacted FY2008 level.

The FY2009 request included \$784.0 million, or nearly \$24.8 million less than the enacted FY2008 level (a 3.1% decrease) for related agencies. The Legal Services Corporation would have absorbed the bulk of this decrease, as the FY2009 request only included \$311.0 million for the corporation, a reduction of \$39.5 million (an 11.3% decrease), as compared to the corporation's enacted FY2008 level of funding.

**Table 13. Funding for CJS Related Agencies**

(budget authority in millions of dollars)

Commission, Office, or Corporation	FY2008 Enacted	FY2009 Request	House-Reported	Senate-Reported	FY2009 Enacted
U.S. Commission on Civil Rights	8.5	8.8	8.8	8.8	8.8
Equal Employment Opportunity Commission	329.3	341.9	350.4	341.9	343.9
International Trade Commission	68.4	73.6	75.1	75.0	75.1
Legal Services Corporation	350.5	311.0	390.0	390.0	390.0
Marine Mammal Commission	2.8	2.4	3.2	2.4	3.2
National Veterans Business Development Corporation	1.4	—	3.2	—	—
Office of the U.S. Trade Representative	44.1	46.3	48.3	46.3	47.3
State Justice Institute	3.8	— <sup>a</sup>	4.1	5.0	4.1
<b>Total: Related Agencies</b>	<b>808.8</b>	<b>784.0</b>	<b>883.1</b>	<b>869.4</b>	<b>872.4</b>

**Sources:** U.S. Congress, House Committee on Appropriations, *Omnibus Appropriations Act, 2009*, committee print, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 2009, Book 1 of 2 – Divisions A-E (Washington: GPO, 2009), pp. 548-552.

**Note:** Amounts may not add to totals due to rounding.

- a. Under the terms of its enabling legislation, the State Justice Institute is authorized to present its budget request directly to Congress. Although the Bush Administration has not requested any FY2009 funding for SJI, the institute requested \$5.4 million.

## Commission on Civil Rights<sup>69</sup>

Established by the Civil Rights Act of 1957, the U.S. Commission on Civil Rights (the commission)

<sup>69</sup> This section was written by (name redacted), Analyst in Social Legislation, Domestic Social Policy Division.

- investigates allegations of citizens who may have been denied the right to vote based on color, race, religion, or national origin;
- studies and gathers information on legal developments constituting a denial of the equal protection of the laws;
- assesses federal laws and policies in the area of civil rights; and
- submits reports on its findings to the President and Congress when the commission or the President deems it appropriate.

During the 110<sup>th</sup> Congress, the political independence of the commission continued to be an issue. In report language, the House Appropriations Committee expressed concern that 36 of the 51 State Advisory Committees were inoperative because their authorizing charters had expired.<sup>70</sup> The House committee directed the commission to give priority to reconstituting the State Advisory Committees and to make appointments that reflect a balance of viewpoints and a diversity in membership, especially in terms of gender, disability, party affiliation, and civil rights experience with affected communities. Further, the committee stated that no one should be denied an opportunity to serve on a State Advisory Committee because of race, age, sex, sexual orientation, religion, national origin, disability, or political persuasion. The adequacy of funding for the agency was also a subject of debate, as appropriations for the commission have been less than \$10.0 million for more than 10 fiscal years.

The Omnibus Appropriations Act, 2009 provided \$8.8 million for the Commission. The explanatory statement directed the Commission to report within 60 days of enactment of the Act to the House and Senate Committees on Appropriations on (1) the FY2009 budget activities of the regional offices and the State Advisory Committees and (2) the procedures used to ensure transparency and the participation of all Commissioners in the preparation and review of all reports and briefing papers. For FY2009, the Bush Administration requested \$8.8 million for the U.S. Commission on Civil Rights, the same amount requested for FY2008 and \$300,000 above the FY2008 enacted level of \$8.5 million for the commission.

## **Equal Employment Opportunity Commission (EEOC)<sup>71</sup>**

The EEOC enforces laws banning employment discrimination based on race, color, national origin, sex, age, or disability. In recent years, appropriators have been particularly concerned about the agency's implementation of a restructuring plan, beginning in 2005, that included the National Contact Center (NCC), field structure and staff realignment, and restructuring of headquarters operations. The EEOC Commissioners responded to the concerns by voting on December 20, 2007, to transfer receipt of customer calls from the NCC's contractor to in-house "information intake representatives" in its 53 field offices. At the same time, they voted favorably on a one-year contract for an "interactive voice response system," the digital telephone technology system that currently handles customer calls.

The FY2009 Omnibus Appropriations Act included \$343.9 million for the EEOC, which is \$2 million above the budget request and \$14.6 million above the FY2008 enacted level of \$329.3

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<sup>70</sup> H.Rept. 110-240, p. 130.

<sup>71</sup> This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, and (name redacted), Specialist in Labor Economics, Domestic Social Policy Division.

million. The act included \$26.0 million for payments to state and local entities with which the agency has work-sharing agreements to address workplace discrimination within their jurisdictions (i.e., Fair Employment Practices Agencies, FEPAs, and Tribal Employment Rights Organizations, TEROs). This reflected a decrease of \$3.1 million from the FY2008 appropriation of \$29.1 million.

The act provided the EEOC with \$6.5 million to address and reduce the record backlog of discrimination cases.<sup>72</sup> Within 60 days of enactment, the EEOC is directed to report to the House and Senate Appropriations Committee on a comprehensive plan for backlog reduction including resource requirements and hiring needs.

To support ongoing efforts to transition from a contractor-operated to an in-house call center, the FY2009 act provided \$3.6 million for call-processing personnel and information technology. The House and Senate Appropriations Committees directed the EEOC to report within 60 days on customer service data and a cost-benefit analysis of hiring higher credentialed employees for the call-intake center.

The EEOC is directed to notify the House and Senate Appropriations Committees prior to any implementation of workforce repositioning, restructuring, or reorganization. Due to concern about the accuracy of workload projections; the Commission is requested to compare the projections with those published in the midyear annual review.

Based on findings of the General Accountability Office (GAO), which found that the EEOC did not “strategically or systematically approach mission needs, customer expectations, workload or current workforce needs in its draft Strategic Workforce Plan,”<sup>73</sup> Congress directed the EEOC to implement the GAO recommendations within 60 days after enactment.<sup>74</sup>

## **U.S. International Trade Commission (ITC)<sup>75</sup>**

The ITC is an independent, quasi-judicial agency that advises the President and Congress on the impact of U.S. foreign economic policies on U.S. industries and, along with the Import Administration Unit of ITA, is charged with administering various U.S. trade remedy laws. Its six commissioners are appointed by the President for nine-year terms. As a matter of policy, its budget request is submitted to Congress by the President without revision. The FY2009 enacted appropriation for ITC was \$75.1 million, a \$1.5 million increase over the budget request of \$73.6 million for existing mandated investigative activity and related operations; a mandatory pay increase; and information technology projects. The enacted amount was \$6.7 million (9.8%) more than the FY2008 funding level of \$68.4 million. The House-reported bill would have provided the same amount of funding as the enacted amount of \$75.1 million, or 2.0% over the FY2009

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<sup>72</sup> The total charges for all discrimination cases for FY2008 were 95,402. From U.S. Equal Employment Commission, *Charge Statistics*, <http://www.eeoc.gov/stats/charges.html>

<sup>73</sup> U.S. General Accountability Office, *Sharing Promising Practices and Fully Implementing Strategic Human Capital Planning Can Improve Management of Growing Workload*, GAO-08-589, June 23, 2008.

<sup>74</sup> U.S. Congress, House Committee on Appropriations, *Joint Explanatory Statement regarding H.R. 1105, Omnibus Appropriations Act*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., Congressional Record Vol. 155, p. H1839.

<sup>75</sup> This section was written by (name redacted), Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.



request. The Senate-reported bill would have provided \$75.0 million, 9.6% over the FY2008 enacted level and 1.9% over the FY2009 request.

## Legal Services Corporation (LSC)<sup>76</sup>

The LSC is a private, non-profit, federally funded corporation that provides grants to local offices that, in turn, provide legal assistance to low-income people in civil (non-criminal) cases. The LSC has been controversial since its incorporation in the early 1970s and has been operating without authorizing legislation since 1980. There have been ongoing debates over the adequacy of funding for the agency and the extent to which certain types of activities are appropriate for federally funded legal aid attorneys to undertake. In annual appropriations bills, Congress traditionally has included legislative provisions restricting the activities of LSC-funded grantees, such as prohibiting any lobbying activities or prohibiting representation in certain types of cases. Current LSC funding remains below the LSC's highest funding level of \$400.0 million in FY1994 and FY1995.<sup>77</sup>

The Consolidated Appropriations Act, 2008 (P.L. 110-161) included \$350.5 million for the LSC for FY2008. This amount is \$1.9 million above the FY2007 appropriation (\$348.6 million) for the LSC and \$39.6 million above the Administration's FY2008 budget request for the LSC. The FY2008 appropriation for the LSC included \$332.4 million for basic field programs and required independent audits; \$12.5 million for management and administration; \$2.1 million for client self-help and information technology; \$3.0 million for the Office of the Inspector General; and \$500,000 for loan repayment assistance (for legal aid lawyers).

For FY2009, the Bush Administration requested \$311.0 million for the LSC. The Administration's budget request included \$290.1 million for basic field programs and required independent audits; \$12.8 million for management and administration; \$5.0 million for client self-help and information technology; and \$3.0 million for the Office of the Inspector General.

For FY2009, the House Appropriations Committee approved \$390.0 million for the LSC. The House-reported bill would have provided 11% more than the FY2008 LSC appropriation and 25% more than the FY2009 request for the LSC. The House bill included \$367.0 million for basic field programs and required independent audits; \$16.0 million for management and administration; \$3.0 million for client self-help and information technology; \$3.0 million for the Office of the Inspector General; and \$1.0 million for loan repayment assistance.

For FY2009, the Senate Appropriations Committee also approved \$390.0 million for the LSC. The Senate committee-reported bill would have provided 11% more than the FY2008 LSC appropriation and 25% more than the FY2009 request for the LSC. The Senate bill would have provided the same amount as the House-reported bill. The Senate bill, however, included \$369.0 million for basic field programs and required independent audits; \$13.0 million for management and administration; \$3.8 million for client self-help and information technology; \$3.2 million for the Office of the Inspector General; and \$1.0 million for loan repayment assistance.

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<sup>76</sup> This section was prepared by (name redacted), Specialist in Social Policy, Domestic Social Policy Division.

<sup>77</sup> For additional information on the LSC, see CRS Report RL34016, *Legal Services Corporation: Background and Funding*, by (name redacted).

The Omnibus Appropriations Act, 2009 (P.L. 111-8), included \$390.0 million for the LSC for FY2009. This amount was \$39.5 million above the FY2008 appropriation (\$350.5 million) for the LSC and \$79.0 million above the Bush Administration's FY2009 budget request for the LSC. The FY2009 appropriation for the LSC included \$365.8 million for basic field programs and required independent audits, \$16.0 million for management and administration, \$3.0 million for client self-help and information technology, \$4.2 million for the Office of the Inspector General, and \$1.0 million for loan repayment assistance.

## **Marine Mammal Commission (MMC)<sup>78</sup>**

The Marine Mammal Commission is an independent agency of the executive branch, established under Title II of the Marine Mammal Protection Act (MMPA; P.L. 92-522). The Marine Mammal Commission (MMC) and its Committee of Scientific Advisors on Marine Mammals provide oversight and recommend actions on domestic and international topics to advance policies and provisions of the Marine Mammal Protection Act. As funding permits, the Marine Mammal Commission supports research to further the purposes of the MMPA.

For FY2009, the Bush Administration proposed \$2.4 million for necessary expenses of the Marine Mammal Commission, a decrease of \$420 thousand (-14.9%) from the FY2008 appropriation of \$2.82 million for this independent agency.

The House Committee on Appropriations recommended \$3.2 million, \$380,000 (13.5%) more than the FY2008 enacted level and \$800,000 (33.3%) more than the FY2009 request, stating:

The number of issues reflecting marine mammal conservation has grown over the past three decades and the Committee recognizes these increasing responsibilities of the Commission. ... The Committee has provided this increase to allow the Commission to address various challenges including the effects of and adaptation to climate change and the study of endangered species.<sup>79</sup>

The Senate Committee on Appropriations concurred with the Bush Administration's request, recommending \$2.4 million (S.Rept. 110-397).

The enacted FY2009 MMC appropriation was \$3.2 million, with the increase above the request "for the hiring of two additional FTEs to monitor oil and gas issues such as the expansion of exploration and the clean-up of oil spills on ice, as well as emerging fishery issues."<sup>80</sup>

## **National Veterans Business Development Corporation (VBC)<sup>81</sup>**

The VBC was established under the Veterans Entrepreneurship and Small Business Development Act of 1999 (P.L. 106-50). The corporation's mission is to foster entrepreneurship and business opportunities for veterans, including service-disabled veterans. The VBC provides veterans with

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<sup>78</sup> This section was prepared by (name redacted), Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

<sup>79</sup> H.Rept. 110-919, p. 145.

<sup>80</sup> Congressional Record, Feb. 23, 2009, p. H1839.

<sup>81</sup> This section was written by (name redacted), Specialist in Domestic Security.

access to capital and business services, entrepreneurial education, surety bonding, insurance and prescription coverage, as well as a veterans business directory. Congress provided the corporation with \$1.5 million in funding for each year, FY2006 and FY2007. The enacted FY2008 VBC appropriation was \$1.4 million. The Administration's FY2009 budget request did not include any funding for VBC. The House-reported included \$3.2 million, an increase of 127% over the FY2008 enacted level. Like the Senate-reported bill, the Omnibus Appropriations Act, 2009 (P.L. 111-8) did not include any funding for the VBC.

## Office of the U.S. Trade Representative (USTR)<sup>82</sup>

USTR, located in the Executive Office of the President (EOP), is responsible for developing and coordinating U.S. international trade and direct investment policies. The USTR is the President's chief negotiator for international trade agreements. In 2006 and 2007, the Bush Administration concluded FTAs with Peru, Colombia, Oman, Panama, and South Korea. In 2006 and 2007, USTR obtained congressional approval of FTAs with Peru, Bahrain, the Dominican Republic, and Central American countries. In its FY2009 *Congressional Budget Submission*, the USTR stated the following as its priorities for FY2009:

- concluding several bilateral agreements,
- completing the Doha Round of the World Trade Organization (WTO) negotiations,
- pursuing China's compliance with its WTO obligations,
- litigating enforcement actions in the WTO,
- negotiating WTO accession agreements for key countries, and
- launching new negotiations as necessary to further the trade agenda.<sup>83</sup>

The FY2009 enacted appropriation for USTR is \$47.3 million, a 7.3% increase over the FY2008 funding level of \$44.1 million. The enacted amount is \$1 million (2.2%) over the President's FY2009 request of \$46.3 million and \$3.2 million (7.3%) over the FY2008 funding level of \$44.1 million. The House-reported bill would have provided \$48.3 million, \$1 million (2.1%) over the FY2009 enacted level and \$2 million (4.3%) over the budget request. The Senate-reported bill would have provided \$46.3 million, \$1 million (2.1%) less than the enacted FY2009 level and the same amount as the budget request.

## State Justice Institute (SJI)<sup>84</sup>

The State Justice Institute (SJI) is a nonprofit corporation that makes grants to state courts and funds research, technical assistance, and informational projects aimed at improving the quality of

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<sup>82</sup> This section was written by (name redacted), Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

<sup>83</sup> Office of United States Trade Representative, Congressional Budget Submission, Fiscal Year 2009.

<sup>84</sup> This section was written by (name redacted), Specialist in American National Government, Government and Finance Division.

judicial administration in state courts across the United States. It is governed by an 11-member board of directors appointed by the President and confirmed by the Senate.<sup>85</sup> Under the terms of its enabling legislation, SJI is authorized to present its budget request directly to Congress, apart from the President's budget.

The FY2009 Omnibus Appropriations Act provided \$4.1 million in funding for SJI, 9% above the FY2008 enacted level of \$3.8 million but 23.9% below the institute's FY2009 request of \$5.39 million.<sup>86</sup> (The Bush Administration, as in its budgets for the previous six years, did not request any appropriated funds for the institute for FY2009.<sup>87</sup>) The \$4.1 million appropriation for SJI in FY2009 was the same funding amount as included in the House-reported bill. The Senate-reported bill included \$5.0 million, 33% above the FY2008 enacted level but 7.2% less than SJI's FY2009 request.

For the past several fiscal years, SJI has been encouraged by congressional appropriators to obtain funds, at least in part, from sources other than Congress. In the FY2008 appropriations process, for instance, the House Appropriations Committee endorsed an approach of providing some directly appropriated funds to SJI, but with the institute also seeking additional funding from Department of Justice (DOJ) grant programs.<sup>88</sup> The committee at the same time commended SJI for its "recent successes in obtaining dollar-for-dollar matching funds for grants awarded."<sup>89</sup>

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<sup>85</sup> By law, the President must appoint six state court judges, one state court administrator, and four members of the public, no more than two of whom may be of the same political party.

<sup>86</sup> See *State Justice Institute Fiscal Year 2009 Budget Request*, January 2008, at [http://www.statejustice.org/PDF/FY2009\\_Budget\\_Request.pdf](http://www.statejustice.org/PDF/FY2009_Budget_Request.pdf), 22 p. (Hereafter cited as *SJI 2009 Budget Request*.) The amount requested for FY2009, SJI noted, was \$1,629,000 above the level provided in the FY2008 Consolidated Appropriations Act (P.L. 110-161), but \$1,611,000 below the \$7.0 million level as authorized by the State Justice Reauthorization Act of 2004 (P.L. 108-372). *Ibid.*, p. 3. The funding requested for FY2009, SJI said in its budget request, would enable it "to continue identifying issues that impact all courts, fostering innovative solutions, and sharing information on successful approaches nationwide." *Ibid.*, p. 17.

<sup>87</sup> In the *Appendix of the Budget of the United States Government* for each fiscal year from FY2003 through FY2009, a funding table for the State Justice Institute, and brief accompanying text, indicated that the proposed budget for each year entailed no appropriated funds for SJI but did not provide an explanation for why no funding was requested.

<sup>88</sup> Specifically, the committee commended SJI for "continuing to work with the [Justice Department's] Office of Justice Programs (OJP) on issues involving State courts," and it encouraged SJI "to continue to seek funds from OJP grant programs." U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2008*, report to accompany H.R. 3093, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 110-240 (Washington: GPO, 2007), p. 137.

<sup>89</sup> *Ibid.* In response to a directive from House-Senate conferees for the FY2006 appropriations act, SJI, in its FY2007 budget request, noted that it had adopted a 50% "cash match requirement" from its grantees. In its FY2009 budget request, SJI said that prior to the implementation of its cash match requirement, state courts were unable to compete for SJI grants. Despite having the money available for the requirement, SJI said, the courts "had neither the time nor the personnel available who could apply for and execute grant projects." With the cash match requirement in place, however, SJI said, it now receives numerous grant applications from state courts, which are assisted by "court-support organizations" which have the "expertise to apply for and execute court grants." *SJI 2009 Budget Request*, p. 16.

**Table 14. CJS Appropriations by Account,  
FY2008 Enacted, FY2009 Proposed, and FY2009 Enacted**  
(budget authority in millions of dollars)

Bureau or Agency	FY2008 Enacted <sup>a</sup>	FY2009 Request <sup>b</sup>	House- Reported	Senate- Reported	FY2009 Enacted
<b>Department of Commerce (DOC)</b>					
International Trade Administration	405.2	417.3 <sup>b</sup>	425.4	420.4	420.4
Bureau of Industry and Security	72.9	83.2 <sup>b</sup>	83.7	83.7	83.7
Economic Development Administration	779.9	123.6 <sup>b</sup>	282.8	232.8	272.8
Minority Business Development Agency	28.6	28.6 <sup>b</sup>	31.5	29.0	29.8
Economic and Statistical Analysis	81.1	90.1 <sup>b</sup>	89.1	90.6	90.6
Bureau of the Census	1,440.2	3,139.9 <sup>b</sup>	2,604.6	3,151.0	3,139.9
National Telecommunications and Information Administration	36.3	18.4 <sup>b</sup>	40.9	59.2	39.2
Patent and Trademark Office <sup>c</sup>	(1,915.5)	(2,087.0)	(2,087.0)	(2,075.0)	(2,010.1)
Negative Budget Authority <sup>d</sup>					-76.9
Technology Administration	—	—	—	—	—
National Institute of Standards and Technology	755.8	636.0 <sup>b</sup>	816.9	813.5	819.0
National Oceanic and Atmospheric Administration	3,988.5	4,103.9 <sup>be</sup>	4,252.6	4,445.9	4,365.2
Departmental Management	70.0	23.7 <sup>b</sup>	79.3	76.2	83.8
<b>DOC Subtotal</b>	<b>7,658.5</b>	<b>8,664.8<sup>b</sup></b>	<b>8,706.9</b>	<b>9,402.4</b>	<b>9,267.5</b>
<b>Department of Justice (DOJ)</b>					
General Administration	1,798.8	1,952.1	2,014.2	1,928.4	2,007.8
U.S. Parole Commission	11.5	12.6	12.6	12.6	12.6
Legal Activities	3,619.3	3,829.7	3,841.9	3,864.7	3,855.6
National Security Division	73.4	83.8	83.8	83.8	83.8
Interagency Law Enforcement	497.9	531.6	521.9	511.7	515.0
Federal Bureau of Investigation	6,763.8	7,147.2 <sup>f</sup>	7,108.1	7,270.1	7,301.2
Drug Enforcement Administration	1,887.4	1,936.6	1,939.1	1,954.4	1,939.1
Bureau of Alcohol, Tobacco, Firearms & Explosives	1,011.6	1,027.8	1,054.2	1,042.8	1,054.2
Federal Prison System	5,612.6	5,533.9	5,733.9	5,973.9	6,173.9
Office of Violence Against Women	400.0	280.0	435.0	415.0	415.0
Office of Justice Programs	2,282.0	792.7	2,694.1	2,721.1	2,762.1
<b>DOJ Subtotal</b>	<b>23,958.3</b>	<b>23,127.9</b>	<b>25,438.8</b>	<b>25,778.6</b>	<b>26,120.2</b>
<b>Science Agencies</b>					

Bureau or Agency	FY2008 Enacted <sup>a</sup>	FY2009 Request <sup>b</sup>	House- Reported	Senate- Reported	FY2009 Enacted
Office of Science and Technology	5.2	5.3	5.3	5.2	5.3
NASA	17,401.9	17,614.2	17,769.0	17,814.0	17,782.4
National Science Foundation	6,127.5	6,854.1	6,854.1	6,854.1	6,490.4
<b>Science Agencies Subtotal:</b>	<b>23,534.6</b>	<b>24,473.6</b>	<b>24,628.4</b>	<b>24,673.3</b>	<b>24,278.1</b>
<b>Related Agencies</b>					
Commission on Civil Rights	8.5	8.8	8.8	8.8	8.8
Equal Employment Opportunity					
Commission (EEOC)	329.3	341.9	350.4	341.9	343.9
International Trade Commission	68.4	73.6	75.1	75.0	75.1
Legal Services Corporation	350.5	311.0	390.0	390.0	390.0
Marine Mammal Commission	2.8	2.4	3.2	2.4	3.2
National Veterans Business Development Corporation	1.4	—	3.2	—	—
U.S. Trade Representative	44.1	46.3	48.3	46.3	47.3
State Justice Institute	3.8	— <sup>g</sup>	4.1	5.0	4.1
<b>Related Agencies Subtotal</b>	<b>808.8</b>	<b>784.0</b>	<b>883.1</b>	<b>869.4</b>	<b>872.4</b>
<b>Total Appropriations</b>	<b>55,960.1</b>	<b>57,050.3</b>	<b>59,657.1</b>	<b>60,723.6</b>	<b>60,538.2</b>

**Sources:** U.S. Congress, House Committee on Appropriations, *Omnibus Appropriations Act, 2009*, committee print, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 2009, Book 1 of 2 – Divisions A-E (Washington: GPO, 2009), pp. 548-552.

**Note:** Amounts may not add to totals due to rounding.

- a. The FY2008 enacted column reflects funding provided under the Supplemental Appropriations Act, 2008 (P.L. 110-252; H.R. 2642) and the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329; H.R. 2638).
- b. The amounts in the FY2009 request column reflect the Administration's amended budget submission.
- c. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected, but not obligated during the current year, are available for obligation in the following fiscal year and *do not* count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals.
- d. For FY2009, the PTO account includes \$76.9 million in negative budget authority (BA). The Administration initially estimated \$2.087 billion in offsetting fee receipts for the PTO for FY2009. That estimate was subsequently revised downward to \$2.010 billion, but the timing of the revision was such that the Omnibus appropriations bill (H.R. 1105) was scored against a CBO baseline that included the previous estimate of \$2.087 billion in offsetting fee receipts, resulting in negative BA of \$76.9 million for FY2009.
- e. On August 1, 2008, the Office of Management and Budget submitted a 2009 budget amendment that included a request for another \$3.0 million for the National Oceanic and Atmospheric Administration.
- f. On May 2, 2008, the Office of Management and Budget submitted an FY2009 budget amendment that included an additional \$39.1 million for the Federal Bureau of Investigation.
- g. Under the terms of its enabling legislation, the State Justice Institute is authorized to present its budget request directly to Congress. Although the Bush Administration requested no FY2009 funding for SJI, the institute requested \$5.4 million.

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	Abigail B. Rudman	7-....	redacted@crs.loc.gov
Legal Services Corporation	name redacted	7-....	redacted@crs.loc.gov
U.S. Commission on Civil Rights	name redacted	7-....	redacted@crs.loc.gov
State Justice Institute	name redacted	7-....	redacted@crs.loc.gov



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