



Commerce, Justice, Science, and Related Agencies: FY2013 Appropriations

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Summary

On February 13, 2012, President Obama submitted his FY2013 budget to Congress. The Administration requests a total of \$62.076 billion for the agencies and bureaus funded as a part of the annual Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill. The Administration's request includes \$7.978 billion for the Department of Commerce, \$28.079 billion for the Department of Justice, \$25.090 billion for the science agencies, and \$929.2 million for the related agencies. The FY2013 request for CJS is 1.9% greater than the FY2012 appropriation of \$60.910 billion.

On April 19, 2012, the Senate Committee on Appropriations reported the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 (S. 2323). The bill includes a total of \$61.762 billion for the agencies and bureaus that would be funded by the bill. The Senate committee-reported amount is 1.4% greater than the FY2012 appropriation of \$60.910 billion, but it is 0.1% below the Administration's request. The bill includes \$6.288 billion for the Department of Commerce, \$27.866 billion for the Department of Justice, \$26.679 billion for the science agencies, and \$929.2 million for the related agencies.

On May 10, 2012, the House passed the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 (H.R. 5326). The bill would provide \$60.879 billion for CJS. The House-passed amount is under 0.1% less than the FY2012 appropriation, 1.5% less than the Administration's request, and 1.4% below the Senate Committee on Appropriation's mark. The bill includes \$7.663 billion for the Department of Commerce, \$27.584 billion for the Department of Justice, \$24.786 billion for the science agencies, and \$845.9 million for the related agencies.

On March 26, 2013, President Obama signed into law the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). The act provides a total of \$60.638 billion for CJS. This amount includes \$7.726 billion for the Department of Commerce, \$27.305 billion for the Department of Justice, \$24.737 billion for the science agencies, and \$870.1 million for the related agencies.

This report will track and describe actions taken by the Administration and Congress to provide FY2013 appropriations for CJS accounts. It also provides an overview of FY2012 appropriations for agencies and bureaus funded as a part of the annual appropriation for CJS.

The source for the FY2012-enacted amounts is the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested amounts were taken from S.Rept. 112-158 and the appendix to the *Budget of the United States Government, Fiscal Year 2013*. The Senate committee-reported amounts were taken from S.Rept. 112-158 and the House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. The amounts provided in the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) were taken from the text of the act and rescissions of FY2013 budget authority were calculated by CRS.

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FY2013 Appropriations

This report will track and provide an overview of actions taken by the Administration and Congress to provide FY2013 appropriations for Commerce, Justice, Science, and Related Agencies (CJS) accounts. It also provides an overview of enacted FY2012 appropriations for agencies and bureaus funded as a part of the annual appropriation for CJS. The source for the FY2012-enacted amounts is the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested amounts were taken from S.Rept. 112-158 and the appendix to the *Budget of the United States Government, Fiscal Year 2013*. The Senate committee-reported amounts were taken from S.Rept. 112-158 and the House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. The amounts provided in the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) were taken from the text of the act and rescissions of FY2013 budget authority were calculated by CRS.

The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (P.L. 112-55) included a total of \$60.910 billion for the bureaus and agencies funded as a part of the act. The act included \$7.808 billion for the Department of Commerce, \$27.408 billion for the Department of Justice, \$24.838 billion for the science agencies, and \$856.6 million for the related agencies.

For FY2013, the Administration requests a total of \$62.076 billion for the agencies and bureaus funded as a part of the annual Commerce, Justice, Science, and Related Agencies appropriations bill. The Administration's request includes \$7.978 billion for the Department of Commerce, \$28.079 billion for the Department of Justice, \$25.090 billion for the science agencies, and \$929.2 million for the related agencies. The FY2013 request for CJS is 1.9% greater than the FY2012 appropriation of \$60.910 billion.

On April 19, 2012, the Senate Committee on Appropriations reported the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 (S. 2323). The bill includes a total of \$61.762 billion for the agencies and bureaus that would be funded by the bill. The Senate committee-reported amount is 1.4% greater than the FY2012 appropriation of \$60.910 billion, but it is 0.1% below the Administration's request. The bill includes \$6.288 billion for the Department of Commerce, \$27.866 billion for the Department of Justice, \$26.679 billion for the science agencies, and \$929.2 million for the related agencies.

On May 10, 2012, the House passed the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 (H.R. 5326). The bill would provide \$60.879 billion for CJS, which is under 0.1% less than the FY2012 appropriation, 1.5% less than the Administration's request, and 1.4% below the Senate Committee on Appropriation's mark. The bill includes \$7.663 billion for the Department of Commerce, \$27.584 billion for the Department of Justice, \$24.786 billion for the science agencies, and \$845.9 million for the related agencies.

On March 26, 2013, President Obama signed into law the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6, hereinafter "Consolidated and Further Continuing Appropriations Act"). The act provides a total of \$60.638 billion for CJS. This amount includes \$7.726 billion for the Department of Commerce, \$27.305 billion for the Department of Justice, \$24.737 billion for the science agencies, and \$870.1 million for the related agencies.

Section 3001 of the act provided for a series of rescissions of FY2013 budget authority. Discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts were subject to a 1.877% rescission, while discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts were subject to a 0.1% rescission. Most accounts in the CJS appropriations act were subject to the 1.877% rescission. Only the Foreign Claims Settlement Commission and the International Trade Commission accounts were subject to the 0.1% rescission. Also, per section 3001, rescissions were applied proportionately to each discretionary account and each item of budget authority and each program, project, or activity (PPA) within each account or item of budget authority (with PPAs being delineated in the act or the explanatory statement published in the March 11 edition of the *Congressional Record*).¹

In addition to the rescission specified in section 3001 of the act, OMB ordered another rescission pursuant to section 3004 of the act. Section 3004 is intended to eliminate any amount by which the new budget authority provided in the act exceeds the FY2013 discretionary spending limits in section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act, as amended by the Budget Control Act of 2011 and the American Taxpayer Relief Act of 2012. As enacted, this section provides two separate across-the-board rescissions—one for non-security budget authority and one for security budget authority—of 0%, to be applied at the program, project, and activity level. The section requires the percentages to be increased if OMB estimates that additional rescissions are needed to avoid exceeding the limits. Subsequent to the enactment of P.L. 113-6, OMB calculated that additional rescissions of 0.032% of security budget authority, and 0.2% of non-security budget authority, would be required.

The appropriations provided by the Consolidated and Further Continuing Appropriations Act for each CJS account do not reflect any reductions that resulted from the sequestration ordered by President Obama on March 1, 2013, pursuant to the Budget Control Act of 2011 (P.L. 112-25).

The amounts in this report reflect only new appropriations. Therefore, the amounts do not include any rescissions of unobligated or de-obligated balances that may be counted as offsets to newly enacted appropriations, nor do they include any scorekeeping adjustments, such as the balance on the Crime Victims Fund.

Table 1 shows the FY2012-enacted appropriations, the Administration's FY2013 request, the Senate committee-reported amounts, the House-passed amounts, and the amount included in the Consolidated and Further Continuing Appropriations Act for the Department of Commerce, the Department of Justice, the science agencies, and the related agencies. **Table 14** shows enacted appropriations for these agencies, in detail, for FY2009 through FY2013 (the amounts for FY2013 shown in **Table 14** do not reflect sequestration).

¹ Senator Barbara Mikulski, "Consolidated and Further Continuing Appropriations Act," *Congressional Record*, daily edition, vol. 159, part 34 (March 11, 2013), pp. S1287-S1587.

A Note on Sequestration

FY2013 discretionary appropriations were considered in the context of the Budget Control Act of 2011 (BCA, P.L. 112-25), which established discretionary spending limits for FY2012-FY2021. The BCA also tasked a Joint Select Committee on Deficit Reduction to develop a federal deficit reduction plan for Congress and the President to enact by January 15, 2012. Because deficit reduction legislation was not enacted by that date, an automatic spending reduction process established by the BCA was triggered; this process consists of a combination of sequestration and lower discretionary spending caps, initially scheduled to begin on January 2, 2013. The “joint committee” sequestration process for FY2013 requires the Office of Management and Budget (OMB) to implement across-the-board spending cuts at the account and program level to achieve equal budget reductions from both defense and nondefense funding at a percentage to be determined, under terms specified in the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA, Title II of P.L. 99-177, 2 U.S.C. 900-922), as amended by the BCA. For further information on the Budget Control Act, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

The American Taxpayer Relief Act (ATRA, P.L. 112-240), enacted on January 2, 2013, made a number of significant changes to the procedures in the BCA that will take place during FY2013. First, the date for the joint committee sequester to be implemented was delayed for two months, until March 1, 2013. Second, the dollar amount of the joint committee sequester was reduced by \$24 billion. Third, the statutory caps on discretionary spending for FY2013 (and FY2014) were lowered. For further information on the changes to BCA procedures made by ATRA, see CRS Report R42949, *The American Taxpayer Relief Act of 2012: Modifications to the Budget Enforcement Procedures in the Budget Control Act*, by Bill Heniff Jr.

Pursuant to the BCA, as amended by ATRA, President Obama ordered that the joint committee sequester be implemented on March 1, 2013.² The accompanying OMB report indicated a dollar amount of budget authority to be canceled to each account containing non-exempt funds.³ The sequester will ultimately be applied at the program, project, and activity (PPA) level within each account.⁴ Because the sequester was implemented at the time that a temporary continuing resolution was in force, the reductions were calculated on an annualized basis and will be apportioned throughout the remainder of the fiscal year.⁵ Although full year FY2013 funding has been enacted, the effect of these reductions on the budgetary resources that will ultimately be available to an agency at either the account or PPA level remain unclear until further guidance is provided by OMB as to how these reductions should be applied.

²White House, President Obama, Sequestration Order for Fiscal Year 2013 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, As Amended, March 1, 2013, available at <http://www.whitehouse.gov/sites/default/files/2013sequestration-order-rel.pdf>.

³ Executive Office of the President, Office of Management and Budget, *OMB Report to the Congress on the Joint Committee Sequestration for Fiscal Year 2013*, March 1, 2013, available at http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy13ombjesequestrationreport.pdf.

⁴ *Ibid.*, pp. 11, 13.

⁵ *Ibid.*, p. 5. For general information on continuing resolutions, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

Table I. CJS Appropriations (Pre-sequester)
(budget authority in millions of dollars)

Departments and Related Agencies	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
Department of Commerce	\$7,807.7	\$7,983.7	\$6,287.9	\$7,662.7	\$7,889.9	\$7,726.2
Department of Justice	27,407.7	27,828.3	27,866.1	27,583.9	27,875.7	27,304.7
Science Agencies	24,837.6	25,090.4	26,678.6	24,786.1	25,261.0	24,737.2
Related Agencies	856.6	929.2	929.2	845.9	886.9	870.1
Total	60,909.6^b	61,831.5^c	61,761.7^c	60,878.6^d	61,913.4^e	60,638.2^e

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, Congressional Record (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.
- This amount does not include \$905.9 million in rescissions of prior-year unobligated balances.
- This amount does not include a proposed rescission of \$1.043 billion in prior-year unobligated balances.
- This amount does not include a proposed rescission of \$833.9 million in prior-year unobligated balances.
- This amount does not include \$881.6 million in rescissions of prior-year unobligated balances.

Survey of Selected Issues

Department of Commerce

Some issues Congress might have considered while debating FY2013 funding for the Department of Commerce include the following:

- whether to accept the Administration's proposed \$24.0 million increase for the International Trade Administration (ITA) to form a new Interagency Trade Enforcement Center (TEC) for the purpose of challenging unfair trade practices around the world, particularly in China;
- whether to provide \$30.3 million in additional funding for FY2013 for ITA to promote U.S. exports effectively and efficiently to high-growth markets such as

- China, India, and Brazil by expanding the presence of the Foreign Commercial Service in these countries;
- continued oversight of the President’s Export Control Reform Initiative—under the Bureau of Industry and Security—the end goal of which is to create a single licensing authority for both dual-use and munitions exports;
 - whether to provide the additional funding requested for the National Telecommunications and Information Administration (NTIA) so it can create and support a First Responder Network Authority, which the NTIA is required to do under the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96);
 - providing resources to the Census Bureau for the 2012 economic census so that the bureau can mail about 4.6 million report forms to 3.1 million businesses and conduct various activities designed to maximize responses to the forms; and
 - whether to adopt the Administration’s proposal to decrease funding for the National Oceanic and Atmospheric Administration’s National Ocean Service, which is responsible for ocean and coastal programs.

Department of Justice (DOJ)

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

- whether to accept the Administration’s proposal to consolidate the Office of the Federal Detention Trustee and the U.S. Marshals Service;
- whether to invest in more permanent detention bedspace to hold the growing number of federal detainees;
- whether to adopt the Administration’s proposal to close the Federal Bureau of Investigation’s National Gang Intelligence Center;
- whether the Drug Enforcement Administration will have sufficient funding to carry out added responsibilities that were previously under the purview of the National Drug Intelligence Center;
- whether to continue funding restrictions on the Bureau of Alcohol, Tobacco, Firearms and Explosives that address issues that have emerged in the wake of Operation Fast and Furious, a Phoenix-based Southwest border gun trafficking investigation;
- whether the Bureau of Prisons has an adequate level of resources to properly manage the growing federal prison population;
- whether receipts from the Crime Victims Fund should be used to fund several DOJ grant programs that have traditionally received direct appropriations; and
- whether there is a need for additional funding for the Community Oriented Policing Service’s hiring programs given the budget reductions many state and local law enforcement agencies have faced due to the recession.

Science Agencies

Among the issues facing the science agencies that Congress may have opted to address in the FY2013 appropriations process are as follows:

- whether the current direction for the U.S. human spaceflight program, established in October 2010 by the National Aeronautics and Space Administration Authorization Act of 2010 (P.L. 111-267), can be implemented successfully in a period of increased budgetary constraint, as well as the potential impact of human spaceflight's funding needs on the availability of funding for other National Aeronautics and Space Administration programs, such as science, aeronautics, and education;
- whether and how to address changes in the composition of National Science Foundation (NSF) funding toward research and away from education over the FY2003 to FY2012 period;
- whether to continue efforts to double NSF funding as proposed by the Administration and previously authorized by Congress, and if so, at what pace; and
- whether to increase funding for the Office of Science and Technology Policy (OSTP) as requested by the Administration, and if so, by how much; and whether to continue to restrict OSTP from engaging in certain activities with China or any Chinese-owned company by prohibiting, with limited exceptions, the use of appropriated funds for such activities.

Related Agencies

Some of the issues Congress might have considered while determining the FY2013 funding levels for the related agencies include the following:

- whether to continue to increase resources for the Equal Employment Opportunity Commission so it can continue to manage its caseload;
- whether to approve the Administration's request for an additional \$1.7 million for the Office of the U.S. Trade Representative to help form a new Interagency Trade Enforcement Center (TEC) that would challenge unfair trade practices around the world, particularly China;
- whether to approve the Administration's proposal that the Legal Services Corporation restrictions on class action suits be eliminated; and
- whether the Legal Services Corporation could save money by encouraging private attorneys to help legal services programs by providing pro bono services.

Department of Commerce⁶

The Department of Commerce (Commerce Department) originated in 1903 with the establishment of the Department of Commerce and Labor.⁷ The separate Commerce Department was established on March 4, 1913.⁸ The department's responsibilities are numerous and quite varied; its activities center on five basic missions: (1) promoting the development of U.S. business and increasing foreign trade; (2) improving the nation's technological competitiveness; (3) encouraging economic development; (4) fostering environmental stewardship and assessment; and (5) compiling, analyzing, and disseminating statistical information on the U.S. economy and population.

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

- *International Trade Administration (ITA)* seeks to develop the export potential of U.S. firms and 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 Census Bureau, 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;
- *Census Bureau*, 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

⁶ This section was coordinated by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

⁷ 32 Stat. 825.

⁸ 15 U.S.C. 1501.

- *National Oceanic and Atmospheric Administration (NOAA)* provides scientific, technical, and management expertise to (1) promote safe and efficient marine and air navigation; (2) assess the health of coastal and marine resources; (3) monitor and predict the coastal, ocean, and global environments (including weather forecasting); and (4) protect and manage the nation's coastal resources.

As President Obama indicated in his January 24, 2012, State of the Union Address,⁹ the Administration is seeking authority to reorganize and consolidate the federal government, an initiative with potentially great significance for the Commerce Department.¹⁰ The President's first action if granted this authority would be to consolidate and combine the Department's "core business and trade functions," the Small Business Administration, the Office of the U.S. Trade Representative, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and the Trade and Development Agency into a new department.¹¹ The Census Bureau, the Bureau of Economic Analysis, and the Department of Labor's Bureau of Labor Statistics also would move to the new department, as a statistics division. NOAA would transfer to the Department of the Interior, and the Commerce Department would cease to exist as such.¹²

FY2012 and FY2013 Appropriations

Table 2 presents the following funding information for the Department of Commerce as a whole and for each of its agencies or bureaus: the FY2012-enacted funding level; the Administration's FY2013 request; FY2013 amounts approved by the Senate Committee on Appropriations and passed by the House in H.R. 5326; and pre-rescission and post-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act, H.R. 933, P.L. 113-6. The FY2012-enacted amount for the Commerce Department was \$7.808 billion. The FY2013 request of \$7.984 billion was \$176.0 million (2.3%) more than the FY2012-enacted funding amount. The \$5.055 billion request for the National Oceanic and Atmospheric Administration represented almost two-thirds (63.3%) of the total for the department. Other large requests were \$970.4 million for the Census Bureau, 12.2% of the Commerce Department total, and \$857.0 million for the National Institute of Standards and Technology, 10.7% of the total.

The Senate Committee on Appropriations recommended a total of \$6.288 billion for the Department of Commerce. The committee's recommended funding was 19.5% less than the FY2012 appropriation and 21.2% less than the Administration's request. The committee's proposed reduction in funding for the Department of Commerce was largely attributable to the committee's proposal to shift NOAA satellite acquisition to the National Aeronautics and Space Administration (NASA) and the concomitant reduction in recommended funding for NOAA (see **Table 2**).

⁹ The White House, Office of the Press Secretary, "State of the Union Address," January 24, 2012, <http://www.whitehouse.gov/the-press-office/2012/01/24/remarks-president-state-union-address>.

¹⁰ S. 2129, introduced on February 17, 2012 by Senator Lieberman and cosponsored by Senator Warner, would provide the President with the requested broad reorganization and consolidation authority. The bill has been referred to the Senate Committee on Homeland Security and Governmental Affairs.

¹¹ The White House, Office of the Press Secretary, "Government Reorganization Fact Sheet," January 13, 2012, <http://www.whitehouse.gov/the-press-office/2012/01/13/government-reorganization-fact-sheet>, and "Press Gaggle by Press Secretary Jay Carney and OMB Deputy Director for Management Jeff Zients," January 13, 2012, <http://www.whitehouse.gov/the-press-office/2012/01/13/press-gaggle-press-secretary-jay-carney-and-omb-deputy-director-manageme>.

¹² Ibid.

The House recommended a total of \$7.623 billion for the Department of Commerce. The House's proposed funding was 2.4% less than the FY2012 appropriation and 4.5% less than the Administration's request, but 21.2% more than the amount recommended by the Senate Committee on Appropriations.

P.L. 113-6, after rescissions, provides \$7.726 billion for the Commerce Department. Of this amount, \$4.994 billion (64.6%) is for the National Oceanic and Atmospheric Administration, which retains satellite acquisition; \$887.4 million (11.5%) is for the Census Bureau; and \$807.1 million (10.4%) is for the National Institute of Standards and Technology.

Table 2. Funding for the Department of Commerce (Pre-sequester)

(budget authority in millions of dollars)

Bureau or Agency	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
International Trade Administration	\$455.6	\$517.0	\$487.0	\$458.1	\$471.2	\$461.4
Bureau of Industry and Security	101.0	102.3	102.3	101.0	101.8	99.7
Economic Development Administration	457.5	219.7	237.7	219.5	224.8	220.1
Minority Business Development Agency	30.3	28.7	28.7	28.7	28.7	28.1
Economic and Statistics Administration (excluding Census)	96.0	100.3	100.3	96.0	100.2	98.2
Census Bureau	888.3	970.4	953.4	854.7	906.2	887.4
National Telecommunications and Information Administration	45.6	46.9	46.9	45.6	46.0	45.0
U.S. Patent and Trademark Office (USPTO) ^b	2,706.3	2,953.0	2,933.2	2,933.2	2,933.2	2,872.4
Offsetting Fee Receipts (USPTO)	-2,706.3	-2,953.0	-2,933.2	-2,933.2	-2,993.2	-2,872.4
National Institute of Standards and Technology	750.8	857.0	826.0	830.6	824.2	807.1
National Oceanic and Atmospheric Administration	4,893.7	5,054.5	3,418.7	4,944.7	5,100.0	4,994.2
Departmental Management	88.9	86.8	86.8	83.8	86.8	85.0
Total: Department of Commerce	7,807.7	7,983.7	6,287.9	7,622.7	7,889.9	7,726.2

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.
- b. The U.S. Patent and Trademark Office (USPTO) is fully funded by user fees. The fees collected but not obligated during the current year are available for obligation in the following fiscal year and do not count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals. Total figures for the Department of Commerce exclude PTO.

International Trade Administration (ITA)¹³

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

The Administration requested \$517.0 million for ITA for FY2013 and anticipated the collection of \$9.4 million in user fees, which would have raised available funds to \$526.4 million. The Administration's requested amount was \$61.4 million (13.5%) more than the FY2012-enacted amount of \$455.6 million. The amount reported by the Senate Committee on Appropriations was \$487.0 million, 6.9% more than the FY2012-enacted amount and 5.8% less than the Administration's request. The House recommended \$458.1 million for ITA. This amount was 0.6% more than the FY2012 enacted amount, but was 11.4% less than the Administration's request and 5.9% less than the Senate committee-reported amount. The Consolidated and Further

¹³ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

Continuing Appropriations Act provides \$461.4 million for ITA in direct appropriations. It anticipates the collection of \$11.4 million in user fees, which would raise total FY2013 resources for ITA to \$472.8 million.

In the 2012 State of the Union Address, the President called for the creation of a new trade enforcement unit to enhance U.S. capabilities to challenge unfair trade practices aggressively around the world, particularly in China. The Administration's request for ITA included an increase of \$24.0 million to help create a new Interagency Trade Enforcement Center (ITEC) for this purpose. In addition, the Administration requested an increase of \$30.3 million to help promote U.S. exports by enhancing the Foreign Commercial Service's presence in high-growth markets such as China, India, and Brazil.¹⁴

Bureau of Industry and Security (BIS)¹⁵

The Bureau of Industry and Security (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. *App. 401, et seq.*), last expired in August 2001. On August 17, 2001, President George W. Bush invoked the authorities granted by the International Economic Emergency Powers Act (50 U.S.C. 1703(b)) to continue in effect the system of controls contained in the act and in the Export Administration Regulations (15 C.F.R., Parts 730-799), and these authorities have been renewed yearly.

For FY2013, the Administration's request for BIS was \$102.3 million, a \$1.3 million (1.3%) increase from the FY2012-enacted funding level of \$101.0 million. The Administration's FY2013 funding request was divided among licensing activity (\$58.4 million), enforcement activity (\$38.1 million), and management and policy coordination (\$5.8 million). Of these amounts, \$14.8 million was requested for Chemical Weapons Convention (CWC) enforcement. The \$1.3 million increase in the BIS request was primarily to increase the number of personnel in the Office of Export Administration (OEA) to support the proposed transfer of some licensing activity presently conducted by the Department of State as a result of the ongoing export control reform effort. BIS estimated that the additional personnel would cost \$6.24 million, with the difference from the appropriations request made up from savings elsewhere in the bureau's budget. BIS sought budget authority for 392 positions in FY2013, an increase of 24 positions from the previous year.

The House recommended \$100.993 million for BIS. This amount reflected the approval of an amendment to fund the Manufacturing Extension Partnership through a reduction of official representation abroad expenditures totaling \$6,750 for BIS. The \$100.993 million was a fraction of a percentage point less than the House Committee on Appropriations recommendation of \$101.0 million and was a decrease of 1.3% from the Administration's request and the Senate Committee on Appropriations' recommendation of \$102.3 million. The House committee also

¹⁴ International Trade Administration, *Budget Estimates FY2013 Congressional Submission*.

¹⁵ This section was written by Ian F. Fergusson, Specialist in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

directed BIS to issue quarterly updates, beginning in the first quarter of 2013, to the committee regarding the agency's ongoing export control reform initiative. The Consolidated and Further Continuing Appropriations Act provided \$99.7 million to BIS.

Economic Development Administration (EDA)¹⁶

The Economic Development Administration (EDA) was created pursuant to the enactment of the Public Works and Economic Development Act of 1965,¹⁷ with the objective of fostering growth in economically distressed areas characterized by high levels of unemployment and low per-capita income levels. Federally designated disaster areas and areas affected by military base realignment or closure (BRAC) are also eligible for EDA assistance. EDA provides grants for public works, economic adjustment in case of natural disasters or mass layoffs, technical assistance, planning, and research.¹⁸

The Administration's FY2013 request of \$219.7 million for EDA represented a \$237.8 million (-52.0%) decrease from the FY2012-enacted funding level of \$457.5 million, or \$37.8 million (-14.7%) less if the \$200.0 million in emergency disaster assistance is excluded from EDA's FY2012-enacted funding. In addition to \$200.0 million in emergency disaster assistance, the FY2012-enacted appropriation included \$220.0 million for EDA program activities and \$37.5 million for salaries and expenses. The FY2013 request included \$37.7 million for the salaries and expenses account and \$182.0 million for EDA assistance programs. The specific programs and their requested funding levels included

- \$40.5 million for the 21st Century Innovation Infrastructure program (the proposed successor to the longstanding EDA Public Works program);
- \$60.2 million for the Economic Adjustment Assistance program;
- \$27.0 million for the Partnership Planning Grants Program (the proposed successor to the EDA Planning program);
- \$12.0 million for Technical Assistance;
- \$1.5 million for Research and Evaluation;
- \$15.8 million for Trade Adjustment Assistance; and
- \$25.0 million for the new Regional Innovation Strategies (Growth Zones) Program established under the America COMPETES Act (P.L. 111-358).

The Administration did not request funding for the Global Climate Change Mitigation Fund.

The Administration's FY2013 budget request for EDA proposed to reduce overall funding for EDA programs, excluding salaries and expenses and supplemental disaster funding, by 17.3%, from \$220.0 million to \$182.0 million. The budget also proposed to reduce what is EDA's most highly funded program, public works grants, by 63.7%, from \$111.6 million in FY2012 to \$40.5

¹⁶ This section was written by Eugene Boyd, Analyst in Federalism and Economic Development Policy, CRS Government and Finance Division.

¹⁷ P.L. 89-136; 42 U.S.C. 3121.

¹⁸ For additional information on EDA's statutory history, see CRS Report R41241, *Economic Development Administration: A Review of Elements of Its Statutory History*, by Eugene Boyd.

million in FY2013. The proposed reduction in funding for public works coupled with a proposed 20.3% increase in funding for Economic Adjustment Assistance (from \$50.1 million to \$60.2 million), and a \$25.0 million appropriation request for the Administration's new Regional Innovation Strategies Program marked a shift in the focus of EDA assistance. The proposed budget would have placed greater emphasis on projects intended to support job creation through regional innovation clusters,¹⁹ facilities that support innovation such as research parks and business incubators, and strategic planning activities; and would have de-emphasized EDA's capacity to fund public works projects (see **Table 3**).

Table 3. Funding for EDA Programs and Salaries and Expenses (Pre-sequester)
(in millions of dollars)

	FY2012 Enacted	FY2013 Request	Senate Committee- Reported	House- Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre- rescissions	Post- rescissions ^a
Economic Development Assistance Programs	\$220.0	\$182.0	\$200.0	\$182.0	\$187.3	\$183.4
Public Works	111.6	40.5	60.2	85.5	79.0	77.4
Economic Adjustment Assistance	50.1 ^b	60.2	56.5	40.2	50.0	49.0
Planning Grants	29.0	27.0	—	27.0	29.0	28.4
Technical Assistance	12.0	12.0	12.0	12.0	12.0	11.8
Research and Evaluation	1.5	1.5	1.5	1.5	1.5	1.5
Regional Innovation	— ^c	25.0	25.0	—	—	—
Trade Adjustment Assistance	15.8	15.8	15.8	15.8	15.8	15.5
Salaries and Expenses	37.5	37.7	37.7	37.5	37.5	36.7
Disaster Relief Assistance	200.0	—	—	—	—	—
Total	457.5	219.7	237.7	219.5	224.8	220.1

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations

¹⁹ Regional innovation clusters, according to EDA, are networks of similar, synergistic, or complementary entities that support a single industry sector and its various supply chains.

- for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.
- b. Includes set asides for the following activities: \$5.0 million for loan guarantees in support of innovative technologies used or developed by small and mid-size businesses, and \$5.0 million for loan guarantees and grants to support regional innovation program activities.
 - c. The Administration had requested a separate appropriation for Regional Innovation Program activities. Loan guarantees will be funded under the Economic Adjustment Assistance program.

The Senate bill (S. 2323) recommended a total appropriation of \$237.7 million for the activities of EDA, including \$200.0 million for programs administered by the agency. Excluding the \$200.0 million in additional funding appropriated in FY2012 for disaster relief activities, the bill reported by the Senate Committee on Appropriations would have reduced funding for EDA programs by 9.1%, or \$20.0 million less than the \$220.0 million appropriated in FY2012. Conversely, S. 2323 recommended \$18.0 million, or 9.9%, more than requested by the Administration.

Noteworthy was the bill's recommendation to appropriate \$60.2 million for EDA's public works program activities, which was \$51.4 million, or 46.1%, less than the amount appropriated in FY2012. However, S. 2323, as reported by the Senate Committee on Appropriations, recommended a funding level for public works activities that was \$19.7 million, or 48.6%, more than the \$40.5 million requested by the Administration.

The House-passed bill (H.R. 5326) included \$219.5 million for EDA programs and salaries and expenses. The bill recommended \$182.0 million for EDA programs. This was \$38.0 million, or 17.3%, less than the \$220.0 million appropriated in FY2012. The House-recommended amount was the same as requested by the Administration, and \$18.0 million, or 9.0%, less than recommended by the Senate Committee on Appropriations. The House-passed bill also recommended \$85.5 million, 23.4%, less than the \$111.6 million appropriated for public works activities in FY2012. The bill recommended maintaining funding for salaries and expenses at the same level, \$37.5 million, as enacted for FY2012, and close to the \$37.7 million level requested by the Administration and recommended in the bill reported by the Senate Committee on Appropriations.²⁰

The Consolidated and Further Continuing Appropriations Act provides \$220.1 million for the EDA account, including \$36.7 million for salaries and expenses and \$183.4 million for EDA program activities.

Minority Business Development Agency (MBDA)²¹

The Minority Business Development Agency (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.²² 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

²⁰ For detailed information on EDA reauthorization and funding issues, see CRS Report R41162, *Economic Development Administration: Reauthorization and Funding Issues in the 112th Congress*, by Eugene Boyd.

²¹ This section was written by Eugene Boyd, Analyst in Federalism and Economic Development Policy, CRS Government and Finance Division.

²² 36 *Federal Register* 19967; 3 C.F.R., 1971-1975 Comp. 9. 616.

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 FY2013 request for MBDA was \$28.7 million. This was 5.4%, or \$1.7 million, less than the \$30.3 million appropriated in FY2012. The proposed \$1.7 million reduction would have been achieved by closing MBDA's five regional offices and reassigning staff to Washington, DC. According to the budget justification document, the proposed MBDA funding level for FY2013 would have assisted in the creation of 5,000 new jobs.

S. 2323 included \$28.7 million for MBDA. This was 5.4%, or \$1.7 million, less than the \$30.3 million appropriated in FY2012, and the same amount requested by the Administration. H.R. 5326, as passed by the House, also included \$28.7 million for MBDA activities.

The Consolidated and Further Continuing Appropriations Act provides \$28.1 million for the MBDA account.

Economic and Statistics Administration (ESA)²³

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

The Administration's request for ESA in FY2013 was \$100.3 million, \$4.3 million (4.4%) more than the FY2012-enacted amount of \$96.0 million. The Senate Committee on Appropriations' FY2013 recommendation for ESA matched the budget request. The House recommended \$96.0 million, the same as the FY2012-enacted amount, and \$4.3 million (-4.3%) less than the FY2013 request and the Senate committee's recommendation. P.L. 113-6, provides \$98.2 million for ESA.

Census Bureau²⁴

The U.S. Constitution requires a population census every 10 years, to serve as the basis for apportioning seats in the House of Representatives.²⁵ Decennial census data are also used for within-state redistricting and in certain formulas that determine the annual distribution of more

²³ This section was written by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

²⁴ This section was written by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

²⁵ See Article 1, Section 2, clause 3, as modified by Section 2 of the 14th Amendment.

than \$450 billion in federal funds to states and localities. The Census Bureau, established as a permanent office on March 6, 1902,²⁶ conducts the decennial census under Title 13 of the *U.S. Code*, which also authorizes the bureau to collect and compile a wide variety of other demographic, economic, housing, and governmental data.

To fund the Census Bureau in FY2013, the Administration requested \$970.4 million, \$82.1 million (9.2%) more than the \$888.3 million enacted for FY2012. Of the total request, \$259.2 million—\$5.8 million (2.3%) above the \$253.3 million enacted for FY2012—was for the bureau’s salaries and expenses account, and \$711.3 million—\$76.3 million (12.0%) more than the \$635.0 million appropriated for FY2012—was for the periodic censuses and programs account.²⁷ Included in the latter account are the census of governments and the economic census, two quinquennial data collections integral to the estimates of gross domestic product generated by the Bureau of Economic Analysis. In FY2013, a crucial year for the 2012 economic census, the Census Bureau mailed about 4.6 million report forms to 3.1 million businesses. Also included in periodic programs are the decennial census and the American Community Survey (ACS),²⁸ a continuous data collection that replaced the old decennial census long form, which last was sent to an approximately 17% sample of U.S. households in conjunction with the 2000 census.

The FY2012-enacted amount for salaries and expenses was \$18.7 million (-6.9%) below the requested \$272.1 million. Periodic programs received \$117.7 million (-15.6%) less than the requested \$752.7 million.

For the Census Bureau in FY2013, the Senate Committee on Appropriations recommended \$953.4 million, \$65.1 million (7.3%) above the FY2012-enacted amount, and \$17.0 million (-1.8%) below the Administration’s FY2013 request. The committee recommended the same amount for the bureau’s salaries and expenses account as requested for FY2013. The periodic censuses and programs account would have received \$694.3 million, \$59.3 million (9.3%) more than enacted for FY2012, but \$17.0 million (-2.4%) less than the FY2013 request. The committee noted that it provided “for the use of” \$17.0 million from the bureau’s working capital fund, equaling \$711.3 million that would have been available in the periodic programs account and a total of \$970.4 million that would have been available to the bureau in FY2013.²⁹ The committee also recommended \$1.0 million “for the Office of Inspector General [OIG] to continue oversight and audits of periodic censuses” and make “independent recommendations for improving operations” potentially “useful for the 2020 decennial census.” The bureau was directed “to continue to incorporate all OIG recommendations as it transitions into the 2020 decennial.”³⁰ The committee further directed the bureau “to continue to bring down the cost of the 2020 ... census at

²⁶ 32 Stat. 51.

²⁷ The conference report for H.R. 2112, P.L. 112-55, provided that, of the \$690.0 million for periodic censuses and programs in FY2012, to remain available until September 30, 2013, \$635.0 million was “appropriated from the general fund,” and \$55.0 million was “derived from available unobligated balances from the Census Working Capital Fund.” U.S. Congress, conference committee, *Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs for the Fiscal Year Ending September 30, 2012, and for Other Purposes*, conference report to accompany H.R. 2112, 112th Cong., 1st sess., H.Rept. 112-284 (Washington: GPO, 2011), p. 43.

²⁸ For a discussion of the ACS, see CRS Report R41532, *The American Community Survey: Development, Implementation, and Issues for Congress*, by Jennifer D. Williams.

²⁹ U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce and Justice, and Science, and Related Agencies Appropriations Bill, 2013*, report to accompany S. 2323, 112th Cong., 2nd sess., S.Rept. 112-158 (Washington: GPO, 2012), p. 14.

³⁰ *Ibid.*, p. 15.

a level less than the 2010 census,” to “consider spending less than the 2000 census, not adjusting for inflation,” and to “incorporate a web-based version of its census forms when planning for the 2020 ... census.”³¹ Regarding the economic census, the committee directed the bureau “to preserve funding when considering any administrative cost reductions.”³²

The House recommended \$854.7 million for the bureau in FY2013, \$33.6 million (-3.8%) less than enacted for FY2012, \$115.7 million (-11.9%) below the FY2013 request, and \$98.7 million (-10.4%) less than the Senate Committee on Appropriations’s recommendation. In the House-passed bill, salaries and expenses would have received \$253.3 million, the same amount as enacted for FY2012, and \$5.8 million (-2.3%) below the FY2013 request and the Senate committee’s recommendation. For periodic censuses and programs, the House recommended \$601.4 million, \$33.6 million (-5.3%) less than the FY2012-enacted amount, \$109.9 million (-15.5%) less than the FY2013 request, and \$92.9 million (-13.4%) below the Senate committee’s recommendation.³³ According to the Census Bureau director at the time, the House-approved amount for periodic programs would have, among other effects, canceled the 2012 economic census.³⁴ In addition, one amendment adopted by the House, H.Amdt. 1076 to H.R. 5326, would have prohibited funds from being used to enforce a penalty for nonresponse to the American Community Survey (ACS); another adopted amendment, H.Amdt. 1077, would have eliminated the ACS by prohibiting funds from being used to conduct it.

P.L. 113-6 provides \$887.4 million for the bureau, including \$250.9 million for salaries and expenses, and \$636.5 million for periodic censuses and programs.³⁵ The explanatory statement for P.L. 113-6 notes that language in the two House amendments to H.R. 5326 “prohibiting funding for the ACS or prohibiting penalties for non-compliance with the ACS is not adopted.” The Census Bureau, however, “is directed to provide a report to the Committees on Appropriations no later than 120 days after enactment of this Act on ... the steps being taken to ensure that the ACS is conducted as efficiently and unobtrusively as possible.” The Department of Commerce “is directed to acquire an independent analysis of the costs and benefits of making compliance with the ACS voluntary. The results of this analysis shall be provided ... to the Committees on Appropriations no later than 180 days after enactment of this Act.”³⁶

³¹ Ibid., p. 16.

³² Ibid.

³³ The House-passed bill would have moved a total of \$24.0 million from periodic censuses and programs to the Office of Justice Programs, State and Local Law Enforcement Assistance: H.Amdt. 1043 to H.R. 5326 would have transferred \$4.0 million, and Section 557 of the bill would have transferred \$20.0 million, which would have left the periodic programs account with \$601.4 million.

³⁴ U.S. Bureau of the Census, “A Future without Key Social and Economic Statistics for the Country,” <http://www.census.gov/>.

³⁵ According to the explanatory statement for H.R. 933, “This Act includes a total of \$667,953,000 for periodic censuses and programs, including \$649,953,000 in direct appropriations and \$18,000,000 from non-reimbursable Census Working Capital Fund balances.” “Consolidated and Further Continuing Appropriations Act,” explanatory statement, *Congressional Record*, daily edition, vol. 159 (March 11, 2013), p. S1300. When the rescission in H.R. 933, Division G, Section 3001(b)(1)(B), and the rescission calculated by OMB per Section 3004 of the act are taken into account, the direct appropriation for periodic programs is \$636.5 million.

³⁶ “Consolidated and Further Continuing Appropriations Act,” explanatory statement, *Congressional Record*, daily edition, vol. 159 (March 11, 2013), p. S1300.

National Telecommunications and Information Administration (NTIA)³⁷

The National Telecommunications and Information Administration (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, and fund grants for new technologies and their applications. Its role in federal spectrum management includes acting as a facilitator and mediator in negotiations among the various federal agencies regarding usage, priority access, causes of interference, and other radio spectrum questions. In recent years, one of the responsibilities of the NTIA has been to oversee the transfer of some radio frequencies from the federal domain to the commercial domain. Many of these frequencies have subsequently been auctioned to the commercial sector and the proceeds paid into the U.S. Treasury.

For FY2013, the Administration proposed \$46.9 million for NTIA salaries and expenses. This was an increase of \$1.4 million (3.0%) over the enacted FY2012 budget amount of \$45.6 million. The Senate Committee on Appropriations reported the amount requested by the Administration. The House-passed appropriations bill would have provided \$45.6 million for FY2013, the amount enacted for FY2012 but \$1.4 million (-2.9%) less than the Administration's request for FY2013. The Consolidated and Further Continuing Appropriations Act appropriated \$45.0 million for salaries and expenses; no funding was appropriated for separate programs.

The Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) has given the NTIA new responsibilities to create and support a First Responder Network Authority, which is responsible for planning, building, and managing a new nationwide broadband network for public safety communications. The law requires the NTIA, in consultation with the First Responder Network Authority, to establish grant program requirements for a State and Local Implementation Fund. The NTIA is also to determine grant amounts for states that participate in the deployment of the network administered by the First Responder Network Authority. Separately, the NTIA will administer grants and spectrum access for states that do not participate in the national network and that receive permission from the Federal Communications Commission to build a state network. The NTIA will also be responsible for collecting auction proceeds and making distributions from a Public Safety Trust Fund that remains in effect through FY2022. These additional required activities are partly anticipated in the FY2013 budget request as submitted by the NTIA, but may require additional appropriations for the upcoming fiscal year and in future years.

U.S. Patent and Trademark Office (USPTO)³⁸

The U.S. Patent and Trademark Office (USPTO) examines and approves applications for patents on claimed inventions and administers the registration of trademarks. It also helps other federal departments and agencies protect American intellectual property in the international marketplace.

³⁷ This section was written by Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, CRS Resources, Science, and Industry Division.

³⁸ This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

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 FY2013 budget requested \$2.953 billion in budget authority for the USPTO, an increase of \$246.7 million (9.1%) over the FY2012 figure of \$2.706 billion. Any fees collected in excess of this amount were to be deposited in the Patent and Trademark Fee Reserve Fund established by P.L. 112-29 (the Leahy-Smith America Invents Act) and “shall remain available until expended.”

Both S. 2323, as reported from the Senate Committee on Appropriations, and H.R. 5326, as passed by the House, would have provided the USPTO with the budget authority to spend \$2.933 billion in FY2013, \$226.9 million (8.4%) above the FY2012 amount and \$19.8 million (-0.7%) below Administration’s budget request.³⁹ As in the President’s proposal, fees collected above the amount specified were to be deposited in the Patent and Trademark Fee Reserve Fund and “shall remain available until expended.”

P.L. 113-6 provides the USPTO with \$2.872 billion in budget authority for FY2013, the full amount of estimated offsetting fee collections.

National Institute of Standards and Technology (NIST)⁴⁰

The National Institute of Standards and Technology (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 President’s FY2013 budget requested \$857.0 million for NIST, an increase of \$106.2 million (14.1%) over the \$750.8 million appropriated in FY2012. Included in this figure was \$648.0 million for research and development in the Scientific and Technical Research and Services (STRS) account, 14.3% above the FY2012 amount of \$567.0 million. Under the Industrial Technology Services (ITS) account, the Manufacturing Extension Partnership (MEP) program would have received \$128.0 million, a 0.3% decrease from FY2012 funding of \$128.4 million. The Administration again proposed the creation of a new activity under ITS, the Advanced Manufacturing Technology Consortia (AMTech). Although this activity was not funded in FY2012, the President’s FY2013 budget included \$21.0 million for AMTech. The requested appropriation for the construction budget was \$60.0 million, 8.3% above the \$55.4 million for FY2012.

In addition to the appropriations included in the budget request that were to be addressed through the annual appropriations process, the Administration proposed two new programs that were to be funded through mandatory appropriations (spending that is typically “provided in permanent or

³⁹ Please note that both the House and Senate bills use the CBO estimate of \$2.933 billion for expected FY2013 fee collections rather than the \$2.953 billion in the actual President’s budget request.

⁴⁰ This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

multi-year appropriations contained in the authorizing law, and therefore, the funding becomes available automatically each year, without legislative action by Congress⁴¹). Up to \$300.0 million generated by the proceeds of the spectrum auction was to be used to support the Wireless Innovation Fund, and \$1.000 billion was to be provided for establishment of a National Network for Manufacturing Innovation.

S. 2323, as reported from the Senate Committee on Appropriations, would have provided NIST with FY2013 funding of \$826.0 million, \$75.2 million, or 10.0%, above the FY2012 appropriation but \$31.0 million, or 3.6%, below the Administration's request. Support for the STRS account would have totaled \$623.0 million, 9.9% (\$56.0 million) more than the previous fiscal year yet 3.9% (-\$25.0 million) less than the President's proposal. The MEP program would have received \$128.5 million, 0.1% above the FY2012 figure and 0.4% more than the budget request, while AMTech would have been financed at \$14.5 million, 31.0% (-\$6.5 million) below the Administration's proposed budget. The \$60.0 million in the construction account was 8.3% above the FY2012 figure and the same as the budget request.

H.R. 5326, as passed by the House, would have funded NIST at \$830.6 million, an increase of 10.6% (\$79.8 million) over FY2012, 3.1% (-\$26.4 million) less than the Administration's budget, and 0.6% (\$4.6 million) more than the original Senate figure. The \$621.1 million provided for the STRS account was an increase of 9.6% (\$54.2 million) above the earlier fiscal year, but 4.1% (-\$26.8 million) less than the President's request, and 0.3% (-\$1.8 million) less than the amount included in S. 2323. Financing for MEP would have totaled \$128.0 million, 0.3% less than in FY2012, the same as the budget proposal, and 0.4% below the Senate-reported bill. AMTech would have received \$21.0 million, equal to the amount in the Administration request, and \$6.5 million (44.8%) more than the amount included in S. 2323. The \$60.0 million for construction was 8.3% above the previous fiscal year and the same as that in both the President's budget and the Senate bill.

P.L. 113-6 appropriates \$807.1 million for NIST. Included in this figure is \$599.5 million for the STRS account, \$125.8 million for the MEP program, \$14.2 million for AMTech, and \$58.8 million for construction.

National Oceanic and Atmospheric Administration (NOAA)⁴²

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

⁴¹ See CRS Report RL33074, *Mandatory Spending Since 1962*, by D. Andrew Austin and Mindy R. Levit, p. 2.

⁴² This section was written by Harold F. Upton, Analyst in Natural Resources Policy, CRS Resources, Science, and Industry Division.

cross-cutting budget activity, includes the NOAA Education Program, Corporate Services, Facilities, and the Office of Marine and Aviation Operations (OMAO).

For FY2013, the Administration requested a total of \$5.055 billion for NOAA, an amount that would have been \$160.8 million (3.3 %) more than the FY2012-enacted amount of \$4.894 billion.⁴³ NOAA's budget is divided into two main accounts, Operations, Research, and Facilities (ORF) and Procurement, Acquisition, and Construction (PAC). The Administration proposed funding ORF at \$3.042 billion, 0.7% more than the FY2012-enacted appropriation of \$3.022 billion, and PAC at \$1.966 billion, 8.2% more than the FY2012-enacted appropriation of \$1.817 billion. In addition, the Administration requested \$50.0 million for the Pacific Coastal Salmon Recovery Fund, 23.1% less than the FY2012-enacted amount of \$65.0 million.⁴⁴ Requested funding levels for the Fishermen's Contingency Fund and the Fisheries Finance Program accounts were \$350,000 and negative \$4.0 million, respectively.⁴⁵

The Senate Committee on Appropriations recommended a total of \$3.419 billion for NOAA, an amount that would have been \$1.475 billion (-30.1%) less than the FY2012-enacted amount of \$4.894 billion and \$1.636 billion (-32.4%) less than the Administration's request of \$5.055 billion.⁴⁶ The Senate committee recommended funding ORF at \$3.140 billion, 3.9% more than the FY2012-enacted appropriation of \$3.022 billion and 3.2% more than the Administration's request of \$3.042 billion. The committee would have funded PAC at \$217.6 million, 88.0% less than the FY2012-enacted appropriation of \$1.817 billion, and 88.9% less than the Administration's request of \$1.966 billion. The committee recommended \$65.0 million for the Pacific Coastal Salmon Recovery Fund, the same as the FY2012-enacted funding level, and 30% more than the Administration's request of \$50.0 million.

The House recommended a total of \$4.945 billion for NOAA, an amount that would have been \$51.1 million (1.0%) more than the FY2012-enacted amount of \$4.894 billion, \$109.8 million (-2.2%) less than the Administration's request of \$5.055 billion, and \$1.526 billion (44.6%) more than the Senate committee's recommendation of \$3.419 billion. The House recommended funding ORF at \$2.951 billion, 2.3% less than the FY2012-enacted appropriation of \$3.022 billion, 3.0% less than the Administration's request of \$3.042 billion, and 6.0% less than the Senate committee's recommendation of \$3.140 billion. The House would have funded PAC at \$1.932 billion, 6.3% more than the FY2012-enacted appropriation of \$1.817 billion, 1.7% less than the Administration's request of \$1.966 billion, and 787.8% more than the Senate committee's recommendation of \$217.6 million. The House also recommended \$65.0 million for the Pacific Coastal Salmon Recovery Fund, the same as the FY2012-enacted funding level, 30.0% more than the Administration's request of \$50.0 million, and the same as the recommendation of the Senate Committee on Appropriations.⁴⁷

⁴³ The NOAA FY2013 total included requested funding levels for the following accounts, Operations, Research, and Facilities (ORF); Procurement, Acquisition, and Construction (PAC); the Pacific Coastal Salmon Recovery Fund; the Fishermen's Contingency Fund; and the Fisheries Finance Program.

⁴⁴ U.S. Department of Commerce, *The Department of Commerce Budget in Brief*, FY2013, http://www.osec.doc.gov/bmi/budget/FY13BIB/fy2013bib_final.pdf.

⁴⁵ The Fisheries Finance Program Account was to provide a negative subsidy estimated at \$4.0 million. The House and Senate Committees on Appropriations recommended the same funding levels as the Administration's request for the Fishermen's Contingency Fund and the Fisheries Finance Program Accounts.

⁴⁶ U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce and Justice, and Science, and Related Agencies Appropriations Bill, 2013*, 112th Cong., 2nd sess., April 19, 2012, S.Rept. 112-158.

⁴⁷ U.S. Department of Commerce, *The Department of Commerce Budget in Brief*, Fiscal Year 2013, (continued...)

The Consolidated and Further Continuing Appropriations Act provides a total of \$4.994 billion for NOAA. P.L. 113-6 includes \$3.048 billion for ORF, \$1.886 billion for PAC, \$63.7 million for the Pacific Coastal Salmon Recovery Fund, \$343,000 for the Fishermen's Contingency Fund, and negative \$4.0 million for the Fisheries Finance Program account.

Several policy amendments related to NOAA programs were passed by the House and would have prohibited the use of funds

- to develop, approve, or implement a new limited access privilege program (catch shares) that is not already developed, approved, or implemented for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Council;
- to implement the National Ocean Policy;
- to implement a proposed rule for turtle excluder devices as described in the Southeast Fishery Bulletin published by the National Oceanic and Atmospheric Administration on May 8, 2012;
- to pay the salary of any officer or employee of the Department of Commerce who uses amounts in the Fisheries Enforcement Asset Forfeiture Fund of the National Oceanic and Atmospheric Administration that consists of the sums described in Section 311(e)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(e)(1)) for any purpose other than a purpose specifically authorized under such section; and
- to reintroduce California Central Valley Spring Run Chinook salmon.

The National Ocean Policy amendment was not included in P.L. 113-6, although the Senate explanatory statement added that no funding was requested to implement the policy. Amendments concerning catch shares and turtle excluder devices were not included, but the explanatory statement directed NOAA to provide reports on these activities to the Committees on Appropriations. The explanatory statement did not include amendments concerning salmon reintroduction or use of the Fisheries Enforcement Asset Forfeiture Fund.

The Senate Committee on Appropriations recommended shifting NOAA satellite acquisition to the National Aeronautics and Space Administration (NASA). The move to NASA would have decreased NESDIS PAC funding from the FY2012-enacted level of \$1.697 billion to the Senate committee's recommendation of \$92.5 million. NOAA requested \$1.850 billion and the House recommended \$1.823 billion for NESDIS PAC funding. The Senate committee's report questioned whether NOAA is capable of managing the costs of satellites, such as the Joint Polar Satellite System (JPSS), and the agency's ability to avoid gaps in weather coverage from satellite data.⁴⁸ However, the report also stated that NOAA has shown strong leadership in operating environmental satellites; acquiring, processing, and disseminating data; and maintaining a proper data archive. The proposed shift to NASA was not adopted in P.L. 113-6, and the bill provides \$1.777 billion for the NESDIS PAC account.

(...continued)

http://www.osec.doc.gov/bmi/budget/FY13BIB/fy2013bib_final.pdf

⁴⁸ U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce and Justice, and Science, and Related Agencies Appropriations Bill, 2013*, 112th Cong., 2nd sess., April 19, 2012, 112-158.

Department of Justice (DOJ)⁴⁹

Established by an act of 1870⁵⁰ with the Attorney General at its head, DOJ provides counsel for the government in federal cases and protects citizens through law enforcement. It represents the federal government in all proceedings, civil and criminal, before the Supreme Court. In legal matters, generally, the department provides legal advice and opinions, upon request, to the President and executive branch department heads. The major functions of DOJ agencies and offices are described below.

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

⁴⁹ This section was written by Nathan James, CRS Analyst in Crime Policy; Kristin M. Finklea, CRS Specialist in Domestic Security; William J. Krouse, CRS Specialist in Domestic Security and Crime Policy; and Lisa N. Sacco, Analyst in Illicit Drugs and Crime Policy; CRS Domestic Social Policy Division.

⁵⁰ 28 U.S.C. §501

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.⁵¹

FY2012 and FY2013 Appropriations

The Administration requested a total of \$27.828 billion for DOJ for FY2013 (see **Table 4**). The Administration's request was \$420.6 million, or 1.5%, greater than the amount Congress appropriated for FY2012 (\$27.408 billion). The Administration's proposal would have basically flat funded the DEA, ATF, and the U.S. Attorneys. Under the Administration's proposal, there would have been a modest increase in the FBI's and BOP's budget. However, there would have been a significant increase in the U.S. Marshals Service's budget, but this is because the Administration proposed to consolidate the Office of the Federal Detention Trustee and the U.S. Marshals Service. The Administration also proposed to fund several grant programs under OVW and OJP with receipts from the Crime Victims Fund.

The Senate Committee on Appropriations recommended a total of \$27.866 billion for the Department of Justice. This amount was 1.7% above the FY2012 appropriation of \$27.408 and 0.1% more than the Administration's request of \$27.828 billion. The Senate Committee on Appropriations matched the Administration's request for nearly all of DOJ's accounts. The only instances where the Senate Committee on Appropriations diverged from the Administration's request were in its proposed funding for DOJ's grant accounts.

The House recommended a total of \$27.584 billion for the Department of Justice, an amount that was \$176.2 million (0.6%) above the FY2012 appropriation, \$244.3 million (-0.9%) below the Administration's request, and \$282.2 million (-1.0%) below the Senate committee-reported amount. The House's recommendation for the U.S. Marshals Service, the DEA, the BOP, the OJP, and COPS was below what the Administration requested and the Senate committee-reported amount. However, the committee recommended an increase in funding for the FBI.

The DOJ received a total of \$27.305 billion under the Consolidated and Further Continuing Appropriations Act.

⁵¹ See, for example, the Crime Control Act of 1984 (P.L. 98-473); the Anti-Drug Abuse Act of 1986 (P.L. 99-570); the Anti-Drug Abuse Act of 1988 (P.L. 100-690); the Crime Control Act of 1990 (P.L. 101-647); and the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322).

Table 4. Funding for the Department of Justice (Pre-sequester)

(budget authority in millions of dollars)

Accounts	FY2012 Enacted	FY2013 Request	Senate Committee- Reported	House- Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre- rescissions	Post- rescissions ^a
General Administration	\$2,227.9	\$556.5	\$556.5	\$514.0	\$539.7	\$528.5
General Administration	262.1	161.1	161.1	120.3	144.2	141.3
Administrative Review & Appeals	301.0	309.4	309.4	309.4	309.4	303.0
Detention Trustee	1,580.6	— ^b	—	—	—	—
Office of the Inspector General	84.2	86.0	86.0	84.2	86.0	84.2
U.S. Parole Commission	12.8	12.8	12.8	12.8	12.8	12.5
Legal Activities	3,187.2	3,240.7	3,240.7	3,180.1	3,210.7	3,149.7
General legal activities	863.4	903.6	903.6	858.4	881.0	862.7
United States Attorneys	1,960.0	1,974.4	1,974.4	1,965.0	1,969.7	1,928.9
Other ^c	363.8	362.7	362.7	356.8	360.0	358.2
United States Marshals Service	1,189.0	2,881.7 ^b	2,881.7	2,845.9	2,853.4	2,794.2
National Security Division	87.0	90.0	90.0	90.0	90.0	88.2
Interagency Law Enforcement	527.5	524.8	524.8	521.8	521.8	511.0
Federal Bureau of Investigation	8,118.0	8,232.0	8,232.0	8,265.9	8,266.0	8,094.6
Drug Enforcement Administration	2,035.0	2,050.9	2,050.9	2,043.9	2,050.9	2,008.4
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,152.0	1,153.3	1,153.3	1,151.4	1,153.3	1,129.4
Federal Prison System	6,644.0	6,922.1	6,922.1	6,912.9	6,912.9	6,769.6
Office on Violence Against Women	412.5	412.5 ^d	412.5	420.0	416.5	407.9
Office of Justice Programs	1,616.3	1,461.3	1,514.2	1,426.7	1,625.2	1,592.8
Research, Evaluation, and Statistics	113.0	136.0	126.0	130.0	127.0	124.4
State and Local Law Enforcement Assistance	1,162.5	1,002.0 ^e	1,058.9	1,008.9	1,140.4	1,116.8
Juvenile Justice Programs	262.5	245.0	278.0	209.5	279.5	273.7

Accounts	FY2012 Enacted	FY2013 Request	Senate Committee- Reported	House- Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre- rescissions	Post- rescissions ^a
Public Safety Officers Benefits	78.3	78.3	78.3	78.3	78.3	78.0
Community Oriented Policing Services	198.5	289.6	247.5	198.5	222.5	217.9
Crime Victims Fund (CVF)	705.0	1,070.0 ^f	775.0	720.0	730.0	730.0
Offsetting Receipts (CVF)	-705.0	-1,070.0	-775.0	-720.0	-730.0	-730.0
Total: Department of Justice	27,407.7	27,828.3	27,866.1	27,583.9	27,875.7	27,304.7

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.
- b. For FY2013, the Administration proposed to merge the Office of the Federal Detention Trustee with the U.S. Marshals Service (USMS). The Administration's proposal includes a new Federal Prisoner Detention account under the USMS to cover the costs associated with the care of federal detainees.
- c. "Other" includes accounts 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.
- d. Includes \$144.5 million the Administration's proposes transferring from the Crime Victims Fund to the Office on Violence Against Women account.
- e. Includes \$220.5 million the Administration proposes transferring from the Crime Victims Fund to the State and Local Law Enforcement Assistance account.
- f. The Administration proposes to transfer \$365.0 million from the Crime Victims Fund to the Office on Violence Against Women and State and Local Law Enforcement Assistance accounts.

General Administration

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

The Administration's request included \$556.5 million for FY2013. This amount was \$1.671 billion (-75.0%) less than the FY2012-enacted appropriation of nearly \$2.228 billion. The bulk of this decrease was due to the proposed consolidation of the Office of the Federal Detention Trustee and the U.S. Marshals Service, and the elimination of funding for the National Drug Intelligence Center as well as for the Law Enforcement Wireless Communications subaccount, as discussed below.

The Senate Committee on Appropriations recommended \$556.5 million for FY2013. This amount was 75.0% less than the FY2012-enacted appropriation and the same as that requested by the Administration. The House recommended almost \$514.0 million for the General Administration account. This was 76.9% less than the FY2012-enacted appropriation and 7.6% less than the Administration's request and the Senate committee-reported amount. The Consolidated and Further Continuing Appropriations Act provides \$528.5 million for General Administration activities.

General Administration

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

For FY2013, the Administration's request included nearly \$161.1 million for the General Administration account. This was \$101.0 million (-38.5%) less than the FY2012-enacted appropriation of \$262.1 million. This decrease was primarily driven by the proposed elimination of funding for two components of the General Administration account: the NDIC and the Law Enforcement Wireless Communications subaccount. For FY2012, Congress appropriated \$20.0 million to be used for the closure of the NDIC. The NDIC officially closed on June 15, 2012. For FY2013, the Administration proposed fully closing the NDIC and transferring its functions to the DEA. With respect to the Law Enforcement Wireless Communications subaccount, the Administration proposed transferring responsibility (and funding) for legacy radio networks to the appropriate component agencies and giving the FBI responsibility for the Law Enforcement Radio program.

The Senate Committee on Appropriations recommended nearly \$161.1 million for the FY2013 General Administration account. This was 38.5% less than the FY2012-enacted appropriation and the same as the amount requested by the Administration for FY2013. The House recommended \$120.3 million for General Administration. This amount was 54.1% less than the FY2012 appropriation and 25.3% less than the Administration's FY2013 request and amount recommended by the Senate Committee on Appropriations. The Consolidated and Further Continuing Appropriations Act provides nearly \$141.3 million for the General Administration account.

Administrative Review and Appeals (ARA)

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

The Administration's request included \$309.4 million for ARA for FY2013. This was \$8.4 million (2.8%) more than the \$301.0 million appropriated for FY2012. The Senate Committee on Appropriations as well as the House both recommended \$309.4 million for FY2013 ARA funding, equal to the Administration's request. The Consolidated and Further Continuing Appropriations Act provides \$303.0 million for ARA.

Office of the Federal Detention Trustee (OFDT)

The Office of the Federal Detention Trustee (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. For FY2013, the Administration proposed to merge the OFDT with the U.S. Marshals Service. The costs associated with the care of federal detainees would be paid for out of a new Federal Prisoner Detention account under the U.S. Marshals Service's appropriation. Congress adopted the Administration's proposal to merge the OFDT with the U.S. Marshals Service.

Office of the Inspector General (OIG)

The Office of the Inspector General (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.

For FY2013, the Administration requested almost \$86.0 million for the OIG. This was almost \$1.8 million (2.1%) more than the FY2012-enacted appropriation of nearly \$84.2 million. The Senate Committee on Appropriations recommended nearly \$86.0 million for the OIG, equal to the Administration's FY2013 request. The House recommended almost \$84.2 million for FY2013 OIG funding. This amount was equal to the FY2012-enacted appropriation and it was 2.1% less than both the Administration's request and the amount recommended by the Senate Committee on Appropriations. The Consolidated and Further Continuing Appropriations Act provides \$84.2 million for the OIG.

U.S. Parole Commission

The U.S. Parole Commission adjudicates parole requests for prisoners who are serving felony sentences under federal and District of Columbia code violations. The Administration's requested for the U.S. Parole Commission is \$61,000, or 0.5%, less than the FY2012-enacted appropriation of \$12.8 million. Both the Senate Committee on Appropriations and the House recommended \$12.8 million for the U.S. Parole Commission, the same as the Administration's request. The Consolidated and Further Continuing Appropriations Act provides \$12.5 million for the commission.

Legal Activities

The Legal Activities account includes several subaccounts: general legal activities, U.S. Attorneys, and other legal activities. The Administration's request included \$3.241 billion for the Legal Activities Account, nearly \$53.5 million (1.7%) over the FY2012-enacted appropriation of \$3.187 billion. The Senate Committee on Appropriations recommended \$3.241 billion for Legal Activities, equal to the Administration's requested amount. The House recommended \$3.180

billion for Legal Activities, 0.2% less than the FY2012 enacted appropriation and 1.9% less than both the Administration's request and the amount recommended by the Senate Committee on Appropriations. The Consolidated and Further Continuing Appropriations Act provides \$3.149 billion for the Legal Activities account

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).

For FY2013, the Administration's request included \$903.6 million for general legal activities, an increase of \$40.2 million (4.7%) over the FY2012-enacted appropriation of almost \$863.4 million. The Senate Committee on Appropriations recommended \$903.6 million for general legal activities, equal to the Administration's FY2013 request. The House recommended almost \$858.4 million for general legal activities. This amount was 0.6% less than the FY2012-enacted appropriation and 5.0% less than both the Administration's request and the amount recommended by the Senate Committee on Appropriations. For FY2013, the Consolidated and Further Continuing Appropriations Act provides \$862.7 million for general legal activities.

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. For FY2013, Congress has appropriated \$1.929 billion for the U.S. Attorneys.

By comparison, the Administration's request was \$1.974 billion for the U.S. Attorneys, a net increase of \$14.4 million (0.7%). The request included \$27.8 million in base increases, less nearly \$40.0 million in offsets and other savings, plus a \$26.5 million budget increase for financial and mortgage fraud cases. The \$26.5 million for financial and mortgage fraud included \$15.5 million for criminal litigation and \$11.0 million for civil litigation. The U.S. Attorneys' budget submission to Congress indicated that the FY2013 request would be allocated by budget decision unit as follows:

- criminal litigation (\$1.531 billion),
- civil litigation (\$409.9 million), and
- legal education (\$33.5 million).

The Senate-reported bill would have provided the same amount as requested by the Administration. Senate report language urged the U.S. Attorneys to continue to focus their efforts on crimes that fall under federal jurisdiction, including matters related to the sexual exploitation of children which are addressed under the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248); combating financial and mortgage fraud; human trafficking; and intellectual property rights enforcement.

By comparison, the House-passed bill would have provided \$1.965 billion. This amount was \$9.4 million (-0.5%) less than the request and the Senate-reported amount. House report language did not provide any explanation for the lesser amount; however, it noted that the Attorney General

had yet to respond to the committee's follow up questions regarding the status of DOJ-led human trafficking task forces. House report language also noted that the committee had anticipated that FY2013 funding for child exploitation programs (as authorized under P.L. 109-248) would not be less than allocated for FY2012. With regard to prescription drug abuse, House report language urged the U.S. Attorneys to prioritize investigations and prosecutions of "pill mills" that dispense addictive pain medication under the guise of a doctor's care. The explanatory statement accompanying the FY2013 CJS appropriation included language emphasizing these initiatives, as well as internet sex trafficking. For FY2012, Congress appropriated \$1.96 billion for the U.S. Attorneys.

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 FY2013, the Administration's request included \$362.7 million for other legal activities. This was \$1.1 million (-0.3%) less than the FY2012-enacted appropriation of \$363.8 million. The Senate Committee on Appropriations recommended \$362.7 million for other legal activities for FY2013, equal to the Administration's request. The House recommended \$356.8 million for other legal activities. This amount was 1.9% less than the FY2012-enacted appropriation and 1.6% lower than both the Administration's request and the Senate committee-reported amount. The Consolidated and Further Continuing Appropriations Act provides \$358.2 million for other legal activities.

U.S. Marshals Service (USMS)

The U.S. Marshals Service (USMS) is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, the USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. For FY2013, the Administration requested \$2.882 billion for the USMS, a proposed increase of 142.4% over the FY2012-enacted appropriation of \$1.189 billion. As discussed above, the Administration proposed to consolidate the OFDT with the USMS, hence the substantial proposed increase for the USMS. Of the \$2.882 billion the Administration requested for the USMS, \$1.668 billion would have been for a new Federal Prisoner Detention account under the USMS. Funding under this account would be used to cover the costs associated with the care of federal detainees. The \$1.668 billion the Administration requested for the Federal Prisoner Detention account is 5.5% more than the \$1.581 billion Congress appropriated for the OFDT for FY2012.

The Senate Committee on Appropriations recommended funding for the U.S. Marshals Service was \$2.882 billion, the same as the Administration's request. The committee accepted the Administration's proposal to consolidate the OFDT with the U.S. Marshals Service. The committee recommended \$1.668 billion for the Federal Prisoner Detention account under the U.S. Marshals Service, the same as the Administration's request.

The House amount for the U.S. Marshals was \$2.846 billion. This amount was 139.9% above the FY2012 appropriation, but it was 1.2% below both the Administration's request and the Senate committee-reported amount. Like the Senate Committee on Appropriations, the House accepted the Administration's proposal to consolidate the OFDT the U.S. Marshals Service. The House recommended \$1.647 billion for the Federal Prisoner Detention account, an amount that was 1.2% below both the Administration's request and the Senate committee-reported amount. However, it was 4.2% above the FY2012 appropriation for the OFDT.

The Consolidated and Further Continuing Appropriations Act includes a total of \$2.794 billion for the USMS. Congress accepted the Administration's request to consolidate the OFDT and the USMS. Under the act, the USMS received \$1.171 billion for its Salaries and Expenses account, \$9.8 million for its Construction account, and \$1.613 billion for the Federal Prisoner Detention account.

One issue before Congress as it considered the CJS appropriations bill was whether to accept the Administration's proposal to consolidate the OFDT and the USMS. The OFDT was established out of concern about inadequate planning and management of detention space in DOJ. Congress created the ODFT so that one entity would be responsible for oversight of detention management, as well as improvement and coordination of detention issues. The Administration claimed that merging the OFDT and USMS will save \$5.6 million by increasing operational efficiency.⁵² The Administration reported that the proposed merger could provide the following advantages:

- the USMS would be responsible for formulating the detention budget and accountable for any shortfalls related to its operation;
- the reimbursable agreement the USMS has with the OFDT would not be needed, thereby eliminating bureaucratic layers to the financial process; and
- it would allow the staff of the OFDT to continue its mission to find efficiencies in the detention system, but under a single command structure within the USMS.⁵³

The Administration's proposal appeared to simply move the OFDT's responsibilities under the authority of the USMS. As such, the USMS would be responsible for coordinating the procurement of detention space for all federal detainees. Prior to the establishment of the OFDT, the USMS and U.S. Immigration and Customs Enforcement (ICE, which was the Immigration and Naturalization Service when the OFDT was established) were both responsible for procuring detention space for detainees under their authority.

Another issue Congress might have considered was whether to invest in more permanent detention space for federal detainees. The Administration reported that it expected the average daily population to increase by approximately 1,900 detainees between FY2011 and FY2013.⁵⁴ The average daily population is dependent upon the number of people arrested and the length of time defendants are detained pending adjudication, release, or subsequently transferred to a federal prison following conviction and sentencing. The Administration reported that anticipated law enforcement initiatives on the southwest border that address drug and firearms trafficking are

⁵² U.S. Department of Justice, U.S. Marshals Service, *FY2013 Performance Budget, President's Budget, Federal Prisoner Detention Appropriation*, February 2012, p. 42, <http://www.justice.gov/jmd/2013justification/pdf/fy13-fpd-justification.pdf>.

⁵³ Ibid.

⁵⁴ Ibid., p. 5.

expected to increase the average time in detention.⁵⁵ Moreover, there has been an increase in the number of people arrested for immigration-related offenses, but the effect of these arrests on the average time in detention has been mitigated by policies adopted by the U.S. Attorneys, the Department of Homeland Security, and the federal judiciary to fast-track these cases through the federal criminal justice system.

Detention bedspace for federal detainees is acquired through (1) federal detention facilities, where the government pays for construction and subsequent operation of the facility through the Bureau of Prisons; (2) Intergovernmental Agreements (IGA) with state and local jurisdictions who have excess prison/jail bed capacity and receive a daily rate for the use of a bed; (3) private jail facilities where a daily rate is paid per bed; and (4) the Capital Improvement Program (CIP), which includes the Cooperative Agreement Program (CAP)⁵⁶ and the Non-refundable Service Charge (NSCC)⁵⁷ contract, where capital investment funding is provided to state and local governments for guaranteed detention bed space in exchange for a daily rate negotiated through an IGA. The Administration reported that DOJ has not been able to rely as much on IGAs and federal detention facilities to meet the increase in the detention population, primarily because state and local governments are increasingly using their facilities for their own detention requirements and no new federal detention facilities have been built since 2000. The department has increasingly relied on private facilities to provide needed detention space.

National Security Division (NSD)

The National Security Division (NSD) coordinates DOJ's national security and terrorism missions through law enforcement investigations and prosecutions. The NSD was established in DOJ in response to the recommendations of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission), and authorized by Congress on March 9, 2006, in the USA PATRIOT Improvement and Reauthorization Act of 2005. Under the NSD, the DOJ resources of the Office of Intelligence Policy and Review and the Criminal Division's Counterterrorism and Counterespionage Sections were consolidated to coordinate all intelligence-related resources and to ensure that criminal intelligence information is shared, as appropriate. For FY2012, Congress appropriated \$87.0 million for the NSD. For FY2013, the Administration requested \$90.0 million for the NSD, or an increase of 3.5%. The Senate-reported and House-passed measures would have provided the same amount as the request. The Consolidated and Further Continuing Appropriations Act includes \$88.2 million for the NSD.

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

⁵⁵ Ibid., p. 6.

⁵⁶ CAP provides federal resources to select state and local governments to renovate, construct, and equip detention facilities in return for guaranteed bed space for a fixed period of time for federal detainees in or near federal court cities.

⁵⁷ NSCC allows USMS to directly contract with state and local governments providing upfront funding for renovation or construction of jails to house federal detainees in exchange for guaranteed bed space at a fixed rate.

with the efforts of state and local law enforcement to disrupt and dismantle major narcotics-trafficking and money-laundering organizations. From DOJ, the federal agencies that participate in OCDETF are the DEA; the FBI; the ATF; the USMS; the Tax and Criminal Divisions of DOJ; and the U.S. Attorneys. From the Department of Homeland Security, Immigration and Customs Enforcement and the U.S. Coast Guard participate in OCDETF. In addition, from the Department of the Treasury, the Internal Revenue Service and Treasury Office of Enforcement also participate in OCDETF. Moreover, state and local law enforcement agencies participate in approximately 90% of all OCDETF investigations.

For FY2013, the Administration requested \$524.8 million for the Interagency Law Enforcement Account. This was \$2.7 million (-0.5%) less than the FY2012-enacted appropriation of \$527.5 million. The Senate Committee on Appropriations recommended \$524.8 million for this account for FY2013. The committee's recommendation was equal to the Administration's request. The House-passed amount for this account was \$521.8 million, 1.1% below the FY2012 appropriation and 0.6% less than both the Administration's request and the Senate Committee on Appropriations' mark. The Consolidated and Further Continuing Appropriations Act provides nearly \$511.0 million for this account.

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 (9/11), terrorist attacks, the FBI has reorganized and reprioritized its efforts to focus on preventing terrorism and related criminal activities. From FY2001 through FY2011, Congress has more than doubled direct appropriations for the FBI from \$3.32 billion to \$7.926 billion, or a 138.7% increase.⁵⁸ For FY2012, Congress appropriated \$8.118 billion for the FBI (an increase of 2.4%).

The Consolidated and Further Continuing Appropriations Act provides \$8.095 billion for the FBI. This amount includes \$8.015 billion for salaries and expenses and \$79.3 million for construction. The Administration request was \$8.232 billion for the FBI (an increase of 1.4%), and it included \$8.151 billion for salaries and expenses and nearly \$81.0 million for construction. The Senate-reported bill would have provided a total of \$8.232 billion for the FBI, the same as the Administration's request. The House-passed bill would have provided a total of \$8.266 billion for the FBI, 1.8% more than the FY2012 appropriation and 0.4% more than both the Administration's request and the amount approved by the Senate Committee on Appropriations. Both the Senate-reported and House-passed bills would have provided the same amounts as requested for construction (\$81.0 million). The Senate bill would have provided the same amount for salaries and expenses, but the House bill would have provided \$8.185 billion, or \$34.0 million (0.4%) more than the request or Senate amount.

According to the explanatory statement accompanying the enacted FY2013 CJS appropriation, the enacted FBI appropriation for salaries and expenses of \$8.031 billion is to be allocated by budget decision units as follows:

⁵⁸ The FY2010-enacted amount does not reflect a \$50 million rescission or a \$24 million supplemental appropriation.

- Intelligence (\$1.657 billion);
- Counterterrorism/Counterintelligence (\$3.268 billion);
- Criminal Enterprises/Federal Crime (\$2.614 billion); and
- Criminal Justice Services (\$492.6 million).

By comparison, the FY2013 request for salaries and expenses included the following proposed allocations:

- Intelligence (\$1.684 billion);
- Counterterrorism/Counterintelligence (\$3.3 billion);
- Criminal Enterprises/Federal Crime (\$2.665 billion); and
- Criminal Justice Services (\$502.0 million).

For the salaries and expenses account, the FY2013 request would have resulted in a net increase of \$114.0 million compared to the FY2012-enacted amount. This amount included \$162.1 million in base adjustments,⁵⁹ less \$63.0 million in other offsets and savings, plus \$15.0 million in budget enhancement for financial and mortgage fraud investigations (44 positions). The \$63.0 million in offsets and savings included the following:

- administrative efficiencies (\$11.2 million),
- contractor reductions (\$7.1 million),
- Critical Incident Response Group training and equipment reduction (\$3.4 million),
- facilities reduction (\$22.6 million),
- information technology savings (\$5.9 million),
- National Gang Intelligence Center closing (\$7.8 million), and
- employee relocation support funding reduction (\$5.0 million).

Of these proposed offsets, the closing of the National Gang Intelligence Center (NGIC) proved controversial. The *2011 National Gang Threat Assessment* chronicles that the NGIC was established by Congress in 2005 to support law enforcement agencies through timely and accurate information sharing and strategic/tactical analysis of federal, state, and local law enforcement information focusing on the growth, migration, criminal activity, and association of gangs that pose a significant threat to communities throughout the United States.⁶⁰ The NGIC is staffed with representatives from the FBI, DEA, ATF, BOP, USMS, the National Drug Intelligence Center (NDIC), the Department of Defense (DOD), and the Department of Homeland Security's Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). This multi-agency fusion center integrates gang intelligence assets to serve as a central

⁵⁹ "Base adjustments" are estimated changes in the level of funding—usually, due to costs that cannot be avoided—that would be needed in the upcoming fiscal year to carry out the same level of activities and/or services that a department or agency anticipates it will carry out in the current fiscal year.

⁶⁰ <http://www.fbi.gov/stats-services/publications/2011-national-gang-threat-assessment/2011-national-gang-threat-assessment-emerging-trends>.

intelligence resource for gang information and analytical support. According to the FBI, the elimination of the NGIC would not have hindered the U.S. government's ability to assess the threat posed nationally by criminal gangs, because intelligence sharing would continue at the field level between DOJ agencies and state and local partners.

Senate report language supported the request to eliminate the NGIC, while House report language opposed this request, but the House bill would have provided \$9.0 million above the request to sustain the NGIC. Explanatory language accompanying the enacted FY2013 appropriation indicated that \$9.0 million has been provided to maintain the NGIC. This language also indicates that the House and Senate Appropriations Committees anticipate that the FBI, and other federal law enforcement agencies, like the ATF, will launch a coordinated anti-gang initiative in FY2013, and will report back to the committees on this initiative within 90 days of enactment.

Financial fraud, according to the FBI, includes matters relating to fraud, theft, or embezzlement occurring within or against the national and international financial community.⁶¹ The requested \$15.0 million budget increase included a focus on high loss corporate, securities, and commodities fraud. It is also to be focused on mortgage fraud. As a subset of financial institution fraud, mortgage fraud includes three basic types of schemes:

- loan origination schemes when borrowers and real estate insiders provide false financial information and documentation as part of a loan application package and false appraisals;
- illegal property flipping, the reselling of real estate property for an artificially inflated price (based upon a fraudulent appraisal) shortly after being acquired by the seller; and
- bailout schemes used by builders to offset losses and circumvent debt and potential bankruptcy as home sales have declined sharply due to foreclosures and other market forces.⁶²

All financial crime cases fall under the FBI White Collar Crime (WCC) program. Despite the growing complexity and prevalence of international financial crime, much of which is conducted through the internet, the WCC program is considered a traditional crime program.

According to report language, the Senate bill would have provided the requested \$15.0 million (44 positions), an amount that would have brought the total amount to address complex financial fraud to \$162.1 million. House report language indicated that the House bill would have provided a smaller increase of \$6.6 million to address financial crime. Additional House report language addressed fraud associated with stimulus funding provided under the American Recovery and Reinvestment Act (P.L. 111-5) and called upon the FBI to report back to the committee detailing stimulus fraud trends. Unlike Senate report language, House language did not give a total funding allocation for financial fraud. Explanatory language indicated that the FY2013 appropriation provides the requested amount for efforts to combat corporate fraud, securities and commodities fraud, mortgage fraud, and other financial crime.

⁶¹ U.S. Department of Justice, Federal Bureau of Investigation, *Financial Crimes Report to the Public, Fiscal Years 2010-2011*, February 2012, <http://www.fbi.gov/stats-services/publications/financial-crimes-report-2010-2011>.

⁶² U.S. Department of Justice, Federal Bureau of Investigation, *2010 Mortgage Fraud Report: Year in Review*, August 2011, <http://www.fbi.gov/stats-services/publications/mortgage-fraud-2010/mortgage-fraud-report-2010>.

The other traditional crime programs include public corruption, civil rights, gang violence, organized crime, and violent crime. Senate and House report language expressed the expectation that intellectual property crime enforcement would remain an FBI investigative priority. Both committees also urged the FBI to continue support of DOJ efforts to prosecute foreign nationals residing in the United States who are suspected of serious human rights crimes. Senate report language addressed Innocent Images National Initiative (IINI), noting that the bill would have provided a total of \$66.8 million for this initiative. House report language addressed severe forms of human trafficking, noting that the FBI had increased its FY2012 resources allocated for such investigation by 17%. House language expressed the expectation that the FY2012 level of resources should be maintained for FY2013. Explanatory language accompanying the FY2013 appropriation requires the FBI to report to the House and Senate Appropriations Committees on agent utilization rates and other staff resources dedicated to human trafficking investigations.

Cyber crime, by contrast, falls into both the FBI traditional crime and national security activities. Both Senate and House report language addressed cyber security, underscoring that computer intrusions of both U.S. government and private sector computer networks represent a growing national security threat that the FBI is positioned to address by fusing its counterterrorism, counterintelligence, and criminal expertise. To these ends, the House bill would have provided \$23.1 million (112 positions) above the request to increase FBI resources allocated to address the cyber threat. Explanatory language indicated that this amount has been provided in the enacted FY2013 appropriations.

In addition, the House bill would have provided an increase of \$10.2 million to improve FBI physical surveillance capabilities for both national security and criminal investigations. Both Senate and House report language indicated that the amounts provided under both bills would have supported ongoing efforts to establish and operate a Domestic Communications Assistance Center, which is tasked with providing technical support to federal, state, and local law enforcement with regard to lawful electronic surveillance. Both reports included language indicating that the committees seek to monitor both DOJ and FBI efforts to enhance the interoperability of law enforcement wireless communications. Explanatory language indicated that this amount has been provided in the enacted FY2013 appropriations.

National security activities include counterterrorism, counterintelligence, and weapons of mass destruction. Like cyber crime, the FBI intelligence function falls into both the traditional crime and national security activities. Senate report language noted that the committee supported FBI efforts to address national security threats, by providing resources and strengthening capabilities related to international terrorism and surveillance, intelligence analysis, and legal attaches. House report language addressed several other issues, including domestic radicalization, proper vetting of counterterrorism training materials, investigative record centralization, Terrorist Screening Center operations, and the Foreign Terrorist Tracking Task Force. House report language also directed the FBI to report to the committee on the Chinese government's "extensive use of front organizations" that ostensibly have cultural or educational purposes, but are frequently suspected to be controlled by the Chinese military, intelligence, or other Communist Party entities. It also called on the FBI to report on the potential threat of economic warfare that could occur when foreign countries or other actors use "sovereign wealth funds or other state-directed financial tools to undermine U.S. markets and inflict damage on the economy." Although the explanatory language accompanying the enacted FY2013 appropriation does not address the matters discussed above, also related to national security, it indicates that the appropriation includes \$500,000 for a comprehensive review of the FBI's implementation of the 9/11 Commission's recommendations.

In addition to the direct appropriations described above, the FBI also receives significant resources from offsetting fee receipts, reimbursements, and other intergovernmental transfers. For example, for FY2013, the FBI anticipates that it will receive about \$1.471 billion in such resources. Examples of appropriated resources, which are to be either reimbursed or transferred to the FBI, include the following: (1) \$137.1 million from DOJ's Interagency Crime Drug Enforcement appropriation (described above), (2) \$355.3 million for FBI participation and support of the National Counter Terrorism Center and other Intelligence Community activities, and (3) \$77.5 million for the Terrorist Explosives Device Analytical Center (TEDAC).

According to Senate report language, the committee's bill would have provided \$640.7 million for the FBI Criminal Justice Information Services (CJIS) Division. Of this amount, \$278.1 million would have been derived from direct appropriations for the FBI salaries and expenses account, and \$362.7 million would have been derived from offsetting (user) fees. While House report language did not address overall CJIS funding, it did address the Next Generation Identification (NGI) initiative underway at CJIS, under which the FBI has been working to enhance "interoperability and real-time data sharing among interagency biometric identity management systems." It also urged the FBI to develop a "rap back" fee strategy that would cover the costs associated with providing such services to both federal and non-federal users of criminal history record information. Providing "rap back" information entails providing updated "rap sheets," or criminal history information, to certain authorities when an individual who was the subject of an earlier criminal history record check is subsequently arrested.

Drug Enforcement Administration (DEA)

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

The President's FY2013 budget request for the DEA included \$2.051 billion. As mentioned above, the FY2013 request included a proposal to eliminate the National Drug Intelligence Center (NDIC) and transfer its responsibilities to the DEA.⁶³ The Senate Committee on Appropriations recommended \$2.051 billion for the DEA, equal to the Administration's requested amount. The House recommended \$2.044 billion for the DEA, 0.3% less than both the Administration's request and the amount recommended by the Senate Committee on Appropriations. The Consolidated and Further Continuing Appropriations Act provides \$2.008 billion for the DEA.

⁶³ On June 15, 2012, the NDIC closed.

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 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.⁶⁴ From FY2001 through FY2011, Congress has increased the direct appropriation for ATF, from \$771.0 million to \$1.113 billion, a 44.3% increase. In addition, for FY2010/FY2011, Congress appropriated \$37.5 million for ATF in an FY2010/FY2011 Southwest border supplemental appropriation. If added to the FY2011 appropriation, it brings the total budget authority available to ATF for FY2011 to \$1.150 billion. Congress appropriated \$1.152 billion for ATF for FY2012.

The Consolidated and Further Continuing Appropriations Act includes \$1.129 billion for ATF. The Administration request was \$1.153 billion. Although the request reflected a net increase of about \$1.3 million (0.1%), it included no new budget enhancements for ATF. Instead, it anticipated over \$26.9 million in savings or other offsets in either contract reductions (\$24.8 million) or information technology savings (\$2.1 million). According to the ATF congressional budget submission, the largest portion of the request (\$876.5 million, or 76.0%) would have been allocated to the firearms budget decision unit. The second largest portion (\$253.7 million, or 22.0%) would have been allocated to the arson and explosives budget decision unit. The remainder (\$23.1 million, or 2.0%) would have been allocated to the alcohol and tobacco diversion budget decision unit. By percentage, these proposed allocations were comparable to those reported by ATF to correspond with the agency's FY2012-enacted appropriation. Both the Senate and House committee-approved bills would have provided the same amount as requested.⁶⁵

Also of significance, the Administration's request included proposals to strip out futurity language that was inserted into two ATF appropriations riders during the FY2012 appropriations cycle, making those riders permanent law. The first rider prohibits ATF from consolidating or centralizing within DOJ the records of firearms acquisitions or dispositions (or any portion thereof) that federally licensed gun dealers are required by law to maintain. When gun dealers go out of business, those records are forwarded to ATF. Hence, a second rider prohibits ATF from electronically searching out-of-business records by name or any personal identification code. For evidentiary purposes, out-of-business records are maintained on microform. For retrieval and storage purposes, out-of-business records are maintained in a digital format so that those records may be searched electronically by firearm serial number, but not by owner or other personal identifiers. In addition, the Administration requested that the futurity language (during the current

⁶⁴ For further information, see CRS Report R41206, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations for FY2011*, by William J. Krouse.

⁶⁵ During House floor consideration, however, Representative Colleen Hanabusa offered an amendment (H.Amdt. 1046) to reduce the ATF appropriation by \$1.9 million and increase the NOAA appropriation by \$1.6 million. In addition, the House considered another amendment (H.Amdt. 1090) to reduce the ATF appropriation by \$18,000. Together, these amendments reduced the amount that would be appropriated for ATF to \$1.151 billion. This amount is \$537,000 less than ATF's FY2012 appropriation (< - 0.1%). It is also 0.2% less than the FY2013 request and Senate-reported amount. The House approved both amendments by voice votes.

fiscal year and in each fiscal year thereafter) be stripped out of a controversial ATF appropriations rider known as the “Tiahrt amendment.”⁶⁶

Neither the Senate-reported nor House-passed bills addressed these provisions and their futurity language in the FY2012 appropriation. Hence, they remain permanent law for FY2013 and afterwards. The House bill arguably went in another direction and included futurity language in three additional long-standing prohibitions (riders) in the ATF salaries and expenses appropriations language. These provisions prohibit ATF from:

- altering the regulatory definition of “curios and relics,”
- requiring federally licensed gun dealers to conduct physical inventories,” or
- revoking a federal firearms license for lack of business activity.

The futurity language (in the current fiscal year and any fiscal year thereafter) in these provisions was included in the enacted FY2013 appropriation.⁶⁷

Moreover, both the Senate and House bills included a provision that would prohibit ATF from issuing regulations that would prohibit the importation of certain types of shotguns (§538 and §536). A similar provision was included in the FY2012 appropriations law. It too was included in the enacted FY2013 appropriation. In addition, during House full committee markup, Representative Rehberg successfully offered an amendment that would have prohibited ATF from requiring multiple long gun sales reports. A similar Rehberg-sponsored amendment was included in the FY2012 House bill, but it was not enacted. Nor was it included in the enacted FY2013 appropriation.

Since March 2011, much congressional attention has been focused on allegations that DOJ and ATF officials mishandled a Phoenix, AZ-based gun trafficking investigation known as “Operation Fast and Furious.” In December 2010, two suspect firearms linked to that investigation were found at the murder scene of Border Patrol Agent Brian Terry. In January 2010, ATF whistleblowers contacted Senator Charles Grassley with assertions that suspected gun traffickers had not been arrested in a timely fashion and, as a result, a large number of suspect firearms had not been interdicted and have likely passed into the hands of drug traffickers and other criminals. The whistleblowers referred to this investigative tactic as “gun walking.” According to one source, 665 of these firearms have been recovered by law enforcement at crime scenes on both sides of the border.⁶⁸ Another 1,355 suspect firearms reportedly remain unaccounted for.

In reaction to Operation Fast and Furious, Congress included a provision (§219) in the DOJ FY2012 appropriation that reflects a Senate-passed amendment (originally offered by Senator Jon Cornyn) that prohibits the expenditure of any funding provided under that enacted appropriation to be used by a federal law enforcement officer to facilitate the transfer of an operable firearm to a person known to be or suspected of being connected to a drug cartel without that firearm being

⁶⁶ For further information, see CRS Report RS22458, *Gun Control: Statutory Disclosure Limitations on ATF Firearms Trace Data and Multiple Handgun Sales Reports*, by William J. Krouse.

⁶⁷ In addition, in the FY2013 appropriation, futurity language was included in a provision (§514) that permanently requires ATF to include specific language in any release of firearms trace data that explains why such data is not suited for drawing broad conclusions about guns used in crime.

⁶⁸ Pete Yost, “Fast and Furious-Like ‘Gun-Walking’ Probe Mentioned In 2007 Bush Administration Memo,” *Huffington Post*, November 4, 2011.

continuously monitored or controlled. In its FY2013 DOJ budget submission, the Administration has proposed dropping the Cornyn language related to “gun walking,” arguing that the prohibition is not necessary. Despite the Administration’s views on this language, both the Senate- and House-reported bills included similar language (§217). It too is included in the enacted FY2013 appropriation (also §217).⁶⁹

Among other fallout from Operation Fast and Furious last year, U.S. Attorney for the District of Arizona Dennis K. Burke resigned⁷⁰ and ATF Acting Director Kenneth Melson was reassigned to the DOJ Office of Legal Policy.⁷¹ In Melson’s place, U.S. Attorney for the District of Minnesota B. Todd Jones was appointed interim acting ATF Director,⁷² who is President Barack Obama’s nominee for ATF Director.⁷³ Earlier, on September 23, 2011, Representative Lamar Smith, Chair of the House Committee on the Judiciary sent Attorney General Eric Holder a letter expressing his continuing concerns about Operation Fast and Furious, as well as the appointment of an acting ATF director who would be focused on both his duties as ATF acting director and U.S. Attorney for the District of Minnesota. He cited a provision in the FY2010 Omnibus Appropriations Act (P.L. 111-117) requires each U.S. Attorney to reside in the district in which he serves, and questioned how Jones would be able to serve simultaneously in Minnesota as U.S. Attorney and Washington as ATF acting director. In a similar vein, both the Senate and House committee-approved bills included provisions that would prohibit any U.S. Attorney from holding multiple jobs outside of the scope of a U.S. Attorney’s professional duty (§213). This provision was also included in the enacted FY2013 appropriation (also §213).

The mass shooting in Newtown, CT, along with other mass shootings in Aurora, CO, and Tucson, AZ, has restarted the national gun control debate. President Barack Obama has formulated and published a national gun violence reduction plan, and ATF is likely to have a leading role in its implementation. The President’s plan includes several legislative proposals that would (1) require background checks for intrastate firearms transfers between unlicensed persons at gun shows and nearly any other venue, otherwise known as the “universal background checks” proposal; (2) increase penalties for gun trafficking; and (3) reinstate and strengthen an expired federal ban on detachable ammunition magazines of over 10-round capacity and certain “military style” firearms commonly described as “semiautomatic assault weapons,” which are designed to accept such magazines. For coverage of related legislative action, see CRS Report R42987, *Gun Control Proposals in the 113th Congress: Universal Background Checks, Gun Trafficking, and Military Style Firearms*, by William J. Krouse.

⁶⁹ Also, during House consideration, two amendments were passed that addressed Operation Fast and Furious. Representative Trey Gowdy offered an amendment (H.Amdt. 1049) to reduce the DOJ General Administration account by \$1.0 million and apply it to the spending reduction account. Representative Gowdy expressed his dissatisfaction with DOJ officials who had not complied with congressional requests for greater information about Operation Fast and Furious. The Gowdy amendment passed by voice vote. Representatives Jason Chaffetz, Paul Gosar, and Blake Farenthold offered an amendment (H.Amdt. 1068) to prohibit the expenditure of any funding provided under the bill in contravention to a criminal provision related to fraud and false statements (18 U.S.C. § 1001(a)). This amendment was passed on a recorded vote: 381-41 (Roll no. 226).

⁷⁰ Jerry Markon and Sari Horwitz, “ATF Head Removed Amid Furor Over Guns,” *Washington Post*, August 31, 2011, p. A01.

⁷¹ U.S. Department of Justice, Department of Justice Announces New Acting Director of ATF and Senior Advisor in the Office of Legal Policy, press release, August 30, 2011.

⁷² Ibid.

⁷³ White House, *Now is the Time: The President’s Plan to Protect our Children and our Communities by Reducing Gun Violence*, January 16, 2013, <http://www.wh.gov/now-is-the-time>.

Federal Prison System (Bureau of Prisons, BOP)

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.⁷⁴ The mission of the 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.⁷⁵ The BOP currently operates 118 correctional facilities across the country.⁷⁶ The BOP also contracts with Residential Re-entry Centers (RRC) (i.e., halfway houses) to provide assistance to inmates nearing release.⁷⁷ RRCs provide inmates with a structured and supervised environment along with employment counseling, job placement services, financial management assistance, and other programs and services.⁷⁸

Congress funds the 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)⁷⁹ 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 FY2013, the Administration requested a total of \$6.922 billion for the BOP, an amount that was \$278.1 million, or 4.2%, greater than the FY2012 appropriation of \$6.644 billion. Within the total requested for the BOP, \$6.82 billion was for the S&E account, a proposed 4.1% increase over the FY2012 appropriation of \$6.551 billion. The Administration also requested \$99.2 million for the B&F account, a proposed 10.2% increase compared to the FY2012 appropriation of \$90.0 million.

The Senate committee-reported amount for the BOP was \$6.922 billion, an amount that was 4.2% than the FY2012 appropriation and the same as the Administration's request. The Senate committee-reported amount included \$6.820 billion for the S&E account (4.1% more than the FY2012 appropriation and the same as the Administration's request) and \$99.2 million for the B&F account (10.2% more than the FY2012 appropriation and the same as the Administration's request).

⁷⁴ U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

⁷⁵ U.S. Department of Justice, Bureau of Prisons, *Mission and Vision of the Bureau of Prisons*, <http://www.bop.gov/about/mission.jsp>.

⁷⁶ U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

⁷⁷ U.S. Department of Justice, Bureau of Prisons, *Community Corrections*, <http://www.bop.gov/locations/cc/index.jsp>.

⁷⁸ Ibid.

⁷⁹ For more information on FPI, see CRS Report RL32380, *Federal Prison Industries: Overview and Legislative History*, by Nathan James.

The House recommended \$6.913 billion for the BOP. This amount was 4.0% more than the FY2012 appropriation, but it was 0.1% less than both the Administration's request and the Senate committee-reported amount. The House's recommendation included \$6.820 billion for the S&E account (4.1% more than the FY2012 appropriation and the same as the Administration's request) and \$90.0 million for the B&F account (the same as the FY2012 appropriation and 9.3% than both the Administration's request and the Senate committee-reported amount).

The BOP received a total of \$6.77 billion under the Consolidated and Further Continuing Appropriations Act, which included \$6.679 billion for the S&E account and \$88.1 million for the B&F account.

One issue Congress might have considered is whether the BOP has adequate resources, both in terms of personnel and infrastructure, to properly manage the burgeoning federal prison population.⁸⁰ Prison population growth and prison crowding continue to be a major concern for the BOP. The number of inmates held in BOP facilities grew from 125,560 in FY2000 to 177,556 in FY2012.⁸¹ During that same time period, prison crowding grew from 32% over rated capacity to 38% over rated capacity, even though the number of facilities operated by BOP increased from 97 to 118.⁸² The BOP estimates that by FY2013 the federal prison system will be operating at 43% over rated capacity.⁸³ The growing federal prison population has not only resulted in more crowded prisons, but it has also strained the BOP's ability to properly manage and care for federal inmates. The BOP reports that the staff-to-inmate ratio has increased from 3.57 to 1 in FY1997 to 4.94 to 1 in FY2011.⁸⁴ As a point of comparison, in FY2009 the five states with the highest prison populations had an average inmate-to-staff ratio of 3.1 to 1.⁸⁵ The growing federal prison population has also required the BOP to dedicate more resources to caring (e.g., providing health care, food, and clothing) and providing programming (e.g., substance abuse treatment, educational programming, and work/vocational opportunities) for inmates. In addition, the Second Chance Act of 2007 (P.L. 110-199) required BOP to develop comprehensive reentry planning for federal inmates.

Office on Violence Against Women (OVW)

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

The President's FY2013 budget request for OVW included \$412.5 million (see **Table 5**). The Senate Committee on Appropriations recommended \$412.5 million for OVW, equal to the

⁸⁰ For more information on the issues related to the growing federal prison population, see CRS Report R42937, *The Federal Prison Population Buildup: Overview, Policy Changes, Issues, and Options*, by Nathan James

⁸¹ Data provided to CRS from the U.S. Department of Justice, Bureau of Prisons.

⁸² Ibid.

⁸³ U.S. Department of Justice, Bureau of Prisons, *FY2013 Performance Budget, Congressional Submission, Salaries and Expenses*, p. 2, <http://www.justice.gov/jmd/2013justification/pdf/fy13-bop-se-justification.pdf>.

⁸⁴ Ibid., p. 7.

⁸⁵ Ibid., p. 6.

Administration's requested amount. The House recommended \$420.0 million, 1.8% more than the Administration's request and the Senate committee-reported amount. The Consolidated and Further Continuing Appropriations Act provides \$407.9 million for OVW.

Table 5. Funding for OVW Programs (Pre-sequester)
(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
STOP Grants	\$189.0	\$189.0 ^b	\$189.0	\$189.0	\$189.0	\$185.1
Research and Evaluation on Violence Against Women	3.0	3.0	3.0	3.5	3.5	3.4
Transitional Housing Assistance	25.0	22.0	25.0	25.0	25.0	24.5
Grants to Encourage Arrest Policies	50.0	50.0	50.0	50.0	50.0	49.0
Homicide Reduction Initiative	4.0	—	4.0	—	4.0	3.9
Rural Domestic Violence Assistance Grants	34.0	37.5	35.0	36.5	36.5	35.7
Violence on College Campuses	9.0	9.0	9.0	9.0	9.0	8.8
Civil Legal Assistance	41.0	41.0	39.0	41.0	41.0	40.2
Sexual Assault Victims Services	23.0	23.0	25.0	23.0	25.0	24.5
Elder Abuse Grant Program	4.3	4.3	4.3	4.3	4.3	4.2
Safe Havens Project	11.5	11.5	—	11.5	—	—
Education and Training for Disabled Female Victims	5.8	5.8	5.8	5.8	5.8	5.6
Court Training and Improvement	4.5	4.5	—	4.5	—	—
Research on Violence Against Indian Women	1.0	1.0	1.0	1.0	1.0	1.0
Consolidated Youth Oriented Program	10.0	10.0	10.0	10.0	10.0	9.8
National Resource Center on Workplace Responses	1.0	0.5	1.0	0.5	0.5	0.5
Indian Country Sexual Assault Clearinghouse	0.5	0.5	0.2	0.5	0.5	0.5
Family Civil Justice Program	—	—	15.0	—	15.5	15.2
Total: OVW	412.5	412.5	412.5	420.0^c	416.5	407.9

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.
- b. The Administration's FY2013 budget request includes a proposal to provide an additional \$144.5 million from the Crime Victims Fund for STOP grants.
- c. During floor consideration of H.R. 5326, the House adopted an amendment to increase funding for the OVW account by \$5.0 million. However, the additional \$5.0 million was not applied to a specific program under the account, hence the sum of the proposed funding for the programs under the account is \$415.0 million.

Office of Justice Programs (OJP)

The Office of Justice Programs (OJP) manages and coordinates the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crimes, Bureau of Justice Assistance, and related grant programs. For FY2013, the Administration requested \$1.461 billion for OJP, a proposed 9.6% increase compared to the FY2012-enacted appropriation of \$1.616 billion. However, this amount included \$220.5 million that the Administration proposed to move from the Crime Victims Fund to the State and Local Law Enforcement Assistance and Juvenile Justice Programs accounts.

The Senate Committee on Appropriations recommended a total of \$1.541 billion for OJP. This amount was 4.6% below the FY2012 appropriation, but 5.5% greater than the Administration's request. The committee chose to reject the Administration's request to transfer funds from the Crime Victims Fund to the State and Local Law Enforcement Assistance and Juvenile Justice Programs accounts.

The House-passed amount for OJP was \$1.427 billion, an amount that was 11.7% below the FY2012 appropriation, 2.4% below the Administration's request, and 7.4% less than the Senate committee-reported amount. Like the Senate Committee on Appropriations, the House chose to reject the Administration's proposal to use receipts from the Crime Victims Fund for discretionary grant programs under OJP.

OJP received a total of \$1.593 billion under the Consolidated and Further Continuing Appropriations Act. Congress did not accept the Administration's request to transfer funds from the Crime Victims Fund to the State and Local Law Enforcement Assistance and Juvenile Justice Programs accounts.

One issue Congress might have considered as it debated FY2013 funding for OJP was whether to reduce funding for some or all grant programs. Proposals to reduce or eliminate funding for DOJ grant programs have stirred some measure of controversy. In general, opponents of cuts assert that these grant programs provide assistance to state and local governments to fight crime and provide for the safety of the American populace and this aid is needed more now than ever given that many states are facing budget shortfalls. Proponents for cuts to DOJ grant programs argue that states are responsible for the administration of their criminal justice systems and it is not the federal government's role to support state efforts to investigate crimes and prosecute and sanction offenders, especially at a time when the federal government is borrowing to finance the annual budget.

Another issue Congress might have considered was whether to accept the Administration’s proposal to use receipts from the Crime Victims Fund to fund several grant programs (e.g., DNA backlog reduction programs, grants for victims of trafficking, and grants to assist with the implementation of the Adam Walsh Act) that received a direct appropriation for FY2012 (see **Table 7**). The implications of the Administration’s proposal are discussed in more detail below.

Research, Evaluation, and Statistics

The Research, Evaluation, and Statistics account (formerly the Justice Assistance account), among other things, funds the operations of the Bureau of Justice Statistics and the National Institute of Justice. The Administration requested \$136.0 million for the Research, Evaluation, and Statistics account for FY2013, an amount that was 20.4% more than the FY2012-enacted appropriation of \$113.0 million. The Senate Committee on Appropriations recommended \$126.0 million for this account, an amount that was 11.5% more than the FY2012 appropriation, but 7.4% more than the Administration’s request. The House-passed amount for this account was \$130.0 million. The House-passed amount was 15.0% more than the FY2012 appropriation, 4.4% less than the Administration’s request, and 3.2% more than the Senate committee-reported amount. The Consolidated and Further Continuing Appropriations Act includes \$124.4 million for this account.

Table 6. Funding for Research, Evaluation, and Statistics (Pre-sequester)
(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
Bureau of Justice Statistics	\$45.0	\$60.0	\$50.0	\$45.0	\$48.0	\$47.0
National Institute of Justice	40.0	48.0	45.0	40.0	43.0	42.1
Regional Information Sharing System	27.0	27.0	30.0	45.0	35.0	34.3
Evaluation Clearinghouse	1.0	1.0	1.0	—	1.0	1.0
Total: Research, Evaluation, and Statistics	113.0	136.0	126.0	130.0	127.0	124.4

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The

post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.

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, the State Criminal Alien Assistance Program (SCAAP), and DNA backlog reduction grants. The Administration requested \$1.002 billion for FY2013, which would have been 13.8% below the FY2012-enacted appropriation of \$1.163 billion. As a part of the FY2013 budget request for the State and Local Law Enforcement Assistance account, the Administration proposed to use \$220.5 million from the Crime Victims Fund to supplement a \$781.5 million direct appropriation for the account. The \$220.5 million from the Crime Victims Fund would have been used to fund grants for victims of trafficking (\$10.5 million), reducing DNA backlogs (\$100.0 million), children exposed to violence (\$23.0 million), implementation of the Adam Walsh Act (\$20.0 million), and missing and exploited children programs (\$67.0 million).

The Senate committee-reported amount for the State and Local Law Enforcement Assistance account was \$1.059 billion, an amount that was 8.9% below the FY2012 appropriation, but 5.7% above the Administration's request. The committee chose not to approve the Administration's proposal to transfer funding from the Crime Victims Fund to the State and Local Law Enforcement Assistance account to fund several different grant programs.

The House recommended \$1.009 billion for the State and Local Law Enforcement Assistance account. The House's proposal was 13.2% below the FY2012 appropriation, 0.7% above the Administration's request, and 4.7% less than the amount approved by the Senate Committee on Appropriations. Like the Senate Committee on Appropriations, the House did not accept the Administration's proposal to use receipts from the Crime Victims Fund to fund discretionary grant programs under the State and Local Law Enforcement Assistance account.

Congress provided a total of \$1.117 billion for State and Local Law Enforcement under the Consolidated and Further Continuing Appropriations Act. Congress did not accept the Administration's proposal to supplement funding for the account with a transfer from the Crime Victims Fund.

Table 7. Funding for State and Local Law Enforcement Assistance Programs (Pre-sequester)

(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
Byrne Memorial Justice Assistance Grants	\$470.0	\$430.0	\$392.4	\$392.4	\$392.4	\$384.3
State and Local Intelligence Training	2.0	2.0	2.0	—	2.0	2.0

Program	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
Domestic Radicalization Research	4.0	—	—	4.0	4.0	3.9
Criminal Justice Reform and Recidivism Reduction	6.0	6.0	6.0	—	6.0	5.9
Presidential Nominating Convention Security	100.0	—	—	—	—	—
State and Local Assistance Help Desk and Diagnostic Center	4.0	4.0	4.0	—	4.0	3.9
VALOR Initiative	2.0	5.0	5.0	5.0	5.0	4.9
Byrne Competitive Grants	15.0	25.0	18.0	20.0	19.0	18.6
John R. Justice Grant Program	4.0	—	4.0	—	4.0	3.9
Tribal Assistance	38.0	—	35.0	38.0	38.0	37.3
State Criminal Alien Assistance Program	240.0	70.0	255.0	165.0	255.0	249.7
Border Prosecution Initiatives	10.0	—	10.0	—	5.0	4.9
Victims of Trafficking Grants	10.5	10.5 ^b	10.5	13.5	13.5	13.2
Residential Substance Abuse Treatment	10.0	21.0	10.0	15.0	12.5	12.2
Mentally Ill Offenders Act	9.0	—	9.0	9.0	9.0	8.8
Drug Courts	35.0	—	35.0	45.0	41.0	40.2
Drug and Mental Health Courts	—	52.0	—	—	—	—
Veterans' Treatment Courts	—	—	—	4.0	4.0	3.9
Prescription Drug Monitoring	7.0	7.0	—	7.0	7.0	6.9
Prison Rape Prevention and Prosecution	12.5	10.5	—	12.5	12.5	12.2
Capital Litigation/ Wrongful Conviction Review	3.0	2.0	3.0	1.0	3.0	2.9
Missing Alzheimer's Patient Grants	1.0	—	—	1.0	1.0	1.0
Economic, High-tech and Cybercrime Prevention	7.0	15.0	—	7.0	9.0	8.8
CASA-Special Advocates	4.5	—	6.0	4.5	6.0	5.9
Second Chance Act	63.0	80.0	25.0	70.0	68.8	67.3
Violent Gang and Gun Crime Reduction	5.0	5.0	5.0	—	5.0	4.9
National Instant Criminal Background Check System Grants	5.0	5.0	7.0	12.0	12.0	11.8
National Criminal History Improvement Program (NCHIP)	6.0	6.0	6.0	6.0	6.0	5.9

Program	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
Paul Coverdell Forensic Science Grants	12.0	—	12.0	—	12.0	11.8
Implementation of the Adam Walsh Act	20.0	20.0 ^c	20.0	20.0	20.0	19.6
Programs for Children Exposed to Violence	10.0	23.0 ^d	—	—	13.0	12.7
Byrne Criminal Justice Innovation Program	15.0	20.0	20.0	—	18.0	17.6
Review of Criminal Justice Systems Policies and Strategies			2.0	—	—	—
National Sex Offender Public Website	1.0	1.0	1.0	1.0	1.0	1.0
Bulletproof Vests Grant Program	24.0	24.0	24.0	20.0	21.5	21.1
DNA Backlog Reduction	125.0	100.0 ^e	125.0	125.0	125.0	122.4
Debbie Smith DNA Backlog Grants	117.0	—	117.0	117.0	117.0	114.6
Post-conviction DNA Testing Grants	4.0	—	4.0	4.0	4.0	3.9
Sexual Assault Nurse Examiners	4.0	—	4.0	4.0	4.0	3.9
Justice Information Sharing and Technology Program	—	8.0	—	—	—	—
Missing and Exploited Children Programs	— ^f	67.0 ^g	—	—	—	—
Emergency Federal Law Enforcement Assistance	—	—	—	20.0	3.5	3.4
Campus Public Safety	—	—	—	—	2.8	2.7
Total: State and Local Law Enforcement	1,162.5	1,002.0	1,058.9	1,008.9	1,140.4	1,116.8

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.

- b. The Administration's FY2013 budget request includes a proposal to provide \$10.5 million from the Crime Victims Fund for victims of trafficking grants.
- c. The Administration's FY2013 budget request includes a proposal to provide \$20.0 million from the Crime Victims Fund for implementation of the Adam Walsh Act.
- d. The Administration's FY2013 budget request includes a proposal to provide \$23.0 million from the Crime Victims Fund for programs for children exposed to violence.
- e. The Administration's FY2013 budget request includes a proposal to provide \$100.0 million from the Crime Victims Fund for DNA backlog reduction grants.
- f. See **Table 8**.
- g. The Administration's FY2013 budget request includes a proposal to provide \$67.0 million from the Crime Victims Fund for missing and exploited children programs.

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 FY2013, the Administration requested \$245.0 million for juvenile justice funding. This was \$17.5 million (-6.7%) below the FY2012-enacted appropriation of \$262.5 million. The Senate Committee on Appropriations recommended \$278.0 million for FY2013 juvenile justice funding. This was 5.9% more than the FY2012-enacted appropriation and 13.5% more than the amount requested by the Administration. The House recommended \$209.5 million for juvenile justice funding. This was 20.2% less than the FY2012-enacted appropriation, 14.5% less than the Administration's FY2013 request, and 24.6% less than the amount recommended by the Senate Committee on Appropriations. The Consolidated and Further Continuing Appropriations Act provides \$273.7 million for FY2013 juvenile justice programs.

Table 8. Funding for Juvenile Justice Programs (Pre-sequester)

(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
Part B—State Formula	\$40.0	\$70.0	\$55.0	\$33.0	\$44.0	\$43.1
Emergency Planning—Juvenile Detention Facilities	—	—	0.5	—	0.5	0.5
Youth Mentoring Grants	78.0	58.0	61.0	90.0	90.0	88.1
Title V—Incentive Grants	20.0	40.0	30.0	—	20.0	19.6
Tribal Youth	10.0	—	10.0	—	10.0	9.8
Gang Prevention	5.0	—	5.0	—	5.0	4.9
Alcohol Use Prevention	5.0	—	10.0	—	5.0	4.9
Incentive Grants	—	—	5.0	—	—	—
Investigation and Prosecution of Child Abuse Programs	18.0	—	19.0	18.0	19.0	18.6
Juvenile Accountability Block Grants	30.0	30.0	30.0	—	25.0	24.5
Community-based Violence Prevention Initiative	8.0	25.0	14.0	—	11.0	10.8
Training for Judicial Personnel	1.5	—	2.0	1.5	1.5	1.5
Missing and Exploited Children Programs	65.0	— ^b	65.0	67.0	67.0	65.6
National Forum on Youth Violence Prevention	2.0	2.0	2.0	—	2.0	2.0
Evidence-based Competitive Juvenile Justice Demonstration Grant Program	—	20.0	—	—	—	—
Total: Juvenile Justice Programs	262.5	245.0	278.0	209.5	279.5	273.7

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.

b. See **Table 7**.

Public Safety Officers Benefits Program (PSOB)

The Public Safety Officers Benefits (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. For FY2013, the Administration requested \$78.3 million for PSOB, the same as the FY2012 appropriation of \$78.3 million. The Senate Committee-approved and House-passed bills would have provided \$78.3 million for PSOB, the same as the Administration's request. The Consolidated and Further Continuing Appropriations Act provides \$78.0 million for the PSOB program.

Community Oriented Policing Services (COPS)

The Community Oriented Policing Services (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. Overall appropriations for the COPS account decreased between FY2011 and FY2012, but this was the result of Congress moving funding from the COPS account to the State and Local Law Enforcement Assistance account.⁸⁶ The Administration's FY2013 request mirrored the newly established structure for the COPS account. The Administration's FY2013 request for the COPS account was \$289.6 million, which is 45.9% more than the FY2012 appropriation of \$198.5 million. The proposed increase in funding for the account was almost solely because the Administration requests increased funding for the COPS hiring program. The Senate committee-reported amount for COPS was \$247.5 million, an amount that is 24.7% greater than the FY2012 appropriation, but 14.5% less than the Administration's request. The House-passed amount for COPS was \$198.5 million, an amount that is equal to the FY2012 appropriation, 31.5% less than the Administration's request, and 19.8% less than the Senate committee-reported amount. The Consolidated and Further Continuing Appropriations Act provides \$217.9 million for the COPS program.

⁸⁶ For a discussion of how Congress moved funding for grant programs that were traditionally funded under the COPS account to the State and Local Law Enforcement Assistance account, see CRS Report R41721, *Commerce, Justice, Science, and Related Agencies: FY2012 Appropriations*, coordinated by Nathan James, Jennifer D. Williams, and John F. Sargent Jr.

Table 9. Funding for Community Oriented Policing Services Programs (Pre-sequester)

(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescission	Post-rescission ^a
COPS Hiring Program	\$166.0	\$257.1	\$215.0	\$166.0	\$190.0	186.1
Transfer to the Tribal Resources Grant Program	15.0	15.0	15.0	—	15.0	14.7
Transfer for Community Policing Development	10.0	15.0	10.0	—	10.0	9.8
Transfer to the Drug Enforcement Administration for Clandestine Methamphetamine Lab Clean-up	12.5	—	12.5	12.5	12.5	12.2
Anti-methamphetamine grants	—	12.5	—	—	—	—
Tribal Resources Grant Program	20.0	20.0	20.0	20.0	20.0	19.6
Total: Community Oriented Policing Services	198.5	289.6	247.5	198.5	222.5	217.9

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.

The Administration, as a part of its \$289.6 million request for COPS for FY2013, requested \$227.1 million for the COPS hiring program, compared to the \$141.0 million Congress appropriated for the same purpose for FY2012. The Senate Committee-approved bill would have provided \$190.0 million for hiring programs while the House Committee-approved bill would have provided \$40.0 million for hiring programs. The Consolidated and Further Continuing Appropriations Act, 2013, provides \$161.6 million for the COPS hiring program (this amount does not include the transfer to the Tribal Resources Grant program nor the transfer for community policing development).

Given the recent recession, many local governments are facing budget crunches due to decreasing revenue. Data from the COPS Office indicates that there is a demand for funding to hire or retain police officers. The COPS Office reported that it received nearly 7,300 applications requesting a total of \$8.3 billion to fund the hiring or retention of 39,000 police officers when it opened a

solicitation to award the \$1.0 billion it received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).⁸⁷ The COPS Office used the \$298.0 million Congress appropriated for hiring programs for FY2010 to award grants to the more than 6,100 agencies that applied for stimulus funding but did not receive awards.⁸⁸ For FY2011, the COPS Office received \$246.8 million for its hiring program, which it used to fund the hiring or retention of more than 1,000 police officers.⁸⁹ Yet, the COPS Office reported that when it opened the grant solicitation for FY2011 hiring funds, it received 2,700 applications requesting \$2 billion for nearly 9,000 positions.⁹⁰ However, as discussed above, there has been debate about funding for nonsecurity discretionary spending, and if Congress chooses to reduce funding for DOJ, appropriations for some programs will have to be reduced or eliminated. Opponents of continuing funding for the COPS hiring program assert that law enforcement is largely the providence of state and local governments; therefore, they should be responsible for paying the salaries of police officers. Proponents of continuing funding for the program argue that there is a national interest in providing for the safety and security of U.S. citizens; hence, Congress should help state and local governments hire new police officers.

The Crime Victims Fund

The Crime Victims Fund (CVF) was established by the Victims of Crime Act of 1984 (P.L. 98-473, VOCA). It is administered by the Office for Victims of Crime (OVC), and provides funding to the states and territories for victim compensation and assistance programs. This account does not receive appropriations (thus the amount for the CVF is not included in **Table 4**) but instead is largely funded by criminal fines, forfeited bail bonds, penalties, and special assessments that are collected by U.S. Attorneys' Offices, U.S. courts, and the BOP.⁹¹

In FY2000, Congress established a cap on the amount of funds that would be available for distribution in a fiscal year. Each year, Congress determines the CVF cap as a part of the appropriations for DOJ. The remaining balance in the CVF is carried over and remains in the account each year. In FY2012, the cap was \$705.0 million, while the remaining balance in the fund at the end of FY2012 was \$6.099 billion.⁹²

For FY2013, the Administration proposed raising the CVF cap by \$365.0 million to a total of \$1.07 billion.⁹³ The Administration specified that the additional \$365.0 million be transferred to other accounts administered by DOJ, including OVW and OJP (see above).⁹⁴ As mentioned

⁸⁷ U.S. Department of Justice, Community Oriented Policing Services Office, *2009 COPS Hiring Recovery Program Post-award Frequently Asked Questions*, <http://www.cops.usdoj.gov/Default.asp?Item=2265>.

⁸⁸ U.S. Department of Justice, Community Oriented Policing Services, *COPS Hiring Program (CHP), Background and Award Methodology*, <http://www.cops.usdoj.gov/Default.asp?Item=2552>.

⁸⁹ Department of Justice, Community Oriented Policing Services Office, "U.S. Department of Justice COPS Office Awards Over \$243 Million to Hire New Officers," press release, September 28, 2011, <http://www.cops.usdoj.gov/Default.asp?Item=2600>.

⁹⁰ *Ibid.*

⁹¹ U.S. Department of Justice, Office for Victims of Crime, *About OVC, Crime Victims Fund*, <http://www.ojp.usdoj.gov/ovc/about/victimsfund.html>.

⁹² This is the amount precluded from obligation. Information provided by the Office of Justice Programs.

⁹³ U.S. Department of Justice, Office of Justice Programs, *Office of Justice Programs Budget Request At a Glance*, <http://www.justice.gov/jmd/2013summary/pdf/fy13-ojp-bud-summary.pdf>.

⁹⁴ Account information taken from the appendix of the *Budget of the United States Government, Fiscal Year 2013*.

above, both the Senate Committee on Appropriations and the House Committee on Appropriations rejected the Administration's proposal to fund OVW and OJP programs through the CVF. The Senate Committee on Appropriations recommended a \$775.0 million cap on the CVF for FY2013. This amount would have been 27.6% less than the Administration's request. The House would have set the CVF cap at \$720.0 million, 32.7% less than the Administration's request and 7.1% less than the Senate Committee-recommended amount. The Consolidated and Further Continuing Appropriations Act sets the CVF cap at \$730.0 million.

Science Agencies⁹⁵

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.

FY2012 and FY2013 Appropriations

The FY2012-enacted appropriation for the science agencies was \$24.838 billion. For FY2013, the Administration requested \$25.090 billion for the science agencies, an increase of \$252.8 million (1.0%) above the FY2012 enacted level. The Senate Committee on Appropriations-reported bill would have provided \$26.679 billion for the science agencies, \$1.841 billion (7.4%) more than the FY2012 enacted level and \$1.588 billion (6.3%) more than the request. The House-passed bill would have provided \$24.786 billion, \$51.5 million (-0.2%) less than the FY2012 enacted level, \$304.3 million (-1.2%) less than the FY2013 request, and \$1.893 billion (-7.1%) less than the Senate committee-reported level.

The Consolidated and Further Continuing Appropriations Act provides \$24.737 billion in post-rescission FY2013 funding for the Science Agencies. This funding level does not incorporate reductions due to the effects of sequestration as mandated by the Budget Control Act of 2011 (P.L. 112-25).

⁹⁵ This section was coordinated by John F. Sargent, Jr., Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

Table 10. Funding for Science Agencies (Pre-sequester)
(budget authority in millions of dollars)

Accounts	FY2012 Enacted	FY2013 Request	Senate Committee- Reported	House- Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre- rescissions	Post- rescissions ^a
Office of Science and Technology Policy	\$4.5	\$5.9	\$5.9	\$5.8	\$5.9	\$5.7
National Aeronautics and Space Administration	17,800.0	17,711.4	19,399.6	17,447.8	17,862.0	17,491.7
National Science Foundation	7,033.1	7,373.1	7,273.1	7,332.5	7,393.1	7,239.8
Total: Science Agencies	24,837.6	25,090.4	26,678.6	24,786.1	25,261.0	24,737.2

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.

Office of Science and Technology Policy (OSTP)⁹⁶

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),⁹⁷ which coordinates science and technology policy across the federal government, and co-chairs the President’s Council of Advisors on Science and Technology (PCAST),⁹⁸ a council of external advisors that provides advice to the President on matters related

⁹⁶ This section was prepared by Dana A. Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁹⁷ The National Science and Technology Council was established by Executive Order 12881.

⁹⁸ The President’s Council of Advisors on Science and Technology was established by Executive Order 13539.

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.⁹⁹

In FY2011, Congress sought to restrict OSTP from engaging in certain activities with China or any Chinese-owned company by prohibiting the use of appropriated funds for these activities (P.L. 112-10). The OSTP expended a portion of its FY2011 appropriation to engage in activities with China that Congress sought to proscribe. The Department of Justice and OSTP asserted that this congressional effort infringed upon the President's constitutional authority to conduct foreign diplomacy. In contrast, the Government Accountability Office (GAO) concluded that OSTP violated the Antideficiency Act, though it did not speak to the constitutional issue.¹⁰⁰ Congress enacted a similar restriction for FY2012 (P.L. 112-55), though it allows OSTP to proceed with activities that it certifies pose no risk of transferring technology or information with security implications to China. Congress extended this restriction for FY2013 (P.L. 113-6), placing an additional requirement that OSTP certify that activities will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights. Such certification must be submitted to the House and Senate Committees at least 30 days prior to the activity in question. Congress may continue its interest in the debate over its ability to restrict the activities of OSTP.

For FY2013, the Administration requested \$5.9 million, \$1.4 million (30.0%) above its FY2012-enacted level. The request would have “restore[d] funding to levels that will enable OSTP to carry out its significant national security emergency preparedness communications responsibilities that must be performed in times of national crisis,” and supported four Senate-confirmed associate directors.¹⁰¹ The National Science Foundation again requested FY2013 funding for the Science and Technology Policy Institute (STPI, \$3.1 million, unchanged from FY2012), a federally funded research and development center that supports OSTP. FY2012-enacted appropriations for OSTP were \$4.5 million and for STPI were \$3.1 million.

For FY2013, the Senate Committee on Appropriations would have provided \$5.9 million, \$1.4 million (30.0%) above the FY2012-enacted level, and the same as the Administration's request. The Senate committee report directed OSTP to report within 60 days of enactment on OSTP and other federal agency actions to avoid duplication in federal Science, Technology, Engineering, and Mathematics (STEM) education programs. This report is to list programs targeted for elimination, consolidation, or joint administration, along with steps agencies will take to evaluate the effectiveness of STEM education programs.

For FY2013, the House recommended \$5.8 million, \$1.3 million (30.0%) above the FY2012-enacted level.¹⁰² This is \$1,125 less than recommended by the Senate Committee on Appropriations and the Administration's request. Section 534 of the House bill also contained language similar to that in P.L. 112-55 regarding activities with China and Chinese-owned

⁹⁹ The other EOP office funded under the CJS appropriations bill is the Office of the United States Trade Representative.

¹⁰⁰ U.S. Government Accountability Office, *Office of Science and Technology Policy—Bilateral Activities with China*, B-321982, October 11, 2011.

¹⁰¹ Executive Office of the President, *Executive Office of the President, FY2013 Congressional Budget Submission*, February 2012, <http://www.whitehouse.gov/sites/default/files/docs/2013-eop-budget1.pdf>.

¹⁰² The House-passed bill reduced the amount provided to OSTP by \$1,125, an amount sufficient to affect rounding. Thus, while it appears that the difference between the House-passed bill and the Senate committee recommended amount and the Administration request is \$100 million, this is an artifact due to rounding.

companies and would allow such activities if OSTP certifies such activities pose no risk of transferring technology or information with security implications. The House report stated the committee's continued interest in the dissemination of effective STEM education practices and directed OSTP to inform the committee of continuing development of a dissemination strategy for STEM education practices and how this dissemination strategy supports the goal and intentions of a "one-stop" source for STEM education research information. The House report also expressed the committee's support for transferring administrative support of PCAST from OSTP to the Department of Energy and directed OSTP to notify the committee of any problems arising from the transfer. The House report additionally expressed the committee's support of OSTP efforts to solicit public and other comment on public access to publications arising from federally funded research and directed OSTP to report semiannually on progress in coordinating agencies' policies in this area. Finally, the House report encouraged OSTP to ensure sufficient investments are made through the National Nanotechnology Initiative and related efforts to meet National Research Council recommendations for research priorities, tools, and approaches to address the potential environmental, health, and safety risks of engineered nanomaterials.

The Consolidated and Further Continuing Appropriations Act provides \$5.7 million for OSTP. The explanatory statement accompanying P.L. 113-6 directs OSTP to provide a completed STEM education research plan to the Committees on Appropriations within 45 days and affirms the establishment of an interagency working group on neuroscience within the NSTC and strongly supports its goals and activities.

National Aeronautics and Space Administration (NASA)¹⁰³

The National Aeronautics and Space Administration (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 \$17.711 billion for NASA for FY2013. This was 0.5% less than the FY2012 appropriation of \$17.800 billion and 11.3% less than the \$19.960 billion authorized for FY2013 in the NASA Authorization Act of 2010 (P.L. 111-267).¹⁰⁴ The Senate committee recommended \$19.400 billion. Most of the Senate committee's increase resulted from a transfer of satellite acquisition funding from NOAA to NASA. The House-passed bill would have provided \$17.448 billion. The final appropriation (before any sequestration) is \$17.492 billion. This was the smallest appropriation for NASA since FY2008. See **Table 11** for a breakdown of these amounts by appropriations account. The shortfall in total NASA funding relative to the authorization act may raise questions about the feasibility of the human spaceflight program established by that act, as well as about the potential impact of human spaceflight's funding needs on funding for other NASA programs, such as science, aeronautics, and education.

¹⁰³ This section was prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

¹⁰⁴ The Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) rescinded \$30.0 million from NASA funds provided in prior years. When the FY2012 appropriation is reduced by this rescission, the FY2013 request is 0.3% less than the net FY2012 amount.

The Administration's \$4.911 billion request for NASA's Science account in FY2013 was 3.5% less than the FY2012 appropriation. Funding for planetary science was to decrease \$308.1 million (-20.5%). Most of that proposed reduction was in the Mars exploration program, whose costs were reduced by the launch of the Mars Science Laboratory in November 2011, the planned launch of the Mars Atmosphere and Volatile Evolution Mission (MAVEN) in late 2013, and the termination of NASA's participation (with the European Space Agency) in the 2016 and 2018 ExoMars sample return missions. NASA is developing a new Mars exploration strategy that will integrate robotic missions funded by the Science account with human spaceflight and technology development activities in other accounts. Also in Science, funding for the James Webb Space Telescope (JWST) was to increase \$98.0 million (18.5%). Following an independent review of JWST in October 2010, NASA developed a revised plan for the program in 2011. In the FY2012 appropriations conference report, Congress capped the formulation and development cost of JWST and mandated annual reports on the program by the Government Accountability Office. The Senate committee recommended \$5.021 billion for Science, or \$110 million more than the request, including an increase of \$100 million for Mars Exploration. The House-passed bill would have provided \$5.095 billion, or \$184 million more than the request, including an increase of \$88 million for a future Mars sample return mission. If NASA's new Mars strategy does not include a sample return mission, the additional \$88 million in the House bill was instead to be devoted to a mission to Jupiter's moon Europa. The final appropriation for Science (before any sequestration) is \$5.037 billion, including an increase of \$82 million for Mars exploration. The explanatory statement rejected the House report language about redirecting Mars funding to a Europa mission.

The request for Aeronautics was \$551.5 million, a decrease of 3.2% from FY2012. Research on hypersonic entry, descent, and landing (EDL) was to be transferred to the Space Technology account, and most funding for air-breathing hypersonic flight systems was to be eliminated. The hypersonic research remaining in the Aeronautics program was to be combined with supersonic research to create a single project focusing on high-speed flight. The Senate committee recommended the requested amount. The House-passed bill would have provided \$569.9 million. Both committees expressed concern about the planned changes in NASA's hypersonics research. The Senate committee directed NASA to provide a report on how it plans to maintain hypersonics expertise either with its own funds or in collaboration with other agencies. The House committee rejected the proposed transfer of EDL research to Space Technology and directed NASA to work with the Department of Defense to define agency roles and propose changes to the division of responsibilities. The final appropriation (before any sequestration) is \$558.2 million. The explanatory statement confirmed the House and Senate report language.

For Space Technology, the Administration requested \$699.0 million, an increase of 21.6% from FY2012. About half of the increase was for technology demonstration missions designed to bridge the gap between early-stage development and operational use. In February 2012, the National Research Council (NRC) released its assessment of NASA's draft roadmaps for space technology development.¹⁰⁵ According to NASA, the Space Technology program is investing at some level in all 16 of the technology areas that the NRC report recommended for emphasis. In February 2013, NASA created a Space Technology Mission Directorate; the Space Technology Program had previously been an activity within the Office of the Chief Technologist. The Senate committee recommended \$651.0 million for Space Technology and directed NASA to give

¹⁰⁵ National Research Council, *NASA Space Technology Roadmaps and Priorities: Restoring NASA's Technological Edge and Paving the Way for a New Era in Space*, download.nap.edu/catalog.php?record_id=13354.

priority to ongoing activities. The House-passed bill would have provided \$632.5 million. The final appropriation (before any sequestration) is \$628.7 million.

The Administration's request for Exploration in FY2013 was \$3.933 billion, a 4.3% increase over FY2012 but 25.3% less than the authorized level. This account funds development of the Multipurpose Crew Vehicle (MPCV) and heavy-lift Space Launch System (SLS), which were mandated for human exploration of space beyond Earth's orbit by the 2010 authorization act, as well as development of the commercial crew transportation systems that NASA intends to use for U.S. astronaut access to the International Space Station. The request for Construction and Environmental Compliance and Restoration included \$143.7 million for Exploration-related construction formerly included in the Exploration account. The shortfall in Exploration funding relative to the authorization act may raise questions about the feasibility of NASA's planned human spaceflight program. NASA expects the first uncrewed flight of the SLS to occur in December 2017, and the first crewed flight in August 2021. If funding had been appropriated at the requested level, NASA expected commercial crew transportation services to become available in early 2017; NASA officials stated that a lower funding level would not permit this. The Senate committee recommended \$3.909 billion. Within this total, it provided \$306.5 million more than the request for development of the MPCV and SLS and their associated ground systems, and \$304.7 million less than the request for commercial crew. The House-passed bill would have provided \$3.712 billion, including \$112.5 million more than the request for the MPCV and SLS and their ground systems, and \$329.7 million less than the request for commercial crew. The final appropriation (before any sequestration) is \$3.806 billion, including \$221.3 million more than the request for the MPCV and SLS and their ground systems and \$315.6 million less than the request for commercial crew.

The FY2013 request of \$4.013 billion for Space Operations was a 5.2% decrease from FY2012. This account funds the International Space Station (ISS), the Space and Flight Support program, and the remaining costs for closeout of the space shuttle program. The last shuttle flight was completed in July 2011. With only \$70.6 million requested for space shuttle closeout in FY2013, the other two elements of this account were both to receive increases. The Senate committee recommended \$3.962 billion. The House-passed bill would have provided \$3.985 billion. The final appropriation (before any sequestration) is \$3.871 billion.

The Senate committee proposed transferring responsibility for acquisition and procurement of NOAA operational satellites from NOAA to NASA. According to the Senate committee report, the funding recommended for this purpose matched the Administration's request, minus NOAA's portion of the management costs, but was to be provided to NASA rather than NOAA. NASA currently acts as NOAA's acquisition agent for such satellites on a cost-reimbursement basis. The final appropriation did not adopt this Senate proposal.

A floor amendment in the House reduced funding for Cross-Agency Support by \$126 million relative to the House committee recommendation.

Table 11. Funding for NASA (Pre-sequester)

(budget authority in millions of dollars)

Accounts	FY2012 Enacted	FY2013 Authorized	FY2013 Request	Senate Committee- Reported	House- Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
						Pre- rescissions	Post- rescissions ^a
Science	\$5,090.0	\$5,509.6	\$4,911.2	\$5,021.1	\$5,095.0	\$5,144.0	\$5,037.4
Aeronautics	569.9	590.0	551.5	551.5	569.9	570.0	558.2
Space Technology	575.0	515.0	699.0	651.0	632.5	642.0	628.7
Exploration	3,770.8	5,264.0	3,932.8	3,908.9	3,711.9	3,887.0	3,806.4
Space Operations	4,233.6	4,253.3	4,013.2	3,961.7	3,985.0	3,953.0	3,871.0
Education	138.4	145.7	100.0	125.0	100.0	125.0	122.4
Cross-Agency Support	2,995.0	3,276.8	2,847.5	2,822.5	2,717.5	2,823.0	2,764.5
Construction and Environmental Compliance and Restoration	390.0	366.9	619.2	679.0	598.0	680.0	665.9
Inspector General	37.3	38.7	37.0	37.8	38.0	38.0	37.2
Operational Satellite Acquisition	—	—	—	1,641.1	—	—	—
Total: NASA	17,800.0^b	19,960.0	17,711.4	19,399.6	17,447.8	17,862.0	17,491.7

Source: FY2012-enacted amounts were taken from P.L. 112-55 and the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-authorized amounts were taken from P.L. 111-267. FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.
- b. Does not include a rescission of \$30.0 million of unobligated balances from prior years' appropriations.

National Science Foundation (NSF)¹⁰⁶

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.”¹⁰⁷ 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.

For FY2013, the House recommended \$7.333 billion for NSF. This amount was \$299.4 million (4.3%) more than the foundation’s FY2012 estimated funding level of \$7.033 billion, \$40.6 million (-0.6%) less than the President’s request for \$7.373 billion, and \$59.4 million (0.8%) more than the \$7.273 billion recommended by the Senate Committee on Appropriations. S.Rept. 112-158, which accompanied S. 2323 when it left the Senate Committee on Appropriations, raised overall concerns about NSF’s responsiveness to Office of the Inspector General (OIG) reports and recommendations and directed NSF to report to the Committee on its efforts to address issues identified by the OIG. The explanatory statement on H.R. 933 as published in the March 11, 2012, *Congressional Record* (hereafter referred to as the “explanatory statement”) affirmed this directive. The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) provides \$7.240 billion to the NSF in FY2013.

Since FY2006, overall increases in the NSF budget have been at least partially driven by the so-called “doubling path policy.” Congress and successive Administrations sought to double funding for the NSF, Department of Energy’s Office of Science, and National Institute of Standards and Technology’s core laboratory and construction accounts (collectively “the targeted accounts”).¹⁰⁸ Under current authorizations for FY2011 to FY2013, targeted account funding levels would have increased at a compound annual growth rate of 6.3%, a pace that would result in doubling in approximately 11 years. However, appropriations for the targeted accounts in FY2011 and FY2012 increased at rates of 4.6% and 4.1%, respectively (about a 17-year doubling pace). The President’s FY2013 budget request established a 4.1% compound annual growth rate for targeted accounts. The funding levels in P.L. 113-6 provide for a compound annual growth rate of 3.8% (or about a 19-year doubling pace) for the targeted accounts.¹⁰⁹

The full House and Senate Committee on Appropriations agreed on essentially identical funding levels for five of NSF’s six major accounts in FY2013. (See **Table 12**.) The primary difference between the two proposals was in the main research account (Research and Related Activities or R&RA).¹¹⁰ The House proposed \$5.943 billion for R&RA in FY2013. This amount was \$253.7

¹⁰⁶ This section was prepared by Heather B. Gonzalez, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

¹⁰⁷ The National Science Foundation Act of 1950 (P.L. 81-507), Purpose.

¹⁰⁸ For an analysis of the doubling effort that includes historic trends, see CRS Report R41951, *An Analysis of Efforts to Double Federal Funding for Physical Sciences and Engineering Research*, by John F. Sargent Jr.

¹⁰⁹ All doubling rate calculations are based on the FY2006 funding levels for the targeted accounts.

¹¹⁰ R&RA is the primary source of research funding at the NSF and the largest account at the foundation. Between FY2003 and FY2012, R&RA’s share of the NSF budget increased by 3.7%. This increase appears to be attributable, at least in part, to more rapid budget growth in the R&RA account than in other NSF accounts. Between FY2003 actual and the FY2012 estimate the total NSF budget grew by \$1.664 billion. 92.9% of this increase (\$1.545 billion) went to R&RA. By comparison, the average role for R&RA in the total NSF budget during this period was 79.5%.

million (4.5%) more than the FY2012 estimated level of \$5.689 billion, \$40.6 million (-0.7%) less than the President's request for \$5.983 billion, and \$59.4 million (1.0%) more than the Senate Committee on Appropriations' recommendation for \$5.883 billion. P.L. 113-6 provides \$5.859 billion for R&RA in FY2013.

NSF's FY2013 request for R&RA highlighted priorities in interdisciplinary research, clean energy, advanced manufacturing, materials, wireless communications, smart systems, and cybersecurity. The request included increases for all but one of the research directorates.¹¹¹ The largest requested R&RA increase (by amount and percentage) was for the Integrative Activities (IA) account. Increases in IA would mainly apply to the R&RA contribution to the Graduate Research Fellowship (GRF) program¹¹² and to increased support for the Integrated NSF Support Promoting Interdisciplinary Research and Education (INSPIRE) program.¹¹³ NSF also sought an increase in the Innovation Corps (I-Corps) program.¹¹⁴ The FY2013 request did not establish neuroscience as a crosscutting theme, as the FY2012 CJS conference report encouraged NSF to do; however, NSF's request stated that it would issue a "Dear Colleague Letter" supporting research in neuroscience and cognitive science.¹¹⁵ The FY2013 request also included \$250,000 for a Giant Segmented Mirror Telescope planning solicitation, as per the FY2012 CJS conference report.

H.Rept. 112-463 directed NSF to prioritize—of new R&RA activities—cybersecurity, advanced manufacturing, materials, and research in the natural and physical sciences, math, and engineering. In particular, the House report provided the requested level of \$148.9 million for NSF's Advanced Manufacturing initiative. Other R&RA provisions in the House report included a requirement that I-Corps recipients commit to the domestic production of goods or services commercialized with NSF assistance; two required reports on the management of scientific facilities; and language encouraging NSF to establish neuroscience as a cross-cutting theme. H.Rept. 112-463 also endorsed NSF-proposed changes in R&RA, except for the termination of the Communicating Science Broadly program, which the House Committee on Appropriations sought to maintain.

S.Rept. 112-158 highlighted R&RA support for scientific facilities and instrumentation; provided the requested levels for astronomical sciences (\$244.6 million) and cybersecurity research (\$161.0 million); and expressed concerns about the adequacy of funding levels for the Academic Research Fleet. The Senate committee report also provided the requested level of funding (\$7.5 million) for Large Synoptic Survey Telescope pre-construction planning. Other provisions in S.Rept. 112-158 included \$158.0 million for the Experimental Program to Stimulate Competitive

¹¹¹ Increases for the R&RA directorates range from 2.1% for Social, Behavioral, and Economic Sciences to 23.4% for Integrative Activities. The only reduction in the request was to the U.S. Arctic Research Commission, for which NSF sought a \$60,000 (4.1%) reduction from the FY2012 estimate of \$1.45 million.

¹¹² The FY2013 IA request for the GRF was \$121.5 million, which is \$33.0 million (37.3%) more than the FY2012 estimated level of \$88.5 million. The FY2013 NSF-wide request for GRF was \$243.0 million, which is \$45.0 million (22.7%) over the FY2012 estimate of \$198.4 million. GRF is co-funded roughly equally by R&RA and E&HR.

¹¹³ The FY2013 IA request for INSPIRE was \$31.0 million, \$18.7 million (151.0%) more than the FY2012 estimated level of \$12.4 million. The NSF-wide request for INSPIRE was \$63.0 million, \$42.7 million (209.3%) more than the FY2012 estimated level of \$20.4 million. All but \$2.0 million of INSPIRE funding would come from R&RA.

¹¹⁴ The FY2013 request for the I-Corps program was \$19.0 million, \$11.4 million (151.3%) more than the FY2012 estimated level of \$7.5 million. All but \$30,000 of this funding would have come from R&RA accounts.

¹¹⁵ On March 4, 2013, NSF issued Dear Colleague Letter NSF 13-067, "Accelerating Integrative Research in Neuroscience and Cognitive Science (AIR-NCS)." See <http://www.nsf.gov/pubs/2013/nsf13067/nsf13067.jsp>.

Research (EPSCoR) in FY2013. This amount was \$7.1 million (4.7%) more than the FY2012 estimate of \$150.9 million, but slightly below the President's FY2013 request for \$158.2 million.

P.L. 113-6 provides \$154.9 million for EPSCoR in FY2013. The explanatory statement also included specific provisions for R&RA. It incorporated language relating to reductions and terminations, and adopted by reference advanced manufacturing and I-Corps (with modifications)¹¹⁶ provisions from the House committee report. The explanatory statement also adopted Senate committee report provisions on cybersecurity research and provides \$200.7 million for astronomical sciences (as well as specific directives for spending in that account) among other things.

Both the full House and the Senate Committee on Appropriations recommended funding all other major NSF accounts at FY2013 requested levels. These recommendations applied to Education and Human Resources (E&HR), Major Research Equipment and Facilities Construction (MREFC), Agency Operations and Award Management (AOAM), the National Science Board (NSB), and the OIG. For AOAM, NSB, and the OIG, the FY2013 requested levels were equal to the FY2012 estimate. The FY2013 request for MREFC was slightly below the FY2012 estimate.¹¹⁷ MREFC requested funding would support four on-going projects, two of which were close to completion. Provisions in H.Rept. 112-463 expressed continued concern about contingency costs in the MREFC account. P.L. 113-6 provides \$192.1 million for MREFC, \$293.2 million for AOAM, \$4.3 million for NSB, and \$13.9 million for OIG.

For E&HR, the President sought \$875.6 million in FY2013, \$46.6 million (5.6%) more than the FY2012 estimated level of \$829.0 million. As noted previously, both the full House and Senate Committee on Appropriations recommended the full request for E&HR in FY2013. These actions marked a change from FY2011 and FY2012, when Congress reduced funds for this account from prior year levels. FY2003-FY2012 trends generally showed a diminishing role for E&HR in the total NSF budget.¹¹⁸ P.L. 116-3 provides \$877.0 million to E&HR in FY2013.

The President's request for E&HR sought to reframe the directorate's programs to emphasize research activities and partnerships. NSF requested \$20.0 million (\$5.0 million for each of E&HR's four divisions) in FY2013 to establish the reframing effort.¹¹⁹ Requested changes within E&HR were intended to occur in tandem with the launch of a new NSF-wide initiative, Expeditions in Education (E²).¹²⁰ NSF also sought increased collaboration with the Department of Education (ED) on the Mathematics and Science Partnership (MSP) program and on efforts to establish standards of evidence for STEM education innovations and research. The FY2013 E&HR request also sought to shift \$30.0 million in funding from the Discovery Research K-12

¹¹⁶ As previously noted, the House report required that I-Corps recipients commit to the domestic production of goods or services commercialized with NSF assistance. The explanatory statement additionally required NSF to report to the respective appropriations committees if it cannot practically enforce this requirement for any specific grant.

¹¹⁷ As authorized by P.L. 112-55, NSF transferred \$30.0 million from the R&RA account to MREFC in FY2012. This amount was reflected in the FY2013 request, which was \$30.0 million more than the funding level Congress specified for FY2012.

¹¹⁸ See CRS Report R42470, *An Analysis of STEM Education Funding at the NSF: Trends and Policy Discussion*, by Heather B. Gonzalez.

¹¹⁹ NSF states that these funds would be used for grants to synthesize existing work, highlight trends and challenges, and identify future needs.

¹²⁰ The goal for E² activities is to use current or emerging areas of science to address STEM education challenges. The total request for E² in FY2013 was \$49.0 million, of which \$20.5 million would have come from E&HR.

and Transforming Undergraduate Education in STEM programs to a new \$60.0 million competitive grant program aimed at fostering improvements in mathematics learning. This program was intended to be jointly administered with ED, which was to contribute \$30.0 million.

The FY2013 E&HR request also included \$121.5 million for the GRF program, an \$11.9 million (10.8%) increase over the FY2012 estimate. The request would have reduced funding for the Integrative Graduate Education and Research Traineeship (IGERT) program by \$8.1 million (-13.6%)—from \$59.8 million in FY2012 (estimate) to \$51.7 million in FY2013. Funding for minority-serving institutions (MSIs),¹²¹ the Robert Noyce Scholarship (Noyce) program, and the MSP program would have continued at FY2012 levels. The FY2013 NSF budget request did not appear to include a specified funding source for Hispanic-serving institutions. The FY2013 budget request for the Federal Cyber Services: Scholarship for Service/Cybercorps (SFS) program was \$25.0 million, \$20.0 million (-44.4%) below the \$45.0 million level established for the program in the FY2012 CJS appropriations conference report.

Although identical at the major account level, there were substantive differences between House and Senate appropriations committee recommendations for certain E&HR sub-accounts. For example, H.Rept. 112-463 would have provided the requested level of funding (e.g., no change from FY2012) for NSF's MSI programs, while S.Rept. 112-158 would have provided an increase. H.Rept. 112-463 would have funded the Advanced Technology Education (ATE) program at \$69.0 million, while S.Rept. 112-158 would have provided \$64.0 million. A third difference was between the two recommendations for NSF's Informal Science Education (ISE)¹²² program. H.Rept. 112-463 accepted the Administration's proposed changes to ISE, including a \$13.6 million (-22.1%) reduction from the FY2012 estimate of \$61.4 million. S.Rept. 112-158 rejected the requested reduction to ISE. The explanatory statement resolved these differences. It affirmed Senate committee report language on MSIs (described as "broadening participation programs" in the statement); accepted House committee report provisions on the ATE program, with modifications;¹²³ and accepted the ISE name change to AISL while affirming Senate committee report language rejecting the Administration's proposed reductions to the program.

Other E&HR provisions in the Senate Committee on Appropriations' report included \$54.9 million for the Noyce program (equal to the request), \$45.0 million for the SFS program (\$20.0 million over the request), and a statement expressing concern about psychology majors' GRF eligibility. Other E&HR provisions in the House committee report included a directive to continue developing and implementing a tracking and evaluation system for the recommendations of a recent National Research Council report on best practices in STEM education and a statement encouraging NSF to use existing resources on STEM-focused schools. In addition to general adoption of these provisions, the explanatory statement specifically affirmed program termination and reduction provisions, as well as best practices language, from the House committee report; and adopted by reference Senate committee report provisions for the SFS program. P.L. 113-6 provides \$53.8 million for the Noyce program.

¹²¹ Funding sources for MSIs include the Historically-Black Colleges and Universities Undergraduate Program (HBCU-UP), Louis Stokes Alliances for Minority Participation (LSAMP), and the Tribal Colleges and Universities Program (TCUP), among others.

¹²² NSF also sought to rename this program as "Advancing Informal STEM Learning" (AISL) in FY2013. Both appropriations committees accepted this change.

¹²³ As previously noted, the House report would have provided \$69.0 million for ATE (a \$5.0 million increase over the request). This amount was to be offset by a reduction in the GRF. The explanatory statement directs NSF to choose the offset from among programs not otherwise described in the explanatory statement.

Both the House and Senate appropriations committees expressed concern about the “OneNSF Framework.” As proposed, the OneNSF Framework sought to enable operations across organizational and disciplinary boundaries. NSF requested increases over FY2012 estimated levels for six of seven OneNSF Framework program priorities. The Senate Committee on Appropriations recommended that NSF reduce funding for OneNSF activities and encouraged the foundation to focus on core programs and infrastructure. The House committee report expressed concerns about a perceived lack of administrative clarity in OneNSF activities and encouraged NSF to promulgate clear standards and guidance on the administration of these activities. The explanatory statement rejected Senate committee report language on OneNSF initiatives while urging NSF to refine the balance between interdisciplinary research, infrastructure, and core research programs in future budget years.

Funding for other NSF-wide investments in the FY2013 request included the National Nanotechnology Initiative (\$434.9 million), the Networking and Information Technology Research and Development program (\$1.207 billion), and the U.S. Global Climate Change Research program (\$332.9 million).

The FY2013 request proposed cutting or consolidating 11 foundation programs, totaling \$67.0 million. Most of these programs were in the research directorates and had reached their planned endpoints or were otherwise considered obsolete. As noted above, the House report rejected the proposed termination of the Communicating Science Broadly program. General provisions in H.R. 5326 as passed by the House would have prohibited NSF from funding the Climate Change Education and Political Science programs. P.L. 113-6 includes a provision limiting NSF-funded political science research to that which promotes national security or the economic interests of the United States.¹²⁴

Table 12. NSF Funding by Major Account (Pre-sequester)
(budget authority in millions of dollars)

Account	FY2012 Estimate	FY2013 Authorized	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
						Pre-rescissions	Post-rescissions ^a
Research and Related Activities	\$5,689.0	\$6,638.0	\$5,983.3	\$5,883.3	\$5,942.7	\$5,983.3	\$5,859.2
Biological Sciences	712.4	n/s	733.9	n/s	n/s	n/s	n/s
Computer and Information Science and Engineering	653.6	n/s	709.7	n/s	n/s	n/s	n/s
Engineering	826.2	n/s	876.3	n/s	n/s	n/s	n/s
Geosciences	885.3	n/s	906.4	n/s	n/s	n/s	n/s
Mathematical and Physical Sciences	1,309.0	n/s	1,345.2	n/s	n/s	n/s	n/s

¹²⁴ P.L. 113-6, Division B, Title V, Sec. 543.

Account	FY2012 Estimate	FY2013 Authorized	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
						Pre-rescissions	Post-rescissions ^a
Social, Behavioral, and Economic Sciences	254.3	n/s	259.6	n/s	n/s	n/s	n/s
Office of Cyberinfrastructure ⁰	211.6	n/s	218.3	n/s	n/s	n/s	n/s
Office of International Science and Engineering ⁰	49.9	n/s	51.3	n/s	n/s	n/s	n/s
U.S. Polar Programs ⁰	435.9	n/s	449.7	n/s	n/s	n/s	n/s
Integrative Activities ⁰	349.6	n/s	431.5	n/s	n/s	n/s	n/s
U.S. Arctic Research Commission	1.45	n/s	1.39	n/s	n/s	n/s	n/s
Education and Human Resources	829.0	1,041.8	875.6	875.6	875.6	895.6	877.0
Major Research Equipment and Facilities Construction	197.1	236.8	196.2	196.2	196.2	196.2	192.1
Agency Operations and Award Management	299.4	363.7	299.4	299.4	299.4	299.4	293.2
National Science Board	4.4	4.9	4.4	4.4	4.4	4.4	4.3
Office of the Inspector General	14.2	15.0	14.2	14.2	14.2	14.2	13.9
Total: NSF	7,033.1	8,300.0	7,373.1	7,273.1	7,332.5	7,393.1	7,239.8

Source: Numbers in the “FY2012 Estimate” and “FY2013 Request” columns are from the FY2013 NSF Budget Request to Congress. Numbers in the “FY2013 Authorized” column are from the America COMPETES Reauthorization Act of 2010 (P.L. 111-358). The Senate committee-reported amounts were taken from S. 2323 and S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

Notes: “n/s” means “not specified.” CRS was unable to identify a defined amount of funding for this account. Numbers are rounded. The FY2012 estimate includes the FY2012-enacted levels as adjusted to reflect a one-time \$30.0 million transfer from R&RA to MREFC (as authorized by P.L. 112-55).

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.
- b. On September 7, 2012, the NSF announced that it was realigning four directorates within the Research and Related Activities account. This transition was scheduled for October 1, 2012. Under the new account structure, the Office of Cyberinfrastructure was to become a division within the Directorate for Computer

and Information Science and Engineering. The Office of Polar Programs was to become a division within the Geosciences directorate. The offices of International Science and Engineering and the office of Integrative Activities were to be merged to become the Office of International and Integrative Activities. NSF indicates that these changes to the foundation's account structure have been made.

Related Agencies

For FY2013, the Administration requested a total of \$929.2 million for the related agencies. The Administration's request was 8.5% greater than the \$856.6 million appropriated for FY2012. The Senate Committee on Appropriations recommended a total of \$929.2 million for the related agencies, the same as the Administration's request. The House-passed amount for the related agencies was \$845.9 million, 1.2% below the FY2012 appropriation and 9.0% less than both the Administration's request and the Senate committee-reported amount. Congress provides a total of \$870.1 million for the related agencies under the Consolidated and Further Continuing Appropriations Act.

Table 13. Funding for Related Agencies (Pre-sequester)

(budget authority in millions of dollars)

Commission, Office, or Corporation	FY2012 Enacted	FY2013 Request	Senate Committee-Reported	House-Passed	Consolidated and Further Continuing Appropriations Act (Pre-sequester)	
					Pre-rescissions	Post-rescissions ^a
U.S. Commission on Civil Rights	\$9.2	\$9.4	\$9.4	\$9.2	\$9.4	\$9.2
Equal Employment Opportunity Commission	360.0	373.7	373.7	366.6	370.0	362.3
International Trade Commission	80.0	82.8	82.8	83.0	83.0	82.9
Legal Services Corporation	348.0	402.0	402.0	328.0	365.0	357.4
Marine Mammal Commission	3.0	3.1	3.1	2.8	3.1	3.0
Office of the U.S. Trade Representative	51.3	53.0	53.0	51.2	51.3	50.2
State Justice Institute	5.1	5.1	5.1	5.1	5.1	5.0
Total: Related Agencies	856.6	929.2	929.2	845.9	886.9	870.1

Source: FY2012-enacted amounts were taken from the conference report for the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, H.Rept. 112-284). FY2013-requested and Senate committee-reported amounts were taken from S.Rept. 112-158. House-passed amounts were taken from H.Rept. 112-463 and the version of H.R. 5326 passed by the House. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The

post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.

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 Administration's FY2013 budget request included \$9.4 million for the Commission, an amount that was 2.3% greater than the FY2012 appropriation of \$9.2 million. The Senate Committee on Appropriation's recommended funding for the Commission was \$9.4 million, the same as the Administration's request. The House recommended \$9.2 million for the Commission, which would have been the same as the FY2012 appropriation and 2.2% less than both the Administration's request and the Senate committee-reported amount. The Consolidated and Further Continuing Appropriations Act includes \$9.2 million for the commission.

Equal Employment Opportunity Commission (EEOC)¹²⁵

The Equal Employment Opportunity Commission (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 ability to reduce the pending inventory of charges due to rising caseloads and limited staff. Due to new hires of enforcement staff and developments in technology, the EEOC progressed in reducing the pending inventory of cases in FY2011.

The President's FY2013 budget request for the EEOC was \$373.7 million, which is 3.8% (\$13.7 million) more than the FY2012 enacted level of \$360.0 million. Out of the \$373.7 million, up to \$29.5 million was requested for payments to state and local entities with which the agency has work-sharing agreements to address workplace discrimination within their jurisdictions (i.e., Fair Employment Practices Agencies, FEPAs, and Tribal Employment Rights Organizations, TEROs). This is the same amount the agency paid to these groups for FY2012.

The Senate Committee reported amount for the EEOC was \$373.7 million, which was 3.8% (\$13.7 million) more than the FY2012-enacted level of \$360.0 million. The Senate recommended amount was the same as the President's budget request for FY2013. The Senate Committee on Appropriations would have provided \$30.0 million for payments to state and local entities with

¹²⁵ This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, Domestic Social Policy Division.

which the agency has work-sharing agreements to address workplace discrimination within their jurisdictions (i.e., FEPAs and TEROs).

The House-passed bill would have provided \$366.6 million for the EEOC, which is 1.8% (\$6.5 million) more than the FY2012 appropriation, but 1.9% (\$7.1 million) less than both the Administration's request and the Senate committee-reported amount. The House-passed bill would have included \$29.5 million for payments to state and local entities, the same amount enacted in FY2012 and requested by the President for FY2013. The House bill also included an amendment passed by voice vote prohibiting the use of EEOC funds for enforcing EEOC guidance dealing with potential discrimination resulting from employer criminal background checks.¹²⁶

The Consolidated and Further Continuing Appropriations Act, 2013 provides \$370.0 million as enacted, and \$362.3 million after rescissions for the EEOC. This post-rescission amount includes an additional rescission of 0.2% for non-security accounts as reported by OMB, pursuant to P.L. 111-6, section 3004. Congress requested that the EEOC report within 60 days on steps taken to implement FY2012 goals from EEOC's 2012-2016 strategic plan. Congress continues to remain interested in steps taken to manage private sector cases and the development of new processes for managing federal sector cases. Congress also requested the EEOC report within 90 days on a new age discrimination rule's effect on small business. Finally, Congress directs the EEOC report within 120 days on new guidance for criminal background checks.

The pending inventory of private sector cases filed with the EEOC was reduced from 86,338 at the end of FY2010 to 78,136 at the end of FY2011, a 9.5% decline.¹²⁷ According to the Commission, the decline reflects the ability of the EEOC to embrace technological advances and hire key frontline enforcement staff in 2009 and 2010. The FY2013 request for 85 new hires, including 46 investigator positions, as well as other mediator, support staff, and attorney positions, will continue to address the agency workload. Within 60 days of enactment, the Senate Committee on Appropriations directed the EEOC to submit a report discussing the "National Full Service Intake Model", which would create intake units at each field office to handle charges.

The EEOC federal sector hearings workload was 15,709 hearings in FY2011 and is estimated to decrease slightly to 15,356 in FY2012.¹²⁸ The commission continues to implement technology initiatives to support the federal sector program, such as the HotDocs Software, a commercial document assembly software package, which would streamline the writing phase of the hearings process. The Senate Committee on Appropriations requested the EEOC submit an implementation plan for the new Federal sector hearings process, including the "Fast Track" proposal. The Senate Committee is concerned this process could threaten discovery and limit hearings before independent Administrative Judges (AJS).¹²⁹

¹²⁶ H.Amdt. 1073, "An amendment to prohibit the use of funds to implement, administer, or enforce the EEOC Enforcement Guidance Number 915.002 concerning "Consideration of arrest and conviction records in employment decisions."

¹²⁷ FY2013 Equal Employment Opportunity Commission, Congressional Budget Justification, Chart 4, "Private Sector Charges Pending at Year End for FY2009 to FY2015," <http://www.eeoc.gov/eeoc/plan/2013budget.cfm#chart4>.

¹²⁸ FY2013 Equal Employment Opportunity Commission, Congressional Budget Justification, Chart 9, "Federal Sector Hearings Workload FY2009 to FY2015," <http://www.eeoc.gov/eeoc/plan/2013budget.cfm#chart9>.

¹²⁹ U.S. Congress, Senate Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Departments of Commerce and Justice, and Science and Related Agencies Appropriations Bill, 2013*, report to accompany S. 2323, 112th Cong., 2nd sess., April 12, 2012, S.Rept. 112-158, pp. 113-115.

U.S. International Trade Commission (ITC)¹³⁰

The U.S. International Trade Commission (ITC) is an independent, quasi-judicial agency established by Congress that advises the President and Congress on U.S. foreign economic policies. In its *Strategic Plan* for 2009-2014, the ITC identified the following five strategic operations, which define the functions of the agency: (1) import injury investigations, (2) intellectual property-based imports investigations, (3) industry and economic analysis, (4) tariff and trade information services, and (5) trade policy support.¹³¹ As a matter of policy, its budget request is submitted to Congress by the President without revision.

The Administration requested \$82.8 million for the ITC for FY2013, an amount \$2.8 million, or 3.5%, higher than the FY2012-enacted appropriation of \$80.0 million. The amount reported by the Senate Committee on Appropriations was \$82.8 million, the same amount as the Administration's request. The House recommended \$83.0 million for ITC, an amount 3.7% greater than the FY2012-enacted amount and 0.2% greater than the Administration's request and the Senate committee-reported amount. P.L. 113-6 provides \$82.9 million for the ITC.

Legal Services Corporation (LSC)¹³²

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

Although the authorization of appropriations for the LSC expired at the end of FY1980, the LSC has operated for the past 33 years under annual appropriations laws.

For FY2013, the Obama Administration requested \$402.0 million for the LSC. This amount is \$54.0 million (15.5%) above the FY2012 appropriation of \$348.0 million for the LSC. The Administration's FY2013 budget request included \$376.8 million for basic field programs and required independent audits, \$17.0 million for management and grants oversight, \$3.0 million for client self-help and information technology, \$4.2 million for the Office of the Inspector General, and \$1.0 million for loan repayment assistance. The Obama Administration also proposed that LSC restrictions on class action suits and attorneys' fees be eliminated.

The Senate Committee on Appropriations recommended \$402.0 million for the LSC for FY2013. This amount is 15.5% more than the FY2012-enacted amount and the same as the

¹³⁰ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

¹³¹ U.S. Office of Management and Budget, *The President's Budget Fiscal Year 2012 Appendix, Other Independent Agencies, U.S. International Trade Commission*, p. 1249.

¹³² This section was prepared by Carmen Solomon-Fears, Specialist in Social Policy, Domestic Social Policy Division.

Administration's FY2013 budget request. The Senate Committee recommendation deleted restrictions concerning the use of non-federal funding for LSC activities except for activities regarding class action law suits, abortion litigation, and litigation on behalf of federal, state, or local prisoners.

The House-passed bill recommended \$328.0 million for the LSC for FY2013. This amount is 5.7% less than the FY2012-enacted amount and 18.4% less than the amount recommended by the Administration's FY2013 budget request and the amount reported by the Senate Committee on Appropriations. Currently, the allocation for LSC grantees in each geographic area is based on poverty statistics from the "most recent decennial census." The Census Bureau has since stopped collecting poverty data in the decennial census and instead collects those data in the American Community Survey (ACS). The House Committee recommended that the formula be altered to reflect this shift. Since ACS data are released more frequently, the House Committee recommendation would allow reallocation of LSC funding every three years. One House amendment that would have eliminated all funding for the LCS and another House amendment that would have cut the funding for the LSC to \$200.0 million for FY2013 were rejected.

P.L. 113-6 includes a total of \$357.4 million for the LSC for FY2013. Congress directs LSC to re-examine its headquarters structure and identify areas of duplication for consolidation or elimination in an effort to provide a more efficient and cost-saving structure, and send more funding to those in the field in need of LSC services. LSC is required to report these findings to the Committees on Appropriations within 90 days of enactment. In addition, a technical change to the allocation formula for basic field grants is included to reflect the shift in how the Census Bureau collects poverty data. The technical change allows reallocation of funding every three years. P.L. 113-6 also provides a two-year phase-in of the changes.

Marine Mammal Commission (MMC)¹³³

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

The Administration's FY2013 request for the MMC was \$3.1 million, which would have represented a 1.9% increase compared to FY2012-enacted funding of \$3.0 million. The Senate Committee on Appropriations recommended \$3.1 million, a 1.9% increase over FY2012-enacted funding and the same as the Administration's FY2013 request. The House recommended \$2.8 million for the MMC. This amount was 6.0% less than the FY2012 appropriation and 7.7% less than both the Administration's request and the Senate committee-reported amount. The Consolidated and Further Continuing Appropriations Act includes \$3.0 million for the MMC.

¹³³ This section was prepared by Eugene H. Buck, Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

Office of the U.S. Trade Representative (USTR)¹³⁴

The Office of the U.S. Trade Representative (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 Administration requested \$53.0 million for the USTR for FY2013, an amount \$1.8 million, or 3.5%, greater than the FY2012-enacted amount of \$51.3 million. The amount reported by the Senate Committee on Appropriations for FY2013 was \$53.0 million, the same amount as the Administration's request. The House recommended \$51.2 million, an amount is 0.1% less than the FY2012-enacted amount, and 3.5% less than both the Administration's request and the Senate committee-reported amount. P.L. 113-6 provides \$50.2 million for the USTR.

USTR is the lead U.S. negotiator in the ongoing talks for the proposed Trans-Pacific Partnership Agreement with 10 other countries. Acting U.S. Trade Representative Demetrios Marantis has expressed concerns about having the necessary resources to negotiate new trade agreements and enforce existing ones.¹³⁵ Trade enforcement has been of concern for Congress and the Obama Administration for numerous years. In 2013, President Obama called for the creation of a new trade enforcement unit to enhance U.S. capabilities to aggressively challenge unfair trade practices around the world, particularly in China. The Administration's FY2013 request for USTR included an increase of \$1.7 million to help create and direct the new Interagency Trade Enforcement Center (ITEC).

State Justice Institute (SJI)

The State Justice Institute (SJI) is a nonprofit corporation that makes grants to state courts and funds research, technical assistance, and informational projects aimed at improving the quality of judicial administration in state courts across the United States. It is governed by an 11-member board of directors appointed by the President and confirmed by the Senate.¹³⁶ Under the terms of its enabling legislation, SJI is authorized to present its budget request directly to Congress, apart from the President's budget. The Administration's request for SJI was \$5.1 million, which was the same as the FY2012 appropriation. Both the Senate committee-reported and the House-passed amount for SJI was \$5.1 million, the same as the Administration's request. The Consolidated and Further Continuing Appropriations Act includes \$5.0 million for SJI.

¹³⁴ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

¹³⁵ "CR Ups ITA Funds Slightly, Further Cuts USTR, Avoids USDA Furloughs," *Inside U.S. Trade's World Trade Online*, March 21, 2013.

¹³⁶ By law, the President must appoint six state court judges, one state court administrator, and four members of the public, no more than two of whom may be of the same political party.

Table 14. Funding for CJS Agencies, by Account, FY2009-FY2013

(budget authority in millions of dollars)

Bureau or Agency	FY2009 Enacted	FY2010 Enacted	FY2011 Enacted	FY2012 Enacted	Consolidated and Further Continuing Appropriations Act (P.L. 113-6)	
					Pre- rescissions	Post- rescissions ^a
Department of Commerce						
International Trade Administration	\$420.4	\$446.8	\$440.7	\$455.6	\$471.2	\$461.4
Bureau of Industry and Security	83.7	100.3	100.1	101.0	101.8	99.7
Economic Development Administration	312.8 ^b	293.0	283.4	457.5	224.8	220.1
Minority Business Development Agency	29.8	31.5	30.3	30.3	28.7	28.1
Economic and Statistical Analysis	90.6	97.2	97.1	96.0	100.2	98.2
Census Bureau	3,139.9 ^c	7,324.7	1,149.7	888.3	906.2	887.4
National Telecommunications and Information Administration	39.2 ^d	40.0	41.6	45.6	46.0	45.0
U.S. Patent and Trademark Office	2,010.1	2,016.0	2,090.0	2,706.3	2,933.2	2,872.4
Offsetting Fee Receipts USPTO	-2,087.0	-1,887.0	-2,090.0	-2,706.3	-2,933.2	-2,872.4
National Institute of Standards and Technology	819.0 ^e	856.6	750.1	750.8	824.2	807.1
National Oceanic and Atmospheric Administration	4,365.2 ^f	4,737.5	4,588.0	4,893.7	5,100.0	4,994.2
Departmental Management	83.8 ^g	107.5	99.8	88.9	86.8	85.0
DOC Subtotal	9,307.5	14,164.2^h	7,580.9	7,807.7	7,889.9	7,726.2
Department of Justice						
General Administration	2,067.8	2,276.7	2,208.1	2,227.9	539.7	528.5
General Administration	370.8	456.9	312.2	262.1	144.2	141.3
Administrative Review & Appeals	266.0	296.7	296.1	301.0	309.4	303.0
Detention Trustee	1,355.3	1,438.7	1,515.6	1,580.6	—	—
Office of the Inspector General	75.7 ⁱ	84.4	84.2	84.2	86.0	84.2
U.S. Parole Commission	12.6	12.9	12.8	12.8	12.8	12.5
Legal Activities	2,918.2	3,085.2	3,177.3	3,187.2	3,210.7	3,149.7
General legal activities	805.7	875.1	863.4	863.4	881.0	862.7
United States Attorneys	1,851.3	1,934.0	1,930.1	1,960.0	1,969.7	1,928.9
Other ^j	261.2	276.1	383.8	363.8	360.0	358.2
U.S. Marshals Service	964.0	1,152.4	1,140.1	1,189.0	2,853.4	2,794.2
National Security Division	85.2	87.9	87.8	87.0	90.0	88.2
Interagency Law Enforcement	515.0	528.6	527.5	527.5	521.8	511.0
Federal Bureau of Investigation	7,336.2	7,898.5	7,926.3	8,118.0	8,266.0	8,094.6
Drug Enforcement Administration	1,959.1	2,019.7	2,015.6	2,035.0	2,050.9	2,008.4

Bureau or Agency	FY2009 Enacted	FY2010 Enacted	FY2011 Enacted	FY2012 Enacted	Consolidated and Further Continuing Appropriations Act (P.L. 113-6)	
					Pre- rescissions	Post- rescissions ^a
Bureau of Alcohol, Tobacco, Firearms & Explosives	1,068.2	1,120.8	1,112.5	1,152.0	1,153.3	1,129.4
Federal Prison System	6,178.9	6,188.1	6,384.1	6,644.0	6,912.9	6,769.6
Office of Violence Against Women	415.0 ^k	418.5	417.7	412.5	416.5	407.9
Office of Justice Programs	2,066.6	2,283.5	1,697.9	1,616.3	1,625.2	1,592.8
Research, Evaluation, and Statistics	220.0	235.0	234.5	113.0	127.0	124.4
State and Local Law Enforcement Assistance	1,328.5 ^l	1,534.8	1,117.8	1,162.5	1,140.4	1,116.8
Weed and Seed	25.0	20.0	—	—	—	—
Juvenile Justice Programs	374.0	423.6	275.4	262.5	279.5	273.7
Public Safety Officers Benefits	119.1	70.1	70.1	78.3	78.3	78.0
Community Oriented Policing Services	550.5 ^m	791.6	494.9	198.5	222.5	217.9
OVW, OJP, and COPS Salaries and Expenses	195.0 ⁿ	213.4	186.6	—	—	—
DOJ Subtotal	26,332.3	28,077.7^o	27,389.2	27,407.7	27,875.7	27,304.7
Science Agencies						
Office of Science and Technology Policy	5.3	7.0	6.6	4.5	5.9	5.7
National Aeronautics and Space Administration	17,782.4 ^p	18,724.3	18,448.0	17,800.0	17,862.0	17,491.7
National Science Foundation	6,490.4 ^q	6,926.5	6,859.9	7,033.1	7,393.1	7,239.8
Science Agencies Subtotal	24,278.1	25,657.8	25,314.5	24,837.6	25,261.0	24,737.2
Related Agencies						
Commission on Civil Rights	8.8	9.4	9.4	\$2	9.4	9.2
Equal Employment Opportunity Commission (EEOC)	343.9	367.3	366.6	360.0	370.0	362.3
International Trade Commission	75.1	81.9	81.7	80.0	83.0	82.9
Legal Services Corporation	390.0	420.0	404.2	348.0	365.0	357.4
Marine Mammal Commission	3.2	3.3	3.2	3.0	3.1	3.0
U.S. Trade Representative	47.3	47.8	47.7	51.3	51.3	50.2
State Justice Institute	4.1	5.1	5.1	5.1	5.1	5.0
Related Agencies Subtotal	872.4	934.8	917.9	856.6	886.9	870.1
Total Appropriation	60,790.3^r	68,834.5^s	61,202.5^t	60,909.6^u	61,913.4^v	60,637.7^v
American Recovery and Reinvestment Act	15,922.0	—	—	—	—	—

Source: FY2009-enacted amounts taken from H.Rept. 111-366. FY2010-enacted amounts taken from S.Rept. 111-229. FY2011-enacted amounts were taken from H.Rept. 112-169. FY2012-enacted amounts were taken from H.Rept. 112-284. Pre-rescission amounts provided by the Consolidated and Further Continuing Appropriations Act were taken from the explanatory statement printed in the March 11, 2013, *Congressional Record* (pp. S1300-S1315); post-rescission amounts reflect the rescissions specified in section 3001 of the act and the rescissions calculated by OMB per section 3004 of the act.

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

- a. The post-rescission amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in section 3001 of the act. Per section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts and a 0.1% rescission was applied to appropriations for all discretionary security (as defined at 2 U.S.C. §900(c)(4)(B)) accounts. The post-rescission amounts also include an additional rescission, as calculated by OMB per section 3004 of the act, of 0.2% for discretionary non-security accounts and 0.032% for discretionary security accounts.
- b. 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).
- c. 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).
- d. 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).
- e. 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).
- f. 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).
- g. 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).
- h. 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,
- i. 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).
- j. "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.
- k. 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).
- l. 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).
- m. 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).
- n. 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).
- o. 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.
- p. 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).
- q. 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).
- r. This amount does not include \$610.6 million in rescissions of unobligated balances.
- s. This amount does not include \$531.2 million in rescissions of unobligated balances included in P.L. 111-117; \$111.5 million in rescissions of unobligated balances included in P.L. 111-212; \$129.0 million in rescissions

of unobligated balances included in P.L. 111-224; and \$1.788 billion in rescissions of unobligated balances included in P.L. 112-6.

- t. This amount does not include \$2.416 billion in rescissions of unobligated balances.
- u. This amount does not include \$905.9 million in rescissions of unobligated balances.
- v. This amount does not include \$881.6 million in rescissions of prior year unobligated balances.

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