



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

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## Summary

This report provides an overview of actions taken by Congress to provide FY2011 appropriations for Commerce, Justice, Science, and Related Agencies (CJS). It also provides an overview of FY2010 appropriations for agencies and bureaus funded as a part of the annual appropriation for CJS.

The Consolidated Appropriations Act, 2010 (P.L. 111-117), included a total of \$68.705 billion in new budget authority for CJS. Of the \$68.705 billion appropriated for FY2010, \$14.035 billion was for the Department of Commerce, \$28.078 billion was for the Department of Justice, \$25.658 billion was for the Science Agencies, and \$934.8 million was for the related agencies.

For FY2011, the Administration requested a total of \$66.109 billion for CJS, a 4.0% decrease in budget authority compared with FY2010 appropriations. The FY2011 request included \$8.968 billion for the Department of Commerce, \$29.737 billion for the Department of Justice, \$26.431 billion for the Science Agencies, and \$973.4 million for the related agencies.

On February 11, 2011, the Full-Year Continuing Appropriations Act, 2011 (H.R. 1) was introduced in the House. The bill passed the House on February 19, 2011. The House-passed version of H.R. 1 would have provided a total of \$60.065 billion for agencies and bureaus funded as a part of the annual appropriation for CJS. This included \$7.38 billion for the Department of Commerce, \$27.123 billion for the Department of Justice, \$24.697 billion for the Science Agencies, and \$864.8 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 provides a total of \$61.202 billion for agencies and bureaus funded as a part of the annual appropriation for CJS. The \$61.202 provided by the act includes \$7.581 billion for the Department of Commerce, \$27.389 billion for the Department of Justice, \$25.314 billion for the Science Agencies, and \$917.9 million for the related agencies.

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## **Most Recent Developments**

On February 11, 2011, the Full-Year Continuing Appropriations Act, 2011 (H.R. 1) was introduced in the House. The bill passed the House on February 19, 2011. The House-passed version of H.R. 1 would have provided a total of \$60.065 billion agencies and bureaus funded as a part of the annual appropriation for Commerce, Justice, Science, and Related Agencies (CJS). This included \$7.38 billion for the Department of Commerce, \$27.123 billion for the Department of Justice, \$24.697 billion for the Science Agencies, and \$864.8 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, hereafter “the act”). The act provides a total of \$61.202 billion for agencies and bureaus funded as a part of the annual appropriation for CJS. The \$61.202 provided by the act includes \$7.581 billion for the Department of Commerce, \$27.389 billion for the Department of Justice, \$25.314 billion for the Science Agencies, and \$917.9 million for the related agencies.

## **FY2010 and FY2011 Appropriations**

This report provides an overview of actions taken by Congress to provide FY2011 appropriations for Commerce, Justice, Science, and Related Agencies. It also provides an overview of FY2010 appropriations for agencies and bureaus funded as a part of the annual appropriation for CJS. The source for the FY2010-enacted and FY2011 requested amounts is S.Rept. 111-229. Amounts for H.R. 1 were taken from the text of the bill. The FY2011-enacted amounts were taken from H.Rept. 112-169.

The Consolidated Appropriations Act, 2010 (P.L. 111-117), included a total of \$68.705 billion in new budget authority for the agencies and bureaus funded by the annual Commerce, Justice, Science and Related Agencies (CJS) appropriations bill. Of the \$68.835 billion appropriated for FY2010, \$14.164 billion was for the Department of Commerce, \$28.078 billion was for the Department of Justice, \$25.658 billion was for the Science Agencies, and \$934.8 million was for the related agencies. For FY2011, the Administration requested a total of \$66.109 billion for CJS, an approximately 4.0% decrease in budget authority compared with FY2010 appropriations. The FY2011 request included \$8.968 billion for the Department of Commerce, \$29.737 billion for the Department of Justice, \$26.431 billion for the Science Agencies, and \$973.4 million for the related agencies. H.R. 1 would have provided a total of \$60.065 billion for CJS, 12.7% less than the FY2010-enacted amount and 9.1% less than the FY2011 request. H.R. 1 included \$7.38 billion for the Department of Commerce, \$27.123 billion for the Department of Justice, \$24.697 billion for the Science Agencies, and \$864.8 million for the related agencies. P.L. 112-10 provides a total of \$61.202 billion for CJS, an amount that is 10.9% less than the FY2010-enacted amount and 7.4% below the Administration’s FY2011 request. However, the amount provided in the act is 1.9% more than what would have been provided in H.R. 1. The act includes \$7.581 billion for the Department of Commerce, \$27.389 billion for the Department of Justice, \$25.314 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 de-obligated balances that may be counted as offsets to newly enacted budget authority.

**Table 1** shows the FY2010 appropriation, FY2011 request, H.R. 1 amounts, and the FY2011 appropriations for the Department of Commerce, the Department of Justice, the Science Agencies, and the related agencies.

**Table 1. CJS Appropriations, FY2010 Enacted, FY2011 Request, H.R. 1, and FY2011 Enacted**

(budget authority in millions of dollars)

Departments and Related Agencies	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
Department of Commerce	\$14,164.2 <sup>a</sup>	\$8,967.5	\$7,379.8	\$7,580.9
Department of Justice	28,077.7 <sup>b</sup>	29,736.5	27,123.5	27,389.2
Science Agencies	25,657.8	26,431.4	24,696.8	25,314.5
Related Agencies	934.8	973.4	864.8	917.9
<b>Total</b>	<b>68,834.5<sup>c</sup></b>	<b>66,108.8<sup>d</sup></b>	<b>60,064.8<sup>e</sup></b>	<b>61,202.5<sup>f</sup></b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from S.Rept. 111-229. H.R. 1 amounts were taken from the House-passed version of the bill. 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 \$234.0 million in supplemental funding for the Department of Commerce (P.L. 111-212 and P.L. 111-224).
- b. 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).
- c. This amount does not include \$531.2 million in rescissions of unobligated balances included in P.L. 111-117; \$141.5 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.
- d. This amount does not include a proposed \$690.5 million in rescissions of unobligated balances.
- e. This amount does not include a proposed \$1.84 billion in rescissions of unobligated balances.
- f. This amount does not include \$2.416 billion in rescissions of unobligated balances.

## Survey of Selected Issues

### Department of Commerce

Congress might have considered the following issues as part of the Department of Commerce FY2011 appropriations process:

- whether to accept the Administration's proposal to transfer funds from public works to economic adjustment and technical assistance programs under the Economic Development Administration to help distressed areas affected by unemployment as a result of the recession;
- whether to fund the Administration's proposed 19.6% increase in funding for the International Trade Administration for FY2011 that included a National Export

Initiative expected to help increase U.S. exports and the competitiveness of U.S. companies in the global marketplace;

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

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

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

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

## **Science Agencies**

Among the issues facing Science Agencies that Congress may have opted to address in the FY2011 appropriations process are:

- whether to provide funding increases for research and related activities at the National Science Foundation (NSF), National Institute of Standards and Technology (NIST), and Department of Energy Office of Science (DOE SC) at levels consistent with President Obama's goal of doubling aggregate funding for these agencies by FY2016, from their FY2006 aggregate funding level, or at levels consistent with the America COMPETES Act (P.L. 110-69), which authorized funding for FY2008, FY2009, and FY2010 that set a seven-year doubling path;
- whether to fund climate change and clean energy research that has been requested in the NSF FY2011 budget request;
- whether to fund NSF's work under the National Nanotechnology Initiative directed at understanding and exploiting the unique properties of matter that can emerge at the nanoscale, as well as toward understanding and addressing nanotechnology-related environmental, health, and safety concerns;<sup>1</sup> and
- whether the future direction of the National Aeronautics and Space Administration's (NASA's) human spaceflight program will be determined in FY2011.

## **Related Agencies**

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

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

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

The origin of the Department of Commerce (Commerce Department) dates to 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;

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

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

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

<sup>4</sup> 37 Stat. 1501.

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

## FY2011 Budget Request

**Table 2** presents the following funding information for the Department of Commerce as a whole and each of its bureaus or agencies: the FY2010-enacted funding amount, the Administration's FY2011 request, the funding level proposed in H.R. 1, and the amount enacted in P.L. 112-10 (H.R. 1473). The Administration requested an FY2011 total of \$8.968 billion for the Commerce Department, a \$5.197 billion (36.7%) decrease from the \$14.164 billion that was enacted for FY2010. Most of the reduction was due to a large decrease in the FY2011 request for the Census Bureau, \$1.267 billion compared with the \$7.325 billion the Bureau received in FY2010, largely

for the 2010 decennial census. H.R. 1 included a total of \$7.380 billion for the Commerce Department, 47.9% less than the FY2010-enacted appropriation and 17.7% less than the Administration's FY2011 request. A large part of the reduction in the department's funding under H.R. 1 was the result of a proposed \$6.232 billion decrease in the Census Bureau's Periodic Censuses and Programs account. Under P.L. 112-10, the department's funding level is \$7.581 billion, \$6.454 billion (46.0%) less than the FY2010-enacted amount, \$1.387 billion (15.5%) less than requested for FY2011, and \$201.1 million (2.7%) more than proposed in H.R. 1.

**Table 2. Funding for the Department of Commerce**

(budget authority in millions of dollars)

Bureau or Agency	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
International Trade Administration	\$446.8	\$534.3	\$441.6	\$440.7
Bureau of Industry and Security	100.3	113.1	100.3	100.1
Economic Development Administration	293.0 <sup>a</sup>	286.2	293.0	283.4
Minority Business Development Agency	31.5	32.3	30.4	30.3
Economic and Statistics Administration (excluding Census)	97.3	113.2	97.3	97.1
Census Bureau	7,324.7 <sup>b</sup>	1,267.0	1,092.7	1,149.7
National Telecommunications and Information Administration	40.0	45.5	40.6	41.6
Patent and Trademark Office <sup>c</sup>	2,016.0 <sup>d</sup>	2,321.7	2,016.0 <sup>e</sup>	2,090.0
Offsetting Fee Receipts (USPTO)	-1,887.0	-2,321.7	-1,887.0	-2,090.0
National Institute of Standards and Technology	856.6	918.9	697.1	750.1
National Oceanic and Atmospheric Administration	4,737.5 <sup>f</sup>	5,543.5	4,350.2	4,588.0
Departmental Management	107.5	113.5	107.5	99.8
<b>Total: Department of Commerce</b>	<b>14,164.2</b>	<b>8,967.5</b>	<b>7,379.8</b>	<b>7,580.9</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from S.Rept. 111-229. H.R. 1 amounts were taken from the House-passed version of the bill. 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 \$54.0 million in supplemental funding appropriated for the Economic Development Administration pursuant to P.L. 111-212.

- b. Of the \$7,324.7 million for the Census Bureau in FY2010, \$100.0 million was to come from available unobligated balances of previously appropriated funds that would remain available until September 30, 2011.
- c. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected but not obligated during the current year are available for obligation in the following fiscal year and do not count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals. Total figures for the Department of Commerce exclude PTO.
- d. This amount includes \$129.0 million in supplemental funding appropriated for the U.S. Patent and Trademark Office pursuant to P.L. 111-224.
- e. This amount includes the \$129.0 million in supplemental funding appropriated for the U.S. Patent and Trademark Office pursuant to P.L. 111-224 because in section 1101 of the bill supplemental funding for the U.S. Patent and Trademark Office would have been included for the purposes of calculating the proposed FY2011 funding level for the office.
- f. This amount does not include the \$51.0 million in supplemental funding appropriated for the National Oceanic and Atmospheric Administration pursuant to P.L. 111-212.

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

The FY2011-requested amount for ITA was \$534.3 million, \$87.5 million (19.6%) more than the FY2010-enacted amount of \$446.8 million. The request anticipated the collection of \$9.4 million in fees, the same as the FY2010-enacted amount, which would have raised available FY2011 funds to \$543.7 million. H.R. 1 would have provided a total of \$441.6 million for ITA, 1.2% less than the FY2010-enacted amount and 17.4% less than the Administration's FY2011 request. The FY2011-enacted amount is \$440.7 million, 17.5% less than the Administration's request and 0.2% less than H.R. 1 would have provided.

The increase in the FY2011 request was part of the Obama Administration's multiyear plan to stimulate the economy. The Administration requested \$78.5 million for a National Export Initiative (NEI) to promote growth in the U.S. economy and create jobs by increasing the volume

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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.

of U.S. exports and the number of U.S. firms that export. The Administration expected that the initiative would help U.S. companies be more competitive in the global market and that jobs created through export growth would 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 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 Administration Regulations (15 C.F.R., Parts 730-799), and these authorities have been renewed yearly.

The President's FY2011 request for BIS was \$113.1 million, a \$12.8 million (12.7%) increase from the FY2010-enacted funding level of \$100.3 million. The FY2011 funding request for BIS was divided among licensing activity (\$55.6 million), enforcement activities (\$51.3 million), and management and policy coordination (\$6.2 million). Of these amounts, \$14.8 million was requested for Chemical Weapons Convention (CWC) enforcement. H.R. 1 would have provided \$100.3 million for BIS, the same as FY2010-enacted funding for the bureau. This amount would have been 11.3% less than the requested FY2011 funding. The FY2011-enacted amount (H.R. 1473) is \$100.1 million, 11.5% less than the Administration's request and 0.2% less than H.R. 1 would have provided.

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

EDA was created by 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.

For FY2011, the Administration requested \$286.2 million for EDA, \$6.8 million (2.3%) less than the FY2010-enacted amount of \$293.0 million. H.R. 1 would have provided \$293.0 million for EDA, the same amount as enacted for FY2010. The proposed amount in H.R. 1 would have represented an increase of 2.4% compared to the Administration's FY2011 request. The FY2011-enacted amount for EDA is \$283.4 million, which is 3.3% less than the FY2010-enacted amount, 1.0% less than the Administration's request, and 3.3% less than H.R. 1 would have provided.

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

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

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

One of EDA's policy priorities is to assist distressed areas affected by unemployment as a result of the recession, in particular funding for regional planning and matching grants for regional innovation clusters, and the launch of a national network of public-private business incubators, to be funded under economic adjustment assistance grants. P.L. 112-10 does not provide additional guidance on the level of funding for these two initiatives, the Administration's FY2011 request for a 3.5% reduction in economic development programs, and the reallocation of funds from public works to economic adjustment and technical assistance.

One of EDA's policy priorities is to assist distressed areas affected by unemployment as a result of the recession, in particular funding for regional planning and matching grants for regional innovation clusters, and the launch of a national network of public-private business incubators, to be funded under economic adjustment assistance grants. Congress may consider the level of funding for these two initiatives, the 3.5% reduction in economic development programs, and the reallocation of funds from public works to economic adjustment and technical assistance.

## **Minority Business Development Agency (MBDA)<sup>9</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>10</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 Administration's request for this account for FY2011 was \$32.3 million, an increase of approximately \$0.8 million (2.6%) over the FY2010-enacted amount of \$31.5 million. H.R. 1 included \$30.4 million for MBDA. This amount would have represented a 3.5% decrease in funding compared to the FY2010-enacted level and 5.9% less than the Administration's FY2011 request. The FY2011-enacted amount for MBDA is \$30.3 million, which is 3.7% less than the FY2010-enacted amount, 6.1% less than the Administration's request, and 0.2% less than H.R. 1 would have provided.

## **Economic and Statistics Administration (ESA)<sup>11</sup>**

The ESA provides economic data, analysis, and forecasts to government agencies and, where appropriate, to the public. The ESA includes the Bureau of the Census (discussed separately), the Bureau of Economic Analysis (BEA), and STAT-USA.<sup>12</sup> The ESA has three core missions: to

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

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

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

<sup>12</sup> STAT-USA provides U.S. economic and finance data, international trade statistics, and market research reports. Since 1994, STAT-USA has been funded through user fees and is excluded from this discussion. The regional input-output modeling system maintained by the BEA is also excluded because it is funded entirely through user fees instead of annual appropriations.

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

For FY2011, the Administration requested \$113.2 million for the ESA, an increase of \$15.9 million (16.4%) over the FY2010-enacted amount of \$97.3 million. H.R. 1 would have provided \$97.3 million for the ESA, the same as the FY2010-enacted amount, but this amount would have been 14.1% less than the Administration's FY2011 request.

The FY2011-enacted amount for the ESA is \$97.1 million, which is 0.2% less than the FY2010-enacted amount, 14.3% less than the Administration's request, and 0.2% less than H.R. 1 would have provided.

Funding for the ESA in FY2011 includes two primary accounts: the ESA headquarters and the BEA. The ESA headquarters staff provides economic research and policy analysis in support of the Secretary of Commerce and the Administration. The BEA account funds the National Income and Product Accounts (NIPAs), which include estimates of national gross domestic product and related measures.

## **Bureau of the Census<sup>13</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>14</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 and state funds. The Bureau of the Census (Census Bureau), established as a permanent office on March 6, 1902,<sup>15</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.

The Administration's FY2011 request for the Census Bureau was \$1.267 billion, \$6.058 billion (82.7%) less than the FY2010-enacted amount of \$7.325 billion. The FY2011 request included \$280.4 million for the Bureau's salaries and expenses account—\$21.3 million (8.2%) above the \$259.0 million FY2010-enacted level—and \$986.4 million for the periodic censuses and programs account—\$6.079 billion (86.0%) lower than the \$7.066 billion for FY2010. The request also included \$256,000 for acquisition workforce capacity and capabilities.

The periodics account funds the Bureau's most expensive program, the decennial census. The large decrease in the FY2011 periodics request reflected the fact that the Bureau completed its most costly 2010 census operations by the end of FY2010. Among other major activities during FY2011, the Bureau released the House apportionment data on December 21, 2010; completed the delivery of redistricting data to the states on March 24, 2011; began providing new census data for federal funds distribution; and completed the fieldwork for the coverage measurement program, to assess 2010 census accuracy.

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

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

<sup>15</sup> 32 Stat. 51.

Although the 2010 census collected only basic population data,<sup>16</sup> the American Community Survey (ACS)—another part of the decennial program funded under the periodics account—gathers more extensive socioeconomic and housing information. The ACS samples almost 250,000 housing units every month, or 2.9 million a year. The data are aggregated to produce annual, three-year, or five-year averages for places according to their population sizes.<sup>17</sup> The ACS replaced the decennial census long form, which used to collect data from a sample of the population (about 17.0% in 2000) in the census year. The FY2011 request included \$44.0 million for, among other purposes, increasing the yearly ACS sample size to 3.5 million housing units and thereby improving the reliability of the census-tract-level (small-area) estimates.

P.L. 112-10 provides a total of \$1.150 billion for the Census Bureau in FY2011, a \$6.175 billion (84.3%) reduction compared with the FY2010-enacted amount of \$7.325 billion, \$117.3 million (9.3%) less than the \$1.267 billion requested for FY2011, and \$57.0 million (5.2%) more than the \$1.093 billion in H.R. 1. P.L. 112-10 funds the salaries and expenses account at \$258.5 million, \$518,048 (0.2%) less than the \$259.0 million enacted for FY2010 and included in H.R. 1, and \$21.9 million (7.8%) below the \$280.4 million requested for FY2011. Funding for the periodic censuses and programs account under P.L. 112-10 is \$891.2 million, \$6.174 billion (87.4%) less than the \$7.066 billion FY2010-enacted amount, \$95.1 million (9.6%) below the \$986.4 million FY2011 request, and \$57.5 million (6.9%) above the \$833.7 million in H.R. 1. P.L. 112-10 does not refer to the ACS funding level, but this level could be addressed in the spending plan that the law requires the Commerce Department, among other agencies, to submit to the House and Senate Appropriations Committees within 60 days of enactment.

## **National Telecommunications and Information Administration (NTIA)<sup>18</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 the NTIA has been to oversee the transfer of some radio frequencies from the federal domain to the commercial domain. Many of these frequencies have subsequently been auctioned to the commercial sector and the proceeds paid into the U.S. Treasury.

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<sup>16</sup> The 2010 short form included questions about the age, date of birth, sex, race, ethnicity (Hispanic or Latino), and number of persons in a housing unit; each person's relationship to the person who filled out the form; and whether the unit was rented or owned by a household member.

<sup>17</sup> Annual averages of ACS data are available for areas with at least 65,000 people; three-year averages for areas with at least 20,000 people; and, beginning in 2010, five-year averages for areas from the most populous to those with fewer than 20,000 people.

<sup>18</sup> This section was written by Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, CRS Resources, Science, and Industry Division.

For FY2011, the Administration requested \$21.8 million for Salaries and Expenses, a 9.1% increase over the \$20.0 million appropriated for that category in FY2010. Approximately \$1.0 million of the requested increase is to bolster research in spectrum-sharing technologies that would improve the efficiency of radio frequency spectrum. Other program efforts will seek to increase the availability of spectrum for wireless broadband, in support of the Administration's goals for national broadband, and to work with the Federal Communications Commission on developing a plan for spectrum availability over the next 10 years.

The appropriations request announced the intention of discontinuing the Public Telecommunications and Facilities Planning and Construction (PTFPC) program, a separate budget category. The PTFPC funds grants for public broadcasting activities; the appropriations request reports that funds are available for this purpose from other sources. In FY2010, Congress appropriated \$20.0 million for PTFPC. H.R. 1 would have provided a total of \$40.6 million for NTIA, a proposed increase of 1.6% compared to the FY2010-enacted appropriation, but 10.7% less than the Administration's FY2011 request. The FY2011-enacted amount is \$40.6 million.

## **U.S. Patent and Trademark Office (USPTO)<sup>19</sup>**

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

The President's FY2011 budget would have provided the USPTO with the budget authority to spend \$2.322 billion in fees collected, 15.2% above the FY2010-enacted amount of \$2.016 billion (including the \$1.887 billion in P.L. 111-117 and the \$129.0 million provided in supplemental funding legislation, P.L. 111-224). Up to \$100.0 million in additional collections above the \$2.322 billion in FY2011 was to remain available for use by the Office. The budget proposal also recommended 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.

As passed by the House, H.R. 1 would have given \$2.016 billion in budget authority to the USPTO, the same figure included in FY2010 appropriations legislation and 13.2% below the amount requested by the Administration.

P.L. 112-10 provides the USPTO with the budget authority to spend \$2.090 billion in FY2011. This figure is 3.7% above both the FY2010-enacted amount and that included in H.R. 1, and 10.0% below the Administration's FY2011 proposal. According to a preliminary decision from OMB, the 0.2% across the board rescission will not apply to the USPTO as rescissions generally do not apply to offsetting collections and/or receipts.

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

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<sup>19</sup> This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

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

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

## **National Institute of Standards and Technology (NIST)<sup>20</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 Administration's FY2011 budget proposed \$918.9 million in funding for NIST, a 7.3% increase over the \$856.6 appropriated for FY2010. Support for primarily in-house research and development (R&D) under the Scientific and Technical Research and Services (STRS) account (including the Baldrige National Quality Program) would have increased 13.5% from the FY2010 figure of \$515.0 million to \$584.5 million. The Manufacturing Extension Partnership (MEP) program would have received \$129.7 million, 4.0% more than the \$124.7 million appropriated in FY2010. Financing for the Technology Innovation Program (TIP) would have increased 14.3% over FY2010 funding of \$69.9 million to \$79.9 million. The \$124.8 million in the construction budget would have represented a decline of 15.1% from the FY2010 figure of \$147.0 million.

Under H.R. 1, NIST would have received an appropriation of \$697.1 million, 18.6% below the FY2010-enacted figure and 24.1% less than the Administration's FY2011 request. Included in H.R. 1 was \$469.5 million for the STRS account, which would have been 8.8% below the FY2010 figure and 19.7% below the President's budget proposal. The \$124.7 million for the MEP program was the same as the FY2010 appropriation and 3.9% less than the budget request. Funding for TIP would have totaled \$44.9 million, which would have represented a decrease of 35.8% from the previous fiscal year and a decrease of 43.8% from the Administration's figure. The \$58.0 million for construction was 60.5% less than the FY2010 appropriation and 53.5% less than the President requested.

P.L. 112-10 funds NIST at \$750.1 million after the 0.2% across the board rescission, 12.4% below the FY2010 appropriation, 18.4% below the President's budget request, and 7.6% more than the figure in H.R. 1. Support for the STRS account (including the Baldrige National Quality Program) totals \$507.0 million, 1.6% less than the FY2010 figure, 13.3% less than the Administration proposed, and 8.0% above the amount in H.R. 1. The MEP program receives

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

\$128.4 million, 3.0% more than both the FY2010 appropriation and the funding included in H.R. 1, and 1.0% below the Administration's budget. The \$44.8 million for TIP represents a decrease of 35.9% from FY2010, is 43.9% less than the President requested, and almost the same as the amount in H.R. 1. The construction budget declines 52.4% from FY2010 funding to \$69.9 million, is 44.0% below the Administration's proposal, and 20.5% above the funding in H.R. 1.

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

While much of the legislative debate has focused on extramural efforts, increases in spending for the NIST laboratories that perform the research essential to the mission responsibilities of the agency have tended to remain small. As part of the American Competitiveness Initiative, announced by former President George W. Bush in the 2006 State of the Union address, the Administration stated its intention to double funding over 10 years for "innovation-enabling research" done at NIST through its "core" programs (defined as internal research in the STRS account and the construction budget). In April 2009, the current President stated his decision to double the budget of key science agencies, including NIST, over the next 10 years. While additional funding has been forthcoming, it remains to be seen how support for internal R&D at NIST will evolve and how this might affect financing of extramural programs such as TIP and MEP.

## **National Oceanic and Atmospheric Administration (NOAA)<sup>21</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 conserves coastal and marine resources. NOAA was created in 1970 by Reorganization Plan No. 4. The reorganization plan was designed to unify the nation's environmental activities and to provide a systematic approach for monitoring, analyzing, and protecting the environment. NOAA's administrative structure has evolved into five line offices, which include the National Environmental Satellite, Data, and Information Service (NESDIS); the National Marine Fisheries Service (NMFS); the National Ocean Service (NOS); the National Weather Service (NWS); and the Office of Oceanic and Atmospheric Research (OAR). In addition to NOAA's five line offices, Program Support (PS), a cross-cutting budget activity, includes the NOAA Education Program, Corporate Services, Facilities, and the Office of Marine and Aviation Services (OMAO).

For FY2011, the Administration requested a total of \$5.544 billion, 17.0% more than the FY2010-enacted amount of \$4.738 billion. NOAA's budget is divided into two main accounts, Operations Research and Facilities (ORF) and Procurement, Acquisition, and Construction

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<sup>21</sup> This section was written by Harold F. Upton, Natural Resources Policy Analyst, CRS Resources, Science, and Industry Division.

(PAC). The Administration proposed funding ORF at \$3.303 billion and PAC at \$2.184 billion. Nearly all of the requested increase would fund the PAC account for NESDIS activities related to satellite programs.

H.R. 1 would have provided \$4.350 billion for NOAA, 8.2% less than the FY2010-enacted amount and 21.5% less than the Administration's FY2011 request. The FY2011-enacted amount for NOAA is \$4.588 billion, 3.2% less than the FY2010-enacted amount and 17.2% less than the Administration's request, but 5.5% more than what would have been provided in H.R. 1. The FY2011-enacted amount provides \$3.180 billion for the ORF account and \$1.333 billion for the PAC account.

One of NOAA's priorities is to support NESDIS to ensure continuity of satellite operations and to provide coverage for weather forecasts and climate measurements. The Administration would have increased FY2011 PAC funding for NESDIS by \$819.4 million. Although the funding levels of specific programs are unknown at this time, NOAA-wide PAC funding was decreased in the FY2011-enacted NOAA budget by \$25.7 million.

## Department of Justice<sup>22</sup>

Established by an act of 1870<sup>23</sup> with the Attorney General at its head, DOJ provides counsel for citizens in federal cases and protects them through law enforcement. It represents the federal government in all proceedings, civil and criminal, before the Supreme Court. In legal matters, generally, the department provides legal advice and opinions, upon request, to the President and executive branch department heads. The major functions of DOJ agencies and offices are described below.

- *United States Attorneys* prosecute criminal offenses against the United States, represent the federal government in civil actions, and initiate proceedings for the collection of fines, penalties, and forfeitures owed to the United States.
- *United States Marshals Service* provides security for the federal judiciary, protects witnesses, executes warrants and court orders, manages seized assets, detains and transports unsentenced prisoners, and apprehends fugitives.
- *Federal Bureau of Investigation (FBI)* investigates violations of federal criminal law; helps protect the United States against terrorism and hostile intelligence efforts; provides assistance to other federal, state, and local law enforcement agencies; and shares jurisdiction with Drug Enforcement Administration over federal drug violations.
- *Drug Enforcement Administration (DEA)* investigates federal drug law violations; coordinates its efforts with state, local, and other federal law enforcement agencies; develops and maintains drug intelligence systems; regulates legitimate controlled substances activities; and conducts joint intelligence-gathering activities with foreign governments.

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<sup>22</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>23</sup> 28 U.S.C. §501

- *Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)* enforces federal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. It was transferred from the Department of the Treasury to the DOJ by the Homeland Security Act of 2002 (P.L. 107-296).
- *Federal Prison System* (Bureau of Prisons) provides for the custody and care of the federal prison population, the maintenance of prison-related facilities, and the boarding of sentenced federal prisoners incarcerated in state and local institutions.
- *Office on Violence Against Women* coordinates legislative and other initiatives relating to violence against women and administers grant programs to help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking.
- *Office of Justice Programs (OJP)* manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime.
- *Community Oriented Policing Services (COPS)* advances the practice of community policing by awarding grants to law enforcement agencies to hire and train community policing professionals, acquire and deploy crime-fighting technologies, and develop and test innovative policing strategies.

Most crime control has traditionally been a state and local responsibility. With the passage of the Crime Control Act of 1968 (P.L. 90-351), however, the federal role in the administration of criminal justice has increased incrementally. Since 1984, Congress has approved five major omnibus crime control bills, designating new federal crimes, penalties, and additional law enforcement assistance programs for state and local governments.<sup>24</sup>

## FY2011 Appropriations

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

H.R. 1 would have provided a total of \$27.123 billion for DOJ. This amount would have represented a 3.4% decrease in appropriations compared to the FY2010-enacted level. It would also have been 8.8% less than the Administration's FY2011 request. The most notable decreases

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<sup>24</sup> See, for example, the Crime Control Act of 1984 (P.L. 98-473); the Anti-Drug Abuse Act of 1968 (P.L. 99-570); the Anti-Drug Abuse Act of 1988 (P.L. 100-690); the Crime Control Act of 1990 (P.L. 101-647); and the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322).

under the H.R. 1 would have been for DOJ's grant accounts. Under H.R. 1, appropriations for COPS would have been 25.7% less than the FY2010-enacted amount and appropriations for OJP would have been 35.1% below FY2010-enacted levels.

The act provides a total of \$27.389 billion for DOJ for FY2011. This amount is 2.5% less than the FY2010-enacted appropriation and it is 7.9% less than the Administration's FY2011 request. However, the amount provided in the act is 1.0% more than the amount that would have been provided in H.R. 1. The \$27.389 billion provided for DOJ for FY2011 includes \$1.14 billion for the U.S. Marshals, \$7.926 billion for the FBI, \$2.016 billion for the DEA, and \$1.113 billion for the ATF. Reductions to DOJ FY2011 appropriations, compared to FY2010, are mostly the result of Congress reducing funding for DOJ's General Administration accounts; FBI, U.S. Marshals and ATF construction; and DOJ's grant programs. While there was an overall reduction in DOJ's funding for FY2011, Congress did provide increased funding for the Office of the Federal Detention Trustee and the FBI and the Bureau of Prisons' salaries and expenses accounts.

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

Accounts	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
General Administration	\$2,276.7	\$2,593.3	\$2,247.6	\$2,208.1
General Administration	456.9	655.4	332.9	312.2
Administrative Review & Appeals	296.7 <sup>a</sup>	315.2	296.7	296.1
Detention Trustee	1,438.7 <sup>b</sup>	1,533.9	1,533.7	1,515.6
Office of the Inspector General	84.4	88.8	84.4	84.2
U.S. Parole Commission	12.9	13.6	12.9	12.8
Legal Activities	3,085.2	3,402.3	3,075.2	3,177.3
General legal activities	875.1 <sup>c</sup>	976.4	865.1	863.4
United States Attorneys	1,934.0 <sup>d</sup>	2,041.3	1,934.0	1,930.1
Other <sup>e</sup>	276.1	384.6	276.1	383.8
United States Marshals Service	1,152.4 <sup>f</sup>	1,207.2	1,142.7	1,140.1
National Security Division	87.9	99.5	87.9	87.8
Interagency Law Enforcement	528.6 <sup>g</sup>	579.3	528.6	527.5
Federal Bureau of Investigation	7,898.5 <sup>h</sup>	8,264.7	7,765.5	7,926.3
Drug Enforcement Administration	2,019.7 <sup>i</sup>	2,130.1	2,019.7	2,015.6
Bureau of Alcohol, Tobacco, Firearms & Explosives	1,120.8 <sup>j</sup>	1,163.0	1,114.8	1,112.5
Federal Prison System	6,188.1 <sup>k</sup>	6,806.2	6,427.1	6,384.1
Office on Violence Against Women	418.5	438.0	418.5	417.7
Office of Justice Programs	2,283.5	2,069.9	1,481.1	1,697.9
Justice Assistance	235.0	224.3	225.0	234.5
State and Local Law Enforcement Assistance	1,534.8	1,478.5	953.5	1,117.8
Weed and Seed	20.0	—	—	—
Juvenile Justice Programs	423.6	289.8	232.5	275.4
Public Safety Officers Benefits	70.1	77.3	70.1	70.1
Community Oriented Policing Services	791.6	690.0	588.5	494.9
OVW, OJP, and COPS Salaries and Expenses	213.4	279.4	213.4	186.6
<b>Total: Department of Justice</b>	<b>28,077.7</b>	<b>29,736.5</b>	<b>27,123.5</b>	<b>27,389.2</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from S.Rept. 111-229. H.R. 1 amounts were taken from the House-passed version of the bill. 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 \$2.1 million in supplemental funding appropriated pursuant to P.L. 111-230 for Administrative Review and Appeals.
- b. This amount does not include the \$7.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Office of the Federal Detention Trustee.
- c. This amount does not include the \$10.0 million in supplemental funding appropriated pursuant to P.L. 111-212 and the \$3.9 million in supplemental funding appropriated pursuant to P.L. 111-230 for General Legal Activities.
- d. This amount does not include the \$9.2 million in supplemental funding appropriated pursuant to P.L. 111-230 for the U.S. Attorneys.
- e. "Other" includes subaccounts for the Antitrust Division, Vaccine Injury Compensation Trust Fund, U.S. Trustee System Fund, Foreign Claims Settlement Commission, Fees and Expenses of Witnesses, Community Relations Service, and the Asset Forfeiture Fund.
- f. This amount does not include the \$37.7 million in supplemental funding appropriated pursuant to P.L. 111-230 for the U.S. Marshals.
- g. This amount does not include the \$21.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for Interagency Law Enforcement.
- h. This amount does not include the \$24.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Federal Bureau of Investigation.
- i. This amount does not include the \$33.7 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Drug Enforcement Administration.
- j. This amount does not include the \$37.5 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
- k. This amount does not include the \$20.0 million in supplemental funding appropriated pursuant to P.L. 111-230 for the Federal Prison System.

## **General Administration**

The General Administration account provides funds for salaries and expenses for the Attorney General's office, the Inspector General's office, and other programs designed to ensure that the collaborative efforts of DOJ agencies are coordinated to help fight crime as efficiently as possible. The Administration's request included \$2.593 billion for FY2011. This amount was \$316.6 million more than the enacted FY2010 appropriation of almost \$2.277 billion, an increase of 13.9%. H.R. 1 included a total of \$2.248 billion for general administration, which would have been 1.3% less than FY2010-enacted appropriations and 13.3% below the Administration's FY2011 request. The FY2011-enacted amount of \$2.208 billion for general administration is almost \$68.6 million (3.0%) less than the enacted FY2010 appropriation, \$385.2 million (14.9%) less than the Administration's FY2011 requested amount, and almost \$39.6 (1.8%) less than what would have been appropriated under H.R. 1. Described below are several General Administration subaccounts, such as the Office of the Inspector General.

### **General Administration**

The General Administration account includes funding for Salaries and Expenses for DOJ administration, as well as for the National Drug Intelligence Center, Justice Information Sharing

Technology, and Tactical Law Enforcement Wireless Communications. For DOJ's General Administration, the FY2011 budget request included \$655.4 million, what would have been an increase of almost \$198.5 million (or 43.4%) over the FY2010 appropriation of \$456.9 million. H.R. 1 would have provided a total of \$332.9 million for this account, which would have been \$124.3 million (or 27.1%) less than the FY2010 appropriated amount and \$332.5 million (or 49.2%) less than the Administration's request. The FY2011-enacted appropriation of almost \$312.2 million for this account is almost \$144.8 million (or 52.4%) less than the FY2010 appropriation, almost \$343.3 million (or 52.4%) less than the Administration's request, and \$20.7 million (or 6.2%) less than what would have been appropriated under H.R. 1.

Reduced FY2011 funding for this account is mostly the product of a 22.9% reduction in funding for the National Drug Intelligence Center (which received \$44.0 million in FY2010), a 31.9% reduction in funding for Justice Information Sharing Technology (which received almost \$88.3 million in FY2010), and a 51.6% reduction (compared to FY2010-enacted funding of \$206.1 million) for Tactical Law Enforcement Wireless Communications.

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

ARA includes the Executive Office of Immigration Review (EOIR) and the Office of the Pardon Attorney (OPA). The Attorney General is responsible for the review and adjudication of immigration cases in coordination with the Department of Homeland Security's (DHS's) efforts to secure the nation's borders. The EOIR handles these matters, and the OPA receives and reviews petitions for executive clemency. For FY2010, Congress appropriated nearly \$296.7 million for ARA. The Administration's request included \$315.2 million for ARA funding for FY2011. The requested amount exceeded the FY2010 funding level by \$18.5 million and would have represented an increase of 6.2%. H.R. 1 would have provided \$296.7 million for this account, the same as FY2010-enacted funding and 5.9% less than the Administration's FY2011 request. The FY2011 enacted appropriation of nearly \$296.1 million for this account is \$0.6 million (or 0.2%) less than the FY2010 enacted appropriation, \$19.1 million (or 6.1%) less than the Administration's FY2011 request, and \$0.6 million (or 0.2%) less than what would have been appropriated under H.R. 1.

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

The OFDT provides overall management and oversight for federal detention services relating to federal prisoners in nonfederal institutions or otherwise in the custody of the U.S. Marshals Service. The FY2011 budget request included almost \$1.534 billion for OFDT. This amount was \$95.2 million (6.6%) more than the FY2010 appropriation of almost \$1.439 billion. The increase in detainee operation costs is reportedly linked to the detention of illegal immigrants along the Southwest border. H.R. 1 included \$1.534 billion for OFDT. The H.R. 1 proposed funding for OFDT was 6.6% more than the FY2010-enacted appropriation and nearly identical to the Administration's FY2011 request (the difference is \$200,000). The FY2011-enacted appropriation for OFDT is \$1.516 billion, which represents a 5.3% increase over the FY2010 appropriation, but it is 1.2% than both the Administration's request and the amount that would have been provided in 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 Administration's request included \$88.8 million for the OIG in its FY2011 budget. This amount would have been \$4.4 million greater than the almost \$84.4 million appropriated by Congress for FY2010 and would have represented a 5.2% increase in funding for FY2011. H.R. 1 would have provided \$84.4 million for the OIG, the same as FY2010-enacted funding and 5.0% less than the Administration's FY2011 request. The FY2011 appropriation of nearly \$84.2 million is almost \$0.2 million (0.2%) less than the FY2010 appropriation, almost \$4.6 million (5.2%) less than the Administration's request for the OIG, and almost \$0.2 million (0.2%) less than what would have been provided by H.R. 1.

## **U.S. Parole Commission**

The U.S. Parole Commission adjudicates parole requests for prisoners who are serving felony sentences under federal and District of Columbia code violations. For FY2011, the President's budget request included almost \$13.6 million for the commission, an increase of nearly \$0.7 million (5.6%) compared with the FY2010 appropriation of almost \$12.9 million. The commission would have received \$12.9 million under H.R. 1. This amount would have been the same as the commission's FY2010-enacted appropriation and 5.3% less than the Administration's FY2011 request. Congress provided \$12.8 million for the commission for FY2011, an amount that is 0.2% less than both the FY2010 appropriation and the amount that would have been provided in H.R. 1 and 5.5% less than the Administration's requested funding.

## **Legal Activities**

The Legal Activities account includes several subaccounts: general legal activities, U.S. Attorneys, and other legal activities. The President's FY2011 budget request included \$3.402 billion for the Legal Activities account, or what would have been 10.3% more than the FY2010-enacted appropriation of \$3.085 billion. H.R. 1 would have provided a total of \$3.075 billion for this account. This amount would have represented a 0.3% decrease compared to the enacted FY2010 appropriation and a 9.6% decrease compared to the Administration's FY2011 request. The FY2011 appropriation of \$3.177 billion is 0.3% more than the FY2010 appropriation, 6.6% less than what the Administration requested for legal activities, and 3.2% more than what would have been provided by H.R. 1. Some of the Legal Activities subaccounts are described below.

### **General Legal Activities**

The General Legal Activities account funds the Solicitor General's supervision of the department's conduct in proceedings before the Supreme Court. It also funds several departmental divisions (tax, criminal, civil, environment and natural resources, legal counsel, civil rights, INTERPOL, and dispute resolution). The Administration's FY2011 request proposed \$976.4 million for General Legal Activities, what would have been \$101.3 million more than the enacted FY2010 appropriation of \$875.1 million. The requested amount would have increased FY2011 funding by 11.6% more than FY2010-enacted appropriation level. H.R. 1 would have provided \$865.1 million for this account, which would have represented a 1.1% reduction compared to the FY2010-enacted appropriation and a 11.4% reduction compared to the

Administration's FY2011 request. The FY2011 appropriation of almost \$863.4 million for General Legal Activities is \$11.7 million (1.3%) less than the FY2010 appropriation, \$113.0 million (11.6%) less than the Administration's request, and \$1.7 million (0.2%) less than what would have been provided by H.R. 1.

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

The U.S. Attorneys enforce federal laws through prosecution of criminal cases and represent the federal government in civil actions in all of the 94 federal judicial districts. The President's FY2011 budget proposal included \$2.041 billion for the salaries and expenses of the U.S. Attorneys. This amount reflected an increase of 5.5%, or almost \$107.3 million over the enacted FY2010 funding level of \$1.934 billion. Under H.R. 1, the U.S. Attorneys would have received \$1.934 billion, the same as the enacted FY2010 appropriation. The proposed amount under H.R. 1 would have been 5.3% less than the Administration's request. The act provides \$1.93 billion for the U.S. Attorneys, an amount that is 0.2% less than the FY2010-enacted amount, 5.4% below the Administration's request, and 0.2% less than what would have been provided under H.R. 1.

### **Other Legal Activities**

Other Legal Activities includes the Antitrust Division, the Vaccine Injury Compensation Trust Fund, the U.S. Trustee System Fund (which is responsible for maintaining the integrity of the U.S. bankruptcy system by, among other things, prosecuting criminal bankruptcy violations), the Foreign Claims Settlement Commission, the Fees and Expenses of Witnesses, the Community Relations Service, and the Assets Forfeiture Fund. For FY2011, the Administration's request included \$384.6 million for Other Legal Activities, what would have been 39.3% more than FY2010 funding of \$276.1 million. H.R. 1 included a total of \$276.1 million for Other Legal Activities, the same as the enacted FY2010 appropriation and 28.2% less than the Administration's request. The FY2011 enacted appropriation of \$383.8 million is 39.0% more than the FY2010 appropriation and what would have been provided by H.R. 1, but it is 0.2% less than the Administration's request.

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

The USMS is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. The President's FY2011 budget request included \$1.207 billion for the USMS. The requested amount exceeded the FY2010-enacted appropriation of \$1.152 billion by \$54.8 million, or 4.8%. H.R. 1 would have provided \$1.143 billion for the U.S. Marshals, which would have represented a 0.8% reduction in funding compared to FY2010-enacted levels. The H.R. 1 amount would have been 5.3% less than the Administration's FY2011 request. For FY2011, the U.S. Marshals received a total of \$1.14 billion, which is 1.1% less than what the U.S. Marshals received for FY2010, 5.6% less than the Administration's FY2011 request, and 0.2% less than the amount that would have been provided by H.R. 1. The reduction in FY2011 funding for the U.S. Marshals is almost entirely the result of a \$10.0 million reduction in construction funding.

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

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

For FY2011, the President's request included \$99.5 million for the NSD, a proposed increase of nearly \$11.6 million (13.2%), when compared with the FY2010-enacted appropriation of \$87.9 million. For FY2011, Congress appropriated \$87.9 million for the NSD. This amount is \$176 thousand (-0.2%) less than FY2010 appropriation of \$87.9 million, \$11.8 million (11.8%) less than the President's request, and \$175 thousand less (-0.2%) less than the amount that would have been provided under the House-passed H.R. 1.

## **Interagency Law Enforcement**

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

For FY2011, the Administration proposed \$579.3 million for OCDETF. The proposed FY2011 funding level would have exceeded the FY2010-enacted funding level of \$528.6 million by almost \$50.8 million, or 9.6%. Under H.R. 1, this account would have received \$528.6 million, the same as the FY2010-enacted appropriation but 8.8% less than the Administration's FY2011 request. The FY2011 appropriation of \$527.5 million is almost \$1.1 million (0.2%) less than the FY2010 appropriation, \$51.8 million (8.9%) less than the Administration's FY2011 request for OCDETF, and almost \$1.1 million (0.2%) less than what would have been provided by H.R. 1.

As mentioned, in response to concerns that the escalating drug trafficking-related violence in Mexico could spread into the United States, the Administration request included \$37.3 million to enhance enforcement and prosecution activities as part of the Southwest Border Enforcement Initiative. Among other things, the funding would have enhanced USMS support of Mexican and Colombian fugitive apprehension activities, expanded OCDETF's co-located strike forces, expanded the capacity of the OCDETF fusion center, provided funding to the Southwest Border Threat Response Unit for the review of Title III wiretap applications, and provided additional attorneys for Southwest border districts.

## **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>25</sup>

For FY2011, the President requested \$8.265 billion for the FBI, including \$181.2 million for construction. This request would have provided the FBI with \$366.1 million (4.6%) more than the FY2010-enacted appropriation of \$7.899 billion. In turn, Congress appropriated a total of \$7.926 billion for the FBI. This amount is

- \$27.7 million (0.4%) greater than the FY2010-enacted appropriation,
- \$338.4 million (-4.1%) less than the President's FY2011 request, and
- \$160.7 million (2.1%) greater than the amount that would have been provided under H.R. 1.

For FBI salaries and expenses, Congress appropriated \$7.819 billion for FY2011. This amount is

- \$160.5 million (2.1%) greater than the FY2010-enacted appropriation of \$7.659 billion,
- \$264.3 million (-3.3%) less than the President's request of \$8.083 billion, and
- \$160.5 million (2.1%) greater than the \$7.659 billion that would have been provided under H.R. 1.

In the FBI FY2012 budget summary, however, the FY2010 enacted appropriation was presented differently. Instead of \$7.659 billion, the budget summary showed the FBI FY2010-enacted appropriation to be \$7.633 billion, an amount that reflects a \$50 million rescission and \$24 million supplemental appropriation for FY2010. Accordingly, the budget summary showed that the President's request for \$8.083 billion would have provided the FBI with an increase of \$425 million (5.5%). This proposed increase included \$215.5 million (over base), which included \$232.8 million in budget enhancements that were offset by \$17.3 million in reductions. The requested FY2011 budget enhancements included the following:

- \$45.9 million for cyber security (computer intrusions);
- \$25.2 million for national security (counterterrorism and counterintelligence);
- \$25.1 million for operational enablers, who will address FBI shortfalls in information technology and other areas of technical expertise;
- \$9.1 million for weapons of mass destruction (WMD) countermeasures;
- \$40 million for WMD response and render safe capabilities;

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<sup>25</sup> The FY2010 enacted amount does not reflect with a \$50 million rescission or a \$24 million supplemental appropriation, which would bring the total amount appropriated for the FBI to \$7.633 billion.

- \$75.3 million for white collar crime investigations;
- \$10.8 million for child exploitation investigations;
- \$952 thousand for modernizing U.S. law enforcement's approach to international organized crime; and
- \$328 thousand for crime in Indian country.

The FY2011 request also included a proposal to transfer \$19.0 million from the Department of the Interior to the FBI to address crime in Indian country. As described above, the FY2011-enacted appropriation for salaries and expenses is \$264.3 million less than the President's request. As a consequence, some of these initiatives may not be funded for FY2011.

For FBI construction, Congress appropriated \$107.1 million for FY2011. This amount is

- \$132.8 million (-55.4%) less than the \$239.9 million appropriated for FY2010;
- \$74.1 million (-40.9%) less than the amount \$181.2 requested by the President for FY2011; and
- \$180,000 (0.2%) greater than the \$106.9 million that would have been provided under H.R. 1.

### **Shifting Budget Allocations: FY2003 to FY2010, and FY2011 Request**

From FY2003 to FY2010, the lion's share of new resources provided to the FBI have been allocated to national security, including the intelligence and counterterrorism/counterintelligence budget decision units.<sup>26</sup> For those years, the allocations for national security from the salaries and expenses account increased from \$2.107 billion (46.0%) to \$4.762 billion (62.2%). The FY2011 request included a proposed allocation of \$5.015 billion (62.0%) for FY2010 for national security activities.

At the same time, as a percentage of S&E funding, the allocations for criminal enterprises and federal crimes (traditional crime) decreased from \$2.199 billion (48.0%) to \$2.471 billion (32.3%). Some Members of Congress have expressed concern about the diminishing percentage of funding allocated for traditional crime (including drug enforcement, violent crime, and white collar crime investigations).<sup>27</sup> The FY2011 request included a proposed allocation of \$2.642 billion (32.7%) for traditional crime.

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

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<sup>26</sup> There are no publicly available budget breakouts for FY2000 through FY2002. It is also notable that prior to the September 11, 2001, terrorist attacks, and immediately thereafter, FBI funding allocations for national security activities were considered law enforcement-sensitive. Those amounts were redacted from declassified audits released by DOJ Inspector General. See Audit Report 02-38, *A Review of the Federal Bureau of Investigation's Counterterrorism Program: Threat Assessment, Strategic Planning, and Resource Management*, September 2002, available at <http://www.usdoj.gov/oig/reports/FBI/a0238.htm>.

<sup>27</sup> Senator Barbara Mikulski, Chair of the Senate Appropriations CJS subcommittee, amended the FY2008 CJS appropriations bill (H.R. 3093) to include language to require the FBI Director to submit a report to the Appropriations Committees with 60 days of enactment on the FBI's current workforce allocation, right-sizing, and realignment of agents, analysts, and support personnel.

FY2011 request included a proposed allocation of \$416.5 million (5.3%) for criminal justice services.

## **National Security**

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

## **Crime Control**

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

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

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

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

## **Cyber Program**

On the national security side of the FBI's mission, the FBI cyber program covers counterterrorism- and counterintelligence-related computer intrusion investigations. On the crime side, the program covers intellectual property rights, copyright infringements involving computer software, credit/debit card fraud, identity theft, and child exploitation investigation related to the criminal use of computers. The FBI underscored that terrorist groups, hostile foreign intelligence services, and transnational criminal organizations are a grave threat to U.S. economic security.

Such groups have compromised computer networks; stolen classified, proprietary, and sensitive information; manipulated critical data; and perpetuated fraud. To expand FBI investigative capabilities related to computer intrusions, the FY2011 request included a \$45.9 million increase, which would have brought funding for this program to \$181.8 million for FY2011.

### **Operational Enablers**

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

### **Drug Enforcement Administration (DEA)**

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

For FY2011, the President's budget request included \$2.13 billion for DEA. The requested amount represented an increase of \$110.4 million, what would have been 5.5% more than FY2010-enacted appropriation of almost \$2.02 billion. The President's FY2011 budget request for DEA included the following:

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

The DEA would have received \$2.02 billion under H.R. 1, the same as the enacted FY2010 appropriation. This amount would have been 5.2% less than the Administration's FY2011 request. The FY2011 appropriation of almost \$2.016 billion is \$4.0 million (0.2%) less than the FY2010 appropriation, almost \$114.5 million (5.4%) less than the Administration's request for DEA, and \$4.0 million (0.2%) less than what would have been provided by H.R. 1.

## **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)**

The ATF enforces federal criminal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. ATF works both independently and through partnerships with industry groups; international, state and local governments; and other federal agencies to investigate and reduce crime involving firearms and explosives, acts of arson, and illegal trafficking of alcohol and tobacco products. From FY2001 through FY2010, Congress has increased the direct appropriation for the ATF, from \$771.0 million to \$1.121 billion, a 45.4% increase.<sup>28</sup>

The President's FY2011 budget request included \$1.163 billion for ATF, an increase of \$42.2 million (3.8%), compared with the FY2010-enacted appropriation. Proposed increases (over base) included \$11.8 million for Project Gunrunner<sup>29</sup> and \$1.2 million for Emergency Support Function #13 (ESF 13), the Public Safety and Security Annex to the National Response Framework (NRF).<sup>30</sup> The NRF sets broad responsibilities and lines of authority for federal agencies in the event of a national emergency or major disaster. Under the NRF, the Attorney General is responsible for ESF-13, which entails all hazards law enforcement planning and coordination for the entire United States and its territories. The Attorney General, in turn, has delegated his responsibility for ESF-13's implementation to the ATF.

For FY2011, Congress appropriated \$1.113 billion for the ATF. This amount is \$8.2 million (-0.7%) less than the FY2010-enacted appropriation of \$1.121 billion, \$50.4 million (-4.3%) less than the President's request, and \$2.2 million (-0.2%) less than the \$1.115 billion that would have been provided under H.R. 1.

## **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>31</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>32</sup> BOP currently operates 115 correctional facilities

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<sup>28</sup> The FY2010 amount does not reflect \$37.5 million in supplemental appropriations.

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

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

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

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

across the country.<sup>33</sup> BOP also contracts with Residential Re-entry Centers (RRC) (i.e., halfway houses) to provide assistance to inmates nearing release.<sup>34</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>35</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>36</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.

For FY2011, the Administration requested a total of \$6.806 billion for BOP, which includes \$6.534 billion for the S&E account and \$269.7 million for the B&F account. The FY2011 request was \$618.1 million above the FY2010-enacted amount of \$6.188 billion, representing a proposed increase of 10.0% for FY2011. The proposed amount for the S&E account was \$447.5 million more than the FY2010-enacted amount of \$6.086 billion, and the proposed funding for the B&F account was \$170.6 million more than the FY2010-enacted amount of \$99.2 million. H.R. 1 would have provided a total of \$6.427 billion for BOP, which would have been 3.9% more than the FY2010 appropriation, but it was 5.6% less than the Administration's FY2011 request. H.R. 1 included \$6.325 billion for the S&E account and \$99.2 million for the B&F account. The FY2011-enacted amount for BOP is \$6.384 billion, which is 3.2% more than what BOP received for FY2010, but it is 6.2% below the Administration's request and 0.7% less than what would have been provided in H.R. 1. The FY2011-enacted amount includes \$6.295 billion for the S&E account, which is \$208.8 million more than the FY2010-enacted amount, and \$99.2 million for the B&F account, the same as the FY2010-enacted amount.

The growing federal prison population and prison crowding continue to be a major concern for BOP. Over the past decade, the number of inmates held in BOP facilities grew from 125,560 in FY2000 to 173,305 in FY2010.<sup>37</sup> During that same time period, prison crowding grew from 32% over rated capacity to 37% over rated capacity, even though the number of facilities operated by BOP increased from 97 to 116. The Administration requested \$66.9 million for the S&E account and \$170.0 million for the B&F account to acquire, renovate, and operate a high-security prison in Thomson, IL. According to BOP, the Thomson prison would add up to 1,600 additional high-security beds to the federal prison system.<sup>38</sup> In addition, the facility has already been built, so

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

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

<sup>35</sup> *Ibid.*

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

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

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

acquiring the facility would increase BOP's capacity in a shorter period of time than constructing a new facility. However, the facility in Thomson was also identified as a facility that might have been used to house Guantanamo Bay detainees, should they be brought to the United States and tried in civilian courts.<sup>39</sup> One issue Congress considered was whether to allow BOP to acquire the Thomson prison even if Congress chose to prohibit DOJ from using any of its FY2011 appropriations to bring Guantanamo Bay detainees to the United States. P.L. 112-10 includes a provision that prevents any federal agency from constructing or modifying any facility in the United States to house Guantanamo Bay detainees. However, even though the provision does not prohibit BOP from purchasing the Thompson prison to house federal inmates, it does not appear that BOP will have the resources to purchase the prison. Congress did not provide any additional funding for BOP's B&F account for FY2011 and the increase in the S&E account was \$13.1 million more than what BOP requested as a base adjustment to its FY2010 appropriation. The \$13.1 million Congress provided for program increases is less than the \$66.9 million BOP requested to activate the Thompson prison after purchasing it.

## Office on Violence Against Women (OVW)

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

The Administration's request for OVW for FY2011 was \$438.0 million, which was \$19.5 million, or 4.7%, more than the FY2010-enacted amount of \$418.5 million. Under H.R. 1, OVW would have received \$418.5 million, the same as the FY2010-enacted amount but 4.5% less than the Administration's FY2011 request. The FY2011-enacted amount for OVW is \$417.7 million, which is 0.2% less than both the FY2010-enacted amount and the amount that would have been provided under H.R. 1 and it is 4.6% less than the Administration's request.

**Table 4** provides a breakdown of funding for OVW grant programs. H.R. 1 would have continued funding for each of the grant programs funded under the account at FY2010-levels. FY2011-enacted funding for each program is equal to the FY2010-enacted level minus the 0.2% across-the-board rescission.

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

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

Program	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
STOP Grants	\$210.0	\$187.5	\$210.0	\$209.6
National Institute of Justice (R&D)	3.0	—	3.0	3.0
Transitional Housing Assistance	18.0	—	18.0	18.0
National Institute of Justice (R&D)	—	3.0	—	—
Transitional Housing Assistance	—	25.0	—	—
Grants to Encourage Arrest Policies	60.0	47.5	60.0	59.9
Rural Domestic Violence Assistance Grants	41.0	41.0	41.0	40.9
Violence on College Campuses	9.5	9.5	9.5	9.5
Civil Legal Assistance	41.0	50.0	41.0	40.9
Sexual Assault Victims Services	15.0	30.0	15.0	15.0
Elder Abuse Grant Program	4.3	4.3	4.3	4.2
Safe Havens Project	14.0	14.0	14.0	14.0
Education and Training for Disabled Female Victims	6.8	6.8	6.8	6.7
Court Training and Improvement	3.0	4.0	3.0	3.0
Services for Children/Youth Exposed to Violence	3.0	3.0	3.0	3.0
Advocates for Youth/ Services for Youth Victims	3.5	3.5	3.5	3.5
National Tribal Sex Offender Registry	1.0	1.0	1.0	1.0
Engaging Men and Youth in Prevention	3.0	3.0	3.0	3.0
National Resource Center on Workplace Responses	1.0	1.0	1.0	1.0
Supporting Teens Through Education and Protection	2.5	—	2.5	2.5
Research on Violence Against Indian Women	—	3.0	—	—
National Clearinghouse for Issues Related to Sexual Assault Against Indian Women	—	0.5	—	—
Regional Summits on Violence Against Women in Indian Country	—	0.5	—	—
<b>Total: OVW</b>	<b>418.5</b>	<b>438.0</b>	<b>418.5</b>	<b>417.7</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from the Office on Violence Against Women's FY2011 Congressional budget submission. H.R. 1 amounts were taken from the House-passed version of the bill. FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10.

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

## Office of Justice Programs (OJP)

The OJP manages and coordinates the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crime, Bureau of Justice Assistance, and related grant programs.

The Administration requested a total of \$2.07 billion for OJP for FY2011. The FY2011 request would have been 9.4% less than the FY2010-enacted amount of \$2.284 billion. Most of the funding reductions came from proposed cuts to the State and Local Law Enforcement Assistance and Juvenile Justice Programs accounts, along with the proposed elimination of the Weed and Seed account. H.R. 1 would have provided a total of \$1.481 billion for OJP, an amount that would have been 35.1% less than the FY2010-enacted appropriation and 28.4% less than the Administration's FY2011 request. Congress provided a total of \$1.698 billion for OJP for FY2011. This amount is 25.6% less than the FY2010-enacted amount and 18.0% less than the Administration's request, but it is 14.6% more than what would have been provided in H.R. 1. Reductions in OJP's FY2011 appropriation are the result of reduced funding for the State and Local Law Enforcement Assistance and Juvenile Justice Programs account and the elimination of funding for Weed and Seed.

### Justice Assistance

The Justice Assistance account, among other things, funds the operations of the Bureau of Justice Statistics and the National Institute of Justice, along with providing assistance to missing and exploited children programs. For FY2011, the Administration requested a total of \$224.3 million for the Justice Assistance account—a proposed reduction of 4.6% compared with the FY2010-enacted amount of \$235.0 million. H.R. 1 would have provided \$225.0 million for the Justice Assistance account, which would have been 4.3% less than the FY2010 appropriation, but 0.3% more than the Administration's request. The FY2011-enacted amount of \$234.5 million represents a 0.2% reduction in funding compared to the FY2010-enacted appropriation, but it is 4.6% more than the Administration's request and 4.2% greater than the amount that would have been provided in H.R. 1.

**Table 5** provides a breakdown of funding under the Justice Assistance account. H.R. 1 proposed a \$10.0 million reduction to the account, but instead of specifying how the reduction would have been applied to each of the programs funded under the account, Congress would have given DOJ the discretion to apply the proposed reduction across the programs. Under the bill DOJ could not have funded a program at a level greater than the FY2010-enacted amount and it could not have funded a program that was not funded in FY2010. FY2011-enacted funding for each program is equal to the FY2010-enacted level minus the 0.2% across-the-board rescission.

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

Program	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
Bureau of Justice Statistics	\$60.0	\$62.5	N.A.	\$59.9
National Institute of Justice	48.0	70.8	N.A.	47.9
Statewide Automated Victim Notification System	12.0	10.0	N.A.	12.0
Regional Information Sharing System	45.0	9.0	N.A.	44.9
Missing and Exploited Children	70.0	60.0	N.A.	69.9
Prosecute and Prevent Hate Crimes	—	6.0	N.A.	—
State and Local Help Desk and Diagnostic Center Program	—	6.0	N.A.	—
<b>Total: Justice Assistance</b>	<b>235.0</b>	<b>224.3</b>	<b>225.0</b>	<b>234.5</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from the Office of Justice Program’s FY2011 Congressional budget submission. H.R. 1 amounts were taken from the House-passed version of the bill. FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10.

**Note:** Amounts may not add to totals due to rounding. “N.A.” stands for “Not Available.”

### State and Local Law Enforcement Assistance

The State and Local Law Enforcement Assistance account includes funding for a variety of grant programs to improve the functioning of state, local, and tribal criminal justice systems. Some examples of programs that have traditionally been funded under this account include the Edward Byrne Memorial Justice Assistance Grant (JAG) program, the Drug Courts program, and the State Criminal Alien Assistance Program (SCAAP). The Administration’s request for this account for FY2011 was \$1.479 billion, or \$56.3 million (3.7%) less than the FY2010-enacted amount of \$1.535 billion. H.R. 1 included \$953.5 million for this account. This amount would have represented a 37.9% reduction in funding compared to the FY2010-enacted level. It was also 28.4% less than the Administration’s FY2011 request. Congress provides a total of \$1.118 billion for the State and Local Law Enforcement Assistance account for FY2011, an amount that is 27.2% less than the FY2010 appropriation and 24.4% less than the Administration’s request. However, the FY2011-enacted amount is 17.2% more what would have been provided in H.R. 1.

**Table 6** provides a breakdown of appropriations for programs funded under the State and Local Law Enforcement Assistance account. H.R. 1 proposed a \$581.3 million reduction to the account. As a part of that reduction, the bill would have zeroed-out funding for the Byrne Discretionary Grant program, which was earmarked in FY2010. Instead of specifying how the reduction would have been applied to each of the programs funded under the account, Congress would have given DOJ the discretion to apply the proposed reduction across the programs. Under the bill DOJ could not have funded a program at a level greater than the FY2010-enacted amount and it could not have funded a program that was not funded in FY2010. Under the act, funds appropriated for the State and Local Law Enforcement Assistance account cannot be used to fund the Edward Byrne Discretionary Grant program. The act also requires the reduction in funding for this account to be applied proportionately to each program funded under the account in FY2010. After removing earmarked funding from the FY2010-enacted amount, CRS calculates that each grant program

funded under this account will be reduced 17.0% and from that amount the 0.2% across-the-board rescission is applied.<sup>40</sup>

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

Program	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
Byrne Memorial Justice Assistance Grants	\$519.0	\$519.0	N.A.	\$429.9
Transfer to the National Institute of Justice	5.0	5.0	N.A.	4.1
State and Local Intelligence Training	3.0	2.0	N.A.	2.5
Byrne Discretionary Grants	185.3	—	—	—
Byrne Competitive Grants	40.0	30.0	N.A.	33.1
State Criminal Justice Reform and Recidivism Reduction	10.0	—	N.A.	8.3
John R. Justice Grant Program	10.0	—	N.A.	8.3
Tribal Assistance	50.0	—	N.A.	41.4
Detention Facilities	10.0	—	N.A.	8.3
Courts	25.0	—	N.A.	20.7
Alcohol and Substance Abuse	12.0	—	N.A.	9.9
Legal Assistance	3.0	—	N.A.	2.5
State Criminal Alien Assistance Program	330.0	330.0	N.A.	273.4
Southwest Border Prosecutions	31.0	—	N.A.	25.7
Northern Border Prosecutions	3.0	—	N.A.	2.5
Victims of Trafficking Grants	12.5	10.0	N.A.	10.4
Residential Substance Abuse Treatment	30.0	30.0	N.A.	24.9
Mentally Ill Offenders Act	12.0	—	N.A.	9.9
Drug Courts	45.0	—	N.A.	37.3
Prescription Drug Monitoring	7.0	—	N.A.	5.8
Prison Rape Prevention and Prosecution	15.0	5.0	N.A.	12.4
Justice for All—Capital Litigation/Wrongful Conviction Review	5.5	5.5	N.A.	4.6
Missing Alzheimer’s Patient Grants	2.0	—	N.A.	1.7
Economic, High-tech and Cybercrime Prevention	20.0	—	N.A.	16.6
CASA-Special Advocates	15.0	10.0	N.A.	12.4

<sup>40</sup> For FY2010, the appropriated amount for the State and Local Law Enforcement Assistance account was \$1,534,768,000, while funding for the Byrne Discretionary Grant program was \$185,268,000. The act provided a total of \$1,120,085,000 for the account before the 0.2% across-the-board rescission is applied. The proportionate reduction was calculated as follows (amount in thousands of dollars):  $1 - (\$1,120,085 / (\$1,534,768 - \$185,268))$ .

Program	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
Training for Judicial Personnel	2.5	2.5	N.A.	2.1
Stalking Database	3.0	3.0	N.A.	2.5
Research on Violence Against Indian Women	1.0	—	N.A.	1.0
Training Program to Assist Probation and Parole Officers	3.5	3.5	N.A.	2.9
Closed Circuit Television Grants	1.0	—	N.A.	1.0
Second Chance Act	100.0	100.0	N.A.	82.8
Violent Gang and Gun Crime Reduction	15.0	—	N.A.	12.4
National Instant Criminal Background Check System Grants	20.0	10.0	N.A.	16.6
National Criminal History Improvement Program (NCHIP)	11.5	10.0	N.A.	9.5
Paul Coverdell Forensic Science Grants	35.0	30.0	N.A.	29.0
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	—	5.0	—	—
Justice Information Sharing and Technology Program	—	15.0	—	—
Adam Walsh Act	—	20.0	—	—
Improve State, Local, and Tribal Probation Supervision Efforts	—	10.0	—	—
Programs for Children Exposed to Violence	—	37.0	—	—
Byrne Criminal Justice Innovation Program	—	40.0	—	—
DNA-related and Forensic Programs	—	150.0	—	—
Sex Offender Management Assistance	—	5.0	—	—
Bullet-proof Vests Grant Program	—	30.0	—	—
National Sex Offender Public Website	—	1.0	—	—
<b>Total: State and Local Law Enforcement</b>	<b>1,534.8</b>	<b>1,478.5</b>	<b>953.5</b>	<b>1,117.8</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from the Office of Justice Program’s FY2011 Congressional budget submission. H.R. 1 amounts were taken from the House-passed version of the bill. FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10.

**Note:** Amounts may not add to totals due to rounding. “N.A.” stands for “Not Available.”

One issue Congress considered is whether to—in light of a growing state prison population— increase funding for grants for alternatives to incarceration (e.g., drug and mental health courts) and recidivism reduction (e.g., the Residential Substance Abuse Treatment (RSAT) program and programs authorized by the Second Chance Act of 2007 (P.L. 110-199)). The Bureau of Justice

Statistics (BJS) reports that the state prison population increased from approximately 1.3 million in 2000 to approximately 1.5 million in 2008.<sup>41</sup> In addition, BJS reported that prison populations in 17 states exceed the state's highest measured capacity and prisons in 19 other states are operating between 90% and 100% of their highest measured capacity.<sup>42</sup> Increased use of drug and mental health courts may help alleviate prison crowding by diverting low-level offenders from prison while still holding them accountable for their crimes. The RSAT program and the programs authorized by the Second Chance Act could also assist states with decreasing their prison populations by helping reduce recidivism. For FY2011, the Administration requested \$100.0 million for programs authorized by the Second Chance Act, \$30.0 million for the RSAT program, and \$57.0 million for drug, mental health, and problem-solving courts. Congress provided funding for these programs, albeit at levels below the Administration's request. For FY2011, Congress provides \$82.8 million for programs authorized under the Second Chance Act, \$24.9 million for RSAT, \$37.3 million for drug courts, and \$9.9 million for mental health courts.

### Weed and Seed Program

The Weed and Seed program is designed to provide grants to help communities build stronger, safer neighborhoods by implementing local-level approaches to solve and prevent crimes. The program provides assistance for community-based strategies of "weeding and seeding" activities based on the premise that leaders from neighborhood and community organizations, including faith-based organizations, law enforcement, and private enterprise, must be involved in leveraging resources to solve community problems at the local level. Site funding generally provides resources for "weeding" activities, which include joint law enforcement operations and community policing, and "seeding" activities, which range from prevention activities, including physically improving the neighborhood and economic development. The Administration did not request any funding for the Weed and Seed program for FY2011. FY2010-enacted funding for Weed and Seed was \$20.0 million. H.R. 1 did not include any funding for the Weed and Seed account. Ultimately, Congress chose to not fund the Weed and Seed program for FY2011.

As mentioned, an issue Congress considered was whether to accept the Administration's request to end funding for the Weed and Seed Program, which it did. According to the Administration, even though it did not request funding for Weed and Seed for FY2011, it requested \$40.0 million for a new Byrne Criminal Justice Innovation Program under the State and Local Law Enforcement Assistance account. The proposed program would have replaced and build on concepts employed by the Weed and Seed program.<sup>43</sup> Congress did not accept the Administration's proposal.

### Juvenile Justice Programs

The Juvenile Justice Programs account includes funding for grant programs to reduce juvenile delinquency and help state, local, and tribal governments improve the functioning of their juvenile justice systems. For FY2011, the Administration's request included \$289.8 million for

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

<sup>42</sup> *Ibid.*, pp. 44-45.

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

this account, what would have been almost \$133.8 million, or 31.6%, less than the \$423.6 million appropriated for the Juvenile Justice Programs account for FY2010. Under H.R. 1, this account would have received \$232.5 million, or what would have been 45.1% below the FY2010-enacted level and 19.8% less than the Administration's FY2011 request. The FY2011 appropriation of \$275.4 million for Juvenile Justice Programs is almost \$148.2 million (35.0%) less than the FY2010 appropriation, almost \$14.4 million (5.0%) less than the Administration's request for juvenile justice funding, and \$42.9 million (18.5%) less than what would have been provided by H.R. 1.

**Table 7** provides a breakdown of programs funded under the Juvenile Justice Programs account. H.R. 1 proposed a \$191.1 million reduction to the account. As a part of that reduction, the bill would have zeroed-out funding for Part E—Demonstration Project grants, which were earmarked in FY2010. Instead of specifying how the reduction would have been applied to each of the programs funded under the account, Congress would have given DOJ the discretion to apply the proposed reduction across the programs. Under the bill DOJ could not have funded a program at a level greater than the FY2010-enacted amount and it could not have funded a program that was not funded in FY2010. Under the act, funds appropriated for the Juvenile Justice Programs account cannot be used to fund the Part E grants. The act also requires the reduction in funding for this account to be applied proportionately to each program funded under the account in FY2010. After removing earmarked funding from the FY2010-enacted amount, CRS calculates that each grant program funded under this account will be reduced 17.0% and from that amount the 0.2% across-the-board rescission is applied.<sup>44</sup>

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<sup>44</sup> For FY2010, the appropriated amount for the Juvenile Justice Programs account was \$423,595,000, while funding for Part E—Challenge Grants was \$91,095,000. The act provided a total of \$275,975,000 for the account before the 0.2% across-the-board rescission is applied. The proportionate reduction was calculated as follows (amount in thousands of dollars):  $1 - (\$275,975 / (\$423,595 - \$91,095))$ .

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

(budget authority in millions of dollars)

Program	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
Part B—State Formula	\$75.0	\$72.0	N.A.	\$62.1
Part E—Demonstration Projects	91.1	—	—	—
Youth Mentoring Grants	100.0	45.0	N.A.	82.8
Title V—Incentive Grants	65.0	62.0	N.A.	53.8
Tribal Youth	25.0	—	N.A.	20.7
Gang Prevention	10.0	—	N.A.	8.3
Alcohol Use Prevention	25.0	—	N.A.	20.7
Incentive Grants	5.0	—	N.A.	4.1
Investigation and Prosecution of Child Abuse Programs	22.5	20.0	N.A.	18.6
Juvenile Accountability Block Grants	55.0	40.0	N.A.	45.6
Community-based Violence Prevention Initiative	10.0	25.0	N.A.	8.2
Safe Start	5.0	—	N.A.	4.1
Juvenile Delinquency Court Improvement Program	—	13.0	—	—
Disproportionate Minority Contact Evaluation and Program	—	0.8	—	—
Gang and Youth Violence Prevention and Intervention	—	12.0	—	—
<b>Total: Juvenile Justice Programs</b>	<b>423.6</b>	<b>289.8</b>	<b>232.5</b>	<b>275.4</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from the Office of Justice Program’s FY2011 Congressional budget submission. H.R. 1 amounts were taken from the House-passed version of the bill. FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10.

**Note:** Amounts may not add to totals due to rounding. “N.A.” stands for “Not Available.”

### Public Safety Officers Benefits Program (PSOB)

The PSOB program provides three different types of benefits to public safety officers and their survivors: death, disability, and education. The PSOB program is intended to assist in the recruitment and retention of law enforcement officers, firefighters, and first responders and to offer peace of mind to men and women who choose careers in public safety. The Administration requests \$77.3 million for PSOB for FY2011, an increase of \$7.2 million, or 10.3%, compared with the FY2010-enacted amount of \$70.1 million. The Full-Year CR includes \$70.1 million for PSOB, the same as the FY2010-enacted level but 9.3% below the Administration’s FY2011 request.

### Community Oriented Policing Services (COPS)

The COPS Office awards grants to state, local and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and

innovative policing strategies. Some examples of grant programs traditionally funded under this account include the Law Enforcement Technology grant program, the Methamphetamine Hot-spots Initiative, and grants to reduce the DNA backlog.

The FY2011 requested funding for COPS was \$690.0 million. The FY2011-requested amount would have been \$101.6 million (12.8%) less than the \$791.6 million Congress appropriated for COPS for FY2010. H.R. 1 included \$588.5 million for COPS. This amount would have been 25.7% less than the FY2010 appropriation for COPS and 14.7% below the Administration's FY2011 request. For FY2011, Congress provides \$494.9 million for COPS. This amount is 37.5% less than the FY2010 appropriation, 28.3% less than the Administration's request, and 15.9% less than what would have been provided in H.R. 1.

**Table 8** provides a breakdown of grant programs funded under the COPS account. H.R. 1 proposed a \$203.1 million reduction to the account. As a part of that reduction, the bill would have zeroed-out the earmarked portion of both the COPS Law Enforcement Technology program and the COPS Methamphetamine Hot-spots Initiative. Instead of specifying how the reduction would have been applied to each of the programs funded under the account, Congress would have given DOJ the discretion to apply the proposed reduction across the programs. Under the bill DOJ could not have funded a program at a level greater than the FY2010-enacted amount and it could not have funded a program that was not funded in FY2010. Under the act, funds appropriated for the COPS account cannot be used to fund the earmarked portions of the COPS Law Enforcement Technology program or the COPS Methamphetamine Hot-spots Initiative. The act also requires the reduction in funding for this account to be applied proportionately to each program funded under the account in FY2010. After removing earmarked funding from the FY2010-enacted amount, CRS calculates that each grant program funded under this account will be reduced 17.0% and from that amount the 0.2% across-the-board rescission is applied.<sup>45</sup>

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<sup>45</sup> For FY2010, the appropriated amount for the COPS account was \$791,608,000, while funding for the earmarked portion of the COPS Law Enforcement Technology program was \$168,723,000 and the funding for the earmarked portion of the COPS Methamphetamine Hot-spots Initiative was \$25,385,000. The act provided a total of \$495,925,000 for the account before the 0.2% across-the-board rescission is applied. The proportionate reduction was calculated as follows (amount in thousands of dollars):  $1 - (\$495,925 / (\$791,608 - (\$168,723 + 25,385)))$ .

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

Program	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
COPS Hiring Program	\$298.0	\$600.0	N.A.	\$246.8
COPS Technology and Interoperability	170.2	—	1.5	1.2
Transfer to the National Institute of Standards and Technology	1.5	—	1.5	1.2
Meth Hot Spots	40.4	—	15.0	12.4
Transfer to the Drug Enforcement Administration	10.0	—	10.0	8.3
Tribal Meth Enforcement Grants	5.0	—	5.0	4.1
Tribal Law Enforcement	40.0	25.0	N.A.	33.1
Bullet-proof Vests Grant Program	30.0	—	N.A.	24.9
Transfer to the National Institute of Standards and Technology	1.5	—	N.A.	1.2
DNA Backlog Reduction	161.0	—	N.A.	133.4
Debbie Smith DNA Backlog Grants	151.0	—	N.A.	125.1
Post-conviction DNA Testing Grants	5.0	—	N.A.	4.1
Sexual Assault Nurse Examiners	5.0	—	N.A.	4.1
Child Sexual Predator Elimination/ Sex Offender Management	24.0	18.0	N.A.	19.9
Sex Offender Management	11.0	—	N.A.	9.1
National Sex Offender Public Website	1.0	—	N.A.	1.0
Secure Our Schools Act	16.0	14.0	N.A.	13.3
Community Policing Development	12.0	18.0	N.A.	9.9
Police Integrity Initiative	—	15.0	—	—
<b>Total: Community Oriented Policing Services</b>	<b>791.6</b>	<b>690.0</b>	<b>588.5</b>	<b>494.9</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from the Office of Justice Program's FY2011 Congressional budget submission. H.R. 1 amounts were taken from the House-passed version of the bill. FY2011-enacted amounts are based on a CRS analysis of the text of P.L. 112-10.

**Note:** Amounts may not add to totals due to rounding. "N.A." stands for "Not Available."

## 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>46</sup>

<sup>46</sup> U.S. Congress, House Committee on Appropriations, *Omnibus Appropriations Act, 2009*, committee print, 111<sup>th</sup> (continued...)

The Administration's requested funding for this account for FY2011 was \$279.4 million. The FY2011 request would have represented a proposed 31.0% increase when compared to the FY2010-enacted amount of \$213.4 million. H.R. 1 included \$213.4 million for OVW, OJP, and COPS salaries and expenses, the same as the FY2010-enacted level. The FY2011-enacted amount for this account is \$186.6 million, which represents a 12.5% decrease in funding compared to both the FY2010 appropriation and what would have been provided in H.R. 1. The FY2011-enacted amount is 33.2% below the Administration's request.

## **Science Agencies<sup>47</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.

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

H.R. 1 would have provided a total of \$24.697 billion for the Science Agencies. Proposed funding for the Science Agencies in H.R. 1 would be 3.7% less than the FY2010-enacted level and 6.6% less than the President's FY2011 request.

The act provides a total of \$25.315 billion for the Science Agencies, which includes \$6.6 million for the Office of Science and Technology Policy, \$18.448 billion for NASA, and \$6.86 billion for NSF. The FY2011-enacted appropriation is 1.3% less than the FY2010 appropriation and 4.2% less than the Administration's request, but it is 2.5% more than what would have been provided in H.R. 1.

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(...continued)

Cong., 1<sup>st</sup> sess., March 2009, Book 1 of 2 – Divisions A-E (Washington: GPO, 2009), p. 342.

<sup>47</sup> This section was coordinated by John F. Sargent, CRS Resources, Science, and Industry Section.

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

Accounts	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
Office of Science and Technology Policy (OSTP)	\$7.0	\$7.0	\$6.5	\$6.6
National Aeronautics and Space Administration (NASA)	18,724.3	19,000.0	18,123.3	18,448.0
National Science Foundation (NSF)	6,926.5 <sup>a</sup>	7,424.4	6,567.0	6,859.9
<b>Total: Science Agencies</b>	<b>25,657.8</b>	<b>\$26,431.4</b>	<b>24,696.8</b>	<b>25,314.5</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from S.Rept. 111-229. H.R. 1 amounts were taken from the House-passed version of the bill. FY2011-enacted amounts were taken from H.Rept. 112-169.

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

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

## Office of Science and Technology Policy (OSTP)<sup>48</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>49</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>50</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>51</sup> OSTP’s FY2010 budget was \$7.0 million. An additional \$3.0 million was provided through the National Science Foundation appropriation for the Science and Technology Policy Institute (STPI), a federally funded research and development center that supports OSTP. For FY2011, the Administration requested \$7.0 million, \$10 thousand (0.01%) below its FY2010 level.<sup>52</sup> The request would have supported four Senate-confirmed associate

<sup>48</sup> This section was prepared by Dana A. Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>49</sup> The National Science and Technology Council was established by Executive Order 12881.

<sup>50</sup> The President’s Council of Advisors on Science and Technology was established by Executive Order 13226.

<sup>51</sup> The other EOP office funded under the CJS appropriations bill is the Office of the United States Trade Representative.

<sup>52</sup> The difference between the FY2011 request and the prior year level is smaller than the rounding error.

directors,<sup>53</sup> reportedly reflecting a commitment to operate more efficiently and cost-effectively. Also, according to OSTP Director Holdren, the request reflected the President's continuing recognition of the importance and diversity of OSTP's functions in keeping "science in its rightful place" in his Administration.<sup>54</sup> The NSF again requested FY2011 funding for STPI (\$3.0 million, no change from FY2010).

H.R. 1 would have provided \$6.5 million for OSTP, a 7.1% decrease compared to FY2010 appropriations and 7.0% less than the Administration's FY2011 request. FY2011-enacted appropriations provide \$6.6 million for OSTP, a 5.9% decrease compared to FY2010 appropriations and 5.8% less than the Administration's FY2011 request. Funding for STPI falls below the appropriations-account level and is not identified in either legislation.

## National Aeronautics and Space Administration (NASA)<sup>55</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 requested \$19.000 billion for NASA for FY2011, a 1.5% increase over the FY2010 appropriation. H.R. 1 as passed by the House would have provided \$18.123 billion. The final appropriation in P.L. 112-10 was \$18.448 billion. See **Table 10** for a breakdown of these amounts by appropriations account.

For several years, budget priorities throughout NASA were driven by the Vision for Space Exploration. The Vision was announced by President Bush in January 2004 and endorsed by Congress in the NASA Authorization Act of 2005 (P.L. 109-155) and the NASA Authorization Act of 2008 (P.L. 110-422). Under the Vision, NASA's primary goal was to return humans to the Moon by 2020. In 2009, the Augustine committee conducted an independent review of NASA's human spaceflight activities.<sup>56</sup> The committee found that the program outlined by the Vision would require additional NASA funding of \$3 billion per year, even if a return to the Moon were delayed by a few years. The Administration's budget for FY2011 proposed to cancel the Moon program. Under the Administration proposal, NASA's eventual goal would be human exploration of Mars, preceded in the medium term by other destinations, such as an asteroid. In the near term, commercial crew launch services would provide access to the International Space Station, and long-term technology development would receive increased emphasis. In the NASA

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<sup>53</sup> The associate director for technology, Aneesh P. Chopra, also currently serves as Chief Technology Officer and Assistant to the President. For more information, see CRS Report R40150, *A Federal Chief Technology Officer in the Obama Administration: Options and Issues for Consideration*, by John F. Sargent Jr.

<sup>54</sup> Testimony of OSTP Director John Holdren, in U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Research and Development in the President's Fiscal Year 2011 Budget*, 111<sup>th</sup> Cong., 2<sup>nd</sup> sess., February 24, 2010, at [http://appropriations.house.gov/Witness\\_testimony/CJS/John\\_Holdren-2-24-10.pdf](http://appropriations.house.gov/Witness_testimony/CJS/John_Holdren-2-24-10.pdf).

<sup>55</sup> This section was prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>56</sup> Review of U.S. Human Spaceflight Plans Committee, *Seeking a Human Spaceflight Program Worthy of a Great Nation*, October 2009, [http://www.nasa.gov/pdf/396093main\\_HSF\\_Cmte\\_FinalReport.pdf](http://www.nasa.gov/pdf/396093main_HSF_Cmte_FinalReport.pdf).

Authorization Act of 2010 (P.L. 111-267), Congress established new goals and policy priorities for NASA that addressed many of these issues.<sup>57</sup>

The Administration's request for Exploration in FY2011 was \$4.263 billion, a 12.8% increase over FY2010. The activities funded by this account would change significantly under the Administration's proposal. The bulk of the account previously funded the Constellation program, developing the Orion crew vehicle and the Ares I rocket for carrying humans into low Earth orbit, as well as the heavy-lift Ares V cargo rocket and other systems needed for a Moon mission. The Administration budget for FY2011 would eliminate Constellation. Instead of developing Orion and Ares I, the Administration would provide \$812.0 million to spur development of commercial crew and cargo transport services to low-Earth orbit. Instead of developing Ares V and the lunar systems, it would provide \$1.551 billion for robotic precursor missions and technology R&D to enable future human exploration. In addition, it would provide \$1.9 billion to cover transition and closeout costs for Constellation. H.R. 1 would have provided the FY2010 amount for Exploration: \$3.746 billion. The final appropriation was \$3.801 billion, including not less than \$3.000 billion for the multipurpose crew vehicle and heavy lift launch vehicle delineated by the 2010 authorization act as alternatives to Orion and Ares. P.L. 112-10 did not specify how much of the Exploration appropriation should be allocated to development of commercial crew services.<sup>58</sup>

The President's \$5.006 billion request for Science in FY2011 was an 11.4% increase over FY2010. The largest proposed increase was for Earth Science. The request included \$171 million to fund a replacement for the Orbital Carbon Observatory (OCO), which was launched in February 2009 but failed to reach orbit, and \$150 million as the first year of a five-year, \$2.1 billion global climate initiative. The climate initiative and other increases would accelerate the development and launch of several Earth Science missions recommended in 2007 by a National Academies decadal survey.<sup>59</sup> The Administration request also proposed increased funding for Planetary Science and Heliophysics. H.R. 1 would have provided the FY2010 amount, \$4.469 billion. The final appropriation was \$4.935 billion.

The request for Aeronautics was \$579.6 million, an increase of 14.3% from FY2010. A new Space Technology program in the same appropriations account would receive \$572.2 million. The new program's focus would be technologies that are applicable to multiple missions in the long term, as opposed to components needed for specific systems in the short term. It would seek to advance technologies from the point of early-stage innovation to the demonstration of flight readiness. The Senate committee recommended the requested amount for Aeronautics, but only \$325.0 million for Space Technology. Within Space Technology, the committee recommended nearly the requested amount for Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR); as a result, the committee recommendation for the rest of the Space Technology program was about 60% less than the request. H.R. 1 would have provided the FY2010 amount for Aeronautics: \$501 million. The final appropriation was \$534 million.

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<sup>57</sup> For more details, see CRS Report R41016, *The Future of NASA: Space Policy Issues Facing Congress*, by Daniel Morgan.

<sup>58</sup> Section 1322 of P.L. 112-10 directed NASA to submit a spending plan within 60 days of enactment. This spending plan may clarify how FY2011 Exploration funds will be allocated.

<sup>59</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>.

The FY2011 request of \$4.888 billion for Space Operations, which funds the space shuttle, the International Space Station (ISS), and the Space and Flight Support program, was a 20.9% decrease from FY2010. In addition, a budget amendment submitted in June 2010 proposed transferring \$100 million from this account to the Departments of Commerce and Labor to address economic and workforce issues arising from the retirement of the space shuttle and the restructuring of the human spaceflight program. Under the request, the space shuttle program would receive \$989.1 million, down from \$3.139 billion in FY2010, as the program approaches its planned termination during FY2011. The requested funding for the ISS was \$2.780 billion, a 20.0% increase. The Administration's budget would extend ISS operations from 2015 to at least 2020. Increased ISS funding would provide for greater utilization of existing facilities, in part by paying the launch costs of non-NASA users of the ISS national laboratory. H.R. 1 would have provided \$5.947 billion for Space Operations. The final appropriation was \$5.498 billion. It appears that this funding will support an additional space shuttle flight in mid-2011, not proposed in the request but authorized in the 2010 authorization act.

The President requested \$3,111.4 billion for Cross-Agency Support, a 2.6% reduction from the FY2010 level. This account funds indirect costs for other NASA programs, including management and operations activities at the NASA centers and at NASA headquarters. H.R. 1 would have provided \$2.833 billion, a reduction of 11.3% from the FY2010 level and 8.9% from the FY2011 request. The final appropriation for Cross-Agency Support was \$3.105 billion.

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

Accounts	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
Science	\$4,469.0	\$5,005.6	\$4,469.0	\$4,935.4
Aeronautics and Space Research and Technology	501.0	1,151.8	501.0	533.9
Exploration	3,746.3	4,263.4	3,746.3	3,800.7
Space Operations	6,146.8	4,887.8	5,946.8	5,497.5
Education	182.5	145.8	182.5	145.5
Cross-Agency Support	3,194.0	3,111.4	2,833.0	3,105.2
Construction and Environmental Compliance and Restoration	448.3	397.3	408.3	393.5
Inspector General	36.4	37.0	36.4	36.3
<b>Total: NASA</b>	<b>18,724.3</b>	<b>19,000.0</b>	<b>18,123.3</b>	<b>18,448.0</b>

**Source:** The FY2010-enacted and FY2011 requested amounts were taken from NASA's FY2011 congressional budget justification, <http://www.nasa.gov/news/budget/index.html> and S.Rept. 111-229. H.R. 1 amounts were taken from the House-passed version of the bill. FY2011-enacted amounts were taken from H.Rept. 112-169.

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

## National Science Foundation (NSF)<sup>60</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>61</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.<sup>62</sup>

P.L. 112-10 provides a total of \$6.860 billion for NSF.<sup>63</sup> This amount is \$292.9 million or 4.5% more than the \$6.567 billion for NSF in H.R. 1; \$66.6 million or 1.0% less than the FY2010 enacted level of \$6.927 billion;<sup>64</sup> and \$564.5 million or 7.6% less than the President’s FY2011 request of \$7.424 billion.

The President’s FY2011 request for increased funding at the NSF was part of an ongoing effort to double funding for the NSF, NIST laboratories and construction accounts, and the DOE Office of Science.<sup>65</sup> The Obama Administration has asserted that increases to these accounts would “expand the frontiers of human knowledge and create the foundations for the jobs and industries of the future.”<sup>66</sup> However, some policymakers expressed concerns about funding for the doubling effort in light of the federal fiscal condition, deficit, and debt. In aggregate, FY2011 enacted funding for the NSF and the other targeted doubling accounts sets a pace for doubling<sup>67</sup> over approximately 15-years with respect to FY2006 funding. At this pace, doubling would take twice as long as the approximately seven-year pace set by the America COMPETES Act (P.L. 110-69) in 2007, and four years longer than the approximately 11-year pace established by the America COMPETES Reauthorization Act of 2010 (P.L. 111-358) in January 2011.<sup>68</sup>

NSF organizes its budget into six major accounts: Research and Related Activities (R&RA), Education and Human Resources (EHR), Major Research Equipment & Facilities Construction (MREFC), Agency Operations and Award Management (AOAM), Office of the Inspector General

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<sup>60</sup> This section was prepared by Christine M. Matthews, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

<sup>61</sup> The National Science Foundation Act of 1950 (P.L. 81-507), Purpose.

<sup>62</sup> For more information on the NSF, see CRS Report 95-307, *U.S. National Science Foundation: An Overview*, by Christine M. Matthews.

<sup>63</sup> This amount includes the .2% across-the-board rescission from P.L. 112-10, Section 1119; funding levels from P.L. 112-10, Sections 1317 and 1318; and FY2010 enacted levels from P.L. 111-117 for MREFC, AOAM, NSB, and the OIG as per P.L. 112-10, Section 1101.

<sup>64</sup> The FY2010 enacted amount of \$6.927 billion includes a one-time appropriation transfer of \$54.0 million to U.S. Coast Guard per P.L. 111-117.

<sup>65</sup> Both the George W. Bush Administration’s *American Competitiveness Initiative* and the 2007 America COMPETES Act (P.L. 110-69) sought to double federal support for basic research in the physical sciences and engineering.

<sup>66</sup> Executive Office of the President, Office of Science and Technology Policy, “The President’s Plan for Science and Innovation: Doubling Funding for Key Science Agencies in the 2011 Budget,” press release, February 1, 2010, p. 1, <http://www.whitehouse.gov/sites/default/files/doubling%2011%20final.pdf>.

<sup>67</sup> The “pace for doubling” is the number of years it would take to increase funding by 100% based on the compound annual growth rate between the base year (FY2006) and a specific year, in this case FY2011.

<sup>68</sup> Based on CRS analysis. Data available upon request.

(OIG), and the National Science Board (NSB).<sup>69</sup> The R&RA, EHR, and MREFC accounts represent the core of the NSF's research and education program activities and funding.<sup>70</sup>

FY2011-enacted appropriations include \$5.564 billion for R&RA in FY2011. This amount is \$96.0 million or 1.8% more than the \$5.468 billion for R&RA in H.R. 1; \$54.0 million or 1.0% less than the FY2010 enacted level of \$5.618 billion; and \$455.0 million or 7.6% below the President's FY2011 request for \$6.019 billion.

R&RA primarily supports basic research (76.3%, \$4.591 billion of the FY2011 request), with about a quarter (\$1.410 billion) of its FY2011 budget request for the Mathematics and Physical Sciences Directorate. Most R&RA funds are awarded to U.S. colleges and universities through a merit-based, peer review system. Questions about NSF's research-related activities include whether NSF-supported research is sufficiently high-risk, whether the peer review process favors certain institutions or investigators, whether the Foundation receives enough funding to support the number of competitive proposals it receives, and whether there is appropriate balance in the NSF portfolio by research field and location. Congress has responded to these questions in a variety of ways. These include directing NSF to pursue high-risk, high-reward basic research and research in particular fields, such as climate change.<sup>71</sup> Similarly, Congress established the Experimental Program to Stimulate Competitive Research program (\$154.4 million in FY2011 request) in response to concerns about the geographic distribution of NSF's research grants.<sup>72</sup>

The NSF also requested R&RA funds in FY2011 for some of the Foundation's educational programs, such as the Graduate Research Fellowship (\$50.7 million),<sup>73</sup> and to NSF-wide and federal multi-agency research activities. These include the NSF-wide Science, Engineering, and Education for Sustainability (\$765.5 million) portfolio,<sup>74</sup> and the multi-agency National

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<sup>69</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.

<sup>70</sup> The Full-Year Continuing Appropriations Act of 2011 appropriates to NSF at the major budgetary account level. Accordingly, information below the major account level is not available for comparison or analysis. However, Section 1322 of P.L. 112-10 directs the NSF to prepare a spending plan and submit it to the House and Senate Committees on Appropriations within 60 days of enactment. Such a spending plan may provide budgetary information below the major account level. In the meantime, this section refers to NSF's FY2011 budget request for budgetary information below the major account level.

<sup>71</sup> Congress has directed the NSF to increase its high-risk, high-reward investments in both statutory and appropriations authorizations acts. For example, see U.S. Congress, Conference Committee, Departments of Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010, conference report to accompany H.R. 3288, 111<sup>th</sup> Cong., 1<sup>st</sup> Sess., H.Rept. 111-366 (Washington, DC: GPO, 2009), p. 766. H.R. 3288 became the Consolidated Appropriations Act of 2010 (P.L. 111-117).

<sup>72</sup> For more information, see CRS Report RL30930, *U.S. National Science Foundation: Experimental Program to Stimulate Competitive Research (EPSCoR)*, by Christine M. Matthews.

<sup>73</sup> Total funding for GRF in the FY2011 budget request includes \$50.7 million from R&RA and \$107.6 million from EHR.

<sup>74</sup> The Science, Engineering, and Education for Sustainability portfolio addresses recommendations from the August 2009 National Science Board Report, *Building a Sustainable Energy Future*. According to the NSF, it seeks to generate discoveries and capabilities needed to inform societal actions that lead to environmental and economic sustainability.

Nanotechnology Initiative (\$401.3 million)<sup>75</sup> and Networking and Information Technology Research and Development (\$1.170 billion)<sup>76</sup> program.

The FY2011-enacted funding level for EHR is \$861.0 million. This amount is \$135.3 million or 18.6% more than the \$725.8 million for EHR in H.R. 1; \$11.7 million or 1.3% less than the FY2010 enacted level of \$872.8 million; and \$31.0 million or 3.5% less than the President's FY2011 request for \$892.0 million. The President's FY2011 EHR budget request included \$107.6 million for the Graduate Research Fellowship program, an increase of 4.9% over the FY2010 estimate, in support of its goal of tripling the number of new fellows by FY2013. Other FY2011 requests for NSF STEM education programs included Discovery Research K-12 (\$118.7 million), Mathematics and Science Partnership (\$58.2 million), Robert Noyce Scholarship Program (\$55.0 million), Integrative Graduate Education and Research Traineeship (\$29.5 million),<sup>77</sup> and Informal Science Education (\$64.4 million).

The EHR portfolio is focused on, among other things, increasing the technological literacy of all citizens; preparing the next generation of science, engineering, and mathematics professionals; and closing the achievement gap of underrepresented groups in all scientific fields. Among the questions raised about NSF's STEM education programs are those that center on how to evaluate program effectiveness or respond to student achievement gaps; on coordination of and funding levels for the federal STEM education effort; and on support for STEM students and STEM education programs at minority-serving institutions (MSIs) of higher education.

In particular, the Administration's FY2011 budget request for NSF proposed a realignment of the Foundation's MSI programs (e.g., Historically Black Colleges and Universities Undergraduates Program, Tribal Colleges and Universities, etc.). Under the Administration's proposal these programs would have been consolidated into a single program, the Comprehensive Broadening Participation of Undergraduates (CBPU) in STEM program. Hispanic-Serving Institutions (HSIs) would have been eligible for CBPU funds.<sup>78</sup> The FY2011 request for the consolidated program was \$103.1 million, \$13.0 million more than combined funding for NSF's MSI programs in FY2010 (estimated). Some analysts argued for keeping NSF's MSI programs as separate programs, noting that MSIs serve different populations with different needs. However, keeping the programs separate might result in less availability of funds for HSIs because NSF has not established, and Congress has not specifically appropriated funds for, a separate HSI program at the Foundation.<sup>79</sup> Congressional appropriators<sup>80</sup> and authorizers<sup>81</sup> rejected the Administration's FY2011 request to consolidate NSF's MSI programs.

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<sup>75</sup> For more information, see CRS Report RL34401, *The National Nanotechnology Initiative: Overview, Reauthorization, and Appropriations Issues*, by John F. Sargent Jr.

<sup>76</sup> For more information, see CRS Report RL33586, *The Federal Networking and Information Technology Research and Development Program: Background, Funding, and Activities*, by Patricia Moloney Figliola.

<sup>77</sup> The Integrative Graduate Education and Research Traineeship (IGERT) also receives R&RA funds. The FY2011 request for IGERT includes \$29.5 million from EHR and \$32.3 million from R&RA, for a total of \$61.8 million.

<sup>78</sup> Of NSF's MSI programs, HSIs may only apply for the Louis Stokes Alliances for Minority Participation program. Under the CBPU, HSIs would have also been eligible for funds now reserved for other MSIs.

<sup>79</sup> Sec. 7033 of the America COMPETES Act (P.L. 110-69) directed the NSF to establish a program for HSIs. However, the Foundation has not yet done so.

<sup>80</sup> Senate Committee on Appropriations, *Departments of Commerce and Justice, and Science, and Related Agencies Appropriations Bill, 2011*, 111<sup>th</sup> Congress, 2<sup>nd</sup> Sess., Report to accompany S. 3636, S.Rept. 111-229, July 22, 2010, p. 138.

<sup>81</sup> Sec. 512 of the America COMPETES Reauthorization Act of 2010 (P.L. 111-358) directs NSF to maintain its MSI (continued...)

The FY2011-enacted level for MREFC is \$117.1 million. This amount is the same as the FY2010 enacted level (\$117.3 million), less the 0.2% across-the-board rescission. MREFC FY2011 funding is \$62.3 million more (113.6%) than the \$54.8 million for MREFC in H.R. 1, and \$48.1 million less (-29.1%) than the President's FY2011 request for \$165.2 million. In its FY2011 budget request, NSF anticipated construction of the National Ecological Observatory Network (NEON) at a cost of \$20.0 million.<sup>82</sup> In addition, NSF will continue its support of four ongoing construction projects: Advanced Laser Interferometer Gravitational Wave Observatory (\$23.6 million); Atacama Large Millimeter Array (\$13.9 million); Advanced Technology Star Telescope (\$17.0 million); and the Ocean Observatories Initiative (\$90.7 million).

MREFC funds the acquisition and construction of major research facilities and equipment that support research intended to extend the boundaries of science, engineering, and technology. NSF gives highest priority to ongoing projects and second highest priority to projects that have been approved by the National Science Board for new starts. To qualify for support, NSF requires MREFC projects to have "the potential to shift the paradigm in scientific understanding and/or infrastructure technology."<sup>83</sup> There has been considerable debate in the academic and scientific communities and in Congress about the management and oversight of major MREFC projects and the prioritization of potential projects. One continuing question has focused on the process for including major projects in the upcoming budget cycle. In a management report on major projects, NSF contends that because of the changing nature of science and technology, it is necessary to have the flexibility to reconsider facilities at the various stages of development.<sup>84</sup> In addition, NSF asserts that it must be able to respond effectively to possible changes in interagency participation, international and cooperative agreements, or co-funding for major facilities. NSF maintains that while some concepts may evolve into major research projects, others may prove infeasible for project support.

FY2011-enacted appropriations for the AOAM, NSB, and OIG accounts are the same as FY2010 levels, less the 0.2% rescission. The FY2011 enacted funding levels for AOAM, NSB, and OIG are \$299.4 million, \$4.5 million, and \$14.0 million, respectively. These amounts are \$29.8, \$0.3, and \$0.4 million less than the Administration's FY2011 request. H.R. 1 would have funded these accounts at FY2010 levels.

## Related Agencies

For FY2011, the Administration requested a total of \$973.4 million for the related agencies. The FY2011 request was \$38.6 million, or 4.1%, greater than the FY2010-enacted amount of \$934.8 million. The proposed \$38.6 million increase is largely due to proposed increases in funding for the Equal Employment Opportunity Commission and the Legal Services Corporation. Under H.R. 1, the related agencies would have received a total of \$864.8 million, which would have been 7.5% less than the FY2010-enacted appropriation of \$934.8 million and 11.2% less than the Administration's FY2011 request. Congress provides a total of \$917.9 million for the related

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(...continued)

programs as separate and distinct programs.

<sup>82</sup> NEON will compile data on the effects of climate changes, land use changes, invasive species on natural resources, and biodiversity. The data from NEON is intended to have local, regional, and national uses.

<sup>83</sup> *National Science Foundation: FY2011 Budget Request to Congress*, February 1, 2010.

<sup>84</sup> See, for example, National Science Foundation, *Large Facilities Manual*, NSF10-4, September 2009, 66 pp.

agencies for FY2011, which is 1.8% less than the FY2010-enacted amount and 5.7% less than the Administration's FY2011 request, but it is 6.1% more than what would have been provide in H.R. 1.

**Table 11. Funding for Related Agencies**

(budget authority in millions of dollars)

Commission, Office, or Corporation	FY2010 Enacted	FY2011 Request	H.R. 1	FY2011 Enacted
U.S. Commission on Civil Rights	\$9.4	\$9.4	\$9.4	\$9.4
Equal Employment Opportunity Commission	367.3	385.3	367.3	366.6
International Trade Commission	81.9	87.0	81.9	81.7
Legal Services Corporation	420.0	435.0	350.0	404.2
Marine Mammal Commission	3.3	3.0	3.3	3.2
Office of the U.S. Trade Representative	47.8	48.3	47.8	47.7
State Justice Institute	5.1	5.4	5.1	5.1
<b>Total: Related Agencies</b>	<b>934.8</b>	<b>973.4</b>	<b>864.8</b>	<b>917.9</b>

**Source:** The FY2010-enacted and FY2011-requested amounts were taken from S.Rept. 111-229. H.R. 1 amounts were taken from the House-passed version of the bill. FY2011-enacted amounts were taken from H.Rept. 112-169.

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

## 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 requested funding for the Commission on Civil Rights for FY2011 was \$9.4 million, the same amount as the commission's FY2010 appropriation. H.R. 1 would have provided \$9.4 million for the commission, the same amount as its FY2010 appropriation. The FY2011-enacted appropriation is \$18,800 less than what the commission received for FY2010, representing a 0.2% decrease compared to the FY2010 appropriation, the Administration's request, and the amount that would have been provided in H.R. 1.

## Equal Employment Opportunity Commission (EEOC)<sup>85</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 the National Contact Center (NCC), realignment of field structure and staff, and restructuring of headquarters operations. In response to congressional concerns about call intake practices, the EEOC transitioned to an in-house call center (see below).

The FY2011 President's request was \$18.0 million (4.9%) more than the FY2010-enacted level of \$367.3 million. The FY2011 President's request and the FY2010-enacted budget provided up to \$30.0 million for FEPAs and TEROs. Under H.R. 1, the EEOC would have received \$367.3 million, the same amount as the commission's FY2010 appropriation but 4.7% less than the Administration's FY2011 request. The commission's FY2011-enacted appropriation is \$366.6, which is 0.2% less than both the FY2010 appropriation and the amount that would have been provided under H.R. 1 and it is 4.9% less than the Administration's request.

According to the Commission, the anticipated growth in its workload partly reflects the transition from a contractor-operated to an in-house call center, which allows the public to begin the charge process online. In addition, more cases are likely to be filed under such recently enacted legislation as Title II of the Genetic Information Nondiscrimination Act (GINA), which became effective in November 2009; the Lilly Ledbetter Fair Pay Act of 2009; and amendments to the Americans with Disabilities Act (ADA), which became effective in January 2009.<sup>86</sup>

The FY2011 President's request for 188 new hires, such as investigators, mediators, attorneys, and support staff, was intended not only to address the expected increase in the agency's private sector charge backlog but also to promote enforcement of the Commission's focus on systemic discrimination cases. The EEOC began the systemic initiative in April 2006. The goal of the initiative is to strengthen and update the Commission's nationwide approach to systemic cases (i.e., a pattern or practice, policy, and/or class in which discrimination has a broad effect on an industry, occupation, company, or geographic location).

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

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<sup>85</sup> This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group.

<sup>86</sup> For more information, see CRS Report RL33386, *Federal Civil Rights Statutes: A Primer*, by Jody Feder.

## U.S. International Trade Commission (ITC)<sup>87</sup>

The ITC is an independent, quasi-judicial agency established by Congress that advises the President and Congress on U.S. foreign economic policies. The mission of ITC can be categorized into three separate functions: (1) administering U.S. trade remedy laws within its mandate in a fair and objective manner; (2) providing the President, the U.S. Trade Representative, and Congress with independent analysis, information, and support on matters of tariffs and international trade and competitiveness; and (3) maintaining the Harmonized Tariff Schedule of the United States.<sup>88</sup> As a matter of policy, its budget request is submitted to Congress by the President without revision.

The FY2011 budget request for ITC is \$87.0 million, a \$5.1 million (6.2%) increase from the FY2010-enacted amount of \$81.9 million. The budget request states that the requested increase in the budget is driven largely by increases in salaries, benefits, and rent costs. The Full-Year CR includes \$81.9 million for ITC, the same as the FY2010-enacted level and 5.9% less than the Administration's FY2011 request.

## Legal Services Corporation (LSC)<sup>89</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.

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

For FY2011, the Obama Administration requested \$435.0 million for the LSC. This amount is \$15.0 million (3.6%) above the FY2010 appropriation of \$420.0 million for the LSC. The Administration's budget request included \$407.0 million for basic field programs and required independent audits; \$20.0 million for management and grants oversight; \$3.0 million for client self-help and information technology; \$4.0 million for the Office of the Inspector General; and

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<sup>87</sup> This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

<sup>88</sup> U.S. Office of Management and Budget, *The President's Budget Fiscal Year 2010 Appendix, Other Independent Agencies, U.S. International Trade Commission*, p. 1241.

<sup>89</sup> This section was prepared by Carmen Solomon-Fears, Specialist in Social Policy, Domestic Social Policy Division.

\$1.0 million for loan repayment assistance. The Administration also proposed that LSC restrictions on class action suits and attorneys' fees be eliminated.<sup>90</sup>

H.R. 1 included \$350.0 million for LSC. This amount represented a proposed 16.7% reduction in funding compared to the FY2010-enacted appropriation of \$420.0 million. The amount in H.R. 1 would have been 19.5% less than the Administration's FY2011 request.

The act includes \$420.0 million for LSC for FY2011, an amount that is 3.8% less than the FY2010 appropriation and 7.1% below the Administration's request. However, the amount provided to LSC for FY2011 is 15.5% greater than what would have been provided in H.R. 1.

### **Marine Mammal Commission (MMC)<sup>91</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.

For FY2011, the Obama Administration proposed \$3.0 million for necessary expenses of the Marine Mammal Commission, a decrease of approximately \$0.3 million (-7.7%) from the FY2010 appropriation of approximately \$3.3 million for this independent agency. Under H.R. 1, the Marine Mammal Commission would have received \$3.3 million, which would have been the same as the commission's FY2010 appropriation. The proposed funding under H.R. 1 would have been 8.3% more than what the Administration requested for FY2011. For FY2011, Congress provides an amount that is 0.2% less than the FY2010 appropriation and the amount that would have been provided in H.R. 1 (\$3.2 million), but is 8.1% more than the Administration's request.

### **Office of the U.S. Trade Representative (USTR)<sup>92</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 FY2011 budget request is \$48.3 million, a \$0.5 million (1%) increase from the FY2010-enacted amount of \$47.8 million. The Full-Year CR would provide \$47.8 million for the USTR, an amount equal to the FY2010-enacted level but 0.9% less than the Administration's request.

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<sup>90</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>91</sup> This section was prepared by Eugene H. Buck, Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

<sup>92</sup> This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

## 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>93</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.

For FY2011, the Administration requested \$5.4 million for SJI, which would have represented a 5.5% increase in funding compared with the \$5.1 million Congress appropriated for SJI for FY2010. Under H.R. 1, SJI would have received \$5.1 million, which would have been equal to SJI's FY2010 appropriation, but the proposed funding level would have been 5.2% less than the Administration's FY2011 request. The FY2011-enacted amount for SJI is \$10,000 (0.2%) less than the FY2010 appropriation and the amount that would have been provided in H.R. 1. The FY2011 appropriation for SJI is 5.4% below the Administration's request.

**Table 12. Funding for CJS Agencies, by Account, FY2007-FY2011**

(budget authority in millions of dollars)

Bureau or Agency	FY2007 Enacted	FY2008 Enacted	FY2009 Enacted	FY2010 Enacted	FY2011 Enacted
<b>Department of Commerce</b>					
International Trade Administration	\$395.6	\$405.2	\$420.4	\$446.8	\$440.7
Bureau of Industry and Security	75.4	72.9	83.7	100.3	100.1
Economic Development Administration	280.6	779.9	312.8 <sup>a</sup>	293.0	283.4
Minority Business Development Agency	29.7	28.6	29.8	31.5	30.3
Economic and Statistical Analysis	79.8	81.1	90.6	97.2	97.1
Bureau of the Census	893.0	1,440.2	3,139.9 <sup>b</sup>	7,324.7	1,149.7
National Telecommunications and Information Administration	39.8	36.3	39.2 <sup>c</sup>	40.0	41.6
U.S. Patent and Trademark Office	1,771.0	1,915.5	2,010.1	2,016.0	2,090.0
Offsetting Fee Receipts USPTO	-1,771.0	-1,915.5	-2,087.0	-1,887.0	-2,090.0
Technology Administration	2.0	—	—	—	—
National Institute of Standards and Technology	676.9	755.8	819.0 <sup>d</sup>	856.6	750.1
National Oceanic and Atmospheric Administration	4,078.3	3,988.5	4,365.2 <sup>e</sup>	4,737.5	4,588.0
Departmental Management	73.7	70.0	83.8 <sup>f</sup>	107.5	99.8
<b>DOC Subtotal</b>	<b>6,624.8</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	1,836.1	1,798.8	2,067.8	2,276.7	2,208.1

<sup>93</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.

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

<b>Bureau or Agency</b>	<b>FY2007 Enacted</b>	<b>FY2008 Enacted</b>	<b>FY2009 Enacted</b>	<b>FY2010 Enacted</b>	<b>FY2011 Enacted</b>
General Administration	310.6	257.6	370.8	456.9	312.2
Administrative Review & Appeals	229.1	240.6	266.0	296.7	296.1
Detention Trustee	1,225.8	1,225.9	1,355.3	1,438.7	1,515.6
Office of the Inspector General	70.6	74.8	75.7 <sup>h</sup>	84.4	84.2
U.S. Parole Commission	11.5	11.5	12.6	12.9	12.8
Legal Activities	2,567.8	2,724.1	2,918.2	3,085.2	3,177.3
General legal activities	678.8	747.2	805.7	875.1	863.4
United States Attorneys	1,659.9	1,759.8	1,851.3	1,934.0	1,930.1
Other <sup>i</sup>	229.1	217.1	261.2	276.1	383.8
U.S. Marshals Service	825.4	895.1	964.0	1,152.4	1,140.1
National Security Division	68.7	73.4	85.2	87.9	87.8
Interagency Law Enforcement	497.9	497.9	515.0	528.6	527.5
Federal Bureau of Investigation	6,298.6	6,763.8	7,336.2	7,898.5	7,926.3
Drug Enforcement Administration	1,761.1	1,887.4	1,959.1	2,019.7	2,015.6
Bureau of Alcohol, Tobacco, Firearms & Explosives	984.1	1,011.6	1,068.2	1,120.8	1,112.5
Federal Prison System	5,448.2	5,612.6	6,178.9	6,188.1	6,384.1
Office of Violence Against Women	382.6	400.0	415.0 <sup>j</sup>	418.5	417.7
Office of Justice Programs	1,986.7	1,694.8	2,066.6	2,283.5	1,697.9
Justice Assistance	238.3	196.2	220.0	235.0	234.5
State and Local Law Enforcement Assistance	1,286.8	1,008.1	1,328.5 <sup>k</sup>	1,534.8	1,117.8
Weed and Seed	49.4	32.1	25.0	20.0	—
Juvenile Justice Programs	338.4	383.5	374.0	423.6	275.4
Public Safety Officers Benefits	73.8	74.8	119.1	70.1	70.1
Community Oriented Policing Services	541.8	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>23,210.4</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	5.5	5.2	5.3	7.0	6.6
National Aeronautics and Space Administration	16,284.3	17,401.9	17,782.4 <sup>o</sup>	18,724.3	18,448.0
National Science Foundation	5,917.2	6,127.5	6,490.4 <sup>p</sup>	6,926.5	6,859.9
<b>Science Agencies Subtotal</b>	<b>22,207.0</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>					
Antitrust Modernization Commission	0.5	—	—	—	—
Commission on Civil Rights	9.0	8.5	8.8	9.4	9.4
Equal Employment Opportunity Commission (EEOC)	328.7	329.3	343.9	367.3	366.6
International Trade Commission	62.0	68.4	75.1	81.9	81.7

<b>Bureau or Agency</b>	<b>FY2007 Enacted</b>	<b>FY2008 Enacted</b>	<b>FY2009 Enacted</b>	<b>FY2010 Enacted</b>	<b>FY2011 Enacted</b>
Legal Services Corporation	348.6	350.5	390.0	420.0	404.2
Marine Mammal Commission	2.9	2.8	3.2	3.3	3.2
National Veterans Business Development Corporation	1.5	1.4	—	—	—
U.S. Trade Representative	44.2	44.1	47.3	47.8	47.7
State Justice Institute	3.5	3.8	4.1	5.1	5.1
<b>Related Agencies Subtotal</b>	<b>800.7</b>	<b>808.8</b>	<b>872.4</b>	<b>934.8</b>	<b>917.9</b>
<b>Total Appropriations</b>	<b>52,842.9<sup>a</sup></b>	<b>55,960.1<sup>r</sup></b>	<b>60,790.3<sup>s</sup></b>	<b>68,834.5<sup>t</sup></b>	<b>61,202.5<sup>u</sup></b>
<b>American Recovery and Reinvestment Act</b>	<b>—</b>	<b>—</b>	<b>15,922.0</b>	<b>—</b>	<b>—</b>

**Source:** FY2007-enacted amounts were taken from the House Committee on Appropriations' Committee Print on the Consolidated Appropriations Act, 2008 (P.L. 110-161), Division B. 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 million 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 \$360.5 million in rescissions of unobligated balances.
- r. This amount does not include \$901.8 million in rescissions of unobligated balances.
- s. This amount does not include \$610.6 million in rescissions of unobligated balances.
- t. 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.
- u. This amount does not include \$2.416 billion in rescissions of unobligated balances.

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