

Legislative Bulletin.....June 16, 2009

**H.R. 2847 — FY 2010 Commerce and Justice, Science, and
 Related Agencies Appropriations Act**

BY THE NUMBERS:

In Millions of Dollars

	FY09	FY10 Request	FY10 Committee	Cmte v. Request	Cmte v. FY09
Appropriations	57,652	64,511	64,314	-197	6,662
<i>Emergency Approps</i>	16,005	0	0	0	-16,005
TOTAL	73,657	64,511	64,314	-197	-9,343

Excluding Emergency Appropriations, the Committee Bill is:

- **\$197 million or 0.3% less than the request**
- **\$6.7 billion or 11.6% more than last year**

Spending Discussion: The bill provides \$6.7 billion (11.6%) more than FY 2009 for programs funded under the CJS Appropriations bill. Last week, the House Appropriations Committee set the 302(b) allocation for the twelve appropriations bills. Under Chairman Obey’s FY 2010 spending plan, all twelve bills will receive spending increases, with a total spending level of \$1.089.6 trillion—an increase of \$76 billion or 7.6% compared to last year.

Order of Business: H.R. 2847 is scheduled to be considered under a rule that contains a restrictive pre-printing requirement. The rule waives all points of order except for clauses 9 (the earmark rule) and 10 (PAYGO) of Rule XXI. For the various problems that a pre-printing requirement creates, see [Hthis documentH](#) from the Committee on Rules Republicans.

Earmarks:

The [Committee Report](#) includes a list of earmarks beginning on page 188.

Items of Note:

Economic Development Administration: \$293 million—\$20.2 million or 7.4% above last year’s level and \$9 million or 49.3 percent above the President’s request.

Bureau of the Census: \$7.37 billion—\$4.23 billion or 134.9% above last year and the same level as the President’s request.

National Oceanic and Atmospheric Administration (NOAA): \$4.6 billion—\$237.7 million or 5.4% above last year and \$129.1 million or 2.4% above the President’s request.

NASA: \$18.2 billion—\$420.9 Million or 2.4 percent above last year and \$482.7 million or 2.6% less than the President’s request.

Legal Services Corporation: \$440 million—\$50 million or 12.8% above last year and \$5 million or 1.1% above the President’s request. The Legal Services Corporation (LSC) was established by the Legal Services Corporation Act of 1974 to provide free, legal assistance to the poor in civil, non-criminal matters. Its origins lie in President Lyndon Johnson's War on Poverty, specifically with the Office of Economic Opportunity (OEO), which in 1965 began making direct grants to local legal aid organizations. Instead of focusing on this core mission, the LSC has assisted lawyers and groups engaged in lobbying, advocacy of political causes, and litigation against the federal government. The program has not been authorized since 1980. Services currently provided by the LSC are duplicated by state and local governments, bar associations, and private organizations. Various amendments were filed to reduce, or completely eliminate, funding for this program.

FBI: \$7.75 billion—\$531.9 million or 7.4% above last year and \$10.0 million or 0.1% less than the request.

Community Oriented Policing Services: \$802 million—\$251.5 million or 45.7% above last year and \$41 million or 5.4% above the President’s request.

U.S. Marshals Service: \$1.15 billion—\$198.4 million or 20.8 percent above last year’s level and the same level as the President’s request.

Drug Enforcement Administration: \$2.02 billion—\$80.6 million or 4.0% above last year and \$5 million or 0.2 percent above the President’s request.

ATF: \$1.11 billion—\$51.6 million or 4.9% above last year and \$15 million or 1.3 percent less than the President’s request.

State Justice Institute (SJI): \$5.1 million—\$1.0 million or 25.1% above last year and the same as the President’s request. The SJI is a non-profit corporation that was established in 1984 to provide grant awards to assist state courts in the area of criminal justice. Categories of grant assistance include judicial education, technical assistance, project grants for children and families in court, as well as improving the state-federal court relationship, and a scholarship program for state judges. State courts clearly play an important role in the nation’s legal system. However, the funding and assistance is a state responsibility, one that is also duplicated by other institutions. There is no evidence it has actually improved the administration of justice.

Herbert. C Hoover Building Renovation: Provides \$5 million to renovate the [Herbert C. Hoover Building](#), the headquarters of the Commerce Department.

National Drug Intelligence Center: Provides \$44 million for the National Drug Intelligence Center, located in Johnstown, Pennsylvania (the district of Rep. John Murtha).

Outsourcing/A-76 Activities: Prohibits funds from being used under OMB Circular A-76 (governing the federal government’s outsourcing policies) to implement any pending or future competitive sourcing for work performed by employees of the Bureau of Prisons or of Federal Prisons Industries, Incorporated. In other words, this provision would prohibit federal employees from having to compete with private-sector entities for certain non-inherently governmental functions of the agencies (like food service and lawn-mowing).

Guantanamo Bay: Prohibits funds from being used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba into the continental U.S., Alaska, Hawaii, or the District of Columbia (but not to other U.S. territories). H.R. 2847 also prohibits funds from being used to transfer an individual who is detained at Guantanamo Bay, Cuba into the continental U.S., Alaska, Hawaii, or the District of Columbia (but not to other U.S. territories) for the purposes of detaining or prosecuting such an individual until 2 months after the President submits in writing “a comprehensive plan regarding the proposed disposition of each individual who is detained...” The legislation also prohibits funds from being used to transfer or release an individual held in Guantanamo Bay, Cuba (as of April 30, 2009) to the country of the individual’s residence (or to any other country) unless the President at least 30 days beforehand submits information to Congress as outlined in the bill.

Funding Summaries:

In thousands

	FY 2009 Enacted	FY 2010 Request	FY 2010 Cmte	Cmte Vs. FY 2009	Cmte Vs. Request	Cmte Vs. FY 2009	Cmte Vs. Request
Department of Justice							
General Administration.....	370,805	551,271	477,071	106,266	-74,200	28.7%	-13.5%
Parole Commission.....	12,570	12,859	12,859	289	----	2.2%	0.0%
Legal Activities.....	2,901,578	3,082,477	3,090,477	188,899	8,000	6.5%	0.3%
U.S Marshals Service.....	954,000	1,152,388	1,152,388	198,388	----	20.8%	0.0%
FBI.....	7,218,591	7,760,471	7,750,471	531,880	-10,000	7.4%	-0.1%
DEA.....	1,939,084	2,014,682	2,019,682	80,598	5,000	4.2%	0.2%
ATF.....	1,054,215	1,120,772	1,105,772	51,557	-15,000	4.9%	-1.3%
Federal Prison System.....	6,173,889	6,079,275	6,176,675	2,786	97,400	0.0%	1.6%
State and Local Law Enforcement....	3,227,100	2,753,488	3,423,988	196,888	670,500	6.1%	24.4%
Justice Assistance.....	220,000	225,000	226,000	6,000	1,000	2.7%	0.4%
State & Local Law Enforcement.....	1,328,500	728,000	1,312,500	-16,000	584,500	-1.2%	80.3%
VAWA Grants.....	415,000	414,000	400,000	-15,000	-14,000	-3.6%	-3.4%
COPS Program.....	550,500	761,000	802,000	251,500	41,000	45.7%	5.4%
Commerce Department							
International Trade Administration.....	420,431	440,265	435,065	14,634	-5,200	3.5%	-1.2%
Bureau of Industry and Security	83,676	100,342	100,342	16,666	----	19.9%	0.0%
Economic Development Admin.....	272,800	284,000	293,000	20,200	9,000	7.4%	3.2%
Minority Business Development Agency.....	29,825	31,000	31,000	1,175	----	3.9%	0.0%
Economic & Statistical Analysis.....	90,621	105,000	97,255	6,634	-7,745	7.3%	-7.4%
Bureau of Census.....	3,139,850	7,374,731	7,374,731	4,234,881	----	134.9%	0.0%
Telecommunications & Information Admin.....	39,218	19,999	39,999	781	20,000	2.0%	100.0%
Patent and Trademark Office.....	-76,900	----	----	76,900	----	----	0.0%
Natl. Institute of Standards and Technology.....	819,000	846,100	781,100	-37,900	-65,000	-4.6%	-7.7%
Natl. Oceanic & Atmospheric Administration.....	4,365,196	4,473,816	4,602,941	237,745	129,125	5.4%	2.9%

Departmental Management.....	83,800	113,500	92,000	8,200	-21,500	9.8%	-18.9%
Science							
Office of Science and Technology Policy.....	5,303	6,154	7,154	1,851	1,000	34.9%	16.2%
NASA.....	17,782,385	18,686,000	18,203,300	420,915	-482,700	2.4%	-2.6%
<i>Inspector General</i>	33,600	36,400	35,000	1,400	-1,400	4.2%	-3.8%
National Science Foundation.....	6,490,400	7,045,000	6,936,510	446,110	-108,490	6.9%	-1.5%
Related Agencies							
Civil Rights Commission.....	8,800	9,400	9,400	600	----	6.8%	0.0%
Equal Employment Opportunity Commission.....	343,925	367,303	367,303	23,378	----	6.8%	0.0%
International Trade Commission...	75,100	82,700	82,700	7,600	----	10.1%	0.0%
Legal Services Corporation.....	390,000	435,000	440,000	50,000	5,000	12.8%	1.1%
Marine Mammal Commission.....	3,200	3,000	3,300	100	300	3.2%	10.0%
Office of the U.S. Trade Representative.....	47,272	48,326	48,326	1,054	----	2.2%	0.0%
State Justice Institute.....	4,100	5,131	5,131	1,031	----	25.1%	0.0%

Committee Action: H.R. 2847 was reported out of the House Appropriations Committee as an original measure on June 12, 2009.

Cost to Taxpayers: The bill appropriates a total of \$64.3 billion in FY 2010.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill increases spending for programs in the FY 2010 CJS bill by \$6.7 billion or 11.6%.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score is available listing any possible mandates.

Constitutional Authority: The House Appropriations Committee cited Clause 7 of Section 9 of Article I of the Constitution (the power of Congress to appropriate money). The committee did not cite constitutional authority for the various spending items themselves.

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