

# CRS Report for Congress

## Commerce, Justice, Science, and Related Agencies: FY2008 Appropriations

July 20, 2007

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Prepared for Members and  
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Appropriations are one part of a complex federal budget process that includes budget resolutions, appropriations (regular, supplemental, and continuing) bills, rescissions, and budget reconciliation bills. The process begins with the President's budget request and is bounded by the rules of the House and Senate, the Congressional Budget and Impoundment Control Act of 1974 (as amended), the Budget Enforcement Act of 1990, and current program authorizations.

This report is a guide to the regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House Committee on Appropriations and Senate Subcommittee on Legislative Branch of the Senate Committee on Appropriations. It summarizes the current legislative status of the bill, its scope, major issues, funding levels, and related legislative activity. 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://beta.crs.gov/cli/level\\_2.aspx?PRDS\\_CLI\\_ITEM\\_ID=73](http://beta.crs.gov/cli/level_2.aspx?PRDS_CLI_ITEM_ID=73)].**

# Commerce, Justice, Science, and Related Agencies: FY2008 Appropriations

## Summary

This report monitors actions taken by the 110<sup>th</sup> Congress for the FY2008 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill. For FY2008, the Administration has requested \$53.355 billion for Departments of Commerce and Justice, certain “science” agencies, and related agencies, or about a 1.0% increase over the comparable amount appropriated by Congress for the current fiscal year (\$52.843 billion). The request includes \$6.596 billion for the Department of Commerce (a 0.4% decrease compared to the FY2007 enacted level), \$22.252 billion for the Department of Justice (a 4.1% decrease), \$23.744 billion for science agencies (a 6.9% increase), and \$762.5 million for related agencies (a 4.8% decrease).

The Senate Appropriations Committee reported an FY2008 CJS appropriations bill (S. 1745; S.Rept. 110-124) on June 28, 2007. The Senate bill would provide \$56.580 billion, or \$3.738 billion more than the FY2007 enacted level, and \$3.226 billion more than the Administration’s request. The Senate amount would provide Commerce with \$7.35 billion (an 10.9% increase over the FY2007 enacted level), Justice with \$24.312 billion (an 4.7% increase), science agencies with \$24.019 billion (an increase of 8.2%), and related agencies with \$899.7 million (a 12.4% increase).

The House Appropriations Committee ordered reported an FY2008 CJS appropriations bill (H.R. 3093) on July 12, 2007. The House bill would provide \$55.975 billion for FY2008, or \$3.132 billion more than the FY2007 enacted level, and \$2.621 billion more than the FY2007 request, but \$605 million less than the Senate mark. The House amount would provide Commerce with \$7.063 billion (a 6.6% increase over the FY2007 enacted level), Justice with \$23.929 billion (a 3.1% increase), science agencies with \$24.137 billion (an 8.7% increase), and related agencies with \$845.7 million (a 5.6% increase).

As Congress considers the FY2008 CJS appropriations, several overarching issues have emerged. For the Department of Commerce, increased funding is being considered for the 2010 Census, while cuts to other population surveys are being considered as well. For both Commerce and science agencies, increased funding for technological research, development and education is being considered as part of the President’s American Competitiveness Initiative. There are also congressional calls for increased funding to research the effects of global warming. And, Congress is weighing proposals made by the President to re-prioritize NASA programs, but at the same time to cut personnel (especially in aeronautics research). Regarding the Department of Justice, the Senate and House Appropriations Committees have expressed concern about recent upticks in violent crime rates. The Committees have approved funding for state, local, and tribal law enforcement assistance that is roughly comparable to the levels provided for FY2007, rather than cutting such funding by more than half as proposed by the Administration for FY2008.

This report will be updated to reflect legislative action.

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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: FY2008 Appropriations

## Most Recent Developments

The Senate Appropriations Committee reported an FY2008 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill (S. 1745; S.Rept. 110-124) on June 28, 2007. This bill would provide \$56.58 billion for FY2008, or \$3.738 billion more than the FY2007 enacted level, and \$3.226 billion more than the Administration's FY2008 request. The House Appropriations Committee ordered reported an FY2008 CJS appropriations bill (H.R. 3093) on July 12, 2007. This bill would provide \$55.975 billion for FY2008, or \$3.132 billion more than the FY2007 enacted level, and \$2.621 billion more than the FY2007 request, but \$605 million less than the Senate mark.

**Table 1. Legislative Status of CJS Appropriations**

| Subcommittee Markup |         | House Report | House Passage | Senate Report | Senate Passage | Conf. Report | Conf. Report Approval |        | Public Law |
|---------------------|---------|--------------|---------------|---------------|----------------|--------------|-----------------------|--------|------------|
| House               | Senate  |              |               |               |                |              | House                 | Senate |            |
| 6/11/07             | 6/26/07 | 7/12/07      |               | 6/28/07       |                |              |                       |        |            |

## Overview of FY2008 CJS Appropriations

### Subcommittee Jurisdiction

Appropriations bills reflect the jurisdiction of the subcommittees of the House and Senate Appropriations Committees in which they are considered.<sup>1</sup> In the 110<sup>th</sup> Congress, the House and Senate committees have created parallel jurisdictions for the Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Subcommittees. This was not the case in the 109<sup>th</sup> Congress, however. In that congress, both the House and Senate Appropriations Committees transferred, from what had previously been the Commerce, Justice, State, the Judiciary, and Related Agencies (also abbreviated CJS) Appropriations Subcommittee, jurisdiction for the Judiciary to the Transportation and HUD Appropriations Subcommittees. In

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<sup>1</sup> For further information, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920-2007*, by James Saturno.

addition, certain “science” agency appropriations were transferred to the former CJS subcommittees. Those science agencies included the White House’s Office of Science and Technology Policy (OSTP), the National Aeronautics and Space Administration (NASA), and National Science Foundation (NSF). In the Senate, moreover, jurisdiction for the Department of State was transferred to the Foreign Operations Appropriations Subcommittee. In the House, however, it remained under the jurisdiction of the former CJS subcommittee, renamed the Science, State, Justice, Commerce, and Related Agencies (SSJC) Appropriations Subcommittee.

**Table 2. CJS Appropriations by Department and Related Agencies, FY2007 Enacted and FY2008 Proposed**  
(budget authority in millions of dollars)<sup>a</sup>

| Departments and Related Agencies | FY2007 Enacted <sup>b</sup> | FY2008 Request    | Senate-reported   | House-reported    |
|----------------------------------|-----------------------------|-------------------|-------------------|-------------------|
| Department of Commerce           | \$6,624.7                   | \$6,595.8         | \$7,350.1         | \$7,063.4         |
| Department of Justice            | \$23,210.4                  | \$22,252.3        | \$24,312.0        | \$23,929.2        |
| Science Agencies                 | \$22,207.0                  | \$23,743.9        | \$24,018.7        | \$24,137.0        |
| Related Agencies                 | \$800.7                     | \$762.5           | \$899.7           | \$845.7           |
| <b>Total Appropriations</b>      | <b>\$52,842.9</b>           | <b>\$53,354.6</b> | <b>\$56,580.4</b> | <b>\$55,975.4</b> |

**Sources:** S. 1745 (S.Rept. 110-124) and H.R. 3093 (H.Rept. 110-240).

- a. Amounts may not total due to rounding.  
b. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007(P.L. 110-5), and the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).

**Table 2** shows comparable funding levels for the departments and related agencies currently under the House and Senate CJS Appropriations Subcommittees for FY2007 enacted, FY2008 requested, FY2008 Senate-reported, and FY2008 House-reported. Not shown in **Table 2** are enacted and proposed rescissions of “unobligated balances” and “prior year appropriations,” as those rescissions do not reflect new budget authority that was, or is proposed to be, appropriated. Nevertheless, those rescissions are given below in the summary table at report’s end.

## Synopsis of FY2007 Appropriations

On February 15, 2007, Congress passed the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5) providing funding for those agencies that had not yet received a permanent appropriation.<sup>2</sup> While this law funded certain CJS departments, agencies, administrations, and offices with specific appropriations, most others were funded by extending their FY2006 budget through FY2007 (subject to rescissions in

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<sup>2</sup> The full-year continuing resolution followed three temporary continuing resolutions (H.R. 5361/P.L. 109-289, effective through November 17, 2006; H.J.Res. 100, effective through December 8, 2006; H.J.Res. 102, effective through February 15, 2007).



some cases).<sup>3</sup> More recently, on May 24, 2007, Congress passed the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28), which included supplemental funding for some, but not all of the agencies for which the CJS Appropriations Subcommittee has jurisdiction. **Table 2** shows that Congress has provided \$52.483 billion for the departments, agencies, administrations, commissions, and offices that are under the jurisdiction of the House and Senate CJS Appropriations Subcommittees. That amount is \$2.402 billion more than the previous year (\$50.441 billion), or an increase of 4.8%.

## FY2008 Request

For FY2008, **Table 2** shows that the Administration's request includes \$53.355 billion for Departments of Commerce and Justice, certain science agencies, and related agencies, or about a 1.0% increase over amounts appropriated by Congress for FY2007. This amount includes \$6.596 billion for the Department of Commerce (a 0.4% decrease compared to the FY2007 enacted level), \$22.252 billion for the Department of Justice (a 4.1% decrease), \$23.744 billion for science agencies (a 6.9% increase), and \$762.5 million for related agencies (a 4.8% decrease).

## Senate Action

**Table 2** shows that the Senate-reported bill (S. 1745) would provide \$56.58 billion in FY2008 funding for the departments, bureaus, agencies, administrations, and offices under the CJS Appropriations Subcommittee's jurisdiction. By comparison, the Senate FY2008 mark would provide a 7.1% increase over the FY2007 enacted level, and a 6.0% increase over the Administration's request.

- For the Department of Commerce, the Senate mark includes \$7.35 billion, or \$725.3 million more than the FY2007 enacted level (an increase of 10.9%), and \$754.2 million more than the President's FY2008 request (an increase of 11.4%).
- For the Department of Justice, the Senate mark includes \$24.312 billion, or \$1.102 billion more than the enacted FY2007 level (an increase of 4.7%), and \$2.06 billion more than the President's FY2008 request (an increase of 9.3%).

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<sup>3</sup> The House passed a Science, State, Justice, Commerce, and Related Agencies (SSJC) appropriation bill (H.R. 5672; H.Rept. 109-520) on June 29, 2006. The Senate Appropriations Committee reported a Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill (H.R. 5672; S.Rept. 109-280) on July 11. In addition, the Senate Appropriations Committee reported a State, Foreign Operations, and Related Agencies appropriations bill (H.R. 5522; S.Rept. 109-277) on July 10. This Senate version of H.R. 5522 included funding for the Department of State and related agencies. As described above, final funding was provided under the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5).

- For science agencies, the Senate mark includes \$24.019 billion, or \$1.812 billion more than the enacted FY2007 level (an increase of 8.2%), and \$274.8 million more than the President's FY2008 request (an increase of 1.2%).
- For related agencies, the Senate mark includes \$899.7 million, or \$99 million more than the FY2007 enacted level (an increase of 12.4%), and \$137.2 million more than the President's FY2008 request (an increase of 18.0%).

## House Action

**Table 2** shows that the House bill (ordered reported) would provide \$55.975 billion in FY2008 funding for the departments, bureaus, agencies, administrations, commissions, and offices under the CJS Appropriations Subcommittee's jurisdiction. By comparison, the House mark would provide a 5.9% increase over the FY2007 enacted level, and a 4.9% increase over the Administration's FY2008 request, but \$1.1% less than the Senate mark.

- For the Department of Commerce, the House mark would provide \$7.063 billion, or \$438.7 million more than the FY2007 enacted level (an increase of 6.6%), and \$467.6 million more than the FY2008 request (an increase of 7.1%), but \$286.6 million less than the Senate mark (a decrease of 3.9%).
- For the Department of Justice, the House mark would provide \$23.929 billion, or \$718.8 million more than the FY2007 enacted level (an increase of 3.1%), and \$1.677 billion more than the FY2008 request (an increase of 7.5%), but \$382.7 million less than the Senate mark (a decrease of 1.6%).
- For science agencies, the House mark would provide \$24.137 billion, or \$1.93 billion more than the FY2008 enacted level (an increase of 8.7%), \$393.1 million more than the FY2008 request (an increase of 1.7%), and \$118.3 million more than the Senate mark (an increase of 0.5%).
- For related agencies, the House mark would provide \$845.7 million, or \$44.9 million more than the FY2007 enacted level (an increase of 5.6%), \$83.2 million more than the FY2008 request (an increase of 10.9%), but \$54.0 million less than the Senate mark (a decrease of 6%).

## Departmental Funding Trends, FY2003-FY2007

**Table 3** shows funding trends for the major agencies in CJS appropriations over the six-year period FY2002-FY2007, including supplemental appropriations. Funding for the Department of Commerce increased by 14.1% from FY2002 through FY2005. Due to rescissions, it decreased in FY2006, but increased in FY2007.

Funding for the Department of Justice decreased 17.1% from FY2002 to FY2003. This decrease largely reflects the transfer of the former Immigration and Naturalization Service to the newly formed Department of Homeland Security. Justice funding has increased by 18.1% from FY2003 to FY2007. Funding for the science agencies has gradually increased by 12.7% from FY2002 to FY2007.

**Table 3. Funding for Departments of Commerce, Justice, and Science and Related Agencies**  
(billions in current dollars)<sup>a</sup>

| Department/Agency    | FY2002 | FY2003 | FY2004 | FY2005 | FY2006 | FY2007 <sup>b</sup> |
|----------------------|--------|--------|--------|--------|--------|---------------------|
| Commerce             | 5.739  | 5.796  | 5.943  | 6.550  | 6.426  | 6.625               |
| Justice              | 23.707 | 19.648 | 19.850 | 21.000 | 21.404 | 23.210              |
| Science <sup>c</sup> | 19.710 | 20.600 | 20.960 | 21.676 | 22.833 | 22.207              |

**Source:** Funding totals provided by the U.S. House of Representatives, Committee on Appropriations.

- a. Amounts may not total due to rounding.
- b. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007(P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- c. Before FY2006, science agencies (OSTP, NASA, and NSF) were funded in the VA/HUD appropriations bill.

## Survey of Selected Issues

### Department of Commerce

A number of key issues relating to the diverse collection of responsibilities in the Department of Commerce may be considered during the deliberations of the FY2008 budget. The Department's trade and technology programs 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 \$192.6 billion in January 2007. The constitutional requirement to redistrict the House of Representatives in 2010 may involve increased preparations for the upcoming census. The anniversary of hurricanes Katrina and Rita may draw attention to the Department's weather and ocean-stewardship programs. Some selected issues affecting funding priorities follow.

Key issues include the following:

- Proposed increases in funds for the Census Bureau to prepare for the 2010 Census;
- Possible termination of the Census Bureau's longitudinal Survey of Income and Program Participation and its proposed replacement with a new data collection system focusing on income and wealth dynamics;

- The ability of U.S. trade agencies and PTO to fight intellectual property infringement abroad;
- The efficacy of U.S. trade agency enforcement of U.S. trade remedy laws against unfair foreign competition;
- For the third consecutive year, the Administration included in its budget request a proposal that would revamp some of the programs administered by the Department of Commerce by consolidating the 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);
- Proposals to limit the access that the U.S. Patent and Trademark Office has to the fees it collects each fiscal year;
- Funding of the Advanced Technology Program, whereby the federal government invests in applied research activities of private entities;
- Proposals to fund all of NOAA programs under a single authorizing law, an Organic Act;
- Funding levels for NOAA satellite programs, ocean and coastal research-related projects, and Tsunami research systems; and
- 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.

## **Department of Justice**

As Congress considers the FY2008 budget, there are a number of key issues that may be considered during appropriations deliberations. The violent crime — murders, robberies, forcible rapes and aggravated assaults — as reported by the FBI in the Unified Crime Report, has increased over the last two years, by 2.3% in 2005 and 1.3% in 2006. As the lead federal agency whose mission is to protect the American public and enforce the nation's laws, DOJ agencies play an important role in fighting crime, a role that must be balanced with the agency's mission on homeland security. Some of the following selected issues may be weighed in shaping the funding priorities.

- During the past few Republican-controlled Congresses, the DOJ appropriation's legislation has included language which prohibits ATF from sharing federal gun-trace data with state and local law enforcement agencies except under limited circumstances. House appropriators have included a modified version of this language,

popularly referred to as the “Tihart amendment” after its original congressional sponsor, and such language was amended to the Senate bill in full committee markup. Gun control advocates reportedly will address this issue when the FY2008 CJS funding is considered on the House and Senate floor.

- Declining levels of federal funding for state, local, and tribal law enforcement continues to be an important concern for many in the Congress particularly in light of recent upticks in violent crime rates. The Administration’s budget request includes proposals to significantly reduce funding for state, local, and tribal law enforcement assistance programs, and consolidate most of the targeted grant programs into a single, multi-purpose, competitive grant program with a significantly lower funding level. In the past, similar proposals by the Administration have been rejected by Congress and the individual law enforcement grant programs have been funded.
- The firing of nine U.S. Attorneys last year has been a concern and the House Appropriations Committee has reportedly included \$1.5 million for the Office of the Inspector General to pay for an investigation of the U.S. Attorney firings.<sup>4</sup>
- DEA has been under a hiring freeze and the Administration proposed further reductions in the number of agents. The Senate Appropriations Committee report includes additional funding for to lift the hiring freeze and restore DEA’s ability to support state and local law enforcement in the fight against drugs.

## Science Agencies

Key issues are as follows:

- President Bush’s “Vision for Space Exploration” and its consequent reprioritization of NASA programs, and potential personnel cuts (especially in aeronautics research);
- Whether to use the space shuttle to service the Hubble Space Telescope; and
- Funds for programs to research and address global warming, including a new study by the National Science Foundation and improved data collection by National Polar-Orbiting Operational Environmental Satellite System (NPOESS).

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<sup>4</sup> CQ Committee Coverage, House Appropriations Subcommittee Markup, June 11, 2007.

## Department of Commerce

The origins of the Department of Commerce date 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* enforces U.S. export laws consistent with national security, foreign policy, and short-supply objectives (formerly the Bureau of Export Administration);
- *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 Statistical Analysis Programs* provide: (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 the analysis is conducted by the Bureau of Economic Analysis (BEA);
- *Bureau of the Census* 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;
- *Patent and Trademark Office (PTO)* examines and approves applications for patents for claimed inventions and registration of trademarks;

- *Technology Administration*, through the Office of Technology Policy, advocates integrated policies that seek to maximize the impact of technology on economic growth, conducts technology development and deployment programs, and disseminates technological information;
- *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 based on 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 President's FY2008 budget request includes \$6.596 billion for the Commerce Department. This represents a decrease of \$29.0 million, or 0.4%, from the FY2007 appropriation for the department of \$6.625 billion. By comparison, the Senate committee has recommended a total of \$7.350 billion for FY2008, or \$725.3 million above the FY2007 enacted level and \$754.2 million above the President's FY2008 request. The House Committee has recommended a total of \$7.063 billion for FY2008, or \$467.6 million above the President's FY2008 request.<sup>5</sup>

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<sup>5</sup> The Administration's FY2008 budget request proposes a rescission of nearly \$49 million from the emergency steel guaranteed loan program. Neither the Senate committee nor the House committee includes the requested \$49 million rescission for the emergency steel guaranteed loan program. Instead, the Senate committee recommends rescinding \$10 million for industrial technology services and the House recommends a \$42 million Department-wide rescission.

**Table 4. Funding for the Department of Commerce**  
(budget authority in millions of dollars)<sup>a</sup>

| <b>Bureau or Agency</b>                                    | <b>FY2007 Enacted<sup>b</sup></b> | <b>FY2008 Request</b> | <b>Senate-Reported</b> | <b>House-Reported</b> |
|--|-----------------------------------|-----------------------|------------------------|-----------------------|
| International Trade Administration <sup>c</sup>            | 395.6                             | 412.4                 | 417.4                  | 422.4                 |
| Bureau of Industry and Security                            | 75.4                              | 78.8                  | 78.8                   | 78.8                  |
| Economic Development Administration                        | 280.6                             | 202.8                 | 282.8                  | 302.8                 |
| Minority Business Development Agency                       | 29.7                              | 28.7                  | 30.2                   | 31.2                  |
| Economic and Statistical Analysis                          | 79.8                              | 85.0                  | 85.0                   | 86.5                  |
| Bureau of the Census                                       | 893.0                             | 1,230.2               | 1,246.6                | 1,232.2               |
| National Telecommunications and Information Administration | 39.8                              | 18.6 <sup>d</sup>     | 48.6                   | 40.3                  |
| Patent and Trademark Office <sup>e</sup>                   | (1,771.0)                         | (1,915.5)             | (1,915.5)              | (1,915.5)             |
| Technology Administration                                  | 2.0                               | 1.6                   | 0.0                    | 1.0                   |
| National Institute of Standards and Technology             | 676.9                             | 640.7                 | 863.0                  | 831.2                 |
| National Oceanic and Atmospheric Administration            | 4,078.3                           | 3,809.6               | 4,214.9                | 3,950.5               |
| Departmental Management                                    | 73.7                              | 87.4                  | 82.7                   | 86.5                  |
| <b>Total: Department of Commerce</b>                       | <b>6,624.7</b>                    | <b>6,595.8</b>        | <b>7,350.1</b>         | <b>7,063.4</b>        |

**Sources:** S. 1745 (S.Rept. 110-124) and H.R. 3093 (H.Rept. 110-240).

- a. Amounts may not total due to rounding.
- b. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007(P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- c. Total funding for ITA may be higher than these amounts due to retained fees.
- d. Does not include \$45 million in mandatory spending from the Digital Transition and Safety Public Fund.
- e. 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.



## **International Trade Administration (ITA)<sup>6</sup>**

The ITA provides export promotion services, works to assure compliance with trade agreements, administers trade remedies such as antidumping and countervailing duties, and provides analytical support for ongoing trade negotiations. ITA's estimated total full-time staff for FY2007 is 2,217. 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 FY2008 request for ITA is \$412.4 million, a \$16.8 million (4.2%) increase over the funding level of \$395.6 million adopted by the FY2007 Revised Continuing Appropriations Resolution (P.L. 110-5). The request anticipates the collection of \$13 million in fees, raising available funds to \$425.4 million. The Senate committee recommended \$417.4 million for ITA, \$21.8 million above the FY2007 enacted level, and \$5 million above the budget request. The Senate recommendation anticipates the collection of \$8 million in fees, \$5 million less than the budget request, which would raise available budget authority to \$425.4 million. The House committee recommended \$422.4 million, \$26.8 million above the FY2007 enacted level, and \$10 million above the budget request. The House recommendation anticipates the collection of \$8 million in fees, the same as the Senate amount and \$5 million less than the budget request, which would raise available budget authority to \$430.4 million.

## **Bureau of Industry and Security (BIS)<sup>7</sup>**

The BIS administers export controls on dual-use goods and technology through its licensing and enforcement functions. It cooperates with other nations on export control policy and provides assistance to the U.S. business community to comply with U.S. and multilateral export controls. It also administers U.S. anti-boycott

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<sup>6</sup> 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.

<sup>7</sup> This section was written by Ian F. Fergusson, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

statutes, and it is charged with monitoring the U.S. defense industrial base. The agency had an estimated 416 full-time employees in FY2007. 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 FY2008 request for BIS is \$78.8 million, a 4.5% increase from the FY2007 enacted funding level of \$75.4 million. The FY2008 funding request for BIS is divided between licensing activity (\$39.0 million), enforcement activities (\$34.1 million), and management and policy coordination (\$5.7 million). Of these amounts, \$14.8 million is requested for Chemical Weapons Convention (CWC) enforcement. The FY2008 request also includes a proposal to consolidate the contract management functions of the Export Control and Border Assistance Programs in the Department of State, which provides the funds for these activities. The BIS envisions a reduction of its management and policy coordination budget by \$955,000 by this action. Both the House and Senate Appropriations Committees recommended the same level of funding for FY2008 as the President's request, \$78.8 million.

## **Economic Development Administration (EDA)<sup>8</sup>**

The EDA was established under the Public Works and Economic Development Act of 1965, as amended.<sup>9</sup> The EDA's mission is to generate jobs, help retain existing jobs, by stimulating industrial and commercial growth in economically distressed areas of the United States, with an emphasis on urban areas with high unemployment, low income, or other severe economic distress.

For the third consecutive year, the Administration included in its budget request a proposal that would revamp the programs administered by EDA. The Administration is requesting \$202.8 million for EDA activities for FY2008. This amount includes \$170 million to fund planning grants, trade adjustment assistance, and a new Regional Development Account (RDA) and \$32.8 million for salaries and expenses. Excluding funding for salaries and expenses, the Administration's budget request of \$170 million for program activities is \$80.7 million less than the \$250.7 million appropriated for FY2007.

The proposed RDA would consolidate the activities currently funded under the EDA's Public Works, Technical Assistance, Research and Evaluation, Economic Adjustment Assistance and Defense Economic Adjustment Assistance programs. In addition, according to the Administration, RDA program consolidation would create a streamlined application process allowing EDA grantees, including Economic Development Districts and universities and colleges, to develop comprehensive

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<sup>8</sup> This section was prepared by Eugene Boyd, Analyst in American National Government, Government and Finance Division.

<sup>9</sup> 42 U.S.C. § 3121.

strategies in support of regional economic development efforts in distressed rural communities. Last year, during consideration of the 2007 appropriations, the Senate committee included report language rejecting the Administration's RDA proposal.<sup>10</sup>

In addition, under the Administration's restructuring proposal, EDA's Office of Strategic Initiatives would be eliminated and a new Office of Regional Affairs (ORA) would be created. The ORA would include the six regional offices and would be charged with administering the new RDA program. During its consideration of EDA funding for FY2007, the House committee included report language that directed EDA to maintain all six regional offices in response to concerns that EDA was considering eliminating three of the six offices.<sup>11</sup>

For FY2008, the Senate committee has included report language that rejects the Administration's RDA proposal.<sup>12</sup> By comparison, for FY2008, the Senate bill would provide \$282.8 million for existing EDA. Excluding salaries and expenses, the Senate amount would provide \$250 million for the EDA assistance programs, \$80 million more than requested by the Administration, but \$741,000 less than appropriated for FY2007. This amount includes \$154 million for public works grants, \$27 million for planning assistance, \$8.5 million for technical assistance, \$500,000 for research and evaluation activities, \$15 million for trade adjustment assistance, and \$45 million for economic adjustment grants. Consistent with the Administration's budget request, the bill recommends \$32.8 million for salaries and expenses.

In addition, it is worth noting that Senate report language expresses concern about the distribution of EDA funds among the six regional offices, echoing similar concerns raised last year during Senate consideration of EDA funding. The Senate report language directs the Administration to disperse FY2008 funding to the six regional offices in accordance with the funding levels for each account and using the EDA formula. To monitor compliance with this directive, the report language directs EDA to notify the Senate committee in writing when all grant funds have been distributed to regional offices.

For FY2008, the House Appropriations Committee recommends an appropriation of \$302.8 million for EDA activities (\$270 million) and salaries and expenses (\$32.8 million). This is \$22.2 million more than appropriated in FY2007, \$100 million more than requested by the Administration, and \$20 million more than recommended by the Senate (S. 1745). Like its Senate counterpart, the House report includes language rejecting the Administration's RDA consolidation proposal. The House bill recommends \$160 million for public works grants, \$27 million for planning assistance, \$10 million for technical assistance, \$500,000 for research and evaluation activities, \$13.5 million for trade adjustment assistance, \$49 million for economic adjustment grants, and \$32.8 million for salaries and expenses. The House bill also includes \$10 million for a Global Climate Change Mitigation

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<sup>10</sup> S.Rept. 109-280, accompanying the Senate-reported version of H.R. 5672.

<sup>11</sup> H.Rept. 109-520, accompanying the House-passed version of H.R. 5672.

<sup>12</sup> S.Rept. 110-124, accompanying S. 1745.

Incentive Fund (GCCMIF). The report accompanying the bill directs EDA to use the GCCMIF to support proposals that incorporate mitigation strategies and technologies aimed at promoting sustainable resource conservation and reducing energy consumption and harmful gas emissions. Should Congress approve this initiative, EDA would be required to develop criteria to evaluate GCCMIF grant applications within 90 days of enactment of passage of the act.

### **Minority Business Development Agency (MBDA)<sup>13</sup>**

The MBDA, established by Executive Order 11625 on October 13, 1971,<sup>14</sup> 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, size and scale of firms associated with minority business enterprise. For FY2008 the President's budget requests \$28.7 million for the MBDA, which is a 3.4% decrease from the FY2007 appropriation of \$29.7 million. The Senate committee reported \$30.2 million for FY2008, which is \$0.5 million above FY2007 and \$1.5 million above the President's request. The House committee reported \$31.2 million for FY2008. Both the Senate and the House committees made specific reference to keeping funds available to maintain current Native American Business Development Centers.

### **Economic and Statistical Analysis (ESA)<sup>15</sup>**

The ESA provides economic data, analysis, and forecasts to government agencies and, where appropriate, to the public. The ESA includes the Census Bureau (discussed separately), the Bureau of Economic Analysis (BEA), and STAT-USA. The ESA has three core missions: (1) compile a system of economic data, (2) interpret and communicate the forces at work in the economy, and (3) support the information and analytical needs of the executive branch. Excluding Census, the ESA FY2008 request is \$85.0 million. This is a 6.5% increase over the comparable FY2007 enacted figure of \$79.8 million. The Senate committee recommended the same funding for the ESA as the President's request, \$85.0 million in FY2008. The House committee recommended \$86.5 million, which includes an additional \$1.5 million to expand and improve regional datasets that benefit state and local officials and economic development organizations.

The Bureau of Economic Analysis (BEA) accounts for \$81 million of the \$85 million FY2008 administration request for Economic and Statistical Analysis. The

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<sup>13</sup> This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

<sup>14</sup> 36 FR 19967, 3 CFR, 1971-1975 Comp., p. 616.

<sup>15</sup> This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

BEA has four core programs, each of which supports other agencies and policymakers. The National Economic Accounts support federal budget projections and macroeconomic policy. Balance-of-Payments data are required by international agreements on exchange rates. 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. The \$81 million request for BEA compares to \$75 million requested in FY2007 and \$72 million enacted in FY2006.

## **Bureau of the Census<sup>16</sup>**

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

For discretionary spending by the Bureau of the Census in FY2008, the Administration requested new budget authority totaling \$1,230.2 million: \$202.8 million for salaries and expenses and \$1,027.4 million for periodic programs, including \$797 million (about 78% of the periodics account) for the 2010 decennial census. By comparison, the FY2007 enacted amounts were \$196.6 million for salaries and expenses, \$696.4 million for periodic programs, totaling \$893 million for the Bureau as a whole.

The large difference (+\$337.2 million) between the FY2008 request and the FY2007 enacted amount for the Bureau largely reflects heightened preparations, or the “ramp up,” for the 2010 census. In 2008, the Bureau will conduct a dress rehearsal to test all aspects of 2010 operations. The Bureau also will improve its geographic database — essential for getting census questionnaires to the right addresses — by correcting and aligning information on street locations with Global Positioning System coordinates. The re-engineered 2010 census will consist of a short form, to collect data from all households for, among other purposes, House reapportionment and within-state redistricting. In addition, the American Community Survey (ACS), which the Bureau will continue to implement fully, nationwide, in FY2008, will replace the census long form in 2010 and will provide detailed demographic data annually to meet various legislative and programmatic requirements.

The Senate committee recommended an FY2008 amount of \$1,246.6 million for the Bureau, \$353.6 million above FY2007 and \$16.4 million above the President’s request. Of the committee-recommended amount, salaries and expenses would receive \$226.2 million and periodic programs, \$1,020.4 million (\$29.6 million and \$324 million, respectively, over FY2007).

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<sup>16</sup> This section was written by Jennifer D. Williams, Project Management Coordinator, Government and Finance Division.

In discussion of the salaries and expenses account, the Senate committee expressed concern with the Bureau's attempt — now abandoned — to phase out the longitudinal Survey of Income and Program Participation (SIPP) and replace it with a new Dynamics of Economic Well-being Survey (DEWS), a switch that would have been associated with, in the committee's words, a "lack of continuity of poverty measures." The committee, "aware that the Census Bureau has decided not to initiate DEWS, but to return to the SIPP," recommended an additional \$26 million that, combined with \$15.9 million "in funds from DEWS," would fund a SIPP sample size of 45,000 in 25 states.<sup>17</sup>

Under the periodics account, the committee noted the Bureau's recent report that hundreds of its laptop computers and other electronic devices were "lost, stolen, or missing," and directed the Bureau to submit a report "no later than 45 days after enactment that details steps taken to ensure that adequate property controls are in effect for both electronic devi[c]les specifically acquired for the decennial census and ... equipment generally purchased by the Bureau."<sup>18</sup>

The House committee's recommended FY2008 amount of \$1,232.2 million for the Bureau exceeded the Administration's request by \$2 million and the FY2007 enacted amount by \$339.2 million.

The committee's recommendation of \$196.8 million for salaries and expenses was \$191,000 above the amount enacted for FY2007 and \$6 million below the request. Regarding this account, the committee instructed the Bureau to discontinue work on DEWS and direct its efforts toward restoring SIPP.

For periodic programs, the committee recommended \$1,035.4 million, with the stipulation that the Bureau continue to include "some other race" as a category when collecting census data on racial identification. The recommendation exceeded the FY2007 enacted amount by \$339 million and the FY2008 request by \$8 million. The \$187.2 million recommended for the American Community Survey matched the request and exceeded the FY2007 enacted amount by \$10.7 million.

## **National Telecommunications and Information Administration (NTIA)<sup>19</sup>**

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

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<sup>17</sup> S.Rept. 110-124, p. 17.

<sup>18</sup> Ibid., pp. 18-19.

<sup>19</sup> This section was written by Glenn McLoughlin, Specialist in Technology and Telecommunications Policy, Resources, Science, and Industry Division.

transmission in the 21st century. The NTIA also manages federal use of radio frequency spectrum domestically and internationally.

Under the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), the total NTIA budget for FY2007 is \$39.8 million; to date Senate appropriators have approved a total of \$48.6 million; the House bill under consideration would fund NTIA at \$40.3 million. There are two major components to the current NTIA budget (the Bush Administration has sought to create a third program in its FY2008 budget request, created out of the Deficit Reduction Act of 2005, discussed below). The first is Salaries and Expenses. For FY2007, that total was \$18.1 million; for FY2008, the Bush Administration recommended \$18.6 million. Both Senate and House appropriators have approved \$18.6 million for the coming fiscal year. In the past, a large part of this program has been for the management of various information and telecommunications policies both domestically and internationally. Also, a significant portion of this program (\$7.0 million) is for the management of the federal government's use of the radio spectrum. For the second NTIA program component, the Public Telecommunications and Facilities Program (PTFFPC), Congress funded this program in FY2007 at \$21.7 million; for FY2008 Senate appropriators have approved \$20.0 million, while House appropriations language seeks to fund this program at \$21.7 million. (In its request for FY2008, the Administration has requested no funding for this program). Senate appropriators also have approved \$10 million for the Technologies Opportunities Program (TOP), which was eliminated after FY2005. The Senate is seeking to have this program targeted for broadband deployment to rural areas and tribal governments.

The third NTIA program that the Bush Administration has requested in both its FY2007 and FY2008 budget requests comes out of the 2005 Deficit Reduction Act. That law — and the creation of the new NTIA program — called for the creation of a Digital Transition and Safety Public Fund, which would offset receipts from the auction of licenses to use electromagnetic spectrum recovered from discontinued analog signals. The Bush Administration set those reimbursable funds at \$45 million in FY2007. These receipts would fund the following programmatic functions at NTIA: a digital-analog converter box program to assist consumers in meeting the 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 City's 9/11 digital transition funding (until the planned Freedom Tower is built); 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. However, congressional policymakers are still discussing the spectrum auction and governance issues and the roles of both NTIA and the Federal Communications Commission (FCC); this may be reconciled during this session of the 110<sup>th</sup> Congress.

## **U.S. Patent and Trademark Office (USPTO)<sup>20</sup>**

The USPTO examines and approves applications for patents on claimed inventions and administers the registration of trademarks. It also assists other federal departments and agencies to protect American intellectual property in the international marketplace. The USPTO is funded by user fees paid by customers that are designated as “offsetting collections” and subject to spending limits established by the Appropriations Committee. For FY2007, the USPTO has been provided with the budget authority to spend \$1.771 billion.

The Administration’s FY2008 budget proposal includes \$1.916 billion<sup>21</sup> in budget authority for the USPTO. In addition, the budget document requests that the Office be permitted “full access” to its fee collections and that fee increases passed in 2005 and 2006 be maintained. Legislation could likely be introduced extending these provisions.

The FY2008 appropriations bill reported from the Senate committee would provide the USPTO with \$1.916 billion, an increase of 8.2% over the previous fiscal year and equal to the President’s budget request. The committee report to accompany the bill requests that the Office have “fuller access to fees” and recommends that the increase in fees be extended through the end of FY2008.

The FY2008 appropriations legislation reported from the House Committee on Appropriations also provides the U.S. Patent and Trademark Office with the budget authority to spend \$1.916 billion. The bill also mandates that the fee increases remain in effect during FY2008.

Beginning in 1990, appropriation riders have limited the ability of the USPTO to utilize the full amount of fees collected in each fiscal year. This is an area of controversy. Opponents of this approach argue that agency operations are supported by payments for services that must be financed in the year the expenses are incurred. Proponents of methods to limit USPTO fee usage maintain that the fees are necessary to help balance the budget and the fees appropriated back to the Office are sufficient to cover operating costs.

## **Technology Administration/Office of the Under Secretary of Technology<sup>22</sup>**

The Technology Administration and the Office of the Under Secretary of Technology in the Department of Commerce advocate national policies that foster

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<sup>20</sup> This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.

<sup>21</sup> On p. 209 of the *Budget of the United States Government, Fiscal Year 2008 — Appendix*, the amount of \$1,915,500,000 requested for the USPTO *is not* rounded up and is presented as \$1,915 million.

<sup>22</sup> This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.



technology development to stimulate economic growth, conduct technology development and deployment programs, and disseminate technological information. The Office of the Under Secretary for Technology also manages and supervises the activities of the National Institute of Standards and Technology and the National Technical Information Service. For FY2007, the Office has been appropriated \$2 million, a 66% decrease in funding from FY2006.

The Administration's FY2008 budget proposes funding of \$1.6 million for the Technology Administration, 20% below the current level of support. The appropriations bill reported from the Senate committee does not include financing for the Technology Administration. The FY2008 appropriations legislation reported from the House committee would provide \$1 million in funds for the Technology Administration, a 50% decrease from the current fiscal year, to allow for the "...necessary costs associated with the elimination of the position of Under Secretary for Technology, as proposed in the budget request."

### **National Institute of Standards and Technology (NIST)<sup>23</sup>**

The 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.

FY2007 appropriations for NIST totaled \$676.9 million. Funding for internal research and development under the Scientific and Technical Research and Services (STRS) account increased from the previous year to \$434.4 million (including the Baldrige National Quality Program). The Advanced Technology Program (ATP) is financed at \$79.1 million, while \$104.7 million is provided for the Manufacturing Extension Partnership (MEP) program. The construction budget is \$58.7 million.

The Administration's FY2008 budget requests \$640.7 million for NIST, 5.3% below FY2007 due primarily to the absence of support for ATP and reduced funding for MEP. The STRS account would increase 15.2% to \$500.5 million (including the Baldrige National Quality Program). There would be no funding for the Advanced Technology Program and appropriations for the Manufacturing Extension Partnership would be reduced 55.8% to \$46.3 million. Construction expenses would increase 60.0% to \$93.9 million.

The FY2008 appropriations bill, S. 1745, reported from the Senate committee includes \$863.0 million for NIST, an increase of 27.5% over FY2007. Funding for the STRS account would total \$502.1 million (including the Baldrige National Quality Program), 15.6% above the current fiscal year. The Advanced Technology

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<sup>23</sup> This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.

Program would be financed at \$100 million, an increase of 26.4%, recognizing that there is a possible revision of the program in discussion at the conference over the competitiveness legislation. Support for the Manufacturing Extension Program would increase 5.1% to \$110 million. There is also a \$10 million rescission (unobligated balances) to the Industrial Technology Development account which is comprised of the ATP and MEP activities. The committee report to accompany the appropriations bill recommends a new pilot program for manufacturing technology development under MEP. The construction budget would total \$150.9 million, over two and one half times more than FY2007 funding.

The bill reported to the House from the House Committee on Appropriations, including Manager's amendments, provides \$831.2 million for NIST, 22.8% above the current fiscal year. Included in this total is \$500.5 million for the STRS account (with the Baldrige National Quality Program), an increase of 15.2% over FY2007. Support for ATP would increase 17.7% to \$93.1 million, while funding for MEP would increase 3.9% to \$108.8 million. The Committee Report to accompany the bill notes support for House-passed legislation that reestablishes ATP as the Technology Innovation Program while making some changes to the activity. The construction budget would more than double from the current fiscal year to \$128.9 million.<sup>24</sup>

Continued support for the Advanced Technology Program has been a major funding issue. The ATP provides "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 cite it as a prime example of "corporate welfare," whereby the federal government invests in applied research activities that, they emphasize, should be conducted by the private sector. Others defend ATP, arguing that it assists 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 has maintained (often decreasing) funding for the Advanced Technology Program, the initial appropriation bills passed by the House since FY2002 failed to include financing for ATP. During the 109<sup>th</sup> Congress, the version of the measure reported from the Senate Committee on Appropriations also did not fund ATP. For FY2006, support again was provided for the program, but the amount was 41% below that included in the FY2005 appropriations; FY2007 funding remained the same as the previous fiscal year.

The budget for the Manufacturing Extension Partnership, another extramural program administered by NIST, was an issue during the FY2004 appropriations deliberations. Although in the recent past congressional support for MEP remained constant, 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% reduction taken in FY2004.

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<sup>24</sup> The sum of these figures may not total \$831.2 million because of rounding.

While the level of support decreased in FY2006, it remained significantly above the FY2004 figure; FY2007 funding remained at a similar level.

As part of the American Competitiveness Initiative,<sup>25</sup> announced by the President in the 2006 State of the Union, 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. P.L. 110-5, provides for approximately half this increase (9.6%) in support research performed within the NIST facilities. For FY2008, the Administration’s budget includes a 15.2% increase in funding for the STRS account, as does the bill reported from the House Committee on Appropriations, while the appropriations bill reported from the Senate Committee on Appropriations contains a 15.6% increase for STRS.

## **National Oceanic and Atmospheric Administration (NOAA)<sup>26</sup>**

NOAA’s mission 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.<sup>27</sup> In terms of funding, NOAA is the largest agency in the Department of Commerce, accounting for about 62% of the department’s FY2007 budget (\$4.053 billion). That amount includes a \$25 million rescission and a total of \$170.4 million in emergency supplemental funding provided under P.L. 110-28 for NOAA Hurricane Katrina recovery operations.

The President’s FY2008 request for NOAA was \$3.81 billion. The request is \$243.6 million less than the total amount appropriated by Congress for FY2007, or a 6% decrease. In **Table 5**, total budget authority is given for NOAA’s Operations, Research, and Facilities (ORF), Procurement, Acquisition, and Construction (PAC), and other accounts. Also, included in **Table 5** is \$79 million in offsetting budget authority for NOAA that the President has requested to be transferred from a U.S. Department of Agriculture fund for developing American fishery products. The FY2008 budget also proposed \$30.2 million in savings from FY2007 appropriations that were either “unrequested” by the Administration or “performing poorly.”<sup>28</sup> NOAA’s Administrator, Vice Admiral Conrad C. Lautenbacher, Jr. (Ret. Navy),

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<sup>25</sup> For further information, see The White House, Office of Science and Technology Policy, Domestic Policy Counsel, *American Competitiveness Initiative: Leading the World in Innovation*, February 2006, 23 pp.

<sup>26</sup> This section was prepared by Wayne A. Morrissey, Science and Technology Information Analyst, Resources, Science, and Industry Division.

<sup>27</sup> Mission statement from Department of Commerce, *NOAA FY2008 Budget Summary*, February 8, 2007, at [[http://www.corporateservices.noaa.gov/%7Enbo/08bluebook\\_highlights.html](http://www.corporateservices.noaa.gov/%7Enbo/08bluebook_highlights.html)].

<sup>28</sup> See for example performance ratings for NOAA’s “National Marine Fisheries Service,” at [<http://www.whitehouse.gov/omb/expectmore/summary/10000036.2002.html>].

opined that the budget request represents a “national consensus” of requirements to fund ongoing activities at the agency.<sup>29</sup>

The FY2008 request included \$2.77 billion for NOAA’s ORF account; \$980 million for the PAC account; and, for NOAA’s “Other Accounts,” a net total of \$62.8 million, including \$66.8 million for the Pacific Coastal Salmon Recovery Fund (PCSRF) and a \$3 million transfer to ORF from the Coastal Zone Management Fund (CZMF). ORF BA would be offset by a transfer of \$66.1 million from the Promote and Develop American Fishery Products Fund (PDAF).

**Table 5. NOAA Appropriations:  
FY2007 Enacted and FY2008 Proposed**  
(budget authority in millions of dollars)<sup>a</sup>

| NOAA Accounts   | FY2007<br>Enacted <sup>b</sup> | FY2008<br>Request | Senate-<br>Reported | House-<br>Reported |
|---|--------------------------------|-------------------|---------------------|--------------------|
| <b>Operations, Research, and Facilities (ORF)</b>       |                                |                   |                     |                    |
| National Ocean Service                                  | 493.2                          | 436.8             | 532.1               | 449.0              |
| NOAA Fisheries  | 669.8                          | 704.6             | 763.1               | 700.5              |
| NOAA Research   | 368.9                          | 358.4             | 428.2               | 413.0              |
| National Weather Service                                | 735.8                          | 807.8             | 819.1               | 811.5              |
| NOAA Satellites   | 177.0                          | 157.8             | 172.3               | 157.8              |
| Program Support   | 351.8                          | 389.5             | 407.0               | 407.8              |
| <b>ORF BA Total</b>                                     | <b>2,796.5</b>                 | <b>2,854.9</b>    | <b>3,121.8</b>      | <b>2,939.6</b>     |
| Emergency Supplemental (P.L. 110-28)                    | 170.4                          | NA                | NA                  | NA                 |
| BA Offsets (PDAF/CZMF<br>transfer/deobligations)        | (55.4)                         | (88.0)            | (84.9)              | (91.0)             |
| <b>Subtotal ORF Discretionary</b>                       | <b>2,911.5</b>                 | <b>2,766.9</b>    | <b>3,036.9</b>      | <b>2,848.6</b>     |
| <b>Procurement, Acquisition, &amp;<br/>Construction</b> | <b>1,110.1</b>                 | <b>979.9</b>      | <b>1,089.0</b>      | <b>1,039.1</b>     |
| <b>Other Accounts/<br/>CSRF/CZMF/Finance</b>            | <b>56.7</b>                    | <b>62.8</b>       | <b>89.0</b>         | <b>62.8</b>        |
| <b>Total: NOAA</b>                                      | <b>\$4,078.3</b>               | <b>\$3,809.6</b>  | <b>\$4,214.9</b>    | <b>\$3,950.0</b>   |

**Sources:** S. 1745 (S.Rept. 110-124) and H.R. 3093 (H.Rept. 110-240).

a. Amounts may not total due to rounding.

b. The FY2007 Enacted column includes funding from P.L. 110-5, the Revised Continuing Appropriations Resolution, 2007, and P.L. 110-28, the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

<sup>29</sup> U.S. Department of Commerce, NOAA, “2008 President’s Budget Rollout,” presentation of Vice Admiral Conrad C. Lautenbacher, Jr., U.S. Navy (Ret.), Under Secretary of Commerce for Oceans and Atmosphere, February 8, 2007. Slide presentation available at [[http://www.corporateservices.noaa.gov/%7EEnbo/FY08%20Rollout%20Materials/1\\_31\\_07\\_ROLLOUT/VADM\\_Presentation/FY08\\_VADM\\_Constituents%20Brief\\_FINAL\\_2\\_7\\_07.pdf](http://www.corporateservices.noaa.gov/%7EEnbo/FY08%20Rollout%20Materials/1_31_07_ROLLOUT/VADM_Presentation/FY08_VADM_Constituents%20Brief_FINAL_2_7_07.pdf)].

During briefings in Washington, DC, Administrator Lautenbacher discussed NOAA's FY2008 budget and how the President's request would be prioritized at the agency. Areas of focus included the following:

- NOAA Personnel and Core Mission Administrative, custodial, and mission support-related functions; including personnel safety of NOAA Corps officers involved in marine vessel piloting and research services;
- NOAA Satellites, including reprogramming of funds to prioritize the launch of the POES-N Prime (N') in 2009 to help ensure uninterrupted critical meteorological and environmental observations, and a National Polar Orbiting Environmental Satellite System (NPOESS) Preparatory Project (NPP) to test sensors and ground systems for weather data collection, management, and analysis systems to support the launch of the first NPOESS-C1 satellite launch in 2013, replacing the current POES program;
- Ocean Activities which, for FY2008, the Administration would provide \$14 million for the International Ocean Observation System (IOOS) and \$123 million for U.S. ocean research, fisheries management, and marine conservation as part of the President's *Ocean Action* plan;
- In addition to weather and environmental satellite continuity, \$5.5 million is requested to operate and maintain a third WP-3 Orion "hurricane hunter," funded in post-Katrina emergency supplemental appropriations (P.L. 109-234), and amounts necessary are requested to deploy 19 remaining tsunami detection (DART) buoys procured for Pacific waters; and
- NOAA is pursuing an organic act that would authorize all of its programs and activities under a single law.<sup>30</sup> The House Resources and Science Committees are considering legislation, H.R. 21, whose Title II would establish NOAA in the Department of Commerce statutorily, and among other things, define its mission and functions, and place greater emphasis on ecosystem-based management at the agency.<sup>31</sup>

For FY2008, the Senate committee has recommended a total of \$4.215 billion for NOAA. This amount is \$136.62 million more than FY2007 appropriation of

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<sup>30</sup> NOAA was created in the Department of Commerce by President Nixon with Reorganization Plan No. 4 in 1970, which consolidated programs from different agencies across the federal government. Those programs have maintained their respective original authorizing laws.

<sup>31</sup> Hearings on H.R. 21 were held by the House Resources Subcommittee on Subcommittee hearing were held April 26, 2007. The Administration differs with Congress's decisions about agency flexibility and budget autonomy.

\$4.078 billion,<sup>32</sup> and \$405 million more than the President's request for FY2008 of \$3.81 billion. This Senate total includes \$3.037 billion for NOAA's ORF account; almost \$1.089 billion for the PAC account; and a net total of \$89 million for other accounts (**Table 5**). The Senate amount includes a total of \$795 million for Joint Ocean Commission Initiative's recommendations for FY2008 "for greater stewardship of our Oceans." Other increases were recommended for NOAA satellite programs, including funding for certain sensors critical for continuing climate change research.

Under the Senate recommendation, emphasis was given to supporting development and preservation of climate data and information. A number of "open competitive" research programs, including for drought research, would be established across the agency and \$425 million was recommended. New funding is requested for NOAA climate change program activities. Funding is also included for renovation of a Pacific Regional Facility in the Pacific Northwest that was recently destroyed by fire. (The House called for a report and inventory of damage and needs prior to funding its restoration.) Also, a Gulf of Mexico Disaster response center would be established to respond to severe weather events. Certain coastal and ocean programs under the National Ocean Service would be elevated to programs status out of base funding.

The House Appropriations Committee approved a total of \$3.950 billion for NOAA (**Table 5**). That amount is \$140.9 million, or 3.7% more than the FY2008 request and \$127.8 million or 1.0% less than the FY2007 funding level (including supplemental appropriations of \$107 million). The House total is also \$264.4 million or nearly 6.3% less than the Senate Appropriation Committee recommendation of \$4.215 billion. Total appropriations would include \$2.85 billion for ORF, \$1.04 billion for PAC, and a net \$62.8 million for NOAA's Other Accounts. Also, \$77 million in offsetting budget authority is transferred to the NOAA PDAF and \$11 million is authorized from FY2007 deobligation of funds.

The FY2008 total includes \$6 million for a study by the National Academy of Sciences for NOAA to establish a Climate Change Study Committee. An increase of \$23 million was provided for NOAA Satellite Services to restore critical sensors to future satellite missions that would ensure continuity of climate change data. Funding is provided to address a coastal and outer continental shelf hydrologic surveys, including electronic charting. The Pacific Coastal Salmon Recovery Fund would receive \$64.8 million and allocated to Pacific Northwest states. NOAA is also required to report on the status and composition of its ocean observation capabilities. NOAA education and outreach funding would increase by \$18.3 million or almost 100% above the President's request, and include \$5 million in competitive education grants. Climate research funding would include \$172 million in competitive research grants. In addition, increases notably greater than the President's request for Coastal Estuarine Land Conservation Program (CELCP) and funding for marine sanctuaries construction/acquisition were approved for the National Ocean Service, an increase of about \$60 million total for the NOAA PAC account.

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<sup>32</sup> Includes enacted rescission of \$25 million.

## Departmental Management<sup>33</sup>

The President's FY2008 budget requested \$87.4 million in budget authority for Departmental Management: \$58.7 million for salaries and expenses, \$23.4 million for the Office of Inspector General (IG), and \$4.3 million for renovation to the department's headquarters, the Herbert C. Hoover Building. The \$58.7 million for salaries and expenses would be approximately \$11.6 million above the FY2007 appropriation, a 24% increase. The \$23.4 million for the IG would be a slight increase from the FY2007 appropriation of \$22.6 million. The President's FY2008 budget included \$1 million for the Coordination Council, which did not receive any funding in FY2007. The \$87.4 million for Departmental Management is \$13.8 million more than FY2007 appropriation, a 18.7% increase. The President's FY2008 request did not include any funding for United States Travel and Tourism Promotion, compared to \$3.9 million enacted in FY2007.

The Senate committee recommended a total of \$82.7 million for Departmental Management, which is \$4.7 million less than the President's request. The House committee recommended \$86.5 million for Departmental Management, which is \$0.9 million less than the Administration's request. The difference between the Administration's request and the House recommendation is that the House included \$3.4 million for renovations to the Herbert C. Hoover Building, while the Administration included \$4.3 million. Neither the Senate nor the House recommendation included any funds for United States Travel and Tourism Promotion.

## Related Legislation

### **H.R. 21 (Farr)**

The Oceans Conservation, Education, and National Strategy for the 21st Century Act was introduced on January 4, 2007 and referred to the House Committees on Resources and Science. Title II of this act would repeal the executive order that created NOAA in 1970, establish the National Oceanic and Atmospheric Agency (NOAA) within the Department of Commerce, and authorize all of its programs and activities under a single law, or organic act. It would maintain the current leadership structure and preserve the status of extant NOAA rules, regulations, and other legal matters with few exceptions. The act lays out the mission and programs required to be maintained by NOAA to support operations, research, and, services. It identifies research and development (R&D) and education and outreach part of NOAA's mission. It would authorize a NOAA Science Advisory Board. It would require National Academy of Sciences reviews of NOAA activities, including adequacy of environmental data and information systems, a strategic plan for R&D, and extramural support of NOAA operations. A reorganization plan would be required 18 months after enactment and an annual internal assessment of NOAA's effectiveness and efficiency. The Administrator of NOAA would be required to notify Congress and the public prior to closing, transferring, changing, or establishing any NOAA facility. Conditions are set for developing major programs to include

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<sup>33</sup> This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

determining cost baseline and notifying Congress when cost increases or schedule delays occur in major programs. Finally, the act places greater emphasis on ecosystem-based management as part of NOAA research and operations. A hearing on H.R. 21 was held by the House Resources Subcommittee on Fisheries, Wildlife, and Oceans on April 26, 2007. Sponsor's remarks on H.R. 21 were included in the *Congressional Record*, June 6, 2007: H6104.

**H.R. 1868 (Wu)**

The Technology Innovation and Manufacturing Stimulation Act of 2007, as passed by the House, would authorize funding for NIST through 2010 and create several new manufacturing R&D programs within NIST.

**H.R. 2272 (Gordon)**

The 21st Century Competitiveness Act of 2007, as passed by the House, would authorize appropriations for NIST through 2010 and create several new manufacturing R&D programs within that organization, among other things.

**S. 761 (Reid)**

The America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, as passed by the Senate, would authorize appropriations for NIST through FY2011, as well as provide for the creation of a new manufacturing R&D program within NIST, among other things.

**Related CRS Products**

CRS Report 95-36, *The Advanced Technology Program*, by Wendy H. Schacht.

CRS Report RL31832, *The Export Administration Act: Evolution, Provisions, and Debate*, by Ian F. Fergusson.

CRS Report 97-104, *Manufacturing Extension Partnership Program: An Overview*, by Wendy H. Schacht.

CRS Report 95-30, *The National Institute of Standards and Technology: An Overview*, by Wendy H. Schacht.

CRS Report RS22614, *The National Oceanic and Atmospheric Administration (NOAA): FY2008 Budget and Congressional Appropriations*, by Wayne A. Morrissey.

CRS Report RL32739, *Tsunamis: Monitoring, Detection, and Early Warning Systems*, by Wayne Morrissey.

CRS Report RS21469, *The National Telecommunications and Information Administration (NTIA): Budget, Programs, and Issues*, by Glenn McLoughlin.

CRS Report RS20906, *U.S. Patent and Trademark Office Appropriations Process: A Brief Explanation*, by Wendy H. Schacht.



## Department of Justice<sup>34</sup>

### Background

Established by an act of 1870 (28 U.S.C. 501) with the Attorney General at its head, the Department of Justice provides counsel for citizens 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 (DEA) 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* provides for the custody and care of the federal prison population, the maintenance of prison-related facilities, and the boarding of sentenced federal prisoners incarcerated in state and local institutions.

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<sup>34</sup> This section was written by Celinda Franco, Specialist in Social Legislation, Domestic Social Policy Division.

- *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.
- *Office of Community Oriented Policing Services (COPS)* administers grants to assist law enforcement agencies in enhancing public safety through the implementation of community policing strategies. COPS grants support, among other things, the enhancement of law enforcement officers' problem-solving and community interaction skills to foster working relationships with community members that are focused on improving crime prevention within communities.

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.

## **Government Performance and Results Act**

The Government Performance and Results Act (GPRA) required the Department of Justice, along with other federal agencies, to prepare a five-year strategic plan, including a mission statement, long-range goals, and program assessment measures. The Department's Strategic Plan for FY2003-2008 sets forth four goals:

- prevent terrorism and promote national security;
- enforce federal criminal laws and represent the rights and interests of the American people;
- prevent and reduce crime and violence by assisting state, local, and tribal efforts; and
- ensure the fair and efficient operation of the federal justice system.

**Table 6. Funding for the Department of Justice**  
(budget authority in millions of dollars)<sup>a</sup>

| Accounts  | FY2007 Enacted <sup>b</sup> | FY2008 Request  | Senate-Reported    | House-Reported     |
|---|-----------------------------|-----------------|--------------------|--------------------|
| General Administration                              | \$1,836.2                   | \$1901.6        | \$1,864.0          | \$1,869.7          |
| U.S. Parole Commission                              | 11.5                        | 12.2            | 12.2               | 12.2               |
| Legal Activities                                    | 3,393.1                     | 3,664.9         | 3,672.8            | 3,608.3            |
| <i>General legal activities</i>                     | 678.8                       | 750.6           | 753.0              | 750.6              |
| <i>United States Attorneys</i>                      | 1,660.0                     | 1,747.8         | 1,747.8            | 1,747.8            |
| <i>United States Marshals Service</i>               | 825.4                       | 899.9           | 904.9 <sup>c</sup> | 886.2              |
| <i>Other</i>  | 229.0                       | 266.6           | 267.1              | 223.7              |
| National Security Division                          | 68.7                        | 78.1            | 78.1               | 78.1               |
| Interagency Law Enforcement                         | 497.9                       | 509.2           | 509.2              | 509.2              |
| Federal Bureau of Investigation                     | 6,298.6                     | 6,431.3         | 6,578.7            | 6,531.3            |
| <i>Salaries and expenses</i>                        | 3,987.5                     | 4,041.4         | 4,063.7            | 4,189.5            |
| <i>Counterintelligence and National Security</i>    | 2,259.7                     | 2,308.6         | 2,308.6            | 2,308.6            |
| <i>Construction</i>                                 | 51.4                        | 81.4            | 206.4              | 33.2               |
| Drug Enforcement Administration                     | 1,761.1                     | 1,802.6         | 1,854.2            | 1,842.6            |
| Bureau of Alcohol, Tobacco, Firearms and Explosives | 984.1                       | 1,014.0         | 1,049.0            | 1,014.0            |
| Federal Prison System                               | 5,448.2                     | 5,363.9         | 5,648.9            | 5,268.9            |
| Office of Violence Against Women                    | 382.6                       | 370.0           | 390.0              | 430.0              |
| Office of Justice Programs                          | 2,528.5                     | 1,104.7         | 2,655.1            | 2,765.0            |
| <i>Justice assistance</i>                           | 238.3                       | 167.3           | 240.0              | 250.0              |
| <i>State and local law enforcement assistance</i>   | 1,286.8                     | 550.0           | 1,400.0            | 1,315.0            |
| <i>Weed and seed program fund</i>                   | 49.4                        | —               | 50.0               | — <sup>d</sup>     |
| <i>Community oriented policing services</i>         | 541.8                       | 32.3            | 550.0              | 725.0 <sup>e</sup> |
| <i>Juvenile justice programs</i>                    | 338.4                       | 280.0           | 340.0              | 399.9              |
| <i>Public safety officers benefits program</i>      | 73.8                        | 75.1            | 75.1               | 75.1               |
| <b>Total: Department of Justice</b>                 | <b>23,210.4</b>             | <b>22,252.3</b> | <b>24,312.0</b>    | <b>23,929.2</b>    |

**Sources:** S. 1745 (S.Rept. 110-124) and H.R. 3093 (H.Rept. 110-240).

- a. Amounts may not total due to rounding.
- b. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- c. Amount includes the Senate committee's proposal to create a separate account for Construction under USMS and includes additional FY2008 funding of \$8.015 million.
- d. FY2008 proposed funding in the House-reported bill for COPS of \$725 million includes \$49.7 million for the Weed and Seed program.

## FY2008 Budget Request

The Department of Justice FY2008 budget request would provide approximately \$22.252 billion in funding. The FY2008 DOJ budget request would represent a decrease of \$ 958.1 million from FY2007 appropriations enacted by Congress of approximately \$23.210 billion (see **Table 6**).<sup>35</sup> By comparison, the Senate Appropriations Committee has recommended total DOJ funding of \$24.312 billion, \$1.1 billion above the FY2007 enacted level (\$23.210 billion), and over \$2.060 billion more than the President's FY2008 budget request (\$22.252 billion). The House Appropriations Committee has recommended total DOJ funding of \$23.929 billion for FY2008, a funding level that would reflect an increase of \$718.8 million over FY2007 appropriations, almost \$1.677 billion more than the President's request, and \$382.7 million less than the Senate FY2008 recommendation.

In recent years, as a part of the DOJ appropriations process there has been controversy over the appropriate level of assistance the department provides to states and localities for law enforcement and crime prevention grants. The divergence between the Administration's and Congress' perspectives on the issue is evident in the relatively large difference in the funding levels requested by the President and the funding appropriated by Congress for programs under the Office of Justice Programs (OJP). Generally, Congress has provided higher funding levels for these activities compared to the President's budget request.

For FY2008, the Administration's budget request would provide \$1.105 billion for all programs funded from OJP appropriations which would amount to a reduction of almost \$1.424 billion compared to the FY2007 enacted level of \$2.529 billion. The Senate recommendation would provide \$2.655 billion for these programs, an amount that is \$126.6 million more than FY2007 appropriations, and nearly \$1.550 billion more than the President's request. The House committee proposal would provide OJP funding of \$2.765 billion, \$236.5 million more than the FY2007 appropriation, an amount that exceeds the President's budget request by more than \$1.660 billion, and exceeds the Senate proposal by \$109.9 million. (For a more detailed discussion, see the *Office of Justice Programs* section of the report.)

**General Administration.** The General Administration account for DOJ provides funds for salaries and expenses, 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. One example of such activities and programs is the Joint Automated Booking System and the Automated Biometric Identification System, which is designed to integrate fingerprint identification systems (e.g., IAFIS and IDENT). In addition, DOJ continues to enhance its counterterrorism and intelligence capabilities through

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<sup>35</sup> The DOJ appropriations process often includes proposals to rescind unobligated balances or unobligated recoveries from prior year appropriations. Rescissions are included in the FY2008 appropriations proposals for specific activities or programs. Because these amounts do not reduce the amounts appropriated by Congress for the current fiscal year they are not detailed in Table 6. Total amounts of proposed DOJ rescissions are reflected in the summary table at the end of the report.

infrastructure improvements and initiatives, including the Law Enforcement Wireless Communications (LEWC, formerly known as Narrowband Communications) for developing and implementing nation-wide integrated wireless networks to support the federal law enforcement and homeland security missions of DOJ. Additionally, funding for the Justice Information Sharing Technology (JIST) account provides for investments in information technology to further support the Department's strategic goals.

For FY2008, the President's budget would provide \$1.902 billion for General Administration activities,<sup>36</sup> \$65.4 million more than Congress appropriated for FY2007. Of this amount, for salaries and expenses, the President's FY2008 budget would provide funding of \$104.8 million. The FY2008 request would include JIST funding of \$100.5 million and funding for LEWC of approximately \$81.4 million. The President's FY2008 budget request also proposes funding of \$16 million for a National Drug Intelligence Center, significantly less than the enacted FY2007 funding of approximately \$37 million.

The Senate committee has recommended \$1.864 billion for FY2008 funding of the General Administration account. This amount reflects an increase of \$27.8 million compared to the FY2007 appropriation, although it is \$37.6 million less than the President's FY2008 budget request. The House reported bill would provide \$1.870 billion for General Administration, \$33.5 million more than the FY2007 appropriation level, \$31.9 million less than the President's request, and \$5.7 million more than the Senate recommendation.

For *JIST*, the Senate committee has recommended \$95.8 million, a reduction of \$27.8 million from the FY2007 appropriation level of \$123.6 million, and \$4.7 million less than the President's FY2008 request. The House bill would provide the same amount as requested by the President's budget.

For the *Federal Office of Detention Trustee (OFDT)*, the FY2008 President's request would provide \$1.294 billion in funding. The proposal would reflect an increase of \$68.4 million more than the \$1.226 billion appropriated in FY2007. The OFDT provides overall management and oversight for federal detention services relating to federal prisoners in non-federal institutions or otherwise in the custody of the U.S. Marshals Service.

For FY2008 funding for OFDT, the Senate committee has recommended approximately \$1.266 billion. This amount reflects an increase of \$40 million over the FY2007 appropriation, although it would be \$28.4 million less than the President's request. The House bill would provide OFDT funding of \$1.261 billion, an amount that would exceed FY2007 appropriations by \$35 million, while falling

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<sup>36</sup> For FY2008, the President's request and the Senate and House bills include a proposed rescission of \$41 million of unobligated balances from prior year appropriations for the Working Capital Fund.

below the President's request by \$33.4 million and \$5.0 million below the Senate committee recommendation.<sup>37</sup>

The *Office of the Inspector General (OIG)* is responsible for detecting and deterring waste, fraud, and abuse involving DOJ programs and personnel and promoting economy and efficiency in DOJ operations. The OIG also investigates allegations of departmental misconduct. The Administration's FY2008 budget would provide \$73.2 million for the OIG, an increase of \$2.6 million over the FY2007 appropriation of \$70.6 million.

For FY2008, the Senate committee has recommended \$73.7 million for the OIG, an increase of approximately \$3.1 million over the FY2007 appropriation and \$492,000 more than the President's request for FY2008. The House committee would provide \$74.7 million, \$4.1 million more than appropriated funding in FY2007, \$1.5 million more than the President's request, and \$1.0 million more than the Senate committee.

**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 FY2008, the President's budget request would provide \$12.2 million for the Parole Commission, an increase of approximately \$690,000 more than the \$11.509 million appropriated in FY2007. For FY2008, the Senate and the House committees have recommended appropriations equal to the amount requested by the President.

**Legal Activities.** The Legal Activities account includes several subaccounts: (1) general legal activities, (2) U.S. Attorneys, (3) U.S. Marshals Service, (4) prisoner detention, and (5) other legal activities. For FY2008, the Administration's budget request includes \$3.665 billion for legal activities, an increase of \$271.8 million over the FY2007 enacted appropriations of \$3.393 billion.<sup>38</sup> The Senate committee has recommended funding for legal activities of almost \$3.673 billion, \$279.7 million more than total FY2007 appropriations and \$7.9 million more than the President's FY2008 request. The House committee would provide \$3.608 billion for legal activities, an amount exceeding FY2007 appropriations by \$215.2 million, although \$56.6 million less than the President's request and \$64.5 million less than the Senate committee recommendation for FY2008.<sup>39</sup>

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). For these purposes, the

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<sup>37</sup> For FY2008, both the Senate and House bills include a proposed rescission of \$135 million of unobligated balances from prior year appropriations for OFDT.

<sup>38</sup> This amount includes \$1.648 million in FY2007 Emergency appropriations for General Legal Activities (P.L. 110-28), described below.

<sup>39</sup> For FY2008, the President's budget request and the Senate and House bills include a proposed rescission of \$240 million in unobligated balances from prior year appropriations for the Assets Forfeiture Fund.

Administration's FY2008 budget would provide \$750.6 million, an increase of \$71.8 million over total FY2007 enacted appropriations of \$678.8 million.<sup>40</sup>

The Senate committee has recommended \$753 million for General Legal Activities in FY2008, an increase of \$74.2 million over total FY2007 enacted appropriations and \$2.4 million more than requested in the President's FY2008 budget. The House committee would provide \$750.6 million, an amount equal to the President's request.

The *U.S. Attorneys* are present in all of the 94 federal judicial districts. The U.S. Attorneys enforce federal laws through prosecution of criminal cases and represent the federal government in civil actions. For the U.S. Attorneys Office, the Administration's FY2008 request includes almost \$1.748 billion, an increase of over \$87.9 million over total enacted FY2007 appropriations of \$1.660 billion. The Senate and House committees would provide the U.S. Attorneys Office the same amount as requested by the Administration for FY2008.

The *U.S. Marshals Service (USMS)* is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. The FY2008 President's request would provide \$899.9 million for the USMS, an increase of \$74.5 million over the Service's total FY2007 enacted appropriations of \$825.4 million.<sup>41</sup>

The Senate bill includes total FY2008 funding of \$904.9 million for the USMS. The Senate committee's recommendation for total USMS FY2008 funding would provide a funding increase of \$79.5 million more than the enacted FY2007 appropriations, and \$5.0 million more than the President's FY2008 request. Of the total recommended appropriation for USMS, the Senate committee recommends the creation of a separate account for construction<sup>42</sup> that would be funded at just over \$8.0 million for FY2008. The House bill would provide \$886.2 million for USMS, an increase of almost \$60.9 million over FY2007 appropriations, although nearly \$13.7 million less than the President's request and \$18.7 million less than the Senate committee's recommendation.

For *other legal activities* — the Community Relations Service, the Independent Counsel, 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 FY2008 request includes \$266.6 million, \$37.6 million more than appropriations for FY2007 of \$229 million. By comparison, the Senate committee has recommended \$267.1 million for other legal activities, an increase of \$38.1 million more than FY2007 appropriations

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<sup>40</sup> This amount includes \$1.648 million in FY2007 Emergency appropriations (P.L. 110-28).

<sup>41</sup> This amount includes \$6.450 million in FY2007 Emergency appropriations (P.L. 110-28).

<sup>42</sup> Funding for USMS construction is generally included within the Salaries and Expenses account.

and \$500,000 more than the FY2008 President's request. The House committee would provide \$223.7 million for other legal activities, an amount that would be \$5.3 million less than FY2007 appropriations, \$42.9 million less than the President's request, and \$43.4 million less than the Senate recommendation.

**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 are consolidated to coordinate all intelligence-related resources and ensure that criminal intelligence information is shared, as appropriate.

For FY2008, the President's budget requests \$78.1 million for NSD, an increase of \$9.4 million compared to FY2007 appropriations of nearly \$68.7 million.<sup>43</sup> The Senate and House bills would provide the same amount as requested in the President's FY2008 budget.

**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 the Department of Homeland Security, 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 87% of all OCDETF investigations.

The FY2008 President's budget request would provide \$509.2 million for OCDETF. For FY2007, \$497.9 million was appropriated for OCDETF, an amount \$11.3 million less than the FY2008 request. The Senate and House committees have recommended an appropriation amount equal to the Administration's FY2008 request for OCDETF.

**Federal Bureau of Investigation (FBI).** The FBI is the lead federal investigative agency with the mission of protecting and defending the country against terrorist and foreign intelligence threats. The FBI's mission upholds and enforcing federal laws and provides leadership and criminal justice services to

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<sup>43</sup> This amount includes \$1.736 million in FY2007 Emergency appropriations (P.L. 110-28).



federal, state, municipal, and international agencies and partners. To accomplish these goals, the FBI continues to reorganize to focus more sharply on preventing terrorism and other criminal activities. The President's FY2008 budget request would provide funding of over \$6.431 billion for the FBI. This funding level would represent an increase in FBI appropriations by \$132.7 million more than total FY2007 enacted appropriations of almost \$6.299 billion.<sup>44</sup> Of the President's requested amount for FY2008, \$81.4 million would fund construction, \$30 million more than the FY2007 level of \$51.4 million.

The Senate committee has recommended \$6.579 billion for FBI appropriations in FY2008, almost \$280.1 million more than total FY2007 appropriations and \$147.3 million more than the President's FY2008 request. The Senate committee also recommends the consolidation of funding for sensitive compartmented information facilities (SCIFs) in the Construction account for total funding of \$206.4 million. Of that total amount under the Construction account, the Senate committee recommends that \$63.7 million would be for SCIFs, \$52.7 million would be for the Terrorist Explosives Device Analytical Center, and \$90.0 million would be for a Biometrics Technology Center. Under the Senate committee's proposal, Construction account funding would provide \$125.0 million more than the President's FY2008 request and \$155.0 million over the FY2007 appropriation for this account.

The House committee would provide \$6.531 billion for FY2008 FBI funding, \$232.7 million more than appropriations in FY2007 and \$100 million more than the President's request. The House bill would provide, however, would provide \$47.3 million less than the amount recommended by the Senate committee for FY2008. The House committee proposal would include almost \$148.2 million for additional positions to increase the Bureau's capacity for counter-terrorism and crime fighting. The House recommendation would include \$80 million for SENTINEL, the FBI's new case management system, as well as \$47 million to improve the speed and accuracy of IAFIS and help support the integration of the FBI's IAFIS with the Department of Homeland Security's IDENT system. The House committee would also provide \$33.2 million for FBI's Construction account, \$18.2 million less than the FY2007 appropriation, \$48.2 million less than the FY2008 President's request, and \$173.2 million less than the Senate committee recommendation.

**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 5 years. By 2009, one of DEA's goals is to take \$3 billion each year from international drug trafficking networks operating in the United States. In Congressional testimony on April 17, 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; and DEA's limited intelligence infrastructure inability to keep pace with the well-

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<sup>44</sup> This amount includes \$258 million in FY2007 Emergency appropriations (P.L. 110-28).

financed use and sophistication of communications technology used drug trafficking organizations in their smuggling operations. The Administration's FY2008 request would provide approximately \$1.803 billion for DEA, an increase of approximately \$41.5 million more than the \$1.761 billion appropriated by Congress for FY2007.<sup>45</sup>

For FY2008, the Senate bill has recommended \$1.854 billion for DEA. This funding level would be \$93.1 million more than the total FY2007 appropriation and \$51.6 million more than the President's FY2008 request. The House bill would provide \$1.843 billion for DEA in FY2008, \$81.5 million more than FY2007 appropriations, \$40 million more than the President's request, although \$11.6 million less than the Senate committee recommendation for FY2008 funding.

**Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).** The ATF enforces federal criminal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. ATF works both independently and through partnerships with industry groups, international, state and local governments, and other federal agencies to investigate and reduce crime involving firearms and explosives, acts of arson, and illegal trafficking of alcohol and tobacco products. The FY2008 President's request would provide almost \$1.014 billion for ATF, \$29.9 million more than FY2007 appropriations of \$984.1 million. The President's FY2008 budget request also includes a proposal for \$10 million of the requested amount be used to increase funding for the Arson and Explosives Decision Unit whose funding had been reduced; \$6.3 million to expand ATF's domestic firearms trafficking enforcement efforts nationwide; \$2.2 million for the Project Safe Neighborhoods (PSN) initiative to expand PSN's gang and firearms enforcement efforts nationally; and \$0.4 million for ATF agents dedicated to the National Gang Targeting Enforcement and Coordination Center (GangTECC), a national anti-gang taskforce designed to facilitate law enforcement strategies and operations across agency lines.

The Senate bill has recommended \$1.049 billion for ATF's FY2008 appropriation, an increase of \$35.0 million over the Administration's budget request, and \$64.9 million more than FY2007 appropriations. The Senate committee report language specifies that \$35 million of the recommended appropriation would be for the construction of the National Center for Explosives Training and Research.

The House bill would provide \$1.014 billion for ATF's FY2008 funding, an amount equal to the President's budget request, with similar amounts directed at the same initiatives found in the request for the Firearms Trafficking/Gun Runner Program, PSN/Firearms Violence Reduction program, and GangTECC. In addition, the House committee would direct ATF to submit a report on recommended improvements to upgrade its information technology systems and \$1.0 million of the FY2008 appropriation would be provided for this purpose.

**Federal Prison System.** The Federal Prison System is administered by the Bureau of Prisons (BOP), which maintains penal institutions nationwide and

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<sup>45</sup> This amount includes \$16.166 million in FY2007 Emergency appropriations (P.L. 110-28).

contracts with state, local, and private concerns for additional detention space. The Administration estimates that as of January 11, 2007, there were nearly 193,616 federal inmates in 114 institutions. Of the total number of federal inmates, 163,000 are in facilities operated by BOP, while the remaining 16% of federal inmates were in contract care at privately operated secure facilities that are managed by state and local governments, residential reentry centers, or serving a sentence of home confinement. BOP projects that the total federal prison population will continue to increase, reaching 202,584 by 2008, 207,885 by 2009, and reach 212,987 by the year 2010. According to BOP, the increased federal prison population can be attributed to stepped-up law enforcement efforts, tougher federal criminal laws, and altered sentencing in the federal criminal justice system, with the largest increases of FY1998-2000 due to higher number of prosecutions of drug defendants, immigration cases, and weapons offenses. Systemwide, BOP facilities are estimated to be operating at 36% above capacity in FY2007 and to continue at this level in FY2008.

The Administration's budget request would provide \$5.364 billion for funding for the Federal Prison System in FY2008, almost \$84.3 million less than total FY2007 appropriations of \$5.448 billion.<sup>46</sup> Of this amount for FY2008, \$5.151 billion would fund salaries and expenses and \$210 million would be used for buildings and facilities expenses. The Senate committee has recommended \$5.649 billion for BOP's FY2008 appropriation, which would represent a \$200.7 million increase over total FY2007 appropriations and \$285 million more than the President's FY2008 request. The House committee would provide \$5.269 billion for FY2008 funding of the Federal Prison System, \$179.3 million less than FY2007 appropriation level, as well as \$95 million less than the President's budget request, and \$380 million less than the Senate committee's proposed FY2008 funding level.

**Office on Violence Against Women.** The Administration's FY2008 budget request for the Office on Violence against Women (OVW) would consolidate all of OVW's current formula and discretionary grant programs into a single grant program. Grants under the proposed consolidated program would be awarded on a competitive basis to state, local, and tribal governments. State, local, and tribal governments receiving grants could use the funding in one or more of several proposed purpose areas, including (1) combating violent crimes against women; (2) encouraging arrest policies and enforcement of protection orders; (3) providing legal assistance to victims; (4) combating domestic violence, dating violence, sexual assault, and stalking on college campuses; (5) preventing victimizations in rural areas; (6) enhancing training and services to end violence and abuse towards elderly and disabled women; (7) supporting safe haven programs; (8) supporting violence and abuse prevention program on tribal lands; (9) funding stalking databases; and (10) supporting comprehensive approaches to sex offender management. Grants awarded under the proposed program would support state, local, and tribal efforts to develop and implement coordinated prevention and prosecution of domestic violence, dating violence, sexual assault and stalking, along with supporting related victim services.

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<sup>46</sup> This amount includes \$17 million in FY2007 Emergency appropriations (P.L. 110-28).

The President's budget request for FY2008 would provide funding of \$370 million, \$12.6 million less than FY2007 appropriations of \$382.6 million. The Senate bill would provide FY2008 appropriations of \$390 million for OVW, \$20.0 million more than the President's FY2008 budget request and \$7.4 million over FY2007 appropriations. The Senate committee rejected the Administration's proposal to create a consolidated, competitive grant program, stating that the current OVW program operates proven and successful programs as established by Congress when OVW was reauthorized in 2005. The House committee would provide \$430 million for OVW in FY2008, an amount that would exceed FY2007 appropriations by \$47.4 million, the President's budget request by almost \$60.0 million, and the Senate proposal by \$40.0 million.

**Office of Justice Programs (OJP).** The OJP manages and coordinates the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crimes, Bureau of Justice Assistance, and related grant programs. For the Office of Justice Programs and related offices, bureaus, and programs, the Administration's FY2008 request would provide just under \$1.105 billion, a reduction of almost \$1.424 billion from total FY2007 appropriated levels of \$2.529 billion.<sup>47</sup>

The Senate committee recommends funding of over \$2.655 billion for OJP, \$1.550 billion more than proposed under the President's FY2008 budget request and \$126.6 million more than total FY2007 appropriations. The House committee would provide \$2.765 billion for OJP programs and activities. This funding level would exceed the FY2007 appropriations level by almost \$236.5 million and the President's budget request for OJP by \$1.660 billion. The House committee's recommendation would also exceed the Senate FY2008 funding proposal by \$109.9 million.<sup>48</sup>

**Justice Assistance.** For FY2008, the Administration's budget request would provide \$167.3 million in funding for Justice Assistance, \$71.1 million less than appropriated in FY2007. The Administration's request would provide \$61.5 million for the Bureau of Justice Assistance; \$55.7 million for the National Institute of Justice (NIJ); \$38.5 million for Regional Information Sharing Systems (RISS); and \$11.6 million for the Office of Victims of Crime.

The Senate committee recommendation includes \$240 million for Justice Assistance, \$1.7 million more than FY2007 appropriations and \$72.7 million more than the President's FY2008 request. Of these amounts, the Senate committee recommendation would include \$60 million for NIJ; \$60 million for RISS; and \$10 million for the Bureau of Justice Statistics (BJS). The Senate committee's recommendation would include \$65 million in FY2008 for the National Center for Missing and Exploited Children, of which \$5 million would fund the Jimmy Rice

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<sup>47</sup> The total FY2007 appropriations for OJP include a \$50 million Emergency appropriations for state and local law enforcement (P.L. 110-28), described below.

<sup>48</sup> The President's request and the Senate and House bills include a proposed rescission of \$87.5 million for OJP of unobligated recoveries from prior year appropriations. In addition, the House bill would rescind \$86 million department-wide for OJP from prior year appropriations.

Law Enforcement Training Center, \$15 million would support the Internet Crimes Against Children (ICAC) Task Force, and the AMBER Alert initiative would be funded at \$9.0 million.

The House committee would provide \$250 million for Justice Assistance in FY2008. This funding level would provide \$11.7 million more than FY2007 appropriations, \$82.7 million more than the Administration's FY2008 budget request, and \$10 million more than the Senate committee recommendation. The House committee would include \$60 million for NIJ; \$45 million for BJS; \$50 million for RISS; \$61.4 million for the Missing Children Programs that are designed to combat crimes against children, particularly kidnapping and sexual exploitation; and, \$10 million to support state and local law enforcement agencies in the prevention, investigation and prosecution of Internet, high-tech and economic crimes, including fraud and identity theft, as well as anti-piracy and counterfeiting enforcement.

***State and Local Law Enforcement Assistance.*** The Administration's FY2008 proposal would consolidate the programs and funding under the State and Local Law Enforcement Assistance account into two new grant programs: the Violent Crime Reduction Partnership Initiative and the Byrne Public Safety and Protection (Byrne) program. Under the proposed Violent Crime Reduction Partnership Initiative, OJP would award grants on a competitive basis to communities seeking to establish partnerships between federal, state, and local law enforcement, to investigate and reduce violent crime. Partnerships funded under the proposed grant program could include efforts to address drug trafficking and gang crime.

The President's proposed Byrne program would consolidate most OJP law enforcement assistance grant programs into a single grant program that would be awarded to state, local, and tribal governments on a competitive basis. Under the proposed Byrne program, OJP would focus assistance on those jurisdictions experiencing significant criminal justice problems and assist state and local governments in addressing a number of high-priority criminal justice concerns, such as: (1) reducing violent crime at local levels through Project Safe Neighborhoods; (2) addressing the criminal justice issues involving substance abuse treatment through drug courts, residential treatment programs for inmates, prescription drug monitoring programs, methamphetamine lab clean-up, and cannabis eradication efforts; (3) promoting and enhancing law enforcement information sharing efforts; (4) improving the capacity of state and local law enforcement and justice system personnel to make use of forensic evidence and reducing the DNA backlog; (5) addressing trafficking of persons; (6) improving and expanding prisoner re-entry initiatives; and (7) improving services to victims of crime to facilitate their participation in the legal process. State, local, and tribal governments that would receive a grant award under the proposed Byrne program would be allowed to use funding for one or more of several proposed program purpose areas, most of which would be derived from current OJP grant programs. The proposed program purposes areas would allow state, local, and tribal governments to use their grant award to develop programs that address the particular needs of their jurisdiction.

The Administration's FY2008 request would provide state and local law enforcement \$550.0 million, of which \$200 million would fund the Violent Crime Reduction Partnership and \$350 million would fund the Byrne program. This amount would be \$736.8 million below FY2007 total appropriated amounts of \$1.287 billion<sup>49</sup> for state and local law enforcement.

The Senate committee rejected the President's budget proposal to consolidate state and local law enforcement programs into a single competitive grant program. Instead the Senate committee has recommended FY2008 funding of \$1.4 billion for state and local law enforcement assistance, which would be \$113.2 million more than total FY2007 appropriations and \$850 million more than the President's budget request for FY2008. The Senate committee report includes FY2008 funding of \$660 million for the Byrne Memorial Justice Assistance Grants (JAG), of which \$60 million would be allocated to the Boys and Girls Club and \$5 million would be allocated to state and local law enforcement anti-terrorism training; \$400 million for the State Criminal Alien Assistance Program (SCAAP); \$190 million for Byrne Discretionary Grants, with a special emphasis on projects related to drugs, violent crime, and serious offenders; \$28 million for Indian Tribal Assistance; \$25 million for Drug Courts; and \$25 million for reimbursement of state and local law enforcement entities for security and related costs, including overtime, associated with the 2008 Presidential Candidate Nominating Conventions, of which OJP would be required to make grants of \$12.5 million each for the cities of St. Paul, Minnesota and Denver, Colorado.

The House committee bill would provide \$1.315 billion for state and local law enforcement assistance, \$78.2 million less than total FY2007 appropriations. The House proposal would be \$765 million more than the FY2008 funding level proposed in the Administration's budget request, although \$85 million less than the Senate committee's recommendation. The House committee proposal would include FY2008 funding of \$600 million for the Byrne Memorial JAG program, of which \$25 million would be provided for NIJ; \$375 million for SCAAP; \$124 million for Byrne Discretionary Grants; \$31 million for Tribal Law Enforcement Assistance; \$40 million for Drug Courts; \$30 million for Southwest Border Prosecutions; \$15 million for Victims of Trafficking; \$10 million for State Prison Drug Treatment; \$7.5 million for the Hal Rogers Prescription Drug Monitoring Program; \$25 million for Prison Rape Prevention and Prosecution; \$10 million for the Mentally-Ill Offenders program; and \$10 million for Sex Offender Management Assistance.

**Weed and Seed Program.** The Weed and Seed program is designed to provide grants to help communities build stronger, safer neighborhoods by implementing local-level approaches to solve and prevent crime problems. 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 leverage 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,

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<sup>49</sup> This amount includes a \$50 million Emergency appropriations (P.L. 110-28).

and “seeding” activities, which range from prevention activities, including physically improving the neighborhood and economic development.

The Administration’s FY2008 budget request did not include specific funding for the Weed and Seed program. The Senate committee has recommended FY2008 funding of \$50 million for the Weed and Seed program, an amount reflecting an increase of \$639,000 over the FY2007 appropriation level of \$49.4 million. The House committee would provide \$49.7 million for Weed and Seed for FY2008,<sup>50</sup> \$331,000 more than FY2007 appropriations and \$308,000 less than the Senate committee proposal.

**Community Oriented Policing Services.** The Administration’s FY2008 budget request would provide \$32.3 million for the Community Oriented Policing Services (COPS) Office.<sup>51</sup> The Administration’s request contains \$28.3 million for program management and administration and \$4 million for training and technical assistance. For FY2007, Congress appropriated \$541.8 million for the COPS programs.

For COPS, the Senate committee has recommended funding of \$550 million,<sup>52</sup> almost \$8.2 million more than appropriated in FY2007 and approximately \$517.7 million more than the President’s FY2008 budget request. The Senate recommends funding for COPS initiatives including \$25 million for Bullet Proof Vests; \$35 million for Tribal Law Enforcement; \$80 million for the Meth Hot Spots program; \$110 million for Law Enforcement Technology grants for numerous state and local initiatives; \$169 million for DNA Backlog and Crime Lab improvement; \$55 million for Child Sexual Predator Elimination; and \$40 million for Paul Coverdell Forensic Science grants.

The House committee would provide \$725.0 million<sup>53</sup> for COPS in FY2008, an amount which includes \$49.7 million for the Weed and Seed program (described above). The House committee proposal would include FY2008 funding of \$100 million for *Cops on the Beat*, the COPS universal hiring program; \$128 million for Law Enforcement Technologies and Interoperable Communications; \$85 million for the Meth Hot Spots program; \$30 million for Bulletproof Vests; \$12 million for the Criminal History Record Upgrades program; \$18 million for Tribal Law Enforcement; \$175 million for DNA backlog reduction; \$80 million for Violent Gang and Gun Crime Reduction; and \$15 million for Offender Re-entry.

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<sup>50</sup> This amount is included in the \$725 million proposed in the House bill’s proposed FY2008 funding for COPS, discussed below.

<sup>51</sup> The President’s request includes a proposed rescission of \$87.5 million for COPS of unobligated balances from prior year appropriations.

<sup>52</sup> The Senate bill includes a proposed rescission of \$37.5 million for COPS of unobligated balances from prior year appropriations.

<sup>53</sup> The House bill would rescind \$87.5 million for COPS of unobligated recoveries from prior year appropriations, and \$10.3 million of unobligated funds from prior year appropriations for the COPS Violent Crime Reduction Fund.

**Juvenile Justice Programs.** For FY2008, the Administration's budget proposal would consolidate existing juvenile justice and exploited children programs into a single grant program, the Child Safety and Juvenile Justice program. Grants under the proposed Child Safety and Juvenile Justice program would be awarded to state and local governments through a competitive award process. Grants awarded to state and local governments under the proposed program would allow state and local government to fund a multitude of juvenile justice and child safety programs. Grant funds under the proposed program could be used by state and local governments in one or more of several proposed program purpose areas, including (1) preventing online exploitation of children (Project Child Safe); (2) controlling and apprehending sex offenders; (3) supporting efforts to prevent and control juvenile delinquency and improve the juvenile justice system; (4) improving school security; (5) preventing the misuse of guns by juveniles; (6) funding the Missing and Exploited Children Program; (7) funding Internet Crimes Against Children (ICAC) task forces; (8) supporting AMBER alert programs; (9) supporting the Boys and Girls Club of America; (10) supporting the development and use of Closed Circuit Television (CCTV) testimony of children in child abuse cases; and (11) supporting the Court Appointed Special Advocate (CASA) program.

The Senate committee rejected the President's consolidation proposal for Juvenile Justice programs. Instead, the Senate committee has recommended Juvenile Justice programs funding of \$340 million, \$1.6 million more than enacted appropriations for FY2007 and \$60 million more than the Administration's FY2008 budget request. The Senate committee report recommends FY2008 funding of \$80 million for the Juvenile Accountability Block Grant (JABG); \$73 million for the State Formula Grants; \$76.5 million for Discretionary Grants under Part E - Demonstration Programs; \$65 million for Title V Incentive Grants to fund the following initiatives: Big Brothers and Big Sisters (\$5 million), Incentive Grants (\$25 million), Tribal Youth Program (\$10 million), and Enforcing Underage Drinking Laws (\$25 million); \$10 million for the Gang Prevention initiative; \$10 million for the Secure Our Schools Act to ensure school safety and crime deterrence; \$20 million for the various programs authorized under the Victims of Child Abuse Act (P.L 101-647); and \$5 million for Part G - Juvenile Mentoring.

The House committee also rejected the President's consolidation proposal for Juvenile Justice programs. Instead, the House committee would provide FY2008 funding for Juvenile Justice programs of \$399.9 million, \$61.5 million more than enacted appropriations for FY2007, \$119.9 million more than the Administration's FY2008 budget request, and \$59.9 million more than the Senate committee's recommendation. The House committee would provide FY2008 funding of \$60 million for the Juvenile Accountability Block Grant (JABG); \$81.2 million for the State Formula Grants; \$53 million for Discretionary Grants under Part E - Demonstration Programs; \$100 million for the Juvenile Mentoring program; \$70 million for Title V Incentive Grants to fund the following initiatives: Gang Prevention (\$25 million), Tribal Youth Program (\$17.5 million), and Enforcing Underage Drinking Laws (\$25 million). In addition, the House committee would provide \$20 million for the Secure Our Schools Act to ensure school safety and crime deterrence; and \$15 million for programs authorized under the Victims of Child Abuse Act (P.L 101-647).



## Related Legislation

### **H.R. 660 (Conyers)/S. 378 (Leahy)**

Court Security Improvement Act of 2007. Amends current law to strengthen and improve judicial security through measures that would (1) improve judicial security measures and increase funding for judicial security, (2) amend the criminal code to provide greater protection for judges, their family members and witnesses, and (3) provide grant funding for states to provide protection for judges and witnesses. H.R. 660 was ordered to be reported by the House Judiciary Committee on June 13, 2007. S. 378 was considered and reported by the Senate Judiciary Committee on April 18, 2007 and passed by the Senate on April 19, 2007.

### **H.R. 1700 (Weiner)/S. 368 (Biden)**

COPS Improvements Act of 2007. Amends current law to expand the scope of COPS grant programs, change the COPS program into a multi-grant program instead of a single-grant program, and authorize additional funding for COPS. H.R. 1700, as amended by the House Judiciary Committee, was reported on May 2, 2007, and passed by the House on May 15, 2007. S. 368 was referred to the Senate Judiciary Committee and reported out of the Committee without amendment on May 24, 2007.

### **H.R. 1592 (Conyers)/S. 1105 (Kennedy)**

Local Law Enforcement Hate Crimes Prevention Act of 2007. Authorizes grants for state, local, and tribal law enforcement for extraordinary expenses of investigating hate crimes. Provides technical, forensic, prosecutorial, and other forms of assistance to local law enforcement agencies for investigating and prosecuting hate crimes. Following hearings on the bill on April 17, 2007, the bill was reported by the House Judiciary Committee on April 30, 2007, and passed by the House on May 3, 2007.

### **H.R. 1593 (Conyers)/S. 1060 (Biden)**

Second Chance Act of 2007. Amends current law to reauthorize the adult and juvenile state and local reentry demonstration projects; provides for improvements in the offender residential substance abuse treatment for state offenders; establishes state and local reentry courts, establishes grants for state and local prosecutors to develop, implement, or expand qualified drug treatment program alternatives to imprisonment; and provides grants for the establishment of family substance abuse treatment alternatives to incarceration. After hearings on H.R. 1593 on March 20, 2007, the bill was marked up by the Subcommittee on Crime, Terrorism, and Homeland Security on March 28, 2007, and reported by the House Judiciary Committee on May 9, 2007.

### **H.R. 2640 (McCarthy)**

NICS Improvement Amendment Act 2007. This bill would (1) amend the Brady Handgun Violence Prevention Act to require federal agencies to provide, and the Attorney General to secure, any government records with information relevant to determining the eligibility of a person to receive a firearm for inclusion in NICS; (2) require states to make available to the Attorney General certain records that would disqualify persons from acquiring a firearm, particularly those records related to convictions for misdemeanor crimes of domestic violence and persons adjudicated as mentally defective; and (3) authorize appropriations for grant programs to assist

states, courts, and local governments in establishing or improving such automated record systems. This bill would also allow persons adjudicated mentally defective to apply for relief and regain eligibility to possess a firearm if it could be demonstrated that based upon the prohibited person's record and reputation, it would be unlikely that he/she would act in a manner dangerous to public safety. In addition, this bill would permanently prohibit the FBI from collecting a fee for NICS background checks. H.R. 2640 passed the House on June 13, 2007 under suspension of the rules.

**S. 456 (Feinstein)**

Gang Abatement and Prevention Act of 2007. Amends current law to create new criminal penalties for gang-related crimes, authorize grants for gang prevention activities, as well as for federal, state, and local law enforcement cooperation in fighting gangs, and for hiring 94 assistant U.S. Attorneys to be deployed in "high intensity interstate gang activity" areas. S. 456, was amended and reported by the Senate Judiciary Committee on June 14, 2007.

**Related CRS Products**

CRS Report RL33308, *Community Oriented Policing Services (COPS): Background, Legislation, and Issues Community Oriented Policing Services (COPS) Program*, by Nathan James.

CRS Report RS22416, *Edward Byrne Memorial Justice Assistance Grant Program: Legislative and Funding History*, by Nathan James.

CRS Report RL32824, *Federal Crime Control: Background, Legislation and Issues*, by Lisa M. Seghetti.

CRS Report RL32249, *Gun Control Proposals to Regulate Gun Shows*, by William J. Krouse.

CRS Report RL32842, *Gun Control Legislation*, by William J. Krouse.

CRS Report RS22458, *Gun Control: Statutory Disclosure Limitations on ATF Firearms Trace Data and Multiple Handgun Sales Reports*, by William J. Krouse.

CRS Report RL33403, *Hate Crime Legislation in the 109<sup>th</sup> Congress*, by William J. Krouse.

CRS Report RL34050, *Missing and Exploited Children: Background and Policies and Issues*, by Adrienne Fernandes.

CRS Report RL33033, *Intelligence Reform at the Federal Bureau of Investigation: Issues and Options for Congress*, by Alfred Cumming and Todd Masse.

CRS Report RS22070, *Juvenile Justice: Overview of Legislative History and Funding Trends*, by Blas Nuñez-Neto.

CRS Report RS22655, *Juvenile Justice Funding Trends*, by Blas Nuñez-Neto.

CRS Report RL33947, *Juvenile Justice: Legislative History and Current Legislative Issues*, by Blas Nuñez-Neto.

CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Enforcement and Other Issues*, by Garrine P. Laney.

CRS Report RL33011, *Terrorist Screening and Brady Background Checks for Firearms*, by William J. Krouse.

CRS Report RL32579, *Victims of Crime Compensation and Assistance: Background and Funding*, by Celinda Franco.

CRS Report RL30871, *Violence Against Women Act: History and Federal Funding*, by Garrine P. Laney.

## Science Agencies

Science agencies include the White House's Office of Science and Technology Policy, National Aeronautics and Space Administration (NASA), and National Science Foundation. As **Table 7** shows, NASA accounts for over 73% of the total amount enacted for FY2007 for science agencies. The Administration's FY2008 request for science agencies is \$23.744 billion, or \$1.537 billion more than the FY2007 enacted amount for those agencies (a 6.9% increase). By comparison, the Senate Appropriations Committee recommendation is \$24.019 billion, or nearly \$1.812 billion more than the FY2007 amount (an 8.2% increase). And, the House Appropriations Committee recommendation is \$24.137 billion, or \$1.930 billion more than that FY2007 amount (\$8.7% increase).

**Table 7. Funding for Science Agencies**

(budget authority in millions of dollars)<sup>a</sup>

| Accounts                                | FY2007 Enacted <sup>b</sup> | FY2008 Request    | Senate-Reported   | House-Reported    |
|---|-----------------------------|-------------------|-------------------|-------------------|
| Office of Science and Technology Policy | \$5.5                       | \$5.5             | \$5.7             | \$5.5             |
| NASA                                    | 16,284.3                    | 17,309.4          | 17,459.6          | 17,622.5          |
| National Science Foundation             | 5,917.2                     | 6,429.0           | 6,553.4           | 6,509.0           |
| <b>Total: Science Agencies</b>          | <b>\$22,207.0</b>           | <b>\$23,743.9</b> | <b>\$24,018.7</b> | <b>\$24,137.0</b> |

**Sources:** S. 1745 (S.Rept. 110-124) and H.R. 3093 (H.Rept. 110-240).

a. Amounts may not total due to rounding.

b. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).

c. House committee proposed rescissions include \$69.8 million for NASA and \$24.0 million for the NSF.

## Office of Science and Technology Policy (OSTP)<sup>54</sup>

The OSTP is one of two offices in the Executive Office of the President (EOP) that are funded in the CJS appropriations bill.<sup>55</sup> Established in 1976 by P.L. 94-282,<sup>56</sup> 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. Dr. John H. Marburger, III is the Director of OSTP and Science Adviser to the President.

For FY2008, the President's budget requests \$5.5 million for OSTP, \$13,000 less than the FY2007 enacted funding level.<sup>57</sup> The Senate committee has recommended \$5.7 million for the OSTP, \$200,000 more than the President's request. Report language directs that \$200,000 be used for the creation of an Associate Director for Earth Science and Applications, who would coordinate all federal assets directed at understanding the Earth's oceans and climate. Additionally, report language directs the OSTP to provide to the committee a five year strategic budget plan in response to the National Research Council's decadal survey on earth science and space applications. The House committee has recommended \$5.5 million for the OSTP, the same as the President's request. Report language directs the OSTP to provide to the committee a report on current and future needs regarding U.S. icebreaking capability.

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.

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

NASA was created by the 1958 National Aeronautics and Space Act (P.L. 85-568) to conduct civilian space and aeronautics activities. The agency is managed from headquarters in 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. Dr. Michael Griffin became NASA Administrator in April 2005.

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<sup>54</sup> This section was prepared by Dana Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>55</sup> The other is the Office of the United States Trade Representative.

<sup>56</sup> The National Science and Technology Policy and Organization Act, codified at 42 U.S.C. 6611-18.

<sup>57</sup> The OSTP was funded for FY2007 by P.L. 110-5, which appropriated funds at the FY2006 enacted level, subject to specific rescissions. P.L. 110-5, The Revised Continuing Appropriations Resolution, 2007.

<sup>58</sup> This section was prepared by Daniel Morgan, Analyst in Science and Technology Policy, Resources, Science, and Industry Division.

**Table 8. Funding for NASA**  
(budget authority in millions of dollars)<sup>a</sup>

| Accounts                            | FY2007 Enacted <sup>b</sup> | FY2008 Request  | Senate-Reported | House-Reported  |
|-------------------------------------|-----------------------------|-----------------|-----------------|-----------------|
| Science, Aeronautics, & Exploration | \$10,086.5                  | \$10,483.1      | \$10,633.0      | \$10,896.2      |
| Exploration Capabilities            | 6,165.6                     | 6,791.7         | 6,792.0         | 6,691.7         |
| Inspector General                   | 32.2                        | 34.6            | 34.6            | 34.6            |
| <b>Total: NASA</b>                  | <b>16,284.3</b>             | <b>17,309.4</b> | <b>17,459.6</b> | <b>17,622.5</b> |

**Sources:** S. 1745 (S.Rept. 110-124) and H.R. 3093 and H.Rept. 110-240.

a. Amounts may not total due to rounding.

b. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5) and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).

NASA has requested \$17.309 billion for FY2008, a 6.3% increase over its FY2007 appropriation. The Senate committee recommended \$17.460 billion, while the House committee recommended \$17.623 billion.<sup>59</sup> See **Table 8** for a breakdown by appropriations account. A change in how NASA accounts for overhead expenses complicates comparisons between FY2008 and previous years. The new system, implemented in September 2006 and known as “full cost simplification,” increases the stated cost of some programs and decreases the stated cost of others, without affecting actual program content. The increases and decreases exactly balance, so that NASA’s total budget is unchanged, but, for any particular account or program, amounts expressed in the new system are not directly comparable with amounts expressed in the previous system. In **Table 8** and in the discussion of specific NASA programs that follows, all FY2007 amounts have been adjusted for the accounting change to make them comparable with FY2008.

Budget priorities throughout NASA are being driven by the Vision for Space Exploration (“the Vision”), 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 space station, 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 has been less than was projected at the time of the Vision announcement. The funding requirements of the Vision thus constrain other NASA programs. NASA

<sup>59</sup> The House bill also includes a proposed rescission of \$69.8 million in prior year appropriations for NASA.

officials stress, however, that their strategy is to “go as we can afford to pay,” with the pace of the exploration program set, in part, by the available funding.

In the Science, Aeronautics, and Exploration (SA&E) account,<sup>60</sup> funding for Constellation Systems, the program responsible for developing the Orion spacecraft and Ares I launch vehicle to return humans to the moon, would increase from \$2.550 billion in FY2007 to \$3.068 billion in the FY2008 request. Although this is a 20% increase, the FY2007 appropriation was \$682 million less than had been requested, so the FY2008 request is actually less than the FY2007 request. An initial operating capability for Orion and Ares I (i.e., a first crewed flight) is now planned for early 2015. The Senate committee recommended \$3.118 billion, with the \$50 million increase to be devoted to Ares I. The House committee recommended the requested amount.

Also in SA&E, the request for Science is \$5.516 billion, an increase of 2.7%. In late 2006, responding to concern in Congress and the scientific community about NASA support for earth science, the Science Mission Directorate (SMD) created a separate Earth Science Division. The FY2008 request includes increased funding for Earth Science and projects further increases in FY2009 and FY2010 relative to previous plans, but most of these increases would go to cover cost increases and schedule delays in existing missions. In SMD’s Astrophysics Division, the request defers the Space Interferometer mission (SIM) beyond FY2012 but reinstates funding for the SOFIA airborne infrared telescope. The Senate committee recommended \$5.655 billion, with the bulk of the increase to be devoted to Earth Science. The House committee recommended \$5.696 billion, with increases of \$60 million for Earth Science missions recommended by the National Academy of Sciences, \$60 million for Research and Analysis across SMD, \$50 million for SIM, and \$10 million for definition of a new mission to the outer planets.

The FY2008 request for Aeronautics Research in SA&E is \$554 million. This request and the accompanying projections through FY2011 have increased by about \$50 million per year relative to NASA’s previous plans. However, Congress provided \$717 million in FY2007, which was \$187 million more than NASA had requested, so the FY2008 request is a 23% decrease relative to the FY2007 appropriation. The effect of the congressional increase for FY2007 on NASA’s future plans for Aeronautics Research is not yet known because final congressional action for FY2007 occurred after the release of the FY2008 budget. For FY2008, the Senate committee recommended the requested amount, while the House committee recommended \$700 million.

The FY2008 request for Exploration Capabilities consists of \$6.792 billion for the Space Operations Mission Directorate, which includes the space shuttle, the space station, and the Space and Flight Support program. This would be an 11% increase above the FY2007 appropriation. Most of the requested increase results from the

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<sup>60</sup> The House committee recommended dividing the SA&E account into five separate accounts: Science, Aeronautics, Exploration, Education, and Cross-Agency Support Programs. This structure is the same as NASA uses in its budget justification documents, so comparisons are straightforward.

schedule of space station construction, which remains as previously planned. In addition, the request includes \$150 million for two new Tracking and Data Relay System (TDRS) satellites, which are required for ground communications with near-Earth spacecraft. The increase for these satellites is approximately offset by reductions in planned reserves for the shuttle and the station. A key issue for Congress is the expected gap between the end of shuttle flights in 2010 and the planned initial availability of Orion and Ares I in 2015. Retaining NASA's skilled workforce during the transition period will be a major challenge, especially if development of the new vehicles takes longer than planned and the gap lengthens. Some analysts worry that placing a fixed termination date on the shuttle will create schedule pressure, which was identified as a contributing factor in the 2003 *Columbia* disaster. Some also are uncomfortable with the fact that Russian spacecraft will be the only way to launch U.S. astronauts to the space station during the gap period. The Senate committee recommended the requested amount for Exploration Capabilities. The House committee recommended \$6.692 billion, or \$100 million less than the request.<sup>61</sup> The bulk of the House-recommended reduction was from the TDRS procurement request. The House report stated that "this reduction should not affect the viability of the system."

For more on NASA's FY2008 budget request, see CRS Report RS22625, *National Aeronautics and Space Administration: Overview, FY2008 Budget in Brief, and Key Issues for Congress*, by Daniel Morgan and Carl E. Behrens.

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

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.

The FY2008 request for the NSF is \$6.429 billion, an 8.7% increase over the FY2007 enacted level of \$5.917 billion. The President's American Competitiveness

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<sup>61</sup> The House committee referred to this account as Space Operations. The present Exploration Capabilities account funds the Space Operations Mission Directorate.

<sup>62</sup> This section was prepared by Christine M. Matthews, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

Initiative (ACI) has proposed to double the NSF budget over the next 10 years. The FY2008 request would be another installment toward that doubling effort. NSF asserts that international research partnerships are critical to the nation in maintaining a competitive edge, and capitalizing on global economic opportunities. To address these needs, the Administration has requested \$45.0 million for the Office of International Science and Engineering. Also, NSF is the lead agency supporting polar research. A focus of planned polar research, requested at \$464.9 million in FY2008, will be in climate change and environmental observations.

**Table 9. Funding for the National Science Foundation**  
(budget authority millions of dollars)<sup>a</sup>

| Accounts   | FY2007 Enacted   | FY2008 Request   | Senate-Reported  | House-Reported   |
|--|------------------|------------------|------------------|------------------|
| Research and Related Activities                      | \$4,666.0        | \$5,131.7        | \$5,156.1        | \$5,139.7        |
| Major Research Equipment and Facilities Construction | 190.9            | 244.7            | 244.7            | 244.7            |
| Education and Human Resources                        | 796.7            | 750.6            | 850.6            | 822.6            |
| Agency Operations and Award Management               | 248.2            | 285.6            | 285.6            | 285.6            |
| National Science Board                               | 4.0              | 4.0              | 4.0              | 4.0              |
| Office of Inspector General                          | 11.4             | 12.4             | 12.4             | 12.4             |
| <b>Total: NSF</b>                                    | <b>\$5,917.2</b> | <b>\$6,429.0</b> | <b>\$6,553.4</b> | <b>\$6,509.0</b> |

**Sources:** S. 1745 (S.Rept. 110-124) and H.R. 3093 (H.Rept. 110-240).

a. Amounts may not total due rounding.

Included in the FY2008 request is \$5.132 billion for R&RA, a 10% increase over the FY2007 enacted level of \$4.666 billion. R&RA funds research projects, research facilities, and education and training activities. Partly in response to concerns in the scientific community about the imbalance between support for the life sciences and the physical sciences, the FY2008 request provides increased funding for the physical sciences. The FY2008 request transfers support for the Experimental Program to Stimulate Competitive Research (EPSCoR) from the Education and Human Resources (EHR) to Integrative Activities. The FY2008 request provides \$107 million for EPSCoR.

The FY2008 request for the EHR Directorate is \$750.6 million, 5.8% below the FY2007 enacted level of funding. The EHR portfolio is focused on 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 FY2008 request is: precollege, \$222.5 million; undergraduate, \$210.2 million; and graduate, \$169.5 million. The Math and Science Partnership Program, a crosscutting program with the Department of Education, is proposed at \$46 million in the FY2008 request.



The Major Research Equipment and Facilities Construction (MREFC) account is funded at \$244.7 million in the FY2008 request, a 28.2% increase over the FY2007 enacted level of funding. Projects receiving support in the FY2008 request are: Atacama Large Millimeter Array Construction (\$102.1 million), Ice Cube Neutrino Observatory (\$22.4 million), National Ecological Observatory Network (\$8.0 million), South Pole Station Modernization project (\$6.6 million), Alaskan Region Research Vessel (\$42.0 million), Ocean Observatories Initiative (\$31.0 million), and Advanced Laser Interferometer Gravitational Wave Observatory (\$32.8 million).

The Senate-reported bill would provide a total of \$6.553 billion for the NSF in FY2008, \$124.4 million above the request and \$636.2 million above the FY2007 enacted level of funding. Included in the total is \$5.156 billion for R&RA, \$24.4 million above the FY2008 request and \$490.1 million above FY2007. The Senate bill would fund the EHR at \$850.6 million and the MREFC at \$244.7 million. The House-reported bill would provide \$6.509 billion for the NSF in FY2008, \$80 million more than the request, and \$44.4 million less than the Senate version.<sup>63</sup> The House would fund the R&RA at approximately \$5.140 billion, \$8 million more than the request and \$16.1 million less than the Senate bill. For the MREFC and the EHR, the House would provide \$244.7 million and \$822.6 million, respectively.

## Related Legislation

### H.R. 1867 (Baird)

The National Science Foundation Authorization Act of 2007, as passed by the House, would authorize appropriations for NSF for FY2008-FY2010. The bill would, among other things, require an increase in funding for the Research Experiences for Undergraduates programs; would direct the National Science Board to evaluate the role of NSF in supporting interdisciplinary research; and would require the creation of a pilot program to award one-year grants to individuals to assist them in improving research proposals that were previously submitted to NSF but not selected for funding.

## Related CRS Products

CRS Report RS21767, *Hubble Space Telescope: NASA's Plans for a Servicing Mission*, by Daniel Morgan.

CRS Report RS21267, *National Science Foundation: Major Research Equipment and Facility Construction*, by Christine Matthews.

CRS Report 95-307, *U.S. National Science Foundation: An Overview*, by Christine M. Matthews.

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<sup>63</sup> The House bill also includes a proposed rescission of \$24 million in prior year appropriations for the NSF.

## Related Agencies

Title IV of the FY2008 CJS appropriations bill includes several commissions and agencies as **Table 10** shows. The FY2008 budget request includes nearly \$763 million for these agencies, \$38.2 million less than the amount appropriated by Congress for these agencies for FY2007. The request includes no additional funding for the Antitrust Modernization Commission, the National Veterans Business Development Corporation, or the State Justice Institute. The Senate Appropriations Committee's recommendation includes funding for the State Justice Institute, but would not fund the other two agencies. Nevertheless, the Senate committee mark would provide nearly \$99.0 million over the FY2007 enacted level for Title IV agencies for FY2008, with the largest increases going to the Equal Employment Opportunity Commission and the Legal Services Corporation. By comparison, the House committee mark would provide \$45 more than the FY2007 enacted level for FY2008.

**Table 10. Funding for CJS Related Agencies**  
(budget authority in millions of dollars)<sup>a</sup>

| Commission, Office, or Corporation                 | FY2007 Enacted | FY2008 Request | Senate-reported | House-reported |
|--|----------------|----------------|-----------------|----------------|
| Antitrust Modernization Commission                 | \$0.5          | — -            | — -             | — -            |
| U.S. Commission on Civil Rights                    | 9.0            | 8.8            | 9.0             | 9.0            |
| Equal Employment Opportunity Commission (EEOC)     | 328.7          | 327.7          | 378.0           | 332.7          |
| International Trade Commission                     | 62.0           | 68.4           | 68.4            | 68.4           |
| Legal Services Corporation                         | 348.6          | 310.9          | 390.0           | 377.0          |
| Marine Mammal Commission                           | 2.9            | 2.3            | 3.0             | 3.0            |
| National Veterans Business Development Corporation | 1.5            | — -            | — -             | 2.5            |
| Office of the U.S. Trade Representative            | 44.2           | 44.4           | 47.8            | 48.4           |
| State Justice Institute <sup>b</sup>               | 3.5            | — -            | 3.5             | 4.6            |
| <b>Total: Related Agencies</b>                     | <b>\$800.7</b> | <b>\$762.5</b> | <b>\$899.7</b>  | <b>\$845.7</b> |

Sources: S. 1745 (S.Rept. 110-124) and H.R. 3093 (H.Rept. 110-240).

a. Amounts may not total due to rounding.

b. Under the terms of its enabling legislation, the State Justice Institute (SJI) is authorized to present its budget request directly to Congress.

## **Antitrust Modernization Commission<sup>64</sup>**

The Antitrust Modernization Commission Act (PL-107-273, enacted 11/2/02) created a 12-person commission to evaluate U.S. antitrust laws. The commission issued its final report on April 3, 2007. The Commission expired at the end of May, 2007. The President's FY2008 request does not include any continued funding for the Antitrust Modernization Commission. This follows \$1.2 million enacted in FY2006 and \$0.5 million in FY2007. Neither the Senate nor the House committees include any funding in FY2008.

The final product was the "Antitrust Modernization Commission: Report and Recommendations." In order to prepare the report, the commission held 18 hearings and interviewed 117 witnesses. The topics included merger enforcement, exclusionary conduct, international antitrust, and criminal remedies, among others. The final report included recommendations organized under (1) substantive law, (2) enforcement institutions, (3) civil and criminal penalties, and (4) government exceptions to free-market competition. The report also included separate statements submitted by the individual commissioners.

## **U.S. Commission on Civil Rights<sup>65</sup>**

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.

For FY2008, the Bush Administration has requested \$8.8 million for the Commission, or \$172,000 less than the FY2007 enacted level of nearly \$9 million for the Commission. For FY2008, the Senate Appropriations Committee has recommended \$9 million for the Commission, as has the House Appropriations Committee.

The House Appropriations Committee has expressed concern that 36 of the 51 State Advisory Committees are inoperative because their authorizing charters have expired.<sup>66</sup> The House committee has 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 has stated that no one should be denied an opportunity to

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<sup>64</sup> This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

<sup>65</sup> This section was written by Garrine P. Laney, Analyst in Social Legislation, Domestic Social Policy Division.

<sup>66</sup> H.Rept. 110-240.

serve on a State Advisory Committee because of race, age, sex, sexual orientation, religion, national origin, disability, or political persuasion.

## **Equal Employment Opportunity Commission (EEOC)<sup>67</sup>**

The EEOC enforces laws banning employment discrimination based on race, color, national origin, sex, age, or disability. In recent years, appropriators have been particularly concerned about the agency's implementation of a restructuring plan. The three-phase restructuring plan includes the National Contact Center, pilot project, that began in March 2005; the January 2006 commencement of field structure and staff realignment that the Commission approved in mid-2005; and the examination of headquarters' structure and operations to streamline functions and clarify roles and responsibilities.

The President's FY2008 budget request for the EEOC is \$327.7 million, which is \$1 million less than the FY2007 enacted level (\$328.7 million). No staffing or program expansion is proposed for the coming fiscal year. The budget includes \$28 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 is the same amount requested last year and less than the \$33 million to which the Congress typically has raised the allocation. The President's budget request also includes \$1 million to relocate the EEOC's headquarters in Washington, D.C.; the lease on its current location will expire in July 2008. In addition, the Administration proposes reconfiguring or relocating field offices to comply with reduced space requirements. Lastly, the Administration indicated it would make a decision on the permanence of the National Contact Center (NCC) by FY2008.

The Senate Appropriations Committee has approved a FY2008 budget of \$378.0 million for the EEOC — \$50.3 million more than the Administration's request and \$49.3 million more than the FY2007 enacted level. None of the funds appropriated under S. 1745 may be used to operate the NCC. The bill further provides that the agency take no action to implement any workforce repositioning, restructuring, or reorganization until the Appropriations Committee has been notified of proposals. In Senate report language, the Committee expressed concern about the large backlog of employment discrimination charges and pointed to findings in the Inspector General's report on the NCC in prohibiting use of FY2008 appropriations to support it. The Committee also called upon the Inspector General (IG) to evaluate the effect of the Commission's repositioning plan on the delivery of core services and any cost savings associated with it; the IG is directed to submit a report within 90 days of the act's enactment.

The House Appropriations Committee has approved a considerably smaller increase for the EEOC than the Senate Appropriation Committee (\$332.7 million and

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<sup>67</sup> This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, and Linda Levine, Specialist in Labor Economics, Domestic Social Policy Division.

\$378.0 million, respectively). The House committee's proposed FY2008 budget for the Commission is \$4 million above the current year's budget and \$5 million above the Administration's request. The Committee directs the EEOC to use the increase to reduce its backlog of discrimination complaints. It further instructs the Commission to report to the Committee within two month's of the bill's enactment on steps that will be taken to cut the backlog. Reflecting previously expressed concerns about the National Call Center pilot, the House committee — like the Senate committee — would not fund it. Instead, the Committee recommends that the agency use those funds to update current telephone technology and hire additional field staff to handle phone calls or locate an in-house call center in surplus space at the EEOC.

### **U.S. International Trade Commission (ITC)<sup>68</sup>**

The ITC is an independent, quasi-judicial agency that advises the President and Congress on the impact of U.S. foreign economic policies on U.S. industries and, along with the Import Administration Unit of ITA, is charged with administering various U.S. trade remedy laws. Its six commissioners are appointed by the President for nine-year terms. As a matter of policy, its budget request is submitted to Congress by the President without revision. In FY2007, ITC had 383 employees. For FY2008, ITC requested \$68.4 million, a \$6.4 million increase over the \$62.0 million that was provided under the FY2007 Revised Continuing Appropriations Resolution (P.L. 110-5). The Senate and House Appropriations Committees recommended amount for ITC is \$68.4 million, the same as the President's budget request.

### **Legal Services Corporation (LSC)<sup>69</sup>**

The LSC is a private, non-profit, federally funded corporation that provides grants to local offices that, in turn, provide legal assistance to low-income people in civil (non-criminal) cases. The LSC has been controversial since its incorporation in the early 1970s and has been operating without authorizing legislation since 1980. There have been ongoing debates over the adequacy of funding for the agency and the extent to which certain types of activities are appropriate for federally funded legal aid attorneys to undertake. In annual appropriations bills, Congress traditionally has included legislative provisions restricting the activities of LSC-funded grantees, such as prohibiting any lobbying activities or prohibiting representation in certain types of cases. Current LSC funding remains below the LSC's highest funding level of \$400 million in FY1994 and FY1995.<sup>70</sup>

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<sup>68</sup> This section was written by M. Angeles Villarreal, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

<sup>69</sup> This section was prepared by Carmen Solomon-Fears, Specialist in Social Legislation, Domestic Social Policy Division.

<sup>70</sup> For additional information on the LSC, see CRS Report RL34016, *Legal Services Corporation: Background and Funding*, by Carmen Solomon-Fears.

The FY2007 Revised Continuing Appropriations Resolution (P.L. 110-5) included language that specified that the LSC would be funded at \$348.6 million for FY2007. The LSC FY2007 appropriation includes \$330.8 million for basic field programs and required independent audits, \$12.7 million for management and administration, \$2.1 million for client self-help and information technology, and \$3.0 million for the Office of the Inspector General.

For FY2008, the Bush Administration requested \$310.9 million for the LSC. The Administration's budget request includes \$289 million for basic field programs and required independent audits; almost \$13 million for management and administration; \$5 million for client self-help and information technology; and \$3 million of the Office of the Inspector General.

For FY2008, the Senate Appropriations Committee has recommended \$390 million for the LSC, a \$41.4 million increase above the FY2007 LSC appropriation, and \$79.1 million above the Administration's budget FY2008 budget request for the LSC.

For FY2008, the House Appropriations Committee has recommended \$377 million for the LSC, a \$28.4 million increase above the FY2007 LSC appropriation, \$66.1 million above the Administration's budget FY2008 budget request for the LSC, and \$13 million below the Senate Appropriation Committee's recommendation.

## **Marine Mammal Commission (MMC)<sup>71</sup>**

The MMC is an independent agency of the executive branch, established under Title II of the Marine Mammal Protection Act (MMPA; P.L. 92-522). The MMC reviews and makes recommendations on domestic and international actions and policies of all federal agencies with respect to marine mammal protection and conservation and with carrying out a related research program. As funding permits, the MMC supports research to further the purposes of the MMPA. In 2005, the MMC awarded seven competitive grants totaling approximately \$252,000 plus an additional three non-competitive grants totaling approximately \$40,000.

The President's FY2008 budget request for the MMC is \$2.3 million. On June 29, 2007, the Senate reported S. 1745 (S.Rept. 110-124), proposing \$3 million for the MMC. The Senate committee stated that the proposed increase would

... cover the costs of inflation, and for necessary expenses including the hiring of one full-time equivalent [FTE] to help ensure the Commission meets its responsibilities. This increase will allow the Commission to address a variety of challenges including climate change and the continued study of endangered species.

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<sup>71</sup> This section was prepared by Eugene H. Buck; Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

The Senate committee also stated that the MMC would

... also pursue a number of projects including, but not limited to, completing a report on Federal spending for marine mammal research over the past three decades, reviewing cumulative effects of risk factors on marine mammals, and the continuance of work with National Marine Fisheries Service, and the Fish and Wildlife Service to assess issues related to marine mammal and fishery interactions.

On July 12, 2007, the House reported its version of this bill, recommending \$3 million for the MMC to increase funding to monitor marine mammal adaptation to climate change. In addition, the House committee expects the MMC to

continue its efforts to minimize the direct and indirect effects of fisheries, noise, disease, chemical contaminants, harmful algal blooms, climate change, habitat alteration, boating and commercial shipping, marine debris, and other factors that may pose a risk of sublethal and lethal effects on marine mammals or that may affect the health and stability of the marine ecosystem.

The FY2007 Revised Continuing Appropriations Resolution (P.L. 110-10) provided the MMC with nearly \$2.9 million for FY2007. In its report on FY2007 appropriations for the MMC (H.Rept. 109-520), the House Appropriations Committee urged the MMC to continue prioritizing activities related to minimizing the direct and indirect effects of chemical contaminants, marine debris, noise, and other forms of ocean pollution on marine mammals and other marine organisms.

## **National Veterans Business Development Corporation (VBC)<sup>72</sup>**

The VBC was established under the Veterans Entrepreneurship and Small Business Development Act of 1999 (P.L. 106-50). The corporation's mission is to foster entrepreneurship and business opportunities for veterans, including service-disabled veterans. The VBC provides veterans with 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. For FY2008, the Administration requested no funding for the VBC, however. Nor, has the Senate Appropriations Committee recommended any funding for the VBC. By comparison, the House Appropriations Committee recommended \$2.5 million for the VBC. House report language also directs the corporation to submit a spending plan to the Committee within in 30 days of enactment that breaks out funding for overhead costs, salary, benefits and places of operation for all of its community based organizations.

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<sup>72</sup> This section was written by William J. Krouse, Specialist in Domestic Security.

## Office of the U.S. Trade Representative (USTR)<sup>73</sup>

USTR, located in the Executive Office of the President (EOP), is responsible for developing and coordinating U.S. international trade and direct investment policies. The President's FY2008 request is \$44.4 million, close to the FY2007 funding level of \$44.2 million provided under the FY2007 Revised Continuing Appropriations Resolution (P.L. 110-5). The Senate Appropriations Committee recommendation is \$47.8 million, \$3.4 million above the budget request. The Office had 229 full-time employees in FY2007. The USTR is responsible for advancing U.S. interests at the WTO and negotiating bilateral and regional free trade agreements (FTAs). In 2006 and 2007, the Administration concluded FTAs with Peru, Colombia, Oman, Panama, and South Korea. The Administration has ongoing negotiations with Thailand, Malaysia, and the United Arab Emirates. In 2006, USTR obtained congressional approval of FTAs with Bahrain, the Dominican Republic, and Central American countries.

## State Justice Institute (SJI)<sup>74</sup>

The SJI is a private, 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. Under the terms of its enabling legislation, SJI is authorized to present its budget request directly to Congress, apart from the President's budget.

For FY2008, SJI has requested an appropriation of \$4.64 million, a 34.3% increase over \$3.46 million appropriated both for FY2007 and FY2006. The Bush Administration, as in its budgets for the previous five years, has not requested any appropriated funds for the institute in FY2008.<sup>75</sup> The House Appropriations Committee has approved \$4.64 million for SJI in FY2008 (the same amount as requested by the institute), while the Senate Appropriations Committee, in S. 1745, has approved \$3.5 million for SJI, \$45,000 above the FY2007 enacted level.

For the six fiscal years prior to FY2008, appropriations conferees in Congress had encouraged SJI to obtain funds, at least in part, from sources other than Congress. In the FY2006 appropriations process, for instance, the House Appropriations Committee endorsed an approach of providing some directly appropriated funds to SJI, but with the institute at the same time seeking additional funding from Department of Justice (DOJ) grant programs. In report language, the

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<sup>73</sup> This section was written by M. Angeles Villarreal, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

<sup>74</sup> This section was written by Denis Steven Rutkus, Specialist in American National Government, Government and Finance Division.

<sup>75</sup> In the *Appendix of the Budget of the United States Government* for each fiscal year from FY2002 through FY2008, 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.



House committee stated that it understood that SJI had “been unable to generate stable sources of non-Federal funding” and that the SJI had contacted bar associations and court organizations as possible alternative sources of funding.<sup>76</sup> However, the committee noted, these groups were “not inclined to contribute to operations of the SJI beyond providing matching grant funds for individual projects.” For this reason, the committee said, it continued to recommend funding for SJI even though the President’s FY2006 request did not. The committee commended SJI for seeking to establish grant-making partnerships with DOJ’s Office of Justice Programs on issues involving state courts and encouraged SJI to continue these efforts.

Subsequently, 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.<sup>77</sup> Also in that request, the institute stated that it was continuing to pursue grant-making partnerships with the Department of Justice, the Legal Services Corporation (LSC), and other public and private entities. At a March 29, 2007 House Appropriations CJS Subcommittee hearing, regarding SJI’s FY2008 budget request, the institute’s executive director explained that it had created a new “partner grant,” in which private foundations, or federal entities like LSC, would match the funding amounts of SJI grants to state and local courts for pilot program in such areas as technology innovation and judicial education and training. In its first fiscal year with this new grant-making approach, he said, SJI had managed to secure \$2.8 million in cash matches. Subsequently, the House Appropriations Committee, in its report approving \$4.64 million for SJI in FY2008, commended the institute “for its recent successes in obtaining dollar-for-dollar matching funds for grants awarded.”<sup>78</sup>

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<sup>76</sup> H.Rept. 109-118, p.154.

<sup>77</sup> Conferees for the FY2006 appropriations act (in H.Rept. 109-272, p. 206) had stated that they expected that “successful applicants for new and continuing SJI grants will provide a cash match of not less than 50 percent of the total cost of the project.”

<sup>78</sup> H.Rept. 110-240.

**Table 11. CJS Appropriations by Account,  
FY2007 Enacted and FY2008 Proposed**  
(budget authority in millions of dollars)<sup>a</sup>

| Bureau or Agency  | FY2007 Enacted <sup>b</sup> | FY2008 Request    | Senate-reported   | House-reported    |
|---|-----------------------------|-------------------|-------------------|-------------------|
| <b>Department of Commerce (DOC)</b>                                     |                             |                   |                   |                   |
| International Trade Administration                                      | \$395.6                     | \$412.4           | \$417.4           | \$422.4           |
| Bureau of Industry and Security   | \$75.4                      | \$78.8            | \$78.8            | \$78.8            |
| Economic Development Administration                                     | \$280.6                     | \$202.8           | \$282.8           | \$302.8           |
| Minority Business Development Agency                                    | \$29.7                      | \$28.7            | \$30.2            | \$31.2            |
| Economic and Statistical Analysis                                       | \$79.8                      | \$85.0            | \$85.0            | \$86.5            |
| Bureau of the Census  | \$893.0                     | \$1,230.2         | \$1,246.6         | \$1,232.2         |
| National Telecommunications and Information Administration <sup>a</sup> | \$39.8                      | \$18.6            | \$48.6            | \$40.3            |
| Patent and Trademark Office <sup>b</sup>                                | (\$1,771.0)                 | (\$1,915.5)       | (\$1,915.5)       | (\$1,915.5)       |
| Technology Administration   | \$2.0                       | \$1.6             | \$0.0             | \$1.0             |
| National Institute of Standards and Technology                          | \$676.9                     | \$640.7           | \$863.0           | \$831.2           |
| National Oceanic and Atmospheric Administration                         | \$4,078.3                   | \$3,809.6         | \$4,214.9         | \$3,950.5         |
| Departmental Management   | \$73.7                      | \$87.4            | \$82.7            | \$86.5            |
| <b>DOC Subtotal</b>   | <b>\$6,624.7</b>            | <b>\$6,595.8</b>  | <b>\$7,350.1</b>  | <b>\$7,063.4</b>  |
| <b>Department of Justice (DOJ)</b>                                      |                             |                   |                   |                   |
| General Administration  | \$1,836.2                   | \$1,901.6         | \$1,864.0         | \$1,869.7         |
| U.S. Parole Commission  | \$11.5                      | \$12.2            | \$12.2            | \$12.2            |
| Legal Activities  | \$3,393.1                   | \$3,664.9         | \$3,672.8         | \$3,608.3         |
| National Security Division  | \$68.7                      | \$78.1            | \$78.1            | \$78.1            |
| Interagency Law Enforcement   | \$497.9                     | \$509.2           | \$509.2           | \$509.2           |
| Federal Bureau of Investigation   | \$6,298.6                   | \$6,431.3         | \$6,578.7         | \$6,531.3         |
| Drug Enforcement Administration   | \$1,761.1                   | \$1,802.6         | \$1,854.2         | \$1,842.6         |
| Bureau of Alcohol, Tobacco, Firearms & Explosives                       | \$984.1                     | \$1,014.0         | \$1,049.0         | \$1,014.0         |
| Federal Prison System   | \$5,448.2                   | \$5,363.9         | \$5,648.9         | \$5,268.9         |
| Office of Violence Against Women Office                                 | \$382.6                     | \$370.0           | \$390.0           | \$430.0           |
| Office of Justice Programs  | \$2,528.5                   | \$1,104.7         | \$2,655.1         | \$2,765.0         |
| <b>DOJ Subtotal</b>   | <b>\$23,210.4</b>           | <b>\$22,252.3</b> | <b>\$24,312.0</b> | <b>\$23,929.2</b> |
| <b>Science Agencies</b>   |                             |                   |                   |                   |
| Office of Science and Technology  | \$5.5                       | \$5.5             | \$5.7             | \$5.5             |
| NASA  | \$16,284.3                  | \$17,309.4        | \$17,459.6        | \$17,622.5        |
| National Science Foundation   | \$5,917.2                   | \$6,429.0         | \$6,553.4         | \$6,509.0         |

| Bureau or Agency                                   | FY2007 Enacted <sup>b</sup> | FY2008 Request    | Senate-reported   | House-reported    |
|--|-----------------------------|-------------------|-------------------|-------------------|
| <b>Science Agencies Subtotal:</b>                  | <b>\$22,207.0</b>           | <b>\$23,743.9</b> | <b>\$24,018.7</b> | <b>\$24,137.0</b> |
| <b>Related Agencies</b>                            |                             |                   |                   |                   |
| Antitrust Modernization Commission                 | \$0.5                       | — -               | — -               | — -               |
| Commission on Civil Rights                         | \$9.0                       | \$8.8             | \$9.0             | 9.0               |
| Equal Employment Opportunity Commission (EEOC)     | \$328.7                     | \$327.7           | \$378.0           | 332.7             |
| International Trade Commission                     | \$62.0                      | \$68.4            | \$68.4            | 68.4              |
| Legal Services Corporation                         | \$348.6                     | \$310.9           | \$390.0           | 377.0             |
| Marine Mammal Commission                           | \$2.9                       | \$2.3             | \$3.0             | 3.0               |
| National Veterans Business Development Corporation | \$1.5                       | — -               | — -               | 2.5               |
| U.S. Trade Representative                          | \$44.2                      | \$44.4            | \$47.8            | 48.4              |
| State Justice Institute <sup>c</sup>               | \$3.5                       | — -               | \$3.5             | 4.6               |
| <b>Related Agencies Subtotal</b>                   | <b>\$800.7</b>              | <b>\$762.5</b>    | <b>\$899.7</b>    | <b>\$845.7</b>    |
| <b>Total Appropriations<sup>e</sup></b>            | <b>\$52,842.9</b>           | <b>\$53,354.6</b> | <b>\$56,580.4</b> | <b>\$55,975.4</b> |
| <b>Rescissions</b>                                 |                             |                   |                   |                   |
| Department of Commerce                             | (\$32.0)                    | (\$48.6)          | (\$10.0)          | (\$41.8)          |
| Department of Justice                              | (\$328.5)                   | (\$456.0)         | (\$541.0)         | (\$687.3)         |
| Science Agencies                                   | — -                         | — -               | — -               | (\$93.8)          |
| <b>Total Rescissions</b>                           | <b>(\$360.5)</b>            | <b>(\$504.6)</b>  | <b>(\$551.0)</b>  | <b>(\$823.0)</b>  |
| <b>Grand Total</b>                                 | <b>\$52,482.4</b>           | <b>\$52,850.0</b> | <b>\$56,029.4</b> | <b>\$55,152.4</b> |

Sources: S. 1745 (S.Rept. 110-124) and H.R. 3093 (H.Rept. 110-240).

- a. Amounts may not total due to rounding.
- b. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007(P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- c. FY2008 request does not include \$45 million in mandatory spending from the Digital Transition and Safety Public Fund.
- d. 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.
- e. Under the terms of its enabling legislation, the State Justice Institute (SJI) is authorized to present its budget request directly to Congress.