



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 November 18, 2011, President Obama signed into law the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55), which included the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Division B). The act included \$60.910 billion for CJS, of which \$7.808 billion was for the Department of Commerce, \$27.408 billion was for the Department of Justice, \$24.838 billion was for the science agencies, and \$856.6 million was 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 the congressional budget submissions for the Department of Commerce, the Department of Justice, the Executive Office of the President, the National Aeronautics and Space Administration, the National Science Foundation, and the appendix to the *Budget of the United States Government, Fiscal Year 2013*.

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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 the congressional budget submissions for the Department of Commerce, the Department of Justice, the Executive Office of the President, the National Aeronautics and Space Administration, the National Science Foundation, and the appendix to the *Budget of the United States Government, Fiscal Year 2013*.

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.

The amounts in this report reflect only new budget authority. Therefore, the amounts do not include any rescissions of unobligated or de-obligated balances that may be counted as offsets to newly enacted budget authority, nor do they include any scorekeeping credits.

Table 1 shows the FY2012-enacted appropriations and the Administration's FY2013 request 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 FY2012.

A Note on the Budget Control Act of 2011¹

FY2013 discretionary appropriations will be 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. The failure of Congress and the President to enact deficit reduction legislation by that date triggered an automatic spending reduction process established by the BCA, consisting of a combination of sequestration and lower discretionary spending caps, to begin on January 2, 2013. The sequestration process for FY2013 requires 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 announced by the Office of Management and Budget. As a result, the FY2013 CJS appropriation will be considered by Congress with the understanding that enacted funding levels will likely be subject to significant cuts in the nondefense category under the sequestration process unless legislation specifically repealing the sequestration provisions of the BCA is enacted by Congress before next January.

This report does not reflect the scorekeeping adjustments that may bring the total budget authority provided in the appropriations proposals in line with the BCA caps and the 302(a) and 302(b) allocations.

Table I. CJS Appropriations, FY2012-Enacted and FY2013 Request
(budget authority in millions of dollars)

Departments and Related Agencies	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
Department of Commerce	\$7,807.7	\$7,977.7			
Department of Justice	27,407.7	28,078.8			
Science Agencies	24,837.6	25,090.4			
Related Agencies	856.6	929.2			
Total	60,909.6^a	62,076.1^b			

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 amounts were taken from the congressional budget submissions for the Department of Commerce, the Department of Justice, the Executive Office of the President, the National Aeronautic and Space Administration, the National Science Foundation, and the appendix to the *Budget of the United States Government, Fiscal Year 2013*.

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

- a. This amount does not include \$905.9 million in rescissions of unobligated balances.
- b. This amount does not include a proposed rescission of \$367.9 million in unobligated balances.

¹ For more information on the Budget Control Act (P.L. 112-25), see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

Survey of Selected Issues

Department of Commerce

Some issues Congress might consider 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 consider 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 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 opt to address in the FY2013 appropriations process are the following:

- 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 consider 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 Commerce²

The Department of Commerce (Commerce Department) originated in 1903 with the establishment of the Department of Commerce and Labor.³ The separate Commerce Department was established on March 4, 1913.⁴ 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

² This section was coordinated by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

³ 32 Stat. 825.

⁴ 15 U.S.C. 1501.

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

As President Obama indicated in his January 24, 2012, State of the Union Address,⁵ the Administration is seeking authority to reorganize and consolidate the federal government, an initiative with potentially great significance for the Commerce Department.⁶ 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.⁷ 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.⁸

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 and the Administration's FY2013 request. The FY2012-enacted amount for the Commerce Department was \$7.808 billion. The FY2013 request of \$7.978 billion is \$169.9 million (2.2%) more than the FY2012-enacted funding amount. The \$5.049 billion request for the National Oceanic and Atmospheric Administration represents almost two-thirds (63.3%) of the total for the department. Other large requests are \$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.

⁵ 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>.

⁶ 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.

⁷ 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>.

⁸ Ibid.

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

Bureau or Agency	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
International Trade Administration	\$455.6	\$517.0			
Bureau of Industry and Security	101.0	102.3			
Economic Development Administration	457.5	219.7			
Minority Business Development Agency	30.3	28.7			
Economic and Statistics Administration (excluding Census)	96.0	100.3			
Census Bureau	888.3	970.4			
National Telecommunications and Information Administration	45.6	46.9			
Patent and Trademark Office ^a	2,706.3	2,953.0			
Offsetting Fee Receipts (USPTO)	-2,706.3	-2,953.0			
National Institute of Standards and Technology	750.8	857.0			
National Oceanic and Atmospheric Administration	4,893.7	5,048.5			
Departmental Management	88.9	86.8			
Total: Department of Commerce	7,807.7	7,977.7			

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). The FY2013-requested amounts were taken from the U.S. Department of Commerce's FY2013 congressional budget submission.

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

- a. 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)⁹

The International Trade Administration (ITA) provides export promotion services, works to ensure compliance with trade agreements, administers trade remedies such as antidumping and

⁹ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

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 requests \$517.0 million for ITA for FY2013 and anticipates the collection of \$9.4 million in user fees, which would raise available funds to \$526.4 million. The requested amount is \$61.4 million (13.5%) more than the FY2012-enacted amount of \$455.6 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 includes an increase of \$24.0 million to help create a new Interagency Trade Enforcement Center (ITEC) for this purpose. In addition, the Administration is requesting 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.¹⁰

Bureau of Industry and Security (BIS)¹¹

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. 2401, et seq.*) last expired in August 2001. On August 17, 2001, President George W. Bush invoked the authorities granted by the International Economic Emergency Powers Act (50 U.S.C. 1703(b)) to continue in effect the system of controls contained in the act and in the Export Administration Regulations (15 C.F.R., Parts 730-799), and these authorities have been renewed yearly.

For FY2013, the Administration's request for BIS is \$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 is divided among licensing activity (\$58.4 million), enforcement activity (\$38.1 million), and management and policy coordination (\$5.8 million). Of these amounts,

¹⁰ International Trade Administration, *Budget Estimates Fiscal Year 2013 Congressional Submission*.

¹¹ This section was written by Ian F. Fergusson, Specialist in International Trade and Finance, CRS Foreign Affairs, Defense, and Trade Division.

\$14.8 million is requested for Chemical Weapons Convention (CWC) enforcement. The \$1.3 million increase in the BIS request is 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 estimates 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 seeks budget authority for 392 positions in FY2013, an increase of 24 positions from the previous year.

Economic Development Administration (EDA)¹²

The Economic Development Administration (EDA) was created pursuant to the enactment of the Public Works and Economic Development Act of 1965,¹³ 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.¹⁴

The Administration's FY2013 request of \$219.7 million for EDA represents 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 includes \$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 include

- \$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.

¹² This section was written by Eugene Boyd, Analyst in Federalism and Economic Development Policy, CRS Government and Finance Division.

¹³ P.L. 89-136; 42 U.S.C. 3121.

¹⁴ 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.

The Administration's FY2013 budget request for EDA proposes 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 proposes to reduce what has been EDA's most highly funded program, public works grants, by 63.7%, from \$111.6 million in FY2012 to \$40.5 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 marks a shift in the focus of EDA assistance. The proposed budget would place greater emphasis on projects intended to support job creation through regional innovation clusters;¹⁵ facilities that support innovation such as research parks and business incubators; and strategic planning activities, and would de-emphasize EDA's capacity to fund public works projects (see **Table 3**).

Table 3. Funding for EDA Programs and Salaries and Expenses

(in millions of dollars)

	FY2012 Enacted	FY2013 Request	House- Passed	Senate- Passed	FY2013 Enacted
Economic Development Assistance Programs	\$220.0	\$182.0			
Public Works	111.6	40.5			
Economic Adjustment Assistance	50.1 ^a	60.2			
Planning Grants	29.0	27.0			
Technical Assistance	12.0	12.0			
Research and Evaluation	1.5	1.5			
Global Climate Change Mitigation	0.0	0.0			
Regional Innovation	— ^b	25.0			
Trade Adjustment Assistance	15.8	15.8			
Salaries and Expenses	37.5	37.7			
Disaster Relief Assistance	200.0	—			
Total	457.5	219.7			

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 amounts were taken from the U.S. Department of Commerce's FY2013 congressional budget submission.

- a. 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.
- b. The Administration had requested a separate appropriation for Regional Innovation Program activities. Loan guarantees will be funded under the Economic Adjustment Assistance program.

¹⁵ 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.

Minority Business Development Agency (MBDA)¹⁶

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.¹⁷ As part of its strategic plan, MBDA seeks to develop an industry-focused, data-driven, technical assistance approach to give minority business owners the tools essential for becoming first- or second-tier suppliers to private corporations and the federal government in the new procurement environment. Progress is measured in increased gross receipts, number of employees, and size and scale of firms associated with minority business enterprise.

The Administration's FY2013 request for MBDA is \$28.7 million. This is 5.4%, or \$1.7 million, less than the \$30.3 million appropriated in FY2012. The proposed \$1.7 million reduction will be achieved by closing MBDA's five regional offices and reassigning staff to Washington, D.C. According to its budget justification document, the proposed funding level for FY2013 will assist in the creation of 5,000 new jobs.

Economic and Statistics Administration (ESA)¹⁸

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 BEA in FY2013 is \$100.3 million, \$4.3 million (4.4%) more than the FY2012-enacted amount.

Census Bureau¹⁹

The U.S. Constitution requires a population census every 10 years, to serve as the basis for apportioning seats in the House of Representatives.²⁰ Decennial census data are also used for within-state redistricting and in certain formulas that determine the annual distribution of more than \$400 billion in federal funds to states and localities. The Census Bureau, established as a

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

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

¹⁸ This section was written by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

¹⁹ This section was written by Jennifer D. Williams, Specialist in American National Government, CRS Government and Finance Division.

²⁰ See Article 1, Section 2, clause 3, as modified by Section 2 of the 14th Amendment.

permanent office on March 6, 1902,²¹ conducts the decennial census under Title 13 of the U.S. Code, which also authorizes the Census Bureau to collect and compile a wide variety of other demographic, economic, housing, and governmental data.

To fund the Census Bureau in FY2013, the Administration requests \$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—is 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—is for the periodic censuses and programs account.²² 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 bureau will mail about 4.6 million report forms to 3.1 million businesses and conduct various activities intended to maximize responses to the forms. Also included in periodic programs are the decennial census and the American Community Survey (ACS),²³ 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. This shortfall meant, among other things, that the bureau ended work on 20 planned reports to evaluate the 2010 census and inform 2020 census planning, and could not make the software enhancements necessary to improve access to decennial census and related data on the bureau’s new *American FactFinder* website.²⁴

National Telecommunications and Information Administration (NTIA)²⁵

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

²¹ 32 Stat. 51.

²² The conference report for H.R. 2112, P.L. 112-55, provides that, of the \$690.0 million for periodic censuses and programs in FY2012, to remain available until September 30, 2013, \$635.0 million “is appropriated from the general fund,” and \$55.0 million “is 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. 2012, 112th Cong., 1st sess., H.Rept. 112-284 (Washington: GPO, 2011), p. 43.

²³ For a discussion of the ACS, see CRS Report R41532, *The American Community Survey: Development, Implementation, and Issues for Congress*, by Jennifer D. Williams.

²⁴ See U.S. Bureau of the Census, American FactFinder, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

²⁵ This section was written by Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, CRS Resources, Science, and Industry Division.

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 proposes \$46.9 million for NTIA salaries and expenses. This is an increase of \$1.4 million (3.0%) over the enacted FY2012 budget amount of \$45.6 million.

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)²⁶

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. 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 requests \$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 are 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.”

National Institute of Standards and Technology (NIST)²⁷

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

²⁶ This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

²⁷ This section was written by Wendy H. Schacht, Specialist in Science and Technology Policy, CRS Resources, Science, and Industry Division.

underpin U.S. commerce, technological progress, improved product reliability, manufacturing processes, and public safety.

The President's FY2013 budget requests \$857.0 million for NIST, an increase of \$106.2 million (4.1%) over the \$750.8 million appropriated in FY2012. Included in this figure is \$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 is to receive \$128.0 million, a 0.3% decrease from FY2012 funding of \$128.4 million. Also included in ITS, the Administration again proposes the creation of a new activity, the Advanced Manufacturing Technology Consortia (AMTech), which was not funded when it was included in the FY2012 budget. In FY2013, support for AMTech would total \$21.0 million. The requested appropriation for the construction budget is \$60.0 million, 8.3% above the \$55.4 million for FY2012.

In addition to the appropriations included in the budget request that are to be addressed through the annual appropriations process, the Administration proposes two new programs that are to be funded through mandatory appropriations (spending that is typically "provided in permanent or multi-year appropriations contained in the authorizing law, and therefore, the funding becomes available automatically each year, without legislative action by Congress"²⁸). Up to \$300.0 million generated by the proceeds of the spectrum auction is to support the Wireless Innovation Fund, and \$1.000 billion is to be provided for establishment of the National Network for Manufacturing Innovation.

National Oceanic and Atmospheric Administration (NOAA)²⁹

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

For FY2013, the Administration requests a total of \$5.049 billion for NOAA, an amount that is \$154.9 million (3.2%) more than the FY2012-enacted amount of \$4.894 billion.³⁰ NOAA's budget is divided into two main accounts, Operations, Research, and Facilities (ORF) and

²⁸ See CRS Report RL33074, *Mandatory Spending Since 1962*, by D. Andrew Austin and Mindy R. Levit, p. 2.

²⁹ This section was written by Harold F. Upton, Analyst in Natural Resources Policy, CRS Resources, Science, and Industry Division.

³⁰ The NOAA FY2013 total includes requested funding levels for accounts included in H.Rept. 112-284, the conference report for H.R. 2112, P.L. 112-55. Accounts included in this total include 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 Account.

Procurement, Acquisition, and Construction (PAC). The Administration proposes 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 requests \$50.0 million for the Pacific Coastal Salmon Recovery Fund, 23.1% less than the FY2012-enacted amount of \$65.0 million.³¹ The Fishermen's Contingency Fund and the Fisheries Finance Program Account would remain at FY2012-enacted amounts of \$350,000 and \$10.0 million, respectively.³²

In FY2011, the Senate Committee on Appropriations expressed deep concern about the long-term drain that the Joint Polar Satellite System could have on NOAA's other commitments. Some question whether continuing commitments to fund satellite programs have come at a cost to ocean and coastal programs. The Administration's FY2013 request for funding NESDIS PAC and ORF accounts is \$2.041 billion, an amount that is 8.7% more than the FY2012-enacted amount of \$1.877 billion. The Administration's FY2013 request for funding NOS PAC and ORF accounts totals \$458.5 million, 1.9% less than the FY2012 amount of \$467.4 million. From FY2009 to FY2012, NESDIS funding of PAC and ORF accounts increased by 59.4%, while NOS funding of PAC and ORF accounts decreased by 13.9%.

Department of Justice (DOJ)³³

Established by an act of 1870³⁴ 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.

³¹ U.S. Department of Commerce, *The Department of Commerce Budget in Brief*, Fiscal Year 2013, http://www.osec.doc.gov/bmi/budget/FY13BIB/fy2013bib_final.pdf.

³² The Fisheries Finance Program Account provides a negative subsidy of approximately \$10.0 million annually.

³³ 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.

³⁴ 28 U.S.C. §501

- *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 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.³⁵

FY2012 and FY2013 Appropriations

The Administration requests a total of \$28.079 billion for DOJ for FY2013 (see **Table 4**). The Administration's request is \$671.1 million, or 2.4%, greater than the amount Congress appropriated for FY2012 (\$27.408 billion). The Administration's proposal would basically flat fund the DEA, ATF, and the U.S. Attorneys. Under the Administration's proposal, there would be a modest increase in the FBI's and BOP's budget. However, there would be a significant increase in the U.S. Marshals Service's budget, but this is because the Administration proposes to consolidate the Office of the Federal Detention Trustee and the U.S. Marshals Service. The

³⁵ 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).

Administration also proposes to fund several grant programs under OVW and OJP with receipts from the Crime Victims Fund.

Table 4. Funding for the Department of Justice

(budget authority in millions of dollars)

Accounts	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
General Administration	\$2,227.9	\$556.5			
General Administration	262.1	161.1			
Administrative Review & Appeals	301.0	309.4			
Detention Trustee	1,580.6	— ^a			
Office of the Inspector General	84.2	86.0			
U.S. Parole Commission	12.8	12.8			
Legal Activities	3,187.2	3,238.2			
General legal activities	863.4	903.6			
United States Attorneys	1,960.0	1,974.4			
Other ^b	363.8	360.2			
United States Marshals Service	1,189.0	2,881.7 ^a			
National Security Division	87.0	90.0			
Interagency Law Enforcement	527.5	524.8			
Federal Bureau of Investigation	8,118.0	8,232.0			
Drug Enforcement Administration	2,035.0	2,050.9			
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,152.0	1,153.3			
Federal Prison System	6,644.0	6,922.1			
Office on Violence Against Women	412.5	412.5 ^c			
Office of Justice Programs	1,616.3	1,714.3			
Research, Evaluation, and Statistics	113.0	386.0 ^d			
State and Local Law Enforcement Assistance	1,162.5	1,002.0 ^e			
Juvenile Justice Programs	262.5	245.0			
Public Safety Officers Benefits	78.3	81.3			
Community Oriented Policing Services	198.5	289.6			
Total: Department of Justice	27,407.7	28,078.8			

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 amounts were taken from the Department of Justice's FY2013 congressional budget submission.

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

- a. 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.
- b. "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.
- c. For FY2013, \$144.5 million of the Administration's proposed funding for the Office on Violence Against Women comes from the Crime Victims Fund.
- d. This amount includes \$250.0 million for mandatory grants to states for medical malpractice reform.
- e. For FY2013, \$220.5 million of the Administration's proposed funding for the State and Local Law Enforcement Assistance account comes from the Crime Victims Fund.

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 includes \$556.5 million for FY2013. This amount is \$1.671 billion (75%) less than the FY2012-enacted appropriation of nearly \$2.228 billion. The bulk of this decrease is 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.

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 includes nearly \$161.1 million for the General Administration account. This is \$101.0 million (38.5%) less than the FY2012-enacted appropriation of \$262.1 million. This decrease is 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. For FY2013, the Administration proposes fully closing the NDIC and transferring its functions to the DEA. With respect to the Law Enforcement Wireless Communications subaccount, the Administration proposes transferring responsibility (and funding) for legacy radio networks to the appropriate component agencies and giving the FBI responsibility for the Law Enforcement Radio program.

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 includes \$309.4 million for ARA for FY2013. This is 8.4 million (2.8%) more than the \$301.0 million appropriated for FY2012.

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 proposes 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.

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 requests almost \$86.0 million for the OIG. This is almost \$1.8 million (2.1%) more than the FY2012-enacted appropriation of nearly \$84.2 million.

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 request for the U.S. Parole Commission is \$61,000, or 0.5%, less than the FY2012-enacted appropriation of \$12.8 million.

Legal Activities

The Legal Activities account includes several subaccounts: general legal activities, U.S. Attorneys, and other legal activities. The Administration's request includes \$3.238 billion for the Legal Activities Account, nearly \$51.0 million (1.6%) over the FY2012-enacted appropriation of \$3.187 billion.

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

includes \$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.

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 FY2012, Congress appropriated \$1.96 billion for the U.S. Attorneys. For FY2013, the Administration has requested \$1.974 billion for the U.S. Attorneys, a net increase of \$14.4 million (0.7%). The request includes \$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 includes \$15.5 million for criminal litigation and \$11.0 million for civil litigation. The U.S. Attorneys' budget submission to Congress indicates 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).

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 includes \$360.2 million for other legal activities. This is \$3.6 million (1.0%) less than the FY2012-enacted appropriation of \$363.8 million.

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 requests \$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 proposes to consolidate the OFDT with the USMS, hence the substantial proposed increase for the USMS. Of the \$2.882 billion the Administration requests for the USMS, \$1.668 billion would be 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 requests for the Federal Prisoner Detention account is 5.5% more than the \$1.581 billion Congress appropriated for the OFDT for FY2012.

One issue before Congress as it considers the CJS appropriations bill is 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 OFDT so that one entity would be responsible for oversight of detention management,

as well as improvement and coordination of detention issues. The Administration claims that merging the OFDT and USMS will save \$5.6 million by increasing operational efficiency.³⁶ The Administration reports 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.³⁷

The Administration's proposal appears 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 consider is whether to invest in more permanent detention space for federal detainees. The Administration reports that it expects the average daily population to increase by approximately 1,900 detainees between FY2011 and FY2013.³⁸ 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 reports that anticipated law enforcement initiatives on the southwest border that address drug and firearms trafficking are expected to increase the average time in detention.³⁹ 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)⁴⁰ and the Non-refundable Service Charge (NSCC)⁴¹ contract, where capital investment funding is provided to state and local

³⁶ 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>.

³⁷ Ibid.

³⁸ Ibid., p. 5.

³⁹ Ibid., p. 6.

⁴⁰ 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.

⁴¹ NSCC allows USMS to directly contract with state and local governments providing up-front funding for renovation (continued...)

governments for guaranteed detention bed space in exchange for a daily rate negotiated through an IGA. The Administration reports 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 has requested \$90.0 million for the NSD, or an increase of 3.5%.

Interagency Law Enforcement

The Interagency Law Enforcement account reimburses departmental agencies for their participation in the Organized Crime Drug Enforcement Task Force (OCDETF) program. Organized into nine regional task forces, this program combines the expertise of federal agencies with the efforts of state and local law enforcement to disrupt and dismantle major narcotics-trafficking and money-laundering organizations. From DOJ, the federal agencies that participate in OCDETF are the DEA; the FBI; the ATF; the USMS; the Tax and Criminal Divisions of DOJ; and the U.S. Attorneys. From the Department of Homeland Security, Immigration and Customs Enforcement and the U.S. Coast Guard participate in OCDETF. In addition, from the Department of the Treasury, the Internal Revenue Service and Treasury Office of Enforcement also participate in OCDETF. Moreover, state and local law enforcement agencies participate in approximately 90% of all OCDETF investigations. For FY2013, the Administration requests \$524.8 million for the Interagency Law Enforcement Account. This is \$2.7 million (0.5%) less than the FY2012-enacted appropriation of \$527.5 million.

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

(...continued)

or construction of jails to house federal detainees in exchange for guaranteed bed space at a fixed rate.

for the FBI from \$3.32 billion to \$7.926 billion, or a 138.7% increase.⁴² For FY2012, Congress appropriated \$8.118 billion for the FBI (an increase of 2.4%).

For FY2013, the Administration has requested \$8.232 billion for the FBI (an increase of 1.4%). This amount includes \$8.151 billion for salaries and expenses and nearly \$81.0 million for construction. The amount requested for salaries and expenses would be allocated by budget decision as follows:

- 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 provide a net increase of \$114.0 million compared to the FY2012-enacted amount. This amount includes \$162.1 million in base adjustments,⁴³ 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 includes 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) could be controversial. In the *2011 National Gang Threat Assessment*, it states 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.⁴⁴ 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 intelligence resource for gang information and analytical support. According to the FBI, the

⁴² The FY2010-enacted amount does not reflect a \$50 million rescission or a \$24 million supplemental appropriation.

⁴³ "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 that it will carry out in the current fiscal year.

⁴⁴ <http://www.fbi.gov/stats-services/publications/2011-national-gang-threat-assessment/2011-national-gang-threat-assessment-emerging-trends>.

elimination of the NGIC will not hinder the U.S. government's ability to assess the threat posed nationally by criminal gangs, because intelligence sharing will continue at the field level between DOJ agencies and state and local partners.

Financial fraud, according to the FBI, includes matters relating to fraud, theft, or embezzlement occurring within or against the national and international financial community.⁴⁵ The requested \$15.0 million budget increase is to be focused 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.⁴⁶

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. The other traditional crime programs include public corruption, civil rights, gang violence, organized crime, and violent crime. Cyber crime, by contrast, falls into both the FBI traditional crime and national security activities.

National security activities include counterterrorism, counterintelligence, and weapons of mass destruction. Like cyber crime, the intelligence function falls into both the traditional crime and national security activities. Since the 9/11 terrorist attacks, FBI resources have been shifted from traditional crime to national security, principally counterterrorism. Prior to the attacks, about 60% of the FBI's appropriation was allocated to traditional crime, and 40% to national security. Since FY2007, about 60% of appropriated resources are dedicated to counterterrorism, counterintelligence, or intelligence.

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

⁴⁵ 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>.

⁴⁶ U.S. Department of Justice, Federal Bureau of Investigation, *2010 Mortgage Fraud Report: Year in Review*, August 2011, available at <http://www.fbi.gov/stats-services/publications/mortgage-fraud-2010/mortgage-fraud-report-2010>.

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 includes \$2.051 billion, or a proposed 0.8% increase from the FY2012-enacted appropriation of \$2.035 billion. As mentioned above, the FY2013 request includes a proposal to eliminate the National Drug Intelligence Center (NDIC) and transfer its responsibilities to the DEA. The FY2013 request for DEA's Salaries and Expenses (\$48.9 million) includes \$8.3 million and 57 positions to transfer document and media exploitation functions and the production of strategic intelligence reports from NDIC to DEA.

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

The ATF enforces federal criminal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. ATF works 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.⁴⁷ 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.

For FY2013, the Administration has requested \$1.153 billion for ATF. Although this amount reflects a net increase of about \$1.3 million (0.1%), the FY2013 request includes no new budget enhancements for ATF. Instead, it anticipates 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 be allocated to the firearms budget decision unit. The second largest portion (\$253.7 million, or 22.0%) would be allocated to the arson and explosives budget decision unit. The remainder (\$23.1 million, or 2.0%) would be allocated to the alcohol and tobacco diversion budget decision unit. By percentage, these allocations are comparable to those reported by ATF to correspond with the agency's FY2012-enacted appropriation.

Also of significance, the Administration's request includes proposals to strip out futurity language (hereafters) 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

⁴⁷ 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.

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's request would strip out futurity language (inserted for FY2008 and every year thereafter) included in a controversial ATF appropriations rider known as the "Tiahrt amendment."⁴⁸

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.⁴⁹ 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 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.

Operation Fast and Furious was an attempt by ATF's Phoenix field office to conduct a more complex gun trafficking investigation, as recommended by the DOJ Office of the Inspector General in November 2010.⁵⁰ However, allegations of misconduct on the part of DOJ and ATF's upper-levels of management have been the topic of four hearings conducted by the House Oversight and Government Reform Committee. Those allegations have also dominated the discourse of two House Committee on the Judiciary DOJ oversight hearings, a Senate Committee on the Judiciary's Subcommittee on Crime and Terrorism hearing, and at a Senate full committee DOJ oversight hearing. Several Members of Congress, including two House full committee chairs, have written letters to the Attorney General urging him and the Administration to be more forthcoming about possible missteps that were taken in the lead-up to Operation Fast and Furious. Besides the oversight issues, an issue for Congress is how widespread were the gun walking tactics employed? And, what can be done to prevent such gun walking tactics from being misused again, without unduly encumbering federal law enforcement.⁵¹

⁴⁸ 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.

⁴⁹ Pete Yost, "Fast and Furious-Like 'Gun-Walking' Probe Mentioned In 2007 Bush Administration Memo," *Huffington Post*, November 4, 2011.

⁵⁰ U.S. Department of Justice, Office of the Inspector General, *Review of ATF's Project Gunrunner*, I-2011-001, November 2010, <http://www.justice.gov/oig/reports/ATF/e11101.pdf>.

⁵¹ For further information, see CRS Report RL32842, *Gun Control Legislation*, by William J. Krouse.

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.⁵² 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.⁵³ The BOP currently operates 117 correctional facilities across the country.⁵⁴ The BOP also contracts with Residential Re-entry Centers (RRC) (i.e., halfway houses) to provide assistance to inmates nearing release.⁵⁵ RRCs provide inmates with a structured and supervised environment along with employment counseling, job placement services, financial management assistance, and other programs and services.⁵⁶

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, D.C. 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)⁵⁷ 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 requests a total of \$6.922 billion for the BOP, an amount that is \$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 is 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.

One issue Congress might consider is whether the BOP has adequate resources, both in terms of personnel and infrastructure, to properly manage the burgeoning federal prison population. 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 177,934 in FY2011.⁵⁸ During that same time period, prison crowding grew from 32% over rated capacity to 39% over rated capacity, even though the number of facilities operated by BOP increased from 97 to 117.⁵⁹ The

⁵² U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

⁵³ U.S. Department of Justice, Bureau of Prisons, *Mission and Vision of the Bureau of Prisons*, <http://www.bop.gov/about/mission.jsp>.

⁵⁴ U.S. Department of Justice, Bureau of Prisons, *About the Bureau of Prisons*, <http://www.bop.gov/about/index.jsp>.

⁵⁵ U.S. Department of Justice, Bureau of Prisons, *Community Corrections*, <http://www.bop.gov/locations/cc/index.jsp>.

⁵⁶ Ibid.

⁵⁷ For more information on FPI, see CRS Report RL32380, *Federal Prison Industries*, by Nathan James.

⁵⁸ Data provided to CRS from the U.S. Department of Justice, Bureau of Prisons.

⁵⁹ Ibid.

BOP estimates that by FY2013 the federal prison system will be operating at 43% over rated capacity.⁶⁰ 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 FY2011.⁶¹ 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 1.⁶² 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 includes \$412.5 million (see **Table 5**). This amount is equal to the FY2012-enacted appropriation. The FY2012 request differs from the FY2012-enacted appropriation in that it requests funding from two separate sources. Of the requested \$412.5 million for OVW, \$268.0 million is requested within the appropriation for OVW, and \$144.5 million is requested under the Crime Victims Fund. A description of the Crime Victims Fund is provided below.

⁶⁰ 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>.

⁶¹ *Ibid.*, p. 7.

⁶² *Ibid.*, p. 6.

Table 5. Funding for OVW Programs

(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
STOP Grants	\$189.0	\$189.0 ^a			
National Institute of Justice (R&D)	3.0	3.0			
Transitional Housing Assistance	25.0	22.0			
Grants to Encourage Arrest Policies	50.0	50.0			
Homicide Reduction Initiative	4.0	—			
Rural Domestic Violence Assistance Grants	34.0	37.5			
Violence on College Campuses	9.0	9.0			
Civil Legal Assistance	41.0	41.0			
Sexual Assault Victims Services	23.0	23.0			
Elder Abuse Grant Program	4.3	4.3			
Safe Havens Project	11.5	11.5			
Education and Training for Disabled Female Victims	5.8	5.8			
Court Training and Improvement	4.5	4.5			
Research on Violence Against Indian Women	1.0	1.0			
Consolidated Youth Oriented Program	10.0	10.0			
National Resource Center on Workplace Responses	1.0	0.5			
Indian Country Sexual Assault Clearinghouse	0.5	0.5			
Total: OVW	412.5	412.5			

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 amounts were taken from the Office on Violence Against Women’s congressional budget submission.

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

- a. The Administration’s FY2013 budget request includes a proposal to provide an additional \$144.5 million from the Crime Victims Fund for STOP grants.

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 requests \$1.714 billion for OJP, a proposed 6.1% increase compared to the FY2012-enacted appropriation of \$1.616 billion. However, this amount includes \$220.5 million that the Administration proposes to move from the Crime Victims Fund to the State and Local Law Enforcement Assistance and Juvenile Justice Programs accounts.

One issue Congress might consider as it debates FY2013 funding for OJP is 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 consider is 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 requests \$386.0 million for the Research, Evaluation, and Statistics account for FY2013, an amount that is 241.6% more than the FY2012-enacted appropriation of \$113.0 million. The Administration requests an additional \$23.0 million to bolster the operating budgets of the Bureau of Justice Statistics and the National Institute of Justice. In addition, the Administration requests \$250.0 for a new mandatory program for grants to states for medical malpractice reform (see **Table 6**).

Table 6. Funding for Research, Evaluation, and Statistics

(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
Bureau of Justice Statistics	\$45.0	\$60.0			
National Institute of Justice	40.0	48.0			
Regional Information Sharing System	27.0	27.0			
Evaluation Clearinghouse	1.0	1.0			
Grants to States for Medical Malpractice Reform	—	250.0			
Total: Justice Assistance	113.0	386.0			

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 amounts were taken from the Office of Justice Program’s congressional budget submission.

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

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 requests \$1.002 billion for FY2013, which would be 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 proposes 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 be 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).

Table 7. Funding for State and Local Law Enforcement Assistance Programs
(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
Byrne Memorial Justice Assistance Grants	\$470.0	\$430.0			
State and Local Intelligence Training	2.0	2.0			
Domestic Radicalization Research	4.0	—			
Criminal Justice Reform and Recidivism Reduction	6.0	6.0			
Presidential Nominating Convention Security	100.0	—			
State and Local Assistance Help Desk and Diagnostic Center	4.0	4.0			
VALOR Initiative	2.0	5.0			
Byrne Competitive Grants	15.0	25.0			
John R. Justice Grant Program	4.0	—			
Tribal Assistance	38.0	—			
State Criminal Alien Assistance Program	240.0	70.0			
Border Prosecution Initiatives	10.0	—			
Victims of Trafficking Grants	10.5	— ^a			
Residential Substance Abuse Treatment	10.0	21.0			
Mentally Ill Offenders Act	9.0	—			
Drug Courts	35.0	—			
Drug and Mental Health Courts	—	52.0			
Prescription Drug Monitoring	7.0	7.0			
Prison Rape Prevention and Prosecution	12.5	10.5			
Capital Litigation/ Wrongful Conviction Review	3.0	2.0			
Missing Alzheimer's Patient Grants	1.0	—			
Economic, High-tech and Cybercrime Prevention	7.0	15.0			
CASA-Special Advocates	4.5	—			

Program	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
Second Chance Act	63.0	80.0			
Violent Gang and Gun Crime Reduction	5.0	5.0			
National Instant Criminal Background Check System Grants	5.0	5.0			
National Criminal History Improvement Program (NCHIP)	6.0	6.0			
Paul Coverdell Forensic Science Grants	12.0	—			
Implementation of the Adam Walsh Act	20.0	— ^b			
Programs for Children Exposed to Violence	10.0	— ^c			
Byrne Criminal Justice Innovation Program	15.0	20.0			
National Sex Offender Public Website	1.0	1.0			
Bulletproof Vests Grant Program	24.0	24.0			
DNA Backlog Reduction	125.0	— ^d			
Debbie Smith DNA Backlog Grants	117.0	—			
Post-conviction DNA Testing Grants	4.0	—			
Sexual Assault Nurse Examiners	4.0	—			
Justice Information Sharing and Technology Program	—	8.0			
Missing and Exploited Children Programs	— ^e	67.0 ^f			
Total: State and Local Law Enforcement	1,162.5	1,002.0			

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 amounts were taken from the Office of Justice Program’s congressional budget submission.

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

- a. The Administration’s FY2013 budget request includes a proposal to provide \$10.5 million from the Crime Victims Fund for victims of trafficking grants.
- b. 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.
- c. 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.
- d. The Administration’s FY2013 budget request includes a proposal to provide \$100.0 million from the Crime Victims Fund for DNA backlog reduction grants.
- e. See **Table 8**.
- f. 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 requests \$245.0 million for juvenile justice funding. This is \$17.5 million (6.7%) below the FY2012-enacted appropriation of \$262.5 million.

Table 8. Funding for Juvenile Justice Programs
(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
Part B—State Formula	\$40.0	\$70.0			
Youth Mentoring Grants	78.0	58.0			
Title V—Incentive Grants	20.0	40.0			
Tribal Youth	10.0	—			
Gang Prevention	5.0	—			
Alcohol Use Prevention	5.0	—			
Investigation and Prosecution of Child Abuse Programs	18.0	—			
Juvenile Accountability Block Grants	30.0	30.0			
Community-based Violence Prevention Initiative	8.0	25.0			
Training for Judicial Personnel	1.5	—			
Missing and Exploited Children Programs	65.0	— ^a			
National Forum on Youth Violence Prevention	2.0	2.0			
Evidence-based Competitive Juvenile Justice Demonstration Grant Program	—	20.0			
Total: Juvenile Justice Programs	262.5	245.0			

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 amounts were taken from the Office of Justice Program’s congressional budget submission.

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

a. 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 requests \$81.3 million for PSOB, an amount that is 3.8% greater than the FY2012 appropriation of \$78.3 million.

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.⁶³ The Administration’s FY2013 request mirrors the newly established structure for the COPS account. The Administration’s FY2013 request for the COPS account is \$289.6 million, which is 45.9% more than the FY2012 appropriation of \$198.5 million. The proposed increase in funding for the account is almost solely because the Administration requests increased funding for the COPS hiring program.

Table 9. Funding for Community Oriented Policing Services Programs
(budget authority in millions of dollars)

Program	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
COPS Hiring Program	\$166.0	\$257.1			
Transfer to the Tribal Resources Grant Program	15.0	15.0			
Transfer for Community Policing Development	10.0	15.0			
Transfer to the Drug Enforcement Administration for Clandestine Methamphetamine Lab Clean-up	12.5	—			
Anti-methamphetamine grants	—	12.5			
Tribal Resources Grant Program	20.0	20.0			
Total: Community Oriented Policing Services	198.5	289.6			

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 amounts were taken from the appendix to the *Budget of the United States Government, Fiscal Year 2013*.

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

The Administration, as a part of its \$289.6 million request for COPS for FY2013, requests \$227.1 million for the COPS hiring program, compared to the \$141.0 million Congress appropriated for the same purpose for FY2012. 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).⁶⁴ The COPS Office used the \$298.0 million Congress appropriated for hiring programs for FY2010 to award grants to the

⁶³ 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.

⁶⁴ 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>.

more than 6,100 agencies that applied for stimulus funding but did not receive awards.⁶⁵ 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.⁶⁶ 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.⁶⁷ 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.⁶⁸

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 was \$6.099 billion.⁶⁹

For FY2013, the Administration requests to raise the CVF cap by \$365.0 million to a total of \$1.07 billion.⁷⁰ The Administration specifies that the additional \$365.0 million be transferred to other accounts administered by DOJ, including OVW and OJP (see above).⁷¹

One issue Congress might consider is whether to accept the Administration's proposal to use receipts from the CVF to fund grant programs that are not authorized by the VOCA. In the past, Congress has passed legislation that made CVF money available to support programs authorized

⁶⁵ 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>.

⁶⁶ 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>.

⁶⁷ Ibid.

⁶⁸ U.S. Department of Justice, Office for Victims of Crime, *About OVC, Crime Victims Fund*, <http://www.ojp.usdoj.gov/ovc/about/victimsfund.html>.

⁶⁹ See the appendix of the *Budget of the United States Government, Fiscal Year 2013*.

⁷⁰ 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>.

⁷¹ Account information taken from the appendix of the *Budget of the United States Government, Fiscal Year 2013*.

outside of VOCA.⁷² For example, P.L. 110-181 included a provision mandating that the Attorney General transfer from the emergency reserve of the CVF “such funds as may be required” to cover the costs of special masters appointed by U.S. district courts in civil cases brought against state sponsors of terrorism. Thus far, CVF money has not been used to fund grant programs outside of those authorized by the VOCA. While it could be argued that many of the non-VOCA grant programs the Administration proposes to fund with receipts from the CVF would assist crime victims in some manner, the Administration’s proposal raises a question about whether this might pave the way for the CVF to be used to support other DOJ grant programs that might not be victim-focused. On the other hand, as mentioned above, the CVF has a balance of more than \$6.0 billion, which indicates that receipts to the fund are exceeding the congressionally specified cap. In a time of tight budgets, the CVF might provide an avenue to fund some DOJ grant programs while reducing DOJ’s discretionary appropriation. However, there is no guarantee that receipts going into the CVF will be consistent from one year to the next. Therefore, if Congress chooses to use funding from the CVF for non-VOCA programs, it is not possible to ensure that there will be a consistent level of funding to support these programs.

Science Agencies⁷³

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 requests \$25.090 billion for the science agencies. The Administration’s proposal is 1.0% above the FY2012-enacted appropriation.

⁷² For expenditure guidelines, see 42 USC §10601(d).

⁷³ 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

(budget authority in millions of dollars)

Accounts	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
Office of Science and Technology Policy	\$4.5	\$5.9			
National Aeronautics and Space Administration	17,800.0	17,711.4			
National Science Foundation	7,033.1	7,373.1			
Total: Science Agencies	24,837.6	25,090.4			

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). The FY2013-requested amounts were taken from the FY2013 congressional budget justifications for the Executive Office of the President (for the Office of Science and Technology Policy), the National Aeronautics and Space Administration, and the National Science Foundation.

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

Office of Science and Technology Policy (OSTP)⁷⁴

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),⁷⁵ which coordinates science and technology policy across the federal government, and co-chairs the President’s Council of Advisors on Science and Technology (PCAST),⁷⁶ a council of external advisors that provides advice to the President on matters related to science and technology policy. OSTP is one of two offices in the Executive Office of the President (EOP) that is funded in the CJS appropriations bill.⁷⁷

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. 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

⁷⁴ This section was prepared by Dana A. Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁷⁵ The National Science and Technology Council was established by Executive Order 12881.

⁷⁶ The President’s Council of Advisors on Science and Technology was established by Executive Order 13539.

⁷⁷ The other EOP office funded under the CJS appropriations bill is the Office of the United States Trade Representative.

implications to China. Such certification must be submitted to the House and Senate Committees at least 14 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 requests \$5.9 million, \$1.4 million (30.0%) above its FY2012-enacted level. The request would “restore 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 support four Senate-confirmed associate directors.⁷⁸ The National Science Foundation again requests 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.

National Aeronautics and Space Administration (NASA)⁷⁹

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, D.C. 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 has requested \$17.711 billion for NASA for FY2013. This is 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).⁸⁰ See **Table 11** for a breakdown of these amounts by appropriations account. If enacted, the FY2013 request would be the smallest appropriation for NASA since FY2008. 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.

The Administration’s \$4.911 billion request for NASA’s Science account in FY2012 is 3.5% less than the FY2012 appropriation. Funding for planetary science would decrease \$308.1 million (-20.5%). Most of that proposed reduction is in the Mars exploration program, whose costs are 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 2013, and the termination of NASA’s participation (with the European Space Agency) in the 2016 and 2018 ExoMars 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) would 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

⁷⁸ 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>.

⁷⁹ This section was prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁸⁰ 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.

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 request for Aeronautics is \$551.5 million, a decrease of 3.2% from FY2012. Research on hypersonic entry, descent, and landing would be transferred to the Space Technology account, and most funding for air-breathing hypersonic flight systems would be eliminated. The hypersonic research remaining in the Aeronautics program would be combined with supersonic research to create a single project focusing on high-speed flight.

For Space Technology, the Administration has requested \$699.0 million, an increase of 21.6% from FY2012. About half of the increase would be 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.⁸¹ 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.

The Administration's request for Exploration in FY2013 is \$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 includes \$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 is appropriated at the requested level, NASA expects commercial crew transportation services to become available in early 2017.

The FY2013 request of \$4.013 billion for Space Operations is 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 would both receive increases.

⁸¹ 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.

Table 11. Funding for NASA
(budget authority in millions of dollars)

Accounts	FY2012 Enacted	FY2013 Authorized	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
Science	\$5,090.0	\$5,509.6	\$4,911.2			
Aeronautics and Space						
Research and Technology	569.9	590.0	551.5			
Space Technology	575.0	515.0	699.0			
Exploration	3,770.8	5,264.0	3,932.8			
Space Operations	4,233.6	4,253.3	4,013.2			
Education	138.4	145.7	100.0			
Cross-Agency Support	2,995.0	3,276.8	2,847.5			
Construction and Environmental Compliance and Restoration	390.0	366.9	619.2			
Inspector General	37.3	38.7	37.0			
Total: NASA	17,800.0	19,960.0	17,711.4			

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); rescission of \$30.0 million from prior years not included. FY2013-authorized amounts taken from P.L. 111-267. FY2013-requested amounts were taken from NASA congressional budget justification.

National Science Foundation (NSF)⁸²

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.”⁸³ The NSF is a primary source of federal support for U.S. university research. It is also responsible for significant shares of the federal science, technology, engineering, and mathematics (STEM) education program portfolio and federal STEM student aid and support.

The President requests a total of \$7.373 billion in funding for NSF in FY2013. This amount is \$340.0 million (4.8%) more than the foundation’s FY2012 estimated funding level of \$7.033 billion and \$926.9 million (12.6%) less than the America COMPETES Reauthorization Act of 2010 (P.L. 111-358) authorized level of \$8.300 billion.

The NSF has six major accounts. The two largest accounts are Research and Related Activities (R&RA), the primary source of NSF’s research funds, and Education and Human Resources (E&HR), the primary source of NSF’s education funds. Between FY2003 and FY2012, R&RA’s share of the NSF budget increased by 3.7%, while funding for E&HR fell by 4.0%.⁸⁴ As a result,

⁸² This section was prepared by Heather B. Gonzalez, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

⁸³ The National Science Foundation Act of 1950 (P.L. 81-507), Purpose.

⁸⁴ In 2003 NSF changed its account structure. Comparisons to prior years are therefore invalid. Based on CRS analysis (continued...)

funding for R&RA represents 80.9% of total NSF funding in FY2012 (up from 77.2% in FY2003) and E&HR funding represents 11.8% (down from 15.8%). In 2012 constant dollars, R&RA funding increased by \$608.4 million (135.3%), while E&HR funding declined by \$207.9 million (46.2%) over this same period. The President's FY2013 budget would increase R&RA's share of the NSF budget by 0.3% (to 81.2%) and E&HR's share by 0.1% (to 11.9%).⁸⁵

It is not clear if these funding trends reflect evolving congressional and Administration policy priorities and an intentional prioritization of research over education activities at the NSF or if they reflect the cumulative impact of funding decisions made in response to specific conditions in specific fiscal years. However, one outcome of these trends may be increased budgetary pressure on the R&RA account, which some observers may look to for increased support of co-funded activities such as the Graduate Research Fellowship program (GRF).⁸⁶ (The R&RA contribution now accounts for half of GRF program funding, up from 8.5% in FY2008.) The incentive to co-fund education programs with research dollars could, among other things, drive a deeper integration of NSF educational and research activities. This may be beneficial to both given the ostensibly close connection between education and research. Alternately, increased demand for R&RA funding from education activities may reduce funds available for other R&RA priorities. Congress may wish to consider these policy implications as it deliberates the FY2013 NSF budget request.⁸⁷

Another issue Congress may consider as it deliberates the President's FY2013 budget request for NSF is the so-called "doubling path policy." First initiated in FY2006, Congress and successive Administrations have 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").⁸⁸ 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.⁸⁹ However, appropriations in FY2011 and FY2012 for the targeted accounts increased at rates of 4.6% and

(...continued)

of budgetary data from the NSF. CRS adjusted funding levels for the years prior to 2008 to reflect the shift of the Experimental Program to Stimulate Competitive Research (EPSCoR) from the main education account to the main research account. Data available upon request.

⁸⁵ Analyses of NSF appropriations accounts do not correct for co-funded activities, such as certain education programs. However, CRS analysis of the NSF budget by funding categories (e.g., research and development, education and training) included in the Foundation's Quantitative Data Tables, do correct for co-funding and show similar trends.

⁸⁶ Some analysts may perceive the Foundation's proposed Expeditions in Education (E²) initiative as an expression of this general principle. According to the NSF, in FY2013 E² funds will be used to develop STEM education pilot activities in nine of 10 research directorates and in E&HR. Although many NSF directorates already engage in STEM education activities, this initiative would establish a new source of R&RA funds for educational purposes.

⁸⁷ There are a number of possible policy responses to these changes. Some policymakers may prefer increasing the education component of the NSF budget given the ostensible relationship between STEM education and the U.S. scientific and engineering labor supply; while others may perceive the need for research funding to be the more pressing question given the role that research plays in the national economy. Other policymakers may seek a more limited federal role in both the national STEM education and research efforts—some analysts assert that the federal effort crowds out state and private efforts—and may prefer reductions to both accounts. Finally, some policymakers may prefer the balance established in the President's FY2013 budget for NSF, which increases both R&RA and E&HR accounts and co-funds ostensibly integrated activities, yet continues increasing the R&RA account at the fastest rate.

⁸⁸ 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.

⁸⁹ As authorized by the America COMPETES Reauthorization Act of 2010 (P.L. 111-358).

4.1%, respectively (about an 18-year doubling pace). Although the President's FY2012 budget request initially sought funding for targeted accounts consistent with a 12-year doubling period (about 6.0% growth rate), the Administration's September 1, 2011, *Mid-Session Review* stated that the doubling goal would need to be delayed. The President's FY2013 budget request once again asserts support for the doubling path policy, but seeks an overall increase of 4.1% for the targeted accounts. This growth rate is closer to FY2012 enacted appropriations of 4.1% than it is to the authorized growth rate of 6.3%. Some legislators have raised concerns about pursuing the doubling effort given the nation's current fiscal challenges, including one who urged observers "to be realistic about the notion of doubling the NSF budget" in FY2013.⁹⁰

By major account, the President's FY2013 request for NSF is as follows.⁹¹ (See **Table 12.**) The FY2013 request for R&RA is \$5.983 billion, \$294.3 million (5.2%) more than the FY2012 estimated level of \$5.689 billion, and \$654.5 million (9.9%) less than the America COMPETES Reauthorization Act of 2010 (P.L. 111-358) authorized level of \$6.638 billion. NSF's budget request highlights priorities in interdisciplinary research, clean energy, advanced manufacturing, materials, wireless communications, smart systems, and cybersecurity. The FY2013 R&RA request includes increases for all but one of the research directorates.⁹² The largest requested increase (by amount and percentage) in R&RA is for the Integrative Activities (IA) account. Increases in IA would largely apply to the R&RA contribution to the GRF program⁹³ and to increased support for the Integrated NSF Support Promoting Interdisciplinary Research and Education (INSPIRE) program.⁹⁴ NSF also seeks an increase in the Innovation Corps (I-Corps) program.⁹⁵

The FY2013 request for EPSCoR, which is funded in R&RA, is \$158.2 million. This amount is \$7.3 million (4.8%) more than the FY2012 estimate of \$150.9 million. The FY2013 request does not establish neuroscience as a crosscutting theme, as the FY2012 CJS conference report encouraged NSF to do; however, the foundation reports that it will leverage existing resources in neuroscience and that it will issue a "Dear Colleague Letter" supporting research in neuroscience and cognitive science in FY2013. The FY2013 R&RA request also includes \$250,000 for a new Giant Segmented Mirror Telescope (GSMT) planning solicitation.⁹⁶

⁹⁰ Opening Statement of Ranking Member Dan Lipinski, in U.S. Congress, House Committee on Science, Space, and Technology, Subcommittee on Research and Science Education, "The National Science Foundation's FY2013 Budget Request, hearings, 112th Cong., 2nd sess., February 28, 2012, <http://democrats.science.house.gov/sites/democrats.science.house.gov/files/documents/DWL%20Opening%20Statement%20NSF%20FY13%20Budget.pdf>.

⁹¹ Although these accounts exist in isolation in standard budget tables, funds from different accounts may be merged at the program level and in many cases NSF's education, facilities, and research activities are deeply integrated as a matter of practice.

⁹² 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 is to the U.S. Arctic Research Commission, for which NSF seeks a \$60,000 (4.1%) reduction from the FY2012 estimate of \$1.45 million.

⁹³ The FY2013 IA request for the GRF is \$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 is \$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.

⁹⁴ The FY2013 IA request for INSPIRE is \$31.0 million, \$18.7 million (151.0%) more than the FY2012 estimated level of \$12.4 million. The NSF-wide request for INSPIRE is \$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.

⁹⁵ The FY2013 request for the I-Corps program is \$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 come from R&RA accounts.

⁹⁶ The FY2012 CJS conference report directs NSF to proceed with the selection of a viable GSMT project.

For E&HR, the President has requested \$875.6 million in FY2013, \$46.6 million (5.6%) more than the FY2012 estimated level of \$829.0 million and \$166.2 million (16.0%) less than the America COMPETES Reauthorization Act of 2010 (P.L. 111-358) authorized level of \$1.042 billion. The FY2013 NSF budget request for E&HR reframes the foundation's education programs to more clearly emphasize a set of STEM education research activities and partnerships with research directorates. NSF seeks \$20.0 million (\$5.0 million for each of E&HR's divisions) in FY2013 funding to establish the reframing effort.⁹⁷ Requested changes within E&HR would occur in tandem with the launch of a new NSF-wide initiative, Expeditions in Education (E²). The goal for E² activities is to use current or emerging areas of science to address STEM education challenges.⁹⁸ In addition to these efforts to integrate education and research activities at the foundation, E&HR also seeks to increase 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 seeks to shift \$30.0 million in funding from the Discovery Research K-12 and Transforming Undergraduate Education in STEM programs to a new \$60.0 million competitive grant program aimed at fostering improvements in mathematics learning from kindergarten through college. This program would be jointly administered with ED, which would also contribute \$30.0 million.

As previously noted, the NSF request includes \$121.5 million in E&HR funding for the GRF program, an \$11.9 million (10.8%) increase over the FY2012 estimate. The request reduces funding for the Integrative Graduate Education and Research Traineeship (IGERT) program by \$8.1 million (13.6%), from \$59.8 million in FY2012 (estimated level) to \$51.7 million in FY2013. Funding for minority-serving institutions (MSIs),⁹⁹ the Robert Noyce Scholarship program, and the MSP program would continue at FY2012 levels. The FY2013 NSF budget request does 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 program is \$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.

The FY2013 NSF budget request for Major Research Equipment and Facilities Construction (MREFC) is \$196.2 million, \$890,000 (0.5%) below the FY2012 estimate of \$197.1 million and \$40.6 million (17.2%) below the America COMPETES Reauthorization Act of 2010 (P.L. 111-358) authorized level of \$236.8 million. NSF is not seeking funding for new MREFC projects in FY2013. As authorized by P.L. 112-55, NSF transferred \$30.0 million from the R&RA account to MREFC in FY2012. This amount is reflected in the FY2013 request, which is \$30.0 million more than the level Congress specified in FY2012. Two of MREFC's four funded projects in FY2013 are projected to be in the second-to-last year of their funding cycles.

NSF seeks no increases for its administrative accounts (e.g., Agency Operations and Award Management, National Science Board, and Inspector General) in FY2013. The FY2013 request proposes cutting or consolidating 11 foundation programs, totaling \$67.0 million. Most of these

⁹⁷ NSF states that these funds would be used for grants to synthesize existing work, highlight trends and challenges, and identify future needs.

⁹⁸ The total request for E² in FY2013 is \$49.0 million, of which \$20.5 million will come from E&HR.

⁹⁹ 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.

programs are in the research directorates and have reached their planned endpoints or are otherwise considered obsolete.

Finally, the FY2013 NSF budget request highlights the “OneNSF Framework,” which seeks to enable seamless operations across organizational and disciplinary boundaries. This major initiative includes previously mentioned NSF-wide activities (E², INSPIRE, and I-Corps) as well as other investments in smart systems, cyberinfrastructure, cybersecurity, and the Science, Engineering and Education for Sustainability (SEES) portfolio. The foundation seeks increases over FY2012 estimated levels for six of the seven OneNSF Framework priorities in FY2013. Funding for other NSF-wide investments in the FY2013 request include 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).

Table 12. NSF Funding by Major Account

(budget authority in millions of dollars)

Account	FY2012 Estimate	FY2013 Authorized	FY2013 Request	House-passed	Senate-passed	FY2013 enacted
Research and Related Activities	\$5,689.0	\$6,638.0	\$5,983.3			
Biological Sciences	712.4	n/s	733.9			
Computer and Information Science and Engineering	653.6	n/s	709.7			
Engineering	826.2	n/s	876.3			
Geosciences	885.3	n/s	906.4			
Mathematical and Physical Sciences	1,309.0	n/s	1,345.2			
Social, Behavioral, and Economic Sciences	254.3	n/s	259.6			
Office of Cyberinfrastructure	211.6	n/s	218.3			
Office of International Science and Engineering	49.9	n/s	51.3			
U.S. Polar Programs	435.9	n/s	449.7			
Integrative Activities	349.6	n/s	431.5			
U.S. Arctic Research Commission	1.45	n/s	1.39			
Education and Human Resources	829.0	1,041.8	875.6			
Major Research Equipment and Facilities Construction	197.1	236.8	196.2			
Agency Operations and Award Management	299.4	363.7	299.4			
National Science Board	4.4	4.9	4.4			
Office of the Inspector General	14.2	15.0	14.2			
Total: NSF	7,033.1	8,300.0	7,373.1			

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).

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).

Related Agencies

For FY2013, the Administration requests a total of \$929.2 million for the related agencies. The Administration’s request is 8.5% greater than the \$856.6 million appropriated for FY2012.

Table 13. Funding for Related Agencies
(budget authority in millions of dollars)

Commission, Office, or Corporation	FY2012 Enacted	FY2013 Request	House-Passed	Senate-Passed	FY2013 Enacted
U.S. Commission on Civil Rights	\$9.2	\$9.4			
Equal Employment Opportunity Commission	360.0	373.7			
International Trade Commission	80.0	82.8			
Legal Services Corporation	348.0	402.0			
Marine Mammal Commission	3.0	3.1			
Office of the U.S. Trade Representative	51.3	53.0			
State Justice Institute	5.1	5.1			
Total: Related Agencies	856.6	929.2			

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 amounts were taken from the appendix to the *Budget of the United States Government, Fiscal Year 2013*.

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

Commission on Civil Rights

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

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

The Administration's FY2013 budget request includes \$9.4 million for the Commission, an amount that is 2.3% greater than the FY2012 appropriation of \$9.2 million.

Equal Employment Opportunity Commission (EEOC)¹⁰⁰

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 is \$373.7 million, which is 3.8% or \$13.7 million more than the FY2012 enacted level of \$360.0 million. Out of the \$373.7 million, up to \$29.5 million is 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 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.¹⁰¹ 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.

The EEOC federal sector hearings workload was 15,709 hearings in FY2011 and is estimated to decrease slightly to 15,356 in FY2012.¹⁰² 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.

U.S. International Trade Commission (ITC)¹⁰³

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

¹⁰⁰ This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, Domestic Social Policy Division.

¹⁰¹ 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>

¹⁰² 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>

¹⁰³ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

and trade information services, and (5) trade policy support.¹⁰⁴ 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 that is \$2.8 million, or 3.5%, more than the FY2012-enacted appropriation of \$80.0 million.

Legal Services Corporation (LSC)¹⁰⁵

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 32 years under annual appropriations laws.

For FY2013, the Obama Administration requests \$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 includes \$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 proposes that LSC restrictions on class action suits and attorneys' fees be eliminated.

Marine Mammal Commission (MMC)¹⁰⁶

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 is \$3.1 million, which would represent a 1.9% increase compared to FY2012-enacted funding of \$3.0 million.

¹⁰⁴ 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.

¹⁰⁵ This section was prepared by Carmen Solomon-Fears, Specialist in Social Policy, Domestic Social Policy Division.

¹⁰⁶ 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)¹⁰⁷

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 requests \$53.0 million for the USTR for FY2013, an amount that is \$1.7 million, or 3.3%, more than the FY2012-enacted amount of \$51.3 million. In the State of the Union Address, the President 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 includes an increase of \$1.7 million to help create a new Interagency Trade Enforcement Center (ITEC), which will be directed by USTR.

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.¹⁰⁸ 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 is \$5.1 million, which is the same at the FY2012 appropriation.

¹⁰⁷ This section was written by M. Angeles Villarreal, Specialist in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

¹⁰⁸ 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	FY2013 Enacted
Department of Commerce					
International Trade Administration	\$420.4	\$446.8	\$440.7	\$455.6	
Bureau of Industry and Security	83.7	100.3	100.1	101.0	
Economic Development Administration	312.8 ^a	293.0	283.4	457.5	
Minority Business Development Agency	29.8	31.5	30.3	30.3	
Economic and Statistical Analysis	90.6	97.2	97.1	96.0	
Census Bureau	3,139.9 ^b	7,324.7	1,149.7	888.3	
National Telecommunications and Information Administration	39.2 ^c	40.0	41.6	45.6	
U.S. Patent and Trademark Office	2,010.1	2,016.0	2,090.0	2,706.3	
Offsetting Fee Receipts USPTO	-2,087.0	-1,887.0	-2,090.0	-2,706.3	
National Institute of Standards and Technology	819.0 ^d	856.6	750.1	750.8	
National Oceanic and Atmospheric Administration	4,365.2 ^e	4,737.5	4,588.0	4,893.7	
Departmental Management	83.8 ^f	107.5	99.8	88.9	
DOC Subtotal	9,307.5	14,164.2^g	7,580.9	7,807.7	
Department of Justice					
General Administration	2,067.8	2,276.7	2,208.1	2,227.9	
General Administration	370.8	456.9	312.2	262.1	
Administrative Review & Appeals	266.0	296.7	296.1	301.0	
Detention Trustee	1,355.3	1,438.7	1,515.6	1,580.6	
Office of the Inspector General	75.7 ^h	84.4	84.2	84.2	
U.S. Parole Commission	12.6	12.9	12.8	12.8	
Legal Activities	2,918.2	3,085.2	3,177.3	3,187.2	
General legal activities	805.7	875.1	863.4	863.4	
United States Attorneys	1,851.3	1,934.0	1,930.1	1,960.0	
Other ⁱ	261.2	276.1	383.8	363.8	
U.S. Marshals Service	964.0	1,152.4	1,140.1	1,189.0	
National Security Division	85.2	87.9	87.8	87.0	
Interagency Law Enforcement	515.0	528.6	527.5	527.5	
Federal Bureau of Investigation	7,336.2	7,898.5	7,926.3	8,118.0	
Drug Enforcement Administration	1,959.1	2,019.7	2,015.6	2,035.0	
Bureau of Alcohol, Tobacco, Firearms & Explosives	1,068.2	1,120.8	1,112.5	1,152.0	
Federal Prison System	6,178.9	6,188.1	6,384.1	6,644.0	
Office of Violence Against Women	415.0 ^j	418.5	417.7	412.5	
Office of Justice Programs	2,066.6	2,283.5	1,697.9	1,616.3	
Justice Assistance	220.0	235.0	234.5	113.0	

Bureau or Agency	FY2009 Enacted	FY2010 Enacted	FY2011 Enacted	FY2012 Enacted	FY2013 Enacted
State and Local Law Enforcement Assistance	1,328.5 ^k	1,534.8	1,117.8	1,162.5	
Weed and Seed	25.0	20.0	—	—	
Juvenile Justice Programs	374.0	423.6	275.4	262.5	
Public Safety Officers Benefits	119.1	70.1	70.1	78.3	
Community Oriented Policing Services	550.5 ^l	791.6	494.9	198.5	
OVW, OJP, and COPS Salaries and Expenses	195.0 ^m	213.4	186.6	—	
DOJ Subtotal	26,332.3	28,077.7ⁿ	27,389.2	27,407.7	
Science Agencies					
Office of Science and Technology Policy	5.3	7.0	6.6	4.5	
National Aeronautics and Space Administration	17,782.4 ^o	18,724.3	18,448.0	17,800.0	
National Science Foundation	6,490.4 ^p	6,926.5	6,859.9	7,033.1	
Science Agencies Subtotal	24,278.1	25,657.8	25,314.5	24,837.6	
Related Agencies					
Commission on Civil Rights	8.8	9.4	9.4	\$2	
Equal Employment Opportunity Commission (EEOC)	343.9	367.3	366.6	360.0	
International Trade Commission	75.1	81.9	81.7	80.0	
Legal Services Corporation	390.0	420.0	404.2	348.0	
Marine Mammal Commission	3.2	3.3	3.2	3.0	
National Veterans Business Development Corporation	—	—	—	—	
U.S. Trade Representative	47.3	47.8	47.7	51.3	
State Justice Institute	4.1	5.1	5.1	5.1	
Related Agencies Subtotal	872.4	934.8	917.9	856.6	
Total Appropriations	60,790.3^q	68,834.5^r	61,202.5^s	60,909.6^t	
American Recovery and Reinvestment Act	15,922.0	—	—	—	

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

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

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

- f. This amount does not include the \$6.0 million that the Office of the Inspector General received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- g. This amount does not include \$105.0 million in supplemental funding for the Department of Commerce (P.L. 111-212 and P.L. 111-224), of which \$54.0 million was for the Economic Development Administration and \$51.0 million was for the National Oceanic and Atmospheric Administration. However, it does include \$129.0 in supplemental funding for the U.S. Patent and Trademark Office,
- h. This amount does not include the \$2.0 million that the Office of the Inspector General received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- i. "Other" includes subaccounts for the Antitrust Division, Vaccine Injury Compensation Trust Fund, U.S. Trustee System Fund, Foreign Claims Settlement Commission, Fees and Expenses of Witnesses, Community Relations Service, and the Asset Forfeiture Fund.
- j. This amount does not include the \$225.0 million that the Office on Violence Against Women received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- k. This amount does not include the \$2.765 billion appropriated for the State and Local Law Enforcement Assistance account under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- l. This amount does not include the \$1.0 billion the Community Oriented Policing Services Office received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- m. This amount does not include the \$10.0 million appropriated for OVW, OJP, and COPS Salaries and Expenses under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- n. This amount does not include \$206.0 million in supplemental funding for the Department of Justice (P.L. 111-212 and P.L. 111-230), of which \$2.1 million was for Administrative Review and Appeals; \$7.0 million was for the Office of the Federal Detention Trustee; \$13.9 million was for General Legal Activities; \$9.2 million was for the U.S. Attorneys; \$37.7 million was for the U.S. Marshals; \$21.0 million was for Interagency Law Enforcement; \$24.0 million was for the Federal Bureau of Investigation; \$33.7 million was for the Drug Enforcement Administration; \$37.5 million was for the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and \$20.0 million was for the Federal Prison System.
- o. This amount does not include the \$1.002 billion the National Aeronautics and Space Administration received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- p. This amount does not include the \$3.002 billion the National Science Foundation received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- q. This amount does not include \$610.6 million in rescissions of unobligated balances.
- r. 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.
- s. This amount does not include \$2.416 billion in rescissions of unobligated balances.
- t. This amount does not include \$905.9 million in rescissions of unobligated balances.

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