

CRS Report for Congress

Commerce, Justice, Science and Related Agencies: FY2009 Appropriations

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William J. Krouse, Coordinator
Domestic Social Policy Division

Edward Vincent Murphy, Coordinator
Government and Finance Division



**Prepared for Members and
Committees of Congress**

The annual consideration of appropriations bills (regular, continuing, and supplemental) by Congress is part of a complex set of budget processes that also encompasses the consideration of budget resolutions, revenue and debt-limit legislation, other spending measures, and reconciliation bills. In addition, the operation of programs and the spending of appropriated funds are subject to constraints established in authorizing statutes. Congressional action on the budget for a fiscal year usually begins following the submission of the President's budget at the beginning of each annual session of Congress. Congressional practices governing the consideration of appropriations and other budgetary measures are rooted in the Constitution, the standing rules of the House and Senate, and statutes, such as the Congressional Budget and Impoundment Control Act of 1974.

This report is a guide to one of the regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House and Senate Appropriations Subcommittees on Commerce, Justice, Science, and Related Agencies. It summarizes the status of the bill, its scope, major issues, funding levels, and related congressional activity, and is updated as events warrant. The report lists the key CRS staff relevant to the issues covered and related CRS products.

NOTE: A Web version of this document with active links is available to congressional staff at [http://apps.crs.gov/cli/cli.aspx?PRDS_CLI_ITEM_ID=2347&from=3&fromId=73].

Commerce, Justice, Science and Related Agencies: FY2009 Appropriations

Summary

This report monitors actions taken by the 110th Congress for the FY2009 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill. On June 12, 2008, the House CJS Appropriations Subcommittee approved an FY2009 CJS appropriations bill that includes \$5.1 billion more than the FY2008 enacted amount and \$3.1 billion more than the FY2009 request, or about \$59.7 billion in total funding (\$56.8 billion in discretionary funding). The House subcommittee mark includes \$8.7 billion for the Department of Commerce (DOC), \$25.4 billion for the Department of Justice (DOJ), \$24.7 billion for science agencies, among other amounts.

The Administration's FY2009 request initially included \$56.563 billion for those departments and agencies funded through the CJS appropriation, or \$1.926 billion more than the enacted FY2008 appropriation of \$54.637 billion (a 3.5% increase). For the DOC, the FY2009 request included \$8.217 billion, or \$1.360 billion more than the enacted FY2008 level (a 19.8% increase). The Census Bureau, however, is facing substantial funding shortfalls due to equipment failures associated with the 2010 decennial census. Congress is considering an FY2008 supplemental appropriations bill (H.R. 2642) that includes an additional \$210 million for Census. Also, the Administration submitted a budget amendment on June 9, 2008 that provides an additional \$546 million for the 2010 Census, partly offset by cancelling \$111 million in other Department of Commerce accounts and shifting amounts within the Census Bureau account.

For the DOJ, the FY2009 request includes \$23.089 billion, or \$503 million less than the enacted FY2008 level (a 2.1% decrease). This decrease largely reflects a proposed reduction of \$1.542 billion in funding for state and local law enforcement assistance, which was funded at \$2.411 billion for FY2008. However, the FY2008 request also includes increases of \$492.7 million for national security investigations, \$100 million for a Southwest border crime fighting initiative, and \$67.1 million to support essential federal detention and incarceration programs. In addition, the Administration has requested \$185.8 million in FY2008 supplemental funding for DOJ counterterrorism activities and programs. By comparison, the House-passed FY2008 supplemental appropriations bill would provide DOJ with \$407.3 million, and Senate-passed bill would provide \$1.131 billion.

For science agencies, the FY2009 request includes \$24.474 billion, or \$1.094 billion more than the enacted FY2008 level (a 4.7% increase). Among other things, the FY2009 request includes \$396.8 million for the NSF and the National Nanotechnology Initiative. In addition, the Senate-passed FY2008 supplemental appropriation bill would provide the NASA with \$200 million and the NSF with \$200 million. For related agencies, the FY2009 request includes \$784 million, or nearly \$24.8 million less than the enacted FY2008 level (a 3.1% decrease). The Legal Services Commission would absorb this decrease, as the FY2009 request only includes \$311 million for the commission, a reduction of \$39.5 million, as compared to the commission's enacted FY2008 level of funding.

CRS Key Policy Staff

Area of Expertise	Name	Division	Telephone and E-Mail
Departments			
Department of Justice	Celinda Franco	DSP	7-7360 cfranco@crs.loc.gov
Department of Commerce	Ted Murphy	G&F	7-6201 tmurphy@crs.loc.gov
Agencies and Policy Areas			
Office of Justice Programs	Nathan James	DSP	7-0264 njames@crs.loc.gov
Trade-related agencies: ITA, ITC, USTR, NIPLECC	M. Angeles Villarreal	FDT	7-0321 avillarreal@crs.loc.gov
BIS	Ian Fergusson	FDT	7-4997 ifergusson@crs.loc.gov
EDA	Eugene Boyd	G&F	7-8689 eboyd@crs.loc.gov
MBDA	Ted Murphy	G&F	7-6201 tmurphy@crs.loc.gov
Telecommunications, NTIA	Glenn McLoughlin	RSI	7-7073 gmcloughlin@crs.loc.gov
Bureau of the Census	Royce Crocker	G&F	7-7871 rcrocker@crs.loc.gov
Patent and Trademark Office, NIST, Technology Administration	Wendy H. Schacht	RSI	7-7066 wschacht@crs.loc.gov
Office of Science and Technology Policy	Dana Shea	RSI	7-6844 dshea@crs.loc.gov
NOAA	Wayne Morrissey	RSI	7-7072 wmorrissey@crs.loc.gov
NASA	Daniel Morgan	RSI	7-5849 dmorgan@crs.loc.gov
NSF	Christine Matthews	RSI	7-7055 cmatthews@crs.loc.gov
Marine Mammal Commission	Gene Buck	RSI	7-7262 gbuck@crs.loc.gov
Equal Employment Opportunity Commission	Linda Levine	DSP	7-7756 llevine@crs.loc.gov
	Abigail Rudman	DSP	7-9519 arudman@crs.loc.gov
Legal Services Corporation	Carmen Solomon-Fears	DSP	7-7306 csolomonfears@crs.loc.gov
U.S. Commission on Civil Rights	Garrine Laney	DSP	7-2518 glaney@crs.loc.gov
State Justice Institute	Steve Rutkus	G&F	7-7162 srutkus@crs.loc.gov

Division abbreviations: ALD = American Law Division; DSP = Domestic Social Policy Division; FDT = Foreign Affairs, Defense, and Trade Division; G&F = Government and Finance Division; RSI = Resources, Science, and Industry Division.

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Commerce, Justice, Science and Related Agencies: FY2009 Appropriations

Most Recent Developments

On June 12, 2008, the House Appropriations Commerce, Justice, Science and Related Agencies (CJS) Subcommittee approved of an FY2009 CJS spending measure that would provide an increase of \$5.1 billion more than the FY2008 enacted level and \$3.1 billion more than the FY2009 request, or about \$59.7 billion in total funding (\$56.8 billion in discretionary funding). This measure includes \$8.7 billion for the Department of Commerce (DOC), \$25.4 billion for the Department of Justice (DOJ), \$17.8 billion for the National Aeronautics and Space Administration (NASA), \$6.9 billion for the National Science Foundation (NSF), among other amounts.¹

The Administration, by comparison, initially requested \$56.563 billion for FY2009 for the departments and agencies funded through the CJS appropriations bill. On June 9, 2008, however, the Administration submitted an FY2009 budget amendment to Congress for the DOC that addresses difficulties associated with the 2010 decennial census that have been encountered by the Census Bureau. The revision provides an additional \$546 million for the 2010 Census, partly offset by \$111 million in reductions in other DOC programs and by shifting amounts within the Census Bureau account. The House CJS subcommittee chair, Representative Alan Mollohan, observed that the budget amendment came too late for the subcommittee to consider it before the scheduled June 12, 2008 markup.

Table 1. Legislative Status of CJS Appropriations

Subcommittee Markup		House Committee	Senate Committee	House Passage	Senate Passage	Conference Report		Public Law
House	Senate					House Passage	Senate Passage	
06/12/08								

¹ “Chairman Mollohan’s Statement, FY2009 Commerce, Justice, and Science Appropriations Subcommittee Markup,” June 12, 2008, available at [<http://appropriations.house.gov/pdf/MollohanSubMarkup06-12-08.pdf>].

In addition, the Administration has requested \$185.8 million for the DOJ in FY2008 supplemental funding for counterterrorism-related activities and programs. On May 15, 2008, the House passed an FY2008 Iraq war supplemental appropriations bill (H.R. 2642) that would provide the Census Bureau with \$210 million and DOJ with \$407.3 million. On May 19, 2008, the Senate amended and passed H.R. 2642. The Senate-passed bill would provide Census with \$210 million, DOJ with \$1.131 billion, NASA with \$200 million, and NSF with \$200 million. The House is poised to reconsider H.R. 2642 in light of the Senate-passed bill. And, the House Committee on Appropriations is scheduled to mark up the subcommittee-approved CJS appropriations bill on June 19, 2008.

Overview of FY2009 CJS Appropriations

FY2009 Request

As **Table 2** shows, the Administration's FY2009 request originally included \$56.563 billion for those departments and agencies funded through the CJS appropriation, or \$1.926 billion more than the enacted FY2008 appropriation of \$54.637 billion (a 3.5% increase). As noted above, however, the Administration has submitted an FY2009 budget amendment to Congress for the DOC and the Census Bureau, so the amount requested for the DOC has changed by \$505 million. However, this change *is not* reflected in **Table 2**, as the budget amendment was not delivered in time for the House CJS Appropriations subcommittee to consider it before the June 12, 2008 markup.

**Table 2. CJS Appropriations, FY2008 Enacted
and FY2009 Proposed**

(budget authority in millions of dollars)

Departments and Related Agencies	FY2008 Enacted	FY2009 Request ^b	House-Reported	House-Passed	Senate-Reported	Senate-Passed	FY2009 Final
Department of Commerce	6,856.5	8,216.5 ^b					
Department of Justice	23,591.9 ^a	23,088.9					
Science Agencies	23,379.6	24,473.5					
Related Agencies	808.8	784.0					
Total	54,636.8^a	56,563.0					

Sources: For the FY2008 Enacted column, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, the *Budget of the United States Government, Fiscal Year 2009 — Appendix*.

Note: Amounts may not total due to rounding.

- The Consolidated Appropriations Act, 2008 (P.L. 110-161) includes \$285.5 million in emergency spending for the Department of Justice.
- On June 9, 2008, the Department of Commerce submitted an FY2009 budget amendment to Congress that substantially changed the amount requested for the Department of Commerce. See Table 4.

For DOC, nonetheless, the Administration's FY2009 request initially included \$8.217 billion, or \$1.360 billion more than the enacted FY2008 level (a 19.8% increase). This increase included an additional \$1.374 billion for Bureau of the Census, but also included decreases of \$147.1 million (-52.6%) for the Economic Development Administration and \$17.1 million (-47.1%) for the National Telecommunications and Information Administration.

For DOJ, the FY2009 request includes \$23.089 billion, or \$502.8 million less than the enacted FY2008 level (a 2.1% decrease). This decrease largely reflects a proposed reduction of \$1.542 billion in funding for state and local law enforcement assistance, which was funded at \$2.411 billion for FY2008. Conversely, the FY2009 request includes new funding of \$492.7 million for national security investigations, \$100 million for a Southwest border crime fighting initiative, and \$67.1 million to support essential federal detention and incarceration programs.

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

For related agencies, the FY2009 request includes \$784 million, or nearly \$24.8 million less than the enacted FY2008 level (a 3.1 decrease). The Legal Services Commission would absorb the bulk of this decrease, as the FY2009 budget request for the commission only includes \$311 million, a reduction of \$39.5 million, as compared to the commission's enacted FY2008 appropriation.

FY2009 House CJS Subcommittee Markup

As noted above, the House CJS Subcommittee approved a measure on June 12, 2008 that would provide CJS departments and agencies with \$59.7 billion. This measure includes \$8.7 billion for the DOC. The subcommittee chair, Representative Mollohan, noted that the subcommittee's mark did not include consideration of the Administration's DOC budget amendment as it had come too late for the subcommittee to fully consider it. Nonetheless, the subcommittee's mark included the full \$2.6 billion for the Census Bureau, the same amount as originally requested by the Administration. The mark also includes \$4.3 billion for the National Oceanic and Atmospheric Administration and \$785 million for National Institute of Standards and Technology.

For the DOJ, the subcommittee mark is \$25.4 billion, including \$7.1 billion for the Federal Bureau of Investigation (FBI), \$1.9 billion for the Drug Enforcement Administration (DEA), \$1.1 for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and \$5.7 billion for the Bureau of Prisons. The mark also includes \$3.1 billion in state and local law enforcement assistance, instead of cutting such funding by \$1.5 billion, as proposed by the Administration.

For science agencies, the subcommittee mark includes \$17.8 billion for NASA and \$6.9 billion for NSF. For related agencies, the bill would provide \$883 million, including \$350 million for the Equal Employment Opportunity Commission and \$390 million for the Legal Services Corporation.

Synopsis of Enacted FY2008 Appropriations

On December 26, 2007, the President signed the Consolidated Appropriations Act, 2008 (H.R. 2764) into law (P.L. 110-161). This act included the FY2008 CJS appropriations bill, as well as 10 other appropriations bills, in addition to emergency military funding for Iraq and Afghanistan. Congressional leaders opted to use the Department of State, Foreign Operations, and Related Appropriations bill, 2008 (H.R. 2764) as the legislative vehicle for the FY2008 omnibus spending measure. As shown in **Table 2**, Congress appropriated \$54.637 billion for the federal departments, bureaus, agencies, administrations, offices and activities funded under the CJS appropriations bill in P.L. 110-161. Congress had previously passed continuing resolutions to fund those departments and agencies in the absence of the regular FY2008 CJS appropriation.² Also, Congress is considering an FY2008 supplemental appropriations bill (H.R. 2642) that includes funding for several CJS accounts.

Funding Trends, FY2002-FY2008

Table 3 shows CJS appropriations over a seven year period FY2002-FY2008, including supplemental appropriations. Funding for the Department of Commerce increased by 14.1% from FY2002 through FY2005. Due to rescissions, it decreased by 1.9% for FY2006, but when compared to the previous year increased by 3.1% for FY2007 and 3.5% for FY2008.

Table 3. Funding Trends for CJS Departments and Agencies, FY2002-FY2008

(budget authority in millions of dollars)

Department/Agencies	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008
Department of Commerce	5,739	5,796	5,943	6,550	6,426	6,625	6,857
Department of Justice	23,707	19,648	19,850	21,000	21,404	23,210	23,592
Science Agencies	19,710	20,600	20,960	21,676	22,833	22,207	23,380
Related Agencies	739	753	778	781	782	801	909
Total	49,895	46,681	47,584	50,201	51,499	52,931	54,742

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

Note: Amounts may not total due to rounding.

² For further information, see CRS Report RL30343, *Continuing Resolutions: FY2008 Action and Brief Overview of Recent Practices*, by Sandy Streeter.

Funding for the Department of Justice decreased by 17.1% from FY2002 to FY2003. This decrease largely reflects the transfer of the former Immigration and Naturalization Service to the Department of Homeland Security. Justice funding has increased by 20.1% from FY2003 to FY2008.

Funding for the science agencies has gradually increased by 15.8% from FY2002 to FY2006, decreased by 2.7% for FY2007 and increased by 5.3% for FY2008. Funding for related agencies increased by 9.5% from FY2002 to FY2008. Funding for all departments and agencies currently under the CJS appropriations bill decreased by 6.4% from FY2002 to FY2003, but it has increased from FY2003 to FY2008 by 17.3%.

Survey of Selected Issues

Department of Commerce

For the Department of Commerce (DOC), the Administration's original budget did not anticipate some problems which later emerged with the equipment for the 2010 Census. On June 8, 2008, the Administration submitted a revised Department of Commerce budget that addresses the Census Bureau's equipment problems and adjusts funding in other DOC accounts. The figures presented in the program descriptions represent the original budget request except when otherwise noted.

A possible key issue to be considered during the deliberations of the FY2009 budget concerns the Department's trade and technology programs, which may be focal points in discussions of export promotion in part because the deficit in the U.S. current account has nearly doubled from \$98.8 billion in January 2000 to \$172.9 billion in fourth quarter 2007.³ The anniversary of hurricanes Katrina and Rita may also draw attention to the Department's weather and ocean-stewardship programs.

Other focal points may include the following:

- implementation of the American Competitiveness Initiative, announced in February 2006, intending to provide \$50 billion in research and \$86 billion in research tax incentives over 10 years across several Commerce and related agencies, to increase U.S. leadership in technological research, development, and education;
- the ability of U.S. trade agencies and the U.S. Patent and Trademark Office to fight intellectual property infringement abroad;
- proposed increases in funds for Economic and Statistics Administration to revise the measure of the health sector in gross domestic product (GDP);

³ Fourth quarter 2007 data was released by the Bureau of Economic Analysis on March 17, 2008.

- the efficacy of U.S. trade agency enforcement of U.S. trade remedy laws against unfair foreign competition;
- proposed consolidation of activities currently funded under the Economic Development Administration's Public Works, Technical Assistance, Research and Evaluation, Economic Adjustment Assistance and Defense Economic Adjustment Assistance programs under a Regional Development Administration (RDA);
- implementation of the Technology Innovation Program at the National Institute of Standards and Technology, which replaced the Advanced Technology Program, given the Administration's budget request that provided no funding for the effort;
- continuation of federal funding for the Manufacturing Extension Partnership at the National Institute of Standards and Technology given the Administration's budget proposal that recommends termination of federal support for this program;
- addressing aging equipment serving the National Oceanic and Atmospheric Administration's (NOAA) technical missions;
- funding levels for NOAA's satellite programs, ocean and coastal research-related projects, and tsunami research systems.

Department of Justice

During consideration of the Administration's FY2009 budget request, several issues may be brought to Congress' attention that have budgetary impacts and, therefore, implications for the appropriations process. Those issues include:

- continuing oversight of the FBI's transformation and the redirection of a larger share of the its resources towards combating domestic and international terrorism, and away from traditional crime;
- rising crime rates in medium size and smaller cities (in 2006 as compared to 2005, cities with populations of 100,000 to 249,999 reported a 2.3% increase in the reported number of violent crime; and cities with populations of 50,000 to 99,999, 25,000 to 49,999, and 10,000 to 24,999 reported violent crime increases of 3.5%, 3.8%, and 2.8%, respectively);
- proposed consolidation of the existing 38 federal law enforcement assistance programs into four "competitive" grant programs and a reduction in such assistance to \$589 million for FY2009 (\$1.422 billion less than the amount appropriated by Congress for FY2008, or a 70.7% decrease);
- proposed consolidation of Office on Violence Against Women programs into a single "competitive" grant program, and a reduction

in that Office's budget to \$280 million for FY2009 (30% decrease as compared to the FY2008 appropriation);

- proposed \$100 million Southwest Border Enforcement Initiative that would increase resources to bolster DOJ's efforts to combat illegal immigration, drug trafficking, and firearms smuggling across the Southwest border between the United States and Mexico in the Administration's FY2009 budget request;
- the FY2008 budget shortfall for the Bureau of Prisons (BOP) in light of projections that its facilities will be 39% over capacity in 2008 and 42% over capacity in 2009;⁴ and
- proposed elimination of a prisoner reentry initiative under the Administration's FY2009 grant consolidation plan, when an estimated 650,000 offenders are being released from prison annually.⁵

Science Agencies

As the United States works to remain competitive in the global world economy, key issues are likely to revolve around:

- providing funding for the America COMPETES Act (P.L. 110-69), a law that authorizes increases in the nation's investment in science and engineering research at the NSF, National Institute of Standards Technology laboratories, and Department of Energy (DOE) Office of Science and science, technology, engineering, and mathematics (STEM) education programs at NSF, DOE, and the Department of Education,⁶ and the American Competitiveness Initiative (ACI), which responds to similar concerns; even though the White House's Office of Science and Technology Policy reports that the FY2009 budget request includes funding for America COMPETES Act initiatives at 88% of the FY2009 authorization level;⁷

⁴ U.S. Department of Justice, Bureau of Prisons, *Quick Facts About the Bureau of Prisons*, available online at [<http://www.bop.gov/news/quick.jsp>].

⁵ U.S. Department of Justice, Office of Justice Programs, "Learn About Reentry," available at [<http://www.reentry.gov/learn.html>].

⁶ For more information, see CRS Report RL34328, *America COMPETES Act: Programs, Funding, and Selected Issues*, by Deborah D. Stine.

⁷ Testimony of Dr. John Marburger, III, Director, White House Office of Science and Technology Policy, House Committee on Science and Technology, Funding for the America COMPETES Act in the FY2009 Administration Budget Request, hearing, 110th Congress, 2nd session, February 14, 2008, available at [http://democrats.science.house.gov/Media/File/Commdocs/hearings/2008/Full/14feb/Marburger_Testimony.pdf].

- funding NASA budget priorities that are driven by the President's Vision for Space Exploration, which were endorsed by Congress in the NASA Authorization Act of 2005 (P.L. 109-155), and include goals like returning the space shuttle to flight status (already accomplished), then retiring it by 2010; completing the International Space Station (ISS), but discontinuing U.S. use of it by 2017; returning humans to the moon by 2020; and sending humans to Mars and "worlds beyond;" and
- funding for the NSF's \$396.8 million National Nanotechnology Initiative, which would increase government research and development of technologies aimed at fabricating materials at the atomic and molecular level.⁸

Related Agencies

For related agencies, a key issue for Congress could be whether to fund the Legal Services Corporation's FY2009 budget at \$311 million as requested by the Administration, a reduction of \$39.5 million as compared to the FY2008 enacted level of funding.

Department of Commerce

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

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

- *International Trade Administration (ITA)* seeks to develop the export potential of U.S. firms and to improve the trade performance of U.S. industry;
- *Bureau of Industry and Security (BIS)*, formerly the Bureau of Export Administration, enforces U.S. export laws consistent with national security, foreign policy, and short-supply objectives;

⁸ For further information, see CRS Report RL34511, *Nanotechnology: A Policy Primer*, by John F. Sargent, Jr.

- *Economic Development Administration (EDA)* provides grants for economic development projects in economically distressed communities and regions;
- *Minority Business Development Agency (MBDA)* seeks to promote private and public sector investment in minority businesses;
- *Economic and Statistics Administration (ESA)*, excluding the Census Bureau, provides (1) timely information on the state of the economy through preparation, development, and interpretation of economic data; and (2) analytical support to department officials in meeting their policy responsibilities. Much of this analysis is conducted by the Bureau of Economic Analysis (BEA);
- *United States Census Bureau (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.

As **Table 4** shows, the original FY2009 requested appropriation amount of \$8.217 billion was \$1.360 billion more than the FY2008 enacted amount of \$6.857 billion (P.L. 110-161) for the Department of Commerce, a 19.8% increase. The largest percentage increase for a single agency was for the Census Bureau, which requested a 111.7% increase. The Census Bureau request was increased on June 9,

2008, at the expense of other programs as part of a revised budget request for the entire Department of Commerce⁹

Table 4. Funding for the Department of Commerce
(budget authority in millions of dollars)

Bureau or Agency	FY2008 Enacted	FY2009 Request ^c	FY2009 Revised ^d	House Action	Senate Action	FY2009 Enacted
International Trade Administration ^a	405.2	420.4	417.3			
Bureau of Industry and Security	72.9	83.7	83.2			
Economic Development Administration	279.9	132.8	123.6			
Minority Business Development Agency	28.6	29.0	28.6			
Economic and Statistics Administration (excluding Census)	81.1	90.6	90.1			
Census Bureau	1,230.2	2,604.6	3,139.9			
National Telecommunications and Information Administration	36.3	19.2	18.4			
Patent and Trademark Office ^b	(1,915.5)	(2,075.0)	(2,075.0)			
National Institute of Standards and Technology	755.8	638.0	636.0			
National Oceanic and Atmospheric Administration	3,896.5	4,103.9	4,090.7			
Departmental Management	70.0	94.2	93.7			
Total: Department of Commerce	6,856.5	8,216.5	8,721.5			

Sources: For the FY2008 Enacted column, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, the *U.S. Department of Commerce Budget Justifications*, available at [<http://www.osec.doc.gov/bmi/budget/FY09CBJ.html>].

Note: Amounts may not total due to rounding.

- a. Total funding for ITA may be higher than these amounts due to retained fees.
- b. Does not include \$45 million in mandatory spending from the Digital Transition and Safety Public Fund. 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.
- c. Original FY2009 Administration request.
- d. June 9, 2008 revised Administration request. The June 9 FY2009 announcement for the budget request revision presented individual program account changes. Figures reflect estimated net changes for agencies as a whole that could not be confirmed as of June 11, 2008.

The June 9, 2008, revised request cancelled funding in several Department of Commerce programs in order to provide additional funds for the 2010 census. The total increase for the 2010 Census is almost \$546 million, although other Census Bureau funding was decreased. In order to fund this increase, the Administration

⁹ Letter from the Executive Office of the President to Congress, June 9, 2008. OMB Estimate No. 5, 110th Congress, 2nd Session, at [http://www.whitehouse.gov/omb/budget/amendments/amendment2_6_9_08.pdf].

requested cancellation of \$70 million in unobligated balances associated with the Food, Conservation, and Energy Act of 2008 (P.L. 110-234). In addition, funding was reduced in the following Department of Commerce accounts: International Trade Administration, reduced \$3.2 million; Bureau of Industry and Security, reduced \$0.5 million; Economic Development Administration, reduced \$9.2 million; Minority Business Development Administration, reduced \$0.4 million; Economics and Statistics Administration, reduced \$0.5 million; other programs in Census, reduced \$10.8 million¹⁰; National Telecommunications and Information Administration, reduced \$0.8 million; National Institute of Standards and Technology, reduced \$2.0 million; National Oceanic and Atmospheric Administration, reduced \$13.2 million; and Departmental Management, reduced \$0.5 million. The discussions of each agency below reflect the original budget request, except when otherwise noted.

Also, for the Census Bureau, both the House- and Senate-passed versions of the FY2008 Iraq war supplemental appropriations (H.R. 2642) include \$210 million to address issues related to the 2010 Census.

International Trade Administration (ITA)¹¹

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

The President's FY2009 request for ITA is \$420.4 million, a \$15.2 million (3.8%) increase over the FY2008 funding level of \$405.2 million.¹² The request anticipates the collection of \$9.4 million in fees, raising available funds to \$429.9

¹⁰ This \$10.8 million reduction within Census includes reductions to other periodic census programs and a \$5.2 million reduction in salaries and expenses.

¹¹ The sections on ITA, USTR, and ITC were written by M. Angeles Villarreal, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

¹² Figures do not reflect the \$3.2 million reduction in the revised budget request. See above.

million. The ITA *Budget Estimates* for FY2009 presents a priority list of new programmatic and base-level changes from the FY2008 budget.¹³ These include budget increases for an Adjustments to Base (ATB) and for a China Countervailing Duty Group Initiative, and budget decreases due to the closure of a Trade Compliance Office in Seoul, Korea, and streamlining of the Domestic Office Structure.

Bureau of Industry and Security (BIS)¹⁴

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

The President's FY2009 request for BIS is \$83.7 million, a \$10.8 million (14.8%) increase from the FY2008 enacted funding level of \$72.9 million.¹⁵ The FY2009 funding request for BIS is divided between licensing activity (\$41.0 million), enforcement activities (\$36.8 million), and management and policy coordination (\$5.9 million). Of these amounts, \$14.8 million was requested for Chemical Weapons Convention (CWC) enforcement. Slightly more than half of the requested increase (\$5.8 million) is for restoration of FY2008 base reductions; \$2.6 million is for cost-of-living adjustments; and \$2.4 million is for new programmatic initiatives. These include enhancing counter-proliferation efforts through the addition of BIS criminal investigators, placing an export control officer in Singapore to prevent the illegal transshipments of controlled items, and adding export compliance specialists for the Validated End-User program. In FY2008, BIS had budget authority for 365 positions. With the restorations to base and new initiatives, BIS is seeking budget authority for 396 positions for FY2009.

¹³ International Trade Administration, *Budget Estimates: Fiscal Year 2009*, Congressional Submission.

¹⁴ This section was written by Ian F. Fergusson, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

¹⁵ Figures do not reflect the \$0.5 million reduction in the revised budget request. See above.

Economic Development Administration (EDA)¹⁶

The EDA was established under the Public Works and Economic Development Act of 1965, as amended.¹⁷ The EDA's mission is to help communities and regions generate new jobs and retain existing jobs by stimulating industrial and commercial growth in economically distressed areas. EDA assistance emphasizes the needs of urban areas with high unemployment, low income, or other severe conditions of economic distress.

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

For the fourth consecutive year, the Administration budget includes a proposal that would reduce EDA assistance programs. The proposed cuts may result in a refocusing of the agency's activities. For FY2009, the Administration's budget request includes \$132.8 million for EDA assistance, which is significantly less than the FY2008 enacted amount of \$279.9 million.¹⁸ Specifically, the Administration's FY2009 budget request includes

- \$32.8 million for salaries and expenses, \$2 million more than appropriated in FY2008;
- \$7 million for public works grants, \$141 million less than FY2008 funding level;
- \$40 million for economic adjustment assistance, \$2.3 million less than appropriated in FY2008;
- \$27 million for planning assistance, \$1.6 million more than the FY2008 appropriation;
- \$14 million for trade adjustment assistance, unchanged from the FY2008 appropriation;
- \$9 million for technical assistance, \$400,000 less than the FY2008 appropriation;
- \$1 million for research, \$530,000 less than the FY2008 appropriation; and
- \$2 million for Global Climate Change Mitigation Incentive Fund, \$7.5 million less than appropriated in FY2008.

¹⁶ This section was prepared by Eugene Boyd, Analyst in American National Government, Government and Finance Division.

¹⁷ 42 U.S.C. § 3121.

¹⁸ Figures do not reflect the \$9.2 million reduction in the revised request. See above.

The budget would reduce funding for EDA assistance programs, not including salaries and expenses, by 60%, from \$249.1 million appropriated for FY2008 to \$100 million. The most significant reduction would be borne by EDA's public works grants, a 95% reduction. The proposed reduction in funding for public works projects would shift the agency's focus from assisting in financing infrastructure development to providing assistance in support of economic development-related planning, technical assistance, and research and evaluation activities. In testimony before the House Appropriations Subcommittee on Commerce, Justice, State, the Department of Commerce's Assistant Secretary for Economic Development Sandy Baruah stated that the reduction in public works funds was a result of making tough choices among competing priorities in a tight budget environment.¹⁹ Opponents of the proposed cuts, such as the National Association of Development Organizations, have contended that the \$147 million in proposed cuts "could potentially result in the loss or delay of nearly \$4.12 billion in new private sector investments and the setback of saving or generating more than 52,000 jobs in distressed areas across the nation."²⁰

Minority Business Development Agency (MBDA)²¹

The MBDA, established by Executive Order 11625 on October 13, 1971,²² is charged with the lead role in coordinating all the federal government's minority business programs. As part of its strategic plan, the MBDA seeks to develop a more industry-focused, data-driven, technical assistance approach to give minority business owners the tools essential for becoming first or second tier suppliers to private corporations and the federal government in the new procurement environment. Progress will be measured in relation to entrepreneurial parity and strategic growth through increased gross receipts, number of employees, and size and scale of firms associated with minority business enterprise.

The FY2009 requested amount for MBDA is \$29.0 million. This is \$0.4 million more than the FY2008 enacted amount of \$28.6 million, a 1.4% increase.²³ MBDA programs are primarily delivered through National and Regional Enterprise Centers (NECs and RECs), which service strategic growth firms, identify new opportunities, and provide project management of grantees. The amount requested for grants, subsidies, and contributions in FY2009 remains the same as FY2008, \$11.2 million.

¹⁹ U.S. Congress. House Committee on Appropriations, Subcommittee on Commerce, Justice, State. Testimony of Sandy K. Baruah Assistant Secretary of Commerce for Economic Development, U.S. Department of Commerce, March 5, 2008, available at [http://www.eda.gov/ImageCache/EDAPublic/documents/pdffdocs2008/skbwrittentestimony030508_2epdf/v1/skbwrittentestimony030508.pdf].

²⁰ National Association of Development Organizations. Legislative Action Alert, *Economic Development Administration: Urge Lawmakers to Restore Public Works Funding, Reject 53 Percent Overall Budget Reduction*, p. 2, available at [http://www.nado.org/uploaded_files/eda2009.pdf].

²¹ This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

²² 36 FR 19967, 3 C.F.R., 1971-1975 Comp., p. 616.

²³ Figures do not reflect the \$0.4 million revised request. See above.

Economic and Statistics Administration (ESA)²⁴

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

The FY2009 requested amount for ESA is \$90.6 million.²⁵ This represents a 10.5% increase over the comparable FY2008 enacted amount of \$81.1 million. The most prominent ESA programs are BEA's four statistical accounts: (1) National Income and Product Accounts, (2) Regional Economic Accounts, (3) Industry Input-Output Tables, and (4) International Balance of Payments. BEA comprises 96% of the FY2009 ESA budget request. BEA's four core programs support other agencies and policymakers. The National Economic Accounts support federal budget projections and macroeconomic policy. Regional data are used to allocate federal funds and state budget forecasts. Industry accounts are used to compile the other datasets and also by the Bureau of Labor Statistics for the Producer Price Index. Balance of payments data are required by international agreements on exchange rates.

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

U.S. Census Bureau (Census)²⁶

A census of the population, conducted every ten years, is authorized by the Constitution (Article I, Section 2, clause 3, as modified by Section 2 of the 14th Amendment). The Census Bureau, established as a permanent office on March 6, 1902 (32 Stat. 51), conducts this decennial census of the United States and is

²⁴ This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

²⁵ Figures do not reflect the \$0.5 million reduction in the revised request. See above.

²⁶ This section was written by Royce Crocker, Specialist in American National Government, Government and Finance Division.

authorized by Title 13 U.S.C. to collect and compile a wide variety of other demographic, economic, housing, and governmental data.

As a result of newly discovered difficulties with equipment planned to be used in various aspects of the 2010 Decennial Census, the Census Bureau and the Department of Commerce recently submitted an amendment to the President's FY2009 budget submission. According to testimony given by Secretary of Commerce Gutierrez, on April 15, 2008, before a subcommittee of the Senate Committee on Homeland Security and Governmental Affairs, the Department planned to request additional funding for FY2009, fully offset. On June 9, 2008, the Administration requested an additional \$546 million to the 2010 census for FY2009. Prior to the revision, the Administration's request for FY2009 was \$2.605 billion for the Census Bureau.

Also, both the House and Senate have included \$210 million in the FY2008 Iraq war supplemental appropriations bill (H.R. 2642) to address issues related to the 2010 Census.

National Telecommunications and Information Administration (NTIA)²⁷

The NTIA is the executive branch's principal advisory office on domestic and international telecommunications and information technology issues and policies. Its mandate is to provide greater access for all Americans to telecommunications services, to support U.S. attempts to open foreign markets, to advise on international telecommunications negotiations, to fund research grants for new technologies and their applications, and to assist nonprofit organizations converting to digital transmission in the 21st century. The NTIA also manages federal use of radio frequency spectrum domestically and internationally.

For FY2009, the Bush Administration has requested \$19.2 million for NTIA, with only the administrative functions of NTIA receiving direct appropriations.²⁸ In contrast, the FY2008 enacted appropriation amount (P.L. 110-161) was \$36.3 million, which was \$3.5 million below the FY2007 enacted amount and \$17.7 million above the President's requested amount. There are two major components to the NTIA appropriated budget (a third program, which is a revolving fund based on spectrum auctions, is discussed below). The first is Salaries and Expenses. For FY2009, the Bush Administration has requested \$19.2 million; Congress approved \$17.5 million for FY2008. In the past, a large part of this function has been for the management of various information and telecommunications policies, both domestically and internationally. The second NTIA component is Public Telecommunications and Facilities Planning and Construction (PTFPC). The Bush Administration has requested (as it has in previous years) that this program's funding be eliminated, arguing that most of the construction and refurbishing of public

²⁷ This section was written by Glenn McLoughlin, Specialist in Technology and Telecommunications Policy, Resources, Science, and Industry Division.

²⁸ Figures do not reflect the \$0.8 million reduction in the revised request. See above.

telecommunications facilities has already been done and that any remaining support that is needed should come from local public broadcasting entities. However, for FY2008, Congress disagreed, citing the ongoing need for upgrading of public broadcasting facilities, particularly as the deadline of converting all analog broadcasts to digital in 2009 approaches. For FY2008, Congress funded this program at \$18.8 million.

The third program that is administered by NTIA, but not directly funded by appropriated money, was established in the 2005 Deficit Reduction Act. That law (P.L. 109-171) called for the creation of a Digital Transition and Safety Public Fund, which would offset receipts from the auction of licenses to use the electromagnetic spectrum when analog signals are discontinued in 2009. The initial auction was held on January 24, 2008. The receipts from the auction are intended to fund the following programmatic functions at NTIA: a digital-analog converter box program to assist consumers in meeting the February 2009 deadline for receiving television broadcasts in digital format; public safety interoperable communications grants (which would be made to ensure that public safety agencies have a standardized format for sharing voice and data signals on the radio spectrum); New York's 9/11 digital transition funding (until the Freedom Tower is completed); assistance to low-power television stations for converting from analog to digital transmission; a national alert and tsunami warning program; and funding to enhance a national alert system as stated in the ENHANCE 911 Act of 2004 (P.L. 108-494).

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

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

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

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

Beginning in 1990, appropriation measures have limited the ability of the USPTO to use the full amount of fees collected in each fiscal year. Although over the past several years the USPTO has been given the budget authority to use all collected fees, this issue remains an area of controversy. Opponents of this approach

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

argue that agency operations are supported by payments for services that must be financed in the year the expenses are incurred. Proponents of methods to limit USPTO fee usage maintain that the fees are necessary to help balance the budget and the budget authority given to the Office is sufficient to cover operating costs.

National Institute of Standards and Technology (NIST)³⁰

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

For FY2009, the Administration's budget request would provide NIST with \$638.0 million, 15.6% below the current fiscal year due primarily to the absence of funding for the Technology Innovation Program (TIP)³¹ and a significant reduction in support for the Manufacturing Extension Partnership (MEP) program.³² Internal research and development under the Scientific and Technical Research and Services (STRS) account would increase 21.5% to \$535.0 million (including \$8.5 million for the Baldrige National Quality Program). The MEP program would receive \$4.0 million (over 95% less than the FY2008 appropriation) to close out the federally funded portion of the activity such that "...MEP centers will become independent, as intended in the program's original authorization." Construction funding would decrease 38.3% to \$99.0 million.

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

Continued support for the Advanced Technology Program was a major funding issue. ATP was created to provide "seed financing," matched by private sector investment, to businesses or consortia (including universities and government laboratories) for development of generic technologies that have broad applications across industries. Opponents of the program cited it as a prime example of

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

³¹ The Technology Innovation Program replaced the Advanced Technology Program as mandated by P.L. 110-69.

³² Figures do not reflect the \$2.0 million reduction in the revised request. See above.

“corporate welfare,” whereby the federal government invests in applied research activities that, they emphasize, should be conducted by the private sector. Others defended ATP, arguing that it assisted businesses (and small manufacturers) in developing technologies that, while crucial to industrial competitiveness, would not or could not be developed by the private sector alone. Although Congress maintained (often decreasing) funding for ATP, the initial appropriation bills passed by the House since FY2002 failed to include financing for the program. In FY2006, support for the program was cut 41.0% and in 2007, P.L. 110-69 replaced ATP with the Technology Innovation Program, which focuses on small and medium sized firms. The Consolidated Appropriations Act, FY2008 provides funding for this new initiative. The Administration’s FY2009 budget request does not include financing for TIP.

The budget for the Manufacturing Extension Partnership, another extramural program administered by NIST, has been debated since the FY2004 appropriations deliberations. Although congressional support for MEP remained constant in the recent past, the Administration’s FY2004 budget request, the initial House-passed bill, and the FY2004 Consolidated Appropriations Act substantially decreased federal funding for this initiative, reflecting the President’s recommendation that manufacturing extension centers “...with more than six years experience operate without federal contribution.” However, P.L. 108-447 restored financing for MEP in FY2005 to the level that existed prior to the 63.0% reduction taken in FY2004. While support decreased in FY2006, it remained significantly above the FY2004 figure; FY2007 funding remained similar to the previous fiscal year. For FY2008, funding for MEP was reduced. The President’s FY2009 budget proposal recommends curtailing the federally financed portion of the program and provides \$4.0 million to accomplish this objective.

As part of the American Competitiveness Initiative,³³ announced by the President in the 2006 State of the Union address, the Administration has indicated that it intends to double over 10 years funding for “innovation-enabling research” performed at NIST. This is to be accomplished through increased support of NIST’s “core” programs, defined as internal research in the STRS account and the construction budget. To this end, the President’s FY2007 budget requested an 18.3% increase in funding for intramural R&D at the laboratory; support for research performed within the NIST facilities under P.L. 110-5 increased 9.6% over FY2006. For FY2008, the omnibus appropriations legislation provided for a small increase in the STRS account. The President’s FY2009 budget proposes an additional 21.5% funding for this in-house research and development.

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

National Oceanic and Atmospheric Administration (NOAA)³⁴

The mission of the NOAA is to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet the nation's economic, social, and environmental needs.³⁵ The Administration's FY2009 budget request initially recommended \$4.104 billion for NOAA (see **Table 5**). This amount is 5.3% or \$208 million more than FY2008 enacted appropriations of \$3.896 billion. Not reflected in **Table 5** is the Administration's budget amendment that reduces the NOAA FY2009 request by \$13.2 million. However, according to the Administration this reduction would not change the total amount requested by the President for NOAA under the budget amendment.

Furthermore, the President asked Congress to restore funding for NOAA programs cut in FY2008 in favor of "congressionally directed programs" estimated at \$150.4 million;³⁶ these were programs for which the Administration did not request funding. For FY2009, the Bush Administration's overarching budget priorities for NOAA are

- requesting authority to use unobligated appropriations, and reprogramming some budget authority for programs it did not request in FY2008;
- re-capitalizing (infusing funding into) aging facilities, equipment, technology, vessels, buildings, and other agency infrastructure;
- ensuring that NOAA satellite programs are able to meet mission requirements, keep to schedule, and manage meteorological, climate, and environmental data; and
- continuing implementation of the President's *Ocean Initiative*.³⁷

³⁴ This section was prepared by Wayne A. Morrissey, Information Research Specialist, Knowledge Services Group.

³⁵ Mission statement, Department of Commerce, *NOAA FY2009 Budget Summary*, February 4, 2008, at [http://www.corporateservices.noaa.gov/~nbo/FY08%20Rollout%20Materials/1_31_07_ROLLOUT/Blue_Book/Ch.0_TOC_and_INTRO_08_Final.pdf].

³⁶ CRS estimated this amount according to funding reported by conferees in the Joint Explanatory Statement to accompany H.R. 2764 (amended), House Appropriation Committee Print, *Consolidated Appropriations Act, 2008, Division B-Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008*, pp. 618-791, January 30, 2008. Available at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_house_committee_prints&docid=f:39564b.pdf].

³⁷ See Department of Commerce, NOAA, FY2009 Budget Highlights, "President's Ocean Initiative," at [http://www.corporateservices.noaa.gov/~nbo/FY09_Rollout_Materials/POI_One_Pager_FINAL.pdf].

**Table 5. NOAA Appropriations For
FY2008 and the FY2009 Request**
(budget authority in millions of dollars)^a

NOAA Accounts		FY2008 Enacted	FY2009 Requested
Operations, Research, and Facilities (ORF)			
NOS	National Ocean Service	467.9	449.3
NMFS	NOAA Fisheries	708.6	726.2
OAR	NOAA Research	387.9	372.3
NWS	National Weather Service	805.3	818.8
NESDIS	NOAA Satellites	179.2	165.3
PS	Program Support	392.4	392.4
Total ORF Budget Authority		2,941.3	2,924.3
Budget Authority Offsets (PDAF/CZMF including transfers/deobligations)		(82.0)	(90.0)
Subtotal ORF Discretionary		2,859.3	2,834.3
Procurement, Acquisition, & Construction (PAC)^b		979.2	1,238.7
Other Accounts (net total) PCSRF/CZMF/Finance		58.0	30.9
Total: NOAA^{c,d}		3,896.5	4,103.9

Sources: For FY2008 Appropriations, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*, pp. 438-450. For the FY2009 President's Request, National Oceanic and Atmospheric Administration, *Budget Estimates Fiscal year 2009: Congressional Submission*, February 8, 2008, available at [http://www.corporateservices.noaa.gov/~nbo/FY09_Rollout_Materials/NOAA_FY09_Final_CJ.pdf].

- a. Amounts may not total due to rounding error.
- b. The FY2009 PAC funding request is divided as follows: \$24.4 million for NOS; \$10.4 million for OAR; \$111.9 million for NWS; \$992.6 million for NESDIS; and \$92.5 million for PS.
- c. The FY2008 total reflects a rescission of \$11.3 million included in P.L. 110-161.
- d. To cover inflationary cost increases, \$4 million from ORF and \$9 million from PAC were reprogrammed according to amendments to the President's FY2009 budget. There was no change to the overall amount requested for NOAA.

The President's FY2009 Budget Request. Of the \$4.104 billion the President requested for NOAA for FY2009, \$2.834 billion would be for the Operations, Research, and Facilities (ORF) discretionary account; \$1.239 billion for the Procurement, Acquisition, and Construction (PAC) account; and a net total of \$30.9 million for NOAA's Other Accounts, which include the Pacific Coastal Salmon Recovery Fund (PCSRF), the Coastal Zone Management Fund (CZMF), and fishery financing (**Table 5**).³⁸ Additional budget authority (BA), which is generally requested by the President for NOAA annually, would offset the amount of discretionary funding the agency would require otherwise. For FY2009, \$79 million

³⁸ The request for PCSF was \$35 million. However, NOAA's accounting is sensitive to offsetting budget authority and, therefore, the amount of \$30.9 million is a net total for Other Accounts.

in offsetting BA would be transferred from NOAA's Promote and Develop American Fishery Products Fund (PDAF) to the ORF account. PDAF collections are transferred from the U.S. Department of Agriculture to NOAA. Additional offsetting BA for the ORF account of \$11 million would be derived, with Congress's approval, from FY2008 unobligated appropriations. Another \$3 million would be transferred internally from CZMF collections to ORF to administer the Coastal Zone Management Program. In addition to the request for NOAA's five budget line offices under ORF, funding is requested for Program Support (PS), a cross-cutting budget activity that funds NOAA administration, education, and the Office of Marine and Aviation Operations (OMAO), which manages NOAA marine services (hydrographic data collection), the fleet of marine vessels and aircraft, and those NOAA Corps commissioned officers who pilot them.

Table 5 is organized by the FY2009 NOAA budget structure and includes the ORF account, the PAC account, and "Other Accounts," composed of the PCSRF, the CZMF, and fisheries financing. Also shown is offsetting budget authority for NOAA that is transferred to or from another agency, such as with the PDAF; or transferred internally, as with the CZMF; or authorized by Congress from previous fiscal year(s) unobligated appropriations. In some years (FY2007), the agency received emergency appropriations or congressionally mandated rescissions (FY2008).

NOAA Funding Proposals. Among NOAA's priorities for FY2009, Vice Admiral Conrad C. Lautenbacher Jr, U.S. Navy (Ret.), Undersecretary of Commerce for Oceans and Atmosphere and Administrator of NOAA, stressed the agency's need to "recapitalize" (invest capital) to address problems with aging equipment, facilities, infrastructure, and marine and aviation vessels. He also noted that "technology refreshment" is needed for some of NOAA's marine vessels and aircraft and as replacements for older environmental sensing instrumentation.³⁹ The Vice Admiral stated that base funding for certain programs and activities at the agency had been reduced by Congress in FY2008 because of "congressionally directed programs" and that funding for them needed to be restored, especially if the agency were to fund new initiatives.⁴⁰ The Administrator also indicated that NOAA had to absorb increased costs of personnel and inflation of goods and services as part of maintaining the operations of NOAA's "core values." As part of the President's *Ocean Initiative*, Lautenbacher discussed funding increases for (1) climate and ocean-related research activities (including drought); (2) marine resources conservation and management to enforce regulations aimed at over-fishing; and (3) critical marine habitat restoration to increase declining fish stocks. He stated that other *Ocean Initiative* funding would target coastal research, navigation safety, and deployment of the national Integrated Ocean Observing System (IOOS).⁴¹

³⁹ Department of Commerce, *NOAA, 2009 President's Budget Rollout*, "Protecting Lives and Livelihoods," February 7, 2008. Presentation of Vice Admiral Conrad C. Lautenbacher, Jr., U.S. Navy (Ret.), Undersecretary for Oceans and Atmosphere, February 7, 2008, (Washington, DC), at [http://www.nrc.noaa.gov/ci/policy/docs/cida_2008/gallagher.pdf].

⁴⁰ Ibid.

⁴¹ Ibid.

The following are among the President's funding priorities for FY2009.

- For oceans research and management, new funding of \$49 million for the *Ocean Initiative*, for a total of \$159 million,⁴² of which \$78.3 million would be for ocean science and research and \$31.7 million would be to protect and restore marine coastal areas, a \$7 million increase was proposed for the Coastal and Estuarine Land Conservation Program (CELCP), and \$48.9 million is requested for sustainable use of ocean resources through enforcing laws against over fishing in U.S. waters. Also, a \$7 million increase is requested to advance deployment of IOOS and \$10 million is requested for Ocean Research Priorities Plan Implementation.
- For weather services, the President proposed \$2.9 million for a NWS Weather Radio Improvement Project. A proposed increase of \$5.3 million was requested to implement technology enhancements and to deploy additional tracking instrumentation to support hurricane weather forecast modeling. Another \$4.3 million was requested for hurricane intensity modeling under the Office of Oceanic and Atmospheric Research (OAR).
- For NOAA Program Support, an increase was requested for the NOAA construction budget, which includes \$52.3 million to construct the Pacific Regional Center facility on Ford Island, near Pearl Harbor, HI; \$11.7 million in construction funding to refurbish the Fairbanks, AK Command and Data Acquisition Station (CDAS); and \$12.1 million for construction of a new Southwest Fisheries Science Center in San Diego, CA and to relocate staff there.
- For NOAA satellite programs, an increase of \$242 million in systems acquisition funding for the next-generation Geostationary-orbiting Operational Environmental Satellite Program (GOES-R), for a total of \$477 million. Funding for the National Polar-orbiting Operational Environmental System of Systems (NPOESS) requested at \$288 million for FY2009 would increase over the next five fiscal years by 51%. Also proposed is \$74 million in dedicated funding to restore critical sensors for NPOESS that would ensure continuity of the climate data records.⁴³

FY2008 Appropriations for NOAA. In FY2008, Congress addressed concerns about NOAA funding in certain key areas: (1) restoring funding for sensors deemed critical for the meteorological and environmental satellite program, (2) developing a national ocean research and management policy, (3) implementing the Magnuson-Stevens Fishery Reauthorization Act of 2006 (signed into law in

⁴² Adjustments to NOAA's base funding for FY2009, such as programmatic increases or decreases, are compared to the President's FY2008 request.

⁴³ For more information see, CRS Report RS22825, *The National Oceanic and Atmospheric Administration (NOAA): President's Budget Request for FY2009*, by Wayne A. Morrissey.

FY2007), (4) assisting fisheries that sustained economic hardships in the Gulf of Mexico since 2005, (5) developing a national ocean observation network (IOOS), and (6) enacting an *organic act* for NOAA to authorize all of its programs and activities under a single law.⁴⁴ Funding for items 1-5 is included in the President's FY2009 NOAA request; item 6 is being addressed legislatively outside of the budget.

According to the House Appropriations Committee Print, Consolidated Appropriations Act, 2008 (H.R. 2764; P.L. 110-161), Congress approved \$3.896 billion in discretionary appropriations for NOAA for FY2008 (**Table 5**). This amount included \$2.856 billion for the ORF account, \$979.2 million for the PAC account, and a total of \$71.8 million for NOAA's Other Accounts, including the PCSRF, CZMF, and fisheries financing. Also, a Senate amendment adopted transferred \$30 million of PAC funding to the Justice Department, and a rescission of \$11.4 million was leveled on NOAA unobligated funding for FY2007.

Departmental Management⁴⁵

In addition to salaries and expenses for management personnel, Departmental Management funding includes maintenance and renovation of the Herbert C. Hoover building, spending for the Office of the Inspector General, the Emergency Steel, Oil, and Gas Guaranteed Loan Program, and the National Intellectual Property Law Enforcement Coordination Council.

The president's FY2009 request for Departmental Management was \$94.2 million.⁴⁶ The Administration's budget justifications reported \$45.6 million, because it assigned a \$49 million credit in the Emergency Steel, Oil, and Gas Guaranteed Loan Program. Spending on salaries and expenses are requested to rise from \$44 million to \$61 million, net of offsetting collections. The request also includes an additional \$3 million for the Office of the Inspector General, whose budget would rise to \$25 million.

⁴⁴ For a review of the FY2008 Appropriation for NOAA see, CRS Report RS2261, *The National Oceanic and Atmospheric Administration (NOAA): A Review of the FY2008 Budget and Congressional Appropriations*, by Wayne A. Morrissey (archived), available at [<http://www.congress.gov/erp/rs/pdf/RS22614.pdf>].

⁴⁵ This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

⁴⁶ Figures do not reflect the \$0.5 million reduction in the revised request. See above.

Department of Justice⁴⁷

Background

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

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

⁴⁷ This section was written by Celinda Franco, Specialist in Social Legislation, Nathan James, Analyst in Crime Policy, Domestic Social Policy Division, and William J. Krouse, Specialist in Domestic Security and Crime Policy. For further information, see CRS Report RL34530, *Department of Justice (DOJ) Appropriations for FY2008 and FY2009*.

related facilities, and the boarding of sentenced federal prisoners incarcerated in state and local institutions.

- *Office on Violence Against Women* coordinates legislative and other initiatives relating to violence against women and administers grant programs to help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking.
- *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, Community Oriented Policing Services (COPS), and the Office of Victims of Crime.

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

FY2009 Budget Request

The President's FY2009 DOJ budget request includes \$23.089 billion as shown in **Table 6**. This amount reflects a reduction in funding of \$503 million compared to the FY2008 enacted appropriation of \$23.592 billion. This overall reduction of 2.1% is largely reflected in proposed reductions in grants administered by the Office of Justice (OJP), Community Oriented Policing Services (COPS) program, and Office of Violence Against Women (OVW).

House CJS Subcommittee Mark

As noted above, on June 12, 2008, the House CJS Subcommittee approved a measure that would provide DOJ, with \$25.4 billion for FY2009.⁴⁸ This amount includes \$7.1 billion for the FBI, \$1.9 billion for the DEA, \$1.1 for the ATF, and \$5.7 billion for the Bureau of Prisons. The mark also includes \$3.1 billion in state and local law enforcement assistance, instead of cutting such funding by \$1.5 billion, as proposed by the Administration. The discussion below of the DOJ accounts does not reflect the CJS subcommittee's markup.

⁴⁸ "Chairman Mollohan's Statement, FY2009 Commerce, Justice, and Science Appropriations Subcommittee Markup," June 12, 2008, available at [<http://appropriations.house.gov/pdf/MollohanSubMarkup06-12-08.pdf>].

Table 6. Funding for the Department of Justice
(budget authority in millions of dollars)

Accounts	FY2008 Enacted ^a	FY2009 Request	House Action	Senate Action	FY2009 Enacted
General Administration	1,794.8	1,956.1			
General Administration	257.6	321.3			
Administrative Review & Appeals	240.7	263.8			
Detention Trustee	1,225.9	1,295.3			
Office of the Inspector General	70.6	75.7			
U.S. Parole Commission	11.5	12.6			
Legal Activities	3,584.0	3,835.9			
General legal activities	745.5	804.0			
United States Attorneys	1,754.8	1,831.3			
United States Marshals Service	866.5	933.1			
Other	217.1	267.5			
National Security Division	73.4	83.8			
Interagency Law Enforcement	497.9	531.6			
Federal Bureau of Investigation	6,657.7	7,108.1			
Salaries and expenses	4,184.9	4,339.6			
Counterintelligence and National Security	2,308.6	2,725.5			
Construction	164.2	43.0			
Drug Enforcement Administration	1,857.6	1,936.6			
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,007.6	1,027.8			
Federal Prison System	5,425.5	5,533.9			
Office of Violence Against Women	400.0	280.0			
Office of Justice Programs	2,282.0	782.5			
Justice assistance	196.2	134.6			
State and local law enforcement assistance	1,008.1	404.0			
Weed and seed program fund	32.1	—			
Community oriented policing services	587.2	—			
Juvenile justice programs	383.5	185.0			
Public safety officers benefits	74.8	58.8			
Total: Department of Justice	23,591.9	23,088.9			

Source: For the FY2008 Enacted column, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, the *DOJ FY2009 Budget and Performance Summary*.

Note: Amounts may not total due to rounding.

- a. The FY2008 Enacted column does not reflect a DOJ budget reprogramming request for \$240 million that has been submitted by the Administration to the House and Senate Committees on Appropriations, and partially approved by the committees for \$109 million.

FY2008 Budget Reprogramming and Supplemental Funding

For FY2008, Congress appropriated nearly \$23.6 billion for DOJ, or \$381.5 million more than the enacted level for FY2007. While appropriations were increased for the Federal Bureau of Investigation (FBI), funding was reduced for the Federal Prisons System (FPS) and several other justice accounts. To cover shortfalls in the FPS account, DOJ has reportedly submitted a budget reprogramming request to Congress.

In contrast to the requested reduction in overall DOJ funding for FY2009, the Administration has requested \$185.8 million in FY2008 supplemental funding for DOJ as shown in **Table 7**. In turn, the House and Senate have passed FY2008 Iraq war supplemental appropriations bills (H.R. 2642) that include additional funding for DOJ. The House-passed bill would provide DOJ with 407.3 million, and the Senate bill would provide \$1.131 billion. The Senate-passed bill includes funding for domestic purposes not related to counterterrorism. For example, the Senate bill would provide \$590 million in additional state and local law enforcement assistance. The House-passed bill, however, includes no additional funding for this account.

Table 7. FY2008 Supplemental for the Department of Justice
(budget authority in millions of dollars)

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

Source: For House amounts, see *Congressional Record*, Daily Edition, vol. 154 (May 15, 2008), p. H4012. For Senate amounts, see *Congressional Record*, Daily Edition, vol. 154 (May 19, 2008), p. S4302.

Note: Amounts may not total due to rounding.

Furthermore, DOJ has reportedly submitted a \$240 million budget reprogramming request to the House and Senate Committees on Appropriations to cover FY2008 budget shortfalls in the Federal Prison System account, of which \$109

million has been approved by the House and Senate Committees on Appropriations.⁴⁹ This reprogramming request will likely result in funding being shifted to the Federal Prison System account from other DOJ accounts for FY2008. Both House- and Senate-passed versions of H.R. 2642 would provide 187.1 million for the Federal Prison System. The Senate bill would also provide \$50 million for the U.S. Marshals Service, in addition to the \$18.6 million provided in the House bill. The discussion below of DOJ accounts does not reflect The FY2008 supplemental appropriation bill or the budget reprogramming.

General Administration

The General Administration account provides funds for salaries and expenses for the Attorney General's office, the Inspector General's office, as well as other programs designed to ensure that the collaborative efforts of DOJ agencies are coordinated to help fight crime as efficiently as possible. The General Administration budget request is \$1.956 billion for FY2009. This amount is \$161.3 million more than the enacted FY2008 appropriation of almost \$1.795 billion. Described below are several General Administration subaccounts, including one for General Administration.

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

Administrative Review and Appeals (ARA). ARA includes the Executive Office of Immigration Review (EOIR) and the Office of the Pardon Attorney (OPA). The Attorney General is responsible for the review and adjudication of immigration cases in coordination with the DHS's efforts to secure the Nation's borders. The EOIR handles these matters. The OPA receives and reviews petitions for executive clemency. For FY2008, Congress appropriated \$240.7 million for ARA. The President's budget request includes \$263.8 million for ARA funding in FY2009. The requested amount exceeds FY2008 funding levels by \$23.1 million, representing an increase of 9.6%.

Federal Office of Detention Trustee (OFDT). The OFDT provides overall management and oversight for federal detention services relating to federal prisoners

⁴⁹ CRS conversation with DOJ Office of Congressional Affairs on June 5, 2008.

in non-federal institutions or otherwise in the custody of the U.S. Marshals Service. The FY2009 budget request for OFDT is almost \$1.295 billion. This amount is \$69.4 million more than the FY2008 appropriation of almost \$1.226 billion.

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 President's FY2009 budget request includes nearly \$75.7 million for the OIG. This amount is \$5.1 million greater than the amount appropriated by Congress for FY2008 and would represent a 7.2% increase in funding for FY2009.

U.S. Parole Commission

The U.S. Parole Commission adjudicates parole requests for prisoners who are serving felony sentences under federal and District of Columbia code violations. For FY2009, the President's budget request for the Parole Commission is just under \$12.6 million, or a 9.7% increase as compared to the FY2008 appropriation of \$11.5 million.

Legal Activities

The Legal Activities account includes several subaccounts: (1) general legal activities, (2) U.S. Attorneys, (3) U.S. Marshals Service, and (4) other legal activities. For FY2009, the President's budget request for general legal activities includes \$3.836 billion, or an increase of 7% and nearly \$251.9 million more than the enacted FY2008 funding level of \$3.584 billion for these activities.

General Legal Activities. The General Legal Activities account funds the Solicitor General's supervision of the department's conduct in proceedings before the Supreme Court. It also funds several departmental divisions (tax, criminal, civil, environment and natural resources, legal counsel, civil rights, and antitrust). The FY2009 budget request includes \$804 million for general legal activities, \$58.5 million more than the FY2008 enacted appropriation, or a proposed 7.8% increase in funding.

Office of the U.S. Attorney. The U.S. Attorneys enforce federal laws through prosecution of criminal cases and represent the federal government in civil actions in all of the 94 federal judicial districts. For FY2009, President's budget request would provide \$1.831 billion for the U.S. Attorneys Office, a 4.4% increase over the prior year. For FY2008, the U.S. Attorneys' appropriated budget is almost \$1.755 billion.

U.S. Marshals Service (USMS). The USMS is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. For FY2008, the appropriation for the USMS is \$866.5 million. The President's request

for FY2009 proposed USMS funding of \$933.1 million, an increase of \$66.6 million, or 7.7% over the FY2008 enacted level.

Other Legal Activities. For other legal activities — the Community Relations Service, the U.S. Trustee Fund (which is responsible for maintaining the integrity of the U.S. bankruptcy system by, among other things, prosecuting criminal bankruptcy violations), and the Asset Forfeiture program — the President's FY2009 budget request includes \$267.5 million. This amount reflects an increase in funding of \$50.4 million, or a 23.2% increase over the FY2008 enacted level of \$217.1 million.

National Security Division (NSD)

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

For FY2009, the President's budget request proposes NSD funding of \$83.8 million. In FY2008, Congress appropriated nearly \$73.4 million for NSD. The proposed funding level for FY2009 reflects a 14.2% increase over FY2008 enacted appropriations.

Interagency Law Enforcement

The Interagency Law Enforcement account reimburses departmental agencies for their participation in the Organized Crime Drug Enforcement Task Force (OCDETF) program. Organized into nine regional task forces, this program combines the expertise of federal agencies with the efforts of state and local law enforcement to disrupt and dismantle major narcotics-trafficking and money-laundering organizations. From DOJ, the federal agencies that participate in OCDETF are the Drug Enforcement Administration; the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Marshals Service; the Justice, Tax and Criminal Divisions of DOJ; and the U.S. Attorneys. From DHS, the U.S. Bureau of Immigration and Customs Enforcement and the U.S. Coast Guard participate in OCDETF. In addition, the Internal Revenue Service and Treasury Office of Enforcement also participate from the Department of the Treasury. State and local law enforcement agencies participate in approximately 90% of all OCDETF investigations.⁵⁰

⁵⁰ U.S. Department of Justice, Interagency Law Enforcement, *FY2009 Interagency Crime and Drug Enforcement Congressional Submission*, February 2008, p. 9.

For FY2009, the President's request would provide almost \$531.6 million for OCDEF. The proposed FY2009 funding level would exceed the FY2008 OCDEF enacted funding level of \$497.9 million by 6.8%.

Federal Bureau of Investigation (FBI)

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

For FY2009, the President's request would provide \$7.108 billion for the FBI, including \$2.726 billion for counterterrorism investigations, foreign counterintelligence, and other national security activities, as well as construction funding of nearly \$43 million. The enacted FY2008 FBI budget included \$6.658 billion, of which \$2.309 billion has been provided for national security activities, and \$164.2 million for construction. Taken as a whole, the FY2009 budget request would exceed the FBI's FY2008 funding level by \$450.4 million, an overall funding increase of 6.8%.

Drug Enforcement Administration (DEA)

The DEA is the lead federal agency tasked with reducing the illicit supply and abuse of dangerous narcotics and drugs through drug interdiction and seizing of illicit revenues and assets from drug trafficking organizations. According to DEA, the agency's efforts to reduce the drug supply has contributed to a 23% drop in national drug use over the past five years.⁵¹ By 2009, one of DEA's goals is to recover \$3 billion in ill-gotten proceeds annually from international drug trafficking networks operating in the United States. In Congressional testimony on April 19, 2007, DEA noted that they continue to face evolving challenges in limiting the supply of illicit drugs such as the illicit use of pharmaceutical drugs available through the Internet; enforcement along the Southwest border with Mexico where DEA estimates that 85% of illicit drugs are smuggled into the United States.⁵²

For FY2009, the President's budget requests almost \$1.937 billion in funding for DEA. This amount would exceed the enacted FY2008 funding level of \$1.858 billion by \$79 million and would reflect a 4.3% funding increase.

⁵¹ Statement of Karen Tandy, Administrator, Drug Enforcement Agency, Hearing before the Senate Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Drug Threats and Enforcement Challenges*, April 19, 2007.

⁵² Ibid.

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.

For FY2009, the President's request includes nearly \$1.028 billion for ATF. Compared to FY2008 Congressional appropriations of \$1.008 billion, the President's request would provide a funding increase of \$20.2 million, or 2% more than FY2008 levels.

Federal Prison System (Bureau of Prisons)

The Bureau of Prisons (BOP) maintains federal penal institutions nationwide and contracts with state, local, and private facilities for additional detention space. BOP projects that in 2008 there will be 207,020 inmates in the federal prison system population, and BOP estimates that this population will grow to approximately 213,220 by the end of 2009.⁵³ Of the total number of federal inmates, nearly 167,000 are in facilities operated by BOP, while the remaining 17% are in contract care at privately operated secure facilities, residential reentry centers, or serving a sentence of home confinement. BOP estimates that its facilities were operating at 39% above capacity, as of January 29, 2008, and they estimate that by 2009 the facilities will be operating at 42% above capacity.⁵⁴

The President's FY2009 budget request proposes BOP funding of almost \$5.534 billion, of which \$95.8 million would be provided for acquisition of sites and construction of facilities. This amount would exceed total enacted FY2008 appropriations of \$5.426 billion by over \$108.4 million, reflecting a 2% increase in funding.

Office on Violence Against Women

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

The President's FY2009 budget request would provide \$280 million for OVW, a reduction of \$120 million or a 30% decrease in funding compared to FY2008

⁵³ U.S. Department of Justice, Federal Bureau of Prisons, *FY2009 Congressional Budget Submission*, p. 2.

⁵⁴ *Ibid.*, pp. 2-3.

funding of \$400 million. Under the President's FY2009 proposal, OVW's current formula and discretionary grant programs would be consolidated into a single grant program, the *Prevention and Prosecution of Violence Against Women and Related Victim Services Program*.

Grants under the proposed consolidated program would be awarded on a competitive basis to state, local, and tribal governments. Funding would support efforts to develop and implement effective, coordinated prevention and prosecution of domestic violence, dating violence, sexual assault and stalking, and support related victims services. According to the President's FY2009 proposal, the consolidated grant awards would be "designed to forge state, local and tribal partnerships among police, prosecutors, the judiciary, victim advocates, health care providers, faith leaders, and others to help provide victims with protection and needed services, while enabling communities to hold offenders accountable."⁵⁵

Office of Justice Programs

The Office of Justice Programs (OJP) manages and coordinates the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crimes, Bureau of Justice Assistance, and related grant programs. For OJP, the Administration's FY2009 budget request includes \$782.5 million, or nearly \$1.5 billion less than the FY2008 appropriation of \$2.282 billion.

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

- \$34.7 million for National Institute of Justice (NIJ);
- \$53 million for the Bureau of Justice Statistics (BJS);
- \$34.2 million for the Regional Information Sharing System (RISS);
- and
- \$12.7 million for support services and administrative expenses for the Office of Victims of Crime.

By comparison, the enacted FY2008 appropriation for Justice Assistance is \$196.2 million. Some of the programs funded under that amount:

- \$37 million for NIJ;
- \$34.8 million for BJS;
- \$40 million for RISS;
- \$50 million for missing children programs; and

⁵⁵ U.S. Executive Office of the President, Office of Management and Budget, *Budget for Fiscal Year 2009*, Appendix, p. 728.

- \$11.3 million to support state and local law enforcement agencies in the prevention, investigation and prosecution of Internet, high-tech and economic crimes.⁵⁶

State and Local Law Enforcement Assistance. The Administration has requested \$404 million for the State and Local Law Enforcement Assistance account for FY2009. In addition, the Administration has proposed collapsing 16 State and Local Law Enforcement Assistance grant programs, 14 COPS grant programs (described below), along with the Weed and Seed program (also described below), into three competitive grant programs. Under this proposal, the FY2009 request includes:

- \$200 million for a *Violent Crime Reduction Partnership Initiative* to assist communities experiencing high rates of violent crime — with an emphasis on reducing drug trafficking and gang activity — by providing resources for forming and participating in multi-jurisdictional task forces that would include members of federal, state, and local law enforcement;
- \$200 million for a *Byrne Public Safety and Protection Program* to assist and allow state, municipal, local, tribal, and territorial governments with developing programs that address the particular needs of their jurisdiction; and
- \$4 million for community policing training and technical assistance for state, municipal, local, tribal and territorial governments and other public and private entities to advance community policing, expand cooperation between law enforcement agencies and community members, and enhance public safety.

By comparison, the FY2009 budget request of \$404 million for the State and Local Law Enforcement Assistance grants program is \$604.1 million less than the \$1.008 billion Congress appropriated for this program for FY2008.

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 enacted FY2008 level of funding for the Weed and Seed program is \$32.1 million. The Administration did not request any funding for the Weed and Seed program for FY2009. Instead, the

⁵⁶ *Congressional Record*, Daily Edition, vol. 153 (December 17, 2007), p. H15800.

Administration's grant consolidation proposal would incorporate the Weed and Seed program into the proposed Byrne Public Safety and Protection program (described above).

Community Oriented Policing Services. For FY2009, the Administration's budget request does not include specific funding for a number of COPS programs and initiatives. Instead, the Administration proposes consolidating COPS grant programs under the proposed \$4 million "competitive" community policing training and technical assistance program (described above). By comparison, for FY2008 Congress enacted \$587.2 million in appropriations for COPS programs.

Juvenile Justice Programs. The Administration FY2009 budget includes \$185 million for Juvenile Justice programs in FY2009, or 51.8% less than what was appropriated in FY2008. The Administration's grant consolidation proposal would collapse the seven existing juvenile justice programs into a single "competitive" *Child Safety and Juvenile Justice* grant program that would be awarded to state and local governments on a competitive basis. According to the Administration, the proposed grant program would allow state and local governments to develop juvenile justice or child safety programs that address local needs including reducing incidents of child exploitation and abuse, improving juvenile justice outcomes, and addressing school safety needs.

Public Safety Officers Benefits Program. The Public Safety Officers' Benefits (PSOB) program provides three different types of benefits to public safety officers or their survivors: a death, a disability, and an education benefit. The PSOB program is intended to assist in the recruitment and retention of law enforcement officers, firefighters, and first responders and to offer peace of mind to men and women who choose careers in public safety. For FY2008, Congress appropriated \$74.8 million for the PSOB program.⁵⁷ For FY2009, the Administration has requested \$58.8 million for the PSOB program, which is 21.4% less than what was appropriated for FY2008.

Science Agencies

The Administration's FY2009 budget includes \$24.474 billion for science agencies, or about \$1.094 billion over the enacted FY2008 amount, or a 4.7% increase, as shown in **Table 8**. The FY2009 request includes \$396.8 million for the National Science Foundation (NSF) and the National Nanotechnology Initiative. In addition, the Senate-passed FY2008 supplemental appropriation bill would provide the NASA with \$200 million and the NSF with \$200 million.

⁵⁷ U.S. Department of Justice, *FY2009 Budget and Performance Summary*, Part III: Department of Justice Request Information by Appropriation, Office of Justice Programs (OJP) and Community Oriented Policing Services (COPS), available online at [<http://www.usdoj.gov/jmd/2009summary/>].

Table 8. Funding for Science Agencies
(budget authority in millions of dollars)

Accounts	FY2008 Enacted	FY2009 Request	House- Action	Senate- Action	FY2009 Final
Office of Science and Technology Policy (OSTP)	5.2	5.3			
National Aeronautics and Space Administration (NASA)	17,309.4	17,614.2			
National Science Foundation (NSF)	6,065.0	6,854.1			
Total: Science Agencies	23,379.6	24,473.6			

Sources: *Budget of the United States Government, Fiscal Year 2009 — Appendix.*

Note: Amounts may not total due to rounding.

Office of Science and Technology Policy (OSTP)⁵⁸

The Office of Science and Technology Policy (OSTP) is one of two offices in the Executive Office of the President (EOP) that are funded in the CJS appropriations bill.⁵⁹ Established in 1976 by The National Science and Technology Policy and Organization Act,⁶⁰ the OSTP provides advice within the EOP on scientific and technical aspects of policy issues, assists in the development of the federal R&D budget, coordinates and evaluates federal R&D programs, and consults with non-federal entities on science and technology matters.

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

⁵⁸ This section was prepared by Dana Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁵⁹ The other is the Office of the United States Trade Representative.

⁶⁰ P.L. 94-282, codified at 42 U.S.C. 6611-18.

National Aeronautics and Space Administration (NASA)⁶¹

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.

NASA has requested \$17.614 billion for FY2009, a 1.8% increase over its FY2008 appropriation. See **Table 9** for a breakdown by appropriations account. As directed by Congress, there are now seven appropriations accounts rather than the previous three. In addition, a change in how NASA accounts for overhead expenses complicates comparisons between FY2009 and previous years. In the new system, overhead costs formerly included in program budgets are instead budgeted in the Cross-Agency Support account. This change reduces the stated cost of most programs without affecting actual program content. As a result, amounts expressed in the new system are not directly comparable with amounts expressed in the previous system. In **Table 9** and in the discussion of specific NASA programs that follows, all FY2008 amounts have been adjusted for the accounting change to make them comparable with FY2009.

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

Accounts	FY2008 Enacted ^a	FY2009 Request	House- Action	Senate- Action	FY2009 Final
Science	4,706.2	4,441.5			
Aeronautics	511.7	446.5			
Exploration	3,143.1	3,500.5			
Space Operations	5,526.2	5,774.7			
Education	146.8	115.6			
Cross-Agency Support	3,242.9	3,299.9			
Inspector General	32.6	35.5			
Total: NASA	17,309.4	17,614.2			

Source: *NASA Fiscal Year 2009 Budget Estimates*, available at [<http://www.nasa.gov/news/budget/>].

Note: Amounts may not total due to rounding.

a. FY2008 amounts have been adjusted for the accounting change (see text) to make them comparable with FY2009.

⁶¹ This section was prepared by Daniel Morgan, Analyst in Science and Technology Policy, Resources, Science, and Industry Division.

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

The requested \$4.442 billion for Science is a 6% decrease. Within this total, increases for Earth Science and Planetary Science would be offset by decreases for Heliophysics and Astrophysics. The request for Earth Science would fund two new missions recommended by the National Research Council, while the request for Planetary Science would initiate a new program in lunar robotic science. The decrease for Heliophysics reflects a transfer of the Deep Space and Near Earth Networks to the Space Operations account and corresponds to almost all the entire decrease in the Science account overall. In Astrophysics, two programs have been of particular congressional interest: the NASA/Department of Energy Joint Dark Energy Mission (JDEM) and the Space Interferometer mission (SIM). The request includes funds for JDEM, as directed by Congress in the FY2008 explanatory statement,⁶² but not for SIM. NASA explains that a new exoplanet exploration initiative could include a smaller, medium-class version of SIM, as recommended by the FY2008 Senate report (S.Rept. 110-124).

The request for Aeronautics is \$447 million, a 13% decrease. According to NASA, its aeronautics research portfolio is “closely aligned” with the national aeronautics R&D plan issued by the White House in December 2007 and addresses 47 of the 51 foundational technology challenges identified by the National Research Council in June 2006.⁶³

The requested \$3.501 billion for Exploration is an 11% increase. Within this amount, Constellation Systems would receive \$3.048 billion, a 23% increase, while Advanced Capabilities would receive \$452 million, a 33% decrease. Constellation Systems is responsible for development of the Orion crew vehicle and Ares I launch vehicle, successors to the space shuttle. The proposed 23% increase is consistent with NASA’s previous projections as the program moves toward a planned initial operating capability for Orion and Ares I (i.e., a first crewed flight) in March 2015. NASA describes the current level of budget reserves within Constellation Systems

⁶² *Congressional Record*, December 17, 2007, pp. H15820 and H15923.

⁶³ Executive Office of the President, National Science and Technology Council, *National Plan for Aeronautics Research and Development and Related Infrastructure*, December 2007, [http://www.aeronautics.nasa.gov/releases/aero_rd_plan_final_21_dec_2007.pdf]; and National Research Council, *Decadal Survey of Civil Aeronautics: Foundation for the Future*, 2006, [<http://www.nap.edu/catalog/11664.html>].

as “minimal” and is seeking to compensate for it through “rigorous risk management.”⁶⁴ The FY2009 request for Constellation Systems also restores full funding for Commercial Orbital Transportation Services (COTS), which seeks to help private-sector companies develop space transportation systems that could service the ISS after the shuttle is retired.

The request for Space Operations, which funds the space shuttle, the ISS, and the Space and Flight Support program, is \$5.775 billion. A requested decrease of \$285 million for the space shuttle is largely offset by a requested increase of \$247 million for the ISS. Both changes are consistent with NASA’s previous projections: they reflect the trend toward the shuttle program’s completion in 2010 and the planned construction schedule of the ISS. A requested increase for Space and Flight Support results mostly from transferring the Deep Space and Near Earth Networks from the Science account. The gap between the end of shuttle flights in 2010 and the expected availability of Orion and Ares I in 2015 raises several issues. Some analysts are concerned that placing a fixed termination date on the shuttle may create schedule pressure similar to that identified as a contributing factor in the *Columbia* disaster. Some question whether the United States should be dependent on Russia to launch U.S. astronauts to the ISS during the gap period. A major concern is how NASA will retain its skilled workforce during the transition from shuttle to Orion, especially if Orion’s schedule slips and the gap lengthens. For NASA’s Return to Flight of the space shuttle and associated costs, the Senate-passed FY2008 Iraq war supplemental appropriations bill (H.R. 2642) includes \$200 million.

National Science Foundation (NSF)⁶⁵

The NSF was created by the National Science Foundation Act of 1950, as amended (P.L. 81-507). The NSF has the broad mission of supporting science and engineering in general and funding basic research across many disciplines. The majority of the research supported by the NSF is conducted at U.S. colleges and universities. In addition to helping to ensure the nation’s supply of scientific and engineering personnel, the NSF promotes academic basic research and science and engineering education across many disciplines. Other federal agencies, in contrast, support mission-specific research. The NSF provides support for investigator-initiated, merit-reviewed, competitively selected awards, state-of-the-art tools, and instrumentation and facilities. Also, NSF provides almost 30% of the total federal support for science and mathematics education. Support is provided to academic institutions, industrial laboratories, private research firms, and major research facilities and centers. Although the NSF does not operate any laboratories, it does support Antarctic research stations, selected oceanographic vessels, and national research centers. In addition, the NSF supports university-industry relationships and U.S. participation in international scientific ventures.

⁶⁴ Budget reserves are funds that have been allocated to a program but have not yet been assigned to a particular component of the program. Instead they are held in reserve, in the expectation that as development proceeds, some components will require additional resources to overcome unforeseen technical challenges.

⁶⁵ This section was prepared by Christine M. Matthews, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

Table 10. National Science Foundation

(budget authority in millions of dollars)

	FY2008 Enacted	FY2009 Request	House- Action	Senate- Action	FY2009 Final
Research & Related Activities					
Biological Sciences	\$612.0	\$675.1			
Computer & Inform. Sci. & Eng.	534.5	638.8			
Engineering	636.9	759.3			
Geosciences	752.7	848.7			
Math and Physical Sciences	1,167.3	1,402.7			
Social, Behav., & Econ. Sciences	215.1	233.5			
Office of Cyberinfrastructure	185.3	220.1			
Office of International Sci. & Eng.	41.3	47.4			
U.S. Polar Programs	442.5	491.0			
Integrative Activities ^a	232.3	276.0			
U.S. Arctic Research Commission	1.5	1.5			
Subtotal Res. & Rel. Act	4,821.5	5,594.0			
Ed. & Hum. Resr.	725.6	790.4			
Major Res. Equip. & Facil. Constr.	220.7	147.5			
Agency Operations & Award Management.	281.8	305.1			
National Science Board	4.0	4.0			
Office of Inspector General	11.4	13.1			
Total NSF^b	6,065.0	6,854.1			

Source: NSF FY 2009 Budget Request to Congress, available at [\[http://www.nsf.gov/about/budget/fy2009/index.jsp#\]](http://www.nsf.gov/about/budget/fy2009/index.jsp#).

Note: Amounts may not total due to rounding.

- a. Beginning in the FY2008 request, EPSCoR was transferred from the EHR Directorate to Integrative Activities.
- b. The totals do not include carry overs or retirement accruals. Totals may not add due to rounding.

The FY2009 request for the National Science Foundation (NSF) is \$6.854 billion, a 13.0% increase (\$789.1 million) over the enacted FY2008 level of \$6.065 billion.⁶⁶ (See **Table 10.**) President Bush's American Competitiveness Initiative has proposed to double the NSF budget over the next 10 years. The FY2009 request will be another installment toward that doubling effort. NSF has identified several strategies in the FY2009 budget request: to maintain a portfolio with "powerful momentum" across all disciplines; to build a world-class science and engineering

⁶⁶ The FY2008 estimate does not include a rescission of \$33.0 million from prior year unobligated balances as required by P.L. 110-161.

workforce; to perform effectively with the highest standards of accountability; and to support potentially transformative research. Transformative research is described as “cutting edge” and revolutionary and several reports have recommended that funds be allocated specifically for this type of research. NSF contends that in the global environment of science and engineering, support for transformative, high-risk, high-reward research is critical to U.S. competitiveness. These strategies parallel some of the goals contained in the President’s request, and are designed to promote research that will drive innovation and support the design and development of world-class facilities, instrumentation, and infrastructure.

Included in the FY2009 request is \$5.594 billion for Research and Related Activities (R&RA), a 16.0% increase (\$772.5 million) above the enacted FY2008 level of \$4.822 billion. The R&RA funds research projects, research facilities, and education and training activities. The scientific and academic community have voiced concerns about the imbalance between support for the life sciences and the physical sciences. Research is multi disciplinary and transformational in nature, and very often, discoveries in the physical sciences lead to advances in other disciplines. The America COMPETES ACT authorizes increased federal research support in the physical sciences, mathematics, and engineering. The FY2009 request provides a 20.2% increase for the Mathematical and Physical Sciences (MPS) directorate. The MPS portfolio supports investments in fundamental research, facilities, and instruments, and provides approximately 44.0% of the federal funding for basic research conducted at colleges and universities. The R&RA includes Integrative Activities (IA) and is a source of funding for the acquisition and development of research instrumentation at institutions. The FY2009 request provides \$276.0 million for IA. 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. The FY2009 budget provides \$113.5 million for EPSCoR. The request would support a portfolio of three complementary strategies for the 27 EPSCoR jurisdictions — research infrastructure improvement grants, co-funding, and outreach. Approximately 67.0% of the funding for EPSCoR would be for a combination of new awards and research infrastructure improvement grants. The balance of funding would be in support of co-funding (31.7%) and outreach activities (1.3%).

The NSF asserts that international research partnerships are critical to the nation in maintaining a competitive edge, addressing global issues, and capitalizing on global economic opportunities. To address these particular needs, the Administration has requested \$47.4 million for the Office of International Science and Engineering (OISE). The OISE manages NSF’s offices in Beijing, Paris, and Tokyo that report on and analyze in-country and regional science and technology policies and developments. The OISE serves as a liaison with research institutes and foreign agencies, and facilitates coordination and implementation of NSF research and education efforts.

The Office of Polar Programs (OPP) is funded in the R&RA. The FY2009 request for addressing the challenges in polar research is \$491.0 million. NSF continues in its leadership role in planning U.S. participation in observance of the International Polar Year. The NSF also serves in a leadership capacity for several

international research partnerships in the Arctic and Antarctic. Increases in OPP in FY2009 are directed at research programs for arctic and antarctic sciences — glacial and sea ice, terrestrial and marine ecosystems, the ocean and the atmosphere, and biology of life in the cold and dark. In FY2006, responsibility for funding the costs of three icebreakers that support scientific research in the polar regions was transferred from the U.S. Coast Guard to the NSF. While the NSF does not own the ships, it is responsible for the operation, maintenance, and staffing of the vessels. Beginning in FY2009, one of the icebreakers will be in caretaker status, and funding is provided for maintenance and operation of the remaining two research vessels. Since 2004, back-up icebreaking support has been needed because of maintenance problems with the polar icebreakers and with the heavy ice conditions in certain polar regions. It has been determined that there is still a need for back-up icebreaking services, and as a result, the FY2009 request includes an additional \$9.0 million for contracting of back-up vessels.

The NSF supports several interagency R&D priorities in the FY2009 request. It is the lead agency in the U.S. nanotechnology research effort, providing \$396.8 million for the National Nanotechnology Initiative across several NSF programs.⁶⁷ Funding will support research in emerging areas of nanoscale science and technology such as new drug delivery systems and order-of-magnitude faster computer chips. Support will be directed also at research and education in the environmental, health, and safety impacts of nanotechnology. Other interagency priorities include those of Climate Change Science Program (\$220.6 million), Homeland Security (\$379.2 million), Networking and Information Technology R&D (\$1,090.3 million), and Climate Change Technology Program (\$23.5 million).

In addition, the NSF supports a variety of individual centers and center programs. The FY2009 request provides \$76.0 million for Science and Technology Centers, \$53.6 million for Materials Research Science and Engineering Centers, \$53.6 million for Engineering Research Centers, \$44.6 million for Nanoscale Science and Engineering Centers, \$15.0 million for Science of Learning Centers, \$20.0 million for Centers for Chemical Innovation, and \$18.4 million for Centers for Analysis and Synthesis.

The FY2009 request for the EHR Directorate is \$790.4 million, \$64.8 million (8.9%) above the FY2008 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 in all scientific fields. Support at the various educational levels in the FY2009 request is as follows: research on learning in formal and informal settings (includes precollege), \$226.5 million; undergraduate, \$219.8 million; and graduate, \$190.7 million. Priorities at the precollege level include research and evaluation on education in science and engineering (\$42.0 million), informal science education (\$66.0 million), and Discovery Research K-12 (\$108.5 million). Discovery Research is structured to combine the strengths of three existing programs and encourage innovative thinking in K-12 science, technology, engineering, and

⁶⁷ For further information, see CRS Report RL34401, *The National Nanotechnology Initiative: Overview, Reauthorization, and Appropriation Issues*, by John F. Sargent.

mathematics education. Programs at the undergraduate level are designed to “create leverage for institutional change.” Priorities at the undergraduate level include the Robert Noyce Scholarship Program (\$11.6 million), Course, Curriculum and Laboratory Improvement (\$39.2 million), Science, Technology, Engineering, and Mathematics (STEM) Talent Expansion Program (\$29.7 million), Advanced Technological Education (\$51.6 million), and Scholarship for Service (\$15.0 million). The Math and Science Partnership Program (MSP), an interagency program, is proposed at \$51.0 million in the FY2009 request. The MSP in NSF coordinates activities with the Department of Education and its state-funded MSP sites. At the graduate level, priorities are those of Integrative Graduate Education and Research Traineeship (\$25.0 million), Graduate Research Fellowships (\$116.7 million), and the Graduate Teaching Fellows in K-12 Education (\$49.0 million). Additional priorities in the EHR will support a portfolio of programs directed at strengthening and expanding the participation of underrepresented groups and diverse institutions in the scientific and engineering enterprise. Among these targeted programs in the FY2009 request are the Historically Black Colleges and Universities Undergraduate Program (\$31.0 million), Tribal Colleges and Universities Program (\$13.4 million), Louis Stokes Alliances for Minority Participation (\$42.5 million), and Centers of Research Excellence in Science and Technology (\$30.5 million).

The Major Research Equipment and Facilities Construction (MREFC) account is funded at \$147.5 million in the FY2009 request, a decrease of 33.2% from the FY2008 estimate. The MREFC supports the acquisition and construction of major research facilities and equipment that extend the boundaries of science, engineering, and technology. According to NSF, it is primary supporter of “forefront instrumentation and facilities for the academic research and education communities.” First priority for funding is directed to ongoing projects, and second priority is given to projects that have been approved by the National Science Board for new starts. NSF required that in order for a project to receive support, it must have “the potential to shift the paradigm in scientific understanding and/or infrastructure technology.” The FY2009 request supports three ongoing projects: Advanced Laser Interferometer Gravitational Wave Observatory (\$51.4 million), Atacama Large Millimeter Array (\$82.3 million), and the IceCube Neutrino Observatory (\$11.3 million). The request also provides \$2.5 million to support design activities for a new start — the Advanced Technology Solar Telescope.

The NSF states that all projects seeking funding in the MREFC move through a “progressive sequence of increasingly detailed development and assessment steps” in order to be considered for construction support.⁶⁸ The FY2009 budget request imposes tighter standards and requirements for receiving funding in MREFC. Included in the more stringent procedures is the implementation of a “no cost overrun” policy for major projects. The cost estimates for projects developed at the preliminary design phase must include adequate contingencies. In the absence of such contingencies, any cost increases would result in reduction in scope for the project. Three projects that appeared in the FY2008 request (Alaskan Regional Research Vessel, Ocean Observatories Initiative, and the National Ecological Observatory

⁶⁸ National Science Foundation, *2008 Facility Plan*, NSF08-24, February 2008, Arlington, VA, p. 40.

Network) have to undergo revised baseline budgets and cost contingencies. These projects are still supported by NSF, and will be considered for inclusion in the budget cycle following submission of final design reviews and risk management plans.

Improving proposal funding rates and increasing grant size and duration have been long-term priorities for NSF. However, a report on NSF's grant applications found that the merit-review process has become increasingly strained, for both program managers and principal investigators.⁶⁹ Program managers have faced increased workloads in overseeing the review of grants, and principal investigators have found their chances of obtaining grants reduced. During the period FY2000 to FY2006, the number of grant applications increased by 47.0%. However, the funding rate for research grant applications decreased from 30.0% in FY2000, 27.0% in FY2002, and 21.0% in both FY2006 and FY2008 (even as the average award size increased). There is concern in the scientific and education community that the decline in funding rates for grants may have a deleterious affect on academic research infrastructure. With the FY2009 budget request, NSF anticipates increasing the funding rate for grants to 23.0%.

The Senate-passed FY2008 Iraq war supplemental appropriations bill (H.R. 2642) provides, among other things, an additional \$150.0 million for R&RA in the NSF. The current FY2008 appropriation for R&RA is \$4.821.5 billion. Due primarily to rising fuel costs, the academic research fleet is experiencing a reduction in its research capacity. Report language states that \$10.0 of the supplemental for R&RA be directed, specifically, for the academic research fleet. H.R. 2642 also provides a \$50.0 million supplemental for the EHR. The current FY2008 appropriation is \$725.6 million. The additional funding is in support of the following science and mathematics programs: Robert Noyce Scholarship program (\$20.0 million); Graduate Research Fellowships (\$24.0 million); Graduate Teaching Fellowships (\$5.0 million); and Federal Scholarship for Service (\$1.0 million).

Related Agencies

For related agencies, the FY2009 request includes \$784 million, or nearly \$24.8 million less than the enacted FY2008 level (a 3.1% decrease). As shown in **Table 11**, the Legal Services Commission would absorb the bulk of this decrease, as the FY2009 only includes \$311 million for the commission, as reduction of \$39.5 million, as compared to the commission's enacted FY2008 level of funding.

⁶⁹ National Science Foundation, *Impact of Proposal and Award Management Mechanisms*, Final Report, NSF07-45, August 1, 2007, Arlington, VA, 58 pp.

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

Commission, Office, or Corporation	FY2008 Enacted	FY2009 Request	House-Action	Senate-Action	FY2008 Final
U.S. Commission on Civil Rights	8.5	8.8			
Equal Employment Opportunity Commission	329.3	341.9			
International Trade Commission	68.4	73.6			
Legal Services Corporation	350.5	311.0			
Marine Mammal Commission	2.8	2.4			
National Veterans Business Development Corporation	1.4	—			
Office of the U.S. Trade Representative	44.1	46.3			
State Justice Institute	3.8	— ^a			
Total: Related Agencies	808.8	784.0			

Sources: For the FY2008 Enacted column, *the House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, *the Budget of the United States Government, Fiscal Year 2009 — Appendix*.

Note: Amounts may not total due to rounding.

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

Commission on Civil Rights⁷⁰

The U.S. Commission on Civil Rights (Commission), established by the Civil Rights Act of 1957, investigates allegations of citizens, who may have been denied the right to vote based on color, race, religion, or national origin; studies and gathers information on legal developments constituting a denial of the equal protection of the laws; assesses federal laws and policies in the area of civil rights; and submits reports on its findings to the President and Congress when the Commission or the President deems it appropriate. The political independence of the Commission continues to be an issue. In report language, the House Appropriations Committee expressed concern that 36 of the 51 State Advisory Committees are inoperative because their authorizing charters have expired.⁷¹ The House committee directed the Commission to give priority to reconstituting the State Advisory Committees and to make appointments that reflect a balance of viewpoints and a diversity in membership, especially in terms of gender, disability, party affiliation, and civil rights experience with affected communities. Further, the Committee stated that no one should be denied an opportunity to serve on a State Advisory Committee because of race, age, sex, sexual orientation, religion, national origin, disability, or political persuasion.

⁷⁰ This section was written by Garrine P. Laney, Analyst in Social Legislation, Domestic Social Policy Division.

⁷¹ H.Rept. 110-240, p. 130.

The adequacy of funding for the agency is also a subject of debate, as appropriations for the Commission have been less than \$10 million for more than 10 fiscal years.

For FY2009, the Bush Administration requests \$8.8 million for the U.S. Commission on Civil Rights, the same amount requested for FY2008 and \$300 thousand above the FY2008 enacted level of \$8.5 million for the Commission.

Equal Employment Opportunity Commission (EEOC)⁷²

The EEOC enforces laws banning employment discrimination based on race, color, national origin, sex, age, or disability. In recent years, appropriators have been particularly concerned about the agency's implementation of a restructuring plan beginning in 2005 that included the National Contact Center (NCC), field structure and staff realignment, and restructuring of headquarters' operations.

The President's FY2009 budget request for the EEOC is \$341.9 million, which is an increase of \$12.6 million from the FY2008 enacted level of \$329.3 million. The budget includes \$26 million for payments to state and local entities with which the agency has work-sharing agreements to address workplace discrimination within their jurisdictions (i.e., Fair Employment Practices Agencies, FEPAs, and Tribal Employment Rights Organizations, TEROs); this reflects a decrease of \$3.1 million from the FY2008 appropriated amount of \$29.1 million.

Congress has for several years expressed concern over the large backlog of discrimination charges and the reorganization activities of the agency, particularly the outsourcing of customer calls to the NCC. The Consolidated Appropriations Act, 2008 (P.L. 110-161) required the EEOC to notify the House and Senate Appropriations Committees of any proposal for workforce repositioning, restructuring, or reorganization. Further, the joint explanatory statement directed the EEOC to:

- provide a spending plan within 60 days after enactment highlighting the changes the agency plans to make to reduce the backlog and to handle customer calls after operation of the privately run NCC ends,
- use a portion of the funds to upgrade the EEOC's telephone technology and to hire staff in field offices to handle calls after the NCC's termination, and
- notify and consult Congress if the NCC is extended beyond February 1, 2008.⁷³

In response, the Commissioners voted on December 20, 2007 to transfer receipt of customer calls to in-house "information intake representatives" in the 53 field offices. At the same time, they voted favorably on a one-year contract for the

⁷² This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, and Linda Levine, Specialist in Labor Economics, Domestic Social Policy Division.

⁷³ *Congressional Record*, daily edition, vol. 153, (December 17, 2007), p. H15826.

“interactive voice response system,” the digital telephone technology system that currently handles customer calls.

To implement the changes to the customer call-in operation, the Administration proposed in its FY2009 budget request a funding increase for the EEOC of \$7.6 million to hire 175 new full-time equivalent positions (FTEs) of which 66 would be allocated to the in-house customer service team.⁷⁴ The other 109 FTEs, including investigators and attorneys, would be added at field offices and headquarters to help reduce the pending inventory of charges. The Administration’s FY2009 request also includes \$580 thousand to fund an in-house telephone technology system, which the EEOC plans to have fully operational by February 1, 2009.

On March 13, 2008, the Senate approved an amendment offered by Senator Alexander to the concurrent budget resolution (S.Con.Res. 70). It would transfer \$670,000 from funds the EEOC reportedly “is using to sue some employers that maintain workplace English-only policies,” to “a Department of Education program that promotes the teaching of English and civics to immigrants.”⁷⁵ Last year in the full committee markup, Senator Alexander amended the CJS appropriations bill (S. 1745) with language that would have barred the EEOC from using its appropriation to initiate or participate in a civil action against an employer who requires an employee to speak English at work. While this language, known as the “English-only” provision, was included in the Senate-passed version of H.R. 3093, it was not included in the final EEOC FY2008 appropriation.

U.S. International Trade Commission (ITC)⁷⁶

The ITC is an independent, quasi-judicial agency that advises the President and Congress on the impact of U.S. foreign economic policies on U.S. industries and, along with the Import Administration Unit of ITA, is charged with administering various U.S. trade remedy laws. Its six commissioners are appointed by the President for nine-year terms. As a matter of policy, its budget request is submitted to Congress by the President without revision. For FY2009, ITC is requesting \$73.6 million, a \$5.2 million increase (7.6%) over the FY2008 funding level of \$68.4 million, for existing mandated investigative activity and related operations; a mandatory pay increase; and information technology projects.

⁷⁴ The Office of Management and Budget defines an FTE civilian employment in the Executive branch as: “equal to one work year or 2,080 non-overtime hours. For example, one full-time employee counts as one FTE, and two half-time employees also count as one FTE.” See [<http://www.whitehouse.gov/omb/budget/fy2004/glossary.html>].

⁷⁵ “National Origin: Senate OKs English-Only Amendment To Budget Resolution for Fiscal 2009,” *Daily Labor Report*, March 14, 2008, p. A-9.

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

Legal Services Corporation (LSC)⁷⁷

The LSC is a private, non-profit, federally funded corporation that provides grants to local offices that, in turn, provide legal assistance to low-income people in civil (non-criminal) cases. The LSC has been controversial since its incorporation in the early 1970s and has been operating without authorizing legislation since 1980. There have been ongoing debates over the adequacy of funding for the agency and the extent to which certain types of activities are appropriate for federally funded legal aid attorneys to undertake. In annual appropriations bills, Congress traditionally has included legislative provisions restricting the activities of LSC-funded grantees, such as prohibiting any lobbying activities or prohibiting representation in certain types of cases. Current LSC funding remains below the LSC's highest funding level of \$400 million in FY1994 and FY1995.⁷⁸

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

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

Marine Mammal Commission (MMC)⁷⁹

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

⁷⁷ This section was prepared by Carmen Solomon-Fears, Specialist in Social Policy, Domestic Social Policy Division.

⁷⁸ For additional information on the LSC, see CRS Report RL34016, *Legal Services Corporation: Background and Funding*, by Carmen Solomon-Fears.

⁷⁹ This section was prepared by Eugene H. Buck, Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

National Veterans Business Development Corporation (VBC)⁸⁰

The VBC was established under the Veterans Entrepreneurship and Small Business Development Act of 1999 (P.L. 106-50). The corporation's mission is to foster entrepreneurship and business opportunities for veterans, including service-disabled veterans. The VBC provides veterans with access to capital and business services, entrepreneurial education, surety bonding, insurance and prescription coverage, as well as a veterans business directory. Congress provided the corporation with \$1.5 million in funding for each year, FY2006 and FY2007. The enacted FY2008 VBC appropriation is \$1.4 million. The Administration's FY2008 budget includes no funding request for VBC.

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

USTR, located in the Executive Office of the President (EOP), is responsible for developing and coordinating U.S. international trade and direct investment policies. The USTR is the President's chief negotiator for international trade agreements. In 2006 and 2007, the Bush Administration concluded FTAs with Peru, Colombia, Oman, Panama, and South Korea. In 2006 and 2007, USTR obtained congressional approval of FTAs with Peru, Bahrain, the Dominican Republic, and Central American countries. In its FY2009 *Congressional Budget Submission*, the USTR states that its priorities for FY2009 are to conclude several bilateral agreements, complete the global WTO agreement, pursue China's compliance with its WTO obligations, litigate enforcement actions in the WTO, negotiate WTO accession agreements for key countries, and launch new negotiations as necessary to further the trade agenda⁸². The President's FY2009 request for USTR is \$46.3 million, an increase of \$2.2 million (5%) over the FY2008 funding level of \$44.1 million.

State Justice Institute (SJI)⁸³

The State Justice Institute (SJI) is a nonprofit corporation that makes grants to state courts and funds research, technical assistance, and informational projects aimed at improving the quality of judicial administration in state courts across the United States. It is governed by an 11-member board of directors appointed by the President and confirmed by the Senate.⁸⁴ Under the terms of its enabling legislation,

⁸⁰ This section was written by William J. Krouse, Specialist in Domestic Security.

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

⁸² Office of United States Trade Representative, *Congressional Budget Submission*, Fiscal Year 2009.

⁸³ This section was written by Denis Steven Rutkus, Specialist in American National Government, Government and Finance Division.

⁸⁴ By law, the President must appoint six state court judges, one state court administrator, (continued...)

SJI is authorized to present its budget request directly to Congress, apart from the President's budget.

For FY2009, SJI has requested an appropriation of \$5.39 million, a 43.4% increase over \$3.76 million appropriated for FY2008.⁸⁵ The funding requested for FY2009, SJI has said in its budget request, will enable it "to continue identifying issues that impact all courts, fostering innovative solutions, and sharing information on successful approaches nationwide."⁸⁶ The Bush Administration, however, as in its budgets for the previous six years, has not requested any appropriated funds for the institute in FY2009.⁸⁷

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

⁸⁴ (...continued)

and four members of the public, no more than two of whom may be of the same political party.

⁸⁵ See *State Justice Institute Fiscal Year 2009 Budget Request*, January 2008, at [http://www.statejustice.org/PDF/FY2009_Budget_Request.pdf], 22 p. (Hereafter cited as *SJI 2009 Budget Request*.) The amount requested for FY2009, SJI has noted, is \$1,629,000 above the level provided in the FY2008 Consolidated Appropriations Act (P.L. 110-161), but \$1,611,000 below the \$7 million level as authorized by the State Justice Reauthorization Act of 2004 (P.L. 108-372). *Ibid.*, p. 3.

⁸⁶ *Ibid.*, p. 17.

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

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

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

**Table 12. CJS Appropriations by Account,
FY2008 Enacted and FY2009 Proposed**
(budget authority in millions of dollars)

Bureau or Agency	FY2008 Enacted ^a	FY2009 Request ^b	House- Action	Senate- Action	FY2009 Final
Department of Commerce (DOC)					
International Trade Administration	405.2	420.4 ^b			
Bureau of Industry and Security	72.9	83.7 ^b			
Economic Development Administration	279.9	132.8 ^b			
Minority Business Development Agency	28.6	29.0 ^b			
Economic and Statistical Analysis	81.1	90.6 ^b			
Bureau of the Census	1,230.2	2,604.6 ^b			
National Telecommunications and Information Administration	36.3	19.2 ^b			
Patent and Trademark Office ^c	(1,915.5)	(2,075.0)			
Technology Administration	—	—			
National Institute of Standards and Technology	755.8	638.0 ^b			
National Oceanic and Atmospheric Administration	3,896.5	4,103.9 ^b			
Departmental Management	70.0	94.2 ^b			
DOC Subtotal	6,856.5	8,216.5^b			
Department of Justice (DOJ)					
General Administration	1,794.8	1,956.1			
U.S. Parole Commission	11.5	12.6			
Legal Activities	3,584.0	3,835.9			
National Security Division	73.4	83.8			
Interagency Law Enforcement	497.9	531.6			
Federal Bureau of Investigation	6,657.7	7,108.1			
Drug Enforcement Administration	1,857.6	1,936.6			
Bureau of Alcohol, Tobacco, Firearms & Explosives	1,007.6	1,027.8			
Federal Prison System	5,425.5	5,533.9			
Office of Violence Against Women	400.0	280.0			
Office of Justice Programs	2,282.0	782.5			
DOJ Subtotal	23,591.9	23,088.9			
Science Agencies					
Office of Science and Technology	5.2	5.3			
NASA	17,309.4	17,614.2			
National Science Foundation	6,065.0	6,854.1			
Science Agencies Subtotal:	23,379.6	24,473.6			

⁸⁹ (...continued)

which have the “expertise to apply for and execute court grants.” *SJI 2009 Budget Request*, p. 16.

Bureau or Agency	FY2008 Enacted ^a	FY2009 Request ^b	House-Action	Senate-Action	FY2009 Final
Related Agencies					
Commission on Civil Rights	8.5	8.8			
Equal Employment Opportunity Commission (EEOC)	329.3	341.9			
International Trade Commission	68.4	73.6			
Legal Services Corporation	350.5	311.0			
Marine Mammal Commission	2.8	2.4			
National Veterans Business Development Corporation	1.4	—			
U.S. Trade Representative	44.1	46.3			
State Justice Institute	3.8	— ^d			
Related Agencies Subtotal	808.8	784.0			
Total Appropriations	54,636.8	56,563.0			

Sources: For the FY2008 Enacted column, *the House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*. For the FY2009 Request column, *the Budget of the United States Government, Fiscal Year 2009 — Appendix*.

Note: Amounts may not total due to rounding.

- a. The amounts in the FY2008 enacted column could possibly change as Congress is considering a bill (H.R. 2642) that would provide supplemental appropriations to some of the departments and agencies funded under the jurisdiction of the House and Senate CJS Appropriations subcommittees. In addition, the Administration has submitted FY2008 budget reprogrammings for Department of Justice to the House and Senate Appropriations Committees that addresses funding shortfalls for the Bureau of Prisons and other DOJ entities.
- b. The amounts in the FY2009 request column reflect the original Administration submission. For a comparison with the June 9, 2008 Department of Commerce revised request to account for the 2010 decennial census, see Table 4 above.
- c. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected, but not obligated *during* the current year, are available for obligation in the following fiscal year and *do not* count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals.
- d. Under the terms of its enabling legislation, the State Justice Institute is authorized to present its budget request directly to Congress. Although the Bush Administration has not requested any FY2009 funding for SJI, the institute has requested \$5.4 million.