

APPROPRIATIONS ANALYSIS

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FISCAL YEAR 2008 COMMERCE-JUSTICE-SCIENCE APPROPRIATIONS BILL (H.R. 3093)

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SUMMARY

The fiscal year 2008 Commerce-Justice-Science appropriations bill provides \$54 billion in net discretionary spending, an increase of \$2.2 billion over the President's budget request.

It is another addition to the Democrats' planned 9-percent increase in discretionary spending in fiscal year 2008. Under the Democrat budget resolution, (S.Con.Res. 21), total non-emergency discretionary spending will be increased by \$81.4 billion compared with 2007 (including \$26 billion for domestic programs) – more than triple the inflation rate. This is on top of the \$6 billion Democrats added to the current-year omnibus, and the \$17 billion in non-war non-emergency spending they added to the Iraq war supplemental. The Commerce-Justice-Science bill has invited another veto threat from the President.

Table 1: Commerce-Justice-Science
(fiscal years; millions of dollars)

	2007 Level ^a	President 2008	302(b) for 2008	H.R. 2643
Discretionary Budget Authority	51,950	51,387	53,551	53,551
Outlays	52,236	53,914	55,318	54,346

^a Excludes supplementals.

COST AND BUDGET COMPLIANCE

As reported, the bill provides \$53.6 billion in net discretionary budget authority [BA] and \$54.3 billion in outlays for fiscal year 2008, an increase of \$2.2 billion above the President's request and \$1.6 billion over the 2007 enacted level. The bill provides funding for the Departments of Commerce and Justice, several related agencies, and science activities such as the National Science Foundation and the National Aeronautics and Space Administration. The bill is within its 302(b) suballocation for both BA and outlays and therefore complies with the budget resolution and the Congressional Budget Act. It does not contain any advance appropriations or emergency-designated spending.

H.R. 3093 remains within its allocation through various rescissions and changes to mandatory programs which are used as offsets for additional spending elsewhere in the bill. Specifically, the bill includes rescissions totaling \$822 million in BA and \$319 million in first year outlay savings, including several department-wide rescissions at the National Science Foundation (-\$24 million), NASA (-\$70 million), and Department of Commerce Departmental management (-\$42 million).

In addition, the bill includes changes to various mandatory programs, providing \$1.7 billion in BA savings and \$560 million in first year outlay savings. The largest mandatory change is the delay on obligations in the Crime Victims Fund, providing \$1.3 billion in BA savings and \$464 million in outlay savings that has been used repeatedly in recent years to lower the costs of this bill. Because it is a delay rather than an out-and-out rescission, the Crime Victims Fund does not lose the ability to spend the money after the one-year limitation has expired; this also makes it possible for the Congress to delay the availability of the funds again next year. The administration recommended a rescission of funds from the Crime Victims Fund, which would have removed the opportunity for the program to provide the same offset year after year.

DISCUSSION

As noted, the bill provides \$53.6 billion in net discretionary BA and \$54.3 billion in outlays for fiscal year 2008, an increase of \$2.2 billion above the President's request and \$1.6 billion over the 2007 enacted level. Key provisions in the bill include the following:

- **A Slight Reduction for Justice.** H.R.3093 provides \$21.7 billion to the Department of Justice which is a slight (\$700 million) reduction from the 2007 enacted level, but a \$1.3-billion increase above the President's request.
 - *Legal Services Corporation.* The bill provides \$377 million, and increase of \$28.4 million from the 2007 enacted level. It is also \$66 million, or 21 percent, above the President's request of \$311 million.
 - *Federal Bureau of Investigation.* Budget authority is equivalent to the President's request of \$6.5 billion. Salaries and expenses are \$148 million above the request, but H.R. 3093 does not fully fund certain construction requests from the administration.
 - *Community Oriented Policing Program.* The bill provides \$725 million, \$693 million over the President's \$32-million request, and 34 percent above 2007.
 - *State and Local Law Enforcement Assistance.* The bill appropriates \$1.3 billion for State and local enforcement grants; this is more than double the President's request of \$550 million.
 - *Drug Enforcement Agency:* A sum of \$1.8 billion is provided, which is equal to the President's request.
- **An 8-Percent Increase for the Department of Commerce.** The Department receives \$7 billion – 7 percent above the request, and 8 percent higher than the 2007 level.

Included in this amount is funding for Economic Development Administration [EDA] Assistance Programs. The bill provides \$270 million, an increase of \$100 million above

the President’s request, and almost \$20 million above the regular 2007 level. The bill as reported rejects the administration’s proposal to create a Regional Development Account that would consolidate multiple economic development programs at several other Federal agencies. Moreover, the committee report accompanying the bill directs the EDA to consider with “favorable bias” proposals addressing global climate change.

- **An Increase From the President for NASA.** Funding for the National Aeronautics and Space Administration [NASA] increases approximately \$250 million above the requested level. NASA will receive \$17.6 billion for programs and activities within the agency. Overall, the bill reduces funding for NASA’s exploration capabilities relative to the requested level, while increasing funding for the Science, Aeronautics, and Exploration account, primarily increasing funding for constellation systems, earth science and aeronautics research.
- **The National Science Foundation.** The bill provides \$6.5 billion, an increase of \$600 million from 2007, and \$100 million more than the request.

APPROPRIATIONS TO DATE

This is the tenth appropriations bill to reach the House floor, and the eighth to exceed the President’s request (the exceptions are State and Foreign Operations and Legislative Branch). The ten bills cumulatively increase spending by \$23.9 billion over the President’s request. For the two bills left to be introduced, there is \$479.2 billion remaining in the allocation to the Committee on Appropriations pursuant to the budget resolution (see Table 2).

Table 2: Cumulative Cost of Appropriations Bills
(fiscal years; discretionary budget authority in billions of dollars)

	Fiscal Year 2008 Budget Authority	Fiscal Year 2008 President’s Request	Dollar Increase Over President	Increase Over 2007 Enacted
302(a) Allocation	954.1 ^a	932.8	21.3	81.4
Homeland Security	36.3	34.2	2.1	4.4
MilCon/VA	64.7	60.7	4.0	15.0
Energy and Water	31.6	30.5	1.1	1.3
State and Foreign Ops	34.2	34.9	-0.7	2.9
Legislative Branch ^b	3.1	3.4	-0.3	0.1
Interior and Environment	27.6	25.7	1.9	1.2
Financial Services	21.4	21.3	0.1	1.8
Labor, HHS, Education	151.7	140.9	10.8	7.0
Transportation, HUD	50.7	48.0	2.7	-0.6
Commerce, Justice, Science	53.6	51.4	2.2	1.6
Total House-Passed to Date	474.9	451.0	23.9	34.7

Note: Figures exclude emergencies.
^a Includes cap adjustment
^bExcluding Senate

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