



H.R. 3093 - Departments of Commerce and Justice, and Science, and Related Agencies Appropriations for FY 2008

Executive Summary

The House will consider H.R. 3093 pursuant to an open rule on July 25, 2007. The bill provides \$53.8 billion in total spending, which is \$2.3 billion above the President's request and \$3.2 billion above the FY2007 level.

This bill has undergone changes since the FY2007 appropriation cycle. To begin with, the State Department is no longer funded by this appropriations bill, but is now funded in the State and Foreign Operations bill (H.R. 2764). Also, the bill no longer funds many of the independent agencies that regularly received funding through this bill, such as the Securities and Exchange Commission and the Federal Communications Commission.

One of the major battles that occurred during the committee markup centered on the restriction of sharing federal gun-trace data with local law enforcement. Beginning in 2003, the Committee has limited the sharing of federal information pertaining to manufacturers, sellers, and buyers of guns. Rep. Jim Moran (D-VA) offered an amendment to strike this language completely and it was defeated by voice vote. Rep. Patrick Kennedy (D-RI) also offered an amendment that would have loosened the language regarding gun data sharing. It was defeated by a recorded vote of 26 to 40, with Chairman David Obey (D-WI) and Subcommittee Chairman Alan Mollohan (D-WV) voting against the amendment.

The bill also prohibits the FBI from issuing National Security Letters (NSL) in contravention of the statutes authorizing the FBI to issue NSL. In the Committee Report accompanying the bill, the Committee stressed that it is concerned about the broad use of the NSL and the lack of reports filed by the FBI to Congress regarding the use of NSL.

In total, this bill provides \$1.9 billion for climate change research and studies. This includes a \$6 million appropriation for the National Academy of Sciences for an "investigation and study," and funding to improve the collection of data relating to climate change. Agencies that are required to study climate change under this bill are NOAA, NASA, the National Academies, and the Marine Mammal Commission.

Ranking Member Jerry Lewis (R-CA) and Subcommittee Ranking Member Rodney Frelinghuysen (R-NJ) submitted minority views that praised the Committee for funding programs essential to national security but also noted that “the Subcommittee could have met the most pressing needs by prioritizing within a lower allocation.”

The Democrats’ overall 302(b) allocation levels for FY2008 represent an \$83 billion increase over the 2007 enacted budget levels. While Democrats defend this substantial increase by claiming domestic programs have been starved in recent years, the reality is that domestic discretionary spending has increased 40 % – or 12 % in real dollars – since 2001. The Administration has threatened to veto any appropriations bill with more funding than requested. The Administration reaffirmed the veto threat in the Statement of Administration Policy issued on July 24, 2007 (see Additional Views below).

Floor Situation

H.R. 3093 is being considered on the floor pursuant to an open rule. The rule:

Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Member of the Committee on Appropriations.

Waives all points of order against consideration of the bill except for clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.

During amendment consideration, the Chairman may give priority in recognition to Members who pre-printed his or her amendment(s).

Waives points of order against provisions that fail to comply with clause 2 of rule XXI.

Note: This provision waives the House Rule that prohibits authorizing language in an appropriations bill. All Republican Ranking Members signed a letter in objection to this tactic.

Provides one motion to recommit with or without instructions.

Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The bill was introduced by Representative Alan Mollohan (D-WV) on July 13, 2007. The House Committee on Appropriations reported H.R. 2641 on July 13, 2007.

The bill is expected to be considered on the floor on July 25, 2007.

Summary

	FY 2008 Proposal	President's Request	FY 2007 Enacted
Total	\$53.8 billion	\$51.5 billion	\$50.6 billion
Discretionary levels	\$53.5 billion	\$51.2 billion	\$50.3 billion
Department of Commerce*	\$7.1 billion	\$6.6 billion	\$6.5 billion
Department of Justice*	\$23.9 billion	\$22.3 billion	\$22.9 billion
Science*	\$24.1 billion	\$23.7 billion	\$22.2 billion
Related Agencies*	\$846 million	\$763 million	\$801 billion

*Note: These levels represent discretionary funding for these agencies.

Title I – Department of Commerce

Economic Development Administration: H.R. 3093 approves \$302.8 million for the EDA, which is \$100 million more than the President's request and \$22.2 million above the enacted FY2007 level. This appropriation provides \$270 million for Economic Development Assistance programs.

Minority Business Development: The bill provides \$29.7 million for the Minority Business Development program, which is \$2.5 million above the President's request and \$1.5 million more than the FY2007 enacted level. The Minority Business Development Agency helps minority-owned businesses compete in the global market.

Bureau of the Census: This Act appropriates \$1.2 billion for the Bureau of the Census, which is \$2 million more than the President requested and \$339 million more than the FY2007 enacted level.

National Oceanic and Atmospheric Administration: \$4 billion is appropriated to fund the activities of the NOAA, which is \$141 million above the President's request and \$57 million above the FY2007 level. The bill provides \$6 million to establish the Climate Change Study Committee, which will study and make recommendations to the NAS regarding strategies to respond to climate change. \$1 million of this appropriation is set aside for a Global Climate Conference, which will host experts on climate change to define the study of the Committee. The bill also appropriates \$65 million for the Pacific Coastal Salmon Recovery Fund.

Title II – Department of Justice

Violent Crimes Control: This Act provides \$3.2 billion for state and local law enforcement agencies to fight violent crimes and install preventive measures. This is a 53% increase from the President's request and restores levels to the FY2004 level.

Methamphetamine: \$695 million is provided in this bill to address the methamphetamine epidemic, including COPS grants and State Prison Drug Treatment programs.

Tactical Law Enforcement Wireless Communications: The TLEWC provides secure, interoperable wireless communications services required by the Department of Justice law enforcement components engaged in the conduct of law enforcement and other missions. The bill funds the TLEWC at \$81.4 million, which is \$7.8 million less than the FY2007 level.

Federal Bureau of Investigation: The bill appropriates \$6.5 billion for the FBI, which is \$148 million more than the President requested and \$509 million above the FY2007 enacted level. The bill also permits the addition of 2400 positions, including 771 new agents. The new employees will be added to areas such as: Surveillance, National Security Branch Analytical Capabilities, Crimes Against Children, and Weapons of Mass Destruction Directorate.

The bill prohibits appropriated funds from being used by the FBI to issue national security letters in contravention of the statutes authorizing the FBI to issue national security letters.

Drug Enforcement Agency: \$2.1 billion would be appropriated for the DEA, which is \$40 million more than the President's request and \$125 million above the FY2007 enacted level.

Bureau of Alcohol, Tobacco, Firearms, and Explosives: The bill would provide \$1 billion for the ATF, which is equal to the President's request and \$30 million above the FY2007 level. The bill prohibits funds from being used to share gun-trace data controlled by the ATF with local law enforcement, except when used during a criminal investigation.

Federal Prison System: \$5.2 billion would be appropriated for the Federal Prison System, which is \$20 million more than the President's request and \$176 million more than the FY2007 enacted level. The bill prohibits the Bureau of Prisons from privatizing work performed by the Federal employees. The bill also prohibits any funds from being used to perform abortions in the Federal Prison System.

Title III – Science

Office of Science and Technology Policy: The bill would provide \$5.5 million for the office, which is equal to the President's request. The OSTP advises the President on science and technology policies.

National Aeronautics and Space Administration: NASA would be funded at \$17.6 billion for FY2008, which is \$313 million above the President's request and \$1.4 billion above the enacted FY2007 level. Included in this funding is \$3.9 billion for exploration efforts.

National Science Foundation: The bill would provide \$6.5 billion for the NSF, which is \$80 million more than the President's request and \$592 million above the FY2007 enacted level. The NSF's purpose is to develop and implement a national policy on science.

Amendments Pre-Printed on Monday, July 23, 2007

Rep. Stearns (R-FL): The amendment would prevent the U.S. Equal Employment Opportunity Commission (EEOC) from using any appropriated funds for the purpose of bringing lawsuits against a company that requires its employees to speak English. It would not affect any current case only future suits.

Rep. Tancredo (R-CO): The amendment would prohibit funds from being used for the Security and Prosperity Partnership.

Rep. Tancredo (R-CO): The amendment would funds from being used to incarcerate former Edwards County, Texas Sheriff Deputy Guillermo Hernandez and to incarcerate former Border Patrol agents Ignacio Ramos and Jose Compean.

Rep. Rogers (R-MI): The amendment would increase funding to the Office of China Compliance by \$6 million and offsets this increase with an equivalent cut in the Bureau of the Census Salaries and Expenses account.

Rep. Rogers (R-MI): The amendment would direct \$16 million from the FBI salaries and expenses account to fund a housing allowance pilot program for FBI Special Agents.

Rep. Rogers (R-MI): The amendment would allow funds in the FBI salaries and expenses account to be used for "pension retention" for FBI Special Agents affected by the Bureau's Field Office Supervisory Term Limit Policy.

Rep. Cardoza (D-CA): The amendment would reduce funding for the Bureau of the Census Periodic Censuses and Programs account by \$3 million and increase the funding for the National Oceanic and Atmospheric Administration account by \$3 million.

Rep. Sessions (R-TX): The amendment would strike the provision that prohibits the Federal government to outsource any jobs covered under this appropriations bill (Section 524).

Rep. Sessions (R-TX): The amendment would strike the provision that prohibits the Federal government to plan for, begin, continue, finish, process, or approve a public-private competition for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated (Section 213)

Rep. Price (R-GA): The amendment would reduce funding in the bill by 1%.

Rep. Poe (-TX): The amendment prohibits funds from being used by the Bureau of Prisons to incarcerate former Edwards County, Texas Sheriff Deputy Guillermo Hernandez.

Reps. Poe (R-TX)/Hunter (R-CA): The amendment prohibits funds from being used by the Bureau of Prisons to incarcerate former Border Patrol agents Ignacio Ramos and Jose Compean.

Rep. Poe (R-TX): The amendment would decrease funding for the Department of Commerce Salaries and Expenses account by \$10 million and increase funding for the Department of Justice Salaries and Expenses by \$10 million.

Rep. Weldon (R-FL): The amendment would prohibit funds from being used to provide assistance under the Office of Justice Programs Community Oriented Policing Services Program to any State or political subdivision that is acting in contravention of section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. Section 642(a) states that a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

Rep. Weldon (R-FL): The amendment would prohibit funds from being used to provide assistance under the State Criminal Alien Assistance Program to any State or political subdivision that is acting in contravention of section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

Rep. Cardoza (D-CA): The amendment would reduce funding for the Bureau of Census Periodic Censuses and Programs by \$10 million, reduce funding for the Department of Justice General Administration Administrative Review and Appeals by \$2.4 million, reduce funding for the Justice General Administration Salaries and Expenses by \$3.7 million, and increase funding to the Office of Violence Against Women Violence Against Women Prevention and Prosecution Programs by \$16 million.

Rep. Bordallo (D-GU): The amendment would decrease funding for the National Oceanic and Atmospheric Administration by \$500,000, and then increase it by the same amount.

Rep. Hensarling (R-TX): The amendment would strike funding for the Advanced Technology Program of the National Institute of Standards and Technology (\$93 million).

Rep. Hensarling (R-TX): The amendment would strike funding for the Legal Services Corporation (\$377 million).

Rep. Hensarling (R-TX): The amendment would strike funding for the Public Telecommunications Facilities.

Amendments Pre-Printed on Tuesday, July 24, 2007

Rep. Blackburn (R-TN): The amendment would ensure that funds made available under this Act are not used to initiate or participate in certain Equal Employment Opportunity Commission civil actions against an entity on the grounds that the entity requires an employee to speak English while engaged in work.

Rep. English (R-PA): The amendment would reduce funding in the NOAA Operations, Research, and Facilities account by \$2 million, and increase funds in the International Trade Commission (ITC) Salaries and Expenses account by \$1 million.

Rep. Gingrey (R-GA): The amendment would prohibit funds in the act from being used by the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to pay the compensation of ATF employees to test and examine firearms without written and published testing standards.

Rep. Jordan (R-OH): The amendment would reduce spending across-the-board by 6.0% to reflect FY 2007 levels.

Rep. Pence (R-IN): The amendment would prohibit funds in the act from being used to enforce “the amendments made by subtitle A of title II” of the Bipartisan Campaign Reform Act of 2002.

Rep. Price (R-GA): The amendment would increase funding for the Math and Science Partnership program by \$2 million and decrease Departmental Management at the Department of Commerce by the same amount.

Rep. Rogers (R-MI): The amendment would transfer \$16 million from the National Oceanic and Atmospheric Administration to the Federal Bureau of Investigation salaries and expenses account.

Rep. Capuano (D-MA): The amendment would increase funding for grants for young witness assistance, as authorized by the Violence Against Women and Department of Justice Reauthorization Act of 2005, and reduce funds for the Department of Justice, General Administration, Salaries and Expenses by \$3 million.

Rep. Sutton (D-OH): The amendment would prohibit funds in the act from being used by USTR for any lobby activities, or any lobbying activities that are coordinated with private interests, for the purpose of influencing Members of Congress or the public to support or oppose a legislative proposal or free trade agreement that is pending before Congress.

Rep. Sutton (D-OH): The amendment would prohibit funds in the act from being used to implement any free trade agreement that enters into force after the enactment of this Act unless the USTR has certified that jobs in the United States will not be lost because of the agreement.

Rep. Sutton (D-OH): The amendment would require that at least \$10 million in the USTR Salaries and Expenses account shall be used only to reduce the barriers to exports of United States goods and services identified in the 2007 National Trade Estimates report, giving priority to those barriers that result in the greatest opportunities for United States goods and services. The amendment also requires that none of the \$10 million mentioned above may be used to negotiate any free trade agreement, with any country, that has not been signed by the parties before the date of enactment of this act.

Rep. Sutton (D-OH): The amendment would require that at least \$1 million in the USTR Salaries and Expenses account shall be used only for monitoring, enforcement, and oversight of trade laws and rules relating to the People's Republic of China.

Rep. Lofgren (D-CA): More information on this amendment will be provided when it is available.

Additional views

“The Administration strongly opposes H.R. 3093 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions...

“H.R. 3093 exceeds the President's request for programs funded in this bill by \$2.3 billion, part of the \$22 billion increase above the President's request for FY 2008 appropriations. The Administration has asked that Congress demonstrate a path to live within the President's topline and cover the excess spending in this bill through reductions elsewhere, while ensuring the Department of Defense has the resources necessary to accomplish its mission. Because Congress has failed to demonstrate such a path, if H.R. 3093 were presented to the President, he would veto the bill.” Statement of Administration Policy issued on July 24, 2007.

Staff Contact

For questions or further information contact Chris Vieson at (202) 226-2302.