



# Commerce, Justice, Science, and Related Agencies: FY2012 Appropriations

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November 3, 2011

Congressional Research Service

7-5700

[www.crs.gov](http://www.crs.gov)

R41721

## Summary

This report provides an overview of actions taken by Congress to provide FY2012 appropriations for Commerce, Justice, Science, and Related Agencies (CJS) accounts.

On November 1, 2011, the Senate passed an amended version of H.R. 2112, which included the Senate's proposed funding for the agencies and bureaus funded as a part of the annual CJS appropriations bill. H.R. 2112, as passed by the Senate, would provide \$60.664 billion for CJS. This includes \$8.192 billion for the Department of Commerce, \$26.925 billion for the Department of Justice, \$24.643 billion for the science agencies, and \$903.9 million for the related agencies.

On October 5, 2011, President Obama signed into law the Continuing Appropriations Act, 2012 (P.L. 112-36). The act continues appropriations for the agencies and bureaus funded under the annual CJS bill at 1.503% below the FY2011-enacted levels until November 18, 2011, or until the FY2011 CJS bill is passed by Congress and signed into law by the President.

On July 20, 2011, the House Committee on Appropriations reported the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (H.R. 2596). The bill would provide a total of \$57.949 billion for CJS. The amount recommended by the committee is 10.9% less than the Administration's FY2012 request for CJS and 5.3% below the FY2011-enacted level. The bill includes \$7.161 billion for the Department of Commerce, \$26.323 billion for the Department of Justice, \$23.649 billion for the science agencies, and \$814.8 million for the related agencies.

For FY2012, the Administration requests a total of \$64.93 billion for the agencies and bureaus funded as part of the annual CJS appropriations bill. The FY2012 request is \$3.839 billion, or 6.3%, more than the FY2011-enacted amount of \$61.092 billion. The proposed reduction in overall funding for CJS is almost entirely attributable to the Administration requesting nearly \$6.3 billion less for the Census Bureau because the 2010 decennial census is complete. The Administration's FY2012 request includes \$8.761 billion for the Department of Commerce, \$28.68 billion for the Department of Justice, \$26.498 billion for the science agencies, and \$991.4 million for the related agencies.

On April 15, 2011, President Obama signed into law the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10). The act provided a total of \$61.092 billion for agencies and bureaus funded as a part of the annual appropriation for CJS for FY2011. The \$61.092 billion provided by the act includes \$7.578 billion for the Department of Commerce, \$27.281 billion for the Department of Justice, \$25.315 billion for the science agencies, and \$917.9 million for the related agencies.

The source for the FY2011-enacted amounts, the FY2012-requested amounts, and the House Committee on Appropriations-recommended amounts is H.Rept. 112-169. The Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

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## Most Recent Developments

On November 1, 2011, the Senate passed an amended version of H.R. 2112 (hereafter referred to as the “minibus”), which included the Senate’s proposed funding for the agencies and bureaus funded as a part of the annual Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill. The minibuss would provide \$60.664 billion for CJS. This includes \$8.192 billion for the Department of Commerce, \$26.925 billion for the Department of Justice, \$24.643 billion for the science agencies, and \$903.9 million for the related agencies.

On October 5, 2011, President Obama signed into law the Continuing Appropriations Act, 2012 (P.L. 112-36). The act continues appropriations for the agencies and bureaus funded under the annual CJS bill at 1.503% below the FY2011-enacted levels until November 18, 2011, or until the FY2012 CJS bill is passed by Congress and signed into law by the President. Funds available under the act are available to the extent and in the manner provided in Full-Year Continuing Appropriations Act (P.L. 112-10). The reduction in operating expenditures was required so that discretionary spending across the federal government would be in line with the \$1.043 billion discretionary spending cap set in the Budget Control Act of 2011 (P.L. 112-25).<sup>1</sup> Section 104 of the act states that continuing funding cannot be used to initiate or resume any project or activity that did not receive appropriations for FY2011. Section 109 of the act prohibits executive agencies from using continuing funds for programs that have a high initial rate of operation or in which all appropriations would be distributed at the beginning of the fiscal year. In addition, Section 109 prohibits agencies from awarding grants that would impinge on final funding prerogatives.

## FY2012 Appropriations

This report provides an overview of actions taken by Congress to provide FY2012 appropriations for CJS accounts. It also provides an overview of FY2011 appropriations for agencies and bureaus funded as a part of the annual appropriation for CJS. The source for the FY2011-enacted amounts, the FY2012-requested amounts, and the House Committee on Appropriations-recommended amounts is H.Rept. 112-169. The Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

The Senate-passed minibuss would provide a total of \$60.664 billion for the bureaus and agencies funded by the bill. The Senate-passed amount is 4.7% more than the amount recommended by the House Committee on Appropriations, but it is 6.7% below the Administration’s request and 0.9% less than the FY2011-enacted appropriation. The bill includes \$8.192 billion for the Department of Commerce, \$26.925 billion for the Department of Justice, \$24.643 billion for the science agencies, and \$903.9 million for the related agencies.

H.R. 2596 would provide a total of \$57.949 billion for CJS. The amount recommended by the committee is 10.9% less than the Administration’s FY2012 request for CJS and 5.3% below the FY2011-enacted level. The bill includes \$7.161 billion for the Department of Commerce, \$26.323 billion for the Department of Justice, \$23.649 billion for the science agencies, and \$814.8 million

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<sup>1</sup> For more information on the Budget Control Act of 2011, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

for the related agencies. During the committee's markup of the bill, the committee adopted an amendment that increased funding for the National Oceanic and Atmospheric Administration's (NOAA's) Operations, Research, and Facilities account by \$48.0 million. The increase was offset by applying a 0.1% rescission to all other discretionary accounts in the bill. The amounts included in this report reflect the 0.1% rescission even though the committee's bill and report do not include the rescinded amounts.

For FY2012, the Administration requests a total of \$64.93 billion for the agencies and bureaus funded as a part of the annual CJS appropriations bill. The FY2012 request is \$3.839 billion, or 6.3%, more than the FY2011-enacted amount of \$61.092 billion. The Administration's FY2012 request includes \$8.761 billion for the Department of Commerce, \$28.68 billion for the Department of Justice, \$26.498 billion for the science agencies, and \$991.4 million for the related agencies.

The Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) provided a total of \$61.092 billion for CJS, which includes \$7.578 billion for the Department of Commerce, \$27.281 billion for the Department of Justice, \$25.315 billion for the science agencies, and \$917.9 million for the related agencies.

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

**Table 1** shows the FY2011-enacted appropriations, the Administration's FY2012 request, the House Committee on Appropriations-recommended appropriations, and the Senate-passed appropriations for the Department of Commerce, the Department of Justice, the science agencies, and the related agencies.

**Table I. CJS Appropriations, FY2011-Enacted, FY2012 Request, House Committee on Appropriations Reported and Senate-Passed**  
(budget authority in millions of dollars)

Departments and Related Agencies	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
Department of Commerce	\$7,580.9	\$8,802.6	\$7,161.3	\$8,191.7	
Department of Justice	27,389.2	28,724.3	26,323.3	26,925.3	
Science Agencies	25,314.5	26,498.0	23,649.5	24,642.9	
Related Agencies	917.9	991.4	814.8	903.9	
<b>Total</b>	<b>61,202.5<sup>a</sup></b>	<b>65,016.3<sup>b</sup></b>	<b>57,948.9<sup>c</sup></b>	<b>60,663.7<sup>d</sup></b>	

**Source:** FY2011-enacted amounts, FY2012-requested amounts, and House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Notes:** Amounts may not add to totals due to rounding. The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

- a. This amount does not include \$2.416 billion in rescissions of unobligated balances.
- b. This amount does not include a proposed \$839.7 million in rescissions of unobligated balances.
- c. This amount does not include a proposed \$1.053 billion in rescissions of unobligated balances.
- d. This amount does not include a proposed \$829.7 million in rescissions of unobligated balances.

## Survey of Selected Issues

### Department of Commerce

Congress may consider the following issues as part of the Department of Commerce FY2012 appropriations process:

- whether to fund the Obama Administration’s proposed 17.2% increase in funding for the International Trade Administration for FY2012 as part of the Administration’s goal of doubling exports over the next five years through the National Export Initiative;
- oversight of the President’s Export Control Reform Initiative—under the Bureau of Industry and Security—the end goal of which is to create a single licensing authority for both dual-use and munitions exports;
- whether to approve, as a cost-control measure, the Administration’s proposed termination of two Census Bureau programs: (1) the Statistical Abstract Program, which would eliminate both the print and online versions of *Statistical Abstract*, as well as the *County and City Data Book*, *State and Metropolitan Area Data Book*, and USA Counties Web database; and (2) the Federal Financial Statistics Program, which would terminate the *Consolidated Federal Funds Report*;
- whether to provide the U.S. Patent and Trademark Office with the authority to use all the fees it collects in a fiscal year;

- whether to continue and expand support for the extramural programs of the National Institute of Standards and Technology aimed at the development of “pre-competitive” generic technologies;
- whether to approve the proposed establishment of a Climate Service line office and the related changes to the administrative structure of NOAA;
- whether to accept the Administration’s proposal to transfer funds from public works to economic adjustment assistance under the Economic Development Administration to help distressed areas affected by unemployment as a result of the recession;
- funding levels and oversight of the new inter-agency Regional Innovation Program, a proposal for a new national competition to identify 20 growth zones across the country;
- whether to increase funding for the activities and outreach of the Minority Business Development Agency’s (MBDA) Office of Native American Business Development to support research on Native American trade promotion and economic disparities, and whether to increase funding for MBDA to monitor and provide technical assistance for minority businesses seeking federal contracts; and
- whether to accept the Administration’s proposal to omit expenditures for Public Telecommunications Facilities, Planning and Construction from the National Telecommunications and Information Administration budget. In 2010, Congress provided \$20.0 million for the program and omitted it in the 2011-enacted budget.

## **Department of Justice (DOJ)**

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

- the extent to which DOJ as a whole and its components have prepared to respond to potential weapons of mass destruction (WMD) incidents under the National Response Framework;
- whether certain functions of the National Drug Intelligence Center (NDIC) are redundant with duties of other federal agencies, and consequently, whether funding for the NDIC should be adjusted accordingly;
- whether to increase funding for the Organized Crime Drug Enforcement Task Force (OCDETF) program to enhance investigations and prosecutions along the Southwest border;
- the Federal Bureau of Investigation’s (FBI’s) progress in developing a computerized case management system for investigations known as Sentinel, which is behind schedule and over budget;
- the rate at which the FBI has utilized funding and staffing resources for national security matters and other national priorities (counterterrorism, counterintelligence, cybercrime, and civil rights), as compared to traditional

- crime matters (organized crime, gangs, drug-related crime, white collar crime, and violent crime);
- the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF's) efforts to reduce gun trafficking across the Southwest border to Mexico under Project Gunrunner and the bureau's efforts to share criminal intelligence with the Department of Homeland Security;
  - efforts made by DOJ, FBI, and ATF to harmonize overlapping, interagency jurisdictions over criminal matters related to explosives;
  - the ability of the Bureau of Prisons (BOP) to properly manage and care for the federal prison population; and
  - whether to increase or decrease federal assistance levels for state and local criminal justice systems at a time when states are facing budget shortfalls, but also at a time when the federal budget deficit continues to increase.

## **Science Agencies**

Among the issues facing science agencies that Congress may opt to address in the FY2012 appropriations process are the following:

- whether the new direction for the U.S. human spaceflight program, established in October 2010 by the National Aeronautics and Space Administration Authorization Act of 2010 (P.L. 111-267), can be implemented successfully in a period of increased budgetary constraint;
- whether to increase funding at the National Science Foundation (NSF) as proposed by the Administration; and if so, at what pace, and how will any increase be distributed among NSF accounts;
- whether to expand NSF's funding for three multi-agency R&D initiatives: the National Nanotechnology Initiative (NNI), Networking and Information Technology Research and Development (NITRD) program, and the U.S. Global Change Research Program; and
- whether to reduce funding for the Office of Science and Technology Policy as requested by the Administration, and if so, by how much.

## **Related Agencies**

Some issues Congress might consider while debating FY2012 funding level for related agencies include the following:

- whether to approve the Administration's request for increased appropriations for the Equal Employment Opportunity Commission (EEOC) to hire additional staff to address the expected increase in the agency's private sector charge backlog and support enforcement of systemic discrimination cases;
- whether to approve the Administration's proposal that Legal Services Corporation restrictions on class action suits be eliminated;

- whether the Legal Services Corporation could save money by encouraging private attorneys to help legal services programs by providing pro bono services; and
- whether to provide additional funding to the Office of the U.S. Trade Representative, as requested by the Administration, to aid it in promoting U.S. trade initiatives and conducting negotiations.

## Department of Commerce<sup>2</sup>

The Department of Commerce (Commerce Department) originated in 1903 with the establishment of the Department of Commerce and Labor.<sup>3</sup> The separate Commerce Department was established on March 4, 1913.<sup>4</sup> The department's responsibilities are numerous and quite varied; its activities center on five basic missions: (1) promoting the development of U.S. business and increasing foreign trade; (2) improving the nation's technological competitiveness; (3) encouraging economic development; (4) fostering environmental stewardship and assessment; and (5) compiling, analyzing, and disseminating statistical information on the U.S. economy and population.

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

- *International Trade Administration (ITA)* seeks to develop the export potential of U.S. firms and to improve the trade performance of U.S. industry;
- *Bureau of Industry and Security (BIS)* enforces U.S. export laws consistent with national security, foreign policy, and short-supply objectives;
- *Economic Development Administration (EDA)* provides grants for economic development projects in economically distressed communities and regions;
- *Minority Business Development Agency (MBDA)* seeks to promote private- and public-sector investment in minority businesses;
- *Economic and Statistics Administration (ESA)*, excluding the Bureau of the Census, provides (1) information on the state of the economy through preparation, development, and interpretation of economic data; and (2) analytical support to department officials in meeting their policy responsibilities;
- *Bureau of the Census*, a component of ESA, collects, compiles, and publishes a broad range of economic, demographic, and social data;
- *National Telecommunications and Information Administration (NTIA)* advises the President on domestic and international communications policy, manages the federal government's use of the radio frequency spectrum, and performs research in telecommunications sciences;
- *United States Patent and Trademark Office (USPTO)* examines and approves applications for patents for claimed inventions and registration of trademarks;

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<sup>2</sup> This section was coordinated by Jennifer D. Williams, CRS Government and Finance Division.

<sup>3</sup> 32 Stat. 825.

<sup>4</sup> 15 U.S.C. 1501.

- *National Institute of Standards and Technology (NIST)* assists industry in developing technology to improve product quality, modernize manufacturing processes, ensure product reliability, and facilitate rapid commercialization of products on the basis of new scientific discoveries; and
- *National Oceanic and Atmospheric Administration (NOAA)* provides scientific, technical, and management expertise to (1) promote safe and efficient marine and air navigation; (2) assess the health of coastal and marine resources; (3) monitor and predict the coastal, ocean, and global environments (including weather forecasting); and (4) protect and manage the nation's coastal resources.

## **FY2011 and FY2012 Appropriations**

**Table 2** presents the following funding information for the Commerce Department as a whole and for each of its agencies or bureaus: the FY2011-enacted funding, the Administration's FY2012 request, the House Committee on Appropriations-recommended appropriations, and the Senate-passed appropriations. The Senate-passed bill includes \$8.192 billion for the Department of Commerce for FY2012, an amount that is 14.4% than the amount recommended by the House Committee on Appropriations, 8.1% more than the FY2011 appropriation, but 6.9% less than the Administration's FY2012 request. The bill reported by the House Committee on Appropriations includes a total of \$7.161 billion for the Department of Commerce, an amount that is \$1.641 billion (18.6%) below the Administration's FY2012 request and \$419.6 million (5.5%) below the FY2011-enacted amount for the department. The Administration requests a total of \$8.803 billion for the Commerce Department for FY2012, a proposed 16.1% increase in funding compared to the FY2011-enacted amount of \$7.581 billion. Because 2010 decennial census operations, funded through the Census Bureau's periodic censuses and programs account, are winding down in FY2011, the Administration requests a lower FY2012 amount for the Bureau than was enacted for FY2011. The Administration's FY2012 request for every other Commerce Department agency or bureau, however, is greater than the FY2011-enacted level.

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

Bureau or Agency	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
International Trade Administration	\$440.7	\$516.7	\$450.2	\$431.7	
Bureau of Industry and Security	100.1	111.2	100.0	98.1	
Economic Development Administration	283.4	324.9	257.7	757.2 <sup>a</sup>	
Minority Business Development Agency	30.3	32.3	30.3	29.7	
Economic and Statistics Administration (excluding Census)	97.1	112.9	97.0	95.1	
Census Bureau	1,149.7	1,024.8	854.5	943.3	
National Telecommunications and Information Administration	41.6 <sup>b</sup>	55.8	40.5	45.6	
Patent and Trademark Office <sup>c</sup>	2,090.0	2,706.3	2,706.3	2,706.3	
Offsetting Fee Receipts (USPTO)	-2,090.0	-2,706.3	-2,706.3	-2,706.3	
National Institute of Standards and Technology	750.1	1,001.1	700.1	680.0	
National Oceanic and Atmospheric Administration	4,588.0	5,485.7	4,531.3	5,022.3	
Departmental Management	99.8	137.2	99.7	88.7	
<b>Total: Department of Commerce</b>	<b>7,580.9</b>	<b>8,802.6</b>	<b>7,161.3</b>	<b>8,191.7</b>	

**Source:** FY2011-enacted amounts, FY2012-requested amounts, and House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Note:** Amounts may not add to totals due to rounding. The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

- a. The Senate-passed bill includes \$500.0 million under the Economic Development Administration's Economic Development Assistance Programs account for disaster relief programs.
- b. This amount includes an unexpended \$1.0 million that was not rescinded from the National Telecommunications and Information Administration's Public Telecommunications Facilities, Planning, and Construction account under P.L. 112-10.
- c. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected but not obligated during the current year are available for obligation in the following fiscal year and do not count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals. Total figures for the Department of Commerce exclude PTO.

## **International Trade Administration (ITA)<sup>5</sup>**

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

The Senate recommends \$431.7 million for ITA, 4.1% less than the House Committee on Appropriations' recommendation of \$450.2 million. The Senate recommendation is 16.4% less than the Administration's FY2012 request of \$516.7 million and 2.0% less than the 2011-enacted level of \$440.7 million. The Administration's request anticipates the collection of \$9.4 million in fees, the same as the current funding level, which would raise available FY2012 funds to \$526.1 million. The requested increase in the FY2012 budget is part of the Obama Administration's multiyear plan to double U.S. exports over a period of five years. The Administration is requesting a total of \$78.5 million for a National Export Initiative (NEI) to promote growth in the U.S. economy and create jobs by increasing the volume of U.S. exports and the number of U.S. firms that export. The Administration anticipates that the initiative will help U.S. companies be more competitive in the global market and that jobs created through export growth will be associated with higher wages.

## **Bureau of Industry and Security (BIS)<sup>6</sup>**

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

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

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

Administration Regulations (15 C.F.R., Parts 730-799), and these authorities have been renewed yearly.

The Administration's FY2012 request for BIS is \$111.2 million, an \$11.0 million (11.0%) increase from the FY2011-enacted funding level of \$100.1 million. The House Committee on Appropriations recommends \$100.0 million, 0.1% less than the FY2011-enacted level and a 10.0% decrease from the Administration's FY2012 request. The Senate recommends \$98.1 million, an 11.7% reduction from the Administration's request, and a further 1.9% reduction from the House committee's recommendation.

The Administration's FY2012 funding request for BIS is divided among licensing activity (\$54.0 million), enforcement activity (\$51.0 million), and management and policy coordination (\$6.2 million). Of these amounts, \$14.8 million was requested for Chemical Weapons Convention (CWC) enforcement. The \$11.0 million increase in the BIS request is primarily for additional resources to increase the number of positions in the Office of Export Enforcement (OEE) to support enhanced counter-proliferation, counterterrorism, and national security initiatives and investigations. BIS seeks an additional 28 FTE positions and \$10.4 million to staff these programs. BIS is seeking budget authority for 394 positions for FY2012.

## **Economic Development Administration (EDA)<sup>7</sup>**

EDA was created pursuant to the enactment of the Public Works and Economic Development Act (PWEDA) of 1965,<sup>8</sup> with the objective of fostering growth in economically distressed areas characterized by high levels of unemployment and low per-capita income levels. Federally designated disaster areas and areas affected by military base realignment or closure (BRAC) are also eligible for EDA assistance. EDA provides grants for public works, economic adjustment in case of natural disasters or mass layoffs, technical assistance, planning, and research.

The Senate recommends \$757.2 million for EDA in FY2012, including \$37.2 million for EDA salaries and expenses and \$500.0 million for disaster recovery activities targeted to areas included in 2011 presidential disaster declarations. Excluding the \$500.0 million, the Senate recommends \$257.2 million for EDA activities. This amount is \$500,000 less than recommended by the House Committee on Appropriations and \$64.3 million less than requested by the President. The bill recommends \$20.0 million in support of the Administration's Regional Innovation Program, which is \$20.0 million less than requested by the Administration. The House does not include a recommended FY2012 appropriation for this program.<sup>9</sup>

The House Committee on Appropriations recommends \$257.7 million for EDA. This amount is 20.7% less than the Administration's FY2012 request of \$324.9 million and 9.1% less than the FY2011-enacted amount of \$283.4 million. The committee recommends \$219.8 million for Economic Development Assistance programs, which is \$25.7 million below the FY2011-enacted amount and \$64.5 million below the Administration's request. The committee recommends \$37.9

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<sup>7</sup> This section was written by Eugene Boyd, Analyst in Federalism and Economic Development Policy, CRS Government and Finance Division.

<sup>8</sup> P.L. 89-136; 42 U.S.C. 3121.

<sup>9</sup> For a detailed discussion of EDA funding and reauthorization issues in the 112<sup>th</sup> Congress, see CRS Report R41162, *Economic Development Administration: Reauthorization Issues in the 112<sup>th</sup> Congress*, by Eugene Boyd.

million for EDA salaries and expenses, which is the same as the FY2011 amount and \$2.7 million below the Administration's request.

The Administration's \$324.9 million FY2012 request for EDA is a 14.6% increase from the FY2011-enacted funding level of \$283.4 million. The FY2012 request would provide \$40.6 million for the salaries and expenses account and \$284.3 million for Economic Development Assistance Programs. These programs include the 21<sup>st</sup> Century Innovation Infrastructure program (the proposed successor to the long-standing EDA Public Works program); the Economic Adjustment Assistance program; the new Regional Innovation Program established under the America COMPETES Act (P.L. 111-358); the Partnership Planning program (the proposed successor to the EDA Planning program); Technical Assistance; the Sustainable Economic Development program (the proposed successor to the Global Climate Change program); and the Research and Evaluation program. No funding was requested for the Trade Adjustment Assistance program.

Congress may consider the following issues as it appropriates funding for EDA. First, the Administration is proposing to decrease funding for the Public Works program—an initiative solely focused on funding infrastructure—and to transfer these funds to the more flexible Economic Adjustment Assistance program, which can fund both infrastructure and other activities. Congress may also consider funding levels and oversight of the new inter-agency Regional Innovation Program, pursuant to the reauthorization of the America COMPETES Act, a proposal for a new national competition to identify 20 growth zones (14 urban zones and six rural zones) across the country.

## **Minority Business Development Agency (MBDA)<sup>10</sup>**

MBDA, established by Executive Order 11625 on October 13, 1971, is charged with the lead role in coordinating all of the federal government's minority business programs.<sup>11</sup> As part of its strategic plan, MBDA seeks to develop an industry-focused, data-driven, technical assistance approach to give minority business owners the tools essential for becoming first- or second-tier suppliers to private corporations and the federal government in the new procurement environment. Progress is measured in increased gross receipts, number of employees, and size and scale of firms associated with minority business enterprise.

The Senate recommends \$29.7 million for MBDA in FY2012. This amount is \$577,000 (1.9%) less than the House committee's recommendation of \$30.3 million, \$2.6 million (8.0%) less than the \$32.3 million the Administration requested, and \$607,000 (2.0%) less than the \$30.3 million enacted for FY2011. The Administration's FY2012 request for MBDA is a 6.5% increase from the FY2011-enacted funding level.

The House Committee on Appropriations' \$30.3 million FY2012 recommendation for MBDA is \$2.0 million (6.2%) less than the Administration requested and \$30,000 (0.1%) less than the FY2011-enacted amount.

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<sup>10</sup> This section was written by Eugene Boyd, Analyst in Federalism and Economic Development Policy, CRS Government and Finance Division.

<sup>11</sup> 36 *Federal Register* 19967; 3 C.F.R., 1971-1975 Comp. 9. 616.

Congress may consider whether to increase funding for the activities and outreach of MBDA's Office of Native American Business Development to support research on Native American trade promotion and economic disparities, and whether to increase funding for MBDA to monitor and provide technical assistance for minority businesses seeking federal contracts.

## **Economic and Statistics Administration (ESA)<sup>12</sup>**

ESA provides economic data, analysis, and forecasts to government agencies and, when appropriate, to the public. ESA includes the Bureau of the Census (discussed separately), the Bureau of Economic Analysis (BEA), and STAT-USA.<sup>13</sup> ESA has three core missions: to maintain a system of economic data, to interpret and communicate information about the forces at work in the economy, and to support the information and analytical needs of the executive branch. Funding for ESA includes two primary accounts: ESA headquarters and BEA. ESA headquarters staff provide economic research and policy analysis in support of the Secretary of Commerce and the Administration. The BEA account funds BEA activities which, among other things, produce estimates of national gross domestic product and related measures.

The Senate recommends FY2012 funding of \$95.1 million for ESA, \$1.8 million (1.9%) less than the \$97.0 million recommended by the House Committee on Appropriations, \$17.8 million (15.8%) below the Administration's requested \$112.9 million, and \$1.9 million (2.0%) less than the \$97.1 million enacted for FY2011. The Administration's FY2012 request is a \$15.9 million (16.4%) increase from the FY2011-enacted funding level.

The House Committee on Appropriations' recommendation for ESA is \$16.0 million (14.1%) less than the Administration's FY2012 request and \$97,000 (0.1%) below the FY2011-enacted amount.

## **Bureau of the Census<sup>14</sup>**

The U.S. Constitution requires a population census every 10 years, to serve as the basis for apportioning seats in the House of Representatives.<sup>15</sup> Decennial census data also are used for within-state redistricting and in certain formulas that determine the annual distribution of more than \$400 billion in federal funds to states and localities. The Bureau of the Census, established as a permanent office on March 6, 1902,<sup>16</sup> conducts the decennial census under Title 13 of the U.S. Code, which also authorizes the Census Bureau to collect and compile a wide variety of other demographic, economic, housing, and governmental data.

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<sup>12</sup> This section was written by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

<sup>13</sup> STAT-USA provides U.S. economic and financial data, international trade statistics, and market research reports. Since 1994, STAT-USA has been funded through user fees and thus is excluded from this discussion. The regional input-output modeling system maintained by the BEA is excluded for the same reason.

<sup>14</sup> This section was written by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

<sup>15</sup> See Article 1, Section 2, clause 3, as modified by Section 2 of the 14<sup>th</sup> Amendment.

<sup>16</sup> 32 Stat. 51.

To fund the Census Bureau in FY2012, the Senate recommends \$943.3 million, \$88.8 million (10.4%) more than the House Committee on Appropriations' \$854.5 million recommendation, but \$81.4 million (7.9%) less than the Administration's request of \$1.025 billion, and \$206.4 million (18.0%) below the \$1.150 billion FY2011-enacted amount. Of the Senate-approved total, \$253.3 million would fund the Bureau's salaries and expenses account; the recommendation is \$4.9 million (1.9%) below the \$258.2 million approved by the House committee for salaries and expenses, \$18.7 million (6.9%) below the \$272.1 million budget request, and \$5.2 million (2.0%) less than the \$258.5 million FY2011-enacted amount. The periodic censuses and programs account would receive \$690.0 million, \$93.8 million (15.7%) more than the House committee's recommended \$596.2 million, but \$62.7 million (8.3%) below the \$752.7 million request for this account, and \$201.2 million (22.6%) less than the \$891.2 million FY2011-enacted funding level.

With respect to the periodic censuses and programs account, the Senate Committee on Appropriations "directs the Bureau to consider budgeting for the 2020 decennial census at a level less than the 2010 Census and ... spending less than the 2000 census, not adjusting for inflation." The committee further noted that it "strongly supports the Economic Census, and directs the Bureau to preserve funding when considering reductions."<sup>17</sup> The 2012 economic census is jeopardized, according to the House committee's minority views,<sup>18</sup> as well as the Census Bureau's assessment, by this committee's recommended decrease for the periodics account.

The House Committee on Appropriations' recommendation for the Bureau is \$170.3 million (16.6%) below the budget request and \$295.2 million (25.7%) below the FY2011-enacted amount. The salaries and expenses account would receive \$13.8 million (5.1%) less than requested and \$259,000 (0.1%) less than enacted for FY2011. The periodic censuses and programs account would receive \$156.5 million (20.8%) less than requested and \$295.0 million (33.1%) below the FY2011-enacted funding level.

The Administration's \$1.025 billion FY2012 request for the Census Bureau is \$125.0 million (10.9%) lower than the FY2011 enacted amount of \$1.150 billion largely because 2010 census activities are winding down. The decennial census, funded under the periodic censuses and programs account, is the Bureau's most expensive program. The \$138.5 million difference between the FY2012 request and FY2011-enacted funding for this account (\$752.7 million versus \$891.2 million, a 15.5% decrease) reflects the completion of most aspects of the 2010 census.<sup>19</sup> The Bureau continues to release 2010 census data products and to evaluate census accuracy, and it has begun planning for the 2020 census. The periodics account also funds the American Community Survey (ACS), a continuous-measurement survey that has replaced the decennial census long form.<sup>20</sup> Approval of the periodics request would enable the Bureau to proceed with its expansion of the ACS sample size from approximately 3.0 million to 3.5 million housing units a year and its other activities to improve ACS data quality.

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<sup>17</sup> U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce and Justice, and Science, and Related Agencies Appropriations Bill, 2012*, report to accompany S. 1572, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 112-78 (Washington: GPO, 2011), pp. 16-17.

<sup>18</sup> U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2012*, "Minority Views," report to accompany H.R. 2596, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 112-169, (Washington: GPO, 2011), p. 139.

<sup>19</sup> For a discussion of the 2010 census, see CRS Report R40551, *The 2010 Decennial Census: Background and Issues*, by Jennifer D. Williams.

<sup>20</sup> For a discussion of the ACS and the long form, see CRS Report R41532, *The American Community Survey: Development, Implementation, and Issues for Congress*, by Jennifer D. Williams.

The Administration's request for a \$13.5 million (5.2%) increase in the salaries and expenses account (\$272.1 million for FY2012, compared with the \$258.5 million FY2011-enacted amount) includes \$9.0 million to facilitate the use of administrative records in the federal statistical system. The Administration also proposes, as a cost-control measure, the termination of two programs under salaries and expenses: (1) the Statistical Abstract Program, which would eliminate both the print and online versions of *Statistical Abstract*, as well as the *County and City Data Book*, *State and Metropolitan Area Data Book*, and USA Counties Web database, for savings of \$2.9 million; and (2) the Federal Financial Statistics Program, which would terminate the *Consolidated Federal Funds Report*, for \$700,000 in savings.

## National Telecommunications and Information Administration (NTIA)<sup>21</sup>

NTIA is the executive branch's principal advisory office on domestic and international telecommunications and information technology policies. Its mandate is to provide greater access for all Americans to telecommunications services, support U.S. attempts to open foreign markets, advise on international telecommunications negotiations, fund research grants for new technologies and their applications, and assist nonprofit organizations converting to digital transmission in the 21<sup>st</sup> century. NTIA manages the distribution of funds for several key grant programs. Its role in federal spectrum management includes acting as a facilitator and mediator in negotiations among the various federal agencies regarding usage, priority access, causes of interference, and other radio spectrum questions. In recent years, one of the responsibilities of NTIA has been to oversee the transfer of some radio frequencies from the federal domain to the commercial domain. Many of these frequencies have subsequently been auctioned to the commercial sector and the proceeds paid into the U.S. Treasury.

For FY2012, the bill passed by the Senate includes \$45.6 million for necessary expenses, an increase of 9.6% over the FY2011 funding level but 18.4% less than the Administration's request. The Administration requests \$55.8 million for Salaries and Expenses for FY2012, an increase of \$14.3 million over the FY2011 funding level of \$41.6 million. The increase is largely attributable to the costs of administration and oversight of the \$4.4 billion Recovery Act program for broadband technologies and deployment mapping, as required by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). Requests for all oversight programs administered by NTIA total \$32.3 million for FY2012. In addition, the Administration requests new funding for NTIA of \$1.7 million to support efforts to foster new wireless broadband technologies and of \$1.0 million for its Internet Innovation initiative to address Internet-based privacy principles.

The House Committee on Appropriations recommends \$40.5 million for Salaries and Expenses, for FY2012. This amount is 27.4% less than the Administration's request. The committee-reported amount is 2.5% less than the FY2011 funding level for Salaries and Expenses.

The House Committee on Appropriations' recommendations make no provision for Public Telecommunications Facilities, Planning and Construction (PTFPC) in FY2012. Expenditures for PTFPC are omitted from the Administration's 2012 request. The enacted funding level for PTFPC in FY2011 is zero. FY2010 appropriations of \$40.0 million included \$20.0 million for PTFPC.

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<sup>21</sup> This section was written by Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, CRS Resources, Science, and Industry Division.

The bill reported by the Senate Committee on Appropriations would require that funds appropriated in prior years for PTFPC remain available for the administration of all open grants until their expiration.

## **U.S. Patent and Trademark Office (USPTO)<sup>22</sup>**

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

The Senate-passed bill provides the USPTO with the budget authority to spend \$2.706 billion in fees collected during FY2012, the same figure as H.R. 2596, as reported by the House Committee on Appropriations, and the Administration’s budget request, and 29.5% above the FY2011-enacted figure of \$2.090 billion.<sup>23</sup> The Senate bill mandates that “any amount received in excess of \$2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund [as per P.L. 112-29] shall remain available until expended,” as does H.R. 2596. Both the Senate and House bills and the President’s budget recommend that past fee increases remain in effect, that a 15.0% surcharge be leveled on fees charged or authorized, and that the fees generated by the surcharge be designated for use only by the USPTO. In addition, the Senate and House bills require that the Director of the USPTO submit a spending plan for these excess fees to the House and the Senate Committees on Appropriations, that the planned spending is to be treated as “a reprogramming,” and that these excess fees shall be used for the activities of the USPTO. The budget proposal requires the USPTO to have full access to all fees collected.

## **National Institute of Standards and Technology (NIST)<sup>24</sup>**

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

The Senate-passed bill would fund NIST at \$680.0 million, 2.9% below the amount in H.R. 2596, 32.1% below the Administration’s budget request, and 9.3% below the FY2011 appropriation of \$750.1 million. Funding for research and development under the Scientific and Technical Research and Services (STRS) account would total \$500.0 million, 3.2% below the figure in H.R.

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

<sup>23</sup> The House Committee on Appropriations report to accompany H.R. 2596, H.Rept. 112-169, after recommending the \$2.706 billion in budget authority for the USPTO, states that “The Congressional Budget Office (CBO) has re-estimated the fee collection to be \$2,678,000,000.”

<sup>24</sup> This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

2596, 26.4% less than the budget request, and 1.4% below the \$507.0 million<sup>25</sup> appropriated in FY2011. Under the Industrial Technology Services (ITS) account, \$120.0 million would be provided for the Manufacturing Extension Partnership (MEP) program. This amount is 6.5% less than that recommended in H.R. 2596 and that appropriated for FY2011 (\$128.4 million), as well as 15.8% less than the Administration's budget figure. No funding is provided for the Technology Innovation Program (TIP), the Baldrige National Quality Program, or the proposed Advanced Manufacturing Technology Consortia (AMTech). Construction support would total \$60.0 million, 8.3% more than the amount included in the House bill, 29.1% below the President's budget number, and 14.2% below the FY2011 appropriation of \$69.9 million.

H.R. 2596, as reported from the House Committee on Appropriations, would provide \$700.1 million for NIST, 30.1% below the President's budget request and 6.7% below the FY2011 figure. Funding for the STRS account would total \$516.5 million, 23.9% below the proposed budget number, but 1.9% over the FY2011 appropriation. The \$128.3 million recommended for MEP is 0.1% less than the FY2011-enacted amount and 10.0% less than the Administration's request. No funding is provided for TIP, the Baldrige program, or AMTech. Support for construction, at \$55.3 million, would be 34.6% below the budget proposal and reflects a 20.8% decrease from the FY2011 figure.

The Administration's FY2012 budget proposes \$1.001 billion in funding for NIST, a 33.5% increase over the FY2011 appropriation. Support for the STRS account would increase 33.9% to \$678.9 million. Included in the ITS account, the MEP program would receive \$142.6 million, 11.1% more than the amount appropriated in FY2011, while financing for TIP would increase to \$75.0 million, 67.4% over the FY2011 figure of \$44.8 million. Also to be budgeted under ITS (and moved from the STRS account), support for the Baldrige program would decrease 19.8% from \$9.6 million in FY2011 to \$7.7 million. A new program, AMTech, would be created and funded at \$12.3 million. Support for construction would increase 21.0% to \$84.6 million.

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

The National Oceanic and Atmospheric Administration (NOAA) conducts scientific research in areas such as ecosystems, climate, global climate change, weather, and oceans; supplies information on the oceans and atmosphere; and manages coastal and marine resources. NOAA was created in 1970 by Reorganization Plan No. 4. The reorganization plan was designed to unify a number of the nation's environmental activities and to provide a systematic approach for monitoring, analyzing, and protecting the environment. NOAA's current administrative structure has evolved into five line offices, which include the National Environmental Satellite, Data, and Information Service (NESDIS); the National Marine Fisheries Service (NMFS); the National Ocean Service (NOS); the National Weather Service (NWS); and the Office of Oceanic and Atmospheric Research (OAR). In addition to NOAA's five line offices, Program Support (PS), a cross-cutting budget activity, includes the NOAA Education Program, Corporate Services, Facilities, and the Office of Marine and Aviation Operations (OMAO).

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<sup>25</sup> Note that the \$507.0 million includes \$9.6 million for the Baldrige National Quality Program that would no longer be funded under the STRS account after FY2011.

<sup>26</sup> This section was written by Harold F. Upton, Natural Resources Policy Analyst, CRS Resources, Science, and Industry Division.

NOAA's FY2012 budget request proposes a budget neutral reorganization of its administrative structure by establishing a Climate Service line office. The reorganization would bring together existing climate related capabilities from NWS, NESDIS, and OAR. According to NOAA, the main goal of establishing the Climate Service would be to strengthen and expand NOAA's contributions to climate science by creating a more efficient and effective management structure. NESDIS would be renamed as the National Environmental Satellite Service (NESS), while NOS and NMFS would remain unchanged. Section 1348 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) blocked funding to implement, establish, or create a NOAA Climate Service during FY2011. For FY2012, the House Committee on Appropriations rejected the NOAA reorganization request and instead recommends funding NOAA programs in accordance with the current organizational structure. The Senate Committee on Appropriations included the Climate Service line office in its budget recommendation.

For FY2012, the Senate recommends \$5.022 billion for NOAA. This amount is 10.8% more than the House Committee on Appropriations' recommendation, 8.4% less than the Administration's request, and 9.5% more than the FY2011-enacted amount. For FY2012, the House Committee on Appropriations recommends \$4.531 billion for NOAA. This amount is 17.4% less than the Administration's FY2012 request and 1.2% less than the FY2011-enacted amount. For FY2012, the Administration requests \$5.486 billion for NOAA, which is a 19.6% increase over the FY2011 funding level of \$4.588 billion.

The NOAA budget is divided into two main accounts: Procurement, Acquisition, and Construction (PAC); and Operations, Research, and Facilities (ORF).<sup>27</sup> For FY2012, the Senate recommends \$3.134 billion for the ORF account. This amount is 12.9% more than the House Committee on Appropriations' recommendation, 7.2% less than the Administration's request, and 1.5% less than the FY2011-enacted amount. The House Committee on Appropriations recommends \$2.776 billion for the ORF account in FY2012. This amount is 17.8% less than the Administration's FY2012 request and 12.8% less than the FY2011-enacted amount. The Administration's request for the ORF account in FY2012 is \$3.378 billion, 6.1% more than the FY2011-enacted funding level of \$3.183 billion.

The Senate recommends \$1.834 billion for the PAC account. This amount is 7.8% more than the House Committee on Appropriations' recommendation, 10.7% less than the Administration's FY2012 request, and 37.6% more than the FY2011-enacted amount. The House Committee on Appropriations recommends \$1.701 billion for the PAC account in FY2012. This amount is 17.1% less than the Administration's FY2012 request, but 27.6% more than the FY2011-enacted amount. The Administration's request for the PAC account in FY2012 is \$2.053 billion, 54.0% more than the FY2011-enacted funding level of \$1.333 billion.

The Senate Committee on Appropriations expressed deep concern with the long-term drain that the Joint Polar Satellite System (JPSS) could have on NOAA's other commitments. The Senate recommends \$920.8 million of PAC funding for JPSS. This amount is 2.3% more than the House Committee on Appropriations' recommendation, 13.9% less than the Administration's FY2012 request, and 95.1% more than the FY2011-enacted amount. The House Committee on Appropriations recommends \$900.4 million for JPSS. This is 15.8% less than the

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<sup>27</sup> There are several relatively small discretionary accounts in NOAA that would be funded in FY2012, including, but not limited to, the Pacific Coastal Salmon Recovery Fund (\$65.0 million), the Fishermen's Contingency Fund (\$350,000), and the Medicare Retiree Eligible Health Care Fund (\$1.9 million).

Administration's FY2012 request and 90.8% above the FY2011-enacted amount. The Administration's request for JPSS is \$1.070 billion, 126.7% more than the FY2011-enacted amount of \$471.9 million.

## Department of Justice<sup>28</sup>

Established by an act of 1870<sup>29</sup> with the Attorney General at its head, DOJ provides counsel for the government in federal cases and protects citizens through law enforcement. It represents the federal government in all proceedings, civil and criminal, before the Supreme Court. In legal matters, generally, the department provides legal advice and opinions, upon request, to the President and executive branch department heads. The major functions of DOJ agencies and offices are described below.

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

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<sup>28</sup> This section was written by Nathan James, CRS Analyst in Crime Policy; Kristin M. Finklea, CRS Analyst in Domestic Security; and William J. Krouse, CRS Specialist in Domestic Security and Crime Policy, CRS Domestic Social Policy Division.

<sup>29</sup> 28 U.S.C. §501

help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking.

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

Most crime control has traditionally been a state and local responsibility. With the passage of the Crime Control Act of 1968 (P.L. 90-351), however, the federal role in the administration of criminal justice has increased incrementally. Since 1984, Congress has approved five major omnibus crime control bills, designating new federal crimes, penalties, and additional law enforcement assistance programs for state and local governments.<sup>30</sup>

## **FY2011 and FY2012 Appropriations**

The minibus includes \$26.925 billion for the Department of Justice. The amount recommended by the Senate is 4.7% above the House Committee on Appropriations' recommended funding, but it is 6.7% less than the Administration's request and 0.9% below the department's FY2011 appropriation. Under the Senate-passed bill, nearly every DOJ agency, with the exceptions of BOP and OVW, would receive less for FY2012 compared to what the agencies received for FY2011. The House Committee on Appropriations recommends a total of \$26.323 billion for DOJ. This amount is 8.4% less than the Administration's FY2012 request and 3.9% below the FY2011-enacted level. The only DOJ agencies that would receive an increase in their budget for FY2012 under the House committee-reported bill are the FBI (\$141.6 million) and BOP (\$23.6 million). The House Committee on Appropriations also proposes to consolidate juvenile justice and COPS grants under the State and Local Law Enforcement Assistance account. For FY2012, the Administration requests a total of \$28.724 billion for DOJ. The Administration's request includes \$1.995 billion for the U.S. Attorneys, \$8.076 for the FBI, \$2.042 billion for the DEA, \$1.147 billion for the ATF, \$6.826 billion for BOP, and \$1.715 for OJP. The Administration's request is \$1.335 billion, or 4.9% more than the FY2011-enacted amount of \$27.389 billion.

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<sup>30</sup> See, for example, the Crime Control Act of 1984 (P.L. 98-473); the Anti-Drug Abuse Act of 1986 (P.L. 99-570); the Anti-Drug Abuse Act of 1988 (P.L. 100-690); the Crime Control Act of 1990 (P.L. 101-647); and the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322).

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

Accounts	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
General Administration	\$2,208.1	\$2,325.3	\$2,110.2	\$2,207.6	
General Administration	312.2	316.3	216.2	269.9	
Administrative Review & Appeals	296.1	328.6	295.8	290.1	
Detention Trustee	1,515.6	1,595.4	1,514.1	1,563.5	
Office of the Inspector General	84.2	85.1	84.1	84.2	
U.S. Parole Commission	12.8	13.2	12.8	12.6	
Legal Activities	3,177.3	3,322.7	3,136.1	3,101.3	
General legal activities	863.4	955.4	840.9	846.1	
United States Attorneys	1,930.1	1,995.1	1,928.2	1,891.5	
Other <sup>a</sup>	383.8	372.1	367.0	363.7	
United States Marshals Service	1,140.1	1,259.2	1,133.0	1,131.3	
National Security Division	87.8	87.9	87.7	86.0	
Interagency Law Enforcement	527.5	541.0	527.0	517.0	
Federal Bureau of Investigation	7,926.3	8,076.0	8,068.0	7,860.0	
Drug Enforcement Administration	2,015.6	2,042.1	1,983.7	1,910.1	
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,112.5	1,147.3	1,111.4	1,090.3	
Federal Prison System	6,384.1	6,826.4	6,407.7	6,682.5	
Office on Violence Against Women	417.7	431.8	417.2	417.7	
OVW Salaries and Expenses <sup>b</sup>	—	—	20.0	20.6	
Office of Justice Programs	1,697.9	1,715.3	1,308.6	1,632.4	
Justice Assistance	234.5	178.5	182.4	121.0	
State and Local Law Enforcement Assistance	1,117.8	1,173.5	968.0	1,063.5	
Juvenile Justice Programs	275.4	280.0	—	251.0	
Public Safety Officers Benefits	70.1	78.3	78.3	78.3	
OJP Salaries and Expenses <sup>c</sup>	—	—	79.9	118.6	
Community Oriented Policing Services	494.9	669.5	—	231.5	
COPS Salaries and Expenses <sup>d</sup>	—	—	—	24.5	
OVW, OJP and COPS Salaries and Expenses	186.6	271.8	—	—	

Accounts	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate- Passed	FY2012 Enacted
<b>Total: Department of Justice</b>	<b>27,389.2</b>	<b>28,724.3</b>	<b>26,323.3</b>	<b>26,925.3</b>	

**Source:** FY2011-enacted amounts, FY2012-requested amounts, and House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Note:** Amounts may not add to totals due to rounding. The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

- a. Other includes subaccounts for the Antitrust Division, Vaccine Injury Compensation Trust Fund, U.S. Trustee System Fund, Foreign Claims Settlement Commission, Fees and Expenses of Witnesses, Community Relations Service, and the Asset Forfeiture Fund.
- b. For FY2011, the salaries and expenses of OVW were paid out of a separate appropriation for the salaries and expenses of OVW, OJP and COPS. However, in the House committee-reported bill, the committee included funding for OVW's salaries and expenses as a separate line item under the OVW account. In the Senate-passed bill, appropriations for OVW's salaries and expenses were provided in a separate OVW salaries and expenses account.
- c. For FY2011, the salaries and expenses of OJP were paid out of a separate appropriation for the salaries and expenses of OVW, OJP and COPS. However, in the House committee-reported bill, the committee included funding for OJP's salaries and expenses as a separate line item under the State and Local Law Enforcement Assistance account. In the Senate-passed bill, appropriations for OJP's salaries and expenses were provided in a separate OJP salaries and expenses account.
- d. For FY2011, the salaries and expenses of COPS were paid out of a separate appropriation for the salaries and expenses of OVW, OJP and COPS. In the Senate-passed bill, appropriations for COPS' salaries and expenses were provided in a separate COPS salaries and expenses account.

## General Administration

The General Administration account provides funds for salaries and expenses for the Attorney General's office, the Inspector General's office, and other programs designed to ensure that the collaborative efforts of DOJ agencies are coordinated to help represent the government and fight crime as efficiently as possible.

The Senate recommends a total of almost \$2.21 billion for FY2012. This is equal to the FY2011 enacted appropriation. This recommended amount is 5.1% less than the Administration's FY2012 request but 4.6% more than the House Committee on Appropriations recommended amount. The House Committee on Appropriations recommends a total of \$2.11 billion for FY2012. This amount is 9.2% less than the Administration's FY2012 request and 4.4% below the FY2011-enacted level. The Administration's request includes \$2.325 billion for FY2012. This amount is \$117.2 million more than the enacted FY2011 appropriation of almost \$2.208 billion, an increase of 5.3%. Described below are several General Administration subaccounts, such as the Office of the Inspector General.

## General Administration

The General Administration account includes funding for Salaries and Expenses for DOJ administration, as well as for the National Drug Intelligence Center (NDIC), Justice Information Sharing Technology, and Tactical Law Enforcement Wireless Communications.

The Senate recommends a total of almost \$269.9 million for FY2012. This is 13.5% less than the FY2011 enacted appropriation of almost \$312.2 million. This recommended amount is also 14.7% less than the Administration's FY2012 request, but 24.8% more than the House Committee on Appropriations recommends for FY2012. The House Committee on Appropriations recommends a total of \$216.2 million for FY2012. This amount is 31.6% less than the Administration's FY2012 request and 30.7% below the FY2011-enacted level. The House Committee-reported bill did not include funding for the NDIC. For DOJ's General Administration, the FY2012 budget request includes \$316.3 million, an increase of \$4.1 million (or 1.3%) over the FY2011 appropriation. As part of the FY2012 request, the Administration is proposing to reduce funding the NDIC by almost \$9.0 million (26.4%) to \$25.0 million. In its request, the Administration indicates that NDIC's functions may be duplicative of other federal, state, and local drug intelligence centers. The idea that NDIC's functions may overlap with those of other agencies has been an issue of interest to policymakers in the past several Congresses and continues to be of concern to some.<sup>31</sup>

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

ARA includes the Executive Office of Immigration Review (EOIR) and the Office of the Pardon Attorney (OPA). The Attorney General is responsible for the review and adjudication of immigration cases in coordination with the Department of Homeland Security's (DHS's) efforts to secure the nation's borders. The EOIR handles these matters, and the OPA receives and reviews petitions for executive clemency.

The Senate recommends a total of almost \$290.1 million for FY2012. This amount is 2.0% less than the FY2011-enacted amount, 11.7% less than the Administration's FY2012 request, and 1.9% less than the House Committee on Appropriations' recommendation. The House Committee on Appropriations recommends a total of almost \$295.8 million for FY2012. This amount is 10.0% less than the Administration's FY2012 request and 0.1% less than the FY2011-enacted level. The Administration's request includes \$328.6 million for ARA funding for FY2012. The requested amount exceeds the FY2011 funding level by almost \$32.5 million, representing an increase of 11.0%.

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

The OFDT provides overall management and oversight for federal detention services relating to federal prisoners in nonfederal institutions or otherwise in the custody of the U.S. Marshals Service. The Senate recommends \$1.563 billion for the OFDT, which is 3.3% more than the amount recommended by the House Committee on Appropriation and 3.2% more than the FY2011-enacted funding, but it is 2.0% less than the Administration's request. The bill reported by the House Committee on Appropriations includes \$1.514 billion for the OFDT. This amount is 5.1% less than the Administration's FY2012 request and 0.1% less than the FY2011-enacted amount. The Administration requests \$1.595 billion for this account for FY2012. The FY2012 request is 5.3% more than the \$1.516 billion Congress appropriated for FY2011.

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<sup>31</sup> Legislation has been introduced in the 112<sup>th</sup> Congress that would either close or significantly reduce funding for the NDIC. See, for example, H.R. 566 and H.Amdt. 23 to H.R. 1.

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

The OIG is responsible for detecting and deterring waste, fraud, and abuse involving DOJ programs and personnel; promoting economy and efficiency in DOJ operations; and investigating allegations of departmental misconduct. The Senate recommends a total of nearly \$84.2 million for FY2012. This amount is equal to the FY2011-enacted appropriation. This recommended amount is also 1.0% less than the Administration's FY2012 request and 0.1% more than the House Committee on Appropriations' recommended amount. The House Committee on Appropriations recommends a total of nearly \$84.1 million for FY2012. This amount is 1.1% less than the Administration's FY2012 request of \$85.1 million for the OIG and 0.1% less than the FY2011-enacted appropriation. The Administration's FY2012 request for the OIG is 1.0% greater than the FY2011 appropriation.

## **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. The Senate-passed amount for the U.S. Parole Commission is \$12.6 million, an amount that is 1.9% less than the amount recommended by the House Committee on Appropriations, 4.8% less than the Administration's request and 2.0% less than the FY2011 appropriation. The House Committee on Appropriations recommends \$12.8 million for the commission, an amount that is 3.0% below the Administration's request and 0.1% less than the FY2011-enacted amount. For FY2012, the Administration requests \$13.2 million for the commission, 3.0% more than the FY2011 appropriation of \$12.8 million.

## **Legal Activities**

The Legal Activities account includes several subaccounts: general legal activities, U.S. Attorneys, and other legal activities. The Senate recommends \$3.101 billion for FY2012. This amount is 2.4% less than the FY2011 enacted amount, 6.7% less than the Administration's FY2012 request, and 1.1% less than the amount recommended by the House Committee on Appropriations. For the legal activities account, the House Committee on Appropriations recommends a total of \$3.136 billion for FY2012. This amount is 5.6% less than the Administration's FY2012 request and 1.3% below the FY2011-enacted level. The President's FY2012 budget request includes \$3.323 billion for the Legal Activities account, \$145.4 million (or 4.6%) more than the FY2011-enacted appropriation of \$3.177 billion. Some of the Legal Activities subaccounts are described below.

### **General Legal Activities**

The General Legal Activities account funds the Solicitor General's supervision of the department's conduct in proceedings before the Supreme Court. It also funds several departmental divisions (tax, criminal, civil, environment and natural resources, legal counsel, civil rights, INTERPOL, and dispute resolution). The Senate recommends \$846.1 million for this account for FY2012. The Senate-passed amount is 0.6% more than the amount recommended by the House Committee on Appropriations, but 11.4% less than the Administration's request and 2.0% less than the FY2011-enacted amount. The House Committee on Appropriations recommends a total of almost \$840.9 million for FY2012. This amount is 12.0% less than the

Administration's FY2012 request and 2.6% below the FY2011-enacted level. The Administration's FY2012 request proposes almost \$955.4 million for General Legal Activities, \$92.0 million more than the enacted FY2011 appropriation of almost \$863.4 million. The requested amount would increase FY2012 funding by 10.7% compared to the FY2011-enacted appropriation level.

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

The U.S. Attorneys enforce federal laws through prosecution of criminal cases and represent the federal government in civil actions in all of the 94 federal judicial districts. The Senate-passed bill includes \$1.892 billion for the U.S. Attorneys. The Senate recommended amount is 1.9% below the House Committee on Appropriations' mark, 5.2% below the Administration's request and 2.0% below the FY2011 appropriation. The House Committee on Appropriations recommends \$1.928 billion for the U.S. Attorneys. The House committee-recommended amount is 3.4% below the Administration's FY2012 request and 0.1% below the FY2011-enacted amount. The Administration's FY2012 request would provide the U.S. Attorneys with \$1.995 billion, or a \$65.0 million increase (3.4%) over the amount appropriated for FY2011 (\$1.930 billion). The requested FY2012 budget enhancement includes \$2.0 million for new data analysis capabilities that could enable the U.S. Attorneys to identify and assess cost-effective crime reduction strategies. The balance of the difference between the FY2012 requested and FY2011 enacted appropriation consists of base adjustments, as well as offsets.

### **Other Legal Activities**

Other Legal Activities includes the Antitrust Division, the Vaccine Injury Compensation Trust Fund, the U.S. Trustee System Fund (which is responsible for maintaining the integrity of the U.S. bankruptcy system by, among other things, prosecuting criminal bankruptcy violations), the Foreign Claims Settlement Commission, the Fees and Expenses of Witnesses, the Community Relations Service, and the Assets Forfeiture Fund.

The Senate recommends \$363.7 million for other legal activities for FY2012. This amount is 5.2% less than the FY2011-enacted level, 2.3% less than the Administration's FY2012 request, and 0.9% less than the amount recommended by the House Committee on Appropriations. The House Committee on Appropriations recommends a total of almost \$367.0 million for FY2012. This amount is 1.4% less than the Administration's FY2012 request and 4.4% below the FY2011-enacted level of almost \$383.8 million. For FY2012, the Administration's request includes \$372.1 million for Other Legal Activities, \$11.6 million, or 3.0%, more than FY2011 funding.

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

The USMS is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. The Senate recommends \$1.131 billion for the USMS, an amount that is 0.2% below the amount recommended by the House Committee on Appropriations, 10.2% less than the Administration's request and 0.8% less than FY2011-enacted funding. The House committee-recommended amount for the USMS is \$1.133 billion. The amount recommended by the House Committee on Appropriations is 10.0% less than the FY2012 request and 0.6% below the USMS's FY2011

appropriation. The Administration requests a total of \$1.259 billion for the USMS for FY2012. The FY2012 request is \$119.1 million, or 10.4%, more than the FY2011 appropriation of \$1.14 billion.

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

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

For FY2012, the Senate recommends \$86.0 million for the NSD, nearly \$1.8 million (2.0%) less than the FY2011 enacted amount, nearly \$1.9 million (2.1%) less than the President's request, and \$1.7 million (1.9%) less than the House mark. The House Committee on Appropriations recommends \$87.7 million for the NSD, \$88,000 (0.1%) less than the FY2011 enacted amount and \$208,000 (0.2%) less than the FY2012 request. By comparison, the Administration's FY2012 request of \$87.9 million for the NSD is almost the same amount as appropriated for FY2011. Notwithstanding that the request includes no net funding increase, requested FY2012 budget enhancements include

- \$274,000 for counterterrorism investigations and prosecutions,
- \$298,000 for export enforcement and counterespionage prosecution, and
- \$157,000 for strengthening international partnerships to advance U.S. national security interests.

These requested budget enhancements would be offset by other savings and efficiencies identified by the Administration.

## **Interagency Law Enforcement**

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

The Senate recommends almost \$517.0 million for FY2012. This amount is 2.0% less than the FY-enacted level, 4.4% less than the Administration's FY2012 request, and 1.9% less than the House Committee on Appropriations' recommendation for FY2012. The House Committee on Appropriations recommends a total of \$527.0 million for FY2012. This amount is 2.6% less than the Administration's FY2012 request and 0.1% less than the FY2011-enacted level. For FY2012, the Administration proposes almost \$541.0 million for OCDETF. The proposed FY2012 funding level is almost \$13.5 million, or 2.6%, more than the FY2011-enacted funding level. The Administration requests an increase in funding for OCDETF operations relating to the Southwest border. In response to concerns that the escalating drug trafficking-related violence in Mexico could spread into the United States, the Administration proposed an increase in funding to enhance investigations (an increase of almost \$1.2 million) and prosecutions (an increase of \$8.1 million) along the Southwest border as part of the Southwest Border Violence Initiative. The majority of the funding will be used to ensure that resources are available to provide adequate legal oversight of cases and to prosecute fully those drug trafficking and money laundering organizations. The committee-reported amount does not include the Administration's requested increase for Southwest border activities.

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

The FBI is the lead federal investigative agency charged with defending the country against foreign terrorist and intelligence threats; enforcing federal laws; and providing leadership and criminal justice services to federal, state, municipal, tribal, and territorial law enforcement agencies and partners. Since the September 11, 2001, terrorist attacks, the FBI has reorganized and reprioritized its efforts to focus on preventing terrorism and related criminal activities. From FY2001 through FY2010, Congress has more than doubled direct appropriations for the FBI from \$3.32 billion to \$7.899 billion, or a 137.9% increase.<sup>32</sup> For FY2011, Congress appropriated \$7.926 billion for the FBI (an increase of less than 0.4%).

For FY2012, the Senate recommends \$7.86 billion for the FBI, \$66.3 million (0.8%) less than the FY2011 appropriation, \$216 million (2.7%) less than the President's request (\$8.076 billion), and \$207.9 million (2.6) less than the House mark. The House Committee on Appropriations recommends \$8.068 billion for the FBI, \$141.6 million (1.8%) more than the FY2011 appropriation, but \$8.1 million (0.1%) less than the President's request. The FBI appropriation is provided in two accounts. One for salaries and expenses. The other for construction.

For FBI salaries and expenses, the Senate recommends \$7.785 billion, \$34.2 million (0.4%) less than the FY2011 appropriation (\$7.819 billion), \$210 million (2.6%) less than the President's request (\$7.995 billion), and \$202 million (2.5%) less than the House mark. The House committee recommends \$7.987 billion, \$167.8 million (2.1%) greater than the FY2011 appropriation, but \$8.0 million (0.1%) less than the President's request. The President's request includes an increase of \$175.8 million (2.2%) greater than the FY2011 appropriation. The FY2012 request includes \$131.5 million in the following budget enhancements:

- \$48.9 million to improve national security surveillance capabilities,
- \$40 million for aircraft to support the FBI's Weapons of Mass Destruction (WMD) Render Safe mission,

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<sup>32</sup> The FY2010-enacted amount does not reflect a \$50 million rescission or a \$24 million supplemental appropriation.

- \$18.6 million for cybersecurity/computer intrusion investigations,
- \$12.5 million for FBI participation in a DOJ initiative to increase electronic surveillance capabilities nationally,
- \$9 million to address further violent crime in Indian Country, and
- \$2.5 million for increased analytical training.

Senate report language indicates that \$18.6 million and \$12.5 million in requested budget enhancements for cybersecurity and national surveillance capabilities, respectively, would be fully funded under the recommendation. It also indicated that \$40.9 million, instead of the requested \$48.9 million, would be provided to improve national security surveillance capabilities. In addition, Senate report language indicated that budget authority to use existing funding to buy aircraft for the Render Safe mission was provided for FY2011 and additional funding would not be provided under the FY2012 mark. Senate report language, however, is silent regarding specific amounts for other requested funding enhancements, although it addresses several concerns (e.g., computer intrusions, civil rights enforcement, intellectual property rights, child exploitation, mortgage fraud, gang enforcement, border violence, and severe forms of human trafficking). Furthermore, Senate report language indicates that the Senate mark would provide \$644.7 million for the FBI Criminal Justice Information Services Division, an amount that includes \$350.8 million in user fees.<sup>33</sup> By comparison, notwithstanding the House 0.1% rescission (\$8.0 million), the House mark funds all of these enhancements.

For FBI construction, the Senate also recommends \$75 million for FY2012, or \$32.5 million (30%) less than the FY2011 appropriation (\$107.1 million), nearly \$6.0 million (7.4%) less than the FY2012 request (\$81 million), and \$5.9 million (7.3%) less than the House mark. The House Committee recommends \$80.9 million, or \$26.2 million (24.5%) less than the FY2011 appropriation and \$81,000 (0.1%) less than the President's request.

Regarding FBI appropriations and oversight, in March 2010, the DOJ OIG reported on the FBI's efforts to develop a computerized case management system for investigations known as Sentinel.<sup>34</sup> At that time, the final costs for Sentinel were expected to exceed \$451 million,<sup>35</sup> and the OIG expressed "significant concern" about system's cost and rate progress.<sup>36</sup> In February 2011, the acting OIG testified that Sentinel was at least two years behind schedule and \$100 million over budget.<sup>37</sup> On the other hand, the OIG testified that the FBI had taken appropriate steps to respond to potential WMD incidents under the National Response Framework,<sup>38</sup> but DOJ

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<sup>33</sup> In addition to the \$8.076 billion requested by the President for the FBI, the FY2012 request includes an assumption that the FBI will collect another \$1.505 billion in user fees and other reimbursable receipts. Hence, total FY2012 requested budget authority for the FBI would be \$9.581 billion.

<sup>34</sup> U.S. Department of Justice, Office of the Inspector General, *Status of the Federal Bureau of Investigation's Implementation of the Sentinel Project*, Report 10-22, March 2010, 15 pp.

<sup>35</sup> *Ibid.*, p. 11.

<sup>36</sup> *Ibid.*, p. 14.

<sup>37</sup> Statement of Cynthia A. Schneder, Acting Inspector General, U.S. Department of Justice before the U.S. House of Representatives Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies concerning "Oversight of the Department of Justice and Department of Commerce," February 9, 2011, p. 10.

<sup>38</sup> According to the Department of Homeland Security, Federal Emergency Management Agency (FEMA), the National Response Framework (NRF) [or Framework] is a guide to how the Nation conducts all-hazards response. It is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation. It describes specific authorities and best practices for managing incidents that range from the serious but purely local, to (continued...)

as a whole and its other components were not as adequately prepared.<sup>39</sup> In addition, in April 2010, the OIG issued an audit of the FBI personnel resource allocations, including how the FBI used field agents and intelligence analysts for counterterrorism and other investigative matters.<sup>40</sup> The OIG audit found that, from FY2005 through FY2009, the FBI used greater resources than had been originally allocated for national security matters and other national priorities (counterterrorism, counterintelligence, cybercrime, and civil rights).<sup>41</sup> Consequently, fewer resources than had been originally allocated were used for traditional crime matters (organized crime, gangs, drug-related crime, white collar crime, and violent crime).<sup>42</sup> However, the underutilization of allocated resources for traditional crime trended downward over those years.<sup>43</sup> Nonetheless, according to the FBI, for FY2010, under its S&E account, \$4.762 billion (62%) and 18,547 fulltime equivalent (FTE) positions (58.7%) were allocated for the counterterrorism/counterintelligence and intelligence budget decision units.<sup>44</sup>

## Drug Enforcement Administration (DEA)

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

The Senate recommends \$1.910 billion for the DEA for FY2012. This amount is 5.2% less than the FY2011-enacted level, 6.5% less than the Administration's FY2012 request, and 3.7% less than the House Committee on Appropriations' recommended amount. The House Committee on Appropriations recommends a total of almost \$1.984 billion for FY2012. This amount is 2.9% less than the Administration's FY2012 request and 1.6% below the FY2011-enacted level. For FY2012, the President's budget request includes \$2.042 billion for DEA. The requested amount represents an increase of almost \$26.5 million, or 1.3% greater than the FY2011-enacted level of almost \$2.016 billion. The FY2012 budget request includes the following:

- Almost \$30.9 million to support regulatory and enforcement efforts within the Diversion Control Program,

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(...continued)

large-scale terrorist attacks or catastrophic natural disasters. For further information, see <http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf>.

<sup>39</sup> Ibid., p. 3.

<sup>40</sup> U.S. Department of Justice, Office of the Inspector General, *Follow-up Audit of FBI Personnel Resource Management and Casework*, Audit Report 10-24, April 2010, 104 pp.

<sup>41</sup> Ibid., p. vii (see Exhibit II).

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> U.S. Department of Justice, Federal Bureau of Investigation, *FY2012 Authorization and Budget Request to Congress*, February 2011, Exhibit B – Summary of Requirements.

- \$10.0 million to provide construction funding to expand the El Paso Intelligence Center (EPIC) facility,
- \$1.5 million to establish a Domestic Communications Assistance Center to enhance law enforcement electronic surveillance capabilities, and
- Eliminating (\$39.1 million) the Mobile Enforcement Team program and reassigning agents to fill other vacancies within DEA.

## **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.<sup>45</sup> From FY2001 through FY2010, Congress has increased the direct appropriation for the ATF, from \$771.0 million to \$1.121 billion, a 45.4% increase. For FY2011, Congress appropriated \$1.113 billion for the ATF.

For FY2012, the Senate recommends \$1.09 billion for ATF, \$22.3 million (2.0%) less than the FY2011 enacted amount, \$57 million (5.0%) less than the Administration's request of \$1.147 billion, and \$21.1 million (1.9%) less than the House mark. The House Committee on Appropriations recommends \$1.111 billion for ATF, \$1.1 million (0.1%) less than the FY2011 enacted amount and \$35.9 million (3.1%) less than the Administration's FY2012 request. The FY2012 request would provide a \$34.8 million increase (3.1%) over ATF's enacted FY2011 appropriation. This increase includes a \$1.5 million budget enhancement that will allow ATF to participate in a DOJ initiative to increase electronic surveillance capabilities nationally, which is offset by other savings and efficiencies identified by the Administration. As a result, both the Senate and House marks would result in reductions in ATF services and activities in FY2012.

In the past year, ATF's efforts to reduce illegal gun trafficking from the United States to Mexico under Project Gunrunner have generated controversy on two counts. First, the DOJ and ATF obtained approval from the Office of Management and Budget (OMB) for an information collection initiative, under which federally licensed gun dealers in Southwest border states would be required to submit multiple sales reports on certain rifles, as a means of more readily identifying possible straw purchasers and gun traffickers.<sup>46</sup> Second, ATF is alleged to have allowed firearms to be transferred to suspected straw purchasers.<sup>47</sup> Then, either intentionally or unintentionally, ATF allowed those suspected criminals or their associates to smuggle those firearms across the border, in an effort to build more complex investigations designed to uncover and dismantle larger gun trafficking conspiracies.<sup>48</sup> In a tragic twist of fate, some of those

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<sup>45</sup> For further information, see CRS Report R41206, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations for FY2011*, by William J. Krouse.

<sup>46</sup> U.S. Department of Justice, "Statement of Deputy Attorney General James Cole Regarding Information Requests for Multiple Sales of Semi-Automatic Rifles with Detachable Magazines," press release, July 11, 2011.

<sup>47</sup> A "straw purchase" occurs when a person who is otherwise eligible to purchase a firearm purchases a firearm from a federally licensed dealer for another person, who is either prohibited from possessing a firearm or does not want a paper trail linking him to the purchased firearm.

<sup>48</sup> "Is Obama A Gunrunner?," *Investor's Business Daily*, May 9, 2011, p. A16.

firearms were allegedly used in the deaths of two U.S. federal agents and perhaps hundreds of these firearms have been seized by authorities in Mexico.<sup>49</sup>

In November 2010, the DOJ Office of the Inspector General (OIG) released an evaluation of Project Gunrunner<sup>50</sup> and, among other things, recommended that ATF work with DOJ to develop a reporting requirement for multiple long gun sales<sup>51</sup> because Mexican Drug Trafficking Organizations have demonstrated a marked preference for military-style firearms capable of accepting high-capacity magazines.<sup>52</sup> The OIG also recommended that ATF focus its investigative efforts on more complex criminal conspiracies involving high-level traffickers rather than on low-level straw purchasers.

## Multiple Rifle Sales Reports

On December 17, 2010, DOJ and ATF published a “60-day emergency notice of information collection” in the *Federal Register*,<sup>53</sup> in which they requested that OMB review and clear a proposed information collection initiative by January 5, 2011, on an emergency basis under the Paperwork Reduction Act of 1995.<sup>54</sup> While OMB initially denied ATF emergency approval, it later approved the initiative on July 11, 2011. Under this initiative, ATF is poised to require federal firearms licensees (FFLs) in Southwest border states to report to ATF whenever they make multiple sales or other dispositions of more than one rifle within five consecutive business days to an unlicensed person. Such reporting would be limited to firearms that are (1) semiautomatic, (2) chambered for ammunition of greater than .22 caliber, and (3) capable of accepting a detachable magazine. In addition, while ATF originally requested a one-year “pilot” program,<sup>55</sup> OMB approved the initiative for a three-year period (through July 31, 2014).<sup>56</sup> However, some Members of Congress oppose the multiple rifle sales reporting requirement.<sup>57</sup> They maintain that if Congress authorized multiple handgun sales reporting in statute in 1986, then it is incumbent upon ATF to request that Congress provide it with similar statutory authority for a multiple rifle sales reporting requirement.<sup>58</sup> During the markup of H.R. 2596, the House Committee on

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<sup>49</sup> Ibid.

<sup>50</sup> U.S. Department of Justice, Office of the Inspector General, *Review of ATF’s Project Gunrunner*, I-2011-001, November 2010, <http://www.justice.gov/oig/reports/ATF/e1101.pdf>.

<sup>51</sup> Ibid, p. 40.

<sup>52</sup> Ibid, p. 38.

<sup>53</sup> Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “60-Day Emergency Notice of Information Collection Under Review: Report of Multiple Sale or Other Disposition of Certain Rifles,” *75 Federal Register* 79021, December 17, 2010.

<sup>54</sup> For further information, see CRS Report R40636, *Paperwork Reduction Act (PRA): OMB and Agency Responsibilities and Burden Estimates*, by Curtis W. Copeland and Vanessa K. Burrows.

<sup>55</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, “Acting Director Announces Demand Letters for Multiple Sales of Specific Long Guns in Four Border States,” news release, December 20, 2010.

<sup>56</sup> Office of Management and Budget, Office of Information and Regulatory Affairs, *Reviews Completed in the Last 30 Days, DOJ-ATF, Report of Multiple Sale or Other Disposition of Certain Semi-Automatic Rifles*, OMB Control Number: 1140-0100, available at <http://www.reginfo.gov/public/do/PRAMain;jsessionid=9f8e89cb30d6399089b4c8ac4da993b6c0e60ddbfeff2.e340bxiKbN0Sci0SbhaSa3aLchr0n6jAmljGr5XDqQLvpAe>.

<sup>57</sup> Congressional Documents and Publications, “Rehberg Leads Bipartisan Letter to ATF Questioning New Firearm Dealer Regulations,” Representative Denny Rehberg news release, December 23, 2010.

<sup>58</sup> Ibid.

Appropriations adopted an amendment that would prohibit ATF from implementing its multiple rifle sales reporting requirement.<sup>59</sup>

## Operation Fast and Furious

In February 2011, ATF and Project Gunrunner came under renewed scrutiny for a Phoenix, AZ-based investigation known as Operation Fast and Furious.<sup>60</sup> ATF whistleblowers have alleged that suspected straw purchasers were allowed to amass relatively large quantities of firearms as part of long-term gun trafficking investigations.<sup>61</sup> As a consequence, some of these firearms are alleged to have “walked,” meaning that they were trafficked to gunrunners and other criminals before ATF moved to arrest the suspects and seize all of their contraband firearms.<sup>62</sup> Some of these firearms were possibly smuggled into Mexico.<sup>63</sup> Two of these firearms—AK-47 style rifles—were reportedly found at the scene of a shootout near the U.S.-Mexico border where U.S. Border Patrol Agent Brian Terry was shot to death.<sup>64</sup> Press accounts assert that ATF has acknowledged that as many as 195 firearms that were purchased by persons under ATF investigation as part of Operation Fast and Furious were recovered in Mexico.<sup>65</sup> Questions, moreover, have been raised about whether a firearm—an AK-47 style handgun—that was reportedly used to murder U.S. ICE Special Agent Jamie Zapata and wound Special Agent Victor Avila in Mexico on February 15, 2011, was initially trafficked by a subject of a Houston, TX-based ATF Project Gunrunner investigation.<sup>66</sup>

On June 14, 2011, Representative Darrell E. Issa and Senator Charles E. Grassley issued a joint staff report on Operation Fast and Furious,<sup>67</sup> which chronicled that ATF line supervisors became increasingly concerned when they witnessed hundreds of firearms being illegally transferred during surveillance operations, but they were reportedly directed not to arrest the suspects and interdict those firearms. Those agents contend that this was a questionable departure from past investigative practices. On June 15, 2011, the House Committee on Oversight and Government Reform held a hearing on these matters. Representative Issa, chairman of the committee, expressed his concern that DOJ had not been entirely cooperative with his committee’s efforts to investigate how some of those firearms found their way to crime scenes in Mexico and on the Southwest border. Following the hearing, on June 29, 2011, Representative Elijah E. Cummings, the committee’s ranking minority Member, issued a report and held a forum during which the

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<sup>59</sup> Section 542 of H.R. 2596.

<sup>60</sup> James V. Grimaldi and Sari Horwitz, “ATF Probe Strategy Is Questioned,” *Washington Post*, February 2, 2011, p. A04.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> John Solomon, David Heath, and Gordon Witkin, “ATF Let Hundreds of U.S. Weapons Fall Into Hands of Suspected Mexican Gunrunners: Whistleblower Says Agents Strongly Objected to Risky Strategy,” Center for Public Integrity.

<sup>64</sup> *Ibid.*

<sup>65</sup> Kim Murphy and Ken Ellingwood, “Mexico Demands Answers on Guns,” *Chicago Tribune*, March 11, 2011, p. 13.

<sup>66</sup> *Ibid.*

<sup>67</sup> U.S. Congress, Joint Staff Report, *Department of Justice’s Operation Fast and Furious: Accounts of ATF Agents*, prepared for Representative Darrell E. Issa, Chairman, United States House of Representatives, Committee on Oversight and Government Reform, and Senator Charles E. Grassley, Ranking Member, United States Senate, Committee on the Judiciary, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., June 14, 2011, [http://oversight.house.gov/images/stories/Reports/ATF\\_Report.pdf](http://oversight.house.gov/images/stories/Reports/ATF_Report.pdf).

minority explored issues raised by some of those same ATF line supervisors, who had suggested during the House hearing that the penalties for firearm straw purchases under current law are arguably not stringent enough. The minority also discussed other gun control proposals related to gun shows, semiautomatic assault weapons, .50-caliber sniper rifles, and additional penalties for gun trafficking offenses.<sup>68</sup>

On July 26, 2011, the House Committee on Oversight and Government Reform held a follow-up hearing on Operation Fast and Furious. As preceded the earlier hearing, a joint staff report was issued.<sup>69</sup> This report found that ATF and DOJ leadership had not informed its own Attaché serving in Mexico City, the U.S. Ambassador to Mexico, nor the Mexican authorities about the investigation.<sup>70</sup> As recovered firearms in Mexico increased, the ATF Attaché in Mexico City became more alarmed and contacted his superiors at ATF headquarters to express his grave concerns about the implications that this increased flow of illegal firearms could have for both Mexican and U.S. law enforcement officers as well as the public on both sides of the border. He and others were told by both ATF and DOJ officials that the investigation was under control and was having positive results.<sup>71</sup> As noted above, however, Border Patrol Agent Terry was killed in a firefight in December 2010, and firearms connected to Operation Fast and Furious were found at the site of that firefight.

According to the *Washington Post*, the investigation ultimately involved 2,020 firearms, of which 227 have been recovered in Mexico and 363 have been recovered in the United States.<sup>72</sup> So far, Operation Fast and Furious has resulted in indictments of 20 individuals on multiple counts of straw purchasing and other federal offenses.<sup>73</sup> ATF officials maintain that the investigation has yet to be concluded and additional arrests of “high-level traffickers” may be forthcoming.<sup>74</sup>

As Senator Grassley originally called for, the House Committee on Appropriations included report language that recommends the appointment of “an outside, independent investigator,” who would be charged with conducting “a thorough investigation of the allegations against ATF with respect to Operation Fast and Furious and policies guiding this and similar operations.”<sup>75</sup> In addition, the committee called on both DOJ and ATF to cooperate fully with related oversight investigations, whether they be conducted by congressional committees, the DOJ OIG, or an

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<sup>68</sup> U.S. Congress, House Oversight and Government Reform Committee, Minority Staff Report, *Outgunned: Law Enforcement Agents Warn Congress They Lack Adequate Tools to Counter Illegal Firearms Trafficking*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., June 30, 2011, available at <http://democrats.oversight.house.gov/images/stories/OUTGUNNED%20Firearms%20Trafficking%20Report%20-%20Final.pdf>. On July 15, 2011, Representative Carolyn B. Maloney introduced the Stop Gun Trafficking and Strengthen Law Enforcement Act of 2011 (H.R. 2554). Original cosponsors included Representative Cummings and Representative Carolyn McCarthy.

<sup>69</sup> U.S. Congress, Joint Staff Report, *Department of Justice’s Operation Fast and Furious: Fueling Cartel Violence*, prepared for Representative Darrell E. Issa, Chairman, United States House of Representatives, Committee on Oversight and Government Reform and Senator Charles E. Grassley, Ranking Member, United States Senate, Committee on the Judiciary, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., July 26, 2011.

<sup>70</sup> *Ibid.*, p. 27.

<sup>71</sup> *Ibid.*

<sup>72</sup> Sari Horwitz, “A Gunrunning Sting Gone Fatally Wrong: Operation Meant to Seize Firearms Bound for Cartels Allows Weapons into the Streets,” *Washington Post*, July 26, 2011, p. A1.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> H.Rept. 112-169, p. 57.

independent investigator.<sup>76</sup> In report language, the Senate Committee stated that the OIG would fulfill its oversight duties, and that Operation Fast and Furious was but a small part of ATF's Southwest border operations, which should not detract from the agency's efforts to protect Americans from illegal gun trafficking and other forms of cross-border crime.<sup>77</sup> Nevertheless, Operation Fast and Furious has led to the reassignment of Acting ATF Director Kenneth Melson to another part of DOJ.<sup>78</sup>

### Importability of Certain Shotguns

In addition, in January 2011, ATF released a report on the importability of certain shotguns that include features (e.g., pistol grips, folding or collapsible stocks, laser sights, and the ability to accept large capacity ammunition feeding devices) that ATF has determined to be non-sporting.<sup>79</sup> In the past, ATF issued similar reports on semiautomatic firearms that were considered to be "assault weapons," which foreshadowed and justified further restrictions on the importation of such firearms. Some observers anticipated that ATF was poised to implement similar restrictions on the importation of shotguns. To prevent this from happening, the House Committee on Appropriations adopted an amendment during the committee's markup that would prevent ATF from implementing new restrictions on the importation of shotguns.<sup>80</sup>

### Other Possible Oversight Issues

Finally, the DOJ OIG has reported on two other oversight issues that could arise during congressional consideration of the ATF FY2012 request. Those issues include ATF's shared jurisdiction with the FBI for explosives investigations,<sup>81</sup> and its efforts to fulfill its Emergency Support Function (ESF) #13 obligations under the National Response Framework.<sup>82</sup> With regard to explosives, the OIG found that DOJ's ability to respond effectively to crimes involving explosives had been hindered, because the ATF and FBI had developed parallel capabilities, but had not adequately coordinated investigations.<sup>83</sup> With regard to ESF #13, the OIG found that ATF had drafted a concept of operations plan, but it was incomplete as of March 2010.<sup>84</sup> As a consequence, national and regional coordinators had not been appointed, operational training had

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<sup>76</sup> Ibid.

<sup>77</sup> S.Rept. 112-78, p. 59.

<sup>78</sup> David Harrison, "ATF Head is Reassigned; Issa Says Probe Will Continue," *CQ Today*, August 30, 2011.

<sup>79</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Firearms and Explosives Industry Division, *ATF Study on the Importability of Certain Shotguns*, January 2011, available at <http://www.atf.gov/firearms/industry/january-2011-importability-of-certain-shotguns.pdf>.

<sup>80</sup> Section 539 of H.R. 2596.

<sup>81</sup> U.S. Department of Justice, Office of the Inspector General, *Explosives Investigation Coordination Between the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives*, Audit Report 10-01, October 2009.

<sup>82</sup> U.S. Department of Justice, Office of the Inspector General, *Review of the Department's Preparation to Respond to a WMD Incident*, May 2010, Evaluations and Inspections Report I-2010-004, May 2010.

<sup>83</sup> For OIG finding, see *Explosives Investigation Coordination Between the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives*, October 2009, Audit Report 10-01, p. 12.

<sup>84</sup> Among other things, the ATF anticipates leveraging federal, state, and local law enforcement assets to (1) secure an incident site and critical facilities; (2) credential authorized emergency responders and provide for their safety; and (3) control incoming and outgoing traffic. For OIG finding, see Ibid. and *Review of the Department's Preparation to Respond to a WMD Incident*, Evaluations and Inspections Report I-2010-004, May, 2010, p. 32.

not been provided, available resources had not been catalogued (including law enforcement officers who would be available for deputization), and preparedness had not been tested as part of any national level exercises.<sup>85</sup>

## Federal Prison System (Bureau of Prisons)

The Bureau of Prisons (BOP) was established in 1930 to house federal inmates, to professionalize the prison service, and to ensure consistent and centralized administration of the federal prison system.<sup>86</sup> The mission of BOP is to protect society by confining offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities for inmates so that they can become productive citizens after they are released.<sup>87</sup> BOP currently operates 116 correctional facilities across the country.<sup>88</sup> BOP also contracts with Residential Re-entry Centers (RRC) (i.e., halfway houses) to provide assistance to inmates nearing release.<sup>89</sup> RRCs provide inmates with a structured and supervised environment along with employment counseling, job placement services, financial management assistance, and other programs and services.<sup>90</sup>

Congress funds BOP's operations through two accounts under the Federal Prison System heading: Salaries and Expenses (S&E) and Buildings and Facilities (B&F). The S&E account (i.e., the operating budget) provides for the custody and care of federal inmates and for the daily maintenance and operations of correctional facilities, regional offices, and BOP's central office in Washington, DC. It also provides funding for the incarceration of federal inmates in state, local, and private facilities. The B&F account (i.e., the capital budget) provides funding for the construction of new facilities and the modernization, repair, and expansion of existing facilities. In addition to appropriations for the S&E and B&F accounts, Congress usually places a cap on the amount of revenue generated by the Federal Prison Industries (FPI)<sup>91</sup> that can be used for administrative expenses in the annual CJS appropriations bill. Although Congress does not appropriate funding for the administrative expenses of FPI, the administrative expenses cap is scored as enacted budget authority.

The Senate-passed minibus includes \$6.682 billion for BOP, which includes \$6.59 billion for the S&E account and \$90.0 million for the B&F account. The amount recommended by the Senate is 4.3% more than the amount included in the House committee-reported bill and 4.7% more than the bureau's FY2011 appropriation, but it is 2.1% less than the Administration's FY2012 request. The House committee-reported bill includes \$6.408 billion for BOP, which includes \$6.306 billion for the S&E account and \$98.9 million for the B&F account. The committee's recommendation for BOP is 6.1% below the Administration's FY2012 request, but 0.4% greater than BOP's FY2011 appropriation. For FY2012, the Administration requests a total of \$6.826 billion for BOP, which includes \$6.724 billion for the S&E account and \$99.4 million for the

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<sup>85</sup> Ibid.

<sup>86</sup> U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

<sup>87</sup> U.S. Department of Justice, Bureau of Prisons, *Mission and Vision of the Bureau of Prisons*, <http://www.bop.gov/about/mission.jsp>.

<sup>88</sup> U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

<sup>89</sup> U.S. Department of Justice, Bureau of Prisons, *Community Corrections*, <http://www.bop.gov/locations/cc/index.jsp>.

<sup>90</sup> Ibid.

<sup>91</sup> For more information on FPI, see CRS Report RL32380, *Federal Prison Industries*, by Nathan James.

B&F account. The FY2012 request is \$442.3 million above the FY2011-enacted amount of \$6.384 billion, or 6.9% more than FY2011-enacted funding. The proposed amount for the S&E account is \$441.9 million more than the FY2011-enacted amount of \$6.282 billion, and the proposed funding for the B&F account is \$0.4 million more than the FY2011-enacted amount of \$99.0 million.

The growing federal prison population and prison crowding continue to be a major concern for BOP. The number of inmates held in BOP facilities grew from 125,560 in FY2000 to 177,934 in FY2011.<sup>92</sup> During that same time period, prison crowding grew from 32% over rated capacity to 39% over rated capacity, even though the number of facilities operated by BOP increased from 97 to 117.<sup>93</sup> BOP estimates that by FY2018 the federal prison system will be operating at 41% over rated capacity.<sup>94</sup> The growing federal prison population has not only resulted in more crowded prisons, but it has also strained BOP's ability to properly manage and care for federal inmates. BOP reports that the staff-to-inmate ratio has increased from 3.57 to 1 in FY1997 to 4.82 to 1 in FY2010.<sup>95</sup> As a point of comparison, BOP reports that in FY2007, the five states with the largest prison populations had a staff-to-inmate ratio of 3.33 to 1.<sup>96</sup> The growing federal prison population has also required BOP to dedicate more resources to caring (e.g., providing health care, food, and clothing) and providing programming (e.g., substance abuse treatment, educational programming, and work/vocational opportunities) for inmates. In addition, the Second Chance Act of 2007 (P.L. 110-199) required BOP to develop comprehensive reentry planning for federal inmates.

In order to meet the demands placed on it by a growing inmate population and legislative requirements, the Administration requests \$256.0 million in program changes. The additional funding would be used to cover costs associated with more inmates in the federal system (\$32.4 million), activate three new facilities (\$140.4 million),<sup>97</sup> increase staffing levels in existing federal prisons (\$109.8 million), and expand residential substance abuse treatment and vocational education (\$22.2 million). The House committee-reported bill does not contain funding for most of these activities. As noted above, the House Committee on Appropriations proposes to increase BOP's FY2012 appropriation by \$30.0 million, which is less than the amount the Administration requested to cover the costs associated with the growing federal prison population. The committee directs BOP to prioritize the activation of two completed federal prisons within the amounts that would be provided by the committee.<sup>98</sup> As noted above, the Senate would increase BOP's S&E account by nearly \$308 million compared to FY2011 funding. The Senate Committee on Appropriations notes in its report that it is providing BOP with enough funding to fill 274 vacant correctional worker position, so that BOP can safely manage the federal prison population and hire enough correctional staff to meet the 90% on-board level of staffing recognized by BOP

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<sup>92</sup> Data provided to CRS from the U.S. Department of Justice, Bureau of Prisons.

<sup>93</sup> Ibid.

<sup>94</sup> U.S. Department of Justice, Bureau of Prisons, *FY2012 Performance Budget, Congressional Submission, Salaries and Expenses*, p. 2, <http://www.justice.gov/jmd/2012justification/pdf/fy12-bop-se-justification.pdf>.

<sup>95</sup> Ibid., p. 9.

<sup>96</sup> Ibid.

<sup>97</sup> The requested funding for activating three new prisons assumes that BOP purchased a high-security facility in Thomson, IL. Congress did not provide funding for the purchase of this facility.

<sup>98</sup> U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2012*, Report to accompany H.R. 2596, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., July 20, 2011, H.Rept. 112-169 (Washington: GPO, 2011), p. 57.

as the minimal level of staffing required to properly administer the federal prison system.<sup>99</sup> The committee also includes funding for BOP to activate prisons that have been built but have not been opened due to current budgetary constraints.<sup>100</sup>

## Office on Violence Against Women (OVW)

The OVW was created to administer programs created under the Violence Against Women Act (VAWA) of 1994 and subsequent legislation. These programs provide financial and technical assistance to communities around the country to facilitate the creation of programs, policies, and practices designed to improve criminal justice responses related to domestic violence, dating violence, sexual assault, and stalking. The Senate-passed bill includes a total of \$438.2 million for OVW, which includes \$417.7 for OVW grant programs, and \$20.6 million in a separate account for OVW's salaries and expenses. The total amount recommended by the committee is 0.2% less than the amount recommended by the House Committee on Appropriations, 1.5% more than the Administration's request and 4.9% more than the FY2011 appropriation. The House Committee on Appropriations recommends \$437.2 million for OVW for FY2012, but this includes \$20.0 million for OVW's salaries and expenses, which were funded out of a separate appropriation for FY2011 (see **Table 3**). The committee-recommended amount is 1.3% above the FY2012 request and 4.7% more than the FY2011-enacted appropriation. The Administration requests \$431.8 million for OVW for FY2012, which is 3.4% more than the FY2011-enacted appropriation of \$417.7 million.

The Administration's request and the FY2011 appropriation do not include any salaries and expenses funding that was transferred from the OVW, OJP, and COPS Salaries and Expenses account (see **Table 3**). Hence, the House committee-reported amount, which includes a salaries and expenses line item, appears to recommend more for OVW for FY2012, but if the salaries and expenses funding is not considered, the House committee-reported amount is comparable to the FY2011-enacted amount and less than the Administration's request. The Senate did not include funding for OVW's salaries and expenses under the Office on Violence Against Women account like the House Committee on Appropriations did in its bill. Instead, the Senate included \$20.6 million for OVW's salaries and expenses in a separate account.

As a part of the FY2012 request for OVW, the Administration proposes to consolidate four existing grant programs—Services to Advocate for and Respond to Youth (\$3.5 million), Services for Children Exposed to Violence (\$3.0 million), Engaging Men and Youth in Prevention (\$3.0 million), and Supporting Teens Through Education and Protection (\$2.5 million)—into one competitive grant program. According to the Administration, the program will allow OVW to “leverage resources for maximum impact in communities by funding comprehensive projects that include both youth service and prevention components.”<sup>101</sup> The Administration requests \$14.0 million for this proposed competitive grant program. The House Committee on Appropriations did not follow the Administration's proposal. Rather, the committee recommends appropriating

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<sup>99</sup> U.S. Congress, Senate Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Commerce and Justice, and Science, and Related Agencies Appropriations Bill, 2012*, Report to accompany S. 1572, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., September 15, 2011, S.Rept. 112-78 (Washington: GPO, 2011), p. 61.

<sup>100</sup> *Ibid.*, p. 62.

<sup>101</sup> U.S. Department of Justice, Office on Violence Against Women, *FY2012 Performance Budget, Congressional Submission*, p. 9, <http://www.justice.gov/jmd/2012justification/pdf/fy12-ovw-justification.pdf>.

funding for each program the Administration sought to consolidate. The Senate recommends \$10.0 million for the Administration's proposed program.

**Table 4. Funding for OVW Programs**

(budget authority in millions of dollars)

Program	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
STOP Grants	\$209.6	\$182.0	\$209.8	\$194.0	
National Institute of Justice (R&D)	3.0	—	3.0	—	
Transitional Housing Assistance	18.0	—	17.9	—	
Children Exposed to Violence Initiative	—	—	—	10.0	
National Institute of Justice (R&D)	—	3.0	—	3.0	
Transitional Housing Assistance	—	25.0	—	25.0	
Grants to Encourage Arrest Policies	59.9	47.5	54.9	45.9	
Homicide Reduction Initiative	—	—	—	5.0	
Rural Domestic Violence Assistance Grants	40.9	38.0	41.0	34.0	
Violence on College Campuses	9.5	9.5	9.5	9.0	
Civil Legal Assistance	40.9	50.0	41.0	45.0	
Sexual Assault Victims Services	15.0	35.0	20.0	25.0	
Elder Abuse Grant Program	4.2	4.3	4.3	4.0	
Safe Havens Project	14.0	11.3	11.7	11.3	
Education and Training for Disabled Female Victims	6.7	5.8	5.8	5.0	
Court Training and Improvement	3.0	5.0	5.0	4.0	
Family Court Initiative	—	—	—	1.0	
Research on Violence Against Indian Women	— <sup>a</sup>	1.0	1.0	1.0	
Consolidated Youth Oriented Program	—	14.0	—	10.0	
Services for Children/Youth Exposed to Violence	3.0	—	3.0	—	
Advocates for Youth/ Services for Youth Victims	3.5	—	3.5	—	
National Tribal Sex Offender Registry	1.0	—	—	—	
Engaging Men and Youth in Prevention	3.0	—	3.0	—	
National Resource Center on Workplace Responses	1.0	—	1.0	1.0	
Supporting Teens Through Education and Protection	2.5	—	2.5	—	
National Clearinghouse to Provide Training and Technical Assistance on Issues Related to Violence Against American Indian and Native Alaskan Women	—	0.5	—	—	

Program	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
Indian Country Sexual Assault Clearinghouse	—	—	0.5	1.0	
OVW Salaries and Expenses <sup>b</sup>	—	—	20.0	—	
<b>Total: OVW</b>	<b>417.7</b>	<b>431.8</b>	<b>437.2</b>	<b>417.7</b>	

**Source:** FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10. FY2012-requested amounts were taken from the Office on Violence Against Women’s FY2012 Congressional budget submission. House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Note:** Amounts may not add to totals due to rounding. The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

- a. See **Table 6** for FY2011-enacted funding for this program.
- b. The Senate-passed bill includes \$20.6 million for OVW’s salaries and expenses in a separate OVW Salaries and Expenses account.

## Office of Justice Programs (OJP)

The OJP manages and coordinates the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crimes, Bureau of Justice Assistance, and related grant programs. The Senate recommends a total of \$1.632 billion for OJP, and amount that is 24.7% greater than the amount recommended by the House Appropriations Committee, but 4.6% less than the Administration’s request and 3.9% less than the FY2011 appropriation. The House Committee on Appropriations recommends \$1.309 billion for OJP for FY2012, an amount that is 23.5% less than the Administration’s FY2012 request and 22.9% less than the FY2011 appropriation for OJP. The committee also proposes to consolidate funding for juvenile justice and COPS programs under the State and Local Law Enforcement Assistance account. The FY2012 requested appropriation for OJP is \$1.715 billion. The request is \$17.4 million, or 1.0%, more than what was appropriated for FY2011.

One issue Congress might consider as it debates FY2012 funding for OJP is whether to reduce funding for some or all grant programs. Recently, Congress has sought to reduce non-security discretionary spending as a means of reigning-in federal deficits and accounts that fund DOJ grant programs have been targeted for potential cuts. Proposals to reduce or eliminate funding for DOJ grant programs has stirred some measure of controversy. In general, opponents of cuts assert that these grant programs provide assistance to state and local governments to fight crime and provide for the safety of the American populace and this aid is needed more now than ever given that many states are facing budget shortfalls. Proponents for cuts to DOJ grant programs argue that states are responsible for the administration of their criminal justice systems and it is not the federal government’s role to support state efforts to investigate crimes and prosecute and sanction offenders, especially at a time when the federal government is borrowing to finance the annual budget.

## Justice Assistance

The Justice Assistance account, among other things, funds the operations of the Bureau of Justice Statistics and the National Institute of Justice, along with providing assistance to missing and

exploited children programs. The Senate-passed bill includes \$121.0 million for the Justice Assistance account, which is 33.7% less than the House committee-reported amount, 32.2% less than the Administration’s request and 48.4% less than the FY2011 appropriation. The Senate Committee on Appropriation recommends funding the missing and exploited children’s program under the Juvenile Justice Programs account rather than the Justice Assistance account, where the program has traditionally received its appropriation. The House committee-reported bill includes \$182.4 million for the Justice Assistance account. The committee’s proposal is 2.2% greater than the Administration’s request, but 22.2% below the FY2011-enacted amount. For FY2012, the Administration requests \$178.5 million for the Justice Assistance account, which is 23.9% less than the FY2011 appropriation of \$234.5 million.

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

Program	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
Bureau of Justice Statistics	\$59.9	\$57.5	\$46.6	\$45.0	
National Institute of Justice	47.9	55.0	41.0	40.0	
Statewide Automated Victim Notification System	12.0	—	—	—	
Regional Information Sharing System	44.9	— <sup>a</sup>	25.0	35.0	
Missing and Exploited Children	69.9	60.0	69.9	— <sup>b</sup>	
State and Local Help Desk and Diagnostic Center Program	—	6.0	—	—	
Evaluation Clearinghouse	—	—	—	1.0	
<b>Total: Justice Assistance</b>	<b>234.5</b>	<b>178.5</b>	<b>182.4</b>	<b>121.0</b>	

**Source:** FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10. FY2012-requested amounts were taken from the Office of Justice Program’s FY2012 Congressional budget submission. House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Note:** Amounts may not add to totals due to rounding. The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

- a. See **Table 6** for FY2012-requested funding for this program.
- b. See **Table 7** for the Senate committee-reported amount for this program.

### State and Local Law Enforcement Assistance

The State and Local Law Enforcement Assistance account includes funding for a variety of grant programs to improve the functioning of state, local, and tribal criminal justice systems. Some examples of programs that have traditionally been funded under this account include the Edward Byrne Memorial Justice Assistance Grant (JAG) program, the Drug Courts program, and the State Criminal Alien Assistance Program (SCAAP). The Senate-passed bill includes \$1.063 billion for the State and Local Law Enforcement Assistance account, an amount that is 9.9% more than the amount recommended by the House Committee on Appropriations, but 9.4% less than the Administration’s request and 4.9% less than the FY2011-enacted appropriation. However, the Senate did not include funding for OJP’s salaries and expenses under the State and Local Law

Enforcement Assistance account like the House Committee on Appropriations did in its bill. Instead, the Senate included \$78.3 million for OJP's salaries and expenses in a separate account. The House Committee on Appropriations recommends \$1.048 billion for the State and Local Law Enforcement Assistance account for FY2012, which includes \$79.9 million for OJP's salaries and expenses. This amount is 10.7% less than the Administration's FY2012 request and 6.3% less than the FY2011 appropriation. The Administration requests a total of \$1.174 billion for the State and Local Law Enforcement Assistance account for FY2012, which is \$55.7 million, or 5.0%, more than the FY2011 appropriation for this account (\$1.118 billion).

As mentioned above, the House Committee on Appropriations recommends consolidating funding for juvenile justice and COPS grants under the State and Local Law Enforcement Assistance account. For example, the House Committee on Appropriations includes \$40.0 million for juvenile justice state formula grants and \$82.9 million for youth mentoring grants under the State and Local Law Enforcement Assistance account. FY2011 appropriations for both programs were a part of the Juvenile Justice Programs account. Moreover, the House Committee on Appropriations includes \$125.2 million for the Debbie Smith DNA Backlog Grant program and \$20.0 million for a tribal law enforcement programs under the State and Local Law Enforcement Assistance account. In FY2011, appropriations for both of these programs were a part of the Community Oriented Policing Services account.

As a part of the FY2012 request for the State and Local Law Enforcement Assistance account, the Administration does not request funding for both the drug court and mental health court programs. Rather, the Administration requests \$57.0 million for a proposed drug, mental health, and problem-solving courts program. Under the program, OJP would have, according to the Administration, "increased flexibility in funding innovative projects [to] help state, local, and tribal governments develop and implement evidence-based problem solving courts strategies to address their unique needs."<sup>102</sup> The House Committee on Appropriations did not follow the Administration's request. Instead, the committee recommends \$40.0 million for drug courts and \$10.0 million for mental health courts. While the Senate Committee on Appropriations did not propose to consolidate juvenile justice and COPS funding under the State and Local Law Enforcement Assistance account, the committee-reported bill did include a proposal to move funding for several programs that have traditionally received their appropriations under the COPS account (e.g., funding to reduce DNA backlogs and the bulletproof armor vest grant program) to the State and Local Law Enforcement Assistance account.

The Administration also requests funding a proposed Byrne Criminal Justice Innovation (BCJI) Program. This program would replace and build upon the Weed and Seed program (the Weed and Seed program was not funded for FY2011). Like Weed and Seed, the proposed BCJI program is a community-based strategy to control and prevent violent crime, drug abuse, and gang activity in designated high-crime neighborhoods by providing funding to support partnerships between law enforcement agencies and community-based organizations that provide prevention, intervention, and neighborhood restoration services. The program will utilize evidence-based strategies in order to expand knowledge of what efforts and services do and do not work to prevent crime. The program will also include a significant emphasis on interagency collaboration. The House Committee on Appropriations chose not to recommend funding for this program, but the Senate Committee on Appropriations included

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<sup>102</sup> U.S. Department of Justice, Office of Justice Programs, *FY2012 Performance Budget*, p. 56, <http://www.justice.gov/jmd/2012justification/pdf/fy12-ojp-justification.pdf>.

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

Program	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
Byrne Memorial Justice Assistance Grants	\$429.9	\$519.0	\$356.9	\$395.0	
Transfer to the National Institute of Justice	4.1	—	—	—	
State and Local Intelligence Training	2.5	2.0	—	3.0	
Bulletproof Vests Grant Program	— <sup>a</sup>	30.0	—	—	
Domestic Radicalization Research	—	—	5.0	—	
Criminal Justice Reform and Recidivism Reduction	—	—	6.0	—	
Presidential Nominating Convention Security	—	—	4.0	—	
State and Local Assistance Help Desk and Diagnostic Center	—	—	—	4.0	
Smart Probation	—	—	—	5.0	
VALOR Initiative	—	—	—	3.0	
Byrne Competitive Grants	33.1	25.0	15.0	21.0	
State Criminal Justice Reform and Recidivism Reduction	8.3	—	—	—	
John R. Justice Grant Program	8.3	—	—	5.0	
Tribal Assistance	41.4	—	41.5	—	
Detention Facilities	8.3	—	8.3	—	
Courts	20.7	—	20.8	—	
Alcohol and Substance Abuse	9.9	—	10.0	—	
Legal Assistance	2.5	—	2.5	—	
State Criminal Alien Assistance Program	273.4	136.0	—	273.0	
Southwest Border Prosecutions	25.7	—	25.7	—	
Northern Border Prosecutions	2.5	—	—	—	
Border Prosecution Initiatives	—	—	—	20.0	
Victims of Trafficking Grants	10.4	10.0	10.5	10.5	
Residential Substance Abuse Treatment	24.9	30.0	15.0	10.0	
Mentally Ill Offenders Act	9.9	—	10.0	9.0	
Drug Courts	37.3	—	40.0	35.0	
Prescription Drug Monitoring	5.8	—	7.0	—	
Prison Rape Prevention and Prosecution	12.4	5.0	12.5	—	
Justice for All—Capital Litigation/Wrongful Conviction Review	4.6	5.5	1.0	4.0	
Missing Alzheimer’s Patient Grants	1.7	—	2.0	—	
Economic, High-tech and Cybercrime Prevention	16.6	—	4.0	10.0	

Program	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
CASA-Special Advocates	12.4	—	6.0	2.5	
Training for Judicial Personnel	2.1	—	—	1.5	
Stalking Database	2.5	—	—	—	
Research on Violence Against Indian Women	1.0	—	—	—	
Training Program to Assist Probation and Parole Officers	2.9	—	—	—	
Closed Circuit Television Grants	1.0	—	—	—	
Second Chance Act	82.8	100.0	69.9	—	
Violent Gang and Gun Crime Reduction	12.4	12.5	—	10.0	
National Instant Criminal Background Check System Grants	16.6	12.0	5.0	10.0	
National Criminal History Improvement Program (NCHIP)	9.5	12.0	6.0	8.0	
Paul Coverdell Forensic Science Grants	29.0	—	—	15.0	
Drug, Mental Health, and Problem-solving Courts	—	57.0	—	—	
Initiative to Support Evidence-based Policing	—	10.0	—	—	
Assistance to Improve the Functioning of the Criminal Justice System	—	8.0	—	—	
Justice Information Sharing and Technology Program	—	12.0	—	—	
Implementation of the Adam Walsh Act	—	30.0	—	23.0	
Programs for Children Exposed to Violence	—	25.0	—	10.0	
Byrne Criminal Justice Innovation Program	—	30.0	—	20.0	
DNA Initiative and Forensic Programs	—	110.0	—	—	
Regional Information Sharing System	— <sup>b</sup>	17.5	—	—	
National Sex Offender Public Website	— <sup>a</sup>	1.0	—	1.0	
Training and Technical Assistance Initiative for Law Enforcement on Domestic Radicalization	—	2.5	—	—	
Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative	—	3.5	—	—	
National Forum on Youth Violence Prevention	—	—	—	3.0	
Bulletproof Vests Grant Program	—	—	24.9 <sup>c</sup>	24.9 <sup>c</sup>	
JJDPA Part B—State Formula	—	—	40.0 <sup>d</sup>	—	
Youth Mentoring Grants	—	—	82.9 <sup>d</sup>	—	
Investigation and Prosecution of Child Abuse Programs	—	—	15.0 <sup>d</sup>	—	

Program	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
Methamphetamine Hot-spots/Transfer to the Drug Enforcement Administration	—	—	15.0 <sup>e</sup>	—	
DNA Backlog Reduction	—	—	133.5 <sup>f</sup>	131.0 <sup>f</sup>	
Debbie Smith DNA Backlog Grants	—	—	125.2 <sup>f</sup>	123.0 <sup>f</sup>	
Post-conviction DNA Testing Grants	—	—	4.2 <sup>f</sup>	4.0 <sup>f</sup>	
Sexual Assault Nurse Examiners	—	—	4.2 <sup>f</sup>	4.0 <sup>f</sup>	
Tribal Resources Grant Program	—	—	20.0 <sup>e</sup>	—	
Child Sexual Predator Program	—	—	9.0 <sup>e</sup>	—	
General State and Local Assistance	—	—	—	11.1	
OJP Salaries and Expenses <sup>g</sup>	—	—	79.9	—	
<b>Total: State and Local Law Enforcement</b>	<b>1,117.8</b>	<b>1,173.5</b>	<b>1,047.9</b>	<b>1,063.5</b>	

**Source:** FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10. FY2012-requested amounts were taken from the Office of Justice Program’s FY2012 Congressional budget submission. House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Note:** Amounts may not add to totals due to rounding. The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

- a. See **Table 8** for FY2011-enacted funding for this program.
- b. See **Table 5** for FY2011-enacted funding for this program.
- c. See **Table 8** for FY2011-enacted funding for this program. The Administration’s FY2012 request for this program is included under the Edward Byrne Memorial Justice Assistance Grant Program.
- d. See **Table 7** for FY2011-enacted funding and FY2012-requested funding for this program.
- e. See **Table 8** for FY2011-enacted funding and FY2012-requested funding for this program.
- f. See **Table 8** for FY2011-enacted funding for this program.
- g. The Senate-passed bill includes \$20.6 million for OJP’s salaries and expenses in a separate OJP Salaries and Expenses account.

## Juvenile Justice Programs

The Juvenile Justice Programs account includes funding for grant programs to reduce juvenile delinquency and help state, local, and tribal governments improve the functioning of their juvenile justice systems. The Senate recommends \$251.0 million for juvenile justice programs for FY2012. This amount is 8.9% less than the FY2011-enacted level of \$275.4 million and 10.4% less than the \$280.0 million requested by the Administration for FY2012. See **Table 7** for details on the Senate Committee on Appropriations’ recommendations for FY2012 juvenile justice funding.

For FY2012, the House Committee on Appropriations is not recommending funding for juvenile justice programs under a separate Juvenile Justice Programs account. Instead, several programs that have been previously funded under this account—including the Juvenile Justice and Delinquency Prevention Act (JJDNA) Part B Formula Grants, Juvenile Justice Youth Mentoring

Grants, and Investigation and Prosecution of Child Abuse Programs—would be funded under the Office of Justice Programs’ State and Local Law Enforcement Assistance account. See **Table 6** for proposed funding.

For FY2012, the Administration’s request includes \$280.0 million for the Juvenile Justice Programs account, almost \$4.6 million (or 1.7%) more than the \$275.4 million appropriated for this account for FY2011. For FY2012, the Administration’s request includes a proposal for a new Race to the Top-style Juvenile Incentive System Improvement Grant that consolidates existing juvenile justice formula funding from the JJDP Part B Formula Grants program as well as the Juvenile Accountability Block Grant (JABG) program. This new program would be aimed at incentivizing states for making progress on certain indicators in the juvenile justice system. Proposed funding would only be available for states in compliance with core mandates from the JJDPA.<sup>103</sup> Neither the Senate or House Committee on Appropriations adopted the Administration’s proposal.

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<sup>103</sup> In an April 1, 2011, press release, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) announced that it was amending its FY2012 proposal for the Juvenile Justice System Incentive Grant Program. Instead of requesting \$120 million for the program, OJJDP proposed that the FY2012 request for the Juvenile Justice Programs account include \$80 million for Part B Formula Grants, \$30 million for JABG, and \$10 million for a demonstration program to encourage innovation and juvenile justice system improvements. The amendment was prompted by feedback OJJDP received from states, the juvenile justice community, and congressional offices. However, the Administration has not submitted a formal amendment to its FY2012 request for the Juvenile Justice Programs account. As such, **Table 7** reflects the Administration’s original request for FY2012 funding for the Juvenile Justice Programs account. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Administration Revises Proposal on Race to the Top Funding for Juvenile Justice*, April 1, 2011, <http://www.ojjdp.gov/enews/11juvjust/110401.html>.

**Table 7. Funding for Juvenile Justice Programs**

(budget authority in millions of dollars)

Program	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
Part B—State Formula	\$62.1	—	— <sup>a</sup>	\$45.0	
Part E—Demonstration Projects	—	—	—	—	
Youth Mentoring Grants	82.8	45.0	— <sup>a</sup>	55.0	
Title V—Incentive Grants	53.8	62.0	—	33.0	
Tribal Youth	20.7	—	—	15.0	
Gang Prevention	8.3	—	—	8.0	
Alcohol Use Prevention	20.7	—	—	10.0	
Incentive Grants	4.1	—	—	—	
Investigation and Prosecution of Child Abuse Programs	18.6	20.0	— <sup>a</sup>	20.0	
Juvenile Accountability Block Grants	45.6	—	—	30.0	
Community-based Violence Prevention Initiative	8.2	15.0	—	8.0	
Safe Start	4.1	—	—	—	
Gang and Youth Violence Prevention and Intervention	—	12.0	—	—	
Juvenile Justice System Incentive Grant Program	—	120.0	—	—	
Grants and Technical Assistance in Support of the National Forum on Youth Violence Prevention	—	6.0	—	—	
Missing and Exploited Children Programs				60.0 <sup>b</sup>	
<b>Total: Juvenile Justice Programs</b>	<b>275.4</b>	<b>280.0</b>	<b>—</b>	<b>251.0</b>	

**Source:** FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10. FY2012-requested amounts were taken from the Office of Justice Program’s FY2012 Congressional budget submission. House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

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

- a. See **Table 6** for the House committee-reported amount for this program
- b. See **Table 5** for FY2011-enacted funding for this program.

### Public Safety Officers Benefits Program (PSOB)

The PSOB program provides three different types of benefits to public safety officers and their survivors: death, disability, and education. The PSOB program is intended to assist in the recruitment and retention of law enforcement officers, firefighters, and first responders and to offer peace of mind to men and women who choose careers in public safety. The Senate recommends \$78.3 million for PSOB, which is the same as the amount recommended by the House Committee on Appropriations and the Administration’s request and 11.7% more than the FY2011 appropriation. The House committee-reported bill includes \$78.3 million for PSOB, an

amount equal to the Administration's request and 11.7% more than the FY2011-enacted amount. The Administration requests \$83.3 million for PSOB for FY2012. The requested amount is 18.9% more than the FY2011 appropriation of \$70.1 million.

## **Community Oriented Policing Services (COPS)**

The COPS Office awards grants to state, local, and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies. Some examples of grant programs traditionally funded under this account include the Law Enforcement Technology grant program, the Methamphetamine Hot-Spots Initiative, and grants to reduce the DNA backlog. The Senate recommends \$231.5 million for COPS for FY2012. This amount is 65.4% less than the Administration's request and 53.2% less than the FY2011-appropriation. In addition, the Senate-passed bill includes \$24.5 million for COPS' salaries and expenses in a separate account. The House Committee on Appropriations did not include any funding for the Community Oriented Policing Services account in the FY2012 CJS bill. As mentioned above, the committee did recommend funding for some traditional COPS programs under the State and Local Law Enforcement Assistance account. For FY2012, the Administration requests \$669.5 million for COPS, which is 35.3% more than the FY2011 appropriation of \$494.9 million.

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

Program	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
COPS Hiring Program	\$246.8	\$600.0	—	\$200.0	
Tribal Resources Grant Program				28.0	
Community Policing Development				10.0	
COPS Technology and Interoperability	1.2	—	—	—	
Transfer to the National Institute of Standards and Technology	1.2	—	—	1.5	
Methamphetamine Hot Spots	12.4	—	—	—	
Transfer to the Drug Enforcement Administration	8.3	—	— <sup>a</sup>	10.0	
Tribal Meth Enforcement Grants	4.1	—	—	—	
Tribal Resources Grant Program	33.1	20.0	— <sup>a</sup>	20.0	
Bullet-proof Vests Grant Program	24.9	— <sup>b</sup>	—	—	
Transfer to the National Institute of Standards and Technology	1.2	—	—	—	
DNA Backlog Reduction	133.4	— <sup>b</sup>	— <sup>a</sup>	—	
Debbie Smith DNA Backlog Grants	125.1	—	— <sup>a</sup>	—	
Post-conviction DNA Testing Grants	4.1	—	— <sup>a</sup>	—	
Sexual Assault Nurse Examiners	4.1	—	— <sup>a</sup>	—	
Child Sexual Predator Elimination/ Sex Offender Management	19.9	9.0	— <sup>a</sup>	—	
Sex Offender Management	9.1	— <sup>b</sup>	—	—	
National Sex Offender Public Website	1.0	— <sup>b</sup>	—	—	
Secure Our Schools Act	13.3	10.0	—	—	
Community Policing Development	9.9	20.5	—	—	
Police Integrity Initiative	—	10.0	—	—	
<b>Total: Community Oriented Policing Services</b>	<b>494.9</b>	<b>669.5</b>	<b>—</b>	<b>231.5</b>	

**Source:** FY2012-enacted amounts are based on a CRS analysis of the text of P.L. 112-10. FY2012-requested amounts were taken from the Community Oriented Policing Services Office's FY2012 Congressional budget submission. House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

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

- a. See **Table 6** for the House committee-reported amount for this program,
- b. See **Table 6** for FY2012-requested funding for this program.

The Administration, as a part of its \$669.5 million request for COPS for FY2012, requests \$600.0 million for hiring programs, compared to the \$246.8 million Congress appropriated for the same purpose for FY2011. One issue before Congress as it considers the FY2012 appropriation for COPS is whether to fund the Administration's request for \$600.0 million for hiring programs. The COPS Office reported that it received nearly 7,300 applications requesting a total of \$8.3 billion to fund the hiring or retention of 39,000 police officers when it opened a solicitation to award the \$1.0 billion it received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).<sup>104</sup> The COPS Office used the \$298.0 million Congress appropriated for hiring programs for FY2010 to award grants to the more than 6,100 agencies that applied for stimulus funding but did not receive awards.<sup>105</sup> However, as discussed above, there is currently a debate about FY2012 funding for non-security discretionary spending, and if Congress chooses to reduce funding for DOJ, appropriations for some programs will have to be reduced or eliminated. Opponents of continuing funding for the COPS hiring program assert that law enforcement is largely the providence of state and local governments; therefore, they should be responsible for paying the salaries of police officers. Proponents of continuing funding for the program argue that there is a national interest in providing for the safety and security of U.S. citizens, hence Congress should help state and local governments hire new police officers. The House committee-reported bill did not include any funding for the COPS hiring program, but the Senate-passed bill includes \$200.0 million for hiring programs to help state, tribal, and local governments retain or hire new law enforcement officers.

## Salaries and Expenses for OVW, OJP, and COPS

This account provides for the salaries and expenses of OVW, OJP, and COPS. This account was funded for the first time in FY2009. Congress established a Salaries and Expenses account for OVW, OJP, and COPS to "achieve greater transparency, efficiency and accountability in the management, administration and oversight of the Justice Department grant programs."<sup>106</sup> Neither the Senate or House Committee on Appropriations proposed funding for a separate salaries and expenses account for OVW, OJP, and COPS. Rather, the Senate-passed bill includes funding for OVW, OJP, and COPS salaries and expenses under separate accounts while the House committee-reported bill includes funding for OVW and OJP's salaries and expenses under, respectively, the OVW and State and Local Law Enforcement Assistance accounts. The FY2012 request for this account is \$271.8 million, or 45.7% more than the FY2011 appropriation of \$186.6 million.

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<sup>104</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *2009 COPS Hiring Recovery Program Post-award Frequently Asked Questions*, <http://www.cops.usdoj.gov/Default.asp?Item=2265>.

<sup>105</sup> U.S. Department of Justice, Community Oriented Policing Services, *COPS Hiring Program (CHP), Background and Award Methodology*, <http://www.cops.usdoj.gov/Default.asp?Item=2552>.

<sup>106</sup> U.S. Congress, House Committee on Appropriations, *Omnibus Appropriations Act, 2009*, committee print, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 2009, Book 1 of 2 – Divisions A-E (Washington: GPO, 2009), p. 342.

## **Science Agencies<sup>107</sup>**

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

### **FY2011 and FY2012 Appropriations**

The Senate recommends a total of \$24.643 billion for the science agencies, which is 4.2% more than the amount recommended by the House Committee on Appropriations, but 7.0% less than the Administration's FY2012 request and 2.7% below the FY2011 appropriation. The bill reported by the House Committee on Appropriations includes a total of \$23.649 billion for the science agencies. This amount is \$2.848 billion, or 10.7%, less than the Administration's FY2012 request and \$1.665, or 6.6%, less than the FY2011-enacted amount. For FY2012, the Administration requests a total of \$26.498 billion for the science agencies, which includes \$18.724 billion for the National Aeronautics and Space Administration and \$7.767 billion for the National Science Foundation. The FY2012 request is 4.7% greater than the FY2011 appropriation of \$25.315 billion.

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<sup>107</sup> This section was coordinated by John F. Sargent, Jr., Specialist in Science and Technology Policy; CRS Resources, Science, and Industry Division.

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

Accounts	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
Office of Science and Technology Policy (OSTP)	\$6.6	\$6.7	\$3.0	\$6.0	
National Aeronautics and Space Administration (NASA)	18,448.0	18,724.3	16,793.4	17,938.8	
National Science Foundation (NSF)	6,859.9	7,767.0	6,853.0	6,698.1	
<b>Total: Science Agencies</b>	<b>25,314.5</b>	<b>26,498.0</b>	<b>23,649.5</b>	<b>24,642.9</b>	

**Source:** FY2011-enacted amounts, FY2012-requested amounts, and House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Note:** Amounts may not add to totals due to rounding. The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

## Office of Science and Technology Policy (OSTP)<sup>108</sup>

Congress established the Office of Science and Technology Policy (OSTP) through the National Science and Technology Policy, Organization, and Priorities Act of 1976 (P.L. 94-282). The act states that “the primary function of the OSTP director is to provide, within the Executive Office of the President, advice on the scientific, engineering, and technological aspects of issues that require attention at the highest level of Government.” The OSTP director, often referred to informally as the President’s science advisor, also manages the National Science and Technology Council (NSTC),<sup>109</sup> which coordinates science and technology policy across the federal government, and co-chairs the President’s Council of Advisors on Science and Technology (PCAST),<sup>110</sup> a council of external advisors that provides advice to the President on matters related to science and technology policy. OSTP is one of two offices in the Executive Office of the President (EOP) that is funded in the CJS appropriations bill.<sup>111</sup>

The Senate recommends \$6.0 million for OSTP. This amount is 100.2% greater than recommended by the House Committee on Appropriations, 9.8% less than the Administration’s FY2012 request, and 9.7% less than the FY2011-enacted amount. The Senate committee report directs OSTP to remain engaged with international partners in order to pursue large projects “frugally, in partnership.”

The House Committee on Appropriations recommends \$3.0 million for OSTP. This amount is 54.9% less than the Administration’s FY2012 request and 54.9% less than the FY2011-enacted

<sup>108</sup> This section was prepared by Dana A. Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>109</sup> The National Science and Technology Council was established by Executive Order 12881.

<sup>110</sup> The President’s Council of Advisors on Science and Technology was established by Executive Order 13226.

<sup>111</sup> The other EOP office funded under the CJS appropriations bill is the Office of the United States Trade Representative.

amount. The House committee report directs OSTP to prioritize its funding toward coordinating and improving government programs in science, technology, engineering, and mathematics (STEM) education.

For FY2012, the Administration requests \$6.7 million, \$3,000 (0.0%) above its FY2011-enacted level. According to OSTP Director John Holdren, the request recognizes “the need for shared sacrifice to freeze non-security discretionary spending.”<sup>112</sup> The request would support four Senate-confirmed associate directors.<sup>113</sup> The NSF again requests FY2012 funding for STPI (\$3.1 million, an increase of \$100,000 (3.3%) from FY2010). FY2011-enacted appropriations for OSTP were \$6.6 million. Appropriations for STPI fall below the appropriations-account level and thus were not identified.

## National Aeronautics and Space Administration (NASA)<sup>114</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.

The Administration requests \$18.724 billion for NASA for FY2012. This is 1.5% more than the \$18.448 billion appropriated for FY2011 and 3.7% less than the \$19.450 billion authorized for FY2012 in the NASA Authorization Act of 2010 (P.L. 111-267). The House Committee on Appropriations recommends \$16.793 billion. The Senate recommends \$17.939 billion. See **Table 10** for a breakdown of each of these amounts by appropriations account.

The Administration’s \$5.017 billion request for NASA’s Science account in FY2012 would be a 1.6% increase from FY2011. Within this total, the \$1.797 billion request for Earth Science would continue a global climate research initiative proposed in FY2011 and support the development and launch of several missions recommended by the 2007 National Academies decadal survey.<sup>115</sup> The Science account now includes a separate line item for the James Webb Space Telescope (JWST). An independent review of JWST in October 2010 estimated that the project was 15 months behind schedule and \$1.4 billion over budget.<sup>116</sup> The revised JWST program NASA developed in response to this finding reportedly includes an estimated cost of \$8.7 billion and a launch date in October 2018.<sup>117</sup> The House committee recommends \$4.499 billion for Science, including \$1.697 billion for Earth Science and no funding for JWST. The Senate recommends

<sup>112</sup> Testimony of Dr. John P. Holdren, Director, Office of Science and Technology Policy, Executive Office of the President of the United States, before the House Committee on Science, Space and Technology, February 17, 2011.

<sup>113</sup> The OSTP associate director for technology also serves as Chief Technology Officer.

<sup>114</sup> This section was prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>115</sup> National Research Council, *Earth Science and Applications from Space: National Imperatives for the Next Decade and Beyond*, 2007, <http://www.nap.edu/catalog/11820.html>.

<sup>116</sup> Final report of the JWST Independent Comprehensive Review Panel, October 29, 2010, [http://www.nasa.gov/pdf/499224main\\_JWST-ICRP\\_Report-FINAL.pdf](http://www.nasa.gov/pdf/499224main_JWST-ICRP_Report-FINAL.pdf); and GAO, *NASA: Assessments of Selected Large-Scale Projects*, GAO-11-239SP, March 2011, <http://www.gao.gov/new.items/d11239sp.pdf>.

<sup>117</sup> Dan Leone, “NASA: James Webb Telescope Expected To Cost \$8.7 Billion,” *Space News*, August 26, 2011. Full details of the JWST replan are expected to be released in February 2012 as part of the FY2013 budget request.

\$5.100 billion, including \$1.766 billion for Earth Science and \$530 million for JWST (more than the FY2012 request of \$355 million).

The request for Aeronautics is \$569 million, an increase of 6.6% from FY2011. Selected research topics in categories identified by the 2010 authorization act (P.L. 111-267, §902) would receive increases, while funding for hypersonics would be reduced and focused on foundational research. The House committee recommends \$569 million for Aeronautics. It supported NASA's plan to reduce hypersonics funding and increase funding for other topics. The Senate would provide \$501 million. The Senate Committee on Appropriations stated that this amount included full funding for aviation safety and unmanned aircraft systems. It did not state which other research areas should receive less than the request.

Space Technology would receive \$1.024 billion under the request. About half of this total (\$497 million) would be for Crosscutting Space Technology Development, a mostly new activity. The request for this activity is comparable to the amount authorized for Space Technology by the 2010 authorization act (\$486 million). Most of the remainder of the request for Space Technology would be for two activities transferred from other accounts: Exploration Technology Development from the Exploration account and Small Business Innovation Research from the Cross-Agency Support account. The request would roughly double the funding for both these transferred activities. The House committee recommends \$375 million for Space Technology. It suggests that ongoing planning and prioritization efforts "will put the program in a stronger position to seek additional resources in future requests." The Senate committee recommends \$637 million, including \$210 million for Crosscutting Space Technology, and expresses regret at "not being able to fund this promising new program more robustly."

The Administration's request for Exploration in FY2012 is \$3.949 billion, a 3.9% increase over FY2011. In recent years, the bulk of this account funded the Constellation program, including development of the Orion crew vehicle and Ares I rocket for carrying humans into low Earth orbit and the heavy-lift Ares V cargo rocket and other systems needed for a human mission to the Moon. Under the FY2012 request, the account would instead fund development of the Multipurpose Crew Vehicle (MPCV) and heavy-lift Space Launch System (SLS) mandated by the 2010 authorization act. Although this would be a substantial change, many elements of Orion and Ares are expected to be incorporated in the MPCV and SLS. In the FY2012 request, the Exploration account would also fund companies to develop commercial crew transport services to low Earth orbit. The request includes \$916 million for the MPCV and \$1.690 billion for the SLS, substantially less than the authorized amounts of \$1.400 billion and \$2.650 billion. On the other hand, it includes \$850 million for commercial crew, substantially more than the authorized amount of \$500 million. Some in Congress have criticized the Administration for this apparent shift in priorities relative to the authorization act. The House committee recommends \$3.645 billion for Exploration, including \$1.062 billion for the MPCV, \$1.983 billion for the SLS, and \$312 million for commercial crew. The Senate recommends \$3.775 billion, including \$1.2 billion for the MPCV, \$1.8 billion for the SLS, and \$500 million for commercial crew.

The FY2012 request of \$4.347 billion for Space Operations, which funds the space shuttle, the International Space Station (ISS), and the Space and Flight Support program, represents a 20.9% decrease from FY2011. Funding for the space shuttle program would decrease by 58.3% to \$665 million. The last shuttle flight was completed in July 2011. Most FY2012 funding for the space shuttle program would be to cover a shortfall in the defined benefit pension plan of the contractor that managed shuttle operations. The House committee recommends \$4.060 billion for Space

Operations, including \$547 million for the shuttle program. The Senate recommends \$4.285 billion, including \$651 million for the shuttle program.

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

Accounts	FY2011 Enacted	FY2012 Authorized	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
Science	\$4,935.4	\$5,248.6	\$5,016.8	\$4,499.5	\$5,100.0	
Aeronautics and Space Research and Technology	533.9	584.7	569.4	569.4	501.0	
Space Technology	—	486.0	1,024.2	374.6	637.0	
Exploration	3,800.7	5,252.3	3,948.7	3,645.4	3,775.0	
Space Operations	5,497.5	4,141.5	4,346.9	4,059.9	4,285.0	
Education	145.5	145.8	138.4	137.9	138.4	
Cross-Agency Support	3,105.2	3,189.6	3,192.0	3,047.0	3,043.1	
Construction and Environmental Compliance and Restoration	393.5	363.8	450.4	423.6	422.0	
Inspector General	36.3	37.8	37.5	36.3	37.3	
<b>Total: NASA</b>	<b>18,448.0</b>	<b>19,450.0</b>	<b>18,724.3</b>	<b>16,793.4</b>	<b>17,938.8</b>	

**Source:** FY2011-enacted amounts, FY2012-requested amounts, and House committee-reported amounts were taken from H.Rept. 112-169. FY2012-authorized amounts taken from P.L. 111-267. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Note:** The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

## National Science Foundation (NSF)<sup>118</sup>

The National Science Foundation (NSF) supports basic research and education in the non-medical sciences and engineering. Congress established the Foundation as an independent federal agency in 1950 and directed it to “promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes.”<sup>119</sup> The NSF is a primary source of federal support for U.S. university research. It is also responsible for significant shares of the federal science, technology, engineering, and mathematics (STEM) education program portfolio and federal STEM student aid and support.

The Senate recommends a total of \$6.698 billion for the NSF in FY2012. This amount is \$154.9 million (2.3%) less than the House Committee on Appropriations’ recommendation of \$6.853 billion, \$1.069 billion (13.8%) less than the President’s request for \$7.767 billion, and is \$161.8

<sup>118</sup> This section was prepared by Heather B. Gonzalez, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>119</sup> The National Science Foundation Act of 1950 (P.L. 81-507), Purpose.

million (2.4%) less than the FY2011-enacted amount of \$6.860 billion.<sup>120</sup> Compared to FY2011, the House Committee on Appropriations' FY2012 recommendation for NSF would shift about \$37.5 million (0.7%) to the main research conduct account, drawing primarily from the construction and education accounts. In contrast, the Senate recommends reducing the research and education accounts by a combined \$152.9 million—relative to FY2011—and would maintain the construction account at FY2011 levels. Further, the Senate would allow the NSF to shift up to \$100.0 million from the main research account to the main construction account. The Administration's FY2012 request for NSF includes increases for all major NSF accounts, with most (76.0%) of the total requested growth over FY2011-enacted levels occurring in the main research conduct account.

A primary concern in the FY2012 congressional debate about funding for NSF centers on the so-called “doubling path” policy.<sup>121</sup> Since 2006, federal policymakers have sought to increase support for research in the physical sciences and engineering. To that end, they have sought to double aggregate funding for the NSF, NIST laboratories and construction accounts, and the DOE Office of Science (collectively, the “targeted accounts”), which many policymakers perceive as key to U.S. innovation and competitiveness.

The future of the doubling path policy is now uncertain. Although the Administration's February 14 budget request maintained a commitment to the policy, the September 1 *Mid-Session Review* acknowledged that the doubling goal would need to be delayed.<sup>122</sup> Similarly, the Senate Committee on Appropriations' report on S. 1572 (S.Rept. 112-78) notes that its FY2012 recommendation for 3% reductions to the NSF and NIST differs from past recommendations—which were generally consistent with the America COMPETES Act—that contained 7% increases.<sup>123</sup> For its part, the House Committee on Appropriations' FY2012 recommendation for CJS accounts would hold the targeted accounts at NSF and NIST at close to FY2011 enacted levels.

Another issue raised in the congressional debate about funding for NSF focuses on the Foundation's ability to effectively manage expenditures. In a February 10, 2011, House hearing, NSF's Inspector General Allison C. Lerner testified that—among other issues—NSF's grant oversight program has limited practical effect and that the Foundation faces ongoing challenges in ensuring that grant recipients comply with grant terms and conditions. According to Lerner's testimony, the NSF attributes this problem, at least in part, to staffing constraints. However, Lerner postulated that, “If the Foundation's budget continues to grow, the resulting increase in awards to monitor will compound this challenge.”<sup>124</sup>

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<sup>120</sup> FY2011 enacted amounts include a \$54.0 million transfer to the U.S. Coast Guard for icebreaking services.

<sup>121</sup> For more information on the doubling path policy, see CRS Report R41951, *An Analysis of Efforts to Double Federal Funding for Physical Sciences and Engineering Research*, by John F. Sargent Jr.

<sup>122</sup> Executive Office of the president, Office of Management and Budget, *FY2012 Mid-Session Review: Budget of the United States*, September 1, 2011, p. 2, <http://www.whitehouse.gov/omb/budget/MSR>.

<sup>123</sup> U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2012*, report to accompany S. 1572, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 112-78 (Washington, DC: GPO, 2011), p. 4.

<sup>124</sup> Testimony of NSF Inspector General Allison C. Lerner, in U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Oversight of the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA)*, hearings, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., February 11, 2011, p. 3, [http://appropriations.house.gov/\\_files/NSFIGAllisonCLerner.pdf](http://appropriations.house.gov/_files/NSFIGAllisonCLerner.pdf).

The Senate Committee on Appropriations raises related concerns about accountability at NSF in its report on S. 1572 (S.Rept. 112-78). Consistent with the Committee's general concerns about waste, fraud, and abuse at all the "departments, agencies, boards and commissions funded in this bill,"<sup>125</sup> the Senate would provide a \$200,000 increase (1.6%) over FY2011-enacted levels (\$14.0 million) for the Foundation's Office of the Inspector General (OIG) "to enhance accountability at the NSF."<sup>126</sup> The Administration's FY2012 request for the OIG is \$15.0 million. The House Committee on Appropriations' recommends holding this account at FY2011 levels.

NSF organizes its budget into six primary accounts: Research and Related Activities (RRA), Education and Human Resources (EHR), Major Research Equipment and Facilities Construction (MREFC), Agency Operations and Award Management (AOAM), the National Science Board (NSB), and the OIG. The RRA, EHR, and MREFC accounts represent the core of the NSF's research and education program activities and funding.<sup>127</sup>

The Senate recommends \$5.443 billion for the RRA account in FY2012. This amount is \$158.4 million (2.8%) less than the House Committee on Appropriations' recommendation of \$5.601 billion, is \$810.5 billion (13.0%) less than the President's request for \$6.254 billion, and is \$120.9 million (2.2%) less than the FY2011-enacted amount of \$5.564 billion. H.R. 2112, as engrossed in the Senate, would provide \$146.8 million for the Experimental Program to Stimulate Competitive Research (EPSCoR) and permits NSF to transfer up to \$100.0 million from the RRA account to the MREFC. The Administration's FY2012 request for NSF highlights research in cyber-infrastructure, clean energy, nanotechnology, robotics, and the SEES (Science, Engineering, and Education for Sustainability) portfolio, among others. Both the House and Senate Appropriations Committee reports on FY2012 CJS appropriations contain multiple provisions and directives for the RRA account. These include

- S.Rept. 112-78 endorses NSF's prioritization of multidisciplinary high-risk research, including investments in advanced manufacturing, cyber-infrastructure, and robotics. It also directs the NSF to fully fund scientific facilities and instrumentation, increases the Foundation's investment in the Gemini program, fully funds the \$156.6 million request for cybersecurity, supports the \$2.0 million request for Regional Class Research Vessels, and signals the Committee's expectation that NSF will select a Giant Segmented Mirror project by the end of 2011, and that it will report on its efforts to collaborate with the Department of Energy on the use of a future deep underground science laboratory. The Senate report also notes the Committee's positive response to NSF's new Innovation Corps (I-Corps) program, which seeks to increase the commercialization of research, and provides \$146.8 million EPSCoR.
- H.Rept. 112-169 directs the Foundation to prioritize—in new activities—cyber-security and cyber-infrastructure; advanced manufacturing; materials research;

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<sup>125</sup> U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2012*, report to accompany S. 1572, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 112-78 (Washington, DC: GPO, 2011), p. 6.

<sup>126</sup> U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2012*, report to accompany S. 1572, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 112-78 (Washington, DC: GPO, 2011), p. 108.

<sup>127</sup> Although these accounts exist in isolation in standard budget tables, funds from different accounts may be merged at the program level and in many cases NSF's education, facilities, and research activities are deeply integrated as a matter of practice.

and disciplinary and interdisciplinary research in the natural and physical sciences, math, and engineering. The House report also directs NSF to highlight its work in cognitive and developmental neuroscience and to increase investments in this area. Further, the House report directs the Foundation to report on its plans for administering a prize program and on steps that can be taken to balance public access and protection of data in scientific research.<sup>128</sup>

For EHR, the Senate recommends \$829.0 million in FY2012. This amount is \$5.2 million (0.6%) less than the House Committee on Appropriations' recommendation of \$834.2 million, is \$82.2 million (9.0%) less than the President's request for \$911.2 million, and is \$32.0 million (3.7%) less than the FY2011-enacted amount of \$861.0 million. H.R. 2112, as engrossed in the Senate, would also provide \$54.9 million for EHR's Robert Noyce Scholarship (Noyce) program. The Administration's FY2012 request seeks significant program changes in EHR accounts, including adding, altering, and terminating programs. It also reorganizes the EHR directorate, including restructuring minority-serving institution programs.<sup>129</sup> Both the House and Senate Appropriations committee reports contain provisions and directives for the EHR account. These include

- S.Rept. 112-78 encourages NSF to support undergraduate science and engineering education and to increase support for online accessible digital media repositories for STEM teachers and students, and urges NSF to ensure that Graduate Research Fellowship applications are reviewed on the merits of the research and not on unrelated factors, such as the applicant's field of study. The Senate report also recommends FY2011 enacted funding levels for the Noyce program (\$54.9 million) and \$45.0 million for the Federal Cyber-Service: Scholarships for Service program (\$20.0 million above the request). The report also strongly encourages NSF to continue funding the Professional Science Master's program; and supports separate funding streams, at requested levels, for NSF's minority-serving institution programs.
- The House Committee on Appropriations indicates that it does not object to the Administration's proposed changes to the EHR account, with the exception of the Administration's proposed reductions to the Math and Science Partnership and Robert Noyce Scholarship programs, which H.Rept. 112-169 describes as unwarranted.<sup>130</sup> The House report also encourages NSF to continued to move forward on certain activities that have been of particular concern to policymakers in recent years, including best practices in K-12 STEM education, Hispanic-serving institutions programs, and the effort to identify and minimize duplication in the federal STEM education effort.<sup>131</sup>

The Government Accountability Office (GAO) and other analysts have expressed concern about the federal STEM education effort, a large portion of which is supported by NSF through its EHR

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<sup>128</sup> U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2012*, report to accompany H.R. 2596, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 112-169 (Washington, DC: GPO, 2011), pp. 82-83.

<sup>129</sup> Consistent with §512 of P.L. 111-358, NSF indicates that it will maintain these programs as separate programs.

<sup>130</sup> U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2012*, report to accompany H.R. 2596, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 112-169 (Washington, DC: GPO, 2011), p. 84.

<sup>131</sup> *Ibid*, pp. 84-85.

account.<sup>132</sup> For example, in a March 2011 report the GAO assessed federal teacher quality programs—including STEM teacher quality programs at NSF—and found that the effort suffers from fragmentation and duplication. The GAO notes that program variation may have potential benefits, such as targeting services to underserved groups and enabling innovation. However, the auditing agency concluded that greater coordination could produce cost and program benefits.<sup>133</sup> Efforts to identify, coordinate, and reduce duplication in federal STEM education programs are underway at both the Office of Science and Technology Policy (OSTP) and the GAO. H.Rept. 112-169 directs OSTP to prioritize its efforts in this regard and encourages NSF to continue cooperating with OSTP and GAO.<sup>134</sup> S.Rept. 112-78 does not include provisions related to the GAO or OSTP reports, but does include directives to NSF with respect to the potential consolidation of certain STEM education research programs in the future.

The Senate recommends \$117.1 million for the MREFC account in FY2012. This amount is \$17.2 million (17.2%) more than the House Committee on Appropriations' recommendation of \$99.9 million, \$107.6 million (47.9%) less than the President's request for \$224.7 million, and equal to the FY2011-enacted level. H.R. 2112, as engrossed in the Senate, would permit NSF to transfer up to \$100.0 million from the RRA account to the MREFC. The Senate also recommends \$290.4 million for the AOAM account in FY2012. This amount is \$8.7 million (2.9%) less than the House Committee on Appropriations' recommendation of \$299.1 million, \$67.3 million (18.8%) less than the President's request for \$357.7 million, and is \$9.0 million (3.0%) less than the FY2011-enacted level of \$299.4 million. The Administration's requested increase for AOAM would principally fund a new headquarters for the NSF. The President also seeks an increase of \$0.3 million for the NSB in FY2012. The FY2011 funding level for the NSB was \$4.5 million. The House Committee on Appropriations' FY2012 recommendations for the NSB is similar to the FY2011-enacted levels. The Senate would reduce this account by 2.0%.

Finally, the Administration's FY2012 NSF budget request would eliminate six NSF programs: Deep Underground Science and Engineering Laboratory, Graduate STEM Fellow in K-12 Education, National STEM Distributed Learning Program, Research Initiation Grants to Broaden Participation in Biology, Science Learning Centers, and the Synchrotron Radiation Center. Funds from these activities would be redirected to other Foundation accounts. Both the Senate and the House Committee on Appropriations accept these terminations.

## Related Agencies

The Senate recommends a total of \$901.1 million for the related agencies, an amount that is 10.6% more than the amount recommended by the House Committee on Appropriations, but 9.1% less than the Administration's FY2012 request and 1.8% less than the FY2011

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<sup>132</sup> The NSF, Department of Education, and Department of Health and Human Services received the most funding for STEM education activities in the FY2010 enacted budget, according to CRS analysis of Office of Management and Budget data.

<sup>133</sup> Government Accountability Office, "Teacher Quality: Proliferation of Programs Complicates Federal Efforts to Invest Dollars Effectively," *Report to Congressional Addressees: Opportunities to Reduce Potential Duplication in Government programs, Save Tax Dollars and Enhance Revenue* (GAO-11-318SP), March 1, 2011, p. 144-150, <http://www.gao.gov/new.items/d11318sp.pdf>.

<sup>134</sup> U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2012*, report to accompany H.R. 2596, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 112-169 (Washington, DC: GPO, 2011), p. 67, 85.

appropriation. The House Committee on Appropriations recommends a total of \$814.8 million for the related agencies, an amount that is 17.8% less than the Administration's FY2012 request and 11.2% less than the FY2011-enacted level. For FY2012, the Administration requests a total of \$991.4 million for the related agencies. The Administration's proposed funding is 8.0% more than the \$917.9 million Congress appropriated for the related agencies for FY2011.

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

Commission, Office, or Corporation	FY2011 Enacted	FY2012 Request	House Committee Reported	Senate-Passed	FY2012 Enacted
U.S. Commission on Civil Rights	\$9.4	\$9.4	\$8.0	\$9.2	
Equal Employment Opportunity Commission	366.6	385.5	366.2	359.2	
International Trade Commission	81.7	87.0	81.6	80.1	
Legal Services Corporation	404.2	450.0	299.7	396.1	
Marine Mammal Commission	3.2	3.0	3.0	3.0	
Office of the U.S. Trade Representative	47.7	51.3	51.2	51.3	
State Justice Institute	5.1	5.1	5.1	5.0	
<b>Total: Related Agencies</b>	<b>917.9</b>	<b>991.4</b>	<b>814.8</b>	<b>903.9</b>	

**Source:** FY2011-enacted amounts, FY2012-requested amounts, and House committee-reported amounts were taken from H.Rept. 112-169. Senate-passed amounts were taken from H.R. 2112, as passed by the Senate.

**Note:** Amounts may not add to totals due to rounding. The House committee-reported amounts include the 0.1% rescission specified in Section 543 of H.R. 2596.

## Commission on Civil Rights

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

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

The Senate recommends \$9.2 million for the Commission, which is 15.0% more than the amount in the House committee-reported bill, but 2.5% below the Administration's request and 2.0% less than the FY2011 appropriation. The House Committee on Appropriations recommends \$8.0 million for the Commission, an amount that is 15.2% less than the Administration's request and 14.8% less than the FY2011 appropriation. The Administration requests \$9.4 million for the

Commission for FY2012, which is \$48,000, or 0.5%, more than the commission's FY2011 appropriation.

## **Equal Employment Opportunity Commission (EEOC)<sup>135</sup>**

The EEOC enforces several laws that ban employment discrimination based on race, color, national origin, sex, age, or disability. In the past few years, appropriators were particularly concerned about the agency's implementation of a restructuring plan, initiated in 2005, that included the creation of a National Call Center, realignment of field structure and staff, and restructuring of headquarters operations.

The Senate recommends a total appropriation of \$359.2 million the Equal Employment Opportunity Commission for FY2012. This amount includes \$329.8 for EEOC salaries and expenses and \$29.4 million for payments to state and local entities. The Senate created a separate account to guarantee adequate resources for 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 Senate recommendation is 2.0% less than the FY2011 amount of \$366.6 million, 1.9% less than the House Committee on Appropriations FY2012 recommendation of \$366.2 million, and 6.8% less than the Administration's FY2012 request of \$385.5 million.

Given the fiscal constraints, the Senate Committee on Appropriations recommends reducing the EEOC's salaries and expenses by \$7.3 million compared to FY2011. The Committee recognizes that the EEOC will have difficulty meeting goals of reducing the back-log of discrimination charges. As such, the Committee recommends that the EEOC prioritize the hiring of critical staff who will have the biggest impact on resolving cases. The EEOC is considering the adoption of a National Full Service Intake Model, which would create dedicated intake units in field offices to handle pre-charge counseling and charge filing. The Senate Committee on Appropriations directs the EEOC to submit a report with details on the model within 120 days of enactment.

The Senate Committee on Appropriations reported projections provided by the EEOC on the pending inventory of private sector cases. The EEOC projects the pending case inventory to increase from 100,000 in FY2011 to 108,000 by the end FY2012—an 8% rise.<sup>136</sup> According to the EEOC, the forecasted growth partly reflects the transition from a contractor-operated to an in-house call center, which allows the public to begin the charge process online. Additionally, the EEOC attributes the anticipated increase to case filings arising under recently enacted legislation such as: Title II of the Genetic Information Nondiscrimination Act (GINA), which became effective in November 2009; the Lilly Ledbetter Fair Pay Act of 2009; and amendments to the Americans with Disabilities Act (ADA), which became effective in January 2009.<sup>137</sup>

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<sup>135</sup> This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, Domestic Social Policy Division.

<sup>136</sup> U.S. Congress, Senate Appropriations, *Departments of Commerce and Justice, and Science, and Related Agencies Appropriations Bill 2012*, report to accompany S. 1572, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., September 15, 2011, S.Rept. 112-78, p. 110 (Washington: GPO, 2011).

<sup>137</sup> For more information, see CRS Report RL33386, *Federal Civil Rights Statutes: A Primer*, by Jody Feder.

The EEOC federal sector hearings workload is estimated to increase from 7,164 pending hearings in FY2010 to 7,950 in FY2012, a 11% increase.<sup>138</sup> The Commission continues to implement technology initiatives to support the federal sector program. The Senate Committee on Appropriations directs the EEOC to submit an updated federal sector hearing plan prior to implementation of any changes.

## U.S. International Trade Commission (ITC)<sup>139</sup>

The ITC is an independent, quasi-judicial agency established by Congress that advises the President and Congress on U.S. foreign economic policies. In its *Strategic Plan* for 2009-2014, the ITC identified the following five strategic operations, which define the functions of the agency: (1) import injury investigations; (2) intellectual property-based imports investigations; (3) industry and economic analysis; (4) tariff and trade information services; and (5) trade policy support.<sup>140</sup> As a matter of policy, its budget request is submitted to Congress by the President without revision.

The Senate recommends \$80.1 million for ITC. This is 1.9% less than the House Committee on Appropriations recommended amount of \$81.6 million. The Senate recommendation would be 8.0% less than the Administration's FY2012 request and 2.0% less than the FY2011 enacted amount. The FY2012 budget request for ITC is \$87.0 million, a \$5.3 million (6.5%) increase from the current funding level of \$81.7 million. The budget request states that the requested increase in the budget is driven largely by increases in salaries, benefits, and rent costs.

## Legal Services Corporation (LSC)<sup>141</sup>

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

Although the authorization of appropriations for the LSC expired at the end of FY1980, the LSC has operated for the past 30 years under annual appropriations laws. The LSC is currently funded at \$404.2 million. Current LSC funding now surpasses the LSC's previous highest funding level of \$400.0 million in FY1994 and FY1995.

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<sup>138</sup> FY2012 Equal Employment Opportunity Commission, Congressional Budget Justification, Table 7. Federal Sector Hearings Workload, [http://www.eeoc.gov/eeoc/plan/2012budget.cfm#\\_Toc282609550](http://www.eeoc.gov/eeoc/plan/2012budget.cfm#_Toc282609550)

<sup>139</sup> This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

<sup>140</sup> U.S. Office of Management and Budget, *The President's Budget Fiscal Year 2012 Appendix, Other Independent Agencies, U.S. International Trade Commission*, p. 1249.

<sup>141</sup> This section was prepared by Carmen Solomon-Fears, Specialist in Social Policy, Domestic Social Policy Division.

For FY2012, the Senate recommended \$396.1 million for the LSC. This amount is 32.2% more than the amount recommended by the House Committee on Appropriation, 12.0% less than the Administration's FY2012 budget request, and 2.0% less than the FY2011-enacted amount. The Senate's recommendation for the LSC for FY2012 included \$370.5 million for basic field programs and required independent audits, \$17.0 million for management and grants oversight, \$3.4 million for client self-help and information technology, \$4.2 million for the Office of the Inspector General, and \$1.0 million for loan repayment assistance. The Senate Committee on Appropriations (1) directed the LSC to continue its collaboration with the Department of Justice to conduct a national study of the cost-effectiveness of a legal services program patterned after existing state models; (2) encouraged the LSC to have its grantees improve and/or increase private attorney pro bono participation; and (3) directed LSC to conduct a study of the implementation and costs of a legal aid fellowship program that would provide incentives for retirees and/or recent law school graduates to commit to working in legal services programs for a specified period of time. The committee also recommended that all the restrictions on the use of *private funds* for the LSC, except those associated with abortion-related cases, be eliminated. The restrictions on the use of public funds for the LSC would remain in effect.

For FY2012, the House Committee on Appropriations recommended \$299.7 million for the LSC. This amount is 33.4% less than the Administration's FY2012 budget request and 25.9% less than the FY2011-enacted amount. The committee also encouraged the LSC Inspector General to conduct annual audits of LSC grantees to make sure that they are not using LSC funds in violation of the prohibition against engaging in political activities or any of the other restrictions on LSC activities. The committee recommended that funds be withdrawn from any LSC grantee found engaging in political activity.

For FY2012, the Obama Administration requested \$450.0 million for the LSC. This amount is \$45.8 million (11.3%) above the FY2011 appropriation of \$404.2 million for the LSC. The Administration's FY2012 budget request included \$420.2 million for basic field programs and required independent audits, \$19.5 million for management and grants oversight, \$5.0 million for client self-help and information technology, \$4.4 million for the Office of the Inspector General, and \$1.0 million for loan repayment assistance. The Obama Administration also proposed that LSC restrictions on class action suits and attorneys' fees be eliminated.<sup>142</sup>

## **Marine Mammal Commission (MMC)<sup>143</sup>**

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

The Senate recommended amount for the MMC is the same as the Administration's FY2012 request and 6.7% less than the FY2011-enacted amount. The House Committee on Appropriations

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<sup>142</sup> The restriction on attorneys' fees was eliminated pursuant to P.L. 111-117. For further information see CRS Report R40679, *Legal Services Corporation: Restrictions on Activities*, by Carmen Solomon-Fears.

<sup>143</sup> This section was prepared by Eugene H. Buck, Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

recommended amount for the MMC is 0.1% less than the Administration's FY2012 request and 6.8% less than the FY2011-enacted amount. The Administration's FY2012 request for the MMC is \$3.0 million, which would represent a 6.7% reduction compared to FY2011-enacted funding of \$3.2 million.

## **Office of the U.S. Trade Representative (USTR)<sup>144</sup>**

The USTR, located in the Executive Office of the President, is responsible for developing and coordinating U.S. international trade and direct investment policies. The USTR is the President's chief negotiator for international trade agreements, including commodity and direct investment negotiations. USTR also conducts U.S. affairs related to the World Trade Organization.

The Senate recommends \$51.3 million for USTR. This is 0.1% less than the House Committee on Appropriations recommended amount of \$51.2 million. The Senate recommendation would be the same as the Administration's FY2012 request and 7.4% more than the FY2011-enacted amount of \$47.7 million. The FY2012 budget request is \$51.3 million, a \$3.5 million (7.4%) increase from the current funding level. The President's budget request states that the requested increase reflects the need for additional staffing and travel requirements to achieve critical U.S. trade initiatives and negotiations, as well as to support the cost escalation in overseas operations and federal protective services.<sup>145</sup>

## **State Justice Institute (SJI)**

The SJI is a nonprofit corporation that makes grants to state courts and funds research, technical assistance, and informational projects aimed at improving the quality of judicial administration in state courts across the United States. It is governed by an 11-member board of directors appointed by the President and confirmed by the Senate.<sup>146</sup> Under the terms of its enabling legislation, SJI is authorized to present its budget request directly to Congress, apart from the President's budget. The Senate recommends \$5.0 million for SJI, an amount that is 1.9% below the House Committee on Appropriation's mark, 2.2% less than the Administration's request and 2.0% less than the FY2011 appropriation. The House Committee on Appropriations recommends \$5.1 million for SJI for FY2012. The committee-reported amount is 0.3% less than the Administration's FY2012 request and 0.1% less than the FY2011-enacted appropriation. The Administration requests \$5.1 million for FY2012 for SJI. The Administration's request is \$10,000 more than the FY2011 appropriation for SJI.

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<sup>144</sup> This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

<sup>145</sup> Executive Office of the President, *Fiscal Year 2012 Congressional Budget Submission*, p. EPO-6.

<sup>146</sup> By law, the President must appoint six state court judges, one state court administrator, and four members of the public, no more than two of whom may be of the same political party.

**Table 12. Funding for CJS Agencies, by Account, FY2008-FY2012**

(budget authority in millions of dollars)

Bureau or Agency	FY2008 Enacted	FY2009 Enacted	FY2010 Enacted	FY2011 Enacted	FY2012 Enacted
<b>Department of Commerce</b>					
International Trade Administration	\$405.2	\$420.4	\$446.8	\$440.7	
Bureau of Industry and Security	72.9	83.7	100.3	100.1	
Economic Development Administration	779.9	312.8 <sup>a</sup>	293.0	283.4	
Minority Business Development Agency	28.6	29.8	31.5	30.3	
Economic and Statistical Analysis	81.1	90.6	97.2	97.1	
Bureau of the Census	1,440.2	3,139.9 <sup>b</sup>	7,324.7	1,149.7	
National Telecommunications and Information Administration	36.3	39.2 <sup>c</sup>	40.0	41.6	
U.S. Patent and Trademark Office	1,915.5	2,010.1	2,016.0	2,090.0	
Offsetting Fee Receipts USPTO	-1,915.5	-2,087.0	-1,887.0	-2,090.0	
National Institute of Standards and Technology	755.8	819.0 <sup>d</sup>	856.6	750.1	
National Oceanic and Atmospheric Administration	3,988.5	4,365.2 <sup>e</sup>	4,737.5	4,588.0	
Departmental Management	70.0	83.8 <sup>f</sup>	107.5	99.8	
<b>DOC Subtotal</b>	<b>7,658.5</b>	<b>9,307.5</b>	<b>14,164.2<sup>g</sup></b>	<b>7,580.9</b>	
<b>Department of Justice</b>					
General Administration	1,798.8	2,067.8	2,276.7	2,208.1	
General Administration	257.6	370.8	456.9	312.2	
Administrative Review & Appeals	240.6	266.0	296.7	296.1	
Detention Trustee	1,225.9	1,355.3	1,438.7	1,515.6	
Office of the Inspector General	74.8	75.7 <sup>h</sup>	84.4	84.2	
U.S. Parole Commission	11.5	12.6	12.9	12.8	
Legal Activities	2,724.1	2,918.2	3,085.2	3,177.3	
General legal activities	747.2	805.7	875.1	863.4	
United States Attorneys	1,759.8	1,851.3	1,934.0	1,930.1	
Other <sup>i</sup>	217.1	261.2	276.1	383.8	
U.S. Marshals Service	895.1	964.0	1,152.4	1,140.1	
National Security Division	73.4	85.2	87.9	87.8	
Interagency Law Enforcement	497.9	515.0	528.6	527.5	
Federal Bureau of Investigation	6,763.8	7,336.2	7,898.5	7,926.3	
Drug Enforcement Administration	1,887.4	1,959.1	2,019.7	2,015.6	
Bureau of Alcohol, Tobacco, Firearms & Explosives	1,011.6	1,068.2	1,120.8	1,112.5	
Federal Prison System	5,612.6	6,178.9	6,188.1	6,384.1	
Office of Violence Against Women	400.0	415.0 <sup>i</sup>	418.5	417.7	
Office of Justice Programs	1,694.8	2,066.6	2,283.5	1,697.9	
Justice Assistance	196.2	220.0	235.0	234.5	

<b>Bureau or Agency</b>	<b>FY2008 Enacted</b>	<b>FY2009 Enacted</b>	<b>FY2010 Enacted</b>	<b>FY2011 Enacted</b>	<b>FY2012 Enacted</b>
State and Local Law Enforcement Assistance	1,008.1	1,328.5 <sup>k</sup>	1,534.8	1,117.8	
Weed and Seed	32.1	25.0	20.0	—	
Juvenile Justice Programs	383.5	374.0	423.6	275.4	
Public Safety Officers Benefits	74.8	119.1	70.1	70.1	
Community Oriented Policing Services	857.2	550.5 <sup>l</sup>	791.6	494.9	
OVW, OJP, and COPS Salaries and Expenses	—	195.0 <sup>m</sup>	213.4	186.6	
<b>DOJ Subtotal</b>	<b>23,958.3</b>	<b>26,332.3</b>	<b>28,077.7<sup>n</sup></b>	<b>27,389.2</b>	
<b>Science Agencies</b>					
Office of Science and Technology Policy	5.2	5.3	7.0	6.6	
National Aeronautics and Space Administration	17,401.9	17,782.4 <sup>o</sup>	18,724.3	18,448.0	
National Science Foundation	6,127.5	6,490.4 <sup>p</sup>	6,926.5	6,859.9	
<b>Science Agencies Subtotal</b>	<b>23,534.6</b>	<b>24,278.1</b>	<b>25,657.8</b>	<b>25,314.5</b>	
<b>Related Agencies</b>					
Commission on Civil Rights	8.5	8.8	9.4	9.4	
Equal Employment Opportunity Commission (EEOC)	329.3	343.9	367.3	366.6	
International Trade Commission	68.4	75.1	81.9	81.7	
Legal Services Corporation	350.5	390.0	420.0	404.2	
Marine Mammal Commission	2.8	3.2	3.3	3.2	
National Veterans Business Development Corporation	1.4	—	—	—	
U.S. Trade Representative	44.1	47.3	47.8	47.7	
State Justice Institute	3.8	4.1	5.1	5.1	
<b>Related Agencies Subtotal</b>	<b>808.8</b>	<b>872.4</b>	<b>934.8</b>	<b>917.9</b>	
<b>Total Appropriations</b>	<b>55,960.1<sup>q</sup></b>	<b>60,790.3<sup>r</sup></b>	<b>68,834.5<sup>s</sup></b>	<b>61,202.5<sup>t</sup></b>	
<b>American Recovery and Reinvestment Act</b>	<b>—</b>	<b>15,922.0</b>	<b>—</b>	<b>—</b>	

**Source:** FY2008-enacted amounts taken from the House Committee on Appropriations' Committee Print on the Omnibus Appropriations Act, 2009 (P.L. 111-8), Division B. FY2009-enacted amounts taken from H.Rept. 111-366. FY2010-enacted amounts were taken from S.Rept. 111-229. FY2011-enacted amounts were taken from H.Rept. 112-169.

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

- a. This amount does not include the \$150.0 million that the Economic Development Administration received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- b. This amount does not include the \$1.0 billion that the Census Bureau received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- c. This amount does not include the \$5.4 billion that the National Telecommunication and Information Administration received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- d. This amount does not include the \$580.0 million that the National Institute of Standards and Technology received under the American Recovery and Reinvestment Act (P.L. 111-5).
- e. This amount does not include the \$830.0 million that the National Oceanic and Atmospheric Administration received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

- f. This amount does not include the \$6.0 million that the Office of the Inspector General received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- g. This amount does not include \$105.0 million in supplemental funding for the Department of Commerce (P.L. 111-212 and P.L. 111-224), of which \$54.0 million was for the Economic Development Administration and \$51.0 million was for the National Oceanic and Atmospheric Administration. However, it does include \$129.0 in supplemental funding for the U.S. Patent and Trademark Office,
- h. This amount does not include the \$2.0 million that the Office of the Inspector General received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- i. "Other" includes subaccounts for the Antitrust Division, Vaccine Injury Compensation Trust Fund, U.S. Trustee System Fund, Foreign Claims Settlement Commission, Fees and Expenses of Witnesses, Community Relations Service, and the Asset Forfeiture Fund.
- j. This amount does not include the \$225.0 million that the Office on Violence Against Women received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- k. This amount does not include the \$2.765 billion appropriated for the State and Local Law Enforcement Assistance account under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- l. This amount does not include the \$1.0 billion the Community Oriented Policing Services Office received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- m. This amount does not include the \$10.0 million appropriated for OVW, OJP, and COPS Salaries and Expenses under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- n. This amount does not include \$206.0 million in supplemental funding for the Department of Justice (P.L. 111-212 and P.L. 111-230), of which \$2.1 million was for Administrative Review and Appeals; \$7.0 million was for the Office of the Federal Detention Trustee; \$13.9 million was for General Legal Activities; \$9.2 was for the U.S. Attorneys; \$37.7 million was for the U.S. Marshals; \$21.0 million was for Interagency Law Enforcement; \$24.0 million was for the Federal Bureau of Investigation; \$33.7 million was for the Drug Enforcement Administration; \$37.5 million was for the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and \$20.0 million was for the Federal Prison System.
- o. This amount does not include the \$1.002 billion the National Aeronautics and Space Administration received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- p. This amount does not include the \$3.002 billion the National Science Foundation received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- q. This amount does not include \$901.8 million in rescissions of unobligated balances.
- r. This amount does not include \$610.6 million in rescissions of unobligated balances.
- s. This amount does not include \$531.2 million in rescissions of unobligated balances included in P.L. 111-117; \$115.5 million in rescissions of unobligated balances included in P.L. 111-212; \$129.0 million in rescissions of unobligated balances included in P.L. 111-224; and \$1.788 billion in rescissions of unobligated balances included in P.L. 112-6.
- t. This amount does not include \$2.416 billion in rescissions of unobligated balances.

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