



Commerce, Justice, Science, and Related Agencies: FY2010 Appropriations

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Summary

This report provides an overview of actions taken by Congress to provide FY2010 appropriations for Commerce, Justice, Science, and Related Agencies (CJS). On June 12, 2009, the House Appropriations Committee reported the FY2010 CJS appropriations bill (H.R. 2847). The House passed H.R. 2847 on June 18, 2009. On June 25, 2009 the Senate Appropriations Committee reported H.R. 2847 with an amendment in the nature of a substitute.

This report uses the House report to accompany H.R. 2847 (H.Rept. 111-149) as the source for the FY2009-enacted and the FY2010-requested amounts, and it uses the Senate report to accompany H.R. 2847 (S.Rept. 111-34) as the source for the amounts in the House-passed and the Senate committee-reported versions of H.R. 2847.

The Administration requested a total budget authority of \$67.551 billion in budget authority for CJS departments for FY2010. This amounts to a \$7.045 billion, or 11.6% increase over the \$60.506 billion enacted for FY2009. The Administration's proposal includes \$13.789 billion for Commerce, \$27.074 billion for Justice, \$25.737 billion for Science, and \$950.9 million for related agencies. The House-passed bill recommends a total of \$67.695 billion for CJS, 11.9% more than the total appropriated for FY2009 and 0.2% more than the Administration's FY2010 request. The Senate Committee-reported version of H.R. 2847 would provide a total of \$67.953 billion for CJS. The proposed amount would represent a 12.3% increase over what was appropriated for FY2009. The Senate committee-reported amount would be a 0.6% increase over the Administration's request, and it would be 0.4% more than what was included in the House-passed bill.

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (P.L. 111-5; Stimulus act). 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, for Justice, the act provided \$4.002 billion, and for science agencies, the act provided \$4.004 billion.

The Supplemental Appropriations Act, 2009 (P.L. 111-32), was signed into law by President Obama on June 24, 2009. The act provides a total of \$205.1 million for CJS departments and agencies. Of this amount, \$40.0 million is for the Department of Commerce and \$165.1 million is for the Department of Justice.

This report will be updated to reflect congressional action.

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Most Recent Developments

The Administration requested a total budget authority of \$67.551 billion in budget authority for Commerce, Justice, Science, and Related Agencies (CJS) for FY2010. This amounts to a \$7.045 billion, or 11.6% increase over the \$60.506 billion enacted for FY2009 (not including funding included in the American Recovery and Reinvestment Act, P.L. 111-5). The Administration's proposal would include \$13.789 billion for Commerce, \$27.074 billion for Justice, \$25.737 billion for Science, and \$950.9 million for related agencies.

On June 12, 2009, the House Appropriations Committee reported the FY2010 CJS appropriations bill (H.R. 2847). The House passed H.R. 2847 on June 18, 2009. The House-passed bill includes a total of \$67.695 billion for CJS, 11.9% more than the total appropriated for FY2009 and 0.2% more than the Administration's FY2010 request.

On June 25, 2009, the Senate Appropriations Committee reported H.R. 2847 with an amendment in the nature of a substitute. The Senate committee-reported version of H.R. 2847 would provide a total of \$67.953 billion for CJS. The proposed amount would represent a 12.3% increase over what was appropriated for FY2009. The Senate committee-reported amount would be a 0.6% increase over the Administration's request, and it would be 0.4% more than what was included in the House-passed bill.

The Supplemental Appropriations Act, 2009 (P.L. 111-32), was signed into law by President Obama on June 24, 2009. The act provides a total of \$205.1 million for CJS departments and agencies. Of this amount, \$40.0 million is for the Department of Commerce and \$165.1 million is for the Department of Justice.

The American Recovery and Reinvestment Act of 2009

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (P.L. 111-5; ARRA). The amounts appropriated by Congress in the ARRA are in addition to the amounts appropriated in the Omnibus Appropriations Act, 2009 (P.L. 111-8) (described above). The ARRA included \$15.922 billion for CJS departments and agencies. For Commerce, the act provided \$7.916 billion, for Justice, the act provided \$4.002 billion, and for science agencies, the act provided \$4.004 billion.

FY2010 Appropriations

This report uses the House report to accompany H.R. 2847 (H.Rept. 111-149) as the source for the FY2009-enacted and the FY2010-requested amounts, and it uses the Senate report to accompany H.R. 2847 (S.Rept. 111-34) as the source for the amounts in the House-passed and the Senate committee-reported versions of H.R. 2847.

The Administration requested a total of \$67.551 billion in budget authority for CJS for FY2010. This amounts to a \$7.045 billion, or 11.6%, increase over the \$60.506 billion enacted for FY2009 (not including and funding included in the American Recovery and Reinvestment Act, P.L. 111-5). The Administration's proposal would include \$13.789 billion for Commerce, \$27.074 billion for Justice, \$25.737 billion for Science, and \$950.9 million for related agencies. The House-passed bill would provide a total of \$67.695 billion for CJS for FY2010, which would be 11.9%

more than the amount appropriated for FY2009 and 0.2% more than the Administration's request. This amount includes \$13.841 billion for Commerce, \$27.751 billion for Justice, \$25.147 billion for Science, and \$956.2 million for related agencies. The Senate committee-reported bill would provide a total of \$67.953 billion for CJS for FY2010, which would be 12.3% more than what was appropriated for FY2009, 0.6% more than the Administration's request, and 0.4% more than the House-recommended amount. The proposed funding would include \$14.043 billion for Commerce, \$27.385 billion for Justice, \$25.609 billion for Science, and \$916.0 million for related agencies.

Table 1. CJS Appropriations, FY2009 Enacted and FY2010 Request, House Committee-Reported, House-Passed, and Senate Committee-Reported

(budget authority in millions of dollars)

Departments and Related Agencies	FY2009 Enacted ^a	FY2010 Request	House Committee Reported	House-Passed	Senate Committee Reported	Senate-Passed
Department of Commerce	\$9,267.5	\$13,788.8	\$13,847.4	\$13,840.8	\$14,043.3	
Department of Justice	26,087.6	27,073.9	27,746.7	27,750.8 ^b	27,385.3	
Science Agencies	24,278.1	25,737.2	25,147.0	25,147.0	25,608.9	
Related Agencies	872.4	950.9	956.2	956.2	916.0	
Total	60,505.6	67,550.7	67,697.2	67,694.7	67,953.4	

Source: FY2009 Enacted, FY2010 Requested, and House committee-reported amounts taken from the House report (H.Rept. 111-149) to accompany the FY2010 Commerce, Justice, Science, and Related Agencies appropriations bill (H.R. 2847). House-passed and Senate Committee-reported amounts taken from the Senate report to accompany H.R. 2847 (S.Rept. 111-34).

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

- FY2009-enacted amounts do not include the \$15.922 billion appropriated as a part of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), nor does it include funding appropriated pursuant to the Supplemental Appropriations Act, 2009 (P.L. 111-32).
- The report to accompany the Senate committee-reported version of H.R. 2847 (S.Rept. 111-34) indicated that the total appropriation for Justice was \$27.751 billion, which when added to the amounts recommended for Commerce, Science, and Related Agencies results in a total appropriation of \$67.695 billion for the CJS bill. However, a CRS analysis of amendments adopted during debate of H.R. 2847 and the text of the House-passed version of H.R. 2847 indicate that the total recommended for Justice was \$27.753 billion, which would make the total appropriation for the bill \$67.697 billion, the same as the House committee-reported bill. CRS was not able to reconcile this difference.

Supplemental Appropriations Act, 2009

The Supplemental Appropriations Act, 2009 (H.R. 2346), was introduced in the House on May 12, 2009. H.R. 2346 was passed by the House on May 14, 2009. The Senate passed the bill with an amendment in the nature of a substitute on May 21, 2009. The House and the Senate met to resolve the differences between the two versions of H.R. 2346 and on June 12, 2009, a conference report on the bill was filed (H.Rept. 111-151). The House adopted the conference report on June 16, 2009, and the Senate adopted the conference report on June 18, 2009. H.R. 2346 was signed into law by President Obama on June 24, 2009 (P.L. 111-32).

The Supplemental Appropriations Act, 2009, provides a total of \$205.1 million for CJS departments and agencies. Of this amount, \$40.0 million is for the Department of Commerce and \$165.1 million is for the Department of Justice. The final enacted amount is 921.5% more than the House-recommended amount of \$20.1 million but 11.6% less than the Senate-recommended amount of \$232.1 million.

Table 2. Funding for the Department of Commerce and Department of Justice in the Supplemental Appropriations Act, 2009

(budget authority in millions of dollars)

	House-Passed	Senate-Passed	Final Enacted
Department of Commerce			
Economic Development Administration		40,000	40,000
Subtotal: Department of Commerce	0	40,000	40,000
Department of Justice			
General Administration	3,000	90,000	63,000
General Administration		30,000	
Detention Trustee		60,000	60,000
Office of the Inspector General	3,000		3,000
Legal Activities	6,648	16,648	16,648
General Legal Activities	1,648	1,648	1,648
United States Attorneys	5,000	15,000	15,000
United States Marshals Service		10,000	10,000
National Security Division	1,389	1,389	1,389
Federal Bureau of Investigation		35,000	35,000
Drug Enforcement Administration		20,000	20,000
Bureau of Alcohol, Tobacco, and Firearms	4,000	14,000	14,000
Federal Prison System	5,038	5,038	5,038
Subtotal: Department of Justice	20,075	192,075	165,075
Total	20,075	232,075	205,075

Source: House-passed amounts taken from House-passed H.R. 2346, Senate-passed amounts taken from Senate-passed H.R. 2346, Final Enacted amounts taken from P.L. 111-32.

Survey of Selected Issues

Department of Commerce

Congress may choose to consider the following FY2010 appropriations issues concerning the Department of Commerce:

- funding and overseeing the implementation of the 2010 decennial census;

- whether to fund proposed increases for programs under the Economic Development Administration to assist distressed areas affected by unemployment as a result of the recession;
- the ability of U.S. trade agencies and the U.S. Patent and Trademark Office to fight intellectual property infringement abroad;
- the efficacy of U.S. trade agency enforcement of U.S. trade remedy laws against unfair foreign competition;
- whether to provide the U.S. Patent and Trademark Office with the authority to use all the fees it collects in a fiscal year;
- support for the National Oceanic and Atmospheric Administration's (NOAA's) climate research, endangered species recovery, and fisheries management; and
- whether to fund NOAA's satellite programs to enhance environmental and weather data and information.

Department of Justice (DOJ)

There are several issues Congress might consider when determining the appropriate level of funding for DOJ agencies and bureaus. Those issues include the following:

- continuing oversight of the Federal Bureau of Investigation's (FBI) transformation and the redirection of a larger share of its resources away from traditional crime and towards combating domestic and international terrorism;
- whether to approve the Administration's request for \$60 million in additional funding for anticipated DOJ administrative costs related to transferring Guantánamo detainees before closing the facility;
- whether to increase funding to improve law enforcement's capacity to combat the trafficking of illicit drugs and firearms along the southwest border;
- whether to increase FBI's funding for investigating mortgage and financial fraud;
- whether to eliminate funding for the State Criminal Alien Assistance Program (SCAAP);
- whether to increase funding for the Bureau of Prisons (BOP) in light of its recent reporting that BOP facilities were operating at 36% over rated capacity at the end of 2008 and they project that facilities will be 37% over rated capacity at the end of 2009;¹ and
- whether to fully fund the re-entry programs authorized by the Second Chance Act of 2007.²

¹ U.S. Department of Justice, Federal Bureau of Prisons, *FY2010 Congressional Budget Submission*, pp. 2-3.

² P.L. 110-199. See U.S. Department of Justice, Office of Justice Programs, "Reentry," available at <http://www.reentry.gov>.

Science Agencies

Among the issues facing science agencies that Congress may choose to address in the FY2010 appropriations process are:

- whether to fund research and related activities at the National Science Foundation (NSF), National Institute of Standards and Technology, and Department of Energy Office of Science at the levels authorized in the America COMPETES Act (P.L. 110-69)³ and endorsed in the FY2010 joint budget resolution (S.Con.Res. 13);
- whether to increase funding to the President's Office of Science and Technology Policy (OSTP) to support two additional associate directors,⁴ the President's Open Government Initiative, and the President's Council of Advisors on Science and Technology;
- whether to fund climate change and clean energy research that has been requested in the NSF FY2010 budget request;
- whether to fund NSF's work under the National Nanotechnology Initiative directed at understanding and exploiting the unique properties of matter that can emerge at the nanoscale, as well as toward understanding and addressing nanotechnology-related environmental, health, and safety concerns;⁵ and
- determining the future direction of the National Aeronautics and Space Administration's (NASA) human spaceflight program. For the past few years this has been guided by the Vision for Space Exploration, announced by President Bush in 2004 and endorsed by Congress in the 2005 and 2008 NASA authorization acts (P.L. 109-155 and P.L. 110-422). In May 2009, NASA announced an independent review of its human spaceflight plans. Nearly \$4 billion of NASA's budget request for FY2010 is tentative pending the results of the review.

Related Agencies

The Related Agencies include the Commission on Civil Rights (Commission), the Equal Employment Opportunity Commission (EEOC), The U.S. International Trade Commission (ITC), the Legal Services Corporation (LSC), the Marine Mammal Commission (MMC), the Office of the U.S. Trade Representative (USTR), and the State Justice Institute (SJI). Some of the issues that Congress may choose to address in the FY2010 appropriations process include

- whether to increase funding to accommodate the Administration's request to, in part, hire 224 new employees who would help address the anticipated increase in its workload (EEOC is projecting that its backlog of private sector charges will increase by 39% between FY2010 and FY2009);

³ For more information, see CRS Report R40519, *America COMPETES Act and the FY2010 Budget*, by Deborah D. Stine

⁴ The number of OSTP associate directors (AD) has varied across presidential administrations. There were two OSTP ADs during the administration of President George W. Bush. President Obama's FY2010 request supports four ADs.

⁵ For further information, see CRS Report RL34511, *Nanotechnology: A Policy Primer*, by John F. Sargent Jr.

- whether funding for the Commission should be increased as appropriations for it have remained at about \$9 million each fiscal year (FY) since FY1995;
- whether funding for the LSC should be increased to reflect the Administration's proposal to increase LSC by \$45 million;
- whether to eliminate some of the restrictions on permissible activities of LSC-funded legal service programs; and
- whether to expand USTR's activities in monitoring foreign country trade practices and adherence to commitments in trade agreements with the United States.

Department of Commerce⁶

The origin of the Department of Commerce (Commerce Department) dates to 1903 with the establishment of the Department of Commerce and Labor.⁷ The separate Commerce Department was established on March 4, 1913.⁸ The department's responsibilities are numerous and quite varied, 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 Bureau of the Census, provides (1) timely information on the state of the economy through preparation, development, and interpretation of economic data; and (2) analytical support to department officials in meeting their policy responsibilities;
- *Bureau of the Census*, a component of ESA, collects, compiles, and publishes a broad range of economic, demographic, and social data;

⁶ This section was coordinated by Oscar R. Gonzales and Jennifer D. Williams, CRS Government and Finance Division.

⁷ 32 Stat. 825

⁸ 37 Stat .C. 1501

- *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.

FY2010 Budget Request

Table 3 presents the following funding information for the Commerce Department: the FY2009-enacted appropriations, emergency supplemental appropriations, the President's FY2010 request, the House Appropriations Committee's recommendation, the House-passed amount, and the Senate Appropriation Committee's recommendation.

The Administration has requested a total of \$13.789 billion for the Department of Commerce, a \$4.53 billion, or 48.8%, increase over FY2009 appropriations.⁹ The House-passed bill would provide a total of \$13.841 billion for Commerce, a proposed increase of 49.3% over FY2009 funding and 0.4% more than the FY2010 request. The Senate committee-reported measure would provide a total of \$14.043 billion for Commerce. The proposed funding would be 51.5% more than FY2009-enacted funding, 1.8% more than the President's FY2010 request, and 1.5% more than the amount recommended in the House-passed bill.

Table 3. Funding for the Department of Commerce
(budget authority in millions of dollars)

Bureau or Agency	FY2009 Enacted ^a	Recovery Act	FY2010 Request	House Committee reported	House-Passed	Senate Committee Reported	Senate-Passed
International Trade Administration	\$420.4		\$440.3	\$435.1	\$435.0	\$446.3	
Bureau of Industry and Security	83.7		100.3	100.3	100.3	100.3	
Economic Development Administration	272.8	150.0	284.0	293.0	293.0	238.0	

⁹ In addition to regular appropriations of \$9,267.5 million for FY2009, the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included an additional \$7.916 billion for the Commerce Department.

Bureau or Agency	FY2009 Enacted^a	Recovery Act	FY2010 Request	House Committee reported	House-Passed	Senate Committee Reported	Senate-Passed
Minority Business Development Agency	29.8		31.0	31.0	31.0	31.2	
Economic and Statistics Administration (excluding Census)	90.6		105.0	97.3	97.3	100.6	
Census Bureau	3,139.9	1,000.0	7,374.7	7,374.7	7,374.7	7,324.7	
National Telecommunications and Information Administration	39.2	5,350.0	20.0	40.0	40.0	40.0	
Patent and Trademark Office ^b	2,010.1		1,930.4	1,930.4	1,930.4	1,930.4	
Offsetting Fee Receipts (USPTO)	-2,087.0		-1,930.4	-1,930.4	-1,930.4	-1,930.4	
National Institute of Standards and Technology	819.0	580.0	846.1 ^c	781.1	781.1	878.8	
National Oceanic and Atmospheric Administration	4,365.2	830.0	4,473.8	4,602.9	4,603.4	4,772.8	
Departmental Management	83.8	6.0	113.5	92.0	85.0	110.5	
Total: Department of Commerce	9,267.5	7,916.0	13,788.8	13,847.4	13,840.8	14,043.3	

Source: FY2009 Enacted, FY2010 Requested, and House committee-reported amounts taken from the House report (H.Rept. 111-149) to accompany the FY2010 Commerce, Justice, Science, and Related Agencies appropriations bill (H.R. 2847). House-passed and Senate Committee-reported amounts taken from the Senate report to accompany H.R. 2847 (S.Rept. 111-34).

Notes: Amounts may not add to totals due to rounding.

- a. FY2009-enacted amounts do not include any funding appropriated pursuant to the Supplemental Appropriations Act, 2009 (P.L. 111-32).
- b. 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. Total figures for the Department of Commerce exclude PTO.
- c. Figure excludes transfers of funds from Election Assistance Commission to the Scientific and Technical Research Services (STRS), and Working Capital Fund, STRS. If these two accounts are included, the budget authority would be \$849.4 million for NIST; see <http://www.osec.doc.gov/bmi/budget/10BIB/NIST.pdf>.

International Trade Administration (ITA)¹⁰

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 organizational units: (1) the Manufacturing and Services Unit, which is responsible for certain industry analysis functions and promoting the competitiveness and expansion of the U.S. manufacturing sector; (2) the Market Access and Compliance Unit, which is 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) the Import Administration Unit, which is responsible for administering the trade remedy laws of the United States; (4) the Trade Promotion/U.S. Foreign Commercial Service program, which is 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, which is responsible for providing policy leadership, information technology support, and administration services for all of ITA.

The Administration has requested \$440.3 million for ITA for FY2010, \$19.9 million (4.7%) more than the FY2009 funding level of \$420.4 million. The budget request anticipates the collection of \$9.4 million in fees, raising available FY2010 funds to \$449.7 million. The House-passed bill would provide \$435.0 million for ITA, which represents a 3.5% increase over FY2009 appropriations but 1.2% less than the Administration's request. The Senate committee-reported bill would provide ITA with \$446.3 million, \$25.8 million (6.1%) above the FY2009 appropriation, \$6 million (1.4%) above the budget request, and \$11.3 million (2.6%) above the House-recommended amount.

ITA's budget request lists the following priorities for FY2010: improving the domestic business environment to ensure that U.S. firms remain competitive; expanding market access and promoting U.S. exports; ensuring compliance with and enforcement of trade agreements; supporting the conclusion of the Doha Round of World Trade Organization negotiations; supporting the development and implementation of free trade agreements; strengthening public-private partnerships and implementing commercial strategies to promote exports; and advancing communication and outreach efforts to improve customer satisfaction.¹¹ Congress may choose to evaluate the role of ITA in ensuring compliance with and enforcement of trade agreements. Another issue being considered by Congress is the diminishing number of officers conducting core commercial activities in the U.S. Foreign Commercial Service of ITA. The Senate committee-reported bill directs the Administration to reverse the trend of staff reductions and improper staff assignments in the Foreign Commercial Service, and recommends an additional \$4.5 million above the budget request for ITA to address these staffing issues. The Senate committee-reported bill also recommends an additional \$1.5 million above the budget request for ITA for congressionally designated projects.

¹⁰ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

¹¹ U.S. Department of Commerce, *Budget in Brief: FY2010*, p. 55.

Bureau of Industry and Security (BIS)¹²

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,¹³ expired in August 2001. On August 17, 2001, President George W. Bush invoked the authorities granted by the International Economic Emergency Powers Act¹⁴ to continue in effect the system of controls contained in the act and by the Export Administration Regulations,¹⁵ and that authority has been renewed yearly.

The President has proposed \$100.3 million for BIS for FY2010, a \$16.7 million (20.0%) increase from the FY2009-enacted funding level of \$83.7 million. The FY2010 funding request for BIS is divided among licensing activity (\$54.4 million), enforcement activities (\$39.9 million), and management and policy coordination (\$6.1 million). Of these amounts, \$14.8 million was requested for Chemical Weapons Convention enforcement. The \$16.7 million increase in the BIS request is divided between \$11.8 million for new policy initiatives and \$4.9 million for base adjustments. The new policy initiatives consist of \$10 million to overhaul the Bureau's information technology system after reports of cyber-espionage attempts against its systems and \$1.8 million for the Bureau's weapons of mass destruction and improvised explosive device enforcement initiative. In FY2009, BIS had budget authority for 353 positions. With base adjustments and new initiatives, BIS is seeking budget authority for 362 positions for FY2010. Both the House-passed and Senate committee-reported bills include \$100.3 million for BIS, the same as the Administration's request.

Economic Development Administration (EDA)¹⁶

The EDA was created by the passage of the Public Works and Economic Development Act (PWEDA) of 1965,¹⁷ with the objective of fostering growth in economically distressed areas characterized by high levels of unemployment and low per-capita income levels. Federally designated disaster areas and areas affected by military base realignment or closure (BRAC) are also eligible for EDA assistance.

The President has requested \$284 million for EDA for FY2010, an increase of 4.1% over the FY2009 appropriation of \$272.8 million.¹⁸ Funding for the Economic Development Assistance Program (EDAP) would decrease 1.2%, from \$249.1 million to \$246 million. Salaries and

¹² This section was written by Ian F. Fergusson, Specialist in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

¹³ 50 U.S.C. 2401, et seq.

¹⁴ 50 U.S.C. 1703 (b)

¹⁵ 15 C.F.R., Parts 730-799

¹⁶ This section was written by Oscar R. Gonzales, Analyst in Economic Development Policy, CRS Government and Finance Division.

¹⁷ P.L. 89-136; 42 U.S.C. 3121

¹⁸ In addition to regular appropriations of \$272.8 million for FY2009, the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included an additional \$150 million for EDA, for a total of \$422.8 million for FY2009.

expenses would increase 23.2%, from \$30.8 million to \$38 million. For FY2010, the President's request would fund seven programmatic areas, including public works, planning assistance, technical assistance, research and evaluation, trade adjustment assistance, economic adjustment assistance, and the Global Climate Change Mitigation Incentive Fund. An important policy consideration for Congress is whether to fund proposed increases for EDA programs to assist distressed areas affected by unemployment as a result of the recession, in particular funding for regional planning and matching grants for regional innovation clusters, and the launch of a national network of public-private business incubators. The House-passed bill would provide \$293.0 million for EDA, which is 7.4% greater than FY2009 funding and 3.2% greater than the FY2010 request. The Senate committee-reported bill includes \$238.0 million for EDA, which is 12.8% less than the FY2009 appropriation, 16.2% less than the FY2010 request, and 18.8% less than the House-recommended amount.

Minority Business Development Agency (MBDA)¹⁹

The MBDA, established by Executive Order 11625 on October 13, 1971²⁰ is charged with the lead role in coordinating all of the federal government's minority business programs. As part of its strategic plan, the MBDA seeks to develop an 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 is measured in increased gross receipts, number of employees, and size and scale of firms associated with minority business enterprise.

For FY2010, the President has requested \$31.0 million for the MBDA, an increase of 3.9% over the FY2009 appropriation of \$29.8 million. Funding would be available for Minority Business Enterprise Centers and for Native American Business Enterprise Centers to provide management and technical assistance, and Minority Business Opportunity Centers to provide contract opportunities and financial transactions for minority-owned businesses. The House-passed bill includes \$31.0 million for MBDA, the same as the Administration's request. The Senate Appropriations Committee recommends \$31.2 million for MBDA, which is 4.6% more than what was appropriated for FY2009 and 0.6% more than both the President's request and the House-recommended amount.

Economic and Statistics Administration (ESA)²¹

The ESA provides economic data, analysis, and forecasts to government agencies and, where appropriate, to the public. The ESA includes the Bureau of the Census (discussed separately), the Bureau of Economic Analysis (BEA), and STAT-USA.²² The ESA has three core missions: to

¹⁹ This section was written by Oscar R. Gonzales, Analyst in Economic Development Policy, CRS Government and Finance Division.

²⁰ 36 FR 19967, 3 C.F.R., 1971-1975 Comp, 9, 616

²¹ This section was written by Oscar Gonzales, Analyst in Economic Development Policy, CRS Government and Finance Division.

²² STAT-USA provides U.S. economic and finance data, international trade statistics, and market research reports. Since 1994, STAT-USA has been funded through user fees and is excluded from this discussion. In addition, the regional input-output modeling system maintained by BEA is also excluded because it is funded entirely through user fees instead of annual appropriations.

compile a system of economic data, to interpret and communicate information about the forces at work in the economy, and to support the information and analytical needs of the executive branch.

The Administration has recommended \$105.0 million in budget authority for ESA for FY2010, an increase of 15.9% over the FY2009 figure of \$90.6 million. Funding for ESA in FY2010 includes two primary accounts: ESA headquarters, and the BEA. The ESA headquarters staff provides economic research and policy analysis in support of the Secretary of Commerce and the Administration. The BEA account funds the National Income and Product Accounts (NIPAs), which include estimates of national Gross Domestic Product and related measures. The House-passed bill includes \$97.3 million for ESA, a 7.3% increase over FY2009 funding, but 7.4% less than the Administration's request. The Senate committee-reported bill includes \$100.6 million for ESA, which would be 11.0% more than the FY2009 appropriation and 3.4% more than the House-recommended amount, but it is 4.2% less than the Administration's request.

Bureau of the Census²³

The U.S. Constitution requires a population census every 10 years, to serve as the basis for reapportioning seats in the House of Representatives.²⁴ Decennial census data also are used for within-state redistricting and in certain formulas that determine the annual distribution of several hundred billion dollars in federal and state funds. The Bureau of the Census, established as a permanent office on March 6, 1902,²⁵ conducts the 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.

Major activities for the decennial census program in FY2010 include mailing out questionnaires by the official Census Day of April 1, receiving and processing the forms as they are mailed back, and conducting nonresponse follow-up with households that do not return their forms. In 2010, as in previous decades, the questionnaire that will collect data for reapportionment and redistricting is a "short form," intended to cover the entire population. Another part of the decennial program is the American Community Survey (ACS). It is replacing the census "long form," which collected socioeconomic and housing data from a sample of the U.S. population (about 17.0% in 2000). The ACS is an ongoing survey of about 250,000 households per month that, with few exceptions, gathers the same data as its predecessor. A key difference between the two surveys is that whereas the long form collected data once a decade, the ACS is continuous and provides more timely, annual information.

To fund the Census Bureau in FY2010, the Administration has requested \$7.375 billion, 134.9% more than the FY2009-enacted amount of almost \$3.140 billion. The FY2010 request includes \$259.0 million for salaries and expenses (10.9% over the \$233.6 million FY2009 amount) and \$7.116 billion for periodic programs (144.9% more than the \$2.906 billion for FY2009). Under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), the Bureau received a \$1.0 billion FY2009 supplemental appropriation to address problems resulting from a flawed 2010

²³ This section was written by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

²⁴ See Article 1, Section 2, clause 3, as modified by Section 2 of the 14th Amendment.

²⁵ 32 Stat. 51.

decennial census information technology initiative.²⁶ The Administration has estimated that \$898.0 million of the \$1.0 billion will be carried forward as an unobligated balance at the beginning of FY2010, for total new obligations of \$8.014 billion in periodic programs, if Congress approves the request. Of the \$8.014 billion, \$7.799 billion (97.3%) would be available for the 2010 census. The House-passed version of H.R. 2847 includes the requested \$7.375 billion for the Census Bureau.²⁷ The Senate committee-reported bill recommends \$7.325 billion for the Bureau, \$50.0 million below the request. Although salaries and expenses would receive the requested \$259.0 million, periodic programs would receive \$7.066 billion instead of \$7.116 billion.

National Telecommunications and Information Administration (NTIA)²⁸

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 21st century. NTIA manages the distribution of funds for several key grant programs. 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. In recent years, one of the responsibilities of the NTIA has been to oversee the transfer of some radio frequencies from the federal domain to the commercial domain. Many of these frequencies have subsequently been auctioned to the commercial sector and the proceeds paid into the U.S. Treasury.

There are two major components to the NTIA annually appropriated budget. The Administration has requested \$20.0 million for FY2010 for the Salaries and Expenses category, a 4.1% increase over the \$19.2 million appropriated for FY2009. The House-passed and Senate committee-reported bills included \$20.0 million for NTIA's salaries and expenses account, the same as the Administration's FY2010 request. In addition, the NTIA receives appropriated funds for Public Telecommunications and Facilities Planning and Construction (PTFPC); the Administration did not request any funding for PTFPC for FY2010. The House-passed and Senate committee-reported bills included \$20.0 million for PTFPC, the same as what was appropriated for FY2009. 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. These collected funds may also be used for telecommunications, research, and related activities of the NTIA's Institute for Telecommunications Sciences.

The ARRA, the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), provided an additional \$4.7 billion to the NTIA for its existing Broadband Technology Opportunities Program

²⁶ For a discussion of this and other 2010 census issues, see CRS Report R40551, *The 2010 Decennial Census: Background and Issues*, by Jennifer D. Williams.

²⁷ The House-passed bill, however, stipulates that \$206.0 million of the \$7.116 billion approved for the Census Bureau's periodic programs account is to be derived from previously appropriated unobligated balances.

²⁸ This section was prepared by Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, CRS Resources, Science, and Industry Division.

for a “national broadband service development and expansion program.” The NTIA also administers the Digital Television Transition and Public Safety Fund, created by the Deficit Reduction Act of 2005 (P.L. 109-171, Title III). The fund received the receipts of the 2008 auction of spectrum licenses created by the transition from analog to digital television broadcasting. Of the auction proceeds, \$2.7 billion was made available for grant programs. The digital-analog converter box coupon program received \$1.5 billion from the fund to assist consumers in meeting the 2009 deadline for receiving television broadcasts in digital. The ARRA provided an additional \$650 million for this program. The fund also provided \$1 billion for public safety interoperable communications (PSIC) grants. The PSIC grant program was contracted to the Department of Homeland Security for implementation. The NTIA also is responsible for establishing a grants program of \$43.5 million authorized by the ENHANCE 911 Act of 2004 (P.L. 108-494, Title I) to benefit the implementation of 911 services.

U.S. Patent and Trademark Office (USPTO)²⁹

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 Congress.

For FY2010, the Administration has recommended providing the U.S. Patent and Trademark Office with \$1.930 billion in budget authority, a decrease of almost 4.0% from the FY2009 figure of \$2.010 billion. The budget proposal also states that the USPTO should have “full access” to all fees collected and that fee increases enacted in 2005 and 2006, and extended through 2009, should be continued. H.R. 2847, as passed by the House and as reported from the Senate Committee on Appropriations, would provide the same amount of budget authority as the Administration’s request and requires that the past fee increases remain in effect.

Until recently, appropriation measures limited USPTO use of all fees accumulated within a fiscal year. Critics of this approach argued that because agency operations are supported by payments for services, all fees were necessary to fund these services in the year they were provided. Some experts claimed that a portion of the patent and trademark collections were being used to offset the cost of other, non-related programs. Proponents of limiting use of funds collected maintained that the fees appropriated back to the USPTO were sufficient to cover the agency’s operating budget.

National Institute of Standards and Technology (NIST)³⁰

NIST is a laboratory of the Department of Commerce with a mandate to increase the competitiveness of U.S. companies through appropriate support for industrial development of precompetitive, generic technologies and the diffusion of government-developed technological advances to users in all segments of the American economy. NIST research also provides the

²⁹ This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

³⁰ This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

measurement, calibration, and quality assurance techniques that underpin U.S. commerce, technological progress, improved product reliability, manufacturing processes, and public safety.

The President's FY2010 budget includes \$846.1 million in funding for NIST, an increase of 3.3% over the FY2009 appropriation of \$819.0 million. Support for in-house research and development under the Scientific and Technical Research and Services (STRS) account (including the Baldrige National Quality Program) would increase 13.3% to \$534.6 million. The Manufacturing Extension Program (MEP) would receive \$124.7 million, 13.4% more than FY2009 (\$110.0 million), while financing for the Technology Innovation Program (TIP) is budgeted at \$69.9 million, an increase of 7.5% over the \$65.0 million appropriated in FY2009. Construction funding would decline 32.0% from \$172.0 million to \$116.9 million.³¹

H.R. 2847, as passed by the House, would provide \$781.1 million for NIST, 4.6% below the FY2009 appropriation (due primarily to decreased funding for construction) and 7.7% less than the Administration's request. Included in this figure is \$510.0 million for the STRS account, which is 8.1% more than the current fiscal year, but 4.6% below the budget request. As in the President's budget, the \$124.7 million in support for MEP represents a 13.4% increase, while funding for TIP would increase 7.5% to \$69.9 million. Construction spending would amount to \$76.5 million, a 55.5% decrease from FY2009 and 7.7% below what the Administration has requested.

The version of H.R. 2847 reported from the Senate Committee on Appropriations would fund NIST at \$878.8 million, 7.3% above the current fiscal year, 3.7% above the President's budget request, and 12.5% more than the House-passed bill. Support for in-house R&D under the STRS account would total \$520.3 million, an increase of 10.2% over FY2009, 2.7% less than the Administration's request and 2.0% more than the figure in the House-passed version. As in the budget request and the House-passed bill, funding for MEP would increase 13.4% to \$124.7 million and financing for TIP would increase 7.5% to \$69.9 million. The \$163.9 million for construction represents a 4.7% decrease from FY2009, but 40.2% more than the Administration's budget figure and over twice that contained in H.R. 2847 as passed by the House.

Continued funding for NIST extramural programs directed toward increased private sector commercialization has been a major issue. Some Members of Congress have expressed skepticism over a "technology policy" based on providing federal funds to industry for development of pre-competitive generic technologies. This approach, coupled with pressures to balance the federal budget, led to significant reductions in funding for NIST. The Advanced Technology Program (ATP) and the Manufacturing Extension Partnership, which accounted for more than 50% of the FY1995 NIST budget, were proposed for elimination. In 2007, ATP was terminated and replaced by the Technology Innovation Program.

³¹ The American Recovery and Reinvestment Act of 2009, P.L. 111-5, provided an extra \$222.0 million for the STRS account to be used in FY2009 and FY2010 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.

While much of the legislative debate has focused on ATP and MEP, increases in spending for the NIST laboratories that perform the research essential to the mission responsibilities of the agency have tended to remain small. As part of the American Competitiveness Initiative, announced by former President Bush in the 2006 State of the Union, the Administration stated its intention to double funding over 10 years for “innovation-enabling research” done at NIST through its “core” programs (defined as internal research in the STRS account and the construction budget). While additional funding has been forthcoming, it remains to be seen how support for internal R&D at NIST will evolve and how this might affect financing of extramural efforts such as TIP and MEP.

National Oceanic and Atmospheric Administration (NOAA)³²

The National Oceanic and Atmospheric Administration (NOAA) conducts scientific research in areas such as ecosystems, climate, global climate change, weather, and water; supplies information on the oceans and atmosphere; and provides stewardship of coastal and marine environments. NOAA was created in 1970 by Reorganization Plan No. 4. The reorganization plan was designed to unify the nation’s environmental activities and to provide a systematic approach for monitoring, analyzing, and protecting the environment. NOAA’s administrative structure has evolved into six line offices that include the National Environmental Satellite, Data, and Information Service (NESDIS), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), the National Weather Service (NWS), the Office of Oceanic and Atmospheric Research (OAR), and Program Support (PS).

The Obama Administration has requested \$4.474 billion for NOAA’s 2010 budget. The request is 2.5% or \$108.6 million more than the FY2009-enacted amount of \$4.365 billion.³³ Of the \$4.474 billion requested for FY2010, \$3.091 billion would fund Operations Research and Facilities (ORF), \$1.391 billion would fund Procurement, Acquisition, and Construction (PAC), and a net total of -\$8.0 million would fund NOAA’s Other Accounts.³⁴ One of NOAA’s priorities is to support NESDIS satellite programs to maintain and enhance weather and climate data collection. NOAA is emphasizing programs related to climate research, endangered species recovery, and fisheries management.

The House recommends funding of \$4.603 billion for NOAA. This would provide an increase of 5.5% compared with the FY2009-enacted funding level and a 2.9% increase over the Administration’s request. Of the \$4.603 billion recommended by the House, \$3.199 billion would fund ORF, \$1.409 billion would fund PAC, and a net total of -\$8.0 million would fund NOAA’s Other Accounts.³⁵ The House passed one amendment to the Appropriations Committee’s recommendation that would provide \$500,000 to support special fishery demonstration projects in the Western Pacific.

³² This section was prepared by Harold Upton, Natural Resources Policy Analyst, Resources, Science, and Industry Division.

³³ U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2010*, 111th Cong., 1st sess., June 11, 2009, H.Rept. 111-149 (Washington: GPO, 2009), pp. 268-269.

³⁴ *Ibid*, p. 269.

³⁵ The Administration request authorized funding for the Coastal Zone Management Fund that is transferred into the ORF account (-\$3.0 million) and the Fisheries Finance Program’s loans have a negative subsidy rate (-\$5.0 million).

The Senate Appropriations Committee recommends funding of \$4.773 billion for NOAA. This represents an increase of 9.3% compared with the FY2009-enacted level and an increase of 6.7% over the Administration's request. Of the \$4.603 billion recommended by the Senate Appropriations Committee, \$3.199 billion would fund ORF, \$1.409 billion would fund PAC, and a net total of \$71.0 million would fund NOAA's Other Accounts.

One of NOAA's priorities is to support NESDIS satellite programs to maintain and enhance environmental data collection. The Administration has requested \$1.429 billion for NESDIS, a 21.3% increase over the FY2009 appropriation of \$1.178 billion. The House recommends \$1.468 billion, while the Senate committee-reported bill would provide \$1.408 billion for NESDIS. Most of the increases would support satellite engineering development and production activities for the next generation geostationary satellite (GOES-R), and would contribute to development of sensors and spacecraft for the tri-agency polar-orbiting satellite system (NPOESS). However, both Senate and House appropriations committees expressed concerns with NPOESS management structure, projected cost growth, and schedule slippage.

The Pacific Coastal Salmon Recovery Fund (PCSRF), one of several funds in NOAA's Other Accounts category, was not funded in the President's budget. On May 21, 2009, the Obama Administration sent a budget amendment to Congress to clarify that Pacific salmon recovery is funded at \$50 million under the new Species Recovery Grant Program in ORF.³⁶ The Senate Appropriations Committee recommended restoring funding for the PCSRF under Other Accounts at the FY2009 funding level of \$80 million.

The American Recovery and Reinvestment Act (ARRA) of 2009 (P.L. 111-5) provided additional funding of \$830 million for NOAA's ORF and PAC accounts. The ORF account was funded at \$230.0 million. Proposed ORF activities include \$40 million to reduce the hydrographic survey backlog; \$167 million to restore marine and coastal habitat; \$3 million to conduct ESA section 7 consultations, and \$20 million to repair and maintain NOAA research vessels.³⁷ The Procurement, Acquisitions, and Construction account was funded at \$600.0 million. Proposed PAC activities include \$170 million to enhance NOAA's computing capabilities; \$7.4 million to enhance NOAA's weather radar system; \$9 million to upgrade weather forecast offices; \$74 million to develop the National Polar-orbiting Operational Environmental Satellite System; \$261.6 million for construction and maintenance of facilities; and \$78 million to complete construction of a fishery survey vessel.³⁸

³⁶ Peter R. Orszag, Executive Office of the President, Letter submitting administration budget amendments, Washington, DC, May 21, 2009, http://www.whitehouse.gov/omb/assets/budget_amendments/amendment_05_21_09.pdf.

³⁷ National Oceanic and Atmospheric Administration, *NOAA Submits Proposed Recovery Plan to Congress to Help Create Jobs, Improve Coastal Communities and Protect Habitat*, NOAA, April 7, 2009, http://www.noaanews.noaa.gov/stories2009/20090407_recovery.html.

³⁸ Ibid.

Department of Justice³⁹

Established by an act of 1870⁴⁰ 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.

³⁹ This section was written by Celinda Franco, CRS Specialist in Crime and Drug Policy; Kristin M. Finklea, CRS Analyst in Domestic Security; Nathan James, CRS Analyst in Crime Policy; and William J. Krouse, CRS Specialist in Domestic Security and Crime Policy; CRS Domestic Social Policy Division. For further information on DOJ appropriations, see CRS Report RL34530, *Department of Justice (DOJ) Appropriations for FY2008 and FY2009*, by William J. Krouse, Nathan James, and Celinda Franco.

⁴⁰ 28 U.S.C. 501

- *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.⁴¹

FY2010 Budget Request

For FY2010, the Administration has requested almost \$27.074 billion for DOJ (as shown in **Table 4**), or a \$986.2 million increase compared with the FY2009-enacted appropriation of \$26.088 billion. This 3.8% proposed increase in funding was largely the result of proposed increases for the FBI, DEA, ATF, the U.S. Marshals, and the U.S. Attorneys. In addition to the FY2009-enacted appropriation for DOJ, the ARRA included \$4.002 billion for DOJ accounts. Funding in ARRA for DOJ was almost exclusively for DOJ-administered grant programs. The House-passed bill would provide a total of \$27.751 billion for DOJ, 6.4% of what was appropriated for FY2009 and 2.5% more than the Administration's request. The Senate committee-reported bill would provide a total of \$27.385 billion for DOJ. The Senate committee-reported amount would be \$1.289 billion, or 5.0%, more than the FY2009-enacted amount of \$26.088 billion. The Senate committee-reported amount would be 1.2% more than the Administration's request for DOJ, but it represents a 1.3% decrease when compared with the amount recommended by the House.

One issue facing Congress as it considers DOJ's FY2010 funding level is whether to increase support for DOJ's role in strengthening immigration enforcement and increasing border security. Escalating drug-related violence in Mexico related to the government's three-year battle with drug cartels has resulted in thousands of fatalities and has raised concern about the possibility that the violence could spread into the United States. The federal government's response to the ongoing violence in Mexico includes initiatives across a range of federal agencies, including DOJ, to combat violence, stop firearms trafficking, and strengthen immigration enforcement. For FY2010, the Administration's budget request includes \$231.6 million to fund additional agents, attorneys, and other staff to strengthen immigration enforcement and border security along the Southwest border. The Administration has requested funding for the Southwest Border Initiative under several different DOJ accounts, including the Office of the Federal Detention Trustee, the United States Attorneys, the United States Marshals Service, and the Drug Enforcement Administration. The House-passed bill includes \$345.9 million more than FY2009 funding levels for a DOJ-wide Southwest Border Initiative, a 49% increase over the Administration's request.

⁴¹ See for example, the Crime Control Act of 1984 (P.L. 98-473); the Anti-Drug Abuse Act of 1968 (P.L. 99-570); the Anti-Drug Abuse Act of 1988 (P.L. 100-690); the Crime Control Act of 1990 (P.L. 101-647); and the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322).

Under the House measure, the additional funding would increase the total amount of available for the Initiative for FY2010 to almost \$1.5 billion.

Table 4. Funding for the Department of Justice

(budget authority in millions of dollars)

Accounts	FY2009 Enacted ^a	Recovery Act	FY2010 Request	House Committee Reported	House- Passed	Senate Committee Reported	Senate- Passed
General Administration	\$2,007.8		\$2,371.0	\$2,296.8	\$2,273.2	\$2,239.3	
General Administration	370.8		551.3	477.1	453.4	419.6	
Administrative Review & Appeals	266.0		296.7	296.7	296.7	296.7	
Detention Trustee	1,295.3		1,438.7	1,438.7	1,438.7	1,438.7	
Office of the Inspector General	75.7	2.0	84.4	84.4	84.4	84.4 ^b	
U.S. Parole Commission	12.6		12.9	12.9	12.9	12.9	
Legal Activities	2,901.6		3,082.4	3,090.5	3,090.5	3,082.5	
General legal activities	804.0		875.1	875.1	875.1	875.1 ^c	
United States Attorneys	1,836.3		1,926.0	1,934.0	1,934.0	1,926.0	
Other ^d	261.2		281.4	281.4	281.4	281.4	
United States Marshals Service	954.0		1,152.4	1,152.4	1,152.4	1,152.4	
National Security Division	83.8		87.9	87.9	87.9	87.9	
Interagency Law Enforcement	515.0		537.5	528.6	528.6	515.0	
Federal Bureau of Investigation	7,218.6 ^e		7,861.5	7,851.5 ^f	7,851.5 ^f	7,913.5 ^f	
Drug Enforcement Administration	1,939.1		2,014.7	2,019.7	2,019.7	2,014.7 ^g	
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,054.2		1,120.8	1,105.8	1,105.8	1,120.8	
Federal Prison System	6,173.9		6,079.3	6,176.7	6,176.7	6,081.7 ^h	
Office on Violence Against Women	415.0	225.0	414.0	400.0	406.5	435.0	
Office of Justice Programs	2,812.1	3,775.0	2,339.4	3,024.0	3,047.7	2,729.6	
Justice assistance	220.0		225.0	226.0	226.0	215.0	

Accounts	FY2009 Enacted^a	Recovery Act	FY2010 Request	House Committee Reported	House- Passed	Senate Committee Reported	Senate- Passed
State and local law enforcement assistance	1,328.5	2,765.0	728.0	1,312.5	1,412.5 ⁱ	1,159.0	
Weed and seed	25.0		25.0	15.0	15.0	20.0	
Community oriented policing services	550.5	1,000.0	761.0	802.0	807.0	658.5	
Salaries and Expenses	195.0	10.0	213.4	213.4	129.6	200.0	
Juvenile justice programs	374.0		317.0	385.0	385.0	407.0	
Public safety officers benefits	119.1		70.1	70.1	70.1	70.1	
Total: Department of Justice	26,087.6	4,002.0	27,073.9	27,746.7	27,750.8	27,385.3	

Source: FY2009 Enacted, FY2010 Requested, and House Committee-reported amounts taken from the House report (H.Rept. 111-149) to accompany the FY2010 Commerce, Justice, Science, and Related Agencies appropriations bill (H.R. 2847). House-passed and Senate Committee-reported amounts taken from the Senate report to accompany H.R. 2847 (S.Rept. 111-34).

Notes: Amounts may not add to totals due to rounding.

- a. FY2009-enacted amounts do not include any funding appropriated pursuant to the Supplemental Appropriations Act, 2009 (P.L. 111-32).
- b. Includes \$2.0 million for overseas contingency operations.
- c. Includes \$2.5 million for overseas contingency operations.
- d. 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.
- e. Excludes \$82.6 million in emergency funding (P.L. 110-252).
- f. Includes \$101.1 million for overseas contingency operations.
- g. Includes \$10.0 million for overseas contingency operations.
- h. Includes \$10.5 million for overseas contingency operations.
- i. The Senate report to accompany the Senate Committee-reported version of H.R. 2847 indicates that the House allowance for the State and Local Law Enforcement Assistance account was \$1,412.5 million, but a CRS analysis of amendments adopted during House debate of H.R. 2847 and the text of the House-passed version of H.R. 2847 indicate that the House allowance for the State and Local Law Enforcement Assistance account is \$1,415.0 million. CRS could not reconcile the differences between the Senate report and the text of the House-passed version of H.R. 2847.

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 Administration has requested almost \$2.371 billion for FY2010. This amount is

nearly \$363.1 million more than the enacted FY2009 appropriation of almost \$2.008 billion, an increase of 18.1%. The House-passed bill would provide a total of \$2.273 billion for General Administration, which would be 13.2% more than the FY2009-enacted amount, but 4.1% less than the Administration's request. The Senate committee-reported version of H.R. 2847 would provide a total of \$2.239 billion for General Administration, which would represent an increase of 11.5% over the FY2009-enacted amount. However, the Senate committee-recommended amount would be 5.6% less than the Administration's request and 1.5% less than the House-passed amount. Described below are several General Administration subaccounts, such as the Office of the Inspector General.

General Administration

The General Administration account includes funding for Salaries and Expenses for DOJ administration, as well as for the National Drug Intelligence Center, Justice Information Sharing Technology, and Tactical Law Enforcement Wireless Communications. For DOJ's General Administration, the FY2010 budget request includes almost \$551.3 million, an increase of almost \$180.5 million (or 48.7%) over the FY2009 appropriation of \$370.8 million. As part of the FY2010 request, the Administration has proposed an additional \$60.0 million to fund DOJ activities related to closing Guantánamo Bay detention facility and determining the disposition of detainees currently housed in the facility.⁴² According to the Administration, these resources may be needed for the prosecution activities of the U.S. Attorneys and the National Security Division; the U.S. Marshals Service and the Office of the Federal Detention Trustee for safely housing and transporting the detainees, as well as for courthouse safety; and for the Bureau of Prisons (BOP) in the event that detainees that are currently held are convicted and incarcerated in the BOP facilities.

The House-passed bill includes \$453.4 million for General Administration, a 22.3% increase over FY2009 funding but 17.7% less than the Administration's request. The House-passed bill does not include the Administration's request for \$60.0 million in additional funding for anticipated DOJ administrative costs related to closing the Guantánamo Bay detention facility. Section 523 of the House-passed bill further prohibits the use of any funds made available under this or any prior appropriations act to be used to release any individual into the United States or the District of Columbia who was detained, as of April 30, 2009, at the Guantánamo Bay detention facility.

The Senate committee-reported bill would provide a total of \$419.6 million for General Administration. The Senate committee recommended amount would be 7.5% less than the amount recommended by the House and 23.9% less than the Administration's request. The amount provided in the Senate committee-reported bill would be 13.2% more than the FY2009-enacted amount of \$370.8 million. However, it is important to note that the Senate committee recommended amount does not include any funding for the National Drug Intelligence Center. The House-passed bill included \$44.0 million for the National Drug Intelligence Center, the same as the Administration's request. Like the House, the Senate committee-reported bill does not include the Administration's request for \$60.0 million in additional funding for costs associated with closing the Guantánamo bay detention facility. However, the Senate committee-

⁴² On January 22, 2009, President Obama signed an executive order addressing the Guantánamo Bay detention facility and Guantánamo detainees. See, Executive Order, Review of Detention Policy Options, January 22, 2009, available at http://www.whitehouse.gov/the_press_office/ReviewofDetentionPolicyOptions/.

recommended bill does not include language prohibiting the use of any appropriated for activities related to the closing of the Guantánamo Bay detention facility.

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 Department of Homeland Security's (DHS) efforts to secure the nation's borders. The EOIR handles these matters, and the OPA receives and reviews petitions for executive clemency. For FY2009, Congress appropriated \$266.0 million for ARA. The Administration has requested \$296.7 million for ARA funding for FY2010. The requested amount exceeds the FY2009 funding level by nearly \$30.7 million, representing an increase of 11.5%. The House recommended \$296.7 million for ARA, the same as the Administration's request. The Senate committee-reported amount for ARA is the same as amount provided in the House-passed bill (\$296.7 million).

As discussed above, in response to escalating drug-related violence in Mexico and concerns about the possibility that the violence could spread into the United States, the Administration has requested as a part of the Southwest Border Initiative an increase of \$26.3 million for additional immigration enforcement. The proposed funding increase would (1) provide additional staff to respond to the new DHS Secure Communities initiative, which represents a comprehensive plan to identify and remove criminal aliens; (2) create a single system to store, distribute, and archive all documents filed or created by EOIR, which will enhance EOIR's capacity to maximize the efficiency of case processing in support of priority enforcement and adjudication initiatives; and (3) provide custodians of unaccompanied alien children with legal orientation programs to address the custodian's responsibility for the child's appearance at all immigration proceedings, and to protect the child from mistreatment, exploitation, and trafficking. As part of the Southwest Border Initiative, the House measure includes \$26.3 million for EOIR's increased immigration caseload resulting from border enforcement activities. Similarly, the Senate Appropriations Committee approved the Administration's request and provides the additional \$26.3 million for the Southwest Border Initiative.

Office of the Federal 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 FY2010 budget has requested almost \$1.439 billion for OFDT. This amount is 11.1% more than the FY2009 appropriation of \$1.295 billion. The House-passed bill provides \$1.439 billion for OFDT, the same as the Administration's request. The Senate committee-reported bill would also provide \$1.439 billion for OFDT.

As discussed above, in response to escalating drug-related violence in Mexico and concerns about the possibility that the violence could spread into the United States, the Administration has requested as a part of the Southwest Border Initiative an increase of \$44.6 million for OFDT for costs associated with increased housing requirements for criminal aliens apprehended along the Southwest border and prosecuted in U.S. District courts. The Administration has also requested an additional \$95.8 million for OFDT to cover additional operating costs associated with increased immigration enforcement activity by DHS at the Southwest border and an additional \$2.8 million for air transportation increases along the Southwest border. The House-passed

measure includes \$143.2 million for detention expenses related to the Southwest Border Initiative's enforcement efforts. Like the House, the Senate Appropriations Committee approved the Administration's request, and the Senate committee-reported bill provides \$143.2 million for the Southwest Border Initiative.

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 Administration has requested nearly \$84.4 million for the OIG in its FY2010 budget. This amount is almost \$8.7 million greater than the \$75.7 million appropriated by Congress for FY2009 and would represent an 11.5% increase in funding for FY2010. The House-passed bill includes \$84.4 million for the OIG, the same as the Administration's request. The Senate committee-reported bill would provide the same amount as the House-passed bill (\$84.4 million).

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 FY2010, the President's budget has request \$12.9 million for the Parole Commission, an increase of nearly \$0.3 million (or 2.3%) compared to the FY2009 appropriation of almost \$12.6 million. House recommends \$12.9 million for the U.S. Parole Commission, the same amount as what the President requested. The Senate Appropriations Committee also recommends \$12.9 million for the U.S. Parole Commission.

Legal Activities

The Legal Activities account includes several subaccounts: general legal activities, U.S. Attorneys, and other legal activities. For FY2010, the Administration has requested approximately \$3.082 billion for legal activities, an increase of 6.2% and nearly \$180.9 million more than the FY2009-enacted funding level of almost \$2.902 billion for these activities. The House-passed bill includes nearly \$3.09 billion for legal activities, 6.5% more than FY2009 funding and 0.3% more than the Administration's request. The Senate committee-reported version of H.R. 2847 would provide \$3.082 billion for Legal Activities. The amount recommended by the Senate Appropriations Committee is the same as the Administration's request and 0.3% less than what was recommended by the House.

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, INTERPOL, and dispute resolution). For FY2010, the President has requested \$875.1 million for General Legal Activities, \$71.1 million more than the FY2009-enacted appropriation of \$804.0 million, or a proposed 8.8% increase in funding. The House-passed version of H.R. 2847 would provide \$875.1 million for this account, the same as the President's request. The

Senate Appropriation Committee has also recommended \$875.1 million for General Legal Activities.

As discussed above, in response to escalating drug-related violence in Mexico and concerns about the possibility that the violence could spread into the United States, the Administration has requested as a part of the Southwest Border Initiative an increase of \$1.8 million for DOJ's Civil Division to hire additional attorneys to handle the expected increase in immigration-related cases resulting from increased enforcement along the Southwest border. For the Southwest Border Initiative, both the House-passed measure and the Senate committee-reported bill include the additional funding the Administration requested for DOJ's Civil Division.

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 FY2010, the Administration has requested \$1.926 billion for the U.S. Attorneys Office, an almost \$89.7 million or 4.9% increase over the FY2009-enacted appropriation of \$1.836 billion. The House-passed bill includes \$1.934 billion for the U.S. Attorneys, representing a proposed increase of 5.3% over FY2009 funding and 0.4% more than the Administration's request. The Senate committee-reported bill would provide \$1.926 billion for the U.S. Attorneys, the same as the Administration's request and 0.4% less than the House-approved amount.

As discussed above, in response to escalating drug-related violence in Mexico and concerns about the possibility that the violence could spread into the United States the Administration has requested additional funding under several DOJ accounts to fund additional agents, attorneys, and other staff to strengthen immigration enforcement and border security along the Southwest border. The Administration has requested an increase of \$8.1 million for the U.S. Attorneys to hire additional attorneys to provide additional prosecution resources to address illegal immigration along the country's borders. Under the House-passed bill, \$8.1 million would be provided for U.S. Attorneys salaries and expenses as part of the Southwest Border Initiative. The Senate committee-reported bill would also provide an additional \$8.1 million for the U.S. Attorneys as a part of the Southwest Border Initiative.

In addition to concerns about violence along the country's Southwest border, both the Administration and Congress have expressed concern over the adequacy of resources available to combat various forms of financial fraud, including mortgage and corporate fraud. Specifically, the Administration requested \$7.5 million in FY2010 funding for the U.S. Attorneys to combat financial fraud, and the House recommended this request be fulfilled. The Senate Appropriations Committee also recommended that the Administration's request be fulfilled.

Other Legal Activities

Other legal activities include the Antitrust Division, the Vaccine Injury Compensation Trust Fund, the U.S. Trustee System Fund (which is responsible for maintaining the integrity of the U.S. bankruptcy system by, among other things, prosecuting criminal bankruptcy violations), the Foreign Claims Settlement Commission, the Fees and Expenses of Witnesses, the Community Relations Service, and the Assets Forfeiture Fund. For these other legal activities, the Administration has requested \$281.4 million. This amount reflects an increase in funding of \$20.2 million, or a 7.7% increase over the FY2009-enacted level of \$261.2 million. The House-passed

bill includes the same amount for Other Legal Activities as the Administration's request (\$281.4 million). The Senate Appropriations Committee recommended the same amount for Other Legal Activities as the House (\$281.4 million).

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 FY2009, the appropriation for the USMS was \$954.0 million. For FY2010, the Administration has proposed USMS funding of \$1.152 billion, an increase of almost \$198.4 million, or 20.8% over the FY2009-enacted level. The House-passed bill provides \$1.152 billion for the USMS, the same as the Administration's request. The Senate Appropriations Committee recommends the same amount for the USMS as the House.

As discussed above, in response to escalating drug-related violence in Mexico and concerns about the possibility that the violence could spread into the United States, the Administration has requested as a part of the Southwest Border Initiative an increase of \$144.3 million to hire an addition 700 positions to address immigration enforcement both at the Southwest Border and within the country. Under the Southwest Border Initiative, the House-passed measure includes \$114.3 million for USMS expenses related border security activities. The Senate Appropriations Committee reported that it recommended additional funding for the USMS for immigration enforcement, but the report to accompany the Senate committee-reported bill (S.Rept. 111-34) did not specify how much the committee recommended for immigration enforcement.

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 2005.⁴³ 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 FY2010, the President has requested \$87.9 million for the NSD, a proposed increase of nearly 5.0% compared to FY2009 funding (\$83.8 million, excluding supplemental appropriations).⁴⁴ The House-passed and Senate-reported bills would fund the NSD at the level requested by the Administration.

⁴³ P.L. 109-177

⁴⁴ For the NSD, Congress appropriated \$1.389 million in the Supplemental Appropriations Act, 2009 (P.L. 111-32).

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 DEA; the FBI; the ATF; the U.S. Marshals Service; the Tax and Criminal Divisions of DOJ; and the U.S. Attorneys. From DHS, 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 in OCDETF. Moreover, state and local law enforcement agencies participate in approximately 90% of all OCDETF investigations.⁴⁵

For FY2010, the Administration has proposed providing \$537.5 million for OCDETF. The proposed FY2010 funding level would exceed the FY2009 OCDETF enacted funding level of \$515.0 million by \$22.5 million or 4.4%. The House-passed bill includes \$528.6 million for Interagency Law Enforcement, a 2.6% increase over FY2009 funding, but 1.7% less than what the Administration requested for this account. The Senate Appropriations Committee has recommended a total of \$515.0 million in funding for Interagency Law Enforcement. The amount recommended by the Senate Appropriations Committee would be the same as the FY2009 appropriation (\$515.0 million), which would be 4.2% less than the Administration's request and 2.6% less than the House-recommended amount.

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 on preventing terrorism and related criminal activities. From FY2000 through FY2009, Congress has more than doubled the direct appropriation for the FBI, from \$3.091 billion to \$7.218 billion, or a 133.5% increase. The FY2009-enacted amount included \$7.065 billion for salaries and expenses and \$153 million for construction. In addition to the \$7.218 billion in regular funding provided for the FBI, Congress has appropriated \$117.6 million in FY2009 emergency spending.⁴⁶

⁴⁵ U.S. Department of Justice, Interagency Law Enforcement, *FY2010 Interagency Crime and Drug Enforcement Congressional Submission*, March 2009, p. 8.

⁴⁶ Congress appropriated \$82.6 million in Supplemental Appropriations Act, 2008 (P.L. 110-252) and \$35 million in the Supplemental Appropriations Act, 2009 (P.L. 111-32).

Table 5. FBI Salaries and Expenses Account Allocations, FY2003-FY2010

(budget authority in billions of dollars)

	National Security		Criminal Enterprises and Federal Crime		Criminal Justice Services		Total
	Dollars	% of total	Dollars	% of total	Dollars	% of total	Dollars
FY2003	\$2.107	46.0%	\$2.199	48.0%	\$0.275	6.0%	4.581
FY2004	2.297	50.0%	2.022	44.0%	0.276	6.0%	4.595
FY2005	2.812	54.0%	2.084	40.0%	0.313	6.0%	5.209
FY2006	3.388	58.8%	2.088	36.2%	0.286	5.0%	5.761
FY2007	3.707	59.3%	2.103	33.7%	0.438	7.0%	6.247
FY2008	4.001	60.6%	2.186	33.1%	0.413	6.3%	6.600
FY2009	4.371	61.9%	2.276	32.2%	0.418	5.9%	7.065
FY2010 ^a	4.783	62.0%	2.409	31.2%	0.426	5.5%	7.719

Source: CRS analysis of FBI Budget Requests for Congress for FY2004 through FY2010.**Note:** Amounts may not add to totals due to rounding.

a. The FY2010 allocations reflect the amounts proposed in the Administration's FY2009 budget submission.

As **Table 5** shows, from FY2003 to FY2009, the lion's share of new resources provided to the FBI have been allocated to national security, including the intelligence and counterterrorism/counterintelligence budget decision units.⁴⁷ For those years, the allocations for national security from the salaries and expenses account increased from \$2.107 billion (46.0%) to \$4.371 billion (61.1%). The FY2010 request included a proposed allocation of \$4.783 billion (62.0%) for FY2010 for national security activities.

At the same time, the allocations for criminal enterprises and federal crimes (traditional crime) decreased from \$2.199 billion (48.0%) to \$2.276 billion (31.8%). Some Members of Congress have expressed concern about the diminishing percentage of funding allocated for traditional crime (including drug enforcement, violent crime, and white collar crime investigations).⁴⁸ The FY2010 request included a proposed allocation of \$2.409 billion (31.2%) for traditional crime.

Meanwhile, the allocations for criminal justice services have increased from \$275 million (6%) for FY2003 to \$418 million (5.8%) for FY2009. The FY2010 request included a proposed allocation of \$416.5 million (31.2%) for criminal justice services.

⁴⁷ There are no publically available budget breakouts for FY2000 through FY2002. It is also notable that prior to the September 11, 2001, terrorist attacks, and immediately thereafter, FBI funding allocations for national security activities were considered law enforcement-sensitive. Those amounts were redacted from declassified audits released by DOJ Inspector General. See Audit Report 02-38, *A Review of the Federal Bureau of Investigation's Counterterrorism Program: Threat Assessment, Strategic Planning, and Resource Management*, September 2002. Available at <http://www.usdoj.gov/oig/reports/FBI/a0238.htm>.

⁴⁸ Senator Barbara Mikulski, Chair of the Senate Appropriations CJS subcommittee, amended the FY2008 CJS appropriations bill (H.R. 3093) to include language to require the FBI Director to submit a report to the Appropriations Committees with 60 days of enactment on the FBI's current workforce allocation, right-sizing, and realignment of agents, analysts, and support personnel.

It is also notable that the FBI controlled \$1.263 billion in FY2009 fee receipts and other reimbursable resources and anticipates receiving similar resources in the amounts of \$1.867 billion for FY2009 and \$1.903 billion for FY2010. The fingerprint identification user fee is projected to generate \$532.4 million in receipts for FY2010 (28% of total fee receipts and reimbursable resources).

The President's FY2010 budget request for the FBI includes \$7.862 billion, or a proposed 8.8% increase over the FY2009 (not including the \$117.6 million in emergency funding noted above). The FY2010 request includes \$7.719 billion for salaries and expenses and \$142.8 million for construction. The FY2010 request includes the following budget increases:

- \$61.2 million for a comprehensive national cybersecurity initiative (77.4% over FY2009);
- \$70 million to increase FBI-wide intelligence capabilities (25.4% over FY2009);
- \$48 million to augment national security investigations (9.8% over FY2009);
- \$25.5 million to investigate additional mortgage fraud cases (51.3% over FY2009);
- \$80.6 million to improve weapons of mass destruction response capabilities (a 29.8% over FY2009);
- \$9 million to inventory and consolidate files at the Central Records Complex (112.5% over FY2009);
- \$53 million to improve wireless communications tracking and intercept capabilities, as well as other electronic and aerial surveillance programs (13.3% over FY2009);
- \$25.1 million to support the national security training and career path (a 14.1% over FY2009);
- \$101.1 million to support overseas contingency operations;
- \$10 million for a preliminary architecture and engineering study in anticipation of expanding the FBI Academy and training facilities, and;
- \$97.6 million to develop a joint Biometric Technology Center with the Department of Defense.⁴⁹

These amounts total to \$581.1 million in requested FY2010 budget enhancements.

As recommended by the committee, the House-passed bill includes \$7.852 billion for the FBI, representing an 8.8% increase over FY2009 funding (excluding emergency funding), but a 0.1% decrease under the Administration's request. The Senate-reported bill includes \$7.914 billion for the FBI, a 9.6% increase over the FY2009 appropriation (excluding emergency funding), a 0.7% increase over the Administration's request, and an 0.8% increase over the House-passed amount.

⁴⁹ U.S. Department of Justice, Justice Management Division, *FY2010 Budget and Performance Summary*, (May 2009), p. 132, at <http://www.usdoj.gov/jmd/2010summary/>.

Both Congress and the Administration have been concerned with providing sufficient resources to combat financial crime such as mortgage fraud. As requested by the Administration, both the House and Senate bills include an increase of \$25.5 million to investigate mortgage fraud. House report language, however, underscores that the FY2010 request placed too great an emphasis on mortgage fraud, and directs the FBI to use this funding increase for other high-priority financial fraud cases (such as fraud related to the Troubled Asset Relief Program). House report language directs the FBI to dedicate \$8 million for intellectual property crime, and indicated that the House bill includes an increase of \$25 million to confront gangs and violent crime, and \$8 million for civil rights enforcement, all increases that were not requested by the Administration. The House bill includes \$9 million for the Central Records Complex and \$100.1 million for overseas contingency operations, as requested by the Administration.

Senate report language indicates that the Senate bill includes requested increases for enhanced surveillance, cybersecurity, overseas contingency operations, records management, national security investigations, mortgage fraud, FBI academy expansion, and a biometrics technology center. In addition, Senate report language directs the FBI to dedicate \$1.5 million to establish a human rights violations unit (10 agents), \$46.3 million for civil rights enforcement, \$52.7 million for the Innocent Images National Initiative, and \$30 million for the continued construction of a Terrorist Explosive Devices Capabilities Center (TEDAC). For criminal justice services, Senate report language directs the FBI to use \$366 million in excess user fees, as the Senate bill includes only \$285 million for these purposes, rather than the \$426.5 million requested by the Administration. For the Biometrics Technology Center, Senate report language directs the FBI to transfer up to \$30 million for salaries and expenses to the construction account for the facility and to use \$23 million in excess user fees to fund technology upgrades.

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 have contributed to about 900,000 fewer teens using drugs in 2009 than in 2001.⁵⁰ For FY2010, 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. DEA noted that they continue to face evolving challenges in limiting the supply of illicit drugs, such as pharmaceutical drugs available through the Internet, as well as reducing drug trafficking across the Southwest border with Mexico into the United States.⁵¹

For FY2010, the Administration has requested almost \$2.015 billion in funding for DEA. This amount would exceed the enacted FY2009 funding level of \$1.939 billion by almost \$75.6 million and would reflect a 3.9% funding increase. The House-passed bill includes nearly \$2.02 billion for the DEA, which would be a 4.2% increase over FY2009 funding and 0.2% greater than the Administration's request. The Senate Appropriations Committee recommends \$2.015 billion for the DEA, which is the same as the Administration's request and 0.2% less than the amount recommended by the House.

⁵⁰ Statement of Michele Leonhart, Acting Administrator, Drug Enforcement Administration, Hearing before the U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies, *Drug Enforcement Administration*, 111th Cong., 1st sess., March 26, 2009.

⁵¹ *Ibid.*

As discussed above, in response to escalating drug-related violence in Mexico and concerns about the possibility that the violence could spread into the United States, the Administration has requested additional funding under several DOJ accounts to fund additional agents, attorneys, and other staff to strengthen immigration enforcement and border security along the Southwest border. Included in the Administration's FY2010 request for the DEA is a proposed increase of \$24.1 million to hire additional positions to enable the DEA to carry out enforcement operations along the Southwest Border and to investigate the trafficking networks of Mexican cartels. The requested funding would also support the Special Field Intelligence Programs that focus on Mexican drug cartels and the escalation of drug-related violence. Both the House-passed measure and the Senate committee-reported bill provide the amount the Administration requested for DEA activities related to the Southwest Border Initiative.

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

The President's FY2010 budget request includes \$1.121 billion for ATF, and increase of \$66.6 million, or 6.3%, compared to the FY2009-enacted appropriation.⁵² Compared to the FY2009-enacted level, the FY2010 request includes a net increase of \$66.6 million. This proposed increase includes

- \$18 million to support "Project Gunrunner," an initiative focused on stemming illegal firearms trafficking to Mexico from the United States;
- \$25 million for the new National Center for Explosives Training and Research Center for facility outfitting and expanded training; and
- \$23.6 million in base adjustments.⁵³

As recommended by the committee, the House-passed bill includes \$1.106 billion for the ATF, a 4.9% increase over FY2009 funding (excluding supplemental funding in P.L. 111-32)⁵⁴ but 1.3% under the Administration's request. The Senate-reported bill includes \$1.121 billion for the ATF, the same as the Administration's request, and a 1.4% increase over the House amount. Both the House and Senate bills include the proposed \$18 million increase for Project Gunrunner.

Federal Prison System (Bureau of Prisons)

The Bureau of Prisons (BOP) was established in 1930 to house federal inmates, to professionalize the prison service, and to ensure consistent and centralized administration of the federal prison

⁵² For further information, see CRS Report FL34514, *Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations*.

⁵³ U.S. Department of Justice, Justice Management Division, *FY2010 Budget and Performance Summary*, (May 2009), p. 139. Available at <http://www.usdoj.gov/jmd/2010summary/>.

⁵⁴ For the ATF, Congress appropriated \$14 million in the Supplemental Appropriations Act, 2009 (P.L. 111-32).

system.⁵⁵ The mission of BOP is to protect society by confining offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and are appropriately secure, and that provide work and other self-improvement opportunities for inmates so that they can become productive citizens after they are released.⁵⁶ BOP currently operates 115 correctional facilities across the country.⁵⁷ BOP also contracts with Residential Re-entry Centers (RRC) (i.e., halfway houses) to provide assistance to inmates nearing release.⁵⁸ RRCs provide inmates with a structured and supervised environment along with employment counseling, job placement services, financial management assistance, and other programs and services.⁵⁹

Congress funds BOP's operations through two accounts under the Federal Prison System heading: Salaries and Expenses (S&E) and Buildings and Facilities (B&F). The S&E account (i.e., the operating budget) provides for the custody and care of federal inmates and for the daily maintenance and operations of correctional facilities, regional offices, and BOP's central office in Washington, DC. It also provides funding for the incarceration of federal inmates in state, local, and private facilities. The B&F account (i.e., the capital budget) provides funding for the construction of new facilities and the modernization, repair, and expansion of existing facilities. In addition to appropriations for the S&E and B&F accounts, Congress usually places a cap on the amount of the revenue generated by the Federal Prison Industries (FPI) that can be used for administrative expenses in the annual CJS appropriations bill. Although Congress does not appropriate funding for the administrative expenses of FPI, the administrative expenses cap is scored as enacted budget authority.

The FY2010 budget request has proposed BOP funding of almost \$6.079 billion, of which \$5.98 billion would be for the S&E account and \$96.7 million for the B&F account. The total proposed amount would provide \$94.6 million less than the total enacted FY2009 appropriations of almost \$6.174 billion, reflecting a 1.5% decrease.⁶⁰ The FY2009-enacted appropriation included \$5.596 billion for the S&E account and \$575.8 million for the B&F account. The proposed reduction to BOP's overall funding is the result of a proposed reduction in BOP's B&F account. The Administration has requested \$96.7 million for the B&F account, \$479.1 million less than the \$575.8 million Congress appropriated for FY2009. The House-passed bill includes \$6.177 billion in total funding for BOP, which would represent less than a 0.1% increase in funding compared with FY2009, but it would be 1.6% greater than the Administration's proposed funding level. The House-passed bills include a \$481.5 million increase in BOP's S&E account (from \$5.596 billion in FY2009 to a proposed \$6.077 billion for FY2010), but the House's recommended funding for BOP's B&F account is the same as the Administration's request. The Senate committee-reported bill would provide a total of \$6.082 billion for BOP, including \$5.969 billion for the S&E account and \$99.2 million for B&F. The Senate committee-reported amount for the S&E account would represent a 6.7% increase over the FY2009 appropriation, but it would be 0.2% less than the Administration's request and 1.8% less than the House-passed amount. The Senate committee-

⁵⁵ U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

⁵⁶ U.S. Department of Justice, Bureau of Prisons, *Mission and Vision of the Bureau of Prisons*, <http://www.bop.gov/about/mission.jsp>.

⁵⁷ U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

⁵⁸ U.S. Department of Justice, Bureau of Prisons, *Community Corrections*, <http://www.bop.gov/locations/cc/index.jsp>.

⁵⁹ *Ibid.*

⁶⁰ FY2009-enacted funding included \$5.956 billion for S&E, \$575.8 million for B&F, and a \$2.3 million cap on FPI's administrative expenses.

reported amount for the B&F account would be 82.8% less than the FY2009 appropriation, but it is 2.5% more than both the Administration's request and the House-passed amount.

BOP reports that by the end of 2008, the federal prison population was more than 201,000 inmates; BOP further estimates that this population will grow to approximately 206,000 by the end of 2009 and 211,000 by the end of 2010.⁶¹ Of the total number of federal inmates at the end of 2008, nearly 166,000 were held in facilities operated by BOP, while the remaining 18% were in contract care at privately operated secure facilities, in residential reentry centers, or serving a sentence of home confinement. BOP reports that its facilities were operating at 36% above capacity at the end of 2008, and it estimates that by the end of 2009 the facilities will be operating at 37% above capacity.⁶² BOP reports that one of its challenges is to provide for safe inmate incarceration and care, and to provide for the safety of BOP staff and surrounding communities in light of the increasing prison population.⁶³ BOP also reports that the inmate-to-staff ratio has increased from 3.6 to 1 in 1997 to 4.9 to 1 in 2008.⁶⁴

One issue for Congress as it considers the appropriate level of funding for BOP for FY2010 might be whether to increase BOP's funding in order to more effectively manage the growing prison population. The Administration's request for the S&E account would only allow BOP to maintain current staffing levels at existing BOP facilities.⁶⁵ Both the House and the Senate Appropriations Committees have expressed concern about how inadequate budget requests in the past have forced BOP to rely on correctional officer overtime and the diversion of program staff instead of hiring additional correctional officers, which Congress feels has resulted in BOP's workforce being spread thin and compromising BOP's ability to effectively manage its institutions. The Administration has requested funding for additional positions to activate two new correctional facilities: one in McDowell, WV, and another in Mendota, CA. The House-passed bill would provide \$481.5 million more than the Administration's request for the S&E account. The House Appropriations Committee stated that it was concerned about the level of staffing at BOP facilities.⁶⁶ The House Appropriations Committee required that no less than \$70.6 million of the recommended S&E funding be used for hiring additional correctional officers.⁶⁷ This requirement is in addition to the \$52.7 million the House Appropriations Committee provided to activate the facility in McDowell, WV, and the \$49.4 million provided to activate the facility in Mendota, CA. In the report to accompany the Senate committee-reported version of H.R. 2847, the Senate Appropriations Committee stated that it was concerned the Administration's FY2010 will not allow BOP to manage the basic operational needs of federal prisons.

Moreover, even though BOP predicts that the federal prison population will continue to grow in the near future, the Administration's has requested \$96.7 million for the B&F account, which includes \$25.4 million for new construction. The House-passed bill would provide \$25.4 million for new construction as a part of the recommended \$96.7 million for the B&F account. The

⁶¹ U.S. Department of Justice, Federal Bureau of Prisons, *FY2010 Congressional Budget Submission*, p. 7.

⁶² *Ibid.*, pp. 2-3.

⁶³ *Ibid.*, p. 1.

⁶⁴ *Ibid.*, p. 5.

⁶⁵ *Ibid.*, p. 1.

⁶⁶ U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2010*, Report to Accompany H.R. 2847, 111th Cong., 1st sess., June 12, 2009, H.Rept. 111-149 (Washington: GPO, 2009), pp. 67-68.

⁶⁷ *Ibid.*, p. 68.

Senate Appropriations Committee recommends \$99.2 million for B&F, which also includes \$25.4 million for new construction. Both the House and Senate Appropriations Committees express concern about the fact that while BOP is planning on adding approximately 13,000 additional bedspaces to its capacity between 2010 and 2014, BOP has estimated that the prison population will grow by approximately 22,500 inmates during the same time period.⁶⁸ Both committees believe that BOP will be able to meet its goal of adding 13,000 additional bedspaces only if it receives a significant increase in new construction appropriations.⁶⁹

Office on Violence Against Women (OVW)

The 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.

For FY2010, the President has proposed a total of \$414.0 million for OVW grant programs, a reduction of \$1.0 million or a 0.2% decrease in funding compared with FY2009 funding of \$415.0 million. The FY2009-enacted funding for OVW does not include the \$225.0 million appropriated for this account as a part of the ARRA. The House-passed bill would provide \$406.5 million for OVW. The proposed funding level in the House-passed bill would be 2.0% less than FY2009-enacted funding and 1.8% less than the President's request. The Senate committee-reported bill would provide \$435.0 million for OVW. This amount would represent a 4.8% increase over the FY2009-enacted appropriation, a 5.1% increase over the Administration's request, and 7.0% more than the House allowance.

Office of Justice Programs (OJP)

The 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 has requested approximately \$2.339 billion, or nearly \$472.6 million (16.8%) less than the FY2009 appropriation of \$2.812 billion.⁷⁰ The House-passed bill would provide \$3.045 billion for OJP, 8.3% more than FY2009-enacted funding and 30.2% more than the Administration's request. The Senate Appropriations Committee recommends a total of \$2.73 billion for OJP, 18.7% more than the Administration's request but 2.9% less than the FY2009 appropriation and 10.4% less than the House recommendation.

⁶⁸ Ibid., p. 72; U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce and Justice, and Science and Related Agencies Appropriations Bill, 2010*, Report to Accompany H.R. 2847, 111th Cong., 1st sess., June 25, 2009, S.Rept. 111-34 (Washington: GPO, 2009), p. 72.

⁶⁹ Ibid.

⁷⁰ In addition to the amount included in the Omnibus Appropriations Act, the ARRA 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 (see **Table 4**).

Justice Assistance

The Justice Assistance account, among other things, funds the operations of the Bureau of Justice Statistics and the National Institute of Justice along with providing assistance to missing and exploited children programs. For FY2010, the Administration has requested \$225.0 million for this account, or 2.3% more than the FY2009 appropriation of \$220.0 million. The House-passed bill provides \$226.0 million for the Justice Assistance account, 2.7% more than FY2009 funding and 0.4% more than the Administration's request. The Senate committee-reported bill would provide \$215.0 million for Justice Assistance, 2.3% less than FY2009 funding, 4.4% less than the Administration's request, and 4.9% less than the House-recommended amount.

State and Local Law Enforcement Assistance

The State and Local Law Enforcement Assistance account includes funding for a variety of grant programs to improve the functioning of state, local, and tribal criminal justice systems. Some examples of programs that have traditionally been funded under this account include the Edward Byrne Memorial Justice Assistance Grant (JAG) program, the Drug Courts program, and the State Criminal Alien Assistance Program (SCAAP). The Administration has requested \$728.0 million for the State and Local Law Enforcement Assistance account for FY2010. The requested amount is \$600.5 million, or 45.2%, less than the \$1.329 billion Congress appropriated for this account for FY2009. The FY2009-enacted funding does not include the \$2.765 billion Congress appropriated for OJP grant programs as a part of the ARRA. The House-passed bill would provide a total of \$1.413 billion for grants funded under this account. The House-passed bill would provide 6.3% more funding than FY2009 appropriations, and the recommended funding is 94.0% more than the Administration's request. The Senate Appropriations Committee recommends a total of \$1.159 million for State and Local Law Enforcement Assistance. This amount would be 59.2% more than the Administration's request, but it would be 12.8% less than the FY2009 appropriation and 17.9% less than what was provided in the House-passed bill.

As mentioned above, SCAAP has traditionally been funded under the State and Local Law Enforcement Assistance account. One issue facing Congress as it decides on the level of funding for OJP is whether it wants to follow the Administration's proposal to eliminate funding for SCAAP. SCAAP provides funds to states and local governments that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law.⁷¹ For FY2010, the Administration has proposed to eliminate funding for SCAAP because "it functions as an unfocused block grant and funds can be used for any correctional-related purpose."⁷² According to the Administration, SCAAP funds can be used for extraneous items and services such as bonuses, consultants, and the of purchase vehicles.⁷³ The House did not accept the President's proposal. The House-passed bill includes \$400.0 million for SCAAP, the same amount as what was appropriated for the program for FY2009. The Senate committee-reported bill would provide \$228.0 million for SCAAP, 43.0% less than the FY2009 appropriation and the House-recommended amount.

⁷¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *State Criminal Alien Assistance Program (SCAAP)*, <http://www.ojp.usdoj.gov/BJA/grant/scaap.html>.

⁷² Executive Office of the President, Office of Management and Budget, *Budget of the U.S. Government, Fiscal Year 2010, Terminations, Reductions, and Savings*, p. 60, <http://www.whitehouse.gov/omb/budget/fy2010/assets/trs.pdf>.

⁷³ Ibid.

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 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 Administration has requested \$25.0 million for Weed and Seed, the same amount as the FY2009 appropriation for the program. The House-passed bill both include \$15.0 million for the program, 40.0% less than both the FY2009 funding and the Administration’s request. The Senate Appropriations Committee recommends \$20.0 million for Weed and Seed, 20.0% less than FY2009 funding and the Administration’s request but 33.3% more than what the House recommended for this account.

Community Oriented Policing Services (COPS)

The COPS Office awards grants to state, local and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies. Some examples of grant programs traditionally funded under this account include the Law Enforcement Technology grant program, the Methamphetamine Hot-spots Initiative, grants to reduce the DNA backlog, and offender re-entry grants. The Administration has requested \$761.0 million for COPS for FY2010, 38.2% more than the \$550.5 million appropriated for the program for FY2009. The \$550.0 million appropriated for COPS for FY2009 does not include the \$1.0 billion Congress appropriated for COPS hiring programs as a part of the ARRA. The House-passed bill would provide \$807.0 million for COPS. The amount provided in the House-passed bill would be 46.6% more than the FY2009 appropriation and 6.0% more than the Administration’s requested funding. The Senate Appropriations Committee recommends \$685.5 million for COPS, which would represent an increase of 19.6% compared with FY2009 appropriations, but the recommended amount is 13.5% less than the Administration’s request and 18.4% less than what the House recommended.

In recent years, Congress has shown a growing interest in issues related to offender re-entry. Statistics about the size of the United States prison population and costs associated with recidivism suggest why Congress has turned its attention to this issue. Over 95% of the prison population today will be released at some point in the future, and each year in the United States almost 650,000 offenders are released from prison.⁷⁴ The Bureau of Justice Statistics (BJS) has estimated that two-thirds of all released prisoners will commit new offenses (recidivate) within three years of their release.⁷⁵ According to the BJS, the average per-prisoner cost of incarceration

⁷⁴ U.S. Department of Justice, Office of Justice Programs, “Learn About Reentry,” available at <http://www.reentry.gov/learn.html>.

⁷⁵ U.S. Department of Justice, Bureau of Justice Statistics, “Reentry Trends in the United States: Recidivism,” available at <http://www.ojp.usdoj.gov/bjs/reentry/recidivism.htm>. Hereafter cited as “Reentry Trends.”

in state prison in 2001 was \$62 per day, or \$22,650 per year; costs for those incarcerated in federal prison was similar. Overall, the states spent \$38 billion on their correctional systems in 2001, the most recent year for which data are available.⁷⁶

In 2008, Congress passed, and President Bush signed into law, the Second Chance Act of 2001 (P.L. 110-199), which, among other things, authorized \$165 million dollars for each of FY2009 and FY2010 for programs to aid offenders as they make their transition back into society. The Administration has requested a total of \$100.0 million in funding for FY2010 under the COPS account for programs authorized under the Second Chance Act. The Administration's proposal did not specify the programs for which the Administration has requested funding. The House-passed bill would provide a total of \$100.0 million for programs authorized by the Second Chance Act. The proposed funding includes

- \$37.0 million for adult and juvenile offender re-entry demonstration grants;
- \$10.0 million for re-entry courts;
- \$7.5 million for grants for family-based substance abuse treatment;
- \$2.5 million for grants to improve education at prisons, jails, and juvenile facilities;
- \$5.0 million for technology careers training demonstration grants;
- \$13.0 million for offender re-entry substance abuse and criminal justice collaboration;
- \$15.0 million for offender mentoring and transitional services; and
- \$10.0 million for prisoner re-entry research.

The proposed \$100.0 million in funding for programs authorized by the Second Chance Act would be 300.0% greater than the \$25.0 million appropriated for these programs for FY2009. However, the proposed \$100.0 million in funding is \$40.0 million less than the total amount authorized for DOJ grant programs and re-entry research by the Second Chance Act.⁷⁷

The Senate Appropriations Committee recommends a total of \$50.0 million under the State and Local Law Enforcement Assistance account for programs authorized by the Second Chance Act. The proposed funding includes

- \$25.0 million for adult and juvenile offender re-entry demonstration grants,
- \$15.0 million for offender mentoring and transitional services, and
- \$5.0 million for grants for family-based substance abuse treatment.

⁷⁶ U.S. Department of Justice, Bureau of Justice Statistics, "State Prison Expenditures 2001," NCJ202949, June 2004, available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/spe01.pdf>.

⁷⁷ For FY2010, the Second Chance Act authorized \$55.0 million for adult and juvenile offender re-entry demonstration grants; \$10.0 million for re-entry courts; \$ 10.0 million for prosecution drug treatment alternative to prison programs; \$10.0 million for grants for family-based substance abuse treatment; \$5.0 million for grants to evaluate and improve education at prisons, jails, and juvenile facilities; \$10.0 million for technology careers training demonstration grants; \$15.0 million for offender re-entry substance abuse and criminal justice collaboration; \$15.0 million for offender mentoring and transitional services; and \$10.0 million for prisoner re-entry research.

The amount recommended in the Senate committee-reported bill is half of what the Administration requested and what the House recommended, but it is double what was appropriated for FY2009. The amount recommended by the Senate Appropriations Committee is \$90.0 million less than what is authorized for these programs for FY2010.

Juvenile Justice Programs

The Juvenile Justice Programs account includes funding for grant programs to reduce juvenile delinquency and help state, local, and tribal governments improve the functioning of their juvenile justice systems. The Administration has requested \$317.0 million for this account, \$57 million, or 15.2%, less than the \$374 million appropriated for the Juvenile Justice Programs account for FY2009. The House-passed bill include \$385.0 million for Juvenile Justice Programs, which would be a 2.9% increase over FY2009 funding and 21.5% more than the Administration's request. The Senate Appropriations Committee recommends \$407.0 million for Juvenile Justice Programs. The proposed funding would be 8.8% more than FY2009 funding, 28.4% than the President's request, and 5.7% more than the House-recommended amount.

Public Safety Officers Benefits Program (PSOB)

The 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. The Administration has requested \$70.1 million for PSOB for FY2010, which would be 41.1% less than what was appropriated in FY2009 (\$119.1 million). The House-passed bill includes the same amount for PSOB as the Administration's request. The Senate Committee-reported bill would provide the same amount as the Administration's request and the House's recommendation.

Salaries and Expenses

This account provides for the salaries and expenses of OVW, OJP, and COPS. This account was funded for the first time in FY2009. Congress established a Salaries and Expenses account for OVW, OJP, and COPS to "... achieve greater transparency, efficiency and accountability in the management, administration and oversight of the Justice Department grant programs."⁷⁸ The President has requested \$213.4 million for this account for FY2010, 9.4% more than the \$195.0 million appropriated for this account for FY2009. The House-passed bill would provide \$129.6 million for this account. The amount recommended in the House-passed bill would be 33.5% less than what was appropriated for this account for FY2009 and 39.3% less than the Administration's request. The Senate Appropriations Committee recommends \$200.0 million for OJP's Salaries and Expenses. This amount would be 6.3% less than the Administration's request, but it would be 2.6% more than the FY2009-enacted amount and 54.3% more than the House-recommended amount.

⁷⁸ U.S. Congress, House Committee on Appropriations, *Omnibus Appropriations Act, 2009*, committee print, 111th Cong., 1st sess., March 2009, Book 1 of 2 – Divisions A-E (Washington: GPO, 2009), p. 342.

Science Agencies

The science agencies fund and otherwise support research and development (R&D) and related activities across a wide-variety of federal missions, including national competitiveness, climate change, energy and the environment, and fundamental discovery.

President Obama's FY2010 budget request includes \$25.737 billion for science agencies, an increase of \$1.459 billion (6.0%) over the enacted FY2009 amount of \$24.278 billion (see **Table 6**). The FY2010 request includes \$423.0 million for the National Science Foundation's (NSF) participation in the National Nanotechnology Initiative (NNI) and \$16.6 million for the National Aeronautics and Space Administration's (NASA) nanotechnology research and development (R&D) activities. The House-passed bill includes a total of \$25.147 billion for the science agencies, which would represent a 3.6% increase over FY2009 appropriations for these agencies, but it is 2.3% less than the FY2010 requested funding. The Senate committee-reported bill would provide a total of \$25.609 billion for science agencies. The proposed amount would be 0.5% less than the Administration's request, but it is 5.5% more than the FY2009-enacted funding and 1.8% more than the House-recommended amount.

Table 6. Funding for Science Agencies
(budget authority in millions of dollars)

Accounts	FY2009 Enacted	Recovery Act	FY2010 Request	House Committee Reported	House- Passed	Senate Committee Reported	Senate- Passed
Office of Science and Technology Policy (OSTP)	\$5.3		\$6.2	\$7.2	\$7.2	\$6.2	
National Aeronautics and Space Administration (NASA)	17,782.4	1,002.0	18,686.0	18,203.3	18,203.3	18,686.0	
National Science Foundation (NSF)	6,490.4	3,002.0	7,045.0	6,936.5	6,936.5	6,916.8	
Total: Science Agencies	24,278.1	\$4,004.0	25,737.2	25,147.0	25,147.0	25,608.9	

Source: FY2009 Enacted, FY2010 Requested, and House Committee-reported amounts taken from the House report (H.Rpt. 111-149) to accompany the FY2010 Commerce, Justice, Science, and Related Agencies appropriations bill (H.R. 2847). House-passed and Senate Committee-reported amounts taken from the Senate report to accompany H.R. 2847 (S.Rept. 11-34).

Notes: Amounts may not add to totals due to rounding.

Office of Science and Technology Policy (OSTP)⁷⁹

Congress established the Office of Science and Technology Policy (OSTP) through the National Science and Technology Policy, Organization, and Priorities Act of 1976 (P.L. 94-282). The act

⁷⁹ This section was prepared by Deborah D. Stine, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

states that “The primary function of the OSTP director is to provide, within the Executive Office of the President, advice on the scientific, engineering, and technological aspects of issues that require attention at the highest level of Government.” The OSTP director, often referred to informally as the President’s science advisor, also manages the National Science and Technology Council⁸⁰ (NSTC), which coordinates science and technology policy across the federal government, and co-chairs the President’s Council of Advisors on Science and Technology⁸¹ (PCAST), a council of external advisors that provides advice to the President.⁸²

OSTP is one of two offices in the Executive Office of the President (EOP) that is funded in the CJS appropriations bill.⁸³ OSTP’s FY2009 budget is \$5.3 million. An additional \$3.0 million was provided through the National Science Foundation appropriation for the Science and Technology Policy Institute (STPI), a federally-funded research and development center that supports OSTP. For FY2010, the Obama Administration has requested \$6.2 million, \$1.1 million (16.0%) above its FY2009 level. According to OSTP director John Holdren, the request will support four Senate-confirmed associate directors⁸⁴ (rather than two in the previous Administration), the President’s Open Government Initiative, reinvigoration of PCAST, increasing NSTC activities, and coordinating the nation-wide effort to enhance scientific integrity in the policy-making process.⁸⁵ Although the FY2008 explanatory statement directed NSF to transfer funds for STPI to OSTP, FY2010 funding for STPI (\$3.0 million, no change from FY2009) was again requested by NSF.

The House-passed bill would provide \$7.2 million for the Office of Science and Technology Policy, \$1.0 million above the requested amount, “to ensure that OSTP has adequate staff to fulfill key requirements in the upcoming year. The proposed funding would be 34.9% more than FY2009 funding and 16.2% greater than the FY2010 request. In the report, OSTP is directed to develop a plan for achieving and sustaining global Earth observations in collaboration with other agencies and in consultation with the Earth science community. In addition, the House Committee on Appropriations states that it anticipates OSTP will need to provide leadership and active coordination on hydrology research and water resources, terrestrial ecosystems and their role in climate change, nanotechnology, and science, technology, engineering, and mathematics (STEM) education. The Senate committee-reported bill would provide \$6.2 million, \$0.9 million (16.0%) above the FY2009-enacted level, equal to the President’s budget request, and \$1.0 million (-14.0%) less than the House-recommended amount.

⁸⁰ The National Science and Technology Council was established by Executive Order 12881.

⁸¹ The President’s Council of Advisors on Science and Technology was established by Executive Order 13226.

⁸² For more information on OSTP, see CRS Report RL34736, *The President’s Office of Science and Technology Policy (OSTP): Issues for Congress*, by Deborah D. Stine.

⁸³ The other EOP office funded under the CJS appropriations bill is the Office of the United States Trade Representative.

⁸⁴ The OSTP associate director for technology has also been named by President Obama to serve in the newly created position of chief technology officer.

⁸⁵ Testimony of OSTP Director John Holdren, in U.S. Congress, House Committee on Science and Technology, *An Overview of the Federal R&D Budget for FY 2010*, 111th Cong., 1st sess., May 14, 2009 at http://democrats.science.house.gov/Media/file/Commdocs/hearings/2009/Full/14may/Holdren_Testimony.pdf.

National Aeronautics and Space Administration (NASA)⁸⁶

The National Aeronautics and Space Administration (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 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.

The Administration has requested \$18.686 billion for NASA for FY2010, a 5.1% increase over the FY2009 regular appropriation.⁸⁷ The House-passed bill would provide \$18.203 billion. The Senate committee-reported bill would provide the requested amount. NASA also received \$1.002 billion under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). See **Table 7** for a breakdown of all these amounts by appropriations account.

For the past several years, budget priorities throughout NASA have been 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 includes 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.” The priorities established by the Vision are now in question. It is doubtful whether the future-year spending plans provided in NASA’s FY2010 budget documents can accommodate the 2020 goal for returning humans to the moon, and the Administration has announced an independent review of NASA’s human spaceflight activities, following which it intends to submit a revised FY2010 budget request.

Table 7. Funding for NASA
(budget authority in millions of dollars)

Accounts	FY2009 Enacted	Recovery Act	FY2010 Request	House Committee Reported	House- Passed	Senate Committee Reported	Senate- Passed
Science	\$4,503.0	\$400.0	\$4,477.2	\$4,496.1	\$4,496.1	\$4,517.0	
Aeronautics	500.0	150.0	507.0	501.0	501.0	507.0	
Exploration	3,505.5	400.0	3,963.1 ^a	3,293.2	3,293.2	3,940.4	
Space Operations	5,764.7	0.0	6,175.6	6,097.3	6,097.3	6,161.6	
Education	169.2	0.0	126.1	175.0	175.0	140.1	
Cross-Agency Support	3,306.4	50.0	3,400.6	3,164.0	3,164.0	3,383.5	
Inspector General	33.6	2.0	36.4	35.0	35.0	36.4	
Construction and Environmental ^b	—	—	—	441.7	441.7	—	
Total: NASA	17,782.4	1,002.0	18,686.0	18,203.3	18,203.3	18,686.0	

⁸⁶ This section was prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁸⁷ If the FY2009 baseline is taken to include funds provided by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) then the FY2010 request is a 0.5% decrease.

Source: FY2009 Enacted, FY2010 Requested, and House Committee-reported amounts taken from the House report (H.Rept. 111-149) to accompany the FY2010 Commerce, Justice, Science, and Related Agencies appropriations bill (H.R. 2847). House-passed and Senate Committee-reported amounts taken from the Senate report to accompany H.R. 2847 (S.Rept. 111-34).

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

- a. The request for Exploration is tentative and will be revised following the results of human spaceflight review.
- b. The House-passed bill includes a new account for construction of facilities and environmental compliance and remediation. In the other columns, most of these activities are funded in the Cross-Agency Support account.

The requested \$4.477 billion for Science in FY2010 is a 0.6% decrease.⁸⁸ Within this total, increases for Earth Science, Planetary Science, and Heliophysics would be offset by a decrease for Astrophysics. In Earth Science, NASA is considering its options following the loss of the Orbital Carbon Observatory (OCO), which was launched in February 2009 but failed to reach orbit. Building a replacement for OCO is one of the options being examined, but the funding that would be required is not included in the request. In Astrophysics, two missions of particular congressional interest, the NASA/Department of Energy Joint Dark Energy Mission (JDEM) and the Space Interferometry Mission (SIM), are proceeding with technology development and awaiting advice from a decadal survey by the National Research Council. The House-passed bill would increase Earth Science by \$15 million and Astrophysics by \$50 million; these increases would be partially offset by transfers of administrative and construction costs to other accounts, for a net increase in Science of \$19 million above the request. The Senate committee-reported bill would increase Astrophysics by \$49 million and \$42 million for Heliophysics; these increases would be offset by a reallocation of unobligated balances from prior years, for a net increase in Science of \$40 million above the request.

The \$3.963 billion requested for Exploration in FY2010 is a 13.1% increase,⁸⁹ as the Constellation Systems program ramps up its development of the Orion crew vehicle and Ares I launch vehicle, successors to the space shuttle. According to NASA, the FY2010 request for Constellation Systems (and the accompanying funding projections for FY2011 through FY2014) is consistent with achieving an initial operating capability for Orion and Ares I (i.e., a first crewed flight) in March 2015. It is doubtful, however, whether the projected FY2010-FY2014 funding for development of the heavy-lift Ares V launch vehicle, the Altair lunar lander, and lunar surface systems is consistent with returning humans to the moon by 2020. The independent review of NASA's human spaceflight program is expected to report by August 2009, following which the Administration intends to issue a revised budget request for Exploration.⁹⁰ The House-passed bill would provide \$670 million less than the request for Exploration. The House committee report describes this as a deferral without prejudice, in light of the ongoing review, that "should not be viewed ... as a diminution of the Committee's support for NASA's human space flight program." The Senate committee-reported bill would provide \$23 million less than the request, including the full requested amount for Orion and Ares I, an increase of \$75 million for Ares V, a reduction for \$46 million for Advanced Capabilities, and a reallocation of \$52 million in unobligated balances from prior years.

⁸⁸ Or an 8.7% decrease if the FY2009 baseline is taken to include funding from the Recovery Act.

⁸⁹ Or a 1.5% increase if the FY2009 baseline is taken to include funding from the Recovery Act.

⁹⁰ More information on the review can be found on NASA's website, hsf.nasa.gov.

The FY2010 request of \$6.176 billion for Space Operations, which funds the space shuttle, the ISS, and the Space and Flight Support program, is a 7.1% increase. With the release of the FY2010 budget, NASA's position on the remaining schedule of shuttle flights has shifted slightly. Previously its policy was that the shuttle would not fly after the end of FY2010, but that it expected to be able to complete all remaining flights by then. Now its policy is that it will complete all remaining flights, but that it expects to achieve that by the end of FY2010. The gap in U.S. human access to space between the end of the shuttle program and the first availability of Orion and Ares I remains a concern for policymakers. The House-passed bill would provide \$178 million less than the request for Space Operations. The Senate committee-reported bill would provide \$14 million less than the request.

The House bill includes a new appropriations account for Construction of Facilities and Environmental Compliance and Remediation. The House-passed bill would provide \$442 million for this account, which would consolidate activities currently supported by other accounts (mostly Cross-Agency Support). The Senate bill does not include this new account.

The House bill would also make most NASA funds available for only one year, rather than the usual two. Approximately 10% of most of NASA's appropriations accounts would continue to be available for two years. Funds in the new Construction of Facilities and Environmental Compliance and Remediation account would be available for six years. The Senate bill would make all NASA funds available for two years as usual.

National Science Foundation (NSF)⁹¹

For FY2010, the President has requested \$7.045 billion for the NSF, an 8.6% increase (\$555.0 million) over the FY2009 estimate of \$6.490 billion. Under President Obama's Plan for Science and Innovation, the Administration has proposed doubling the federal investment in basic research over a period of 10 years relative to the FY2006 level. The Plan for Science and Innovation is structured to build on the scientific investments made through the American Recovery and Reinvestment Act of 2009 (ARRA). Under the plan, the largest increases would occur in FY2012. The House-passed bill would provide \$6.937 billion for NSF. The proposed funding would represent a \$446.1 million (6.9%) increase over FY2009 appropriations, but \$108.5 million (-1.5%) less than the FY2010 request. The Senate committee-reported bill would provide \$6.917 billion for the NSF. The proposed funding is \$426.4 million (6.6%) more than the FY2009 appropriations, \$128.2 million (-1.8%) less than the President's request, and \$19.8 million (-0.3%) less than the House-passed bill.

Included in the FY2010 request is \$5.733 billion for Research and Related Activities (R&RA), a \$550.0 million increase (10.6%) above the FY2009 estimate of \$5.183 billion. R&RA includes Integrative Activities (IA), a cross-disciplinary research and education program that also provides funding for the acquisition and development of research instrumentation at institutions. The FY2010 request provides \$271.1 million for IA, an increase of \$29.8 million (12.3%). The IA funding also supports Partnerships for Innovation, disaster research teams, the Science and Technology Policy Institute, and the Experimental Program to Stimulate Competitive Research (EPSCoR). NSF's FY2010 request for EPSCoR is \$147.1 million. Approximately half of the funding for EPSCoR would be used for a combination of new awards and research infrastructure

⁹¹ This section was prepared by Christine M. Matthews, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

improvement grants, and half would support grants made in previous years. The Office of Polar Programs (OPP), also funded under the R&RA account, is the primary U.S. source of support for basic research in polar regions. The FY2010 request for addressing the challenges in polar research is \$516.0 million, a 9.6% increase over the FY2009 estimate. Priorities of the OPP in FY2010 include support for national energy goals, support for transformative research, and resupply improvements at the research stations. The House-passed bill would provide \$5,642.1 million for R&RA; the Senate committee-reported bill would provide \$5.618 billion.

The FY2010 request for the Education and Human Resources (EHR) Directorate is \$857.8 million, \$12.5 million (1.5%) above the FY2009 estimate. 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 of underrepresented groups in all scientific fields. EHR funding supports a portfolio of programs directed at strengthening and expanding the participation of underrepresented groups and diverse institutions in the scientific and engineering enterprise. Among the targeted programs in the FY2010 request are the Historically Black Colleges and Universities Undergraduate Program (\$32.0 million), Louis Stokes Alliances for Minority Participation (\$44.8 million), and Increasing the Participation and Advancement of Women in Academic Science and Engineering Careers (\$1.5 million). The House-passed bill would provide \$862.9 million for EHR; the Senate committee-reported bill would provide \$857.8 million.

The Major Research Equipment and Facilities Construction (MREFC) account would receive \$117.3 million under the FY2010 request, a decrease of \$34.7 million (-22.8%) from the FY2009 estimate. The MREFC supports the acquisition and construction of major research facilities and equipment that extend the boundaries of science, engineering, and technology. NSF describes itself as being the primary federal agency providing support for “forefront instrumentation and facilities for the academic research and education communities.” To qualify for support, NSF requires MREFC projects to have “the potential to shift the paradigm in scientific understanding and/or infrastructure technology.” The FY2010 request reflects NSF’s tighter standards and requirements for receiving funding in this account. The FY2010 request includes support for five ongoing projects: Advanced Laser Interferometer Gravitational Wave Observatory (\$46.3 million), Atacama Large Millimeter Array (\$42.8 million), IceCube Neutrino Observatory (\$1.0 million), Advanced Technology Solar Telescope (\$10.0 million), and the Ocean Observatories Initiative (\$14.3 million). The House-passed bill would provide \$114.3 million for the MREFC; the Senate committee-reported bill would provide \$122.3 million.

Related Agencies

As shown in **Table 8**, the FY2009-enacted level included \$872.4 million for related agencies. The Administration’s request includes a total of \$950.9 million for related agencies, a proposed 9.0% increase in funding. The House-passed bill would provide a total of \$956.2 million in funding for the related agencies. This amount would be 9.6% greater than what was appropriated for FY2009 and it would be 0.6% greater than the Administration’s request. The Senate committee-reported bill would provide a total of \$916.0 million for related agencies. The Senate committee-recommended amount would be 5.0% greater than the FY2009 appropriations for these agencies, but it would be 3.7% less than the Administration’s requested funding and 4.2% less than the House-recommended amount.

Table 8. Funding for Related Agencies

(budget authority in millions of dollars)

Commission, Office, or Corporation	FY2009 Enacted	FY2010 Request	House Committee Reported	House-Passed	Senate Committee Reported	Senate-Passed
U.S. Commission on Civil Rights	\$8.8	\$9.4	\$9.4	\$9.4	\$9.4	
Equal Employment Opportunity Commission	343.9	367.3	367.3	367.3	367.3	
International Trade Commission	75.1	82.7	82.7	82.7	82.7	
Legal Services Corporation	390.0	435.0	440.0	440.0	400.0	
Marine Mammal Commission	3.2	3.0	3.3	3.3	3.3	
Office of the U.S. Trade Representative	47.3	48.3	48.3	48.3	48.3	
State Justice Institute	4.1	5.1	5.1	5.1	5.0	
Total: Related Agencies	872.4	950.9	956.2	956.2	916.0	

Source: FY2009 Enacted, FY2010 Requested, and House Committee-reported amounts taken from the House report (H.Rept. 111-149) to accompany the FY2010 Commerce, Justice, Science, and Related Agencies appropriations bill (H.R. 2847). House-passed and Senate Committee-reported amounts taken from the Senate report to accompany H.R. 2847 (S.Rept. 11-34).

Notes: Amounts may not add to totals due to rounding.

Commission on Civil Rights⁹²

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

- 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 the 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.

For FY2010, President Obama has requested \$9.4 million for the Commission compared to FY2009 appropriations of \$8.8 million, which would represent a 6.8% increase in funding. The House-passed bill includes \$9.4 million for the Commission, the same as the Administration's request. The Senate Appropriations Committee recommends \$9.4 million for the Commission, the same as the Administration's request and the House-recommended amount.

For decades, Congress has had concerns about the management of the Commission, resulting in several investigatory reports by the Government Accountability Office (GAO). Generally, these GAO reports recommended ways for the Commission to improve its project management,

⁹² This section was written by Garrine P. Laney, Analyst in Social Legislation, Domestic Social Policy Division.

financial activities, and relationship with the State Advisory Committees. In recent years, concerns have surfaced concerning the Commission and its State Advisory Committees and charges of political partisanship. The House CJS Appropriations Committee report language for FY2008 stated “reservations about the Commission’s current capacity and commitment to fulfilling its civil rights mission in a fair and effective manner.”⁹³ Further, in report language the committee expressed frustration “with the Commission’s inability to effectively support its regional and grassroots network, including the State Advisory Committees.”⁹⁴ Perhaps, these perennial concerns about the Commission have influenced the flat level of funding proposed for the agency by both the President and Congress.

Equal Employment Opportunity Commission (EEOC)⁹⁵

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, initiated in 2005, that included the creation of the National Contact Center (NCC), realignment of field structure and staff, and restructuring of headquarters operations. In response to congressional concerns about call intake practices, the EEOC transitioned to an in-house call center, known as the Intake Information Network, to replace the NCC. The Network handles all calls and starts processing queries immediately through an Electronic Assessment System.

The President has requested \$367.3 million for the EEOC for FY2010, which is \$23.4 million more than the FY2009-enacted level of \$343.9 million.⁹⁶ The House-passed bill includes \$367.3 million for the EEOC, which is the same as the President’s FY2010 budget request. The Senate committee-reported bill would provide the same amount as the Administration’s request and the House-passed bill.

The House Appropriations Committee remains concerned about the backlog of private sector cases filed with the EEOC, which is projected to increase to 102,944 in FY2010—39% higher than the inventory at the end of FY2008 (73,951). Although the FY2010 budget request included funding for hiring 224 full time equivalents—such as investigators, mediators, attorneys, and support staff—the committee recommends that the EEOC develop a multiyear plan for further increasing staffing to reduce expected increases in workload. To monitor the adequacy of the commission’s personnel resources, the committee directs the EEOC to submit quarterly reports on projected and actual staffing levels.

The projected increase in the agency’s workload partly reflects the transition from a contractor-operated center to an in-house call center, which allows the public to begin the charge process online. In addition, passage of the Lilly Ledbetter Fair Pay Act (P.L. 111-2) in January 2009 could

⁹³ U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2008*, Report to Accompany H.R. 3093, 110th Cong., 1st sess., July 17, 2007, H.Rept. 110-240 (Washington: GPO, 2007), p. 130.

⁹⁴ Ibid.

⁹⁵ This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, and Linda Levine, Specialist in Labor Economics, Domestic Social Policy Division.

⁹⁶ The Equal Employment Opportunity Commission, Fiscal Year 2010 Congressional Budget Justification, accessible at <http://www.eeoc.gov/abouteeoc/plan/2010budget/index.html>

increase charge filings.⁹⁷ The EEOC also anticipates that economic factors, such as higher unemployment rates, layoffs, and business closings, could affect the number of charges filed.

To increase the efficiency of the hearing process for federal employee cases, the EEOC intends to implement a system that divides cases into fast, regular, or complex discovery tracks. The House Appropriations Committee, in response, directs the EEOC to submit to Congress an implementation plan within 60 days of enactment that includes background on the need for the tracking system, the plan's implementation schedule, and an analysis of the potential impact on federal employees of getting "a fair hearing" under the tracking system.

U.S. International Trade Commission (ITC)⁹⁸

The ITC is an independent, quasi-judicial agency established by Congress that advises the President and Congress on U.S. foreign economic policies. The mission of ITC can be categorized into three separate functions: (1) administering U.S. trade remedy laws within its mandate in a fair and objective manner; (2) providing the President, the U.S. Trade Representative, and Congress with independent analysis, information, and support on matters of tariffs and international trade and competitiveness; and (3) maintaining the Harmonized Tariff Schedule of the United States.⁹⁹ As a matter of policy, its budget request is submitted to Congress by the President without revision.

The Administration has requested \$82.7 million for ITC for FY2010, a \$7.6 million (10.1%) increase over the FY2009-enacted appropriation of \$75.1 million. The budget request states that the requested increase for FY2010 is primarily due to the acquisition of additional space to meet workload demands, as well as required increases in salaries and benefits. The House-passed bill would provide the same level of funding for the ITC as the Administration's request (\$82.7 million). The Senate committee-reported bill provides the same amount for ITC as the Administration's request and the House-passed bill.

Legal Services Corporation (LSC)¹⁰⁰

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.

⁹⁷ For more information on the Act, see CRS Report RL31867, *Pay Equity Legislation*, by Jody Feder and Linda Levine.

⁹⁸ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

⁹⁹ U.S. Office of Management and Budget, *The President's Budget Fiscal Year 2010 Appendix, Other Independent Agencies, U.S. International Trade Commission*, p. 1241.

¹⁰⁰ This section was prepared by Carmen Solomon-Fears, Specialist in Social Policy, Domestic Social Policy Division.

Current LSC funding remains below the LSC's highest funding level of \$400 million in FY1994 and FY1995.

For the first time in many years, the Administration has proposed to increase funding for the LSC. For FY2010, the Obama Administration has requested \$435 million for the LSC. This amount is \$45 million (11.5%) above the FY2009 appropriation of \$390 million for the LSC. The House-passed bill would both provide \$440.0 million for the LSC, which would represent a 12.8% increase over FY2009 funding and 1.1% over the Administration's request. The Senate Appropriations Committee has recommended \$400.0 million for LSC for FY2010. The proposed amount would be 2.6% more than the FY2009 appropriation, but it is 8.0% less than the Administration's request and 9.1% less than the House-passed amount.

Moreover, since its inception, the legal services program has been controversial. Congress through the LSC Act and various annual appropriation laws has imposed many restrictions on activities of LSC-funded legal services programs. The Obama Administration and certain congressional proposals would eliminate some of these restrictions. The Obama Administration's FY2010 budget proposed that LSC restrictions on class action suits and attorneys' fees be eliminated. The House-passed bill would keep the current restrictions on LSC activities, except for the one relating to attorneys' fees.

Marine Mammal Commission (MMC)¹⁰¹

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 FY2010, the Administration has proposed \$3.0 million for necessary expenses of the Marine Mammal Commission, a decrease of \$200,000 (6.3%) from the FY2009 appropriation of \$3.2 million for this independent agency. The House-passed bill includes \$3.3 million for the MMC, 3.1% more than FY2009 appropriations for the commission, and 10.0% greater than the FY2010 request. The Senate committee-reported bill would provide approximately \$3.3 million for the Marine Mammal Commission for FY2010. The recommended amount would be 1.6% more than the FY2009 appropriation and 8.3% more than the Administration's request, but it is 1.5% less than the House-recommended amount.

Office of the U.S. Trade Representative (USTR)¹⁰²

The USTR, located in the Executive Office of the President, is responsible for developing and coordinating U.S. international trade and direct investment policies. The USTR is the President's

¹⁰¹ This section was prepared by Eugene H. Buck, Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

¹⁰² This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

chief negotiator for international trade agreements, including commodity and direct investment negotiations. USTR also conducts U.S. affairs related to the World Trade Organization.

The 111th Congress may consider legislation to expand the role of USTR in monitoring priority foreign country trade practices. Some policy options that may be considered include requiring the USTR to seek consultation and resolution with the country of concern on any identified priority foreign country trade practices that are affecting U.S. exports; expanding the activities of the USTR to identify foreign countries that maintain technical barriers to trade and deny market access to U.S. products; and/or requiring the USTR to investigate foreign country trade barriers and determine possible trade actions by the United States that would remedy these trade barriers. Such policy actions may have possible implications for USTR funding.

The Administration has requested \$48.3 million for USTR for FY2010, a \$1 million (2.2%) increase over the FY2009-enacted appropriation of \$47.3 million. The House-passed bill would provide \$48.3 million for this account, the same as the Administration's request. The Senate committee-recommended amount is the same as the Administration's request and the House-recommended amount.

State Justice Institute (SJI)

The 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 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.¹⁰³ 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 Administration has proposed \$5.1 million in funding for SJI for FY2010, 25.1% more than the \$4.1 million Congress appropriated for SJI for FY2009. The House-passed bill includes \$5.1 million for SJI, the same level as the Administration's request. The Senate committee-reported bill would provide \$5.0 million for SJI, which is 22.0% more than the FY2009 appropriation but 2.6% less than the Administration's request and the House-recommended funding.

Table 9. Funding for CJS Agencies, by Account

(budget authority in millions of dollars)

Bureau or Agency	FY2009 Enacted ^a	Recovery Act	FY2010 Request	House Committee Reported	House- Passed	Senate Committee Reported	Senate- Passed
Department of Commerce							
International Trade Administration	\$420.4		\$440.3	\$435.1	\$435.0	\$446.3	
Bureau of Industry and Security	83.7		100.3	100.3	100.3	100.3	
Economic Development Administration	272.8	150.0	284.0	293.0	293.0	238.0	

¹⁰³ 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.

Bureau or Agency	FY2009 Enacted^a	Recovery Act	FY2010 Request	House Committee Reported	House- Passed	Senate Committee Reported	Senate- Passed
Minority Business Development Agency	29.8		31.0	31.0	31.0	31.2	
Economic and Statistical Analysis	90.6		105.0	97.3	97.3	100.6	
Bureau of the Census	3,139.9	1,000.0	7,374.7	7,374.7	7,374.7	7,324.7	
National Telecommunications and Information Administration	39.2	5,350.0	20.0	40.0	40.0	40.0	
Patent and Trademark Office	2,010.1		1,930.4	1,930.4	1,930.4	1,930.4	
Offsetting Fee Receipts USPTO	-2,087.0		-1,930.4	-1,930.4	-1,930.4	-1,934.0	
National Institute of Standards and Technology	819.0	580.0	846.1	781.1	781.1	878.0	
National Oceanic and Atmospheric Administration	4,365.2	830.0	4,473.8	4,602.9	4,603.4	4,772.8	
Departmental Management	83.8	6.0	113.5	92.0	85.0	110.5	
DOC Subtotal	9,267.5	7,916.0	13,788.8	13,847.4	13,840.8	14,043.3	
Department of Justice							
General Administration	2,007.8	2.0	2,371.0	2,296.8	2,273.2	2,239.3	
U.S. Parole Commission	12.6		12.9	12.9	12.9	12.9	
Legal Activities	2,901.6		3,082.4	3,090.5	3,090.5	3,082.5	
U.S. Marshals Service	954.0		1,152.4	1,152.4	1,152.4	1,152.4	
National Security Division	83.8		87.9	87.9	87.9	87.9	
Interagency Law Enforcement	515.0		537.5	528.6	528.6	515.0	
Federal Bureau of Investigation	7,218.6		7,861.5	7,851.5	7,851.5	7,913.5	
Drug Enforcement Administration	1,939.1		2,014.7	2,019.7	2,019.7	2,014.7	
Bureau of Alcohol, Tobacco, Firearms & Explosives	1,054.2		1,120.8	1,105.8	1,105.8	1,120.8	
Federal Prison System	6,173.9		6,079.3	6,176.7	6,176.7	6,081.7	
Office of Violence Against Women	415.0	225.0	414.0	400.0	406.5	435.0	
Office of Justice Programs	2,812.1	3,775.0	2,339.5	3,024.0	3,047.7	2,729.6	
DOJ Subtotal	26,087.6	4,002.0	27,073.9	27,746.7	27,750.8	27,385.3	
Science Agencies							
Office of Science and Technology	5.3		6.2	7.2	7.2	6.2	
NASA	17,782.4	1,002.0	18,686.0	18,203.3	18,203.3	18,686.0	
National Science Foundation	6,490.4	3,002.0	7,045.0	6,936.5	6,936.5	6,916.8	
Science Agencies Subtotal	24,278.1	4,004.0	25,737.2	25,147.0	25,147.0	25,608.9	
Related Agencies							

Bureau or Agency	FY2009 Enacted^a	Recovery Act	FY2010 Request	House Committee Reported	House- Passed	Senate Committee Reported	Senate- Passed
Commission on Civil Rights	8.8		9.4	9.4	9.4	9.4	
Equal Employment Opportunity Commission (EEOC)	343.9		367.3	367.3	367.3	367.3	
International Trade Commission	75.1		82.7	82.7	82.7	82.7	
Legal Services Corporation	390.0		435.0	440.0	440.0	400.0	
Marine Mammal Commission	3.2		3.0	3.3	3.3	3.3	
U.S. Trade Representative	47.3		48.3	48.3	48.3	48.3	
State Justice Institute	4.1		5.1	5.1	5.1	5.0	
Related Agencies Subtotal	872.4	0.0	950.9	956.2	956.2	916.0	
Total Appropriations	60,505.6	15,922.0	67,550.7	67,697.2	67,694.7	67,953.4	

Source: FY2009 Enacted, FY2010 Requested, and House Committee-reported amounts taken from the House report (H.Rept. 111-149) to accompany the FY2010 Commerce, Justice, Science, and Related Agencies appropriations bill (H.R. 2847). House-passed and Senate Committee-reported amounts taken from the Senate report to accompany H.R. 2847 (S.Rept. 111-34).

Notes: Amounts may not add to totals due to rounding.

- a. FY2009-enacted amounts do not include any funding appropriated pursuant to the Supplemental Appropriations Act, 2009 (P.L. 111-32).

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