



Commerce, Justice, Science, and Related Agencies: FY2011 Appropriations

Nathan James, Coordinator
Analyst in Crime Policy

Oscar R. Gonzales, Coordinator
Analyst in Economic Development Policy

Jennifer D. Williams, Coordinator
Specialist in American National Government

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Summary

This report provides an overview of actions taken by Congress to provide FY2011 appropriations for Commerce, Justice, Science, and Related Agencies (CJS). It also provides an overview of FY2010 appropriations for agencies and bureaus funded under the CJS bill. The source for the FY2010-enacted amounts, the FY2011 request, and the Senate Appropriations Committee-recommended amounts is the Senate Report (S.Rept. 111-229) to accompany the Senate Appropriations Committee-reported version of the annual CJS appropriations bill (S. 3636).

The Consolidated Appropriations Act, 2010 (P.L. 111-117), included a total of \$68.705 billion in new budget authority for CJS, of which \$14.035 billion was for the Department of Commerce, \$28.078 billion was for the Department of Justice, \$25.658 billion was for the Science Agencies, and \$934.8 million was for the related agencies. For FY2011, the Administration requests a total of \$66.109 billion for CJS—an approximately \$2.597 billion, or 3.8%, decrease in budget authority compared with FY2010 appropriations. The FY2011 request includes \$8.968 billion for the Department of Commerce, \$29.737 billion for the Department of Justice, \$26.431 billion for the Science Agencies, and \$973.4 million for the related agencies. On July 22, 2010, the Senate Appropriations Committee marked up and reported the FY2011 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill (S. 3636). The Senate Appropriations Committee recommends a total of \$66.192 billion for CJS, 3.7% less than the FY2010-enacted amount but 0.1% more than the Administration's request. This amount includes \$8.963 billion for the Department of Commerce, \$29.896 billion for the Department of Justice, \$26.360 billion for the Science Agencies, and \$972.0 billion for the related agencies.

On July 29, 2010, President Obama signed into law the Supplemental Appropriations Act of 2010 (P.L. 111-212), which provides \$49.0 million to the Economic Development Administration (EDA) for long-term disaster relief, recovery, and restoration of infrastructure in states that experienced damage due to severe storms and flooding during March 2010 through May 2010. In addition, the law provides \$5.0 million in EDA funding to states affected by the incidents related to gulf coast oil spill that began with the sinking of the Deepwater Horizon drilling platform. The law also provides \$10.0 for the Department of Justice for litigation expenses related to the gulf coast oil spill.

On August 10, 2010, President Obama signed into law the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (P.L. 111-224). The law provides an additional \$129.0 million for salaries and expenses at the U.S. Patent and Trademark Office for FY2010.

On August 13, 2010, the President signed into law H.R. 6080 (P.L. 111-230), which provides a total of \$196.0 million for the Department of Justice for increased law enforcement activities related to Southwest border enforcement.

On September 30, 2010, President Obama signed into law the Continuing Appropriations Act, 2010 (P.L. 111-242). The act continues appropriations for most agencies and bureaus funded under the annual CJS bill at FY2010 enacted levels—with the exception of the Census Bureau, which is funded at an annualized rate of \$1.223 billion—until December 3, 2010.

This report will be updated as congressional action dictates.

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Most Recent Developments

On July 22, 2010, the Senate Appropriations Committee marked up and reported the FY2011 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill (S. 3636). The Senate bill includes a total of \$66.192 billion for CJS. This amount includes \$8.963 billion for the Department of Commerce, \$29.896 billion for the Department of Justice, \$26.360 billion for the Science Agencies, and \$972.0 billion for the related agencies. The House Subcommittee on Commerce, Justice, Science, and Related Agencies Appropriations marked up and reported its version of the FY2011 CJS bill on June 29, 2010. However, the House Appropriations Committee has not marked up the subcommittee's bill. This report will be updated when the House Appropriations Committee reports the subcommittee's bill.

On July 29, 2010, President Obama signed into law the Supplemental Appropriations Act of 2010 (P.L. 111-212), which provides \$49.0 million to the Economic Development Administration (EDA) for long-term disaster relief, recovery, and restoration of infrastructure in states that experienced damage due to severe storms and flooding during March 2010 through May 2010. In addition, the law provides \$5.0 million in EDA funding to states affected by the incidents related to gulf coast oil spill that began with the sinking of the Deepwater Horizon drilling platform. The law also provides \$10.0 for the Department of Justice for litigation expenses related to the gulf coast oil spill. The law rescinds \$111.5 million in unobligated balances from the National Telecommunications and Information Administration's Digital-to-Analog Converter Box program.

On August 10, 2010, President Obama signed into law the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (P.L. 111-224). The law provides an additional \$129.0 million for salaries and expenses at the U.S. Patent and Trademark Office for FY2010. The legislation also rescinds \$129.0 million from the Bureau of the Census, Periodic Censuses and Programs account, previously available under the Consolidated Appropriations Act, 2010 (P.L. 111-117).

On August 13, 2010, the President signed into law H.R. 6080 (P.L. 111-230), which provides a total of \$196.0 million for the Department of Justice for increased law enforcement activities related to Southwest border enforcement. The \$196.0 million includes \$7.0 million for the Office of the Federal Detention Trustee; \$9.2 million for the U.S. Attorneys; \$37.7 million for the U.S. Marshals; \$24.0 million for the Federal Bureau of Investigation; \$33.7 million for the Drug Enforcement Administration; \$37.5 million for the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and \$20.0 million for the Bureau of Prisons.

On September 30, 2010, President Obama signed into law the Continuing Appropriations Act, 2010 (P.L. 111-242). The act continues appropriations for most agencies and bureaus funded under the annual CJS bill at FY2010 enacted levels until December 3, 2010, or until the FY2011 CJS bill is passed by Congress and signed into law by the President. The act funds the Census Bureau at an annualized rate of \$1.223 billion until December 3, 2010, instead of continuing the \$7.325 billion appropriated for FY2010. The decrease reflects the completion of major 2010 decennial census activities, for which the Bureau received a substantial increase in its FY2010 appropriation.

FY2011 Appropriations

This report provides an overview of actions taken by Congress to provide FY2011 appropriations for Commerce, Justice, Science, and Related Agencies. It also provides an overview of FY2010 appropriations for agencies and bureaus funded under the CJS bill. The source for the FY2010-enacted amounts, the FY2011 request, and the Senate Appropriations Committee-recommended amounts is the Senate Report (S.Rept. 111-229) to accompany the Senate Appropriations Committee-reported version of the annual CJS appropriations bill (S. 3636).

The Consolidated Appropriations Act, 2010 (P.L. 111-117), included a total of \$68.705 billion in new budget authority for the agencies and bureaus funded by the annual Commerce, Justice, Science and Related Agencies (CJS) appropriations bill. Of the \$68.705 billion appropriated for FY2010, \$14.035 billion was for the Department of Commerce, \$28.078 billion was for the Department of Justice, \$25.658 billion was for the Science Agencies, and \$934.8 million was for the related agencies. For FY2011, the Administration requests a total of \$66.109 billion for CJS—an approximately \$2.597 billion, or 3.8%, decrease in budget authority compared with FY2010 appropriations. The FY2011 request includes \$8.968 billion for the Department of Commerce, \$29.737 billion for the Department of Justice, \$26.431 billion for the Science Agencies, and \$973.4 million for the related agencies. The Senate Appropriations Committee recommends a total of \$66.192 billion for CJS, 3.7% less than the FY2010-enacted amount, but 0.1% more than the Administration's request. This amount includes \$8.963 billion for the Department of Commerce, \$29.896 billion for the Department of Justice, \$26.360 billion for the Science Agencies, and \$972.0 billion for the related agencies.

The amounts in this report reflect only new budget authority. Therefore, the amounts do not include any rescissions of unobligated or deobligated balances that may be counted as offsets to newly enacted budget authority.

Table 1 shows the FY2010 appropriation, FY2011 request, and the FY2011 Senate Appropriations Committee-recommended amounts for the Department of Commerce, the Department of Justice, the science agencies, and the related agencies. See **Table 12** for FY2010 appropriations, FY2011 request, and Senate Appropriations Committee-recommended funding for individual accounts.

Table I. CJS Appropriations, FY2010 Enacted, FY2011 Request, and Senate Committee-Recommended
(budget authority in millions of dollars)

Departments and Related Agencies	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
Department of Commerce	\$14,035.2 ^a	\$8,967.5		\$8,963.2	
Department of Justice	28,077.7 ^b	29,736.5		29,896.1	
Science Agencies	25,657.8	26,431.4		26,360.4	
Related Agencies	934.8	973.4		972.0	
Total	68,705.5^c	66,108.8^d		66,191.7^e	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-Reported amounts were taken from S.Rept. 111-229.

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

- a. Does not include \$129.0 million in supplemental funding for the U.S. Patent and Trademark Office (P.L. 111-224) and \$54.0 million in supplemental funding for the Economic Development Administration (P.L. 111-212).
- b. Does not include \$206.0 million in supplemental funding for the Department of Justice (P.L. 111-212 and P.L. 111-230).
- c. Does not include \$531.2 million rescissions of unobligated balances.
- d. Does not include a proposed \$690.5 million rescissions of unobligated balances.
- e. Does not include a proposed \$1.109 billion rescissions of unobligated balances.

Survey of Selected Issues

Department of Commerce

Congress may consider the following issues as part of the Department of Commerce FY2011 appropriations process:

- continued oversight of the Census Bureau as it completes key 2010 census requirements, including delivery of the House reapportionment numbers to the President by December 31, 2010, and redistricting data to the states by March 31, 2011;
- whether to accept the Administration's proposal to transfer funds from public works to economic adjustment and technical assistance programs under the Economic Development Administration to help distressed areas affected by unemployment as a result of the recession;
- whether to fund the Administration's proposed 19.6% increase in funding for the International Trade Administration for FY2011 that includes a National Export Initiative expected to help increase U.S. exports and the competitiveness of U.S. companies in the global marketplace;

- whether to provide the U.S. Patent and Trademark Office with the authority to use all the fees it collects in a fiscal year; and
- whether to support the Administration's proposal to increase support of National Oceanic and Atmospheric Administration's satellite programs to ensure continuity of satellite operations and to provide coverage for weather forecasts and climate measurements.

Department of Justice (DOJ)

Some issues Congress might consider while determining funding levels for DOJ accounts include the following:

- limitations on the use of funds for anticipated DOJ administrative costs related to transferring and prosecuting Guantánamo detainees;
- whether to accept the Administration's proposed increase in funding to improve law enforcement's capacity to combat the trafficking of illicit drugs and firearms along the Southwest border;
- continued oversight of the Federal Bureau of Investigation's (FBI's) transformation and the redirection of a share of its resources away from traditional crime and toward combating domestic and international terrorism;
- permanent funding for FBI positions for white collar crime (financial and mortgage fraud) that were previously funded through supplemental appropriations;
- enhancement of FBI weapons of mass destruction response and render safe capabilities;
- increased protection of the U.S. information infrastructure from computer intrusions through additional FBI resources devoted to cyber threat investigations and intelligence analysis;
- whether to increase FBI's funding for investigating mortgage and financial fraud;
- whether to approve the Administration's request for funding for the Bureau of Prisons to acquire, renovate, and operate a high-security facility in Thomson, IL;
- increasing funding for grant programs that either seek to divert offenders from the criminal justice system or reduce recidivism; and
- whether to accept the Administration's proposal to cease funding for the Weed and Seed Program.

Science Agencies

Among the issues facing science agencies that Congress may opt to address in the FY2011 appropriations process are the following:

- whether to provide funding increases for research and related activities at the National Science Foundation (NSF), National Institute of Standards and Technology (NIST), and Department of Energy Office of Science (DOE SC) at

levels consistent with President Obama's goal of doubling aggregate funding for these agencies by FY2016, from their FY2006 aggregate funding level, or at levels consistent with the America COMPETES Act (P.L. 110-69), which authorized funding for FY2008, FY2009, and FY2010 that set a seven-year doubling path;

- whether to fund climate change and clean energy research that has been requested in the NSF FY2011 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;¹ and
- whether the future direction of the National Aeronautics and Space Administration's (NASA's) human spaceflight program will be determined in FY2011.

Related Agencies

Some issues Congress might consider while debating FY2011 funding level for related agencies include the following:

- whether to provide additional funding for the Equal Employment Opportunity Commission to hire investigators, mediators, attorneys, and support staff to address a growing backlog of private sector cases;
- whether to eliminate the Legal Services Corporation restrictions on class action suits and attorneys' fees; and
- whether to increase funding for the State Justice Institute so it can award grants to support programs that might not be funded due the budget constraints most state courts are currently facing.

Department of Commerce²

The origin of the Department of Commerce (Commerce Department) dates to 1903 with the establishment of the Department of Commerce and Labor.³ The separate Commerce Department was established on March 4, 1913.⁴ 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.

¹ For further information, see CRS Report RL34511, *Nanotechnology: A Policy Primer*, by John F. Sargent Jr.

² This section was coordinated by Oscar R. Gonzales and Jennifer D. Williams, CRS Government and Finance Division.

³ 32 Stat. 825.

⁴ 37 Stat .C. 1501.

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) 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;
- *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.

FY2011 Budget Request

Table 2 presents the following funding information for the Commerce Department as a whole and each of its bureaus or agencies: the FY2010-enacted appropriation, the Administration's FY2011 request, and the Senate Appropriations Committee's recommended funding. The Administration requests an FY2011 total of \$8.968 billion for the Department, a \$5.068 billion (36.1%) decrease from the \$14.035 billion that was enacted for FY2010. Most of the reduction is due to a large decrease in the FY2011 request for the Census Bureau, \$1.267 billion compared with the \$7.325 billion the Bureau received in FY2010, largely for the 2010 decennial census. The Senate Appropriations Committee recommends a total of \$8.963 billion for the Commerce Department. The committee's recommended amount is \$5.072 billion (36.1%) less than the FY2010 appropriation and \$4.3 million less than the Administration's request.

Table 2. Funding for the Department of Commerce
(budget authority in millions of dollars)

Bureau or Agency	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
International Trade Administration	\$446.8	\$534.3		\$524.3	
Bureau of Industry and Security	100.3	113.1		113.1	
Economic Development Administration	293.0 ^a	286.2		280.2	
Minority Business Development Agency	31.5	32.3		32.3	
Economic and Statistics Administration (excluding Census)	97.3	113.2		110.0	
Census Bureau	7,324.7 ^b	1,267.0		1,244.7	
National Telecommunications and Information Administration	40.0	45.5		57.8	
Patent and Trademark Office ^c	1,887.0 ^d	2,321.7		2,321.7	
Offsetting Fee Receipts (USPTO)	-1,887.0	-2,321.7		-2,321.7	
National Institute of Standards and Technology	856.6	918.9		940.8	
National Oceanic and Atmospheric Administration	4,737.5	5,543.5		5,545.5	
Departmental Management	107.5	113.5		114.5	
Total: Department of Commerce	14,035.2	8,967.5		8,963.2	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-reported amounts were taken from S.Rept. 111-229.

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

- a. This amount does not include the \$54.0 million in supplemental funding appropriated for the Economic Development Administration pursuant to P.L. 111-212.
- b. Of the \$7,324.7 million for the Census Bureau in FY2010, \$100.0 million was to come from available unobligated balances of previously appropriated funds that would remain available until September 30, 2011.
- c. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected but not obligated during the current year are available for obligation in the following fiscal year and do not count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals. Total figures for the Department of Commerce exclude PTO.
- d. This amount does not include the \$129.0 million in supplemental funding appropriated for the U.S. Patent and Trademark Office pursuant to P.L. 111-224.

International Trade Administration (ITA)⁵

ITA provides export promotion services, works to ensure 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 FY2011-requested amount for ITA is \$534.3 million, \$87.5 million (19.6%) more than the FY2010-enacted amount of \$446.8 million. The request anticipates the collection of \$9.4 million in fees, the same as the FY2010-enacted amount, which would raise available FY2011 funds to \$543.7 million. The requested increase in the FY2011 budget is part of the Obama Administration's multiyear plan to stimulate the economy. The Administration is requesting \$78.5 million for a National Export Initiative (NEI) to promote growth in the U.S. economy and create jobs by increasing the volume of U.S. exports and the number of U.S. firms that export. The Administration anticipates that the initiative will help U.S. companies be more competitive in the global market and that jobs created through export growth will be associated with higher wages.

The Senate Committee-reported amount for ITA is \$524.3 million, \$10.0 million (1.9%) less than the FY2011-requested amount of \$534.3 million and \$77.5 million (17.3%) more than the FY2010-enacted amount of \$446.8 million. The committee recommendation for fee collection is \$9.4 million, the same as the budget request, which would raise available FY2011 funds to \$533.7 million. The Senate committee recommendation supports the Administration's request for the NEI, specifically through the enhancement of the U.S. Foreign Commercial Service (FCS) within ITA. The committee recommends that ITA expand the overseas role of the FCS and directs ITA to provide a report to the committee, after funding is approved, with a detailed workforce plan, tighter cost estimates, and a specific management plan for financial and workforce resources. The committee further recommends that ITA make better enforcement and compliance of existing free trade agreements a key priority to help U.S. exporters overcome foreign trade barriers. The committee recommendation includes \$1.1 million for congressionally designated projects.

⁵ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

Bureau of Industry and Security (BIS)⁶

BIS administers export controls on dual-use goods and technology through its licensing and enforcement functions. It cooperates with other nations on export control policy and provides assistance to the U.S. business community to comply with U.S. and multilateral export controls. BIS also administers U.S. anti-boycott statutes and is charged with monitoring the U.S. defense industrial base. Authorization for the activities of BIS, the Export Administration Act (50 U.S.C. 2401, et seq.), last expired in August 2001. On August 17, 2001, President Bush invoked the authorities granted by the International Economic Emergency Powers Act (50 U.S.C. 1703(b)) to continue in effect the system of controls contained in the act and by the Export Administration Regulations (15 C.F.R., Parts 730-799), and these authorities have been renewed yearly.

The President's FY2011 request for BIS is \$113.1 million, a \$12.8 million (12.7%) increase from the FY2010-enacted funding level of \$100.3 million. The FY2011 funding request for BIS is divided among licensing activity (\$55.6 million), enforcement activities (\$51.3 million), and management and policy coordination (\$6.2 million). Of these amounts, \$14.8 million was requested for Chemical Weapons Convention (CWC) enforcement. The Senate Appropriations Committee recommends the same amount as the President's request. The \$12.8 million increase in the BIS request is primarily for additional resources to increase the number of positions in the Office of Export Enforcement (OEE) to support enhanced counter-proliferation, counterterrorism, and national security initiatives and investigations. BIS seeks an additional 29 positions to staff these programs. In FY2010, BIS had budget authority for 362 positions. With base adjustments of two positions and new initiatives, BIS is seeking budget authority for 393 positions for FY2011.

Economic Development Administration (EDA)⁷

EDA was created by the passage of the Public Works and Economic Development Act (PWEDA) of 1965,⁸ 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 Administration's request for this account for FY2011 is \$286.2 million, or \$6.8 million (2.3%) less than the FY2010-enacted amount of \$293.0 million. EDA received \$255.0 million for economic development assistance programs in FY2010, and the Administration's FY2011 request represents a proposed \$9.0 million reduction (3.5%). In addition, the Administration proposes to transfer \$90.0 million from EDA's public works grants to other EDA programs: a total of \$86.4 million would be transferred to the economic adjustment program, and \$3.6 million would be transferred to the technical assistance program. The Senate Appropriations Committee would provide EDA \$280.2 million for FY2011, a 4.4% decrease compared to FY2010 and 2.1% less than the amount contained in the Administration's budget.

⁶ This section was written by Ian F. Fergusson, Specialist in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

⁷ This section was written by Oscar R. Gonzales, Analyst in Economic Development Policy, CRS Government and Finance Division.

⁸ P.L. 89-136; 42 U.S.C. 3121.

One of EDA's policy priorities is 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, to be funded under economic adjustment assistance grants. Congress may consider the level of funding for these two initiatives, the 3.5% reduction in economic development programs, and the reallocation of funds from public works to economic adjustment and technical assistance.

Minority Business Development Agency (MBDA)⁹

MBDA, established by Executive Order 11625 on October 13, 1971, is charged with the lead role in coordinating all of the federal government's minority business programs.¹⁰ 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.

The Administration's request for this account for FY2011 is \$32.3 million, an increase of approximately \$0.8 million (2.6%) over the FY2010-enacted amount of \$31.5 million. The Senate Appropriations Committee would provide MBDA with \$32.3 million for FY2011, a 2.6% increase compared to FY2010 and the same level of funding requested by the Administration.

Congress may consider whether to increase funding for the activities and outreach of MBDA's Office of Native American Business Development to support research on Native American trade promotion and economic disparities, and whether to increase funding for MBDA to monitor and provide technical assistance for minority businesses seeking federal contracts through the American Recovery and Reinvestment Act (P.L. 111-5) and through the regular federal contracting process.

Economic and Statistics Administration (ESA)¹¹

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.¹² The ESA has three core missions: to 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.

⁹ This section was written by Oscar R. Gonzales, Analyst in Economic Development Policy, CRS Government and Finance Division.

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

¹¹ This section was written by Oscar Gonzales, Analyst in Economic Development Policy, CRS Government and Finance Division.

¹² 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. The regional input-output modeling system maintained by the BEA is also excluded because it is funded entirely through user fees instead of annual appropriations.

For FY2011, the Administration recommends \$113.2 million for ESA, an increase of \$15.9 million (16.4%) over the FY2010-enacted amount of \$97.3 million. The Senate Appropriations Committee would provide ESA with \$110.0 million for FY2011, a 13.1% increase over the FY2010 enacted amount, and 2.8% below the Administration's budget request.

Funding for ESA in FY2011 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.

Bureau of the Census¹³

The U.S. Constitution requires a population census every 10 years, to serve as the basis for reapportioning seats in the House of Representatives.¹⁴ Decennial census data also are used for within-state redistricting and in certain formulas that determine the annual distribution of more than \$400 billion in federal and state funds. The Bureau of the Census (the Bureau), established as a permanent office on March 6, 1902,¹⁵ 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.

The Administration's FY2011 request for the Census Bureau is \$1.267 billion, \$6.058 billion (82.7%) less than the FY2010-enacted amount of \$7.325 billion.¹⁶ The FY2011 request includes \$280.4 million for the Bureau's salaries and expenses account—\$21.3 million (8.2%) above the \$259.0 million FY2010 amount—and \$986.4 million for the periodic censuses and programs account—\$6.079 billion (86.0%) lower than the \$7.066 billion for FY2010.

The periodics account funds the Bureau's most expensive program, the decennial census. The large decrease in the FY2011 periodics request reflects the fact that the Bureau is to complete its most costly 2010 census operations by the end of FY2010. Among other major activities during FY2011, the Bureau is to process and deliver House reapportionment data to the President by December 31, 2010; deliver redistricting data to the states by March 31, 2011; begin providing new census data for federal funds distribution; and complete the fieldwork for the coverage measurement program, to assess census accuracy.

Although the 2010 census will collect only basic population data,¹⁷ the American Community Survey (ACS)—another part of the decennial program funded under the periodics account—gathers more extensive socioeconomic and housing information. The ACS samples almost

¹³ This section was written by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

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

¹⁵ 32 Stat. 51.

¹⁶ Of the \$7.325 billion for FY2010, \$100.0 million was to come from available unobligated balances of funds that were previously appropriated under the periodic censuses and programs account and would remain available until September 30, 2011.

¹⁷ The 2010 short form includes questions about the age, date of birth, sex, race, ethnicity (Hispanic or non-Hispanic), and number of persons in a housing unit; each person's relationship to the person filling out the form; and whether the unit is rented or owned by a household member.

250,000 housing units every month, or 2.9 million a year. The data are aggregated to produce annual, three-year, or five-year averages for places according to their population sizes.¹⁸ The ACS has replaced the census long form, which used to collect data from a sample of the population (about 17.0% in 2000) in the census year. The FY2011 request includes \$44.0 million for, among other purposes, increasing the yearly ACS sample size to 3.5 million housing units and thereby improving the reliability of the census-tract-level (small-area) estimates.

The Senate Appropriations Committee recommends \$1.245 billion for the Bureau in FY2011, \$6.080 billion (83.0%) below the amount enacted for FY2010 and \$22.3 million (1.8%) less than the budget request. The committee approved \$280.4 million for salaries and expenses, the same as requested. Periodic programs would receive \$964.1 million, a \$6.102 billion (86.4%) reduction from FY2010 and \$22.3 million (2.3%) less than the budget request. Under “General Provisions—Department of Commerce” in the Senate-reported bill, the periodics account would receive, in addition to \$964.1 million, another \$256,000 to enhance the capacity of the Department’s acquisitions workforce. Moreover, Senate Appropriations Committee noted the high cost of the 2010 census, estimated at almost \$14.800 billion (exceeding the 2000 census cost, \$8.200 billion in constant 2010 dollars,¹⁹ by about 81.0%), and directed the Bureau to give the committee, within 90 days of the bill’s enactment, a report including a 10-year strategic and budgetary plan for a 2020 census that would be less expensive than the 2010 or 2000 enumerations and would describe any anticipated challenges to meeting this goal.

National Telecommunications and Information Administration (NTIA)²⁰

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.

For FY2011, the Administration requests \$21.825 million for Salaries and Expenses, a 9.1% increase over the \$20.0 million appropriated for that category in FY2010. Approximately \$1.0 million of the requested increase is to bolster research in spectrum-sharing technologies that would improve the efficiency of radio frequency spectrum. Other program efforts will seek to

¹⁸ Annual averages of ACS data are available for areas with at least 65,000 persons; three-year averages for areas with 20,000 or more persons; and, beginning in 2010, five-year averages for areas of fewer than 20,000 persons.

¹⁹ U.S. Government Accountability Office, *2010 Census: Census Bureau Should Take Action to Improve the Credibility and Accuracy of Its Cost Estimate for the Decennial Census*, GAO-08-554, June 16, 2008, p. 7.

²⁰ This section was written by Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, CRS Resources, Science, and Industry Division.

increase the availability of spectrum for wireless broadband, in support of the Administration's goals for national broadband, and to work with the Federal Communications Commission on developing a plan for spectrum availability over the next 10 years.

The appropriations request announced the intention of discontinuing the Public Telecommunications and Facilities Planning and Construction (PTFPC) program, a separate budget category. The PTFPC funds grants for public broadcasting activities; the appropriations request reports that funds are available for this purpose from other sources. In FY2010, Congress appropriated \$20.0 million for PTFPC. During FY2011, the NTIA will continue to oversee several programs funded from prior-year receipts through the Digital Television Transition and Public Safety Fund.

The Senate Appropriations Committee approved \$57.8 million for FY2011, including \$20.0 million for PTFPC and \$21.8 million for Salaries and Expenses. The total amount is \$12.3 million above the budget request and \$17.8 above the enacted level for FY2010. The budget request includes \$24.0 million for administration of the Broadband Technology Opportunities Program (BTOP), a grant program intended to spur economic recovery through broadband telecommunications development projects. The Senate Appropriations Committee would provide \$16.0 million for BTOP.

U.S. Patent and Trademark Office (USPTO)²¹

The USPTO (the Office) examines and approves applications for patents on claimed inventions and administers the registration of trademarks. It also helps other federal departments and agencies 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.

The Administration's FY2011 request would provide the USPTO with \$2.322 billion in budget authority, 23.1% above the FY2010-enacted amount of \$1.887 billion. Up to \$100.0 million in additional fees collected above the \$2.322 billion in FY2011 is to remain available for use by the Office. The budget proposal also recommends that past fee increases remain in effect, that a 15.0% surcharge be leveled on fees charged or authorized, and that the fees generated by the surcharge be designated for use only by the USPTO.

The Senate Appropriations Committee would also provide \$2.322 billion in budget authority to the USPTO, an increase of 23.1% over the FY2010 figure. Any fees collected in excess of \$2.322 billion during FY2011, up to \$100.0 million, are to remain available to the USPTO until expended. The bill would require that past fee increases remain in effect and creates a new 15.0% surcharge on current fees. The amount collected as a result of the surcharge is to be provided to the USPTO "without fiscal year limitation, for all authorized activities and operations of the Office."

The ability of the USPTO to use all fees collected during a given fiscal year has been of ongoing congressional interest. Until recently, appropriation measures limited USPTO use of these fees. Proponents of this approach claim that the Office has been given sufficient financial support to

²¹ This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

operate and that the existing process provides necessary financing for other programs in the relevant budget category given budget scoring practices and the caps placed upon the Committees on Appropriations.

However, many in the community that pay the fees to maintain and administer intellectual property disagree with this assessment. Critics argue that, over time, significant portions of the fees collected were not returned to the USPTO because of the ceilings established by the appropriations process and the inability of the Office to use the fees on a dollar-for-dollar basis. They maintain that all fees are necessary to cover actual, time-dependent activities at the USPTO and that the ability of the appropriators to limit funds diminishes the efficient and effective operation of the Office.

National Institute of Standards and Technology (NIST)²²

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 pre-competitive, generic technologies and the diffusion of government-developed technological advances to users in all segments of the American economy. NIST research also provides the measurement, calibration, and quality assurance techniques that underpin U.S. commerce, technological progress, improved product reliability, manufacturing processes, and public safety.

The Administration's FY2011 budget proposes \$918.9 million in funding NIST, a 7.3% increase over the \$856.6 appropriated for FY2010. Support for in-house research and development (R&D) under the Scientific and Technical Research and Services (STRS) account (including the Baldrige National Quality Program) would increase 13.5% from the current fiscal year figure of \$515.0 million to \$584.5 million. The Manufacturing Extension Partnership (MEP) program would receive \$129.7 million, 4.0% more than the \$124.7 million appropriated for FY2010. Financing for the Technology Innovation Program (TIP) would increase 14.3% over FY2010 funding of \$69.9 million to \$79.9 million, while the construction budget would decline 15.1% from \$147.0 million to \$124.8 million.

The Senate Appropriations Committee would provide NIST \$940.8 million for FY2011, a 9.8% increase over FY2010 and 2.4% more than the amount contained in the Administration's budget. The \$584.5 million proposed for the STRS account and the \$129.7 million for MEP are identical to the President's request and respectively reflect a 13.5% and a 4.0% increase from the current fiscal year. Funding for TIP would remain at the FY2010 level of \$69.9 million, which is 12.5% below the Administration's proposal. Support for construction would total \$156.7 million, 6.6% more than the FY2010 figure and 25.6% more than the figure contained in the President's budget.

Continued support for NIST extramural programs (currently MEP and TIP) 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 appropriations for several of these NIST activities. The Advanced Technology Program (ATP) and the Manufacturing Extension Partnership, which accounted for more than 50% of the FY1995 NIST budget, were

²² This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

proposed for elimination at various times by the House and Senate. In 2007, ATP was terminated and replaced by the Technology Innovation Program.

While much of the legislative debate has focused on extramural efforts, 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 George W. Bush in the 2006 State of the Union address, 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). In April 2009, the current President stated his decision to double the budget of key science agencies, including NIST, over the next 10 years. 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 programs such as TIP and MEP.

National Oceanic and Atmospheric Administration (NOAA)²³

The National Oceanic and Atmospheric Administration (NOAA) conducts scientific research in areas such as ecosystems, climate, global climate change, weather, and oceans; supplies information on the oceans and atmosphere; and conserves coastal and marine resources. 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 five line offices, which 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); and the Office of Oceanic and Atmospheric Research (OAR). In addition to NOAA’s five line offices, Program Support (PS), a cross-cutting budget activity, includes the NOAA Education Program, Corporate Services, Facilities, and the Office of Marine and Aviation Services (OMAO).

The Administration requests \$5.544 billion for NOAA’s FY2011 budget. The request is 17.0% or \$806.0 million more than the FY2010-enacted amount of \$4.738 billion. NOAA’s budget is divided into two main accounts, Operations Research and Facilities (ORF) and Procurement, Acquisition, and Construction (PAC). The Administration proposes funding ORF at \$3.303 billion and PAC at \$2.184 billion. Nearly all of the requested increase would fund the PAC account for NESDIS activities related to satellite programs.

The Senate Appropriations Committee would provide NOAA \$5.546 billion for FY2011, a total that is nearly the same as the Administration’s and a 17.1% increase over FY2010. The \$3.389 billion proposed for the ORF account would result in an \$81.0 million increase from the FY2010 level and an \$86.0 million increase over the President’s request. The \$2.085 billion proposed for the PAC account is \$99.0 million less than the President’s request, but it would increase funding by \$727.0 million relative to the FY2010 level of \$1.358 billion, an increase of nearly 54%.

One of NOAA’s priorities is to support NESDIS to ensure continuity of satellite operations and to provide coverage for weather forecasts and climate measurements. The Administration would

²³ This section was written by Harold F. Upton, Natural Resources Policy Analyst, CRS Resources, Science, and Industry Division.

increase FY2011 funding for NESDIS by nearly \$810.0 million (58%). The FY2011 budgets of other NOAA line offices would be decreased or provided modest increases. For example, the FY2011 Administration request would decrease the NMFS budget by \$15.8 million (1.5%). Congress might consider whether there is a need to reassess the Administration's funding priorities in light of the challenges NMFS faces, such as restoring habitat, rebuilding fish populations, and developing catch share programs.

Department of Justice²⁴

Established by an act of 1870²⁵ with the Attorney General at its head, DOJ 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 DOJ 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.

²⁴ 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.

²⁵ 28 U.S.C. 501

- *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.
- *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.²⁶

FY2011 Appropriations

For FY2011, the Administration's request includes almost \$29.737 billion for DOJ (as shown in **Table 3**), which includes \$8.265 billion for the FBI, \$2.13 billion for the DEA, \$1.163 billion for the ATF, \$6.806 billion for BOP, and \$2.07 billion for OJP. The FY2011 request would represent an increase of \$1.659 billion compared with the FY2010-enacted appropriation of \$28.078 billion. This 5.9% proposed increase in funding is largely reflected in proposed increases for BOP, FBI, DEA, and Legal Activities, including additional amounts for the U.S. Attorneys and fees and expenses for the Witness Security Program. The President's FY2011 budget request also proposes notable funding reductions among several accounts, including State and Local Law Enforcement Assistance (-3.7%), Juvenile Justice (-31.6%), COPS (-12.8%), and proposes eliminating the Weed and Seed program.

The Senate Appropriations Committee recommends \$29.896 billion for FY2011 (as shown in **Table 3**). This amount exceeds the FY2010-enacted appropriation by \$1.818 billion (6.5%) and the President's request by almost \$159.6 million (0.5%). The committee's recommendation would generally increase FY2011 funding for most DOJ agencies and accounts compared to FY2010-enacted appropriation amounts, most notably for General Administration (10.1%), National Security Division (13.2%), BOP (10%), OVW (16.6%), and OJP (14.9%). The committee, however, also recommends reductions in FY2011 funding from FY2010-enacted levels for the COPS program (20.9%) and would eliminate funding for the Weed and Seed program under OJP. Compared to the FY2011 request, the committee's recommendation includes increases over the requested levels for OVW (11.4%), OJP (26.7%), and Juvenile Justice programs (68.6%).

²⁶ 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).

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

Accounts	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
General Administration	\$2,276.7	\$2,593.3		\$2,505.9	
General Administration	456.9	655.4		566.9	
Administrative Review & Appeals	296.7 ^a	315.2		315.4	
Detention Trustee	1,438.7 ^b	1,533.9		1,533.9	
Office of the Inspector General	84.4	88.8		89.8	
U.S. Parole Commission	12.9	13.6		13.6	
Legal Activities	3,085.2	3,402.3		3,384.3	
General legal activities	875.1 ^c	976.4		963.4	
United States Attorneys	1,934.0 ^d	2,041.3		2,036.3	
Other ^e	276.1	384.6		384.6	
United States Marshals Service	1,152.4 ^f	1,207.2		1,217.2	
National Security Division	87.9	99.5		99.5	
Interagency Law Enforcement	528.6 ^g	579.3		574.3	
Federal Bureau of Investigation	7,898.5 ^h	8,264.7		8,264.7	
Drug Enforcement Administration	2,019.7 ⁱ	2,130.1		2,130.1	
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,120.8 ^j	1,163.0		1,163.0	
Federal Prison System	6,188.1 ^k	6,806.2		6,806.2	
Office on Violence Against Women	418.5	438.0		488.0	
Office of Justice Programs	2,283.5	2,069.9		2,623.3	
Justice Assistance	235.0	224.3		346.0	
State and Local Law Enforcement Assistance	1,534.8	1,478.5		1,510.5	
Weed and Seed	20.0	—		—	
Juvenile Justice Programs	423.6	289.8		489.6	
Public Safety Officers Benefits	70.1	77.3		77.3	
Community Oriented Policing Services	791.6	690.0		626.0	
OVW, OJP, and COPS Salaries and Expenses	213.4	279.4		—	
Total: Department of Justice	28,077.7	29,736.5		29,896.1	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-reported amounts were taken from S.Rept. 111-229.

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

- a. This amount does not include the \$2.1 million in supplemental funding appropriated pursuant to P.L. 111-230 for Administrative Review and Appeals.
- b. This amount does not include the \$7.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Office of the Federal Detention Trustee.
- c. This amount does not include the \$10.0 million in supplemental funding appropriated pursuant to P.L. 111-212 and the \$3.9 million in supplemental funding appropriated pursuant to P.L. 111-230 for General Legal Activities.
- d. This amount does not include the \$9.2 million in supplemental funding appropriated pursuant to P.L. 111-230 for the U.S. Attorneys.
- e. 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.
- f. This amount does not include the \$37.7 million in supplemental funding appropriated pursuant to P.L. 111-230 for the U.S. Marshals.
- g. This amount does not include the \$21.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for Interagency Law Enforcement.
- h. This amount does not include the \$24.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Federal Bureau of Investigation.
- i. This amount does not include the \$33.7 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Drug Enforcement Administration.
- j. This amount does not include the \$37.5 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
- k. This amount does not include the \$20.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Federal Prison System.

General Administration

The General Administration account provides funds for salaries and expenses for the Attorney General's office, the Inspector General's office, and other programs designed to ensure that the collaborative efforts of DOJ agencies are coordinated to help fight crime as efficiently as possible. The Administration's request includes \$2.593 billion for FY2011. This amount is \$316.6 million more than the enacted FY2010 appropriation of almost \$2.277 billion, an increase of 13.9%. The Senate Appropriations Committee recommends nearly \$2.506 billion for FY2011. This is almost \$229.3 million (10.1%) greater than the FY2010-enacted appropriation, but almost \$87.4 million (3.4%) less than the Administration's request. 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 FY2011 budget request includes \$655.4 million, an increase of almost \$198.5 million (or 43.4%) over the FY2010 appropriation of \$456.9 million. The Senate Appropriations Committee-recommended amount includes almost \$566.9 million for FY2011. This is \$109.9

million (or 24.1%) more than the FY2010-enacted appropriation, but almost \$88.6 million (or 13.5%) less than that requested by the Administration.

As part of the FY2011 request, the Administration is proposing an additional \$72.8 million to fund activities related to DOJ's prosecution of the alleged 9/11 terrorists. The Senate Appropriations Committee recommendation does not include this funding, citing that the Administration has not yet submitted a plan to prosecute these cases.

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's) efforts to secure the nation's borders. The EOIR handles these matters, and the OPA receives and reviews petitions for executive clemency. For FY2010, Congress appropriated nearly \$296.7 million for ARA. The Administration's request includes \$315.2 million for ARA funding for FY2011. The requested amount exceeds the FY2010 funding level by \$18.5 million, representing an increase of 6.2%. The Senate Appropriations Committee-recommended amount includes \$315.4 million for ARA funding in FY2011. This is \$18.7 million (6.3%) more than the FY2010 funding level and \$0.2 million (0.1%) more than the Administration's request.

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 request includes \$11.0 million to enhance Immigration Judge Teams and Board of Immigration Appeals attorneys as part of the Department of Homeland Security's Secure Communities Initiative. The Senate Appropriations Committee recommendation references the growing caseload of the Executive Office for Immigration Review and includes this requested funding.

Office of the Federal Detention Trustee (OFDT)

The OFDT provides overall management and oversight for federal detention services relating to federal prisoners in nonfederal institutions or otherwise in the custody of the U.S. Marshals Service. The FY2011 budget request includes almost \$1.534 billion for OFDT. This amount is \$95.2 million (6.6%) more than the FY2010 appropriation of almost \$1.439 billion. The increase in detainee operation costs is reportedly linked to the detention of illegal immigrants along the Southwest border. The Senate Appropriations Committee-recommended amount includes the nearly \$1.534 billion for OFDT that the Administration is requesting for FY2011.

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's request includes \$88.8 million for the OIG in its FY2011 budget. This amount is \$4.4 million greater than the almost \$84.4 million appropriated by Congress for FY2010 and represents a 5.2% increase in funding for FY2011. The Senate Appropriations Committee-recommended amount includes nearly \$89.8 million for the OIG for FY2011. This is \$5.4 million (6.4%) greater than the FY2010-enacted funding and \$1.0 million (1.1%) more than the Administration's request.

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 FY2011, the President's budget request includes almost \$13.6 million for the Parole Commission, an increase of nearly \$0.7 million (5.6%) compared with the FY2010 appropriation of almost \$12.9 million. The Senate Appropriations Committee-recommended amount includes the nearly \$13.6 million for the Parole Commission that the Administration is requesting for FY2011.

Legal Activities

The Legal Activities account includes several subaccounts: general legal activities, U.S. Attorneys, and other legal activities. The President's FY2011 budget request includes \$3.402 billion for the Legal Activities account, or 10.3% more than the FY2010-enacted appropriation of \$3.085 billion. The Senate Appropriations Committee's recommended funding level is \$3.384 billion for FY2011. This amount is \$299.0 million (9.7%) more than the FY2010-enacted appropriation but \$18.0 million (0.5%) less than the Administration's FY2011 request. Some of the Legal Activities subaccounts are described below.

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). The Administration's FY2011 request proposes \$976.4 million for General Legal Activities, \$101.3 million more than the enacted FY2010 appropriation of \$875.1 million. The requested amount would increase FY2011 funding by 11.6% more than FY2010-enacted appropriation level. The Senate Appropriations Committee-recommended amount includes \$963.4 million for FY2011 for General Legal Activities, an amount that is nearly \$88.3 million, or 10.1%, more than FY2010-enacted levels, although it is \$13.0 million (1.3%) less than the FY2011 request.

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. The President's FY2011 budget proposal includes \$2.041 billion for the salaries and expenses of the U.S. Attorneys. This amount reflects an increase of 5.5%, or almost \$107.3 million over the enacted FY2010 funding level of \$1.934 billion. The Senate Appropriations Committee recommends \$2.036 billion, almost \$102.3 million (5.3%) more than FY2010-enacted levels, although \$5.0 million (0.2%) below the FY2011-requested level.

Other Legal Activities

Other Legal Activities includes 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 FY2011, the Administration's request includes \$370.6 million for Other Legal Activities, \$94.5 million, or 34%, more than FY2010 funding of \$276.1 million. The Senate Appropriations Committee-recommended amount includes \$384.6 million. This amount reflects an increase of \$108.4 million (39.3%) more than the FY2010-enacted appropriation, and an amount equal to the Administration's FY2011 request.

U.S. Marshals Service (USMS)

The USMS is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. The President's FY2011 budget request includes \$1.207 billion for the USMS. The requested amount exceeds the FY2010-enacted appropriation of \$1.152 billion by \$54.8 million, or 4.8%. The Senate Appropriations Committee recommends \$1.217 billion for the FY2011 USMS appropriation. This amount reflects an increase of \$64.8 million (5.6%) over FY2010-enacted levels, and \$10 million (0.8%) more than the FY2011 request.

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. 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 to ensure that criminal intelligence information is shared, as appropriate.

For FY2011, the President's request includes \$99.5 million for the NSD, a proposed increase of nearly \$11.6 million (13.2%) compared with FY2010 funding (\$87.9 million). The Senate Appropriations Committee recommends the same FY2011 funding level as the Administration's budget request.

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 USMS; 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.

For FY2011, the Administration proposes \$579.3 million for OCDEF. The proposed FY2011 funding level would exceed the FY2010-enacted funding level of \$528.6 million by almost \$50.8 million, or 9.6%. The Senate Appropriations Committee-recommended amount includes \$574.3 million for OCDEF for FY2011. This amount is almost \$45.8 million (8.7%) more than the appropriated funding for FY2010, but it is \$5.0 million (0.9%) less than the amount requested by the Administration.

As mentioned, in response to concerns that the escalating drug trafficking-related violence in Mexico could spread into the United States, the Administration request includes \$37.3 million to enhance enforcement and prosecution activities as part of the Southwest Border Enforcement Initiative. Among other things, the funding would enhance USMS support of Mexican and Colombian fugitive apprehension activities, expand OCDEF's co-located strike forces, expand the capacity of the OCDEF fusion center, provide funding to the Southwest Border Threat Response Unit for the review of Title III wiretap applications, and provide additional attorneys for Southwest border districts. The Senate Appropriations Committee's recommendation includes the requested \$176.1 million for 158 new positions created through the Southwest Border Enforcement Initiative.

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 its efforts to focus on preventing terrorism and related criminal activities. From FY2001 through FY2010, Congress has more than doubled the direct appropriation for the FBI's salaries and expenses (S&E) account, from \$3.32 billion to \$7.659 billion, or a 130.7% increase.

The President's FY2011 budget request includes \$8.083 billion for the FBI salaries and expenses account, an increase of \$425 million, or 5.5%, compared with the FY2010-enacted appropriation. This proposed increase includes \$215.5 million (over base), which includes \$232.8 million in budget enhancements offset by \$17.3 million in reductions. The requested FY2011 budget enhancements include the following:

- \$45.9 million for cyber security (computer intrusions);
- \$25.2 million for national security (counterterrorism and counterintelligence);
- \$25.1 million for operational enablers, who will address FBI shortfalls in information technology and other areas of technical expertise;
- \$9.1 million for weapons of mass destruction (WMD) countermeasures;
- \$40 million for WMD response and render safe capabilities;
- \$75.3 million for white collar crime investigations;
- \$10.8 million for child exploitation investigations;
- \$952 thousand for modernizing U.S. law enforcement's approach to international organized crime; and
- \$328 thousand for crime in Indian country.

The FY2011 request also includes a proposal to transfer \$19.0 million from the Department of the Interior to the FBI to address crime in Indian country. For construction, the FY2011 request includes \$181.2 million, bringing the total FBI FY2011 request to \$8.265 billion, an increase of \$366.1 million, or 4.6%, compared with the total FY2010-enacted appropriation of \$7.899 billion. For FY2010, Congress appropriated \$239.9 million for FBI construction projects. The Senate-reported FY2011 CJS appropriations bill matches the Administration's request.

Shifting Budget Allocations: FY2003 to FY2010, and FY2011 Request

From FY2003 to FY2010, 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.²⁷ For those years, the allocations for national security from the salaries and expenses account increased from \$2.107 billion (46.0%) to \$4.762 billion (62.2%). The FY2011 request includes a proposed allocation of \$5.015 billion (62.0%) for FY2010 for national security activities.

At the same time, as a percentage of S&E funding, the allocations for criminal enterprises and federal crimes (traditional crime) decreased from \$2.199 billion (48.0%) to \$2.471 billion (32.3%). 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).²⁸ The FY2011 request includes a proposed allocation of \$2.642 billion (32.7%) for traditional crime.

Meanwhile, as a percentage of S&E funding, the allocations for criminal justice services decreased from \$275.0 million (6%) for FY2003 to \$424.0 million (5.5%) for FY2010. The FY2011 request includes a proposed allocation of \$416.5 million (5.3%) for criminal justice services.

National Security

The FBI's lead strategic goals are to prevent, disrupt, and defeat terrorist operations before they occur, and to combat espionage against the United States. To advance these goals, the FBI FY2011 salaries and expenses request includes \$5.015 billion. As described above, the FY2011 request includes funding increases to meet several national security threats, including terrorism, WMDs, foreign intelligence, and cybercrime. The request includes a \$25.2 million increase for national security operations. It also includes a \$49.1 million increase for WMD-related response and render safe operations, bringing total funding for these purposes to \$501.2 million for FY2011.

²⁷ There are no publicly 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>.

²⁸ 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.

Crime Control

The FBI's secondary strategic goal is to reduce the threat, incidence, and prevalence of crime. To advance this goal, the FY2011 salaries and expenses request includes \$2.642 billion. Requested crime control increases include a \$75.3 million increase for white collar crime. This amount includes \$44.8 million to make 211 positions funded with supplemental funding for FY2009/FY2010 permanent. These positions and associated funding were provided by Congress to address the following:

- mortgage and sub-prime industry related fraud;
- Emergency Economic Stabilization Act of 2008 (EESA) Troubled Asset Relief Program (TARP) criminal abuse and fraud; and
- Housing and Economic Recovery Act (HERA) fraud.

The requested increase also includes increases of \$16.7 million for corporate fraud investigations, \$10 million for securities and commodities fraud (Ponzi and other high-yield investment schemes), and \$3.8 million for block grant abuse and fraud against the U.S. government. The \$75.3 million increase would bring total funding for white collar crime to \$453.7 million for FY2011.

In addition, the FY2011 request includes increases for child exploitation and Indian country crime. The request includes \$10.8 million to bolster investigations against child prostitution, sex tourism, and pornography. This increase would bring total funding dedicated to child exploitation investigations to \$333.2 million for FY2011. The request includes \$328,000 for two forensic examiners to support Indian country investigations. This increase would bring total funding for the violent crime/gangs program to \$224.5 million.

Cyber Program

On the national security side of the FBI's mission, the FBI cyber program covers counterterrorism- and counterintelligence-related computer intrusion investigations. On the crime side, the program covers intellectual property rights, copyright infringements involving computer software, credit/debit card fraud, identity theft, and child exploitation investigation related to the criminal use of computers. The FBI underscored that terrorist groups, hostile foreign intelligence services, and transnational criminal organizations are a grave threat to U.S. economic security. Such groups have compromised computer networks; stolen classified, proprietary, and sensitive information; manipulated critical data; and perpetuated fraud. To expand FBI investigative capabilities related to computer intrusions, the FY2011 request includes a \$45.9 million increase, which would bring total funding for this program to \$181.8 million for FY2011.

Operational Enablers

The FBI is relying increasingly on information technology specialists, analysts, scientists, and other professional staff to support investigative personnel assigned to national security and crime-fighting programs. The FY2011 request includes a \$25.1 million increase to hire additional professional staff, who would provide forensic support, intelligence collection and management, and other support. This increase would bring total funding for operational enablers to \$812.7 million for FY2011.

Drug Enforcement Administration (DEA)

The DEA is the only single-mission federal agency tasked with enforcing the nation's controlled substance laws in order to reduce the availability and abuse of illicit drugs and the diversion of licit drugs for illicit purposes. DEA's enforcement efforts include the disruption and dismantling of drug trafficking and money laundering organizations through drug interdiction and seizures of illicit revenues and assets derived from these organizations. DEA continues to face evolving challenges in limiting the supply of illicit drugs as well as reducing drug trafficking across the Southwest border with Mexico into the United States. DEA continues to play a key role in the Administration's Southwest Border Initiative to counter drug-related border violence, focusing on the convergent threats of illegal drugs, drug-related violence, and terrorism in the region.

For FY2011, the President's budget request includes \$2.13 billion for DEA. The requested amount represents an increase of \$110.4 million, or 5.5% more than FY2010-enacted appropriations of almost \$2.02 billion. The President's FY2011 budget request for DEA includes the following:

- \$12.3 million to expand and reinforce DEA's operations on the Southwest border and in Mexico, of which \$1.5 million would be for improving the technological capacity of the El Paso Intelligence Center (EPIC), DEA's national tactical intelligence-sharing organization focusing on the Southwest border;
- \$41.9 million to provide construction funding to expand and renovate the existing EPIC facility, which currently houses employees from 22 federal, state and local agencies;
- \$33.5 million to address staffing shortfalls at DEA for the Diversion Control Program's enforcement and regulatory support;
- \$5.2 million to expand and enhance DEA's information-sharing capacity with the intelligence community and other law enforcement agencies to strengthen DEA's efforts to reduce the supply of illegal drugs, protect national security, and combat global terrorism; and
- \$3.0 million to support the Prescription Drug Monitoring Program (PDMP) initiative at the Office of National Drug Control Policy (ONDCP).

The Senate Appropriations Committee recommends the same FY2011 funding level for DEA as included in the Administration's FY2011 budget request. The committee further specifies that \$10.0 million be provided for assisting state, local, and tribal law enforcement agencies with the removal and disposal of toxic materials found in relation to the illegal manufacture of methamphetamine (also commonly referred to as the Meth Hot Spots program). The committee recommends full funding of the Diversion Control program of \$291.8 million, which includes an increase of \$40.0 million for expanding the forensic support of diversion cases. In addition, the committee recommends \$8.6 million for DEA's Special Operations Division to create a third Terrorism Investigations Unit for investigating and prosecuting narco-terrorists in Afghanistan.

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. From FY2001 through FY2010, Congress has increased the direct appropriation for the ATF, from \$771.0 million to \$1.121 billion, a 45.4% increase.

The President's FY2011 budget request includes \$1.163 billion for ATF, an increase of \$42.2 million, or 3.8%, compared with the FY2010-enacted appropriation. Proposed increases (over base) include \$11.8 million for Project Gunrunner²⁹ and \$1.2 million for Emergency Support Function #13 (ESF 13), the Public Safety and Security Annex to the National Response Framework (NRF).³⁰ The NRF sets broad responsibilities and lines of authority for federal agencies in the event of a national emergency or major disaster. Under the NRF, the Attorney General is responsible for ESF-13, which entails all hazards law enforcement planning and coordination for the entire United States and its territories. The Attorney General, in turn, has delegated his responsibility for ESF-13's implementation to the ATF. The Senate-reported bill matches the Administration's request.

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 system.³¹ The mission of BOP is to protect society by confining offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities for inmates so that they can become productive citizens after they are released.³² BOP currently operates 115 correctional facilities across the country.³³ BOP also contracts with Residential Re-entry Centers (RRC) (i.e., halfway houses) to provide assistance to inmates nearing release.³⁴ RRCs provide inmates with a structured and supervised environment along with employment counseling, job placement services, financial management assistance, and other programs and services.³⁵

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

²⁹ For further information on Operation Gunrunner, see CRS Report R40733, *Gun Trafficking and the Southwest Border*, by Vivian S. Chu and William J. Krouse.

³⁰ For more information, see CRS Report RL34758, *The National Response Framework: Overview and Possible Issues for Congress*, by Bruce R. Lindsay.

³¹ U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

³² U.S. Department of Justice, Bureau of Prisons, *Mission and Vision of the Bureau of Prisons*, <http://www.bop.gov/about/mission.jsp>.

³³ U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

³⁴ U.S. Department of Justice, Bureau of Prisons, *Community Corrections*, <http://www.bop.gov/locations/cc/index.jsp>.

³⁵ *Ibid.*

the amount of revenue generated by the Federal Prison Industries (FPI)³⁶ 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.

For FY2011, the Administration requests a total of \$6.806 billion for BOP, which includes \$6.534 billion for the S&E account and \$269.7 million for the B&F account. The FY2011 request is \$618.1 million above the FY2010-enacted amount of \$6.188 billion, representing a proposed increase of 10.0% for FY2011. The proposed amount for the S&E account is \$447.5 million more than the FY2010-enacted amount of \$6.086 billion, and the proposed funding for the B&F account is \$170.6 million more than the FY2010-enacted amount of \$99.2 million. The Senate Appropriations Committee recommends a total of \$6.806 billion for BOP, the same as the Administration's request. The Senate Appropriations Committee-recommended amount includes \$6.534 billion for the S&E account and \$269.7 million for the B&F account, both of which are the same as the Administration's request.

The growing federal prison population and prison crowding continue to be a major concern for BOP. Over the past decade, the number of inmates held in BOP facilities grew from 125,560 in 2000 to 172,423 in 2009.³⁷ During that same time period, prison crowding grew from 32% over rated capacity to 37% over rated capacity, even though the number of facilities operated by BOP increased from 97 to 115. The Administration has requested \$66.9 million for the S&E account and \$170.0 million for the B&F account to acquire, renovate, and operate a high-security prison in Thomson, IL. According to BOP, the Thomson prison would add up to 1,600 additional high-security beds to the federal prison system.³⁸ In addition, the facility has already been built, so acquiring the facility would increase BOP's capacity in a shorter period of time than constructing a new facility. However, the facility in Thomson has also been identified as a facility that might be used to house Guantanamo Bay detainees, should they be brought to the United States and tried in civilian courts.³⁹ One issue Congress might consider is whether to allow BOP to acquire the Thomson prison if Congress chooses to prohibit DOJ from using any of its FY2011 appropriations to bring Guantanamo Bay detainees to the United States.⁴⁰ The Senate Appropriations Committee includes funding in BOP's B&F account for acquiring and renovating an existing prison facility to help alleviate prison overcrowding in the federal system. However, the Senate Committee-reported bill includes a provision that prevents any federal agency from using funding to house and prosecute Guantanamo Bay detainees in the United States, unless it is pursuant to a plan submitted to Congress regarding the proposed disposition of any Guantanamo Bay detainees the Administration intends to bring to the United States for trial.

³⁶ For more information on FPI, see CRS Report RL32380, *Federal Prison Industries*, by Nathan James.

³⁷ Data provided to CRS from the U.S. Department of Justice, Bureau of Prisons.

³⁸ U.S. Department of Justice, Bureau of Prisons, *FY2011 Performance Budget, Congressional Submission, Salaries and Expenses*, p. 72.

³⁹ Keith Perine, "Budget Proposes \$237 Million for Prison to House Guantánamo Detainees," *Congressional Quarterly*, February 1, 2010, CQ Today Online News-Budget.

⁴⁰ Section 532 of the Consolidated Appropriations Act, 2010 (P.L. 111-117) placed restrictions on the use of funds for releasing into the United States, the District of Columbia, or U.S. territories, any individual who was detained, as of June 24, 2009, at the Guantánamo Bay detention facility.

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.

The Administration's request for OVW for FY2011 is \$438.0 million, which is \$19.5 million, or 4.7%, more than the FY2010-enacted amount of \$418.5 million. The Senate Appropriations Committee recommends \$488.0 million for OVW, which includes \$20.0 million for OVW salaries and expenses. The Senate Appropriations Committee-recommended amount is \$69.5 million, or 16.6%, greater than FY2010-enacted funding, and it is \$50.0 million, or 11.4%, greater than the Administration's FY2011 request.

Table 4. Funding for OVW Programs
(budget authority in millions of dollars)

Program	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
STOP Grants	\$210.0	\$187.5		\$207.0	
National Institute of Justice (R&D)	3.0	—		—	
Transitional Housing Assistance	18.0	—		—	
National Institute of Justice (R&D)	—	3.0		3.0	
Transitional Housing Assistance	—	25.0		40.0	
Grants to Encourage Arrest Policies	60.0	47.5		45.0	
Rural Domestic Violence Assistance Grants	41.0	41.0		38.0	
Violence on College Campuses	9.5	9.5		9.5	
Civil Legal Assistance	41.0	50.0		50.0	
Sexual Assault Victims Services	15.0	30.0		30.0	
Elder Abuse Grant Program	4.3	4.3		4.3	
Safe Havens Project	14.0	14.0		14.0	
Education and Training for Disabled Female Victims	6.8	6.8		6.8	
Court Training and Improvement	3.0	4.0		3.0	
Services for Children/Youth Exposed to Violence	3.0	3.0		3.0	
Advocates for Youth/ Services for Youth Victims	3.5	3.5		3.5	
National Tribal Sex Offender Registry	1.0	1.0		1.0	
Engaging Men and Youth in Prevention	3.0	3.0		3.0	
National Resource Center on Workplace Responses	1.0	1.0		1.0	
Supporting Teens Through Education and Protection	2.5	—		3.0	
Research on Violence Against Indian Women	—	3.0		2.0	
National Clearinghouse for Issues Related to Sexual Assault Against Indian Women	—	0.5		0.5	
Regional Summits on Violence Against Women in Indian Country	—	0.5		0.5	
Total: OVW	418.5	438.0		468.0	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-reported amounts were taken from S.Rept. 111-229.

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

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.

The Administration requests a total of \$2.07 billion for OJP for FY2011. The FY2011 request would be 9.4% less than the FY2010-enacted amount of \$2.284 billion. Most of the funding reductions come from proposed cuts to the State and Local Law Enforcement Assistance and Juvenile Justice Programs accounts, along with the proposed elimination of the Weed and Seed account. The Senate Committee-reported bill includes a total of \$2.623 billion for OJP, which includes \$200.0 million for OJP's salaries and expenses. The amount recommended by the Senate Appropriations Committee would represent a 14.9% (\$339.9 million) increase over the FY2010-enacted amount and a 26.7% (\$553.4 million) increase over the Administration's request.

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 FY2011, the Administration requests a total of \$224.3 million for the Justice Assistance account—a proposed reduction of 4.6% compared with the FY2010-enacted amount of \$235.0 million. The Senate Appropriations Committee recommends \$346.0 million for the Justice Assistance account for FY2011. The recommended amount is 47.2% greater than the FY2010-enacted amount and 54.3% greater than the Administration's request. The increased funding for the Justice Assistance is explained by the Senate Appropriations Committee's proposal to include funding for DNA, forensic, and criminal record improvement programs as a part of the Justice Assistance account. In FY2010, funding for DNA programs were included as a part of the Community Oriented Policing Services (COPS) account, and funding for forensic and criminal record improvement programs were included as a part of the State and Local Law Enforcement Assistance account.

Table 5. Funding for Justice Assistance Programs
(budget authority in millions of dollars)

Program	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
Bureau of Justice Statistics	\$60.0	\$62.5		\$60.0	
National Institute of Justice	48.0	70.8		60.0	
Statewide Automated Victim Notification System	12.0	10.0		—	
Regional Information Sharing System	45.0	9.0		—	
Missing and Exploited Children	70.0	60.0		—	
Prosecute and Prevent Hate Crimes	—	6.0		6.0	
State and Local Help Desk and Diagnostic Center Program	—	6.0		—	
National Instant Criminal Background Check System Grants	—	—		10.0	
Criminal Records Upgrade	—	—		10.0	
Paul Coverdell Forensic Science Grants	—	—		30.0	
Stalking Database	—	—		3.0	
Evaluation Clearinghouse	—	—		1.0	
DNA Backlog Reduction	—	—		166.0	
Debbie Smith DNA Backlog Grants	—	—		151.0	
Post-conviction DNA Testing Grants	—	—		5.0	
Sexual Assault Nurse Examiners	—	—		5.0	
DNA Training and Education	—	—		5.0	
Total: Justice Assistance	235.0	224.3		346.0	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-reported amounts were taken from S.Rept. 111-229.

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

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’s request for this account for FY2011 is \$1.479 billion, or \$56.3 million (3.7%) less than the FY2010-enacted amount of \$1.535 billion. The Senate Committee-reported bill includes \$1.510 billion for the State and Local Law Enforcement Assistance account, an amount that is 1.6% below the FY2010-enacted amount but 2.2% greater than the Administration’s request.

Table 6. Funding for State and Local Law Enforcement Assistance Programs
(budget authority in millions of dollars)

Program	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
Byrne Memorial Justice Assistance Grants	\$519.0	\$519.0		\$520.0	
Transfer to the National Institute of Justice	5.0	5.0		5.0	
State and Local Intelligence Training	3.0	2.0		2.0	
State and Local Assistance Help Desk and Diagnostic Center	—	—		3.0	
Byrne Discretionary Grants	185.3	—		213.5	
Byrne Competitive Grants	40.0	30.0		40.0	
State Criminal Justice Reform and Recidivism Reduction	10.0	—		10.0	
John R. Justice Grant Program	10.0	—		10.0	
Tribal Assistance	50.0	—		50.0	
Detention Facilities	10.0	—		10.0	
Courts	25.0	—		25.0	
Alcohol and Substance Abuse	12.0	—		12.0	
Legal Assistance	3.0	—		3.0	
State Criminal Alien Assistance Program	330.0	330.0		300.0	
Southwest Border Prosecutions	31.0	—		20.0	
Northern Border Prosecutions	3.0	—		5.0	
Victims of Trafficking Grants	12.5	10.0		15.0	
Residential Substance Abuse Treatment	30.0	30.0		20.0	
Mentally Ill Offenders Act	12.0	—		11.0	
Drug Courts	45.0	—		45.0	
Prescription Drug Monitoring	7.0	—		—	
Prison Rape Prevention and Prosecution	15.0	5.0		5.0	
Justice for All—Capital Litigation/Wrongful Conviction Review	5.5	5.5		8.0	
Missing Alzheimer’s Patient Grants	2.0	—		2.0	
Economic, High-tech and Cybercrime Prevention	20.0	—		10.0	

Program	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
CASA-Special Advocates	15.0	10.0		—	
Training for Judicial Personnel	2.5	2.5		—	
Stalking Database	3.0	3.0		—	
Research on Violence Against Indian Women	1.0	—		—	
Training Program to Assist Probation and Parole Officers	3.5	3.5		3.5	
Closed Circuit Television Grants	1.0	—			
Second Chance Act	100.0	100.0		50.0	
Violent Gang and Gun Crime Reduction	15.0	—		—	
National Instant Criminal Background Check System Grants	20.0	10.0		—	
Criminal Records Upgrade	11.5	10.0		—	
Paul Coverdell Forensic Science Grants	35.0	30.0		—	
Drug, Mental Health, and Problem-solving Courts	—	57.0		—	
Initiative to Support Evidence-based Policing	—	10.0		5.0	
Assistance to Improve the Functioning of the Criminal Justice System	—	5.0		3.0	
Justice Information Sharing and Technology Program	—	15.0		7.5	
Adam Walsh Act	—	20.0		20.0	
Improve State, Local, and Tribal Probation Supervision Efforts	—	10.0		—	
Programs for Children Exposed to Violence	—	37.0		25.0	
Byrne Criminal Justice Innovation Program	—	40.0		20.0	
DNA-related and Forensic Programs	—	150.0		—	
Sex Offender Management Assistance	—	5.0		11.0	
Bullet-proof Vests Grant Program	—	30.0		30.0	
National Sex Offender Public Website	—	1.0		1.0	
Statewide Automated Victim Notification System	—	—		10.0	
Regional Information Sharing System	—	—		40.0	
Total: State and Local Law Enforcement	1,534.8	1,478.5		1,510.5	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-reported amounts were taken from S.Rept. 111-229.

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

One issue Congress might consider is whether it should—in light of a growing state prison population—increase funding for grants for alternatives to incarceration (e.g., drug and mental health courts) and recidivism reduction (e.g., the Residential Substance Abuse Treatment (RSAT) program and programs authorized by the Second Chance Act of 2007 (P.L. 110-199)). The Bureau of Justice Statistics (BJS) reports that the state prison population increased from approximately 1.3 million in 2000 to approximately 1.5 million in 2008.⁴¹ In addition, BJS reported that prison populations in 17 states exceed the state’s highest measured capacity and prisons in 19 other states are operating between 90% and 100% of their highest measured capacity.⁴² Increased use of drug and mental health courts may help alleviate prison crowding by diverting low-level offenders from prison while still holding them accountable for their crimes. The RSAT program and the programs authorized by the Second Chance Act could also assist states with decreasing their prison populations by helping reduce recidivism. For FY2011, the Administration has requested \$100.0 million for programs authorized by the Second Chance Act, \$30.0 million for the RSAT program, and \$57.0 million for drug, mental health, and problem-solving courts. The Senate committee-reported bill includes \$45.0 million for drug courts, \$11.0 million for mental health courts, \$20.0 million for RSAT, and \$50.0 million for the Second Chance Act.

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 did not request any funding for the Weed and Seed program for FY2011. FY2010-enacted funding for Weed and Seed was \$20.0 million.

As Congress considers funding for OJP for FY2011, it might consider whether to accept the Administration’s request to end funding for the Weed and Seed Program. According to the Administration, even though it is not requesting funding for Weed and Seed for FY2011, it requests \$40.0 million for a new Byrne Criminal Justice Innovation Program under the State and Local Law Enforcement Assistance account. The proposed program would replace and build on concepts employed by the Weed and Seed program.⁴³ In many ways, the proposed program is similar to what the Weed and Seed Program currently does. The proposed program will, according to the Administration, encourage “communities to develop and implement innovative public safety initiatives using evidence-based program strategies in order to develop new programs that can be replicated in other locations.”⁴⁴ The program would build upon OJP’s “current infrastructure which supports communities that combine law enforcement, community

⁴¹ William J. Sabol, Heather C. West, and Matthew Cooper, *Prisoners in 2008*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ 228417, Washington, DC, December 2009, p. 5, <http://bjs.ojp.usdoj.gov/content/pub/pdf/p08.pdf>.

⁴² *Ibid.*, pp. 44-45.

⁴³ U.S. Department of Justice, Office of Justice Programs, *FY2011 Performance Budget*, p. 102.

⁴⁴ *Ibid.*, p. 223.

policing, prevention, intervention, and treatment, and neighborhood restoration.”⁴⁵ According to the Administration, the proposed program would be part of a larger federal government-wide initiative on neighborhood revitalization to be coordinated with the Department of Housing and Urban Development and other agencies.⁴⁶ However, the proposed program, unlike Weed and Seed, is not authorized by law; hence, if Congress appropriates funding for the program, the Administration would have more control over the scope of the program because there is no legislation governing the administration of the program.⁴⁷ The Senate Appropriations Committee did not include any funding for the Weed and Seed account in its reported bill, but it did include \$20.0 million for the Byrne Criminal Justice Innovation Program under the State and Local Law Enforcement Assistance account.

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. For FY2011, the Administration’s request includes \$289.8 million for this account, almost \$133.8 million, or 31.6%, less than the \$423.6 million appropriated for the Juvenile Justice Programs account for FY2010. The Senate Appropriations Committee-recommended amount includes almost \$489.6 million for juvenile justice programs for FY2011. This amount is almost \$66.0 million (15.6%) more than the FY2010 appropriation and \$199.7 million (68.9%) more than the Administration’s request. The proposed increase in funding for the Juvenile Justice Programs account is partly explained by the Senate Appropriations Committee including funding for missing and exploited children’s programs under this account. In FY2010, funding for this program was included as a part of the Justice Assistance account.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Weed and Seed is codified at 42 U.S.C. §3712a.

Table 7. Funding for Juvenile Justice Programs
(budget authority in millions of dollars)

Program	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
Part B—State Formula	\$75.0	\$72.0		\$70.0	
Part E—Demonstration Projects	91.1	—		75.4	
Youth Mentoring Grants	100.0	45.0		100.0	
Title V—Incentive Grants	65.0	62.0		70.0	
Tribal Youth	25.0	—		25.0	
Gang Prevention	10.0	—		20.0	
Alcohol Use Prevention	25.0	—		25.0	
Incentive Grants	5.0	—		—	
Investigation and Prosecution of Child Abuse Programs	22.5	20.0		22.5	
Juvenile Accountability Block Grants	55.0	40.0		40.0	
Community-based Violence Prevention Initiative	10.0	25.0		20.0	
Safe Start	5.0	—		—	
Juvenile Delinquency Court Improvement Program	—	13.0		5.0	
Disproportionate Minority Contact Evaluation and Program	—	0.8		—	
Gang and Youth Violence Prevention and Intervention	—	12.0		—	
CASA-Special Advocates	—	—		14.2	
Training for Judicial Personnel	—	—		2.5	
Missing and Exploited Children	—	—		70.0	
Total: Juvenile Justice Programs	423.6	289.8		489.6	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-reported amounts were taken from S.Rept. 111-229.

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

Public Safety Officers Benefits Program (PSOB)

The PSOB program provides three different types of benefits to public safety officers and 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 requests \$77.3 million for PSOB for FY2011, an increase of \$7.2 million, or 10.3%, compared with the FY2010-enacted amount of \$70.1 million. The Senate committee-reported bill includes \$77.3 million for PSOB, the same as the Administration’s request.

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, and grants to reduce the DNA backlog.

The FY2011 requested funding for COPS is \$690.0 million. The FY2011-requested amount would be \$101.6 million (12.8%) less than the \$791.6 million Congress appropriated for COPS for FY2010. The Senate committee-reported bill would provide a total of \$626.0 for COPS, which would represent a \$165.7 million (20.9%) decrease in funding compared to the FY2010-enacted amount and a \$64.0 million (9.3%) decrease compared to the Administration's request. The proposed \$626.0 million in funding for COPS for FY2011 includes \$40.0 million for COPS salaries and expenses. The decreased funding for COPS can partly be explained by the Senate Appropriations Committee's proposal to fund DNA programs under the Justice Assistance Account and to fund the Bullet-proof Vest Grant program under the State and Local Law Enforcement Assistance account. In addition, the Senate Appropriations Committee proposed cuts to several other COPS programs, including the COPS Law Enforcement Technology, the Methamphetamine Hot-spots, and the Tribal Law Enforcement programs.

Table 8. Funding for Community Oriented Policing Services Programs
(budget authority in millions of dollars)

Program	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
COPS Hiring Program	\$298.0	\$600.0		\$400.0	
COPS Technology and Interoperability	170.2	—		103.8	
Transfer to the National Institute of Standards and Technology	1.5	—		1.5	
Meth Hot Spots	40.4	—		13.1	
Transfer to the Drug Enforcement Administration	10.0	—		5.0	
Tribal Meth Enforcement Grants	5.0	—		—	
Tribal Law Enforcement	40.0	25.0		25.0	
Bullet-proof Vests Grant Program	30.0	—		—	
Transfer to the National Institute of Standards and Technology	1.5	—		—	
DNA Backlog Reduction	161.0	—		—	
Debbie Smith DNA Backlog Grants	151.0	—		—	
Post-conviction DNA Testing Grants	5.0	—		—	
Sexual Assault Nurse Examiners	5.0	—		—	
Child Sexual Predator Elimination/ Sex Offender Management	24.0	18.0		18.0	
Sex Offender Management	11.0	—		—	
National Sex Offender Public Website	1.0	—		—	
Secure Our Schools Act	16.0	14.0		14.0	
Community Policing Development	12.0	18.0		12.0	
Police Integrity Initiative	—	15.0		—	
Total: Community Oriented Policing Services	791.6	690.0		586.0	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-reported amounts were taken from S.Rept. 111-229.

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

Salaries and Expenses for OVW, OJP, and COPS

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.”⁴⁸

The Administration’s requested funding for this account for FY2011 is \$279.4 million. The FY2011 request would represent a proposed 31.0% increase when compared to the FY2010-enacted amount of \$213.4 million. The Senate Appropriations Committee did not propose any funding for this account. Rather, the Senate Appropriations Committee provided funding for OVW, OJP, and COPS salaries and expenses under each agencies account (see above).

Science Agencies⁴⁹

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.

For FY2011, the Administration requests a total of \$26.431 billion for the Science Agencies. The FY2011 request includes \$7.0 million for the Office of Science and Technology Policy, \$19.0 billion for the National Aeronautics and Space Administration (NASA), and \$7.424 billion for the National Science Foundation (NSF). The FY2011 funding request for the Science Agencies would be 3.0% greater than the FY2010 enacted amount of \$25.658 billion.

The bill reported by the Senate Committee on Appropriations recommends a total of \$26.360 billion for the Science Agencies, an increase of 2.7% above the FY2010-enacted level and 0.3% below the President’s FY2011 request.

⁴⁸ 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.

⁴⁹ This section was coordinated by John. F. Sargent, CRS Resources, Science, and Industry Section.

Table 9. Funding for Science Agencies
(budget authority in millions of dollars)

Accounts	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
Office of Science and Technology Policy (OSTP)	\$7.0	\$7.0		\$7.0	
National Aeronautics and Space Administration (NASA)	18,724.3	19,000.0		19,000.0	
National Science Foundation (NSF)	6,926.5 ^a	7,424.4		7,353.4	
Total: Science Agencies	25,657.8	\$26,431.4		26,360.4	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-reported amounts were taken from S.Rept. 111-229.

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

a. The FY2010 enacted amount of \$6.927 billion includes a one-time appropriation transfer of \$54.0 million to U.S. Coast Guard per P.L. 111-117.

Office of Science and Technology Policy (OSTP)⁵⁰

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 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 Council (NSTC),⁵¹ which coordinates science and technology policy across the federal government, and co-chairs the President’s Council of Advisors on Science and Technology (PCAST),⁵² a council of external advisors that provides advice to the President on matters related to science and technology policy.

OSTP is one of two offices in the Executive Office of the President (EOP) that is funded in the CJS appropriations bill.⁵³ OSTP’s FY2010 budget is \$7.0 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 FY2011, the Administration has requested \$7.0 million, \$10 thousand (0.01%) below its FY2010 level.⁵⁴ The request would support four Senate-confirmed associate directors,⁵⁵

⁵⁰ This section was prepared by Dana A. Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁵¹ The National Science and Technology Council was established by Executive Order 12881.

⁵² The President’s Council of Advisors on Science and Technology was established by Executive Order 13226.

⁵³ The other EOP office funded under the CJS appropriations bill is the Office of the United States Trade Representative.

⁵⁴ The difference between the FY2011 request and the prior year level is smaller than the rounding error.

⁵⁵ The associate director for technology, Aneesh P. Chopra, also currently serves as Chief Technology Officer and (continued...)

reportedly reflecting a commitment to operate more efficiently and cost-effectively. Also, according to OSTP Director Holdren, the request reflects the President's continuing recognition of the importance and diversity of OSTP's functions in keeping "science in its rightful place" in his Administration.⁵⁶ The NSF again requested FY2011 funding for STPI (\$3.0 million, no change from FY2010).

The Senate bill would provide \$7.0 million for the Office of Science and Technology Policy, equal to the requested amount and its FY2010 appropriation. The Senate report directs the OSTP Director to issue within 60 days of enactment recommendations for presidential action designed to guarantee scientific integrity throughout the executive branch. If unable to do so, OSTP is to report to the committee an estimate of when they will be released and the reasons for not issuing the recommendations within the specified timeframe. The report also requires the OSTP Director to submit to the committee within 30 days of enactment a research and funding plan to address the most urgent research questions regarding dispersants. Within 180 days of enactment, the OSTP Director shall outline a comprehensive research and funding plan to better understand dispersants and their impacts.

National Aeronautics and Space Administration (NASA)⁵⁷

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 requests \$19.000 billion for NASA for FY2011, a 1.5% increase over the FY2010 appropriation. The Senate committee recommends the requested amount, but distributes it differently among NASA's programs. See **Table 10** for a breakdown of these amounts by appropriations account.

For several years, budget priorities throughout NASA have been driven by the Vision for Space Exploration (hereafter, "the Vision"). The Vision was announced by President Bush in January 2004 and endorsed by Congress in the NASA Authorization Act of 2005 (P.L. 109-155) and the NASA Authorization Act of 2008 (P.L. 110-422). Under the Vision, NASA's primary goal is to return humans to the Moon by 2020. In 2009, the Augustine committee conducted an independent review of NASA's human spaceflight activities.⁵⁸ The committee found that the program outlined by the Vision would require additional NASA funding of \$3 billion per year, even if a return to the Moon were delayed by a few years. The Administration's budget for FY2011 would cancel

(...continued)

Assistant to the President. For more information, see CRS Report R40150, *A Federal Chief Technology Officer in the Obama Administration: Options and Issues for Consideration*, by John F. Sargent Jr.

⁵⁶ Testimony of OSTP Director John Holdren, in U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Research and Development in the President's Fiscal Year 2011 Budget*, 111th Cong., 2nd sess., February 24, 2010, at http://appropriations.house.gov/Witness_testimony/CJS/John_Holdren-2-24-10.pdf.

⁵⁷ This section was prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁵⁸ Review of U.S. Human Spaceflight Plans Committee, *Seeking a Human Spaceflight Program Worthy of a Great Nation*, October 2009, http://www.nasa.gov/pdf/396093main_HSF_Cmte_FinalReport.pdf.

the Moon program. Under the Administration proposal, NASA's eventual goal would be human exploration of Mars, preceded in the medium term by other destinations, such as an asteroid. In the near term, commercial crew launch services would provide access to the International Space Station, and long-term technology development would receive increased emphasis.⁵⁹

The President's \$5.006 billion request for Science in FY2011 would be an 11.4% increase over FY2010. The largest increase would be for Earth Science. The request includes \$171 million to fund a replacement for the Orbital Carbon Observatory (OCO), which was launched in February 2009 but failed to reach orbit, and \$150 million as the first year of a five-year, \$2.1 billion global climate initiative. The climate initiative and other increases would accelerate the development and launch of several Earth Science missions recommended in 2007 by a National Academies decadal survey.⁶⁰ The Administration request would also provide increased funding for Planetary Science and Heliophysics. The Senate committee recommends the requested amount, with some small reallocations among programs.

The request for Aeronautics is \$579.6 million, an increase of 14.3% from FY2010. A new Space Technology program in the same appropriations account would receive \$572.2 million. The new program's focus would be technologies that are applicable to multiple missions in the long term, as opposed to components needed for specific systems in the short term. It would seek to advance technologies from the point of early-stage innovation to the demonstration of flight readiness. The Senate committee recommends the requested amount for Aeronautics, but only \$325.0 million for Space Technology. Within Space Technology, the committee recommends nearly the requested amount for Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR); as a result, the committee recommendation for the rest of the Space Technology program is about 60% less than the request.

The Administration's request for Exploration in FY2011 is \$4.263 billion, a 12.8% increase over FY2010. The activities funded by this account would change significantly under the Administration's proposal. The bulk of the account currently funds the Constellation program, which is developing the Orion crew vehicle and the Ares I rocket for carrying humans into low Earth orbit, as well as the heavy-lift Ares V cargo rocket and other systems needed for a Moon mission. The Administration budget for FY2011 would eliminate Constellation. Instead of developing Orion and Ares I, the Administration would provide \$812.0 million to spur development of commercial crew and cargo transport services to low-Earth orbit. Instead of developing Ares V and the lunar systems, it would provide \$1.551 billion for robotic precursor missions and technology R&D to enable future human exploration. In addition, it would provide \$1.9 billion to cover transition and closeout costs for Constellation.

The Senate committee recommends \$3.912 billion for Exploration. It provides only half the requested amount for commercial crew transport (\$250 million instead of \$500 million), \$350 million for robotic missions and technology R&D (less than one-quarter of the request), and no funds for Constellation transition. Instead, it provides \$1.1 billion for continued development of Orion and \$1.9 billion for development of a crew-capable heavy-lift rocket. The committee report calls for Orion to be available by 2014 and the new heavy-lift rocket to be available by 2016. It

⁵⁹ In parallel with the appropriations cycle, Congress is considering NASA authorization bills that address these major changes in space policy. For more details, see CRS Report R41016, *The Future of NASA: Space Policy Issues Facing Congress*, by Daniel Morgan.

⁶⁰ National Research Council, *Earth Science and Applications from Space: National Imperatives for the Next Decade and Beyond*, 2007, <http://www.nap.edu/catalog/11820.html>.

establishes a “strict cost cap” for each program through FY2017. Some analysts may question the viability of these cost and schedule requirements. Under the Constellation program, Orion and Ares I would be available in 2015, or according to the Augustine committee, more likely in 2017 or even 2019. Before the Administration’s FY2011 budget request, the projected FY2011 funding for Orion was \$1.939 billion and the projected FY2011 funding for Ares I (which would be less capable than the new heavy-lift rocket) was \$2.143 billion—in both cases, significantly more than the committee’s recommendations would provide, even though the committee’s schedule is arguably more aggressive.

The FY2011 request of \$4.888 billion for Space Operations, which funds the space shuttle, the International Space Station (ISS), and the Space and Flight Support program, is a 20.9% decrease. A budget amendment submitted in June 2010 proposes transferring \$100 million from this account to the Departments of Commerce and Labor to address economic and workforce issues arising from the retirement of the space shuttle and the restructuring of the human spaceflight program. Under the request, the space shuttle program would receive \$989.1 million, down from \$3.139 billion in FY2010, as the program approaches its planned termination in early FY2011. Many policy makers remain concerned about the gap in U.S. human access to space between the end of the shuttle program and the first availability of a successor, whether the successor is the Orion-Ares system of the current program, the commercial crew transport services proposed by the Administration, or something else. The requested funding for the ISS is \$2.780 billion, a 20.0% increase. The Administration’s budget would extend ISS operations from 2015 to at least 2020. Increased ISS funding would provide for greater utilization of existing facilities, in part by paying the launch costs of non-NASA users of the ISS national laboratory.

The Senate committee recommends \$5.533 billion for Space Operations, of which the Administration could transfer a total of up to \$65 million to the Departments of Commerce and Labor. The increase relative to the request would provide \$25 million to improve the launch infrastructure used by commercial cargo resupply flights to the ISS, which are scheduled to begin in FY2011, and \$620.6 million for one additional space shuttle flight to the ISS. The funds for the additional shuttle flight would be available only if the NASA Administrator certifies that the additional flight would be at least as safe as other shuttle flights and that it would be in the national interest and worth the risks.

Table 10. Funding for NASA
(budget authority in millions of dollars)

Accounts	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
Science	\$4,469.0	\$5,005.6		\$5,005.6	
Aeronautics and Space Research and Technology	501.0	1,151.8		904.6	
Exploration	3,746.3	4,263.4		3,912.0	
Space Operations	6,146.8	4,887.8		5,533.4	
Education	182.5	145.8		145.8	
Cross-Agency Support	3,194.0	3,111.4		3,079.3	
Construction and Environmental Compliance and Restoration	448.3	397.3		381.3	
Inspector General	36.4	37.0		38.0	
Total: NASA	18,724.3	19,000.0		19,000.0	

Source: NASA FY2011 congressional budget justification, at <http://www.nasa.gov/news/budget/index.html>; S. 3636 as reported; and S.Rept. 111-229.

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

National Science Foundation (NSF)⁶¹

The FY2011 request for the NSF is \$7.424 billion,⁶² a 7.2% increase (\$497.9 million) over the FY2010 appropriation of \$6.927 billion. Under President Obama's National Innovation Strategy for science,⁶³ the Administration proposed doubling the federal investment in three basic research agencies (NSF, Department of Energy Office of Science, and NIST) over a period of 10 years relative to the FY2006 level. The National Innovation Strategy for science will provide added support and focus on high-risk, high-return research; on multidisciplinary research; and on scientists and engineers at the beginning of their careers. The FY2011 request for NSF is intended to be an installment toward the doubling effort of the Administration and is structured to build on the scientific investments funded by the 2009 Omnibus Appropriations Act and the American Recovery and Reinvestment Act of 2009 (ARRA). The Senate bill recommends \$7.353 billion for the NSF in FY2011, approximately \$71.0 million below the Administration's FY2011 request and \$480.9 million above the FY2010 estimate.⁶⁴

⁶¹ This section was prepared by Christine M. Matthews, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁶² The FY2010 enacted amount of \$6.927 billion includes a one-time appropriation transfer of \$54.0 million to U.S. Coast Guard per P.L. 111-117.

⁶³ "A Strategy for American Innovation: Driving Towards Sustainable Growth and Quality Jobs," Office of Science and Technology Policy, National Economic Council, Executive Office of the President, September 2009, http://www.whitehouse.gov/assets/documents/Sept_20_Innovation_whitepaper_FINAL.pdf.

⁶⁴ The FY2010 level has been adjusted reflecting the Coast Guard transfer.

Included in the FY2011 request is \$6.019 billion for Research and Related Activities (R&RA), an increase of \$454.9 million (8.2%) above the FY2010 estimate of \$5.564 billion. R&RA funds research projects, research facilities, and education and training activities. Some in the scientific and academic communities have voiced concerns about the imbalance between support for the life sciences and the physical sciences. Research can be multidisciplinary and transformational, and often discoveries in the physical sciences lead to advances in other disciplines. The Senate committee-reported bill includes \$5.967 billion for the R&RA, \$51.6 million below the President's FY2011 request and \$403.3 above the FY2010 level. Within the R&RA, \$144.6 million would be provided for cybersecurity research, with \$55.0 million for the Comprehensive National Cybersecurity Initiative.

The America COMPETES Act (P.L. 110-69) authorized increased federal research support in the physical sciences, mathematics, and engineering. The FY2011 request provides \$1.410 billion for the Mathematical and Physical Sciences (MPS) Directorate, a 4.3% increase over the FY2010 level. The MPS portfolio supports investments in fundamental research, facilities, and instruments, and provides approximately half of federal funding for basic research in mathematics and physical sciences conducted at colleges and universities, ranging from approximately 60% in mathematics to 35% in physics.

R&RA includes Integrative Activities (IA), a cross-disciplinary research and education program that is also a source of funding for the acquisition and development of research instrumentation at institutions. The FY2011 request provides \$296.0 million for IA. The IA also funds Partnerships for Innovation, disaster research teams, and the Science and Technology Policy Institute. In FY2008, support for the Experimental Program to Stimulate Competitive Research (EPSCoR) was transferred from the Education and Human Resources Directorate (EHR) to IA. EPSCoR is a university-oriented program with the goal of identifying, developing, and utilizing the academic science and technology resources in a state that will lead to increased R&D competitiveness. NSF's FY2011 request for EPSCoR is \$154.4 million. The FY2011 request supports a portfolio of three complementary strategies—research infrastructure (\$111.9 million), co-funding (\$41.0 million), and outreach (\$1.5 million)—for the 27 EPSCoR jurisdictions. The NSF states that approximately 65% of EPSCoR funding would be used for new research awards; the balance of funds would be used to support previously awarded grants.⁶⁵ The Senate Appropriations Committee would fund EPSCoR at \$157.4 million, a 7.0% increase over the FY2010 level.

The Office of Polar Programs (OPP) is funded under the R&RA account. The OPP is the primary source of U.S. support for basic research in polar regions. The NSF also serves in a leadership capacity for several international research partnerships in the Arctic and Antarctic. Research in the Arctic and Antarctic explores the various aspects of the global earth system that affect the global environment and climate. The FY2011 request for polar research is \$528.0 million, a 17.0% increase over the FY2010 estimate. Increases in OPP in FY2011 are for arctic and antarctic sciences—glacial and sea ice, terrestrial and marine ecosystems, the ocean and the atmosphere, and biology of life in the cold and dark. Priorities of the OPP in FY2011 include support for national energy goals, support for transformative research, resupply improvements at the research stations, and management and oversight of the environmental, health, and safety aspects of research operations conducted in polar regions. The FY2011 request provides \$54.0 million for the operation and maintenance of two icebreakers—the Polar Sea and the Healy—and

⁶⁵ For additional information see CRS Report RL30930, *U.S. National Science Foundation: Experimental Program to Stimulate Competitive Research (EPSCoR)*, by Christine M. Matthews.

includes significant funding for a triennial dry dock for each vessel. The committee report proposes transferring \$54.0 million to the Coast Guard for operation and maintenance of the polar icebreakers.⁶⁶

NSF supports several interagency R&D priorities in its FY2011 request. It is a supporter of the National Nanotechnology Initiative (NNI), requesting \$401.3 million for nanotechnology research. Funding would support research in emerging areas of nanoscale science and technology that could lead to new drug delivery systems, advanced materials, and more powerful computer chips. This funding includes \$33.0 million for research related to potential environmental, health, and safety effects of nanotechnology, and \$32.2 million for nanomanufacturing. NSF's other interagency priorities in its FY2011 request include funding for the U.S. Global Change Research Program (\$369.9 million), Homeland Security Activities (\$405.4 million), and Networking and Information Technology R&D (\$1.170 billion).

The FY2011 request for the EHR Directorate is \$892.0 million, \$19.2 million (2.2%) above the FY2010 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. Support at the various educational levels in the FY2011 request is as follows: research on learning in formal and informal settings (including precollege), \$247.9 million; undergraduate education, \$290.0 million; and graduate education, \$185.3 million. Priorities at the precollege level include research and evaluation on education in science and engineering (\$45.7 million), informal science education (\$64.4 million), project and program evaluation (\$19.0 million), and Discovery Research K-12 (\$118.7 million). Discovery Research is structured to combine the strengths of three existing programs and encourage innovative thinking in K-12 science, technology, engineering, and mathematics (STEM) education. The Senate committee-reported bill would provide \$892.0 million for the EHR (an amount level with the request and \$19.2 million above FY2010).

According to NSF, its undergraduate level programs are designed to address the needs of the 21st century while transforming undergraduate science and mathematics education. Priorities at the undergraduate level include the Robert Noyce Scholarship Program (\$55.0 million); Curriculum, Laboratory and Instructional Development (\$61.0 million); Advanced Technological Education (\$64.0 million); and the Math and Science Partnership program (MSP, \$58.2 million). The MSP is an interagency program, and the NSF coordinates its MSP activities with the Department of Education and state-funded MSP sites. At the graduate level, NSF's priorities are the Integrative Graduate Education and Research Traineeship (IGERT) program (\$29.5 million),⁶⁷ Graduate Research Fellowships (\$107.9 million), and the Graduate STEM Fellows in K-12 Education (\$48.2 million).

An additional EHR priority is support for a new comprehensive program to increase the participation of undergraduates at Historically Black Colleges and Universities, Tribal colleges and universities, and Hispanic-serving institutions. This new program, Comprehensive Broadening Participation of Undergraduates in STEM, will build on and realign the existing NSF

⁶⁶ Report language in the Senate Committee report cautioned NSF that for FY2012, no funds would be considered for the operation and the maintenance of the icebreakers. Such funding would have to be sought and included in the Coast Guard's budget request.

⁶⁷ NSF's FY2011 request includes an additional \$32.3 million for IGERT in the R&RA account.

programs directed at strengthening and expanding the participation of underrepresented groups and diverse institutions in the scientific and engineering enterprise. The FY2011 request includes \$103.1 million for this program.

The committee denies the Administration's request to merge the programs directed at broadening participation in the sciences: Historically Black Colleges and Universities Undergraduate Program (HBCU-UP), Tribal Colleges and Universities Program (T-CUP), and Louis Stokes Alliances for Minority Participation (LSAMP). The committee states, "These three programs each have different purposes and engage students and colleges and universities in a different manner. One size will not fit all."⁶⁸ The committee directs NSF to maintain the structure of these programs and to fund HBCU-UP at \$32.0 million, T-CUP at \$14.0 million, and LSAMP at \$44.8 million in FY2011.⁶⁹

The Major Research Equipment and Facilities Construction (MREFC) account is funded at \$165.2 million in the FY2011 request, a 40.5% increase above the FY2010 estimate. The MREFC supports the acquisition and construction of major research facilities and equipment that support research intended to extend the boundaries of science, engineering, and technology. According to NSF, it is the primary federal agency providing support for forefront instrumentation and facilities for the academic research and education communities. NSF gives highest priority to ongoing projects, and second highest priority to projects that have been approved by the National Science Board for new starts. To qualify for support, NSF requires MREFC projects to have "the potential to shift the paradigm in scientific understanding and/or infrastructure technology."⁷⁰ In FY2011, NSF anticipates construction of the National Ecological Observatory Network (NEON) at a cost of \$20.0 million. The NEON will compile data on the effects of climate changes, land use changes, invasive species on natural resources, and biodiversity. The data from NEON is intended to have local, regional, and national uses. In addition to the support of NEON, NSF will continue its support of four ongoing construction projects: Advanced Laser Interferometer Gravitational Wave Observatory (\$23.6 million); Atacama Large Millimeter Array (\$13.9 million); Advanced Technology Star Telescope (\$17.0 million); and the Ocean Observatories Initiative (\$90.7 million). The Senate committee would provide \$155.2 million for MREFC (\$10.0 million below the request and \$37.9 million above the FY2010 level).

There has been considerable debate in the academic and scientific communities and in Congress about the management and oversight of major projects selected for construction and the need for prioritization of potential projects funded in the MREFC account. One continuing question has focused on the process for including major projects in the upcoming budget cycle. In a management report on major projects, NSF contends that because of the changing nature of science and technology, it is necessary to have the flexibility of reconsidering facilities at the various stages of development.⁷¹ In addition, NSF asserts that it must be able to respond effectively to possible changes in interagency participation, international and cooperative

⁶⁸ Senate Committee on Appropriations, *Departments of Commerce and Justice, and Science, and Related Agencies Appropriations Bill, 2011*, 111th Congress, 2nd Sess., Report to accompany S. 3636, S.Rept. 111-229, July 22, 2010, p. 138.

⁶⁹ See for example Mervis, Jeffrey, "NSF Misfires on Plan to Revamp Minority Programs," *Science*, v. 329, July 23, 2010, p. 376.

⁷⁰ *National Science Foundation: FY2011 Budget Request to Congress*, February 1, 2010.

⁷¹ See, for example, National Science Foundation, *Large Facilities Manual*, NSF10-4, September 2009, 66 pp.

agreements, or co-funding for major facilities. NSF maintains that while some “concepts” may evolve into major research projects, others may prove infeasible for project support.

Several pieces of legislation to strengthen science and mathematics education to enhance U.S. competitiveness have been introduced in the 111th Congress. There are concerns about the nation’s continued ability to compete in world markets and to produce a scientific and technical workforce that would ensure economic prosperity and military capability. A priority of the NSF is to advance the productivity of research for students and teachers and to increase the number of U.S. students pursuing degrees in scientific and technical disciplines. However, the FY2011 request proposes reductions for some science education programs. Support for EHR has declined from \$944.1 million in FY2004 to \$892.0 million in the FY2011 budget request. Questions have been raised as to whether the NSF can effectively continue in its explicit mission and responsibility to improve science and mathematics education at this level of funding.

Related Agencies

For FY2011, the Administration has requested a total of \$973.4 million for related agencies. The FY2011 request is \$38.6 million, or 4.1%, greater than the FY2010-enacted amount of \$934.8 million. The proposed \$38.6 million increase is largely due to proposed increases in funding for the Equal Employment Opportunity Commission and the Legal Services Corporation. The Senate committee-reported bill includes a total of \$972.0 million for the related agencies. The Senate committee-reported amount is 4.0% more than the FY2010-enacted amount, but it is 0.1% less than the Administration’s request.

Table 11. Funding for Related Agencies
(budget authority in millions of dollars)

Commission, Office, or Corporation	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
U.S. Commission on Civil Rights	\$9.4	\$9.4		\$9.4	
Equal Employment Opportunity Commission	367.3	385.3		385.3	
International Trade Commission	81.9	87.0		87.0	
Legal Services Corporation	420.0	435.0		430.0	
Marine Mammal Commission	3.3	3.0		3.3	
Office of the U.S. Trade Representative	47.8	48.3		50.8	
State Justice Institute	5.1	5.4		6.3	
Total: Related Agencies	934.8	973.4		972.0	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-recommended amounts were taken from S.Rept. 111-229.

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

Commission on Civil Rights⁷²

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.

The requested funding for the Commission on Civil Rights for FY2011 is \$9.4 million, the same amount as the Commission's FY2010 appropriation. The Senate Appropriations Committee recommends \$9.4 million for the Commission; the same as the Administration's request and the Commission's FY2010 appropriation.

Equal Employment Opportunity Commission (EEOC)⁷³

The EEOC enforces several laws that ban employment discrimination based on race, color, national origin, sex, age, or disability. In the past few years, appropriators were 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 (see below).

The Senate Appropriations Committee FY2011 recommendation for the EEOC is \$385.3 million, which is the same as the FY2011 President's request and \$18.0 million (4.9%) more than the FY2010-enacted level of \$367.3 million. Of the total, the committee provides \$355.3 million for salaries and expenses and \$30.0 million—in a separate account—for payment to state and local entities. The Senate committee establishes the separate account to ensure adequate resources are available to state and local entities with which the agency has work-sharing agreement to address workplace discrimination within their jurisdictions (i.e., Fair Employment Practices Agencies [FEPAs] and Tribal Employment Rights Organizations [TEROs]). The FY2011 President's request and the FY2010-enacted budget provided up to \$30.0 million for FEPAs and TEROs.

The Senate Appropriations Committee remains concerned about the backlog of private sector discrimination cases, which is projected to rise from 75,743 in FY2009, to 96,865 in FY2011.⁷⁴ The committee expressed concern that the EEOC lacks appropriate leadership to strategically address the backlog of discrimination charges.

⁷² This section was written by Garrine P. Laney, Analyst in Social Legislation, Domestic Social Policy Division.

⁷³ This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, and Linda Levine, Specialist in Labor Economics, Domestic Social Policy Division.

⁷⁴ FY2011 Equal Employment Opportunity Commission, Congressional Budget Justification, Table 4. Private Sector Enforcement Program Workload, <http://www.eeoc.gov/eeoc/plan/2011budget.cfm#Ch1>

According to the Commission, the anticipated growth in its workload partly reflects the transition from a contractor-operated to an in-house call center, which allows the public to begin the charge process online. In addition, more cases are likely to be filed under such recently enacted legislation as Title II of the Genetic Information Nondiscrimination Act (GINA), which became effective in November 2009; the Lilly Ledbetter Fair Pay Act of 2009; and amendments to the Americans with Disabilities Act (ADA), which became effective in January 2009.⁷⁵

The FY2011 President's request for 188 new hires, such as investigators, mediators, attorneys, and support staff, is intended not only to address the expected increase in the agency's private sector charge backlog but also to promote enforcement of the Commission's focus on systemic discrimination cases. The EEOC began the systemic initiative in April 2006. The goal of the initiative is to strengthen and update the Commission's nationwide approach to systemic cases (i.e., a pattern or practice, policy, and/or class in which discrimination has a broad effect on an industry, occupation, company, or geographic location). As part of the initiative, the Chicago office piloted a project in FY2009 called Caseworks that integrates remote access technology with litigation-support software; this allows investigators to collaborate and work from multiple offices and reduces inefficiencies. The Caseworks pilot is expected to be expanded and fully implemented in FY2010.

The EEOC federal sector hearings workload is estimated to increase from 6,617 pending hearings in FY2009, to 7,398 in FY2011. The Commission is implementing three initiatives to support the federal sector program. The proposed Three Track Case Processing System is meant to help administrative law judges process, manage, and track cases to increase the number of cases they hear. The continuation and expansion of the Hearings Electronic Case Processing System (HECAPS) pilot, currently being tested in five hearing units, would allow field offices to coordinate with the EEOC Office of Information Technology through an electronic complaint system. Lastly, HotDocs Software, a commercial document assembly software package, is being tested by a workgroup to develop and order templates for processing cases more efficiently.

U.S. International Trade Commission (ITC)⁷⁶

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.⁷⁷ As a matter of policy, its budget request is submitted to Congress by the President without revision.

The FY2011 budget request for ITC is \$87.0 million, a \$5.1 million (6.2%) increase from the FY2010-enacted amount of \$81.9 million. The budget request states that the requested increase in

⁷⁵ For more information, see CRS Report RL33386, *Federal Civil Rights Statutes: A Primer*, by Jody Feder.

⁷⁶ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

⁷⁷ 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.

the budget is driven largely by increases in salaries, benefits, and rent costs. The Senate committee-reported amount is \$87.0 million, the same as the President's budget request.

Legal Services Corporation (LSC)⁷⁸

The LSC is a private, nonprofit, federally funded corporation that provides grants to local offices that, in turn, provide legal assistance to low-income people in civil (noncriminal) 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.

The FY2010 appropriation for LSC was \$420.0 million. Moreover, Congress continued existing limitations on the use of LSC funds (and non-LSC funds) except for the restriction on the ability of LSC-funded programs to collect attorneys' fees. The FY2010 appropriation for the LSC included \$394.4 million for basic field programs and required independent audits, \$17.0 million for management and administration, \$3.4 million for client self-help and information technology, \$4.2 million for the Office of the Inspector General, and \$1.0 million for loan repayment assistance. Current LSC funding now surpasses the LSC's previous highest funding level of \$400.0 million in FY1994 and FY1995.

For FY2011, the Obama Administration requests \$435.0 million for the LSC. This amount is \$15.0 million (3.6%) above the FY2010 appropriation of \$420.0 million for the LSC. The Administration's budget request includes \$407.0 million for basic field programs and required independent audits; \$20.0 million for management and grants oversight; \$3.0 million for client self-help and information technology; \$4.0 million for the Office of the Inspector General; and \$1.0 million for loan repayment assistance. The Administration also proposes that LSC restrictions on class action suits and attorneys' fees be eliminated.⁷⁹

The Senate committee-reported bill provides \$430.0 million for the LSC, which represents a 2.4% increase over FY2010 funding and 1.1% decrease below the Administration's budget request. The Senate committee recommendation provides \$401.7 million for basic field programs, to be used for competitively awarded grants and contracts; \$20.0 million for management and administration; \$3.0 million for client self-help and information technology; \$4.3 million for the Office of the Inspector General; and \$1.0 million for loan repayment assistance.

The Senate committee-reported bill, which provides an additional \$10.0 million for the LSC over the FY2010 funding level, states that implementation of the recent recommendations of the Government Accountability Office (GAO) and the LSC Inspector General for the LSC must be a priority of the LSC. In addition, the Senate-reported bill continues existing limitations on the use of federal funds, but lifts restrictions on the use of non-federal funds except in litigation involving abortion or litigation on behalf of prisoners.

⁷⁸ This section was prepared by Carmen Solomon-Fears, Specialist in Social Policy, Domestic Social Policy Division.

⁷⁹ The restriction on attorneys' fees was eliminated pursuant to P.L. 111-117. For further information, see CRS Report R40679, *Legal Services Corporation: Restrictions on Activities*, by Carmen Solomon-Fears.

Marine Mammal Commission (MMC)⁸⁰

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 FY2011, the Obama Administration proposes \$3.0 million for necessary expenses of the Marine Mammal Commission, a decrease of approximately \$0.3 million (-7.7%) from the FY2010 appropriation of approximately \$3.3 million for this independent agency. The Senate Committee on Appropriations recommends approximately \$3.3 million, equal to the FY2010 appropriation and an increase of approximately \$0.3 million (8.3%) from the Administration's request.

Office of the U.S. Trade Representative (USTR)⁸¹

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 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 FY2011 budget request is \$48.3 million, a \$0.5 million (1%) increase from the FY2010-enacted amount of \$47.8 million. The Senate committee-reported amount for USTR is \$50.8 million, \$2.5 million (5.2%) more than the FY2011 budget request and \$2.9 million (6.1%) more than the FY2010-enacted amount. The Senate committee recommends additional funding for the USTR in response to the Administration's National Export Initiative (NEI) and recommends that several mandates within the USTR be advanced for the NEI to be successful. The committee recommends additional funding for the USTR to resolve outstanding issues related to pending free trade agreements with South Korea, Panama, and Colombia; to conclude negotiations for the Trans-Pacific Partnership Agreement; to enforce international trade obligations by U.S. trading partners; and to host the 2011 Asia-Pacific Economic Cooperation Meeting of Ministers Responsible for Trade Ministerial.

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

⁸⁰ This section was prepared by Eugene H. Buck, Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

⁸¹ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

by the President and confirmed by the Senate.⁸² Under the terms of its enabling legislation, SJI is authorized to present its budget request directly to Congress, apart from the President's budget.

For FY2011, the Administration requests \$5.4 million for SJI, which would represent a 5.5% increase in funding compared with the \$5.1 million Congress appropriated for SJI for FY2010. The Senate Appropriations Committee recommends a total of \$6.3 million for SJI for FY2011. The Senate Appropriations Committee's recommendation would represent a 22.3% increase over FY2010-enacted funding and a 15.9% increase compared to the Administration's request.

Table 12. Funding for CJS Agencies, by Account

(budget authority in millions of dollars)

Bureau or Agency	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
Department of Commerce					
International Trade Administration	\$446.8	\$534.3		\$524.3	
Bureau of Industry and Security	100.3	113.1		113.1	
Economic Development Administration	293.0 ^a	286.2		280.2	
Minority Business Development Agency	31.5	32.3		32.3	
Economic and Statistical Analysis	97.3	113.2		110.0	
Bureau of the Census	7,324.7	1,267.0		1,244.7	
National Telecommunications and Information Administration	40.0	45.5		57.8	
U.S. Patent and Trademark Office	1,887.0 ^b	2,321.7		2,321.7	
Offsetting Fee Receipts USPTO	-1,887.0	-2,327.7		-2,327.7	
National Institute of Standards and Technology	856.6	918.9		940.8	
National Oceanic and Atmospheric Administration	4,737.5	5,543.5		5,545.5	
Departmental Management	107.5	113.5		114.5	
DOC Subtotal	14,035.2	8,967.5		8,963.2	
Department of Justice					
General Administration	2,276.7 ^c	2,593.3		2,505.9	
U.S. Parole Commission	12.9	13.6		13.6	
Legal Activities	3,085.2 ^d	3,402.3		3,384.3	
U.S. Marshals Service	1,152.4 ^e	1,207.2		1,217.2	
National Security Division	87.9	99.5		99.5	
Interagency Law Enforcement	528.6 ^f	579.3		574.3	
Federal Bureau of Investigation	7,898.5 ^g	8,264.7		8,264.7	
Drug Enforcement Administration	2,019.7 ^h	2,130.1		2,130.1	
Bureau of Alcohol, Tobacco, Firearms & Explosives	1,120.8 ⁱ	1,163.0		1,163.0	

⁸² 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	FY2010 Enacted	FY2011 Request	House-Passed	Senate Committee-Reported	FY2011 Enacted
Federal Prison System	6,188.1 ^l	6,806.2		6,806.2	
Office of Violence Against Women	418.5	438.0		488.0	
Office of Justice Programs	2,283.5	2,069.9		2,623.3	
Community Oriented Policing Services	791.6	690.0		626.0	
OVW, OJP, and COPS Salaries and Expenses	213.4	279.4		—	
DOJ Subtotal	28,077.7	29,722.5		29,896.1	
Science Agencies					
Office of Science and Technology Policy	7.0	7.0		7.0	
Nation Aeronautics and Space Administration	18,724.3	19,000.0		19,000.0	
National Science Foundation	6,926.5	7,424.4		7,353.4	
Science Agencies Subtotal	25,657.8	26,431.4		26,360.4	
Related Agencies					
Commission on Civil Rights	9.4	9.4		9.4	
Equal Employment Opportunity Commission (EEOC)	367.3	385.3		385.3	
International Trade Commission	81.9	87.0		87.0	
Legal Services Corporation	420.0	435.0		430.0	
Marine Mammal Commission	3.3	3.0		3.3	
U.S. Trade Representative	47.8	48.3		50.8	
State Justice Institute	5.1	5.4		6.3	
Related Agencies Subtotal	934.8	973.4		972.0	
Total Appropriations	68,705.5^k	66,108.8^l		66,191.7^m	

Source: The FY2010-enacted, FY2011-requested, and Senate Committee-recommended amounts were taken from S.Rept. 111-229.

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

- a. This amount does not include the \$54.0 million in supplemental funding appropriated for the Economic Development Administration pursuant to P.L. 111-212.
- b. This amount does not include the \$129.0 million in supplemental funding appropriated for the U.S. Patent and Trademark Office pursuant to P.L. 111-224.
- c. This amount does not include the \$2.1 million in supplemental funding for Administrative Review and Appeals and the \$7.0 million in supplemental funding for the Office of the Federal Detention Trustee included in P.L. 111-230.
- d. This amount does not include the \$10.0 million in supplemental funding appropriated pursuant to P.L. 111-212. It also does not include the \$3.9 million in supplemental funding for General Legal Activities and the \$9.2 million in supplemental funding for the U.S. Attorneys included in P.L. 111-230.
- e. This amount does not include the \$37.7 million in supplemental funding appropriated pursuant to P.L. 111-230 for the U.S. Marshals.
- f. This amount does not include the \$21.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for Interagency Law Enforcement.

- g. This amount does not include the \$24.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Federal Bureau of Investigation.
- h. This amount does not include the \$33.7 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Drug Enforcement Administration.
- i. This amount does not include the \$37.5 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
- j. This amount does not include the \$20.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Federal Prison System.
- k. Does not include \$531.2 million rescissions of unobligated balances.
- l. Does not include a proposed \$690.5 million rescissions of unobligated balances.
- m. Does not include a proposed \$1.109 billion rescissions of unobligated balances.

Author Contact Information

Nathan James, Coordinator
Analyst in Crime Policy
njames@crs.loc.gov, 7-0264

Oscar R. Gonzales, Coordinator
Analyst in Economic Development Policy
ogonzales@crs.loc.gov, 7-0764

Jennifer D. Williams, Coordinator
Specialist in American National Government
jwilliams@crs.loc.gov, 7-8640

John F. Sargent Jr.
Specialist in Science and Technology Policy
jsargent@crs.loc.gov, 7-9147

Celinda Franco
Specialist in Crime Policy
cfranco@crs.loc.gov, 7-7360

William J. Krouse
Specialist in Domestic Security and Crime Policy
wkrouse@crs.loc.gov, 7-2225

Kristin M. Finklea
Analyst in Domestic Security
kfinklea@crs.loc.gov, 7-6259

Ian F. Fergusson
Specialist in International Trade and Finance
ifergusson@crs.loc.gov, 7-4997

Harold F. Upton
Analyst in Natural Resources Policy
hupton@crs.loc.gov, 7-2264

Linda K. Moore
Specialist in Telecommunications Policy
lmoore@crs.loc.gov, 7-5853

Wendy H. Schacht
Specialist in Science and Technology Policy
wschacht@crs.loc.gov, 7-7066

Daniel Morgan
Specialist in Science and Technology Policy
dmorgan@crs.loc.gov, 7-5849

Christine M. Matthews
Specialist in Science and Technology Policy
cmatthews@crs.loc.gov, 7-7055

Dana A. Shea
Specialist in Science and Technology Policy
dshea@crs.loc.gov, 7-6844

Eugene H. Buck
Specialist in Natural Resources Policy
gbuck@crs.loc.gov, 7-7262

M. Angeles Villarreal
Specialist in International Trade and Finance
avillarreal@crs.loc.gov, 7-0321

Linda Levine
Specialist in Labor Economics
llevine@crs.loc.gov, 7-7756

Abigail B. Rudman
Information Research Specialist
arudman@crs.loc.gov, 7-9519

Carmen Solomon-Fears
Specialist in Social Policy
csolomonfears@crs.loc.gov, 7-7306

Garrine P. Laney
Analyst in Social Policy
glaney@crs.loc.gov, 7-2518

Denis Steven Rutkus
Specialist on the Federal Judiciary
srutkus@crs.loc.gov, 7-7162

Key Policy Staff

Area of Expertise	Name	Phone	E-mail
Departments			
Department of Justice	Nathan James	7-0624	njames@crs.loc.gov
Department of Commerce	Oscar Gonzales	7-0764	ogonzales@crs.loc.gov
	Jennifer Williams	7-8640	jwilliams@crs.loc.gov
Science Agencies	John Sargent	7-9147	jsargent@crs.loc.gov
Agencies and Policy Areas			
OJP, COPS, BOP, U.S. Marshals	Nathan James	7-0264	njames@crs.loc.gov
FBI, ATF	William Krouse	7-2225	wkrouse@crs.loc.gov
U.S. Attorneys, DEA	Celinda Franco	7-7360	cfranco@crs.loc.gov
Juvenile Justice	Kristin Finklea	7-6259	kfinklea@crs.loc.gov
Trade-related agencies: ITA, ITC, USTR, NIPLECC	M. Angeles Villarreal	7-0321	avillarreal@crs.loc.gov
BIS	Ian F. Fergusson	7-4997	ifergusson@crs.loc.gov
EDA, ESA,MBDA	Oscar Gonzales	7-0764	ogonzales@crs.loc.gov
Telecommunications, NTIA	Linda K. Moore	7-5853	lmoore@crs.loc.gov
Bureau of the Census	Jennifer Williams	7-8640	jwilliams@crs.loc.gov
Patent and Trademark Office, NIST	Wendy H. Schacht	7-7066	wschacht@crs.loc.gov
Office of Science and Technology Policy	Dana A. Shea	7-6844	dshea@crs.loc.gov
NOAA	Harold F. Upton	7-2264	hupton@crs.loc.gov
NASA	Daniel Morgan	7-5849	dmorgan@crs.loc.gov
NSF	Christine M. Matthews	7-7055	cmatthews@crs.loc.gov
Marine Mammal Commission	Eugene H. Buck	7-7262	gbuck@crs.loc.gov
Equal Employment Opportunity Commission	Linda Levine	7-7756	llevine@crs.loc.gov
	Abigail B. Rudman	7-9519	arudman@crs.loc.gov
Legal Services Corporation	Carmen Solomon-Fears	7-7306	csolomonfears@crs.loc.gov
U.S. Commission on Civil Rights, OVW	Garrine P. Laney	7-2518	glaney@crs.loc.gov
State Justice Institute	Denis Steven Rutkus	7-7162	drutkus@crs.loc.gov