



U . S . SENATE REPUBLICAN POLICY COMMITTEE

Legislative Notice

No. 25

October 5, 2009

**H.R. 2847 – Departments of Commerce and Justice,
and Science, and Related Agencies Appropriations
Bill, 2010**

Calendar No. 87

On June 25, 2009, the Appropriations Committee reported S. 2847, with an amendment in the nature of a substitute, by a vote of 30-0; S. Rept. 111-34.

Noteworthy

- This notice pertains to the Appropriations Committee-reported substitute amendment to H.R. 2847.
- At 4:00 p.m. Monday, October 5, the Senate will begin consideration of H.R. 2847, the Commerce, Justice, Science Appropriations bill, and the committee-reported substitute amendment.
- H.R. 2847 provides \$67.492 billion in new budget authority for fiscal year (FY) 2010, which is \$7.597 billion more than the FY09 non-emergency enacted level (\$59.895 billion) or a 12.68 percent increase. It is \$8.61 billion less than the FY09 level if the American Recovery and Reinvestment Act is included (the economic stimulus and other emergency appropriations added funding of \$16.21 billion in FY09); \$295.525 million more than the House-passed bill; and \$308.775 million more than the President's request.
- H.R. 2847 provides \$14.043 billion for the Department of Commerce, which is \$254.5 million more than the Administration's request and \$4.776 billion more than the FY09 non-emergency enacted level. This represents an increase of 51.5 percent and is primarily a result of an additional \$4.2 billion provided to the Bureau of the Census.
- The bill provides \$27.385 billion for the Department of Justice, which is \$311.376 million more than the Administration's request and \$1.298 billion more than the FY09 enacted level (an increase of 4.98 percent).
- On June 18, 2009, the House passed its version of H.R. 2847 by a vote of 259-157.
- Unless otherwise indicated, all figures in this paper reflecting FY09-enacted levels do not include funding provided under the economic stimulus or other emergency appropriations.

Highlights

(in billions of dollars)	FY 2009 Non-emergency Enacted	President's Request	House-passed Amount	Senate-reported Bill
Title I – Commerce	9.267	13.789	13.841	14.043
Title II – Justice	26.088	27.074	27.751	27.385
Title III – Science	24.278	25.737	25.147	25.609
Title IV – Related Agencies	.872	.951	.956	.916
Title V – Rescissions	-.611	-.367	-.498	-.461
TOTAL¹	59.895	67.184	67.197	67.492

Largest Increases in Accounts: by Total Dollar Amount and by Percentage

Account	Total Increase (in millions of dollars)
Bureau of the Census	4,185.00
National Aeronautics and Space Administration	903.62
Federal Bureau of Investigation	593.88
National Science Foundation	426.36
National Oceanic and Atmospheric Administration	407.62
United States Marshals Service	188.39
Community Oriented Policing Services	108.00
Federal Prison System	97.24

Account	Percentage Increase
Bureau of the Census	133.32
Departmental Management – Commerce	31.86
State Justice Institute	21.95
Bureau of Industry and Security	19.91
Community Oriented Policing Services	19.62
United States Marshals Service	19.55
General Administration – DOJ	13.17
Economic and Statistical Analysis – Commerce	11.01

¹ Figure totals were taken from S. Rept. 111-34. Any difference in the totals is due to rounding.

Bill Provisions

Title I – Department of Commerce

H.R. 2847 provides \$14.043 billion for the Department of Commerce, which is \$254.5 million more than the Administration's request and \$4.776 billion more than the non-emergency FY09 enacted level. Significant spending accounts include:

International Trade Administration (ITA): Provides \$446.265 million for the ITA, which is \$6 million more than the Administration's request and \$25.834 million more than the FY09 enacted level.

Bureau of Industry and Security (BIS): Provides \$100.342 million for the BIS, which fully funds the Administration's request but is \$16.66 million more than the FY09 enacted level.

Economic Development Administration (EDA): Provides \$238 million for the EDA, which is \$46 million less than the Administration's request and \$34.8 million less than the FY09 enacted level.

Economic and Statistical Analysis: Provides \$100.6 million for Economic and Statistical Analysis, which is \$4.4 million less than the Administration's request but \$9.98 million more than the FY09 enacted level.

Bureau of the Census: Provides \$7.324 billion for the Bureau of the Census, which is \$50 million less than the Administration's request but \$4.185 billion more than the FY09 enacted level.

National Telecommunications and Information Administration (NTIA): Provides nearly \$40 million for the NTIA, which is \$20 million more than the Administration's request and \$781,000 more than the FY09 enacted level.

Patent and Trademark Office (PTO): Provides \$1.930 billion for the PTO, which is equal to the Administration's request but \$79.739 million less than the FY09 enacted level.

National Institute of Standards and Technology (NIST): Provides \$878.8 million for the NIST, which is \$32.7 million more than the Administration's request and \$59.8 million more than the FY09 enacted level.

National Oceanic and Atmospheric Administration (NOAA): Provides \$4.773 billion for NOAA, which is \$299.0 million more than the Administration's request and \$407.62 million more than the FY09 enacted level.

Departmental Management: Provides \$110.5 million for departmental management, which is \$3 million less than the Administration's request but \$26.7 million more than the FY09 enacted level.

Title II – Department of Justice

H.R. 2847 provides \$27.385 billion for the Department of Justice, which is \$311.376 million more than the Administration's request and \$1.298 billion more than the FY09 non-emergency enacted level. Significant spending accounts include:

General Administration: Provides \$419.631 million for General Administration, which is \$131.640 million less than the Administration's request but \$48.826 million more than the FY09 enacted level.

United States Parole Commission: Provides \$12.859 million for the United States Parole Commission, which is equal to the Administration's request but \$289,000 more than the FY09 enacted level.

United States Attorneys: Provides \$1.926 billion for United States Attorneys, which is equal to the Administration's request but \$89.667 million more than the FY09 enacted level.

United States Marshals Service: Provides \$1.152 billion for the United States Marshals Service, which fully funds the Administration's request but is \$188.388 million more than the FY09 enacted level.

Interagency Law Enforcement: Provides \$515 million for Interagency Law Enforcement, which is \$22.507 million less than the Administration's request but is equal to the FY09 enacted level.

Federal Bureau of Investigation (FBI): Provides \$7.914 billion for the FBI, which is \$52 million more than the Administration's request and \$593.88 million more than the FY09 enacted level.

Drug Enforcement Administration (DEA): Provides \$2.015 billion for the DEA, which fully funds the Administration's request but is \$55.598 million more than the FY09 enacted level.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Provides \$1.121 billion for the ATF, which is equal to the Administration's request but \$52.557 million more than the FY09 enacted level.

Federal Prison System: Provides \$6.082 billion for the Federal Prison System, which is \$2.411 million more than the Administration's request and \$97.241 million more than the FY09 enacted level.

Justice Assistance: Provides \$215 million for Justice Assistance, which is \$10 million less than the Administration's request and \$5 million less than the FY09 enacted level.

State and Local Law Enforcement Assistance: Provides \$1.159 billion for State and Local Law Enforcement Assistance, which is \$431.0 million more than the Administration's request but \$169.5 million less than the FY09 enacted level.

Weed and Seed Program Fund: Provides \$20 million for the Weed and Seed Program Fund, which is \$5 million less than FY09 enacted level and the Administration's request.

Community Oriented Policing Services (COPS): Provides \$658.5 million for COPS, which is \$102.5 million less than the Administration's request but \$108 million more than the FY09 enacted level.

Juvenile Justice Programs: Provides \$407 million for Juvenile Justice Programs, which is \$90 million more than the Administration's request and \$33 million more than the FY09 enacted level.

Public Safety Officers' Benefits: Provides \$70.1 million for Public Safety Officers' Benefits, which fully funds the Administration's request but is \$49 million less than the FY09 enacted level.

Title III – Science

H.R. 2847 provides \$25.609 billion for Science, which is \$128.24 million less than the Administration's request but \$1.331 billion more than the FY09 non-emergency enacted level. Significant spending accounts include:

National Aeronautics and Space Administration (NASA): Provides \$18.686 billion for NASA, which fully funds the Administration's request but is \$903.615 million more than the FY09 enacted level.

National Science Foundation (NSF): Provides \$6.918 billion for the NSF, which is \$128.24 million less than the Administration's request but \$426.36 million more than the FY09 enacted level.

Title IV – Related Agencies

H.R. 2847 provides \$915.979 million for Related Agencies, which is \$34.881 million less than the Administration's request but \$43.582 million more than the FY09 enacted level. Significant spending accounts include:

Equal Employment Opportunity Commission (EEOC): Provides \$367.303 million for the EEOC, which fully funds the Administration's request but is \$23.378 million more than the FY09 enacted level.

International Trade Commission (ITC): Provides \$82.7 million for the ITC, which is equal to the Administration's request but \$7.6 million more than the FY09 enacted level.

Legal Services Corporation (LSC): Provides \$400 million for the LSC, which is \$35 million less than the Administration's request but \$10 million more than the FY09 enacted level.

Marine Mammal Commission (MMC): Provides \$3.25 million for the MMC, which is \$250,000 more than the Administration's request and \$50,000 more than the FY09 enacted level.

United States Trade Representative (USTR): Provides \$48.326 million for the USTR, which is equal to the Administration’s request but \$1.054 million more than the FY09 enacted level.

State Justice Institute: Provides \$5 million for the State Justice Institute, which is \$131,000 less than the Administration’s request but \$900,000 more than the FY09 enacted level.

Title V – General Provisions

Title V is composed of General Provisions repeated from the FY09 enacted law, including reprogramming of funds (Section 505), falsely mislabeled products (Section 507), quarterly reports regarding unobligated balances (Section 508), tobacco promotion (Section 510), Crime Victims Fund (Section 512), trace data as it relates to firearms-related crimes (Section 516), and torture (Section 519). In addition, new provisions were added to prevent the use of funds for purchase of first class or premium airline travel in contravention of current regulations and to prevent the attendance of more than 50 employees from one federal department covered by the bill to any single conference occurring outside the United States.

Title V also includes \$461 million in rescissions, which is \$94.0 million less than Administration’s request but \$149.6 million more the FY09 enacted level. The following funds would be rescinded:

- Department of Justice, Legal Activities Assets, Forfeiture Fund: \$379 million
- Department of Justice, Office of Justice Programs: \$42 million; and
- Department of Justice, Community Oriented Policing Services: \$40 million.

Economic Stimulus & Emergency Appropriations

The following chart outlines the CJS accounts that were increased in the American Recovery and Reinvestment Act (the economic stimulus) and other emergency appropriations efforts. Unless otherwise provided, stimulus funding was for FY09. Unless otherwise indicated, these figures are not included in other figures in this paper.

Commerce	(in millions of dollars)
Economic Development Administration	190
Bureau of the Census	1,000
National Telecommunications and Information Administration	5,350
National Institute of Standards and Technology	580
National Oceanic and Atmospheric Administration	830
Departmental Administration	6
Justice	
Detention Trustee	60
Office of Inspector General	2
Legal Activities, Salaries and Expenses	1.648
U.S. Attorneys	15

U.S. Marshals Service	10
National Security Division	1.389
Federal Bureau of Investigation	117.6
Drug Enforcement Administration	20
Bureau of Alcohol, Tobacco, Firearms and Explosives	14
Federal Prison System	5.038
State and Local Law Enforcement Activities	225
Office of Justice Programs	2,765
Community Oriented Policing Services	1,000
Salaries and Expenses	10
Science	
National Aeronautics and Space Administration	1,002
National Science Foundation	3,002
TOTAL	16,206.68

Administration Position

A Statement of Administration Policy (SAP) on the bill as reported by the Senate Appropriations Committee was not available at press time.

Cost

H.R. 2847 would result in the following outlays:

FY 2010	\$44.417 billion ²
FY 2011	\$15.105 billion
FY 2012	\$4.228 billion
FY 2013	\$2.613 billion
FY 2014	
(and future years)	\$1.193 billion

Possible Amendments

A number of amendments to the committee reported bill are expected. As of press time, no amendment texts or more detailed descriptions were available.

² Excludes outlays from prior-year budget authority.