

# CRS Report for Congress

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## **Appropriations for FY2001: Commerce, Justice, and State, the Judiciary, and Related Agencies**

**Updated January 26, 2001**

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Appropriations are one part of a complex federal budget process that includes budget resolutions, appropriations (regular, supplemental, and continuing) bills, rescissions, and budget reconciliation bills. The process begins with the President's budget request and is bounded by the rules of the House and Senate, the Congressional Budget and Impoundment Control Act of 1974 (as amended), the Budget Enforcement Act of 1990, and current program authorizations.

This report is a guide to one of the 13 regular appropriations bills that Congress passes each year. It is designed to supplement the information provided by the House and Senate Appropriations Subcommittees on the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies. It summarizes the current legislative status of the bill, its scope, major issues, funding levels, and related legislative activity. The report lists the key CRS staff relevant to the issues covered and related CRS products.

This report is updated as soon as possible after major legislative developments, especially following legislative action in the committees and on the floor of the House and Senate.

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# Appropriations for FY2001: Commerce, Justice, and State, the Judiciary, and Related Agencies

## Summary

This report tracks action by the 106th Congress on FY2001 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies (often referred to as CJS appropriations). P.L. 106-113 appropriated \$39.6 billion for these agencies for FY2000. President Clinton's FY2001 budget requested \$39.6 billion for these agencies. On June 14, 2000, the House Appropriations Committee approved its version of the CJS appropriations bill (H.R. 4690) It recommended funding totaling \$37.4 billion—\$2.2 billion below the President's request and \$2.2 billion below the FY2000 appropriation. The House-passed bill on June 26, approved the same overall funding total recommended by the Committee. On July 18, 2000, the Senate Appropriations Committee approved total funding of \$36.7 billion—about \$700 million below the House version and \$2.9 billion below both the President's request and the actual FY2000 appropriation. On October 27, 2000, Congress approved total funding of \$40.0 billion—about \$400 million above both President's request and the total enacted for FY2000 (H.R. 5548). The measure was signed into law by the President on December 21, 2000 (P.L. Law 106-553).

The major CJS appropriations issues and concerns that received attention in both the Senate and the House include the following. *Department of Justice:* building more prisons; extending the 1994 Crime Act funding authorization beyond September 30, 2000; increasing funding for drug-related efforts among the Department of Justice (DOJ) agencies; increasing funding for community law enforcement; combating cybercrime; changing the focus and levels of appropriations for DOJ's Office of Juvenile Justice and Delinquency Prevention; providing funding for programs that would reduce gun and youth violence; funding of DOJ's legal action against the tobacco industry; reducing pending caseloads in immigration-related claims, particularly green card and naturalization applications; meeting the statutory mandate that the Border Patrol be increased by 1,000 agents in FY2001, and accounting for the shortfall in hiring in FY1999; determining the level of detention capacity necessary to comply with the statutory mandate that certain criminal aliens be detained until deported; and restructuring INS internally as proposed by the Administration or dismantling or restructuring the agency by legislation. *Department of Commerce:* the progress made in streamlining and downsizing Department programs; implementation of the decennial census including followup operations; federal financial support of industrial technology development programs; monitoring foreign compliance with trade agreements and U.S. trade laws; and implementing new White House environmental initiatives at the National Oceanic and Atmospheric Administration. *Department of State:* improving embassy security through a doubling of funding as well as a request for an advance appropriation to cover the period FY2002 to FY2005. *The Judiciary:* whether the salaries of judges and justices should receive a cost-of-living increase and whether a statutory ban on judges receiving honoraria should be lifted. *Other Related Agencies:* adequacy of funding levels for the Legal Services Corporation, Small Business Administration, and the Equal Employment Opportunity Commission.

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Division abbreviations: A = American Law; G&F = Government and Finance; RSI = Resources; Science, and Industry Division, DSP = Domestic Social Policy Division; FTD = Foreign Affairs, Defense, and Trade.

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# Appropriations for FY2001: Commerce, Justice, and State, the Judiciary, and Related Agencies

## Most Recent Developments

*On February 7, 2000, President Clinton submitted the FY2001 budget request for appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies. The House Appropriations Committee approved its version of the bill on June 14, 2000 (H.R. 4690, H.Rept. 106-680). The bill was passed by the House on June 26, 2000. The Senate Appropriations Committee reported its version of the bill on July 18, 2000 (S.Rept 106-404).*

*On October 27, 2000, Congress approved total funding of \$40.0 billion, which was about \$400 million above both the President's request and the total enacted for FY2000. The President signed the measure into law on December 21, 2000 (H.R. 5548 as contained in the conference report on H.R. 4942; P.L. 106-553).*

## Introduction and Overview

This report tracks legislative action by the second session of the 106th Congress on FY2001 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies (often referred to as CJS appropriations). P.L. 106-113 (H.R. 3421, Division B of H.R. 3194, Section 1000 (a)) appropriated \$39.6 billion for these agencies for FY2000. The President Clinton's FY2001 budget requested about \$39.6 billion for these agencies, about the same level as that appropriated for FY2000.<sup>1</sup> On June 19, 2000, the House Appropriations Committee approved its version of the CJS appropriations bill (H.R. 4690, H.Rept.106-680). It recommended funding totaling \$37.4 billion—\$2.2 billion below the President's request and about \$2.2 billion below the FY2000 appropriation. The House approved the bill on June 26 by a vote of 214-195, with 1 voting present.<sup>2</sup> It approved the same overall funding total recommended by the Appropriations Committee. The House, however, did make a few recommended funding changes (that differed from the

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<sup>1</sup>For more details on FY2000 appropriations see: *Appropriations for FY2000: Commerce, Justice, and State, Judiciary, and Related Agencies*. CRS Report RL30209, by Edward Knight, et. al.

<sup>2</sup>The floor debate in the House is contained in the *Congressional Record*, vol 146, June 23, 2000, pp. H5039-72; and June 26, 2000, pp. H5103-62.

Committee's recommendations) for certain individual agencies covered by the bill. These are reflected in this report.

On July 18, 2000, the Senate Appropriations Committee approved its version of the bill. It approved total funding of \$36.7 billion which is about \$700 million below the House version and about \$2.9 billion below both the President's request and the actual FY2000 appropriation (S.Rept. 106-404). ( The Senate, however, did not vote on its version of the bill. Instead, it approved the version approved by the Conference Committee which was agreed to on October 26, 2000.)

On October 27, 2000, Congress approved total funding of \$40.0 billion, which was about \$400 million above both President's request and the total enacted for FY2000. The finally enacted legislation (H.R. 4690) was included in the Conference Report approved by Congress in H.R. 5548 as contained in the conference report on H.R. 4942 (H.Rept. 106-1005: *Making Appropriations for the Government of the District of Columbia and Other Activities Changeable in Whole or in Part Against Revenues of Said District for the Fiscal Year Ending September 30, 2001, and for Other Purposes*).<sup>3</sup> Subsequently, the District of Columbia appropriations portion of the measure was separated from the bill and approved by Congress (H.R. 5663) on November 15. The President signed this measure into law on November 22, 2000.

On December 21, President Clinton signed the remaining portion of H.R. 4942 contained in H.R. 5548, the FY2001 CJS appropriations bill, into law on December 21, 2000 (P.L. 106-553).<sup>4</sup>

***Continuing funding resolutions.*** With the expiration of Fiscal Year 2000 appropriations on September 30, 2000, Congress enacted a continuing funding resolution (H.J.Res. 109) which extended FY2000 appropriations through midnight October 6, 2000. This was followed by a second resolution (H.J.Res. 110) which extended FY2000 funding through October 14, 2000. A third resolution was approved by Congress (H.J.Res. 111), which extended funding through October 20, 2000. A fourth resolution ( H.J.Res. 114) was approved to extend funding through Wednesday, Oct. 25, 2000. After October 25, Congress enacted eight one day continuing resolutions (H.J.Res. 116, H.J.Res. 117, H.J.Res. 118, H.J.Res. 119, 120, H.J.Res. 121, H.J.Res. 122, and H.J.Res. 123). On November 3, Congress approved H.J.Res. 84 which extended FY2000 funding through November 14, the date that both Houses of Congress were scheduled to return from the election recess. This was followed by approval on November 14 of a longer term extension of funding (H.J.Res. 125) through December 5, 2000. After returning on December 4,

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<sup>3</sup>The measure passed the House by 206 yeas to 198 nays and the Senate by 49 yeas to 42 nays. The floor debate in the House and Senate is contained in the *Congressional Record*, vol. 146, October 27, 2000, pp. H11265-97; S11230-41.

<sup>4</sup>On December 15, 2000, Congress approved additional funding of about \$103 million for CJS appropriations in the miscellaneous funding section of H.R. 4577 (H.Rept. 106-1033). This bill was signed into law by the President on December 21, 2000 (P.L. 106-554). Agency totals affected by this additional funding have been changed in this report to reflect this action.

Congress approved a number of short term extensions to provide funding until the President signed the CJS bill into law on December 21, 2000.

**Government-wide rescissions.** It is important to note that the FY2001 Consolidated Appropriations Act (H.R. 4577; P.L. 106-554) contains a provision which mandates a 0.22 percent government-wide rescission of discretionary budget authority for FY2001 for all government agencies (except for certain defense activities), including those covered by the FY2001 CJS appropriations bill. The cuts are to be applied on a pro rata basis to each applicable program, project, and activity. The Director of the Office of Management and Budget must include a report on these reduction in the President's budget submission for FY2002.<sup>5</sup>

## Government Performance Results Act (GPRA) Requirements

As part of the budget process, the Government Performance and Results Act (GPRA) enacted by Congress in 1993 (P.L.103-62; 107 Stat 285) requires that agencies develop strategic plans that contain goals, objectives, and performance measures for all major programs. The GPRA requirements apply to nearly all executive branch agencies, including independent regulatory commissions, but not the judicial branch. Brief descriptions of the latest versions of the strategic plans of the *major* agencies covered by CJS appropriations are contained in the discussions of the FY2001 budget requests of individual agencies included in this report.

## Brief Survey of Major Issues

The more contentious issues that were considered in the House and Senate debate over CJS appropriations for FY2001 included:

- ! Changing the focus and levels of appropriations for DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP). ( Neither the 104<sup>th</sup> nor the 105<sup>th</sup> Congress reauthorized the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.)
- ! Funding of DOJ's legal action against the tobacco industry.
- ! White House threatened veto of CJS appropriations act, unless the bill included immigration provisions related to 1) NACARA parity, 2) advancing the registry date, 3) late amnesty, and 4) reinstating sec. 245(i).<sup>6</sup>
- ! Whether to lift a statutory ban on judges receiving honoraria.

Other issues or concerns that received attention included the following.

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<sup>5</sup>For additional information, see: *The 0.22 Percent Across-the-Board Cut in FY2001 Appropriations*. CRS Report RS20758, by Robert Keith.

<sup>6</sup>Congress ultimately included provisions in the FY2001 CJS and Labor-HHS appropriations acts that amended the Immigration and Nationality Act that were not nearly as expansive as originally sought by the White House. For more detail, see the INS section of this report (pp. 20-25).

Department of Justice:

- ! Extending the 1994 Crime Act funding authorizations beyond FY2000 under the Violent Crime Reduction Trust Fund (VCRTF).
- ! Increasing funding for drug-related efforts, especially the Office of Justice Programs' Zero Tolerance Drug Supervision Program, the Offender Reentry Program and the Residential Substance Abuse Treatment program.
- ! Increasing funding for community policing initiatives and community crime prevention programs.
- ! Combating gun violence by hiring more federal, state, and local prosecutors to increase gun prosecutions, and reduce youth violence.
- ! Combating cybercrime.
- ! Reducing pending case loads in immigration-related claims, particularly naturalization cases.
- ! Determining the level of INS detention capacity necessary to comply with the statutory mandate that certain criminal aliens be detained until deported;
- ! Meeting the statutory mandate that the Border Patrol be increased by 1,000 agents in FY2000 and FY2001.
- ! Restructuring INS internally as proposed by the Administration or dismantling the agency by legislation.

Department of Commerce:

- ! Progress made in the streamlining and downsizing of Department programs and operations.
- ! Funding needs of the Bureau of the Census in processing and releasing the 2000 decennial census results.
- ! Extent to which federal funds should be used to support industrial technology development programs at the National Institute of Standards and Technology (NIST), particularly the Advanced Technology Program.
- ! Appropriateness of the Administration's proposal to increase funding for public broadcast facilities, planning, and construction at the National Telecommunications and Information Administration (NTIA).
- ! The completion of National Weather Service Modernization and the extent to which the National Oceanographic and Atmospheric Administration (NOAA) would implement a number of Presidential initiatives to protect the environment and foster research and development in the 21<sup>st</sup> century.

- ! The extent to which the National Oceanographic and Atmospheric Administration (NOAA) would implement a number of new ongoing Presidential initiatives to protect the environment and foster research and development in the 21<sup>st</sup> century.
- ! The extent to which foreign countries comply with trade agreements and U.S. trade laws.

Department of State:

- ! Increased funding for embassy security overseas.

The Judiciary:

- ! The adequacy of compensation paid to court-appointed defense attorneys in federal criminal cases.
- ! The growing costs of the Judiciary's Defender Services account.
- ! The funding and staff requirements for the district courts due to increases in criminal filings;
- ! The Judiciary's contention that federal judges and justices should receive a cost-of-living salary increase.

Other Agencies:

- ! Adequacy of funding for the Legal Services Corporation.
- ! Adequacy of funding for the Equal Employment Opportunity Commission, given a rapidly growing workload of civil rights cases.
- ! Adequacy of funding for programs of the Small Business Administration (SBA).
- ! The merits of attaching a rider to the CJS appropriations bill scaling back the Federal Communications Commission's (FCC) low power FM radio regulations.
- ! Whether to bar the FCC from approving foreign government takeovers of U.S. telecommunications companies.

This report provides background descriptions of the principal functions of the federal agencies covered by CJS appropriations and identifies and more extensively reviews the major legislative and policy issues that emerged during the debate on these appropriations.

## Status

On February 7, 2000, President Clinton submitted the FY2001 budget request for appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies. The House approved the bill on June 26. It approved the same overall funding total recommended by the Appropriations Committee. The House, however, did make a few funding changes (that differ from the Committee's recommendations) for certain individual agencies covered by the bill. These are reflected in this report. The Senate Appropriations Committee passed its version of the bill on July 18, 2000 (S.Rept. 106-404). ( The Senate, however, did not vote on its version of the bill. Instead, it approved the version approved by the Conference Committee which was agreed to on October 26, 2000.)

On October 27, 2000, Congress approved total funding of \$39.9 billion which was about \$300 million above both President's request and the total enacted for FY2000. H.R. 4690 was included in Conference Report approved by Congress in H.R. 4942 (H.Rept. 106-1005: *Making Appropriations for the Government of the District of Columbia and Other Activities Changeable in Whole or in Part Against Revenues of Said District for the Fiscal Year Ending September 30, 2001, and for Other Purposes*). Subsequently, the District of Columbia appropriations portion of the measure was separated from the bill and approved by Congress (H.R. 5663) on November 15. The President signed this measure into law on November 22.

On December 21, President Clinton signed the remaining portion of HR. 4942 contained in H.R. 5548, the FY2001 CJS appropriations bill, into law on December 21, 2000 (P.L. 106-553).<sup>7</sup>

With the expiration of Fiscal Year 2000 appropriations on September 30,2000, Congress enacted a continuing funding resolution (H.J.Res. 109) which extended FY2000 appropriations through midnight October 6, 2000. This was followed by a second resolution (H.J.Res. 110) which extended FY2000 funding through October 14, 2000. A third resolution was approved by Congress (H.J.Res. 111), extending funding through October 20, 2000. A fourth resolution ( H.J. Res. 114) was approved to extend funding through Wednesday, Oct. 25, 2000. After October 25, Congress enacted eight one day continuing resolutions (H. J. Res. 116, 117, 118, 119,120, 121,122, and123). On November 3, Congress approved H.J. Res. 84 which extended FY2000 funding through November 14, the date that both Houses of Congress were scheduled to return from the election recess. This was followed by approval on November 14 of a longer term extension of funding(H.J. Res. 125) through December 5, 2000. After returning on December 4, Congress approved a number of short term extensions to provide funding until the CJS bill was signed into law by the President on December 21, 2000.

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<sup>7</sup>On December 15, 2000, Congress approved additional funding of about \$103 million for CJS appropriations in the miscellaneous funding section of H.R. 4577 (H.Rept. 106-1033). This bill was signed into law by the President on December 21, 2000 (P.L. 106-554). Agency totals affected by this additional funding have been changed in this report to reflect this action.

The table below shows the key legislative steps necessary for the enactment of FY2001 CJS appropriations legislation.

It is also important to note that the Consolidated Appropriations Act for FY2001 (H.R. 4577; P.L.106-554) also includes a provision that mandates a 0.22% government-wide rescission of discretionary budget authority for FY2001 appropriations, including CJS appropriations. For more details see page 3 of this report.

**Table 1. Status of CJS Appropriations, FY2001**

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conference Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
6-6-00	-	H.R. 4690, H.Rept. 106-680 6-19-00	6-26-00	H.R. 4690, S.Rept. 106-404 7-18-00	-*	H.R. 5548 H.Rept. 106-1005**	10-26-00	10-27-00	P.L. 106-553 12-21-00

\* The Senate did not vote on its version of the bill. Instead, it approved the version approved by the Conference Committee which was agreed to on October 26, 2000.

\*\*H.R. 4690 was included in Conference Report approved by Congress on October 27, 2000 (H.R. 4942; H.Rept. 106-1005: *Making Appropriations for the Government of the District of Columbia and Other Activities Changeable in Whole or in Part Against Revenues of Said District for the Fiscal Year Ending September 30, 2001, and for Other Purposes*). The CJS appropriations bill contained in the Conference Report was given a new bill number: H.R. 5548.

## Background

The creation, legislative authority, and principal activities of the major agencies covered by the CJS appropriations legislation for each fiscal year are described below. Brief descriptions of most of the related agencies covered by the legislation are also included in this section.

### Department of Justice and Related Agencies

Title I of the CJS legislation typically covers the appropriations for the Department of Justice and related agencies. Established by an Act of 1870 (28 U.S.C. 501) with the Attorney General at its head, the Department of Justice (DOJ) provides counsel for citizens and protects them through its efforts for effective law enforcement. It conducts all suits in the Supreme Court in which the United States is concerned and represents the government in legal matters generally, providing legal advice and opinions, upon request, to the President and the executive branch's department heads.

The Department contains several divisions: Antitrust, Civil, Civil Rights, Criminal, Environmental and Natural Resources, and Tax. Major agencies within the Department of Justice include:

- ! *Federal Bureau of Investigation (FBI)* investigates violations of federal criminal law, protects the United States from hostile intelligence efforts, provides assistance to other federal, state and local law enforcement agencies,

and has concurrent jurisdiction with Drug Enforcement Administration (DEA) over federal drug violations.

- ! *Drug Enforcement Administration (DEA)* is the lead drug law enforcement agency at the federal level, coordinating its efforts with state, local, and other federal officials in drug enforcement activities, developing and maintaining drug intelligence systems, regulating legitimate controlled substances activities, and undertaking coordination and intelligence-gathering activities with foreign government agencies.
- ! *Immigration and Naturalization Service (INS)* is responsible for administering laws relating to the admission, exclusion, deportation, and naturalization of aliens, including the oversight of the process involving the admission of aliens into the country and applications to become citizens, the prevention of illegal entry into the United States, and the investigation, apprehension, and removal of aliens who are in this country in violation of the law.
- ! *Federal Prison System* 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 of Justice Programs (OJP)* carries out policy coordination and general management responsibilities for the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Community Oriented Policing Services (COPS), and the Office of Victims of Crime, including administering programs, awarding grants, and evaluating activities.
- ! *United States Attorneys* prosecute criminal offenses against the United States, represent the government in civil actions in which the United States is concerned, and initiate proceedings for the collection of fines, penalties, and forfeitures owed to the United States.
- ! *United States Marshals Service* is primarily responsible for the protection of the federal judiciary, protection of witnesses, execution of warrants and court orders, management of seized assets, and custody and transportation of unsentenced prisoners.
- ! *Interagency Law Enforcement* consists of 13 regional task forces composed of federal agents working in cooperation with state and local investigators and prosecutors to target and destroy major narcotic trafficking and money laundering organizations.

The total appropriation for the Department of Justice in FY2000 was \$18.6 billion. (For more details on the funding of individual programs, see Table 1A in the Appendix.)

Appropriators also considered funding for criminal justice programs under the Violent Crime Reduction Trust Fund (VCRTF), which was established in the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). The VCRTF

provides authorization for criminal justice spending over a 6-year period, from FY1995 through FY2000. Trust Fund monies were to be derived in part from projected savings to be realized by eliminating over 250,000 federal jobs as required by the Federal Workforce Restructuring Act (P.L. 103-226). Spending was provided in the annual appropriations bills, extending indefinitely authorizations of appropriations not fully appropriated. Across-the-board sequestration of spending from the VCRTF is required, if outlays exceed the outlay limits set for the Trust Fund.

The fund authorized \$30.2 billion in spending from FY1995 through FY2000. The Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (P.L. 105-277) provided a total of \$5.5 billion for DOJ's anti-crime initiatives from the VCRTF. Legislation has been offered in the 106<sup>th</sup> Congress to extend the VCRTF beyond FY2000.

## Department of Commerce

Title II typically includes the appropriations for the Department of Commerce and related agencies. The Department was established on March 4, 1913 (37 Stat.7365; 15 U.S.C. 1501). The origins of the Department of Commerce date back to 1903 with the establishment of the Department of Commerce and Labor (32 Stat. 825). In 1913, a separate the Department of Commerce was designated (37 Stat. 7365; 15 U.S.C. 1501). Though the responsibilities of the Department are numerous and quite varied, it has five basic missions: promoting the development of American business and increasing foreign trade; improving the nation's technological competitiveness; fostering environmental stewardship and assessment; encouraging economic development; and compiling, analyzing, and disseminating statistical information on the U.S. economy.

These missions are carried out by the following agencies of the Department:

- ! *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.
- ! *Bureau of the Census* collects, compiles, and publishes a broad range of economic, demographic, and social data.
- ! *Economic and Statistical Analysis Programs* provide (1) timely 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.
- ! *International Trade Administration (ITA)* seeks to develop the export potential of U.S. firms and to improve the trade performance of U.S. industry.
- ! *Export Administration* enforces U.S. export control laws consistent with national security, foreign policy, and short-supply objectives.

- ! *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.
- ! *Patent and Trademark Office* examines and approves applications for patents for claimed inventions and registration of trademarks.
- ! *Technology Administration* advocates integrated policies that seek to maximize the impact of technology on economic growth, conducts technology development and deployment programs, and disseminates technological information.
- ! *National Institute of Standards and Technology (NIST)* assists industry in developing technology to improve product quality, modernize manufacturing processes, ensure product reliability, and facilitate rapid commercialization of products based on new scientific discoveries.
- ! *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.

The total appropriation for the Department of Commerce in FY2000 was \$8.6 billion. A very large share of the total reflected a special appropriation, designated an emergency appropriation (\$4.5 million), to fund final preparations for and implementation of the year 2000 decennial census. (For more details on the funding of individual programs, see Table 1A in the Appendix.)

## The Judiciary

Typically, Title III of a Commerce, Justice, State-Judiciary appropriations bill covers funding for the Judiciary. By statute (31 U.S.C. 1105 (b)) the judicial branch's budget is accorded protection from presidential alteration. Thus, when the President transmits a proposed federal budget to Congress, the President must forward the judicial branch's proposed budget to Congress unchanged. That process has been in operation since 1939. The total appropriation for the Judiciary in FY2000 was \$3.96 billion.

The Judiciary budget consists of more than 10 separate accounts. Two of these accounts fund the Supreme Court of the United States -- one covering the Court's salary and operational expenses and the other covering expenditures for the care of its building and grounds. Traditionally, in a practice dating back to the 1920s, one or more of the Court's Justices appear before either a House or Senate appropriations subcommittee to address the budget requirements of the Supreme Court for the upcoming fiscal year, focusing primarily on the Court's salary and operational expenses. Subsequent to their testimony, the Architect of the Capitol appears to

request a funding amount for the Court's building and grounds account.<sup>8</sup> Although it is at the apex of the federal judicial system, the Supreme Court represents only a very small share of the Judiciary's overall funding. The Consolidated Appropriations Act for FY2000 (PL. 106-113), for instance, provided a total of \$43.5 million for the Supreme Court's two accounts, which was 1.1% of the Judiciary's overall appropriation of \$ 3.96 billion.

The rest of the Judiciary's budget provides funding for the "lower" federal courts and for related judicial services. Among the lower court accounts, one dwarfs all others — the Salaries and Expenses account for the U.S. Courts of Appeals and District Courts. The account, however, covers not only the salaries of circuit and district judges (including judges of the territorial courts of the United States), but also those of retired justices and judges, judges of the U.S. Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the federal Judiciary not specifically provided for by other accounts.

Other accounts for the lower courts include Defender Services (for compensation and reimbursement of expenses of attorneys appointed to represent criminal defendants), Fees of Jurors, the U.S. Court of International Trade, the Administrative Office of the U.S. Courts, the Federal Judicial Center (charged with furthering the development of improved judicial administration), and the U.S. Sentencing Commission (an independent commission in the judicial branch, which establishes sentencing policies and practices for the courts).

The annual Judiciary budget request for the courts is presented to the House and Senate appropriations subcommittees after being reviewed and cleared by the Judicial Conference, the federal court system's governing body. These presentations, typically made by the chairman of the Conference's budget committee, are separate from subcommittee appearances a Justice makes on behalf of the Supreme Court's budget request.

The Judiciary budget does not appropriate funds for three "special courts" in the U.S. court system: the U.S. Court of Appeals for the Armed Forces (funded in the Department of Defense appropriations bill), the U.S. Tax Court (funded in the Treasury, Postal Service appropriations bill), and the U.S. Court of Appeals for Veterans Claims (funded in the Department of Veteran Affairs and Housing and Urban Development appropriations bill). Construction of federal courthouses is not funded within the Judiciary's budget. The usual legislative vehicle for funding federal courthouse construction is the Treasury, Postal Service appropriations bill. (For more details on individual appropriations for Judiciary functions, see Table 1A in the Appendix.)

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<sup>8</sup>By authority of the Act of May 7, 1934 (PL. 73-211), the Architect of the Capitol is responsible for the structural and mechanical care of the Supreme Court building, including care of its grounds. The Architect, however is not charged with responsibility for custodial care, which is under the jurisdiction of the Marshal of the Supreme Court.

## Department of State and Related Agencies

The State Department, established July 27, 1789 (1 Stat.28; 22 U.S.C. 2651), has a mission to advance and protect the worldwide interests of the United States and its citizens. Currently, the State Department represents the activities of 38 U.S. agencies operating at over 250 posts in 163 countries. As covered in Title IV, the State Department funding categories include Administration of Foreign Affairs, International Operations, International Commissions, and Related Appropriations. The total FY2000 State Department appropriation was \$5.9 billion. Typically, more than half of State's budget (about 70% in FY1999) is for Administration of Foreign Affairs, which consists of salaries and expenses, diplomatic security, diplomatic and consular programs, and security/maintenance of overseas buildings.

The Foreign Relations Authorization within P.L. 105-277 provides for the consolidation of the foreign policy agencies. As of the end of FY1999, the Arms Control and Disarmament Agency (ACDA) and the United States Information Agency (USIA) were abolished and their budgets and functions were merged into the Department of State.

International broadcasting, which had been a primary function of the USIA prior to 1999, will remain as an independent agency referred to as the Broadcasting Board of Governors (BBG). The BBG includes the Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), Cuba Broadcasting, Radio Free Asia (RFA), Radio Free Iraq and Radio Free Iran. The BBG's FY2000 appropriation is \$421.8 million with just under 2,700 positions.

## Other Related Agencies

Title V covers several related agencies. FY2000 appropriations for these agencies were as follows:<sup>9</sup>

- ! *Maritime Administration* administers programs to aid in the development, promotion, and operation of the nation's merchant marine: \$178.1 million.
- ! *Small Business Administration* provides financial assistance to small business and to victims of physical disasters: \$ 847.0 million.
- ! *Legal Services Corporation* provides financial assistance to local, state, and national non-profit organizations that provide free legal assistance to persons living in poverty: \$305 million.
- ! *Equal Employment Opportunity Commission (EEOC)* enforces laws relating to race, sex, religion, national origin, age, or handicapped status: \$282 million.

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<sup>9</sup>Figures are for direct appropriations only; in some cases, agencies supplement these amounts with offsetting fee collections, including collections carried over from previous years.

- ! *Commission on Civil Rights* collects and studies information on discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, and national origin: \$8.9 million.
- ! *Federal Communications Commission (FCC)* regulates interstate and foreign communications by radio, television, wire, satellite, and cable: \$24.2 million.<sup>10</sup>
- ! *Federal Maritime Commission (FMC)* regulates the domestic offshore and international waterborne commerce of the United States: \$14.1 million.
- ! *Federal Trade Commission (FTC)* administers laws to prevent the free enterprise system from being fettered by monopolies or restraints on trade and to protect consumers from unfair and deceptive trade practices: No appropriation.<sup>11</sup>
- ! *Securities and Exchange Commission (SEC)* administers laws providing protection for investors and ensuring that securities markets are fair and honest: No appropriation.<sup>12</sup>
- ! *State Justice Institute* is a private, non-profit corporation that makes grants and undertakes other activities designed to improve the administration of justice in the United States: \$6.85 million.
- ! *Office of the United States Trade Representative (USTR)* is located in the Executive Office of the President and is responsible for developing and coordinating U.S. international trade and direct investment policies. The USTR is also the chief trade negotiator for the United States: \$25.6 million.
- ! *U.S. International Trade Commission* is an independent, quasi-judicial agency that advises the President and the Congress on the impact of U.S. foreign economic policies on U.S. industries and is charged with implementing various U.S. trade remedy laws. Its six commissioners are appointed by the President for 9-year terms: \$44.5 million.

The CJS appropriations also cover funding for several relatively small governmental functions, including several special government commissions. (For additional information on the funding of other related agencies covered by this measure, see: *Budget of the United States Government, Fiscal Year 2001–Appendix* (106<sup>th</sup> Cong., 2<sup>nd</sup> sess.))

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<sup>10</sup>Offsetting fee collections were \$185.8 million, bringing total FY2000 funding to \$210 million.

<sup>11</sup>The FTC is fully funded by the collection of premerger filing fees.

<sup>12</sup>The SEC is fully funded by transaction fees and securities registration fees.

## Major Legislative and Policy Issues

The second session of the 106th Congress addressed a number of issues during the CJS appropriations process for FY2001. Major issues or concerns included: building more prisons; extending the 1994 Crime Act funding authorization beyond September 30, 2000; increasing funding for drug-related efforts among the Department of Justice (DOJ) agencies; increasing funding for community law enforcement; combating cybercrime; funding of DOJ's legal action against the tobacco industry; changing the focus and levels of appropriations for DOJ's Office of Juvenile Justice and Delinquency Prevention; providing funding for programs that would reduce gun and youth violence; reducing pending caseloads in immigration-related claims, particularly green card and naturalization applications; meeting the statutory mandate that the Border Patrol be increased by 1,000 agents in FY2001, and accounting for the shortfall in hiring in FY1999; determining the level of detention capacity necessary to comply with the statutory mandate that certain criminal aliens be detained until deported; and restructuring INS internally as proposed by the Administration or dismantling or restructuring the agency by legislation; the downsizing of Commerce Department programs, processing and releasing the 2000 decennial census results, the use of federal funds to support industrial technology, implementing the modernization of the National Weather Service, and the monitoring of foreign compliance with trade agreements and U.S. trade laws; improving embassy security through a doubling of funding as well as a request for an advance appropriation to cover the period FY2002 to FY2005; whether to lift a statutory ban on judges receiving honoraria; whether to increase funding to compensate court-appointed defense attorneys in federal criminal cases; how to contain the growing costs of the Judiciary's Defender Services account; and the merits of providing a cost-of-living pay increase for federal judges.

### Department of Justice

Traditionally, state and local governments have primary responsibility for crime control. Especially within the last decade, a greater federal role has developed. Congress has enacted five major omnibus crime control bills since 1984, establishing new penalties for crimes and providing increased federal assistance for law enforcement efforts by state and local governments. Federal justice-related expenditure is one of the few areas of discretionary spending that has increased its share of total federal spending over the last two decades.

***FY2001 Budget Request.*** For FY2001, Congress approved (House Conference Report 106-1005) \$21.1 billion in funding for DOJ. President Clinton's budget request for DOJ was \$21.7 billion for FY2001 compared with the Senate Appropriations Committee's recommendation of \$18.7 billion, and the House's \$20.2 billion. DOJ received funding of \$18.65 billion in FY2000. DOJ's request for FY2001 was intended to address major concerns such as fighting crime and gun and youth violence, building prisons, checking drug abuse, improving the department's information resources and improving the border management of INS.

On July 18, the Senate Appropriations Committee recommended \$18.7 billion in funding for FY2001 for the Department of Justice. The Senate Committee rejected by a tie vote, 14-14, Senator Ernest Hollings's amendment to spend \$20.5 million to

finance a federal lawsuit against tobacco companies to offset the federal government's expenses of treating veterans and Medicare and Medicaid patients for smoking-related illnesses.

The CJS bill, H.R. 4690, passed by the House on June 26, provided \$20.2 billion in funding for DOJ. On June 23, Representative Henry A. Waxman offered an amendment to H.R. 4690, the CJS Appropriations bill, which would allow the Veterans Administration to reimburse DOJ for its lawsuit against tobacco companies. The House passed the amendment by a vote of 215 ayes to 183 noes.

Congress provided \$201.4 million for the Telecommunications Carrier Compliance Fund for FY2001. Under the Telecommunications Carrier Compliance Fund of the *General Administration* account, the Senate Appropriations Committee did not recommend additional funds for FY2001 for the Communications Assistance for Law Enforcement Act (CALEA). In January 2000, the Senate Committee denied a reprogramming request of DOJ for an additional \$100 million in FY2000 for this account based on the source of funds the Department chose to use as an offset for these funds. Congress recently passed a FY2000 supplemental appropriation, which upon enactment, will provide \$183 million for CALEA. This amount exceeded DOJ's request for the program in FY2000 and FY2001. With enactment of the supplemental appropriation for FY 2000, a total of \$301 million was appropriated for CALEA. For FY2001, the House approved the Appropriations Committee's recommendation of \$278 million for the Telecommunications Carrier Compliance Fund to reimburse equipment manufacturers and telecommunications carriers and providers of telecommunications support service for implementing the Communications Assistance for Law enforcement Act of 1994. Of this amount, \$141.3 million was for national security purposes. The Senate Committee recommended \$205 million for the Narrowband Communications account for FY2001 compared to \$95.4 million that the House provided for this account.

The Clinton administration requested a total of \$240 million for the Telecommunications Carrier Compliance Fund, of which \$225 million is new funding to reimburse the telecommunications industry for costs associated with modifying their networks (Communications Assistance for Law Enforcement Act). Total funding was divided between DOJ and the Department of Defense (DOD) as follows: \$120 million for DOJ and \$120 million for DOD. DOJ would implement all of the funds. For its program to convert to narrowband radio communications, DOJ requested \$205 million. In the FY2000 appropriations cycle, this program was controversial as the Administration requested \$86 million for narrowband conversion, but received \$10.6 million in direct funding and was directed to transfer \$92.5 million for the program from other departmental components.

To address terrorism, the Senate Committee recommended \$5 million for FY2001 for the counterterrorism fund compared to the \$10 million that the House provided and the \$10 million that the President requested. The Senate Committee reported that there will be carryover balances available in FY 2001 of more than \$36 million for this account. The Senate Committee expressed concern that DOJ was using funds in this account for any effort associated with countering terrorism instead of for extraordinary costs for providing support to counter, investigate or prosecute domestic or international terrorism. The President designated a National Coordinator

for Security, Infrastructure Protection, and Counterterrorism to provide leadership in preparing the nation for acts of terrorism by coordinating interagency terrorism policy issues and reviewing ongoing terrorism-related activities. But, according to the Senate Committee, confusion at all levels of government remains over jurisdiction. To better coordinate and centralize the policy-making structure in addressing domestic terrorism issues within the United States, the Senate Appropriations Committee recommended the creation of a Deputy Attorney General for Combating Domestic Terrorism.(DAG-CT) position within DOJ. The Senate Committee recommended an additional \$23 million for this office. Funding to combat terrorism is also recommended under the Office of Justice Programs, Justice Assistance account.

Congress approved \$4.67 billion for FY2001 for the *Office of Justice Programs* (OJP). The Senate Appropriations Committee for FY2001 for OJP recommended \$3.07 billion, while the House provided \$4.08 billion. The President requested \$3.74 billion for OJP compared with FY2000 funding of \$4.08 billion. To address gun and youth violence, the Administration requested \$215.9 million, of which new funding of \$150 million was to hire 1,000 local prosecutors in jurisdictions designated by DOJ as High Gun Violence areas.

For FY2001, Congress provided \$418 million for the Justice Assistance account, including funding of \$220.9 million for counterterrorism programs. For the Justice Assistance account for FY2001, the Senate Committee recommended \$426.4 million, of which \$25.5 million was for the Missing Children Program to combat crimes against children, including \$6 million for state and local law enforcement for continuation of specialized cyberunits and for units that investigate and prevent child sexual exploitation on the internet; \$13.5 million for the National Center for Missing and Exploited Children, with \$2 million of that amount for the operation of the CyberTipline (which collects leads from Internet Service Providers on incidences of child pornography and exploitation) and for Cyberspace training; and \$3 million for the Jimmy Ryce Law Enforcement Training Center to train state and local law enforcement officials in investigating missing and exploited children cases. Also, to address incidents of domestic terrorism, the Committee recommended \$257.5 million for the Office for State and Local Domestic Preparedness Support, of which \$35 million was for the National Domestic Preparedness Consortium, and \$120 million was for equipment block grants to states and the District of Columbia for the purchase of specialized equipment needed to respond to terrorist incidents involving chemical, biological, radiological, and explosive weapons of mass destruction.

Congress provided funding of \$1.03 billion for the *Community Oriented Policing Services* (COPS) including \$100 million for community prosecutors, \$130 million for crime identification technology, \$17.5 million for the National Institute of Justice to develop school safety technologies, \$30 million for state and local DNA laboratories to reduce states' DNA convicted offender sample backlog, among other purposes; \$535 million for public safety and community policing grants, \$180 million for school resource officers; \$35 million for tribal law enforcement including equipment and training; \$48.5 million to combat the manufacture and distribution of methamphetamine and to improve policing initiatives in drug "hot spots;" and \$30 million for an offender re-entry program.

The Senate Committee recommended for FY2001, \$812 million for COPS which was \$523 million less than the President requested; the House provided \$595 million for COPS. Of these funds, \$423 million was for the following police hiring initiatives: \$180 million for school resource officers; \$183 million in direct appropriations for the universal hiring program (UHP); \$20 million from unobligated carryover balances from FY2000 to be used for UHP; and \$40 million for Indian Country. The Safe Schools Initiative received \$20 million. For non-hiring initiatives, the Senate Committee recommended: \$100 million for the COPS technology program for development of technologies and automated systems to assist state and local law enforcement agencies in investigating, responding to, and preventing crime; \$130 million for the Crime Identification Technology Program of which \$20 million was for Safe Schools technology to fund National Institute of Justice's development of new more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information that allows communities quick access to information to identify potentially violent youth; \$33 million for states to upgrade criminal history records, and \$30 million for state and local units of government crime laboratories to develop or improve the capability to analyze DNA in a forensic laboratory and other forensic science capabilities; \$41.7 million for the COPS Methamphetamine/Drug 'Hot Spots' program to fight the manufacture, distribution, and use of methamphetamine, and for proper removal and disposal of hazardous materials at clandestine meth labs; and \$15 million for the COPS Safe Schools Initiative/School Prevention Initiatives to provide grants to policing agencies and schools to address violence in public schools and to allow the assignment of officers to work in collaboration with schools and community-based organizations concerning crime, gangs, and drug activities.

The House provided \$595 million for the COPS program, including \$130 million for crime identification technology, \$41.7 for manufacturing and trafficking in methamphetamine, and \$389.5 million for public safety and community policing grants.

The Administration sought to continue improving community law enforcement. It requested FY2001 funding of \$1.3 billion for the Community Oriented Policing Services (COPS) compared to FY2000 funding of \$595 million. For Public Safety and Community Policing grants, funding requested was \$225 million, which included \$67.9 million to fund additional officers and to stay on course to hire 150,000 officers by the end of 2005. Earmarks provided \$45 million for Indian country law enforcement, \$25 million for the bullet-proof vest program, \$20 million for school safety problem-solving partnerships, and \$20 million for National Police scholarships, among other programs.

Under the COPS account for FY2001, the Administration requested \$350 million for the Crime Identification Assistance Program, an increase of \$220 million over FY2000 funding to support crime-fighting technologies efforts. This included \$70 million for upgrading criminal history, criminal justice and identification record systems, promoting compatibility among systems at the federal, state, and local levels, and obtaining information for statistical and research programs. Another \$50 million was used to improve forensic laboratories, of which \$35 million was for grants to state, tribal and local laboratories for improving their DNA and general forensic

capabilities and \$15 million in grants to state and local laboratories to reduce their convicted offender DNA sample backlog.

For FY2001, Congress approved \$2.85 billion for state and local law enforcement assistance including \$523 million for local law enforcement grants, \$50 million for drug courts; \$250 million for juvenile accountability incentive block grants; \$63 million for state prison drug treatment; \$686.5 million for violent offender incarceration and truth in sentencing incentive grants, of which \$165 million is to be used for payments to states for incarceration of criminal aliens; \$569 million for Byrne grants (\$69 million is for discretionary grants). Congress provided \$288 million for violence against women grants, of which \$31.6 million is to be used for strengthening civil legal assistance programs for victims of domestic violence

The Senate Committee for FY2001 recommended \$400 million for local law enforcement grants, \$123 million less than the House; the Administration did not request funding for this program. The Senate Committee recommended \$40 million for drug courts and \$63 million for state prison drug treatment, the same funding that the House provided, while the President requested \$10 million more in funding for drug courts and \$2 million more for state prison drug treatment. For Violence Against Women grants, the Senate Committee recommended \$284.9 million compared to \$283.8 provided by the House and \$12 million less than the Administration requested. These funds were to be used to develop and implement effective arrest and prosecution policies for the prevention, identification, and response to violent crimes against women, to strengthen programs that address stalking, and to provide victim services such as specialized domestic violence court advocates who obtain protection orders, among other purposes. In FY2000, drug courts received funding of \$40 million, state prison drug treatment, received \$63 million, and VAWA received \$284 million.

For FY2001, the Senate Appropriations Committee recommended \$452 million for the Byrne grant programs (\$400 million for formula grants and \$52 million for discretionary grants) compared to the House which provided \$552 million, the same amount appropriated in FY2000 (\$500 million for formula grants and \$52 million for discretionary grants). The President requested \$459.5 million for Byrne grants (\$400 million for formula grants and \$59.5 million for discretionary grants).

Congress approved \$34 million for the Weed and Seed program for FY2001. The Senate Committee recommended \$40 million for the Weed and Seed program for FY2001 compared to \$33.5 million that the House provided; the President requested \$42 million for the program.

Congress provided \$1.36 billion for the *Drug Enforcement Agency* (DEA) in FY2001 for purchasing 1,358 passenger motor vehicles, of which 1,079 would be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year, for contracting for automated data processing and telecommunications equipment, for laboratory equipment, and for conducting drug education and training programs. The Senate Appropriations Committee recommended \$1.35 billion for DEA for FY2001, to provide for drug education and training programs and technical equipment. For the Methamphetamine Initiative, the Senate Committee recommended \$27.5 million for the agency to target and

investigate methamphetamine trafficking, production, and use and to clean-up hazardous waste associated with the manufacture of the drug. This compared with total FY2000 funding for DEA of \$1.28 billion. Funds were for purchasing 1,358 passenger motor vehicles of which 1,079 would be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year. Also, the Senate Committee recommended additional emergency spending for the Southwest Border Initiative for DOJ under Salaries and Expenses of \$22.5 million for one plane, a helicopter, a forensic laboratory, equipment, and upgrades to and maintenance of the El Paso Intelligence Center's Information System. On the other hand, the House provided \$1.37 billion for DEA. President Clinton requested \$1.37 billion for the agency. To support the enforcement of federal law and investigations, DEA requested \$864 million. DEA requested \$56 million for FY2001 for FIREBIRD, its primary office automation infrastructure. FIREBIRD supports DEA's global operations and these funds were to allow its continued high quality operation.

The President requested funding of \$215 million, for drug prevention programs, including \$171.39 million in new funding for programs designed to break the cycle of drug use and its consequences by providing support services for drug abusers to enable them to reenter the community. The Administration requested \$75 million for FY2001 for OJP'S Zero Tolerance Drug Supervision program to provide discretionary grants to states, local governments, Indian tribes, and courts to plan and enforce comprehensive drug testing and treatment programs and graduated sanctions for persons within the criminal justice system. Of this amount, \$60 million was for an Offender Reentry program that would combine surveillance, sanctions, and support services to provide more protection for communities that have high returns of inmates.

Congress approved \$4.3 billion for the *Federal Prison System* for FY2001, of which \$835.6 million is for buildings and facilities. For FY2001, the Senate Appropriations Committee recommended \$4.30 billion for the Federal Prison System, of which \$724 million would be for buildings and facilities compared to the House which provided \$4.27 billion for the Federal Prison System, including \$836 million for buildings and facilities. The President's FY2001 budget request for the Federal Prison System was \$5.71 billion compared to \$3.67 billion enacted in FY2000. These funds were for the Bureau of Prisons to reduce overcrowding and to accommodate future prison needs, including the long-term housing needs of Immigration and Naturalization Service detainees. This request included \$2 billion for FY2001 through FY2003 for construction of prisons (\$791 million in advance appropriations were requested for FY2002 and \$535 million in FY2003 for construction of 6 more prisons); \$80.18 million to activate prison facilities and address the 54% overcrowding in high security prisons and provide needed detention bed space; and, \$84.46 million to provide contract beds to accommodate the needs of short and long term non-U.S. citizen inmates, as well as the increase in other sentenced offender contract population.

Congress provided \$3.3 billion for the *Federal Bureau of Investigations* (FBI) for FY2001, of which \$438 million is for counterterrorism investigations, counterintelligence and other national security purposes, and \$50 million is for automated data processing and telecommunications equipment. FY2000 funding for the Federal Bureau of Investigations was \$3.04 billion. For FY2001, the Senate

Appropriations Committee recommended \$3.12 billion for the FBI, of which \$222 million was for Criminal Justice Services, including \$72 million for the National Instant Criminal Background Check System (NICS) and \$43 million to construct or acquire buildings. The Senate Committee recommended additional emergency spending funding of \$62.9 million for the United States Marshals Service under the Southwest Border Initiative, of which \$5.3 million was for salaries and expenses, \$5.6 million for construction, and \$52 million for the Justice Prisoner and Alien Transportation System Fund. The House Committee, on the other hand, would have provided \$3.23 billion for the FBI, of which \$68 million in direct appropriations was for NICS. President Clinton's FY2001 budget request for the Federal Bureau of Investigations (FBI) was \$3.28 billion. With the number and complexity of computer crime increasing, DOJ requested \$37 million to create a permanent network of experts to prevent and prosecute computer crime. By FY2001, the FBI expects cases involving computer forensic examination to more than double those in FY1999. DOJ requested \$19 million for its Technology Crimes Initiative of which \$11.4 million was for its Computer Analysis and Response Team to support 100 response team members who would be sent to help investigate computer related crimes and \$7 million was to further law enforcement counter-encryption capabilities. In OJP, the House Committee recommended that the National White Collar Crime Center receive \$8.75 million to expand training initiatives for state and local law enforcement and regulatory agencies to meet the rising incidences of computer crime by acting as a clearinghouse, providing information on federal computer crime training and offering a "directory" of resources available in forensic computer science.

The *Immigration and Naturalization Service* (INS) is the principal federal agency charged with administering the Immigration and Nationality Act (INA). From FY1993 to FY2000, Congress has increased the INS budget from \$1.5 to \$4.3 billion. During these years, INS staffing has increased from 18,000 to nearly 33,000 funded permanent positions. For FY2001, according to the CBO's revised scoring, the Administration has requested \$4.85 billion in total funding for INS (\$3.31 billion in direct funding and \$1.54 billion in fee receipts).<sup>13</sup> The FY2001 request also included four fee proposals: 1) a "voluntary premium service fee" for businesses, 2) a renewed penalty fee under a permanent section 245(i) adjustment of status program<sup>14</sup>, 3) an increase in the user fee for airport inspections, and 4) an end to the cruise ship user fee exemption.

The FY2001 CJS appropriations act (P.L. 106-553; H.R. 5548) provides INS with \$4.8 billion (\$3.26 billion in direct funding and \$1.55 billion in offsetting receipts). This amount is more than triple the INS budget in FY1993. It is also \$530

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<sup>13</sup>It was previously reported that the Administration's FY2001 request was \$5.0 billion; this amount was taken from CBO tables. All amounts reported in this overview of the FY2001 appropriations cycle and INS funding are based on amounts reported in Appropriations Committee documents.

<sup>14</sup>Section 245(i) of the Immigration and Nationality Act allows certain aliens, who are unauthorized to be in the United States, to adjust to immigrant status, provided they meet all other qualifications. In the FY1998 CJS appropriations act (P.L. 105-119), however, Congress limited the availability of relief under this provision to those aliens whose sponsors had petitioned on their behalf before January 14, 1998. (For background, see CRS Report 97-946, *Immigration: Adjustment to Permanent Residence Status under Section 245(i)*.)

million over last year's appropriation, and \$40 million less than the Administration's request. It also includes program increases of \$101 million for border control and management and \$121 million for interior enforcement and the removal of deportable aliens. While it would authorize a new expedited service fee for employers petitioning for skilled H-1B visa nonimmigrant workers, it does not establish or raise user fees for inspections.

Furthermore, the FY2001 CJS appropriations act includes a set of substantive immigration provisions known as the "Legal Immigration Family Equity Act" (LIFE act)<sup>15</sup>, which were amended by language included in the FY2001 Labor-HHS appropriations act (P.L. 106-554; H.R. 4577). These provisions provide for 1) the temporary reinstatement of section 245(i) through April 30, 2001, 2) the opportunity for members of certain class action suits to reapply for legalization under the 1986 Immigration Reform and Control Act, 3) the creation of a new nonimmigrant "V" visa program to allow spouses and minors of legal immigrants to enter the country temporarily with a work authorization until their immigrant visa becomes available, and 4) technical amendments to the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugee Immigration Fairness Act (HRIFA) that waive certain grounds of admissibility. These provisions, however, are not nearly as expansive as those originally sought by the White House.<sup>16</sup> Nonetheless, these provisions, along with other enacted legislation that expands the H-1B program, are likely to increase INS adjudications workloads significantly.

The House-passed bill, by contrast, included \$4.67 billion for INS (\$3.23 billion in direct funding and \$1.44 billion in offsetting receipts). This amount was \$392 million over last year's appropriation, and \$178 million less than the Administration's request. While the House-passed bill included a provision to authorize an H-1B premium service fee, it did not include provisions to reinstate section 245(i), nor did it include provisions to establish/raise user fees for inspections. The Senate-reported CJS appropriations act, on the other hand, included \$4.6 billion in FY2001 funding for the INS (\$3.03 billion in direct funding and \$1.53 billion in offsetting receipts). This amount was \$275 million over last year's appropriation, and \$295 less than the Administration's request. The Senate recommendation, however, also included \$414 million in emergency funding for the Southwest border initiative, of which \$322 million was earmarked for INS. The Senate-reported bill would have reinstated section 245(i), but it was silent on the proposed H-1B premium service fee and the proposals to establish/raise user fees for inspections. The bill also included provisions to repeal sections 110 and 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C; P.L. 104-208).

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<sup>15</sup>Conferees originally inserted the LIFE act in Title 11 of the FY2001 District of Columbia appropriations, into which the CJS appropriations act was temporarily folded.

<sup>16</sup>Previously, the President had threatened to veto the FY2001 CJS appropriations act unless it included provisions related to providing late amnesty, advancing the registry date from 1972 to 1986, reinstating Section 245(i), and allowing El Salvadorans, Guatemalans, Hondurans, and Haitians to adjust status to permanent residency, as Cubans and Nicaraguans are allowed to do currently (NACARA parity). (For further information on these provisions, see CRS Report RL30780, *Immigration Legalization and Status Adjustment Legislation*, by Ruth Ellen Wasem.)

Regarding section 110, this provision as originally enacted would have required the development of a system that would record the entry and exit of every alien arriving and departing from the United States. Many congressional delegations from northern border states strongly opposed the implementation of section 110 at the northern land border, since it would have represented a significant departure from the status quo. Canadians who enter the United States through land border ports were and are not required to present a passport, and are usually not required to obtain a visa. Similarly, U.S. citizens who enter Canada through land border ports are not required to present a passport or visa in most cases. Some feared that, if Section 110 were implemented at northern land border ports of entry, additional documents would be required.

The Immigration and Naturalization Service Data Management Improvement Act of 2000 (P.L. 106-215), enacted on June 15, 2000, amended and rewrote section 110 to require the development of a system that would use available data to record alien arrivals and departures, without establishing additional documentary requirements. The law was viewed by many as a compromise; nevertheless, the Senate-reported bill would repeal section 110, as amended. The conference report, however, does not include the provision to repeal section 110. (For further information, see CRS Report RS 20627, *Immigration: Integrated Entry and Exit Data System*, by William J. Krouse.)

In addition, the Senate-reported measure would have repealed section 641 of P.L. 104-208. This provision required INS to implement a foreign student data collection reporting program by January 1, 1998. Academic administrators have lobbied for this provision's repeal, principally because it requires them to collect fees from foreign students for INS. The conference report does not include a provision to repeal section 641, but this provision was significantly amended by the House- and Senate-passed H.R. 3767, a bill that makes the visa waiver pilot program permanent. This bill was recently presented to the President for signature.

Major INS budget-related issues for FY2000 and FY2001 have included: 1) reducing pending caseloads in immigration-related claims, particularly green card and naturalization applications; 2) meeting the statutory mandate that the Border Patrol be increased by 1,000 agents in FY2001, and accounting for the shortfall in hiring in FY1999; 3) determining the level of detention capacity necessary to comply with the statutory mandate that certain criminal aliens be detained until deported; and 4) restructuring INS internally as proposed by the Administration or dismantling or restructuring the agency by legislation.

Large pending caseloads continue to plague INS despite increased funding. From FY1992 to FY2000, funding for the adjudications and nationality program increased from \$137 to \$496 million. In FY1999, INS processed more than 1.2 million naturalization applications; however, as of the end of the first quarter of FY2000, the pending caseload for naturalization applications (Form N-400) was 1.3 million, and the pending caseload for green card applications (Form I-485) was more than 1 million. In addition, there was a pending caseload of more than 1.7 million for all other applications.

For FY2001, the Administration requested \$152 million to improve service, reduce pending caseloads, and prevent fraud. This funding would have been derived from several sources: 1) \$25 million from the voluntary H-1B visa premium service fee (to be deposited into the examinations fee account); 2) another \$55 million from the H-1B premium service fee; 3) \$37.5 million from section 245(i) fees; and 4) \$34.8 million in a direct appropriation. While the Senate-reported bill would have reinstated section 245(i), the House Appropriations Committee strongly rejected the Administration's proposal to reinstate provision. Conversely, the House accepted the H-1B premium service fee proposal, but the Senate-reported bill did not include such a provision. The House Committee also noted that over the past 3 years INS has been provided with \$463 million to reduce pending caseloads and improve the integrity of the naturalization process. Indeed, except for the detention and deportation program, the adjudications and nationality program's budget increased at a greater rate (262%) than any other INS program budget from FY1993 to FY2000. For FY2001, House report language earmarks an increase of \$87 million, including \$44 million in a direct appropriation, to continue the backlog reduction. Conference report language states that examination fee receipts will provide nearly \$95 million in program increases for adjudications.

Border control and security continue to be an ongoing issue for Congress. From FY1992 to FY2000, funding for the Border Patrol has increased from \$362 million to more than \$1 billion. For FY1999, Congress provided INS with \$97 million to hire 1,000 additional agents. The agency, however, was unable to hire a full contingent of new agents, citing a lack of qualified candidates due to a strong labor market and high washout rates at the Border Patrol Academy. At the end of FY1999, there were 8,274 Border Patrol agents who were on duty and deployed, as compared to 7,904 at the end of FY 1998. For FY2000, Congress provided \$50 million to hire an additional 1,000 agents. The Administration, meanwhile, only requested \$52 million to hire 430 agents for FY2001, rather than the 1,000 agents mandated in the Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104-208).

Given hiring shortfalls in FY1999 and the current fiscal year, House report language included an earmark, matching the Administration's FY2001 request, rather than funding 1,000 new agent positions.<sup>17</sup> As requested by the Administration, \$20 million is earmarked for deployment of the integrated surveillance intelligence system, on both the southern and northern land borders. House report language also included an earmark of \$22 million for border patrol information. The Senate report language included an earmark of \$93 million to hire an additional 1,000 Border Patrol agents in FY2001, to continue recruitment bonuses, and to provide for the journey level upgrade. It also included an earmark of \$67 million for 26 new border patrol

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<sup>17</sup>For FY2000, conference report language earmarked \$50 million to hire and train an additional 1,000 Border Patrol agents, rather than \$100 million earmarked in both the House and Senate reports. For FY1999, Congress provided INS with \$94 million to hire 1,000 additional agents, but the agency was unable to achieve a net increase of 1,000 agents, citing a lack of qualified applicants in a strong labor market and a high attrition rate among candidates. According to the Border Patrol in FY1999, INS hired 1,119 agents, but 749 agents left or were separated from INS employment (attrited), resulting in a net increase of only 370 agents. In FY2000, INS hired 1,691 agents, but 869 left the service, resulting in a net increase of 822 agents, leaving 9,096 agents on board at the end of FY2000.

helicopters. The conference report language earmarks include the same amounts as in the House-passed bill. This conference agreement does not assume a journey level upgrade. Also, earmarked is \$18 million to deploy the integrated surveillance intelligence system and \$16 million for additional equipment.

In recent years, INS has come under intense criticism for failing to deport criminal aliens in an expeditious manner. From FY1993 to FY2000, funding for the detention and deportation program increased from \$193 to \$879 million. INS officials continue to report that the agency does not possess the detention capacity to fully comply with statutory mandates set out in the Antiterrorism and Effective Death Penalty Act (P.L. 104-132) and the Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104-208). To improve and expand detention facilities and increase efforts to identify and remove criminal aliens, the Administration has requested \$120 million in increased funding for FY2001, which would increase the detention and deportation budget to more than \$1 billion. Nearly matching the Administration's request, House report language included earmarks of \$87 million to increase INS detention space to 19,702 beds (daily average), including 120 juvenile beds; \$16 million for the Justice Prisoner Alien Transportation System; \$8 million to enter criminal alien records into the National Criminal Information Center (NCIC); and \$25 million for detention construction projects. Also, there is an earmark for an additional \$5 million and 46 positions to expand the criminal alien apprehension program (CAAP) and \$11 million and 100 positions to form 23 additional quick response teams that work with state and local law enforcement to identify and remove deportable aliens. Neither of these increases was requested by the Administration. Conference report language parallels House earmarks, except that amounts for NCIC and CAAP, \$4 and \$3 million respectively, are lower. Also, an additional \$1.5 million is earmarked for the Law Enforcement Support Center in Vermont.

Regarding INS restructuring, FY2001 conference report language stresses, as did language in the FY2000 conference report, that "a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities." On March 22, 2000, the House Judiciary Committee's Immigration and Claims Subcommittee approved a bill to split INS, establishing a bureau of immigration services and a bureau of immigration enforcement within the Department of Justice (H.R. 3918). Last year, the Senate Judiciary's Immigration Subcommittee held a hearing on another INS restructuring proposal (S. 1563) on September 23, 1999, but in the last session the Senate did not address this issue. The Administration, meanwhile, moved forward with formulating plans to restructure INS internally. (See CRS Report RS20279, *Immigration and Naturalization Service Reorganization and Related Legislative Proposals*, and CRS Report RL30257, *Proposals to Restructure the Immigration and Naturalization Service*, both by William J. Krouse.)

Congress provided **additional funding** in the amount of \$30.4 million for FY2001 for the Department of Justice in the Department of Labor, Health and Human Services, and Education appropriations bill H.R. 4577 (P.L. 106-554, December 21, 2000) (House Conference Report 106-1033, December 15, 2000). This funding included \$500,000 for salaries and expenses for the Federal Prison System. Under the Office of Justice Programs account, Congress provided funding of \$300,000 for Justice Assistance, \$3.1 million for Community Oriented Policing Services, and \$1

million for Juvenile Justice programs. The *General Provisions* account received total funding of \$25 million, which included \$12 million for the United States Attorneys, \$9 million for the Strom Thurmond Boys and Girls Club National Training Center, \$500 thousand for Violations of Federal Trucking Laws, and \$4 million for COPS technology.

The *Government Performance and Results Act (GPRA)* requires the Department of Justice, along with other federal agencies, to prepare a 5-year strategic plan which contains a mission statement, a statement of long-range goals in each of the Department's core functions and a description of information to be used to assess program performance. The DOJ submitted its Strategic Plan for 1997-2002 to Congress in September 1997. During the FY1999 budget process, the Senate Appropriations Committee commended the Assistant Attorney General for Administration for preparing DOJ's FY1999 performance plan, finding it timely, with objective, measurable performance goals. The committee found the strength of the performance plan in its clear strategies for meeting performance goals. DOJ was urged to follow the recommendations of the General Accounting Office (GAO) in preparing a plan for fiscal year 2000, because the committee's recommendations for fiscal year 2000 would be based on the GAO model.

The DOJ FY2000 Summary Performance Plan described what the Department of Justice plans to accomplish in FY2000, consistent with the long-term strategic goals, and complements the Department's budget request. It provided a summary statement of themes and priorities of DOJ for seven core functional areas (investigation and prosecution of criminal offenses, assistance to tribal, state, and local governments, legal representation, enforcement of federal laws, and defense of U.S. interests; immigration; detention and incarceration; protection of the federal judiciary and improvement of the justice system; and management). It summarized and synthesized detailed performance plans of specific Justice component organizations such as the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Attorneys, the United States Marshals Service, and others.

## Department of Commerce

In his FY2001 budget request to Congress, the President requested total funding for the Department of Commerce and related agencies<sup>18</sup> of \$5.5 billion, about a \$3.2 billion decrease (or 36.7%) from the \$8.7 billion appropriated by Congress for FY2000. The much higher appropriation for FY2000 reflected primarily a large special appropriation to cover the expenses of preparing for and implementing the 2000 decennial census.

The amount requested for the Department for FY2001 was \$5.4 billion, which was about \$3.2 billion (or 37%) below the \$8.6 billion appropriated for FY2000. Again, virtually all of this additional money for FY2000 to cover the cost of the year 2000 decennial census. All agencies within the Department, including the Bureau of

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<sup>18</sup>Related agencies include the Office of the U.S. Trade Representative and the International Trade Commission.

the Census (excluding the costs of the decennial census), would receive increases in funding from FY2000 levels under the President's FY2001 request.

On June 14, 2000, the House Appropriation Committee approved a recommended level of funding for the Department which totaled \$4.3 billion, which was about \$1.1 billion below what the President requested. The full House essentially approved the same level of funding on June 26.

On July 18, 2000, the Senate Appropriations Committee recommended a funding total for the Department of about \$4.8 billion, which was about \$600 million below the President's request and about \$500 million above the amount approved by the House-passed bill.

Congress approved about \$5.2 billion for the Department, about \$220 million below the President's request. The FY2001 total approved for the Department and related agencies amounted to \$5.3 billion, about \$220 million below the request.

The major funding issues that were considered during congressional deliberations on the President's request for Commerce appropriations included:

- ! the progress made in the streamlining and downsizing the Department's programs and operations;
- ! the needs of the Bureau of the Census in processing and releasing the 2000 decennial census results; and
- ! the extent to which federal funds should be used to support industrial technology development programs at the National Institute of Standards and Technology (NIST), particularly the Advanced Technology Program.
- ! the completion of National Weather Service Modernization and the extent to which the National Oceanographic and Atmospheric Administration (NOAA) would implement a number of Presidential initiatives to protect the environment and foster research and development in the 21<sup>st</sup> century.
- ! the extent to which foreign countries comply with trade agreements and U.S. trade laws.

The President's FY2001 budget request for the Department called for \$74.1 million for *Departmental Management*, which was about \$22.6 million above the \$51.5 million appropriated for FY2000. This total also included the request for the Inspector General's office, amounting to \$22.7 million-- about \$2.7 million above the \$20.0 million appropriated for FY2000. The House Appropriations Committee recommended a level of \$52.4 million which is \$900 thousand below the FY2000 appropriation and about \$21.7 million below the amount requested by the Administration for FY2001. The House approved an amendment by Rep. English which decreased the Committee's recommendation for General Administration by \$3 million to \$28.4 million. This amount would be transferred to the office of the U.S. Trade Representative. Hence, the total for Departmental Management (formerly referred to as General Administration) would be reduced from the Committee's figure

of \$52.4 million to \$49.4 million. This total included \$21 million for the office of Inspector General, which was less than that requested by the President and appropriated for FY 2000.

The Senate Appropriations Committee recommended total funding of \$67.1 million, which is \$7 million below the President's request, \$15.6 million above the FY2000 appropriation, and \$17.7 million above the amount approved by the House. The total includes \$19 million for the Office of the Inspector General, which is lower than the amounts recommended by the House and requested by the President. It is also less than the amount appropriated for FY2000.

Congress approved \$56 million which is \$18 million below the President's request, but \$5.1 million above the FY2000 appropriation. This total includes \$20 million for the Office of the Inspector General, the same level appropriated for FY 2000.

To fund the Department's *Economic and Statistical Analysis* programs, the President requested \$54.7 million, which was about \$5.2 million above the total appropriated for FY2000--\$49.5 million. The House Appropriations Committee recommended \$49.5 million which is the same level appropriated for FY2000 and \$5.2 million below the President's request. The full House approved the same amount. The House approved the Committee recommendation.

The Senate Appropriations Committee recommended \$54 million, about \$.7 less than the President's request and \$4.5 million more than that approved in the House-passed bill and that appropriated in FY2000.

Congress approved \$53.7 million, about \$4.2 million above the FY2000 appropriation and \$1 million below the President's request.

For the *Bureau of the Census*, the President requested a total of \$719.2 million for FY2001, an amount about \$4.0 billion lower than the almost \$4.8 billion appropriated for FY2000. Most of this larger total for FY2000 reflected a special appropriation, designated an emergency appropriation, to fund final preparations for and implementation of the year 2000 decennial census.<sup>19</sup> The FY2001 budget request for the decennial census was \$421 million. The House Appropriations Committee recommended \$670.9 million for the Bureau, which was \$48.3 million below the

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<sup>19</sup>The FY2000 request of \$4.5 billion for the decennial census was in response to a decision by the Supreme Court (525 U.S. 316 (1999)) that no data from a sample survey can be incorporated into the population count used to reapportion seats in the House of Representatives. The case was brought under P.L. 105-119, FY1998 CJS Appropriations, which also established the Census Monitoring Board to seek an accurate and objective census. In accordance with the Court's ruling, the Census Bureau canceled its plan to use a sample survey for nonresponse followup after Census 2000. Instead of surveying a representative sample of households that did not complete their census questionnaires, the Bureau attempted to collect data from all those households, a more expensive operation than sampling. For further information about this topic, see: CRS Report RL30284, *Census 2000: the Sampling Debate*, by Jennifer D. Williams, and CRS Report RL30182, *Census 2000: Sampling as an Appropriations Issue in the 105<sup>th</sup> and 106<sup>th</sup> Congresses*, by Jennifer D. Williams.

Administration's request. For the decennial census in FY2001, the Committee recommended \$ 392.9 million. The House approved the Committee recommendation.

The Senate Appropriations Committee recommends \$693.6 million for the Bureau, which was \$25.6 million below the President's request and \$22.7 million more than the House-approved amount. The Senate Committee recommended about \$399.7 million for the decennial Census in FY2001, which was \$3.2 million less than the amount approved by the House.

For the Bureau in FY2001, the Conference Committee agreed to total spending of \$733.6 million, instead of the \$670.9 million approved by the House as a direct appropriation, and the direct appropriation of \$693.6 million approved by the Senate. The conference agreement included \$390.9 million for the decennial census in FY2001, of which \$130.9 million was a direct appropriation and \$260 million was a carryover of prior year funds. The \$390.9 million contrasted with the House-passed direct appropriation of \$392.9 million and the Senate-passed direct appropriation of \$389.7 million for the decennial census.

In the area of international trade, the Congress approved \$337.4 million for the *International Trade Administration* (\$334.4 million in appropriations plus \$3 million in fee collections). This amount was \$17.7 million less than the President's request of \$355.1 million (\$352.1 million in appropriations plus \$3 million in fee collections) but \$25.9 million more than the FY2000 level of \$311.5 million (\$308.5 million in direct appropriation plus \$3 million from fee collections). The Senate Appropriations Committee had recommended \$318.7 million (including \$3 million from fee collections), and the House had approved \$321.4 million (including \$3 million in fee collections). The Administration had asked for funding of a trade compliance initiative, where additional staff would monitor trade compliance and market access problems facing U.S. exporters, with special attention to Asia, and would conduct verifications in antidumping and countervailing duty cases.

The FY2001 amount approved by Congress for the *Bureau of Export Administration (BXA)* was \$64.9 million. This amount was \$6.7 million less than what the President had requested (\$71.6 million) but \$10.9 million more than the amount appropriated in FY2000 (\$54.0 million). The Senate Committee had recommended \$61.0 million, and the House had approved \$53.8 million. The President had requested funds for additional inspections under the new Chemical Weapons Convention (CWC) and for support of a joint counter-terrorism program with the U.S. Customs Service. The final total approved for BXA in the conference report included \$7.3 million for CWC enforcement, which was more than what the President had requested for this purpose in FY2001 (\$5.1 million) and much more than the amount funded for this purpose in FY2000 (\$1.9 million).

The *Economic Development Administration (EDA)* has experienced a tumultuous appropriations history over the past few years.<sup>20</sup> Its funding level was

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<sup>20</sup>For background, see: *Economic Development Administration: Overview and Issues*, CRS (continued...)

sharply reduced by the 104<sup>th</sup> Congress, then partially restored by the 105<sup>th</sup>. In the first session of the 106<sup>th</sup> Congress, appropriators placed EDA programs in jeopardy until the last possible moment. In the end, P.L. 106-113 reduced the agency's funding by \$4 million compared to its FY1999 level. More specifically, for FY2000 the agency received a total adjusted appropriation of \$387 million—\$26.5 million for Salaries and Expenses (S&E) and \$360.5 million for Economic Development Assistance Programs (EDAP).

For FY2001, the Administration requested \$27.7 million for S&E and \$409.3 million for EDAP, for a total appropriation of \$436.9 million. The House bill, following the recommendation of the Appropriations Committee, provided \$26.5 million for S&E and \$361.9 million for EDAP, for a total CJS appropriation of \$388.4 million for FY2001, or \$48.5 million less than requested. This recommendation was the same level as the FY2000 appropriation.

The Senate Appropriations Committee provided \$31.5 million for S&E and \$218 million for EDAP, for a total recommended appropriation of \$249.5 million for FY2001, or \$187.5 million less than requested and \$138.9 less than the total approved by the House. This recommendation was also \$138.9 million less than the level appropriated for FY2000.

Congress approved \$286.7 million for EDAP and \$28 million for S&E, for a total FY2001 appropriation of \$411.9 million for EDA. Of the amounts provided, \$286.7 million is for Public Works and Economic Development, \$49.6 million is for Economic Adjustment Assistance, \$31.5 million is for Defense Conversion, \$24 million is for Planning, \$9.1 million is for Technical Assistance (including University Centers), \$10.5 million is for Trade Adjustment Assistance, and \$.5 million is for Research.

The President requested \$28.2 million for the *Minority Business Development Agency (MBDA)*, which was about \$1 million above the \$27.3 million appropriated for FY2000. The House Appropriations Committee recommends the same amount appropriated for FY2000. The House approved this amount. The Senate Appropriations Committee recommended a slightly lower level of \$27.0 million. Congress approved \$27.3 million.

The *Patent and Trademark Office (PTO)* is fully funded by user fees collected from customers. The Consolidated Appropriations Act, P.L. 106-113, provided the PTO with the authority to spend \$871 million for FY2000 (although there are no direct appropriations from the General Fund). Included in this figure were \$755 million from current year fees and \$116 million in carryover fees. This was an increase of 11% over FY1999 (when funds were returned to the Treasury to balance the budget).

For FY2001, the President requested that the PTO be given budget authority to spend \$1038.7 million; \$783.8 million derived from fees expected to be paid to the

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<sup>20</sup>(...continued)

Office during FY2001, \$229 million from FY2000 carry over fees, and \$25.9 million in fees originally collected in FY1999. The estimated total of patent and trademark charges to be collected in FY2001 is \$1151.5 million, of which \$367.7 million can not be spent until FY2002.

H.R. 4690, as passed by the House, provided the Patent and Trademark Office with the authority to spend \$904.9 million of which \$650 million was to be derived from fees collected in FY2001 (\$501.5 million less than the estimated \$1151.5 million) and \$254.9 million from funds carried over since FY1999 and FY2000. The version of this bill reported to the Senate from the Committee on Appropriations would permit the PTO to spend \$1038.7 million, the same as the President's budget request. Included in this was \$783.8 million from FY2001 fees (\$112.8 million less than the expected collections) and \$254.9 million from prior fiscal years. P.L. 106-553 approves the funding levels provided in the Senate bill report and recommended in the President's budget request. This represents a 19 percent increase above the FY2000 operating level for the PTO.

Appropriation measures that limit the Patent and Trademark Office's use of the full amount of fees collected in the current fiscal year remain an area of controversy. Opponents argue that since agency operations are supported by fees for services, the total amount of the fees collected should be available to provide for those services in the year the expenses are incurred. They claim that the fees not used instead fund other, non-related programs. Proponents maintain that fees generated in past years and made available in the current fiscal year make up any difference.

The President requested \$2.76 billion in budget authority for the *National Oceanic and Atmospheric Administration (NOAA)* for FY2001. This amount was \$435 million greater than FY2000 appropriations, an increase of 19%, and was 12% greater than the \$2.5 billion requested by the President for FY2000. Of the FY2001 request total, nearly \$1.9 billion (68%) was slated for Operations Research and Facilities (ORF), and \$635 million (22%) for Procurement, Acquisition, and Construction (PAC). Other NOAA funding totaled \$281 million (10%). The request included \$160 million for Pacific Coastal Salmon Recovery (PCSR), and related treaty implementation; \$100 million for a newly proposed Coastal Impact Assessment Fund; and \$10 million for a Fisheries Assistance Fund. NOAA requested new budget authority of \$30 million through collection Navigation Services and Fisheries Management and Enforcement fees. The President requested increased funding for NOAA's part in Committee on Environment and Natural Resources (CENR) initiatives including National Disaster Reduction (\$110 million); Land Legacy (\$265.8 million); South Florida Ecosystems Restoration Initiative (\$1.6 million); Clean Water (\$6.9 million); DOC Minority Serving Institutions (\$17 million); and grants under the Coastal Zone Management Act (\$92.7 million). New in the FY2001 request were a Climate Observation and Services Initiative (\$28 million) and America's Ocean Future Initiative (formerly "Ocean 2000" initiative).

Funding for traditional line offices at NOAA was requested as follows: National Ocean Service (NOS) \$517 million (\$11 million of that PAC), includes \$100 million for Coastal Impact Assessment Fund; National Marine Fisheries Service (NMFS) \$657 million (\$22 million PAC), includes \$160 million for Pacific Salmon Recovery and \$10 million for Fisheries Assistance Fund; Oceanic and Atmospheric Research

(OAR) \$319 million (\$11 million PAC), includes \$32 million for Climate Observation and Services and \$59 million for Sea Grant; National Weather Service (NWS) \$710 million (\$75 million PAC); National Environmental Satellite Data and Information Service (NESDIS) \$613 million (\$505 million PAC), includes funding for a new satellite operation facility in Suitland, MD; Program Support (PS) \$87 million (\$16 million PAC), includes \$17 million for Minority Serving Institutions and \$15.8 million for a Commerce Administrative Management System; Facilities (FAC) \$9 million (\$3 million PAC); and Office of Marine and Aviation Operations (OMAO), formerly Fleet Planning and Maintenance and Aircraft Services under PS), \$21 million (\$200,000 PAC).

On June 26, 2000, the House passed H.R. 4690, approving funding levels recommended by the House Appropriations Committee on June 14, 2000 (H.Rept. 106-680), with one amendment. This amounted to \$2.23 billion total for NOAA, which is about 5% less than that appropriated by Congress for FY2000, and about 19% less than the President's request of \$2.761 billion for FY2001. The House approved ORF funding at \$1.607 billion, about \$30 million less than the President's request. PAC funding was approved at \$566 million for FY2001, with an amendment for additional funding for NMFS, which was \$1.2 million more than House Appropriations Committee recommendations. The balance of other NOAA appropriations totaled \$63.4 million. Major funding differences between final House approved levels and the President's request include a \$145 million reduction for NOS and a \$50 million reduction for NMFS. In addition, the House approved \$58 million of the \$160 million requested for PCSR. Most NOAA programs were funded at, or slightly below, FY2000 appropriations levels, with few exceptions. Some CENR initiatives were not funded because the committee cited that many of these programs were not authorized.

The House funded NOAA line offices as follows: NOS-\$260.6 million; NMFS; \$405.4 million; OAR-\$264.6 million; NWS-\$621.7 million; NESDIS-\$106.6 million; PS-\$58.1 million (includes aircraft services); FM&P-\$7 million; FAC-\$11 million; for an ORF Total \$1,607 million. PAC was approved at \$ 565 million but, the House did not approve advanced appropriations for PAC of \$6,417.5 million through FY2019. No funding was approved for GLOBE or Climate Observations and Services (OAR), nor was the \$100 million for Coastal State Grants to mitigate the impacts of offshore drilling activities and other purposes, for which the House cited \$1 billion of mandatory funding passed previously in H.R. 701. The House did not approve an increase in NOAA budget authority of \$30 million from collection of proposed offsetting fees.

On September 8, 2000, the Senate Appropriations Committee reported H.R. 4960 (S.Rept. 106-404). The Committee approved a total of \$2.687 billion for NOAA. This amount was 21% higher than House passed levels for H.R. 4690, about 3% below the Clinton Administration's request, and about 15% greater than FY2000 appropriations. Of this amount, \$1,961 million in budget authority was approved for ORF, with \$66.2 million of that to be derived from PDAF. This amount was 22% greater than the House approved levels, and 6% greater than the President's request for ORF for FY2001. PAC funding was approved at \$669.5 million, which is 5% greater than levels requested by the President, but 16% above House approved levels.

Senate Appropriations Committee line totals for NOAA were as follows: \$321.3 million for NOS, which is 23% greater than House levels and 21% less than the FY2001 request; \$543.9 million for NMFS, which is 34% greater than House levels and 20% greater than the request; \$318.2 million for OAR, which is 20% greater than House levels and about 5% greater than the request for FY2001; \$632.5 million for NWS, 1.7% below the House and 0.7% less than the FY2001 request; \$112.1 million for NESDIS; \$71.3 million for PS; \$19 million for FM&P; \$35.3 million for FAC. PAC would receive \$669.5 million which is about 5% greater than the President's request of \$635 million for FY2001, but 18.5% greater than House approved levels of \$565 million. PCSR would be funded at \$58 million, the same as House approved levels. CZMF was approved at \$3.2 million, \$0.8 million below the House and President's request. Other fisheries supporting accounts were approved at \$1.5 million, slightly higher than House and President's request for FY2001. No funding was approved for GLOBE. The Senate Appropriations Committee concurred with the House and did not approve \$100 million for a coastal assessment fund or \$30 million in new budget authority from proposed offsetting fees. However, the Committee did approve \$14 million of the \$32 million requested for Climate Observation and Services initiative for ocean observations. Sea Grant was funded \$64.8 million and underwater research at \$17 million, significantly higher than the President's request. Increases were also realized for aircraft services, fleet maintenance and planning, and \$15 million was included for construction of a new NOAA facility in Suitland, MD.

With passage of the Interior Appropriations bill for FY2001 on October 11, 2000 (P.L. 106-291), the Balanced Budget and Emergency Deficit Control Act of 1985 was amended to raise spending caps on certain Federal programs. In a section on *Conservation Spending*, subparagraphs *xv-xvii*, dealing with NOAA activities which support coastal and Great Lake conservation, and are directly tied to the President's Land Legacy initiative, funding caps were raised to allow the agency to spend an additional \$420 million for a number of NOAA activities including Pacific Coastal Salmon Recovery, additional funding for Operations, Research and Facilities (ORF), CZMA, National Marine Sanctuaries, National Estuarine Research Reserves Systems, Coral Restoration programs, and Coastal Impact Assistance. Most of this funding had been approved by the Senate Appropriations Committee in its version of H.R. 4690, except for \$420 million for coastal and ocean activities.

On October 25, 2000, Conferees on H.R. 4942 reported Appropriations for the District of Columbia for FY2001 (H.Rept. 106-1005). Attached as Title II to this Act is Commerce, Justice, and State Appropriations for FY200, which became P.L. 106-533 on December 21, 2000. The conference agreement provided NOAA a total funding level of \$3,048 million for all NOAA programs. This is about 12% greater than the amount approved by the Senate Appropriations Committee; 27% greater than House approved levels; 30% greater than FY2000 appropriations of \$2,343 million; and about 4.4% less than the President's request for FY2001 (if the \$420 million for coastal and ocean activities is included). Operations Research and Facilities funding totaled some \$1,869 million, \$68 million of which would be derived by transfer from the Promote and Develop Fishery Products and Research Pertaining to American Fisheries (PDAF) and \$3.2 million in offsets from the Coastal Zone Management Fund. Procurement, Acquisitions and Construction (PAC) is slated to receive \$683 million, including \$7.5 million in previous FY deobligations. Other NOAA accounts

include funding of \$74 million for Pacific Coastal Salmon Recovery; \$3.2 million for the Coastal Zone Management Act (ORF); and \$1.43 million for other fisheries financing programs.

Conferrees also appropriated \$420 million for “Coastal and Ocean Activities,” which was authorized in Title VIII of H.R. 4578, Land Conservation Preservation and Infrastructure Improvement, under the Interior Appropriations bill which became P.L. 106-291. Some \$150 million of this is for a Coastal Impact Assessment and another \$135 million is for NOAA programs authorized under Title IX §903 of H.R. 4942.

The Conference committee approved funding for traditional NOAA budget lines as follows: NOS-\$290.7 million; NMFS-\$517.9 million; OAR-\$323.2 million; NWS-\$630.8 million; NESDIS-\$125.2 million; PS-\$81.3 million; FP&M-\$11 million; and FAC-\$11.2 million. Conferrees reduced Senate approved funding levels for a number of programs that were authorized under §903 of the Act. These include the Pacific Coastal Salmon Recovery Program, CZMA, and additional funding for some ORF programs, such as National Marine Sanctuaries, NERRS, Coral Restoration, and Coastal Impact Assistance. In most cases, final conference approved levels for NOAA are in between House and Senate Appropriations Committee approved totals, with obvious exceptions. For example, the conference committee approved \$15 million for Minority Serving Institutions, boosting overall funding for the Program Support budget line. They also approved the Senate Appropriations Committee funding level for the Stellar Sea Lion recovery program under NMFS. Furthermore, the conference committee approved \$12.3 million for Climate Observations and Services (about half of the President’s request), approved \$3 million for GLOBE, and close to or slightly more than the President’s request for other climate change research activities. A \$10 million increase was targeted for Marine Prediction research under Oceans and Great Lake Programs. Final Sea Grant and NURP approved funding remained close to Senate Appropriation Committee levels, which were substantially higher than the President’s request. The committee also funded the Global Disaster Information Network at \$3 million, which was not funded by the House or Senate Appropriations Committee.

National Weather Service funding levels remained consistent with the House except for some reductions in base funding for local forecast and warning to offset increased funding for NOAA weather radio transmitters. Other increases were provided for NESDIS Data and Information Services and Ocean remote sensing. The Conference committee did not approve the Senate Appropriations request for \$15 million for a new Suitland, MD facility under the NOAA Facilities account, but approved it instead under the PAC construction account. The FP&M line for FY2001 was reduced by the cost of a new fishery research vessel that was approved instead under PAC. Funding for CAMS was increased \$4 million above the agency’s request for a total of \$19 million. The Pacific Coast Salmon Recovery account realized a \$16 million increase under conference committee actions for a total of \$74 million.

In the conference report that accompanies H.R. 4577, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY2001* (H.Rept. 106-1033, December 15, 2000), there was an additional \$61.5 million appropriated for NOAA. This funding includes \$750,000 for ORF for a study by the National Academy of Sciences pursuant to Exploration of the Seas Act (H.R. 2090, sec. 4,

September 6, 2000); and for other funding of \$7.5 million for Alaskan Salmon Disaster; \$3 million for Hawaii Long Line fishery; and \$50 million for Sea Lion Protection. Taken together appropriations for H.R. 4942 (see above), NOAA's total budget authority for FY2001, amounts to \$3,109 million.

The *National Institute of Standards and Technology (NIST)* received an appropriation of \$639.0 million in FY2000 after the rescission mandated in P.L. 106-113. This was fundamentally the same support as the previous year, but 13% below the President's request. Funding included \$282.1 million for the Scientific and Technical Research and Services (STRS) account (with \$4.9 million for the Baldrige Quality Program); \$246.8 million for Industrial Technology Services (ITS), including \$142.6 million for the Advanced Technology Program (ATP) and \$104.2 million for the Manufacturing Extension Partnership (MEP); and \$106.9 million for construction.

Continued financing of the Advanced Technology Program has been a major funding issue. ATP provides seed financing, matched by private sector investment, to businesses or consortia (including universities and government laboratories) for development of generic technologies that have broad applications across industries. Opponents of the program cite it as a prime example of "corporate welfare," whereby the federal government invests in applied research activities that, they maintain, should be conducted by the private sector. The Administration has defended ATP, arguing it assists businesses (and small manufacturers) develop technologies that, while crucial to industrial competitiveness, would not or could not be developed by the private sector alone. For FY2000, the appropriations bill passed by the Senate included a 15% increase in funding for ATP. However, H.R. 2670, as passed by the House, contained no appropriation for ATP. The accompanying House Committee report stated that the program has not produced a body of evidence to overcome those fundamental questions about whether the program should exist. While the Advanced Technology Program was ultimately funded in the version of the bill that became law, the support provided, \$142.6 million, reflected a 28% decrease from FY1999. The original appropriations bill passed by the House, H.R. 4690, did not include any ATP funding for FY2001.

The President's FY2001 budget requested \$713 million for NIST, 12% above FY2000. Included was \$337.5 million for the STRS account (with \$5 million for the Quality Program). Support for ITS totaled \$339.6 million of which \$175.5 million was for ATP (an increase of 23%) and \$114.1 was for MEP (9.5% above FY2000). In addition, a new program under ITS, the Institute for Information Infrastructure Protection (IIIP), would be funded at \$50 million. This effort would support R&D designed to protect information and telecommunications infrastructures from attack or other failures. The construction budget would be \$35.9 million.

H.R. 4690, as passed by the House, provided funding for NIST at \$422.9 million for FY2001, a decrease of 34% from the previous year and 41% below the President's request. Most of the decrease in support was due to the absence of funding for the Advanced Technology Program and a decrease in the construction budget as the building of the new measurement laboratory progresses. Included in this figure was \$292.1 million for the STRS account, \$104.8 million for the Manufacturing Extension Program under ITS, and \$26 million for construction.

The version of H.R. 4690 reported by the Senate Appropriations Committee would have made available \$596.6 million for NIST. Included in this FY2001 funding was \$305 million for STRS activities (an 8% increase over FY2000), \$109.1 million for MEP (a 5% increase), \$153.6 million for ATP (8% above the previous year), and \$28.9 million for construction. The decrease in support for construction reflects activities to complete building the new advanced measurement laboratory.

P.L. 106-553 provides \$598.3 million for NIST in FY2001. The total includes \$312.6 million for STRS, \$105.1 million for MEP, \$145.7 million for ATP, and \$34.9 million for construction.

The *Office of the Undersecretary for Technology and the Office of Technology Policy (OTP)* was funded at \$7.9 million in FY2000, a 21% decrease from the previous fiscal year. Part of the decline in support was due to the decision to cease the awarding of grants under the Experimental Program to Stimulate Competitive Technology (EPSCoT) and perform an evaluation of the project. This activity is designed to strengthen the technological infrastructure in states that are "...traditionally under-represented in federal R&D funding." For FY2001, the President requested \$8.7 million for OTP, 9.3% above the current funding levels. The original appropriations bill passed by the House, H.R. 4690, would have provided support at \$7.9 million, the same as FY2000. The version reported by the Senate Appropriations Committee would have funded OTP at \$8.2 million, a 4% increase. P.L. 106-553 provides a funding level of \$8.1 million for FY2001.

The *National Telecommunications and Information Administration (NTIA)* provides guidelines and recommendations for domestic and global communications policy, manages the use of the electromagnetic spectrum for public broadcast, and awards grants to industry-public sector partnerships for research on new telecommunications applications and development of information infrastructure. For the current fiscal year, the budget for NTIA includes funding for its operations, administration, salaries, and expenses; support for the Technology Opportunity Program (TOP), formerly called the Technology Information Infrastructure Assistance Program; and continued development and construction of public broadcast facilities. In addition, for FY2001, the Clinton Administration requested that NTIA's budget include programs to address the perceived "digital divide" separating the Internet "haves" from the Internet "have nots."

For FY2001, the Clinton Administration requested an overall budget for NTIA of \$423 million, well above its FY2000 funding of \$52.9 million. While the House Appropriations committee recommended \$57.4 million for NTIA in FY2001, the Senate Appropriations has recommended \$76.9 million for NTIA's overall budget in FY2001. The Conferees approved a total of \$100.4 million for NTIA's overall FY2001 budget. Among the most significant increases within the NTIA budget would come from the Administration's request for public broadcast facilities, planning, and construction. For FY2001, the Clinton Administration requested \$110.1 million for public broadcast facilities, planning, and construction, well above the \$26.5 million appropriated for this program for FY2000. The House approved \$31 million for this NTIA activity in FY2001, while the Senate Appropriations has approved \$50 million for this program. The Conferees provided \$43.5 million. For NTIA salaries and expenses, the Clinton Administration recommended \$20.3 million

for FY2001, an increase over FY2000 appropriations of \$10.9 million; the House approved funding of \$10.9 million for salaries and expenses while the Senate Appropriations approved \$11.4 million. FY2001. The Conferees approved the funding level recommended by the Senate. For the TOP, the Administration requested: \$45.1 million for FY2001, an increase from the FY2000 appropriation of \$15.5 million. The House and Senate Appropriations both approved \$15.5 million for TOP in FY2001. The Conferees approved \$45.5 million, which slightly exceeds the Administration request.

The *Government Performance and Results Act (GPRA)* enacted by Congress in 1993 (P.L. 103-62; 107 Stat 285) requires that agencies develop strategic plans that contain goals, objectives, and performance measures for all major programs. The strategic plan issued by the Department of Commerce in 1997 enunciated three strategic themes:

- ! Theme 1. Build for the future and promote U.S. competitiveness in the global marketplace, by strengthening and safeguarding the nation's economic infrastructure.
- ! Theme 2. Keep America competitive with cutting edge science and technology and a world class information base.
- ! Theme 3. Provide effective management and stewardship of the nation's resources and assets to ensure sustainable economic opportunity.

As stated by the Department:

The Themes within the Commerce Strategic Plan help identify and capitalize on relationships among bureaus and on partnerships with other agencies and external groups. The Strategic Plan supports the concept that strong working relationships will serve to strengthen the effectiveness of the Department as a whole, as well as demonstrate how individual bureaus logically and critically support the core mission of the Department.

The Commerce Strategic Plan provides the framework for strengthening existing relationships among bureaus and with external partners. Success for Commerce programs in the changing technological world and global economy will depend increasingly on alliances with businesses and industry, universities, State and local governments, and international parties.<sup>21</sup>

In its *Budget in Brief for FY2001*, the Department stated that:

With the publication of the first Annual Program Performance Report in March 2000, the Department will have completed the first full cycle of GPRA mandated activities involving the Strategic Plan, the Annual Performance Plan, and the Annual Performance Report. The revised Commerce Strategic Plan (FY2000-FY2005) will be submitted to

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<sup>21</sup>For more information on the strategic plan's goals, objectives and performance measures see: *The Department of Commerce Budget in Brief, Fiscal Year 2000* (pp. vii-ix).

Congress in September 2000, and it will replace the first Strategic Plan (FY1997-2002) that was issued in September 1997.

**Commerce Department Abolition Issue** During the 104<sup>th</sup>, 105<sup>th</sup>, and 106<sup>th</sup> Congresses, several legislative proposals were considered that called for the abolition of the Department of Commerce by eliminating certain departmental functions and allowing others to operate as independent agencies or be transferred to other federal agencies. Those in Congress who have favored the abolition of the Department argued that it “is an unwieldy conglomeration of marginally related programs, nearly all of which duplicate those performed elsewhere in the federal government.” The Clinton Administration, on the other hand, has strongly opposed abolishing the Commerce Department, arguing that “it would result in the needless shuffling of governmental functions while eliminating successful activities that clearly benefit the American people,” especially in areas that promote economic growth, increase the international competitiveness of U.S. firms in global markets, and advance U.S. technology. None of these proposals passed 104th Congress.

There continued to be some congressional interest in reorganizing or downsizing the Department in the 105<sup>th</sup> Congress, although interest in abolishing the Department was considerably less than in the 104<sup>th</sup> Congress.<sup>22</sup> A bill calling for abolition of the Department was introduced by Representatives Royce and Kasich and several other cosponsors (H.R. 2667) on October 9, 1997. This bill was referred to the House Committee on Commerce and two other House Committees that have jurisdiction over certain functions of the Department. A very similar version of the proposal was also introduced in the Senate by Senator Abraham and others on October 24, 1997 (S. 1316). This was referred to the Senate Governmental Affairs Committee. No further action was taken on this issue. In the 106<sup>th</sup> Congress, similar legislation was introduced by Representative Royce on July 1, 1999--H.R. 2452. The bill was referred to several committees: Commerce, Transportation and Infrastructure, Banking and Financial Services, International Relations, Armed Services, Ways and Means, Government Reform, the Judiciary, Science, and Resources. No further action was taken in the House. No similar legislation was introduced in the Senate.

## The Judiciary

For FY2001, Congress approved \$4.26 billion in total budget authority for the Judiciary, less a .22% (.0022) government-wide rescission.<sup>23</sup> This total represented a 7.7% increase over FY2000 funding of \$3.96 billion and was higher than both the \$4.21 billion included in the earlier House-passed FY2001 CJS bill, H.R. 4690, and

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<sup>22</sup>For information, see CRS Report 95-834, *Proposals to Eliminate the U.S. Department of Commerce: An Issue Overview*, by Edward Knight.

<sup>23</sup> Separate from this congressional action on the Judiciary's budget, the Treasury, Postal Service and General Government appropriations bill, included as part of the Omnibus Consolidated Appropriations Act, H.R. 4577, included funding for courthouse construction.

the \$4.24 billion in total funding for the Judiciary recommended by the Senate Appropriations Committee.

During October 26, 2000 floor debate, the House CJS Subcommittee chairman, Representative Harold Rogers, underscored that the FY2001 House-Senate conference agreement:

- provided necessary funding to address the federal court system’s “ever-increasing caseload”;
- authorized a cost-of-living pay increase for federal judges; and
- provided a new increase in the hourly rate paid to court-appointed “panel attorneys” who represent indigent defendants in federal criminal cases.<sup>24</sup>

The Congress-passed agreement contained other noteworthy language affecting the Judiciary. One provision authorized ten new district judgeships (one each for Arizona, the Southern District of Florida, the Eastern District of Kentucky, Nevada, New Mexico, South Carolina, the Southern District of Texas, the Western District of Texas, the Eastern District of Virginia, and the Eastern District of Wisconsin). Another provision brought the Supreme Court police into parity with the retirement benefits provided to the United States Capitol police and other federal law enforcement agencies. The conference agreement, however, did not include a controversial Senate provision relating to honoraria or outside earning limits for federal judges.

For the Judiciary’s largest account, *Salaries and Expenses for the Courts of Appeals, District Courts and Other Judicial Services*,<sup>25</sup> Congress approved \$3.36 billion, compared with \$3.11 billion enacted for FY2000. The total enacted for FY2001 was the same amount as recommended by the Senate Appropriations Committee, and slightly more than the appropriation of \$3.33 billion passed earlier by the House. The Judiciary, in its official newsletter *The Third Branch*, expressed appreciation for the level ultimately approved by Congress for this account, noting that it funded 1,559 new court support staff.<sup>26</sup> A significant increase in this account was urgently needed, the Judiciary had maintained, largely because of increased workload in judicial districts on the nation’s southwestern border.<sup>27</sup>

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<sup>24</sup> Rep. Harold Rogers, remarks in the House, *Congressional Record*, vol. 146, Oct. 26, 2000, p. H11270.

<sup>25</sup> This account funds the salaries and benefits of judges and supporting personnel and all operating expenses of the U.S. Courts of Appeals, District Courts, Bankruptcy Courts and the U.S. Court of Federal Claims.

<sup>26</sup> “106<sup>th</sup> Congress Ends,” *The Third Branch*, v. 32, December 2000, p. 2. This article also is accessible on-line at [<http://www.uscourts.gov/ttb/dec00ttb/dec00.html>].

<sup>27</sup> The Judiciary pointed specifically to the growth of criminal case filings in the southwestern United States border district courts of Arizona, California Southern, New Mexico, Texas Southern and Texas Western. In FY1999, these five district courts alone, the Judiciary said, accounted for 71% of the total increase in criminal case filings and “for a staggering 27% of all federal criminal case filings, mostly for drug and immigration offenses.” *The Judiciary: Congressional Budget Summary Fiscal Year 2001*, p. 3.

As it had been in previous years, one of the more sensitive parts of the Judiciary's FY2001 budget was *Defender Services*. This account funds the operations of the federal public defender and community defender organizations, and the compensation, reimbursement and expenses of "panel attorneys." The latter are private practice attorneys appointed by the courts under the Criminal Justice Act to serve as defense counsel to indigent individuals accused of federal crimes. For FY2001 Congress approved \$435.0 million for Defender Services, instead of \$420.4 million as provided in the House bill and \$416.4 million as recommended by the Senate Appropriations Committee. (The Judiciary had requested an appropriation of \$440.4 million for Defender Services, a 14.3% increase over FY2000 budget authority of \$385.1 million.)

A matter of increasing concern to the Judiciary in recent years has been the relatively low rate of pay panel attorneys receive relative to compensation paid to private counsel by other government agencies.<sup>28</sup> In response to that concern, House-Senate conferees directed that a portion of the Judiciary's Defender Services funding for FY2001 be used for an increase to \$75 an hour for panel attorneys' in-court time and \$55 an hour for their out-of-court time.<sup>29</sup>

During consideration of the Judiciary's FY1999 and FY2000 budgets, congressional appropriators also had expressed concerns about rising overall Defender Services costs. A particular concern both years had been the costs of compensating attorneys who represent indigents in federal death penalty and death row appeal cases (often referred to as "capital cases"). In its FY2001 budget submission to Congress, the Judiciary noted various ongoing initiatives on its part to contain costs for federal capital habeas corpus cases.<sup>30</sup> The Judiciary also said it was

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<sup>28</sup> In his 1999 Year-End Report on the Federal Judiciary, Chief Justice William H. Rehnquist asserted that the rate of pay for panel attorneys was "seriously hampering the ability of the courts to recruit and retain qualified panel attorneys to provide effective representation." The Chief Justice urged Congress to provide funding for all panel attorneys up to the maximum authorized by Congress in 1986—namely, \$75 per hour for both in-court and out-of-court time. Prior to FY2000, Congress had appropriated funds to pay the \$75 per hour maximum in portions of 16 of the nation's 94 judicial districts. Congress then approved panel attorney rates of \$70/\$50 for in-/out-of-court time, effective January 2000, for *all* judicial districts, representing a \$5 per hour increase over FY1999 rates. The Judiciary's FY2001 request for Defender Services included funds sufficient to pay all panel attorneys at the \$75 per hour rate, effective April 2001. The cost of this increase was put at \$11.3 million.

<sup>29</sup> Earlier the Appropriations Committees had differed in their response to the Judiciary's request for an increase in panel attorney pay rates for FY2001. In its report on H.R. 4690, the House Appropriations Committee said it was "generally supportive of an increase" in panel attorney rates and proposed an increase to \$75/\$55 for in-/out-of-court time. By contrast, the Senate Appropriations Committee, in its report, explicitly stated, "No funding is provided to increase panel attorney rates of compensation beyond what was provided in fiscal year 2000."

<sup>30</sup> These initiatives, the Judiciary said, included the establishment of case budgets at the onset of cases, training programs to improve case management, and improved procedures for reviewing attorney payment vouchers. According to the Judiciary, as a result of these initiatives, the average cost per petitioner in capital habeas corpus cases in the U.S. Court of

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continuing to pursue implementation of recommendations included in its January 1998 report to Congress on controlling costs associated with the Defender Services program.

In its June 14, 2000 report on H.R. 4690, the House Appropriations Committee noted that it had received a report regarding measures undertaken by the U.S. Court of Appeals for the Ninth Circuit to reduce costs for capital habeas corpus representations in the Circuit's District Courts, particularly the District Courts in California. Those measures, the Committee noted, appeared to be working, "as evidenced by the 40 percent reduction in the average annual cost per petitioner in the Ninth Circuit." While commending the Ninth Circuit for its efforts to reduce costs, the Committee observed that the average cost per petitioner in California was still almost twice that of the national average. Accordingly, the Committee urged the Ninth Circuit to continue its cost-cutting efforts and to include results in its Optimal Utilization of Judicial Resources Report. The House committee language subsequently was adopted by reference in the CJS FY2001 appropriations conference report.

Congress also approved a provision authorizing a *cost-of-living increase in judges' and justices' salaries* for FY2001<sup>31</sup> and appropriating \$8.8 million for this purpose. The provision cleared the way for judges and justices to receive a 2.7 % pay adjustment along with Members of Congress and Executive Schedule employees on January 1, 2001. The adjustment rate of 2.7% was based on a formula set by law involving the Employment Cost Index (ECI), while at the same time being limited by the General Schedule (GS) salary adjustment rate.<sup>32</sup>

In early 2000, the Judiciary had requested funding for a cost-of-living increase in judges' and justices' salaries for FY2001 consistent with the expected FY2001 salary increase for the federal government's General Schedule employees. The Judiciary contended that this requested adjustment, and subsequent adjustments on an annual basis, were "essential if the judiciary is to maintain its high standards."<sup>33</sup>

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<sup>30</sup>(...continued)

Appeals for the Ninth Circuit had decreased by 38% from FY1996 to FY1999, from \$76,506 to \$47,675. (In recent years, it has been in the Ninth Circuit that some of the most expensive capital case representations had occurred.)

<sup>31</sup> Federal law (section 140 of Public Law 97-92) requires that any pay increases for federal judges be authorized by Congress, in contrast to annual cost-of-living adjustments for Members of Congress and Executive Schedule employees, which are automatic unless legislation denying the increases is passed.

<sup>32</sup>For a precise explanation of the rate adjustment formula, as it affects the salary level of federal judges, see U.S. Library of Congress, Congressional Research Service, *Judicial Salaries: Current Situation*, by Sharon S. Gressle, CRS Report RS20278, updated Jan. 17, 2001 (Washington: continually updated), pp. 1-3.

<sup>33</sup> A year earlier, in November 1999, in response to a similar request from the Judiciary, Congress had authorized for FY2000 an upward 3.4% salary adjustment for judges, appropriating \$9.6 million for this purpose. This had been the second cost-of-living adjustment for judges and justices since 1993, the other being a 2.3% increase in January

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The House, however, declined to include an appropriation for increased judicial salaries in FY2001 in the CJS bill that it passed, H.R. 4690. (The House Appropriations Committee, in its report on H.R. 4690, stated that it had “deferred without prejudice” the Judiciary’s request for a pay adjustment.) By contrast, the Senate Appropriations Committee approved a pay adjustment for the Judiciary, and it was the Senate committee recommendation which ultimately prevailed in conference.<sup>34</sup>

House-Senate conferees dropped from the Judiciary’s FY2001 appropriations title a provision approved by the Senate Appropriations Committee concerning *honoraria received by justices and judges*. Specifically, Section 305(a) in the General Provisions of Title III of the Senate bill had provided that a statutory prohibition against Members of Congress or Government officers or employees receiving honoraria shall not apply to “any individual while that individual is a justice or judge of the United States.”<sup>35</sup> At the same time, Section 305 authorized the Judicial Conference, if it so chose, to set its own honoraria limits for justices and lower federal court judges.<sup>36</sup> Section 305 also excluded honoraria received by judges from the definition of “outside earned income” in 5 U.S.C. App. Sec 501(a), making judicial honoraria no longer subject to the statutory curb, in effect since 1989, which has limited the “outside earned income” of judges (and of officers and employees in the legislative and executive branches) to 15% of a level II in the Executive Schedule.

The most prominent supporter of lifting the ban on honoraria for judges was Chief Justice William H. Rehnquist, who defended it as a means of improving compensation for lifetime federal judges. However, the Senate committee language to lift the ban generated controversy, with various news media editorials and some Senators and House Members speaking out in opposition. Their criticisms included the view that allowing honoraria for judges could lessen public confidence in judges (particularly if they were perceived as accepting money from special interests), that it would raise another controversial issue—of whether Congress should lift the ban (which also had been in place since 1989) on its own Members receiving honoraria, and that a more appropriate means of increasing judicial income, if called for, would

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<sup>33</sup>(...continued)

1998. The Judiciary noted that until the January 1998 salary adjustment, judges “were the only career federal employees who had not received an ECI adjustment in the previous four years.”

<sup>34</sup> The new salaries of Article III (lifetime appointment) judges, effective January 1, 2001, were as follows: Chief Justice of the United States—\$186,300; Associated Justices of the Supreme Court—\$178,300; U.S. Court of Appeals judges—\$153,900; U.S. District Court judges—\$145,100; and judges on the U.S. Court of International Trade—\$145,100.

<sup>35</sup>The honoraria prohibition is contained in Section 501(b) of 5 U.S.C. App., Ethics in Government Act of 1978.

<sup>36</sup> Specifically, Section 305(b) directed the Judicial Conference to promulgate regulations under section 503 of the Ethics in Government Act of 1978 “to carry out the amendments made by this section, including any regulation relating to any limitation on amounts of honoraria or payments made to charitable organizations in lieu of honoraria.” By way of explanation, the Senate Appropriations Committee report on H.R. 4690 stated simply that “Section 305 amends section 501 of 5 U.S.C. App. .”

be by raising judges' salaries. Against this backdrop, Senate negotiators ultimately dropped the honoraria provision from the Senate's CJS-Judiciary bill

Congress, as recommended by the Senate Appropriations Committee, approved \$199.6 million for *Court Security*, the account which covers the expenses of security and protective services for the lower federal courts in courtrooms and adjacent areas. For FY2001, the Judiciary sought an appropriation of \$215.4 million for this account, an 11.6% increase over FY2000 funding of \$193.0 million.<sup>37</sup> The House, as recommended by its Appropriations Committee, had approved \$198.3 million, \$17.1 million less than the Judiciary's request but \$5.2 million, or 2.7%, more than FY2000 funding.

Of all of its budget accounts, the Judiciary requested the largest proportional increase in funding for the *United States Sentencing Commission*, which sets, reviews, and revises sentencing guidelines and policies for the federal criminal justice system. The Judiciary requested \$10.6 million for the Commission in FY2001, a 24.7% increase over its FY2000 appropriation of \$8.5 million. Throughout most of FY1999 and part of FY2000, all of the seats on the seven-member Sentencing Commission were vacant, and against this backdrop of disarray in the Commission, Congress decreased its FY2000 appropriation 10.4% below its FY1999 funding level of \$9.5 million. The FY2001 request sought restored funding for the Commission at a full staffing level. In response, Congress, as recommended by the Senate Appropriations Committee, approved \$9.9 million for the Commission in FY2001. The House had approved \$9.6 million for this account.

Congress approved \$37.6 million for *Supreme Court's* Salaries and Expenses account, \$2.1 million over FY2000 funding. As passed earlier by the House and recommended by the Senate Appropriations Committee, Congress approved \$7.5 million for the Court's Building and Grounds account (less than the \$8 million enacted for FY2000 but precisely what the Architect of the Capitol estimated was required for FY2001).

Congress, as noted earlier, also approved the creation of ten new U.S. district judgeships. In July 2000, the Judicial Conference transmitted to Congress a request for six permanent and four temporary court of appeals judgeships and 30 permanent and 23 temporary district judgeships, citing the courts' growing workload. However, neither the House-passed FY2001 CJS bill, H.R. 4690, nor the amended version of H.R. 4690 approved by the Senate Appropriations Committee, authorized or provided funding for any additional new judgeships. The decision to create the ten judgeships was made later, in conference committee<sup>38</sup>

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<sup>37</sup> \$8 million of the increase was to fund 72 additional court security officer positions and court security equipment in new federal courthouses and in existing facilities with known security problems.

<sup>38</sup> This was the second consecutive year in which Congress had authorized new U.S. district judgeships. The Judiciary's FY2000 appropriation included authorization for nine new U.S. district judgeships, the first to be created since 1990.

As part of the budget process, the Government Performance and Results Act (GPRA) enacted by Congress in 1993 (P.L. 103-62; 107 Stat. 285) requires that agencies develop strategic plans that contain goals, objectives, and performance measures for all major programs. However, as noted earlier, the Judicial branch is not subject to the requirements of this Act.

## Department of State and Related Agencies

The Administration's FY2001 budget request for the Department of State and international broadcasting totaled nearly \$7 billion, 10% above the FY2000 enacted level of \$6.3 billion. The request was comparable to the FY1999 enacted level which had included the \$1.56 billion emergency supplemental appropriation for overseas security and Y2K computer compliance. The House Appropriation Committee recommended \$6.55 billion for State and international broadcasting FY2001 budgets. The House-passed legislation set the Department of State and broadcasting total to \$6.54 billion. The Senate Appropriations Committee set a similar funding level—\$6.56 billion—for both international broadcasting and the Department of State. Congress approved total funding for State and international broadcasting at \$7.1 billion, \$97 million more than the Administration had requested.

Reorganization of the foreign policy agencies occurred throughout FY1999, with both the U.S. Information Agency (USIA) and the Arms Control and Disarmament Agency (ACDA) abolished, and their functions fully merged into the Department of State as of October 1, 1999. The FY2001 State Department appropriation includes ACDA and USIA funds. International broadcasting remains an independent agency, referred to as the Broadcasting Board of Governors (BBG).

The August 7, 1998 terrorist attacks on two U.S. embassies in Africa prompted the Administration and Congress to seek more funding to protect U.S. personnel overseas. An immediate response was a \$1.56 billion supplemental enacted by the end of that year. In November 1999, the Overseas Presence Advisory Panel reported its findings on embassy security needs and recommendations. Also in November 1999, Congress authorized (P.L. 106-113) \$900 million annually for FY2000 through FY2004 for embassy security spending within the *embassy security, construction and maintenance account (ESCM)*, in addition to worldwide security funds in the *diplomatic and consular programs account*. The final FY2000 appropriation passed by Congress and signed by the President set the total for overseas security upgrades at \$568 million.

The Department of State FY2001 request included more than \$1 billion for worldwide security upgrades in the *diplomatic & consular programs account* (\$410 million) and the *embassy security, construction and maintenance account* (\$648 million) with which the House concurred. In addition, the Administration sought advance appropriations totaling \$3.35 billion for anticipated embassy security needs; however, the House did not agree with providing funds for future years. Beyond security needs, the Administration requested \$431.2 million for regular ESCM spending. The House full Committee recommended \$417 million (about \$10 million less than the FY2000 level for this account) and the House passed that amount. The Senate full Committee recommended the same—\$417 million for ESCM, but offered much less—\$364 million—for worldwide security upgrades within the ESCM account.

The Senate Committee also specified \$272.7 million within the D&CP account for worldwide security upgrades. The conference report passed by Congress put the ESCM funding at \$417 million, in addition to \$663 million for worldwide security upgrades. The combined level equals the total of the two in the President's request.

The President's FY2001 request of \$4,711.2 million for State's *administration of foreign affairs* was nearly \$700 million above the FY2000 enacted level. The FY2001 request included: \$97 million for the *capital investment fund*, an increase of more than \$20 million in the *education and cultural exchanges account*, and a doubling of funds in the *emergencies in the diplomatic and consular service account* which pays for embassy evacuations and rewards regarding terrorist arrests. The House Appropriation Committee recommended slightly less—\$4,654.9 million—for State's *administration of foreign affairs*. The House reduced this amount by \$10.5 million to \$4,644.4 million, transferring out of the *diplomatic and consular programs account* \$10 million to Legal Services Corp. and \$500,000 to the International Water and Boundary Commission. The Senate Appropriations Committee recommended \$4,465.9 million—\$178 million less than the House-passed level. The reduction was largely because of the reduced level of funding for worldwide security upgrades. The conference report set funding for State's *administration of foreign affairs* at \$4,782.0 million, \$71 million more than the President's request.

The *capital investment fund*, which was established in 1994, provides for purchasing information technology and capital equipment to ensure efficient management, coordination, operation, and utilization of State's resources. The Administration request for FY2001 was \$97 million—\$17 million above the FY2000 level. Noting the need for improved communication and information technology at the Department's headquarters in Washington and in its overseas posts, Congress authorized \$150 million for this account for FY2001. The House full Committee, however, recommended funding of \$79.7 million, just under the current-year level of \$80 million. The House agreed with this amount. The Senate Committee, on the other hand, set their version of funding for the capital investment fund at \$104 million—higher than both the Administration request and the House level. The final level Congress passed was exactly equal to the President's request of \$97 million.

The United States contributes in two ways to the United Nations and other international organizations: voluntary payments funded in the Foreign Operations Appropriations bill and assessed contributions included in the Commerce, Justice, and State Appropriations measure. Assessed contributions are provided in two accounts, *international peacekeeping* and *contributions to international organizations (CIO)*. Following a period of dramatic growth in the number and costs of U.N. peacekeeping missions during the early 1990s, a trend that peaked in FY1994 with a \$1.1 billion appropriation, funding requirements have declined in recent years. The FY2000 enacted appropriation for CIO was \$885 million, \$500 million for international peacekeeping, and \$351 million for U.S. arrearage payments to the U.N. if certain reform criteria are met by the United Nations. Only \$100 million of the appropriated arrearage payments have been released because of a lack of U.N. reform.

The President's FY2001 budget sought \$946.1 million for CIO and \$738.7 million for international peacekeeping, with the bulk of funds going for peacekeeping activities in Kosovo, East Timor, and Sierra Leone. The House Appropriations

Committee recommended setting both accounts below the FY2000 level: CIO—\$880.5 million; international peacekeeping—\$498.1 million. The House passed these amounts. The Senate Appropriations Committee recommended CIO funding of \$943.9 million—closer to the Administration request—and \$500 million for international peacekeeping—the same as the FY2000 level and similar to the House level. Also, the Senate Committee recommended rescinding \$217 million of unobligated funds in the international organizations account. Congress passed \$870.8 million for CIO and \$846 million for peacekeeping for FY2001. The total of the two accounts is \$32 million greater than the President's FY2001 request.

***Education and cultural exchange programs*** (formerly funded within USIA) include programs such as the Fulbright, Muskie, and Humphrey academic exchanges, as well as the international visitor exchanges and Freedom Support Act programs. As a result of the foreign policy reorganization, this account is within State's Bureau for Public Diplomacy and International Exchanges. The FY2000 enacted level for this account was \$205 million, plus \$3.6 million within a supplemental for education and cultural exchanges with Kosovo. In the FY2000 enacted budget, Congress did not specify an amount for the Fulbright Educational Exchange Program.

The Administration requested \$225 million for education and cultural exchanges for FY2001. The \$20 million increase was to meet wage and price increases, enhance the Fulbright Program, and fully implement the United States/China High School Exchange Initiative. The House agreed with the CJS subcommittee and the full House Appropriations Committee in splitting the difference between the current budget level and the President's request, setting the ***education and cultural exchange account*** at \$213.8 million. The Senate Appropriations Committee recommended the requested \$225 million to the exchange account for FY2001. Congress passed \$231.6 million for this account—\$6 million more than the Administration had requested.

***USIA's international broadcasting*** operations account, established after consolidation under the Broadcasting Board of Governors (BBG) in FY1995, includes Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), Cuba Broadcasting, and newer surrogate facilities: Radio Free Asia (RFA), Radio Free Iraq and Radio Free Iran. When USIA integrated into the Department of State at the end of FY1999, the BBG became an independent agency. For FY2000, Congress appropriated \$410.5 million for international broadcasting activities and \$11.3 million for capital improvements.

The Administration FY2001 request totaled \$428.5 million for broadcasting (including \$23.5 million for Cuba Broadcasting) and \$19.8 million for capital improvements. The House Appropriations Committee recommended \$419.8 million for international broadcasting and \$18.4 million for capital improvements. The House passed these amounts. Included in the international broadcasting funds were \$131.2 million for VOA, \$68 million for RFE/RL, \$23.3 million for RFA, and \$22.8 million for Broadcasting to Cuba. The Senate full Committee recommended a total of \$441.6 million for international broadcasting—\$31.1 million for capital improvements (including security upgrades), \$388.4 million for broadcasting operations, and \$22.1 million for Cuba Broadcasting. The final level passed by Congress includes \$451.6, similar to the Senate level and about \$7 million below the President's request.

The *Government Performance and Results Act (GPRA)* enacted in 1993 (P.L. 103-62; 107 stat 285) required that agencies develop strategic plans that contain goals, objectives, and performance measures for all major programs. The subsequently published reports: *U.S. Department of State FY1999-2000 Performance Plan* released February 1, 1999, and the *United States Department of State Performance Report, Fiscal Year 1999* established target goals and measured how successful the State Department was in attaining those goals. With most of the 27 specified goals, State was close to, or completely successful in, meeting its stated goals.

## Other Related Agencies

This section includes all other related agencies covered by the CJS appropriations bill whose FY2001 appropriations exceed \$1.8 million.<sup>39</sup>

**Maritime Administration (MARAD).** MARAD administers programs that aid in the development, promotion, and operation of the nation's merchant marine (including programs that benefit vessel owners, shipyards, and ship crews). The Administration requested \$185.1 million for MARAD for FY2001, \$7 million more than Congress appropriated to it in FY2000. The request consisted of \$98.7 million for the Military Security Program (MSP), \$80.2 million for operating MARAD and training ship crews, \$2.0 million for ship construction mortgage guarantees ("Title XI Program"), and \$4.2 million for administering that guarantee program. The MSP program replaces the ODS (Operating Differential Subsidy) program. Only a few ships remained in the ODS program at the end of FY1999, and the last ship contract in the ODS expires in FY2002. The House Appropriations Committee recommended \$198 million for MARAD for FY2001, \$20 million more than was appropriated in FY2000, and about \$13 million above the Administration's request. The recommendation consisted of \$98.7 million for the Military Security Program (MSP), which is \$2.5 million more than Congress appropriated for FY2000, and about \$84.8 million for operating MARAD and training ship crews. The Committee also recommended \$10.6 million for ship construction mortgage guarantees ("Title XI Program"). This amount is \$8.6 million above the Administration's request and \$4.6 million above the FY2000 amount. The House Committee's recommendation also included \$3.8 million to administer the guarantee program, the same amount provided in FY2000 and a reduction of \$384,000 below the Administration's request. The House passed bill approved the Committee's recommendations.

The Senate Committee on Appropriations recommended \$203.3 million for the Maritime Administration, \$25.2 million more than Congress appropriated to it in FY2000, \$18.2 million more than the Administration requested and \$5.3 million more

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<sup>39</sup>Agencies which have received appropriations of less than \$1.8 million include: Commission for the Preservation of America's Heritage Abroad (FY2000 funding, \$490 thousand; \$490 thousand for FY2001); Commission on Electronic Commerce (newly created body, FY2000 funding was \$1.4 million; no additional funding for FY2001); Commission on Security and Cooperation in Europe (FY2000 funding, \$1.18 million; \$1.37 million for FY2001); the Marine Mammal Commission (FY2000 funding, \$1.27 million; \$1.7 million for FY2001), Commission on Ocean Policy (no funding for FY2000; \$1 million for 2001), and the newly created Congressional/Executive Commission on China (\$500 thousand for 2001).

than the House's recommendation. The Senate also recommended a total of \$24.4 for loan guarantees and administration of the Title XI Program which is \$16.6 million above the amount Congress appropriated in FY 2000, \$18.2 million more than the Administration's request and \$10 million more than what the House recommended.

The conference agreement included a total of \$219.6 million for the Maritime Administration, \$41.5 million more than Congress appropriated it in FY 2000, \$34.5 million more than the Administration requested and \$21.7 million than the House recommended and \$16.3 million more than the Senate recommendation. The conference agreement included \$98.7million for the Maritime Security Program as proposed by the Administration and in both the House bill and the Senate reported amendment. The agreement included \$86.9 for the Maritime Administration Operations and Training account instead of the \$72 million that Congress appropriated it in FY 2000. The approved total for FY2001 is higher than the \$80.2 as proposed by the Administration and in the Senate-reported amendment and the \$84.8 as proposed in the House bill. Within this amount, \$47.2 was for the operation and maintenance of the U.S. Merchant Marine Academy. The conference agreement provided \$34 million in appropriations for the Maritime Guaranteed Loan Program, \$24 million above the amount appropriated in FY 2000, \$27.8 million more than the Administration requested, more than double the \$14.4 the House had proposed, and \$9.6 million more than the Senate reported amendment.

**Census Monitoring Board.** The Administration requested \$4 million for the Census Monitoring Board for FY2001. This body is an eight-member bipartisan oversight board charged with observing and monitoring all aspects of the preparation and implementation of the 2000 decennial census.<sup>40</sup> Congress approved \$3.5 million for the Board, as part of the overall appropriation for the Census Bureau for FY2000. The House Appropriations Committee recommended, and the full House approved, \$3.5 million for the Board in FY2001, again as part of the Bureau's total appropriation. The Senate bill contained no explicit reference to the Board. Congress approved the recommendation of the House Committee.

**The Small Business Administration (SBA).** The SBA is an independent federal agency created by the Small Business Act of 1953. While the agency administers a number of programs intended to assist small firms, arguably its three most important functions are: to guarantee — via the 7(a) general business loan program — business loans made by banks and other financial institutions; to make long-term, low-interest loans to victims of hurricanes, earthquakes, and other physical disasters; and, to serve as an advocate for small business within the federal government.<sup>41</sup>

For FY2001, the Administration requested a total appropriation of \$1,057.8 million — a figure which included \$50.5 million in an emergency supplemental appropriation to support the agency's disaster loan program. This compared to a \$847 million CJS appropriation for SBA for FY2000. More specifically, the FY2001

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<sup>40</sup>For additional information on the Board, see: p. 33 of this report.

<sup>41</sup>For information about the SBA, see: *Small Business Administration: Overview and Issues*, CRS Report 96-649 E, by Bruce K. Mulock

request included \$419 million for Salaries & Expenses (S&E), an increase of \$96.3 million over the FY2000 appropriation.

The House CJS bill followed the recommendation of the Appropriations Committee. An amendment, however, added \$4.5 million for the Women's Business Centers program. The result: a total FY2001 appropriation for SBA of \$860.7 million, including \$304.1 million for S&E. For its part, the Senate Appropriation Committee recommended a total FY2001 appropriation for SBA of \$887.5 million, including \$143.5 for S&E.<sup>42</sup>

Congress approved a total FY2001 appropriation for SBA of \$859.5 million, including an appropriation of \$331.6 million for the SBA's S&E account. The conference agreement did not split funding for non-credit business assistance programs into a separate account, as proposed in the budget request and the Senate-reported amendment, but rather included funding for such programs under this account.

In addition, the conference agreement includes \$37 million for programs related to the New Markets Venture Capital Program subject to the authorization of that program, including \$7 million for BusinessLINC and \$30 million for technical assistance.<sup>43</sup>

**Legal Services Corporation (LSC).** This agency is a private, non-profit, federally funded corporation that provides grants to local offices that, in turn, provide legal assistance to low-income people in civil (non-criminal) cases. The LSC has been controversial since its inception 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 laws, Congress traditionally has included legislative provisions restricting the activities of LSC-funded grantees, such as prohibiting representation in certain types of cases or conducting any lobbying activities.

For FY2001, the Administration requested \$340 million for the LSC. The proposal would continue all restrictions on LSC-funded activities currently in effect. The Administration has requested \$340 million every year since FY1997, in an effort to partially restore recent cutbacks in funding. The Administration's FY2001 request for LSC is \$35 million higher than the \$305 million FY2000 appropriation for

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<sup>42</sup>The Committee recommendation provides a direct appropriation of \$143.5 for S&E. This amount is \$19.5 million below the FY2001 request and \$179.3 million below the FY2000 appropriation. In FY2001, the SBA request for S&E was divided into two accounts. Those costs, which are directly attributable to some of the agency's "non-credit assistance programs", are shown in a new account with that name. The new S&E account included funds wholly devoted to the administrative operations of the agency. For SBA's non-credit assistance programs, the Committee recommends a total of \$153.7 million. This amount is \$102.4 million below the FY2001 request.

<sup>43</sup>For an overview of this proposal, see: *Renewal Communities and New Markets Initiatives: Legislation in the 106<sup>th</sup> Congress*, CRS Report RL30597, by Bruce K. Mulock.

the program. Historically, the Corporation's highest level of funding was \$400 million in FY1994 and FY1995. P.L. 106-113, the omnibus appropriations bill for FY2000, provided \$305 million for LSC for FY2000.

For FY2001, the House Appropriations Committee recommended a total of \$141 million for the LSC. This amount is \$164 million lower than the FY2000 appropriation and \$199 million lower than the Administration's request. The Committee recommendation of \$141 million for LSC includes \$134.6 million for basic field programs, \$5.3 million for management and administration, and about \$1.1 million for the inspector general.

On June 26, 2000, the House approved \$275 million for the LSC. This amount is \$30 million lower than the FY2000 appropriation and \$65 million lower than the Administration's request. The \$275 million for LSC includes \$265 million for basic field programs and required independent audits, \$7.9 million for management and administration, and \$2.1 million for the inspector general.

For FY2001, the Senate Appropriations Committee recommended a total of \$300 million for the LSC. This amount is \$5 million lower than the FY2000 appropriation, \$40 million lower than the Administration's request, and \$25 million higher than LSC amount in the House-passed bill. The Committee recommendation of \$300 million for LSC includes \$289 million for basic field programs, \$8.9 million for management and administration, and about \$2.1 million for the inspector general.

The Conference Committee report on H.R. 4690 included \$330 million for LSC for FY2001. This is \$25 million higher than the FY2000 LSC appropriation and \$10 million lower than the Administration's request. The Conference Committee report recommendation of \$330 million for LSC includes \$310 million for basic field programs and independent audits, \$10.8 million for management and administration, \$2.2 million for the inspector general, and \$7 million for client self-help and information technology. Both the House and the Senate approved the Conference Committee recommendation for LSC.

**Equal Employment Opportunity Commission (EEOC).** The Commission enforces laws banning employment discrimination based on race, color, religion, sex, national origin, or handicapped status. The EEOC's workload has increased dramatically since the agency first was created under Title VII of the Civil Rights Act of 1964. As new civil rights laws have been enacted and employees' increased awareness of their rights has grown, the agency's budget and staffing resources have not been able to keep pace with the substantial increase in its case load. The Congress increased the agency's budget for FY1999, giving it \$279 million, an increase of \$37 million over the FY1998 appropriation. The additional funds have helped to speed resolution of a large backlog of cases and expand the use of alternative dispute resolution techniques. The agency's budget for FY2000 was increased minimally to \$282 million.

For FY2001, the President requested \$322 million, an increase of \$40 million to continue the agency's effort to lower charge inventories by increasing collaboration between investigatory and legal staffs, reduce excess backlogs in hearings and appeals, provide training and technical assistance to employers on how to comply with equal

pay requirements, and facilitate compliance with EEO laws in the private and public sectors. The House Appropriations Committee recommended \$290.9 million, or almost \$9 million more than the enacted FY2000 amount, but \$31 million less than the President's request. The House approved the Committee's recommendation. The Senate Appropriations Committee recommended \$294.8 million, or \$12.8 more than the enacted FY2000 amount, \$27.2 million less than the President's request, and \$3.9 million more than the House amount. The Congress approved a compromise of \$303.86 million between the House and Senate recommendations for FY2001 funding of the EEOC.

**Commission on Civil Rights.** The Commission collects and studies information on discrimination or denials of equal protection of the laws. It received an appropriation of \$8.9 million for FY2000. The President's request for FY2001 calls for an increase to \$11 million. The House Appropriations Committee recommended the same level as that appropriated for FY2000—\$8.9 million, and \$2 million below the President's request. The House approved the Committee's recommendation. The Senate Appropriations Committee approved the same level approved by the House. The Congress approved \$8.9 million.

**Federal Communications Commission (FCC).** The FCC is an independent agency charged with regulation of interstate and foreign communication by means of radio, television, wire, cable and satellite. For FY2001 Congress approved \$230.0 million in total FCC funding, compared with \$237.2 million both requested by the Commission and recommended by the Senate Appropriations Committee, \$207.9 million as passed by the House, and \$210.0 million enacted for FY2000. Congress provided that of the FCC's total FY2001 resources, \$200.2 million was to be derived from offsetting fee collections (as provided in the House bill and recommended by Senate Appropriations Committee), resulting in a net direct appropriation of \$29.9 million (instead of \$7.8 million included in the House bill and \$37.0 million recommended by the Senate committee).

The FY2001 appropriations bill as enacted also included a new provision requiring the FCC to take certain actions regarding lower power FM radio regulations. The provision, taken from the Radio Broadcasting Preservation Act of 2000 (S. 3020), significantly scaled back the LPFM program. The measure, it was estimated, would have the effect of reducing the number of LPFM licenses that the FCC could issue, from about 300-400 (under the FCC's current rules) down to about 70 licenses nationwide. The provision also required the FCC to conduct further field tests of LPFM signals to determine whether these limitations could be dropped without causing harmful interference to incumbent radio broadcasters.<sup>44</sup> Initially, the Clinton Administration had expressed its opposition to this provision but stopped short of saying it was grounds for a presidential veto.

Congress also approved, as part of its FY2001 CJS legislation, the "Launching Our Communities Access to Local Television Act." This measure, as finally enacted,

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<sup>44</sup> For background on the low power FM radio issue in the 106<sup>th</sup> Congress, see U.S. Library of Congress, Congressional Research Service, *Low Power FM Radio Service: Regulatory and Congressional Issues*, by Gwenell L Waters Bass and Richard M. Nunno, CRS report RL30462, updated Jan. 5, 2001 (Washington: continually updated).

was a new version of legislation that, earlier in the 106<sup>th</sup> Congress, passed the House as H.R.3615 and the Senate as S. 2097. (No conference was held to reconcile the differences between those bills.) The intent of the legislation is to ensure that consumers can obtain local broadcast television channels via satellite or other technologies.<sup>45</sup> This legislation created a \$1.25 billion loan guarantee program to assist recipients build systems that would ensure that consumers in all television markets, large and small, can receive local television signals. Recipients will be selected by a four-person Board composed of the Secretaries of Treasury, Agriculture, and Commerce, and the Chairman of the Federal Reserve, or their designees. The Board is to take into account factors such as whether a project would provide service to "nonserved" or "underserved" areas and whether it also would provide high-speed Internet access. The program will be administered by the Rural Utilities Service in the U.S. Department of Agriculture.<sup>46</sup>

Congress declined to include in its final FY2001 CJS legislation a provision, approved earlier by the Senate Appropriations Committee, to restrict takeovers of U.S. telecommunications companies by foreign government-backed entities. Specifically, the Senate-reported measure would have prohibited the FCC from expending funds to grant a license or operating authority "to a corporation of which more than 25 percent of the stock is directly or indirectly owned or voted by a foreign government or its representative."<sup>47</sup> In October 2000, however, press reports said the provision had been dropped as part of efforts by House and Senate conferees on the CJS bill to resolve their differences.

Also absent from the final CJS bill passed by Congress was an amendment, contained in House-passed H.R. 4690, limiting funding for the FCC's Office of Media Relations to not more than \$640,000.<sup>48</sup>

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<sup>45</sup> The impetus for the legislation was passage in 1999 of the Satellite Home Viewer Improvement Act (SHVIA) that allowed satellite companies, for the first time, to offer local network television to their customers—called "local-into-local" service. A major factor in Congress' decision to allow satellites to offer local stations was to increase competition to cable because of consumer complaints about cable rate increases. The two existing satellite TV companies, EchoStar and DirecTV, planned to offer local-into-local only to the top markets in the country, however. Some Members were concerned that small and rural markets would not benefit from this new service, while others more broadly wanted to ensure that consumers in all markets, regardless of size, have competition to cable.

<sup>46</sup>For further information, see CRS Report RL30481, *Satellite Television: An Analysis of Pending Legislation Regarding Loan Guarantees for Providing Local Broadcast Signals*.

<sup>47</sup>The provision had been sponsored by Senator Ernest F. Hollings of South Carolina and was based on legislation, S. 2793, he had introduced earlier in 2000. That legislation had been referred to, but not reported out of, the Committee on Commerce, Science and Transportation.

<sup>48</sup> The amendment was added as Sec. 801, at the end of H.R. 4690, under a new title, "Title VIII—Limitations." The amendment's sponsor, Representative Cliff Stearns of Florida, noted during floor debate that there currently were 17 persons employed in the Office of Media Relations—four receiving an average salary of more than \$77,000, another four earning almost \$99,000 a year each, and one earning almost \$131,000 a year, with a salary total for the office of \$1.1 million. The Commission, Representative Stearns said, was "in overload

(continued...)

Affecting the FCC in FY2001 will be Senate Appropriations Committee report language concerning a broadcast code of conduct for the content of programming (which House-Senate conferees incorporated by reference). In its report, the Senate committee had expressed concern about the “declining standards of broadcast television and the impact this decline is having on American’s children.” The committee instructed the FCC to report to Congress by June 1, 2001, on issues associated with “resurrecting a broadcast industry code of conduct for content of programming” to “protect against the further erosion of broadcasting standards.”

House-Senate conferees also had noted, without endorsing, Senate Appropriations Committee report language on public broadcast stations’ access to spectrum. In that report (on its version of the CJS appropriations bill, H.R. 4690), the Appropriations Committee had directed the FCC to reconsider a portion of a Commission report and order (released in April 2000) affecting public broadcasters’ access to spectrum, which, the committee said, required public broadcasters to engage in the competitive bidding process against commercial broadcast stations when they apply for broadcast spectrum not specifically reserved for noncommercial educational use. House-Senate conferees noted that the FCC was examining this issue, which also was pending as a case before a U.S. circuit court of appeals. The conferees said that their agreement reflected “the belief that this issue can be resolved through the administrative or judicial process, so no legislative action is required at this time.”<sup>49</sup>

In keeping with the requirements of the Government Performance and Results Act, the FCC, as part of its FY2001 budget request presented a strategic plan setting forth its overall mission and general and specific goals for a 5-year time frame.<sup>50</sup>

**Federal Maritime Commission (FMC).** The FMC regulates a large part of the waterborne foreign offshore commerce of the United States. The Administration requested \$16.2 million for the FMC for FY2001, \$2 million more than Congress appropriated to it in FY2000. The House Appropriations Committee recommended

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<sup>48</sup>(...continued)

with personnel” in press relations, and his amendment was “just intended to save money and to bring more fiscal responsibility.”

<sup>49</sup> At the same time, however, the conferees directed the chairman of the FCC to report to the House and Senate Appropriations Committees on any action the Commission might take on this issue by April 1, 2001.

<sup>50</sup>The general “activity goals” of this plan, flowing from what the FCC called its five “core functions,” are as follows: promote efficient and innovative licensing and authorization of services; encourage, through policy and rule-making activities, the development of competitive, innovative and excellent communications systems, “with a minimum of regulation or with an absence of regulation where appropriate in a competitive market”; promote the public interest and pro-competitive policies by enforcing rules and regulations that ensure that all Americans are afforded efficient use of communications services and technologies; provide information services to its “customers” in the most useful formats available and in the most timely, accurate and courteous manner possible; and manage the use of the Nation’s airwaves in the public interest for all non-federal government users, including private sector, and state and local government users.

\$14.1 million, which was about the same level funded for FY2000 and \$2.1 million less than the President's request. The House passed bill approved the Committee's request. The Senate Appropriations Committee recommended \$16.2 million for the FMC for FY2001, \$2.2 million more than Congress appropriated to it in FY2000. The Senate's recommendation was equal to the Administration's request and \$2.1 million above the House's recommendation. The conference agreement included \$15.5 million for the salaries and expenses of the Federal Maritime Commission which is less than the \$16.2 that the Administration requested and Senate-reported amendment proposed but more than the \$14.1 million that the House bill proposed.

**The Federal Trade Commission (FTC).** The FTC, an independent agency, is responsible for enforcing a number of federal antitrust and consumer protection laws. Last fall, Congress approved a total FY2000 appropriation for the agency of \$125 million, a reduction of \$8.4 million from the agency's FY1999 figure. More specifically, the \$125 million is comprised of \$104 million in offsetting fee collections and \$21 million in prior-year collections; as a result, no net direct appropriations were required.

For FY2001, the Administration requested an increase in its program level from \$125 million to \$164.6 million. The FY2001 request included \$7 million derived from estimated FY2000 carryover fee balances and an anticipated \$157.6 million from premerger filing fees under the Hart-Scott-Rodino Act; therefore, as was the case last year, for FY2001 the FTC requested no net direct appropriation. The House Appropriations Committee recommended a CJS appropriation of \$134.8 million for the agency for FY2001. That request included \$13.7 million derived from estimated FY2000 carryover fee balances and an anticipated \$121.1 million for premerger filing fees. The House bill mirrored the committee's recommendation.

The Senate Appropriations Committee recommended a program level for the agency for FY2001 of \$159.5 million, to be derived exclusively from the collection of premerger filing fees.

The conference agreement approved by Congress includes a total operating level of \$147.2 million for the FTC for FY2001. The conference agreement assumed that, of the amount provided, \$145.3 million will be derived from fees collected in FY2001 and \$1.9 million will be derived from estimated unobligated fee collections available from FY2000. These actions result in a final direct appropriation of \$0.

**Securities and Exchange Commission (SEC).** The SEC administers and enforces federal securities laws in order to protect investors and to maintain fair and orderly markets. In 1999, Congress approved a total operating level of \$367.8 million for the SEC for FY2000, an increase of \$43.8 million over FY1999. The figure was comprised of \$173.8 million in offsetting fee collections for FY2000 and \$194 million in prior-year fee collections. The result: no direct appropriations were required for the agency for FY2000.

For FY2001, the Administration requested a total operating level of \$422.8 million for the SEC, an increase of \$55 million over FY2000. This figure would have been comprised of \$282.8 million in offsetting fee collection for FY2001 and \$140

million in prior-year collections. As was the case in 1999, no direct appropriations would be needed.

The House Appropriations Committee recommended FY budget authority of \$392.6 million, \$30.2 million less than the Administration's request. This figure would consist of \$252.6 million in FY2001 offsetting fees and \$140.0 million in prior-year fees. No direct appropriations would be needed. The House approved the Appropriations Committee's recommendation.

The Senate Appropriations Committee recommended \$489.7 million for the SEC, or \$66.9 million more than the Administration's request. The additional funds were earmarked to raise salaries of certain SEC employees to levels comparable to those of federal bank examiners. (See S. 2107, reported by the Senate Banking Committee on July 14, 2000.) The total would have consisted of \$194.6 million in fees collected during FY2001, and \$295 million from fees collected during FY1999. No direct appropriations would be needed.

The Conference and the final legislation approved \$422.8 million for the SEC in FY 2001, the amount of the administration's request. Of this, \$127.8 million will come from fees collected during FY2001, while the remaining \$295 million will come from FY1999 fees. No direct appropriations will be needed.

**The State Justice Institute.** The Institute is a private, non-profit corporation that makes grants and conducts other activities to further the development of judicial administration in State courts throughout the United States. Under the terms of its enabling legislation, SJI is authorized to present its request directly to Congress, apart from the President's budget. For FY2001, the President requested the same funding amount for SJI as appropriated for FY2000—\$6.85 million. The President's budget request stated that appropriations for SJI in FY2001 were "intended to provide for continuation of Institute operations at a reduced level."<sup>51</sup> For its part, however, the Institute requested \$15.0 million for FY2001, more than double its FY2000 funding amount.<sup>52</sup> Subsequently, the House, as recommended by its Appropriations Committee, approved an FY2001 appropriation of \$4.5 million. For its part, the Senate Appropriations Committee approved total funding resources of \$14.85 million for the Institute—consisting of \$6.85 million in direct appropriations and \$8.0 million to the Institute in the form of a transfer from

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<sup>51</sup>Appendix, Budget of the United States Government, Fiscal Year 2001, p. 1210.

<sup>52</sup>In its FY2001 budget submission to Congress, the Institute stated that the financial assistance it provides "is an especially appropriate form of Federal assistance because it enables all 50 state court systems, as well as the Federal courts, to benefit from the innovations and improvements made in any one State's court system." The Institute noted that prior to its creation in 1984, most State court systems "were unable to obtain more than a minuscule share of the substantial Federal anti-crime grants awarded . . . to the Governor of each State."

the Judiciary title in H.R. 4690, Title III.<sup>53</sup> Against this backdrop, Congress ultimately approved the \$6.85 million amount for the SJI as requested by the President.<sup>54</sup>

**Office of the U.S. Trade Representative (USTR).** The amount approved by Congress included \$29.5 million for appropriations for FY2001, which was only slightly less than the President's request of \$29.6 million, but \$3.9 million more than the FY2000 level of \$25.6 million. The Senate Appropriations Committee had recommended \$29.6 million, and the House had approved \$29.4 million. The increased level is expected to add new employees for negotiations, monitoring, and enforcement of trade agreements.

**U.S. International Trade Commission (ITC).** For FY2001, the Congress provided \$48.1 million, which was \$1.0 million less than the level requested by the Administration (\$49.1 million) and \$3.6 million more than the FY2000 level (\$44.5 million). The Senate Appropriations Committee had recommended \$49.1 million, and the House had approved \$47.0 million.

**U.S. Commission on International Religious Freedom.** The President asked for \$3 million for this body for FY2001. The Commission, established in Public Law 105-292, is an independent agency charged with the annual and ongoing review and reporting of the facts and circumstances of violations of religious freedom. The appropriation for FY1999 was \$3 million. No additional funds were appropriated for FY2000. The House Appropriations Committee did not recommend additional funding for FY2001. The House took no further action. The Senate version of the CJS bill makes no reference to this Commission. Congress provided no additional funding for FY2001.

## Compliance with GPRA Requirements

As noted earlier in this report, the Government Performance and Results Act (GPRA) passed by Congress in 1993 (P.L. 103-62) requires that agencies develop strategic plans that contain goals, objectives, and performance measures for all major programs. In its report on the FY1999 CJS appropriations bill (S. 2260; S.Rept. 105-235, pp. 5-6), the Senate Appropriations Committee made the following evaluation regarding agency compliance with GPRA requirements:

The Committee has received a number of strategic plans from different organizations receiving appropriated funds within the bill. The Committee found weaknesses with the fiscal year 1999 performance plans of the Departments of Commerce and State and the Small Business Administration. The Committee was especially troubled by the lack of results-oriented, measurable goals in the performance plans. The Committee is also concerned that the plans did not

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<sup>53</sup> Specifically, H.R. 4690 as reported by the Senate Appropriations Committee provided that the transfer of \$8.0 million to the Institute come from funding appropriated to the Judiciary under the heading "Court of Appeals, District Courts, and Other Judicial Services."

<sup>54</sup> House-Senate conferees noted in their report that the conference agreement did not include the transfer of an addition \$8 million to this account from the Judiciary's Title III funding as proposed by the Senate Appropriations Committee.

uniformly display clear linkages between performance goals and the program activities in agencies' budget requests. Also, some plans did not sufficiently describe approaches to produce credible performance information. The Committee considers the full and effective implementation of the Results Act to be a priority for all agencies under its jurisdiction. We recognize that implementation will be an interactive process, likely to involve several appropriations cycles. The Committee will consider agencies' progress in addressing weaknesses in strategic and annual performance plans in tandem with their funding requests in light of their strategic goals. This effort will help determine whether any changes or realignments would facilitate a more accurate and informed presentation of budgetary information. Agencies are encouraged to consult with the Committee as they consider such revisions prior to finalizing any requests.

The plan prepared by the Department of Justice was given high marks by the committee. It stated that: "The plan was received in a timely fashion and contained objective, measurable performance goals. The strength of the performance plans was its presentation of reasonably clear strategies for its intended performance goals."<sup>55</sup>

In its report on its version of the CJS bill, the House Appropriations Committee in 1998 noted that "performance plans have generally been of mixed utility in considering the fiscal year budget request." The committee requested that each agency consult with it early in the process of formulating the budget and performance plan for FY2000, to improve the plan's usefulness to the committee when it examines the FY2000 request (H.Rept. 105-636, p. 8.). In its report on the FY2000 CJS appropriations, the Senate Appropriations Committee stated that it had "...sent a memorandum to all organizations subject to GPRA funded within this Act. It requested information about the agencies' experiences resulting from the Act. The Committee reiterates that all responses be provided no later than July 1, 1999."<sup>56</sup> Brief descriptions of the latest versions of the Strategic plans of the *major* agencies covered by CJS appropriations are contained in the discussions of the FY2000 budget requests of individual agencies included in this CRS report. In his budget for FY2001, President Clinton made the following observations regarding the GPRA process, stating that it:

...requires agencies to measure performance and results—not just funding levels—so that we can better track what taxpayers are getting for their dollars. Agencies are not only working to develop and use performance measures in program management but are also working to integrate this information into budget and resource allocations, so that we can better determine the cost of achieving goals. The task is not simple. The agencies must define the specific goals, determining the proper level of resources, assess which programs are working, and fix those that are not. Progress will depend on GPRA becoming more than a paper

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<sup>55</sup>S.Rept. 105-235, p. 8.

<sup>56</sup>U. S. Congress. Senate Appropriations Committee. Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 2000. (106<sup>th</sup> Cong., 1<sup>st</sup> session, S.Rept. 106-76), p. 6.

exercise. Over the next year, OMB will work with all agencies to better integrate planning and budgeting and systematically associate costs with programs.<sup>57</sup>

A review of the final reports of the House and Senate Appropriations Committees on the FY2001 CJS appropriations bill (H. Rept. 106-680 and S. Rept. 106-404) finds that neither Committee made any general comments regarding agency compliance with GPRA requirements.

## Major Funding Trends

The table below shows funding trends for the major agencies included in CJS appropriations over the period FY1997-FY2001. As seen in the table below, funding increased, in current dollars, for the Department of Justice by \$4,022 million ( or 27.5%); for the Department of Commerce by \$5,009 million ( or 37.6%);<sup>58</sup> for the Judiciary by \$906 million (or 29.7%); and for the Department of State by \$1,930 million (or 49%).<sup>59</sup>

**Table 2. Funding Trends for Departments of Commerce, Justice, and State, and the Judiciary**  
(in millions of current dollars)

Department or Agency	FY1996	FY1997	FY1998	FY1999	FY2000
Justice	14,625	16,425	17,764	18,207	18,647
Commerce	3,640	3,804	4,251	5,098	8,649
Judiciary	3,053	3,260	3,464	3,652	3,959
State	3,950	3,974	4,037	4,359	5,880

**Sources:** Funding totals provided by Budget Offices of CJS and Judiciary agencies, and U.S. House of Representatives. Committee on Appropriations.

## Current Funding Status

President Clinton's FY2001 budget requested about \$39.6 billion for the agencies covered by the CJS appropriations bill, about the same level as that appropriated for FY2000. On June 14, 2000, the House Appropriations Committee approved its version of the CJS appropriations bill (H.R. 4690, H.Rept. 106-680). It recommended funding totaling \$37.4 billion—\$2.2 billion below the President's request and about \$2.2 billion below the FY2000 appropriation. The House approved

<sup>57</sup>Budget of the United States Government, Fiscal Year 2001 (106 Cong. 2<sup>nd</sup> sess), p. 294.

<sup>58</sup>Funding for FY2000 was substantially increased by a special appropriation of \$4.5 billion to fund the 2000 decennial census. If this amount is subtracted from the FY2000 appropriation total for the Department, the funding increase over the FY1996-2000 period would have been 10.5%.

<sup>59</sup>The substantial increase in funding for the State Department from FY1999 to FY2000 reflects the absorption of the functions of USIA and ACDA into the Department, as the result of reorganization in FY2000.

the bill on June 26 by a vote of 214-195, with 1 voting present.<sup>60</sup> It approved the same overall funding total recommended by the Appropriations Committee.

On July 18, 2000, the Senate Appropriations Committee approved its version of the bill. It approved total funding of \$36.7 billion which is about \$700 million below the House version and about \$2.9 billion below both the President's request and the actual FY2000 appropriation (S.Rept. 106-404). (The Senate, however, did not vote on its version of the bill. Instead, it approved the version approved by the Conference Committee which was agreed to on October 26, 2000.)

On October 27, 2000, Congress approved total funding of \$40.0 billion which was about \$400 million above both President's request and the total enacted for FY2000. H.R. 4690 was included in Conference Report approved by Congress in H.R. 4942 (H.Rept. 106-1005: *Making Appropriations for the Government of the District of Columbia and Other Activities Changeable in Whole or in Part Against Revenues of Said District for the Fiscal Year Ending September 30, 2001, and for Other Purposes*). Subsequently, the District of Columbia appropriations portion of the measure was separated from the bill and approved by Congress (H.R. 5663) on November 15. The President signed this measure into law on November 22. On December 21, President Clinton signed the remaining portion of H.R. 4942 contained in H.R. 5548, the FY2001 CJS appropriations bill, into law on December 21, 2000 (P.L. 106-553). On December 15, 2000, Congress approved additional funding of about \$103 million for CJS appropriations in the miscellaneous funding section of H.R. 4577 (H.Rept. 106-1033). This bill was signed into law by the President on December 21, 2000 (P.L. 106-554). Agency totals affected by this additional funding have been changed in this report to reflect this action.

**Continuing funding resolution.** With the expiration of Fiscal Year 2000 appropriations on September 30, 2000, Congress enacted a continuing funding resolution (H.J.Res. 109; P.L. 106-225) which extended FY2000 appropriations through midnight October 6, 2000. This was followed by a second resolution (H.J.Res. 110) which extended FY2000 funding through October 14, 2000. A third resolution was approved by Congress (H.J.Res. 111), extending funding through October 20, 2000. A fourth resolution (H.J. Res. 114) was approved to extend funding through Wednesday, Oct. 25, 2000. After October 25, Congress enacted eight one day continuing resolutions. On November 3, Congress approved H.J.Res. 84 which extended FY2000 funding through November 14, the date that both Houses of Congress were scheduled to return from the election recess. This was followed by approval on November 14 of a longer term extension of funding (H.J. Res. 125) through December 5, 2000. After returning on December 4, Congress approved a number of short term extensions to provide funding until the President signed the FY2001 CJS bill into law on December 21, 2000.

**Government-wide rescissions.** It is important to note that the FY2001 Consolidated Appropriations Act (H.R. 4577; P.L. 106-554) contains a provision which mandates a 0.22 percent government-wide rescission of discretionary budget

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<sup>60</sup>The floor debate in the House is contained in the *Congressional Record*, vol. 146, June 23, 2000, pp. H5039-72, and June 26, 2000, pp. H5103-62.

authority for FY2001 for all government agencies (except for certain defense activities), including those covered by the FY2001 CJS appropriations bill. For further information, see page 3 of this report.

Table 3 shows the FY2000 appropriations totals and the President's request for the major agencies covered by the FY2001 CJS Appropriations bill. Similar information for other agencies covered by the bill, but not shown in this table, are included in the Appendix of this report.

**Table 3. Departments of Commerce, Justice, and State, and the Judiciary Appropriations**  
(in millions of dollars)

Department or Agency	FY2000	FY2001 Request	House Bill, H.R. 4690	Senate Bill, H.R. 4690	Final Bill, H.R. 5548**
Justice	18,647	20,325	20,237	18,727	21,106
Commerce	8,649	5,445	4,277	4,837	5,225
Judiciary	3,959	4,422	4,208	4,237	4,263
State	5,880	6,515	6,110	6,117	6,610

\*\*H.R. 4690 is included in Conference Report approved by Congress on October 27, 2000 (H.R. 4942; H.Rept. 106-1005: *Making Appropriations for the Government of the District of Columbia and Other Activities Changeable in Whole or in Part Against Revenues of Said District for the Fiscal Year Ending September 30, 2001, and for Other Purposes*). Subsequently, the District of Columbia appropriations portion of the measure was separated from the bill and approved by Congress (H.R. 5663) on November 15. The President signed this measure into law on November 22. On December 21, the President signed the remaining portion of H.R. 4942 contained in H.R. 5548, the FY2001 CJS appropriations bill, into law on December 21, 2000 ( P.L. 106-553).

**Sources:** U. S. House Committee on Appropriations; U.S. Senate Committee on Appropriations.

## Related Legislative Action

### Department of Justice and Related Agencies

#### H.R. 12 (Delay)

Limits the jurisdiction of the federal courts with respect to prison release orders. Introduced January 6, 1999; referred to Committee on Judiciary.

#### H.R. 357 (Conyers)

Combats violence against women by providing for law enforcement and prosecution grants, for education and training grants to promote appropriate responses to victims of violence, for a National Domestic Violence Hotline, for counseling services and for transitional compensation for victims of violence. Introduced January 19, 1999; referred to Committee on Judiciary.

#### H.R. 1501 (McCollum)

Juvenile Justice Reform Act of 1999. Contains several drug-related provisions, including but not limited to, increased mandatory minimum penalties for using a firearm to commit a violent crime or drug trafficking offense, using minors to distribute drugs, selling drugs to minors, and engaging in drug trafficking near a school or other protected location. Includes reauthorization language for the Juvenile Justice and Delinquency Prevention Act of 1974, amended, through FY2003; provides for the establishment of Juvenile Delinquency Block Grant Program to eligible states for various purposes including drug use reduction; and renews the Juvenile Accountability Block Grants, amended, to provide grants for various purposes including juvenile drug courts. Introduced April 21, 1999; referred to Committee on Judiciary. Passed House, amended, June 17. (Related bills: H.R. 988, H.R. 2987.)

#### **H.R. 3918 (Rogers)**

Immigration Reorganization and Improvement Act of 1999. This bill is identical to H.R. 2528, as introduced. It would dismantle INS and create two new bureaus at the Department of Justice, one for Immigration services, the other for enforcement. Introduced on March 14, 2000. Approved by the House Judiciary Committee's Immigration and Claims Subcommittee on March 22, 2000.

#### **S. 5 (DeWine)**

Drug Free Century Act. Includes provisions to reduce the transportation and distribution of illegal drugs and strengthen domestic demand reduction. Provides for international reduction of drugs by denying safe havens to international criminals, promotion of global cooperation to fight international crime, money laundering deterrence, increased penalties by raising mandatory minimum sentencing for powder cocaine offenses and drug offenses committed in the presence of a child. Authorizes additional funding for drug eradication and interdiction operations and confirms funding goals set by the Western Hemisphere Drug Elimination Act (P.L. 105-277, Title VIII). Contains provisions to protect children and teachers from drug-related school violence. Provides for drug education, prevention and treatment programs. Introduced January 19, 1999; referred to Committee on Judiciary.

#### **S. 9 (Daschle)**

Safe Schools, Safe Streets, and Secure Borders Act. Addresses violent crime in schools, reforms the juvenile justice system, combats gang violence, penalizes the sale and use of illegal drugs, enhances the rights of crime victims, and provides assistance to law enforcement officers in their battle against street crime, international crime, and terrorism. Authorizes funding to hire or deploy 25,000 additional police officers, and for other crime and drug programs by extending the Violent Crime Reduction Trust Fund through FY2002. Permits federal prosecution of juveniles only when the Attorney General certifies that the state cannot or will not exercise jurisdiction, or when the juvenile is alleged to have committed a violent, drug, or firearm offense. Contains provisions allowing prosecutors sole, nonreviewable authority to prosecute as adults 16- and 17-year-olds who are accused of committing the most serious violent and drug offenses. Enumerates prevention programs to reduce juvenile crime and includes grants to youth organizations and 'Say No to Drugs' Community Centers. Increases penalties for selling drugs to children, for drug trafficking in or near schools, and for use of "club drugs." Encourages pharmacotherapy research to develop medications for the treatment of drug addiction,

and funds drug courts, which subject eligible drug offenders to programs of intensive supervision. Contains provisions to fight drug money laundering. Introduced January 19, 1999; referred to Committee on Judiciary.

**S. 254 (Hatch)**

Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act. Contains various drug-related provisions: increases the penalties for using minors to distribute controlled substances. Authorizes \$1 billion for selected crime and drug programs by extending the Violence Crime Reduction Trust Fund through FY2001. Introduced January 20, 1999; placed on Senate Legislative Calendar under General Orders; passed Senate with amendments, May 20, 1999.

**Department of Commerce**

**H.R. 1553 (Calvert)**

A bill to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes. Introduced April 26, 1999; referred to House Committee on Science. Reported by Committee, May 18, 1999 (H.Rept. 106-146). Passed House by voice vote, May 19, 1999.

**H.R. 1744 (Morella)**

A bill to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2000 and 2001, and for other purposes. Introduced May 10, 1999; referred to the House Committee on Science. Mark-up session held, May 26, 1999.

**H.R. 1907 (Coble)**

Patent and Trademark Office Efficiency Act. Establishes the PTO as an independent agency under the policy direction of the Secretary of Commerce. Provides that all revenues collected by PTO will be for the exclusive use of the PTO. Introduced May 24, 1999; referred to House Committee on Judiciary. Ordered to be reported May 26, 1999.

**H.R. 2452 (Royce)**

A bill to dismantle the Department of Commerce. Introduced on July 1, 1999. Referred to the Committees on Commerce, Transportation and Infrastructure, Banking and Financial Services, International Relations, Armed Services, Ways and Means, Government Reform, the Judiciary, Science, and Resources.

**The Judiciary**

**H.R. 833 (Gekas)**

A bill to amend title 11 of the United States Code. Among many provisions of this bankruptcy reform bill, Section 128 (Bankruptcy Judgeship Act of 1999) creates 18 new temporary bankruptcy judgeships and extends temporary bankruptcy judgeships in five districts. Referred to House Committee on Judiciary and in addition to Committee on Banking and Financial Services, February 24, 1999; referred to

Subcommittee on Commercial and Administrative Law, March 11, 1999. Subcommittee hearings held March 16, 17 and 19, 1999; subcommittee markup, March 25, 1999. Committee consideration and markup, April 21, 22, 27 and 28, 1999. Reported to House (Amended), April 29, 1999. Committee on Banking and Financial Services discharged, April 29, 1999. Passed House by roll call vote, 313-108, May 5, 1999. Received in Senate, May 6, 1999; read twice and placed on Senate Legislative Calendar under General Orders, May 12, 1999. Measure laid before Senate by unanimous consent, all after Enacting Clause is struck with Senate substituting language of S. 625 as amended, and by 83-14 roll call vote measure is passed in lieu of S. 625 with an amendment, with Senate, insisting on its amendment, requesting a conference, February 2, 2000.

#### **H.R. 1752 (Coble)**

Federal Courts Improvement Act of 1999. Bill would effect various changes in federal court jurisdiction, authority of judicial officers, judicial financial administration, and judicial personnel administration. Referred to House Committee on Judiciary, May 11, 1999; referred to Subcommittee on Courts and Intellectual Property, May 25, 1999. Subcommittee hearings held June 16, 1999; subcommittee markup, July 15, 1999. Committee consideration and markup, July 27, 1999. Reported to House (Amended) and placed on Union Calendar, September 9, 1999. Considered in House under suspension of the rules, passed as amended by voice vote, May 22, 2000. Received in the Senate and referred to the Committee on the Judiciary, May 23, 2000. See related bill, S. 2915, Public Law 106-518, below.

#### **S. 159 (Moynihan)**

A bill to amend chapter 121 of title 28, United States Code, to increase fees paid to federal jurors, and for other purposes. Bill would increase fee federal jurors are paid for the first thirty days of a trial from \$40 per day to \$45 per day. Referred to Senate Committee on Judiciary, January 19, 1999; referred to Subcommittee on Oversight and Courts, March 24, 1999.

#### **S. 253 (Murkowski)**

Federal Ninth Circuit Reorganization Act of 1999. Bill organizes U.S. Court of Appeals for Ninth Circuit into three regional divisions, as recommended by the Commission on Structural Alternatives for Federal Courts of Appeals. Referred to Senate Committee on Judiciary, January 19, 1999; referred to Subcommittee on Oversight and Courts, March 24, 1999; Subcommittee hearings held July 16, 1999.

#### **S. 625 (Grassley)**

Companion bill to H.R. 833, above, including among its provisions Section 1126, Bankruptcy Judgeship Act of 1999, which creates new temporary bankruptcy judgeships and extends temporary bankruptcy judgeships in five districts. Referred to Senate Committee on the Judiciary, March 16, 1999. Committee consideration and markup, April 15 and 22, 1999. Reported to Senate and placed on Senate Legislative Calendar under General Orders, May 11, 1999. Laid before Senate and cloture motion presented, September 16, 1999. Cloture not invoked in Senate by roll call vote, 53-45, September 21, 1999. Measure laid before Senate by unanimous consent, November 5, 1999. Considered by Senate, November 5, 8, 9, 10, 16 and 17, 1999.

Cloture motion presented in Senate, November 19, 1999. Cloture motion withdrawn by unanimous consent in Senate, January 24, 2000. Considered by Senate, January 26 and 31, February 1 and 2, 2000. By 83-14 roll call vote, incorporated by Senate in H.R. 833 as an amendment, which in turn is passed by Senate in lieu of S. 625, February 2, 2000.

**S. 1564 (Cochran)**

Federal Courts Budget Protection Act. Bill would allow the Judiciary to submit its annual budget, including buildings, directly to Congress, without going through the Office of Management and Budget. Referred jointly to Senate Committees on Budget and Governmental Affairs, August 5, 1999. Reported by Committee on Governmental Affairs with an amendment in nature of a substitute, with written report No. 106-379, August 25, 2000. Discharged from Senate Committee on the Budget (pursuant to order of August 4, 1977) and placed on Senate Legislative Calendar under General Orders, September 27, 2000.

**S. 2915 (Grassley); P. L. 106-518**

Federal Courts Improvement Act of 2000. To improve operation and administration of federal courts, bill, among other things, expands civil and criminal contempt authority of magistrate judges, establishes magistrate judge positions in district courts of Guam and Northern Mariana Islands, allows senior judges to participate in circuit judicial councils, increases certain bankruptcy fees, and authorizes court clerks, under specified conditions, to determine whether persons are qualified, unqualified, exempt or excused from jury service. Unlike related bill, H.R. 1752, above, it does not contain provision to allow cameras in courtrooms with the consent of all parties. Referred to Senate Committee on Judiciary, July 25, 2000. Ordered to be reported favorably, with an amendment in the nature of a substitute, September 28, 2000. As amended, agreed to by Senate by Unanimous Consent, October 19, 2000. Received in House, October 23, 2000. Passed House without objection, October 25, 2000. House amendments to Senate bill agreed to by Senate by Unanimous Consent, October 27, 2000. Signed by President, becoming Public Law 106-518, November 13, 2000.

## **Department of State**

**S. 886 (Helms)**

A bill to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at U.S. diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for the reform of the United Nations; and for other purposes. Introduced April 21, 1999; original measure ordered reported by Senate Foreign Relations Committee April 27, 1999. (S.Rept. 106-43).

**H.R. 2415 (C. Smith)**

The American Security Act of 1999. Provides authorization for State Department and related agencies and for increases overseas security. Introduced July 1, 1999. Passed by voice vote on July 21, 1999.

**H.R. 1211 (Smith, C.)**

A bill to authorize appropriations for the Department of State and related agencies for fiscal year 2000, and for other purposes. Introduced March 22, 1999; subcommittee marked-up and forwarded to full committee on March 23; Committee International Relations reported it out April 29, 1999. (H.Rept. 106-122).

## **For Additional Reading**

### **Department of Justice**

#### **CRS Issue Briefs**

CRS Issue Brief IB90078. *Crime Control: The Federal Response*, by David Teasley.

CRS Issue Brief IB95025. *Drug Supply Control: Current Legislation*, by David Teasley.

CRS Issue Brief IB92061. *Prisons: Policy Options for Congress*, by JoAnne O'Bryant.

CRS Issue Brief IB98049. *Police and Law Enforcement: Selected Issues*, by JoAnne O'Bryant.

CRS Issue Brief IB10014. *Gun Control*, by William Krouse.

#### **CRS Reports**

CRS Report 97-265. *Crime Control Assistance through the Byrne Programs*, by Garrine Laney.

CRS Report 98-622. *Federal Crime Control Assistance to State and Local Governments: Department of Justice*, by Suzanne Cavanagh and David Teasley.

CRS Report 98-95. *Juvenile Justice Act Reauthorization: The Current Debate*, by Suzanne Cavanagh and David Teasley.

CRS Report 98-498. *Federal Drug Control Budget: An Overview*, by David Teasley.

CRS Report 97-248. *Prison Grant Programs*, by JoAnne O'Bryant.

CRS Report RS20183. *Immigration and Naturalization Service's FY2000 Budget*, by William J. Krouse.

CRS Report RS20279. *Immigration and Naturalization Service Reorganization and Related Legislative Proposals*, by William J. Krouse.

CRS Report RL30257. *Proposals to Restructure the Immigration and Naturalization Service*, by William Krouse.

CRS Report RS20627, *Immigration: Integrated Entry and Exit Data System*, by William J. Krouse.

CRS Report RS20618, *Immigration and Naturalization Service's FY2001 Budget*, by William Krouse

## **Department of Commerce**

### **CRS Issue Briefs**

CRS Issue Brief IB95100. *Economic Development Administration: Overview and Issues*, by Bruce K. Mulock.

CRS Issue Brief IB95051. *The National Information Infrastructure: The Federal Role*, by Glenn J. McLoughlin.

CRS Issue Brief IB10018. *Research and Development Funding: Fiscal Year 2000*, by Michael E. Davey.

### **CRS Reports**

CRS Report 95-36. *The Advanced Technology Program*, by Wendy H. Schacht.

CRS Report RL30284. *Census 2000: The Sampling Debate*, by Jennifer D. Williams.

CRS Report RL30182. *Census 2000: Sampling as an Appropriations Issue in the 105<sup>th</sup> and 106<sup>th</sup> Congresses*, by Jennifer D. Williams.

CRS Report 96-537. *Department of Commerce Science and Technology Programs: Impacts of Dismantling Proposals*, by Lennard G. Kruger.

CRS Report 97-126. *Federal R&D Funding Trends In Five Agencies: NSF, NASA, NIST, DOE (Civilian) and NOAA*, by Michael E. Davey.

CRS Report 97-104. *Manufacturing Extension Partnership Program: An Overview*, by Wendy H. Schacht.

CRS Report 95-30. *The National Institute of Standards and Technology: An Overview*, by Lennard G. Kruger and Wendy H. Schacht.

CRS Report 95-834. *Proposals to Eliminate the U.S. Department of Commerce: An Issue Overview*, by Edward Knight.

CRS Report RL30139. *The National Oceanic and Atmospheric Administration (NOAA): Budget Activities and Issues for the 106<sup>th</sup> Congress*, by Wayne Morrissey.

## The Judiciary

### CRS Reports

CRS Report 98-510. *Judicial Nominations by President Clinton During the 103rd-106th Congresses*, by Denis Steven Rutkus.

CRS Report RS20278. *Judicial Salaries: Current Situation*, by Sharon S. Gressle.

CRS Report RS20554. *The Ninth Circuit Court of Appeals: Should It Be Split into Two Circuits?*, by Denis Steven Rutkus.

### Other Information

U.S. Administrative Office of the United States Courts. "106<sup>th</sup> Congress Ends; A COLA for Judges, New Judgeships and Judiciary Funding in Final Bills," *The Third Branch*, vol. 32, December 2000, pp.1,2&9; also at <http://www.uscourts.gov/ttb/dec00ttb/dec00.html>

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----- . [The Chief Justice's] 2000 Year-End Report on the Federal Judiciary," *The Third Branch*, vol. 33, January 2001, pp. 1-8; also at [<http://www.uscourts.gov/ttb/jan01ttb/jan01.html>]

U.S. Congress, House Committee on Appropriations, Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, *Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations for 2001*, hearings, part 3, 106<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 2000), pp. 1505-1801 (Justification of Judiciary budget estimate).

## Department of State

### CRS Reports

CRS Report RL30591. *State Department and Related Agencies FY2001 Appropriations*, by Susan Epstein.

CRS Report RL30197. *State Department and Related Agencies FY2000 Appropriations*, by Susan Epstein.

CRS Report 98-624. *State Department and Related Agencies FY1999 Appropriations*, by Susan Epstein.

CRS Report 98-771. *Embassy Security: Background, Funding, and FY2000 Budget Request*, by Susan B. Epstein.

CRS Report RL30662. *Embassy Security: Background, Funding, and the FY2001 Budget*, by Susan B. Epstein.

## **Other Related Agencies**

### **CRS Reports**

CRS Report 95-178. *Legal Services Corporation: Basic Facts and Current Status*, by Karen Spar and Carmen Solomon-Fears.

CRS Report 96-649. *Small Business Administration: Overview and Issues*, by Bruce K. Mulock.

## **Selected World Wide Web Sites**

House Committee on Appropriations  
[<http://www.house.gov/appropriations>]

Senate Committee on Appropriations  
[<http://www.senate.gov/~appropriations/>]

CRS Appropriations Products Guide  
[<http://www.loc.gov/crs/products/apppage.html#la>]

Congressional Budget Office  
[<http://www.cbo.gov>]

General Accounting Office  
[<http://www.gao.gov>]

Office of Management & Budget  
[<http://www.whitehouse.gov/OMB/>]

## Appendix

**Table 1A. Appropriations Funding for Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, FY2000 and FY2001**

(in millions of dollars)\*

Department or Agency	FY2000	FY2001 Request	House Bill H.R. 4690	Senate Bill H.R. 4690	Final Bill, H.R. 5548**
<b>Title I. Department of Justice</b>					
Office of Justice Programs <i>(VCRTF funds only)<sup>1</sup></i>	4,084.7 <i>(1,239.5)</i>	3,737.5 <i>(0.0)</i>	4,080.4 <i>(0.0)</i>	3,066.6 <i>(0.0)</i>	4,672.1 <i>(0.0)</i>
Legal Activities <i>(VCRTF funds only)<sup>1</sup></i>	2,871.7 <i>(357.5)</i>	3,230.3 <i>(0.0)</i>	3,065.0 <i>(0.0)</i>	3,058.6 <i>(0.0)</i>	3,150.1 <i>(0.0)</i>
Interagency Law Enforcement	316.8	328.9	328.9	316.8	325.9
Federal Bureau of Investigation (FBI) <i>(VCRTF funds only)<sup>1</sup></i>	3,091.2 <i>(753.0)</i>	3,307.1 <i>(0.0)</i>	3,230.8 <i>(0.0)</i>	3,120.3 <i>(0.0)</i>	3,252.3 <i>(0.0)</i>
Drug Enforcement Administration (DEA) <i>(VCRTF funds only)<sup>1</sup></i>	1,281.8 <i>(343.3)</i>	1,373.2 <i>(0.0)</i>	1,367.8 <i>(0.0)</i>	1,345.7 <i>(0.0)</i>	1,363.3 <i>(0.0)</i>
Immigration and Naturalization Service (INS) <i>(VCRTF funds only)<sup>1</sup></i>	3,009.3 <i>(1,267.2)</i>	3,305.1 <i>(0.0)</i>	3,231.9 <i>(0.0)</i>	3,028.7 <i>(0.0)</i>	3,259.2 <i>(0.0)</i>
Federal Prison System <i>(VCRTF funds only)<sup>1</sup></i>	3,671.9 <i>(22.5)</i>	5,710.8 <i>(0.0)</i>	4,269.7 <i>(0.0)</i>	4,301.5 <i>(0.0)</i>	4,316.4 <i>(0.0)</i>
General Provisions	0.0	0.0	0.0	0.0	25.5
Other <i>(VCRTF funds only)<sup>1</sup></i>	319.3 <i>(50.3)</i>	658.4 <i>(0.0)</i>	685.9 <i>(0.0)</i>	488.4 <i>(0.0)</i>	741.3 <i>(0.0)</i>
<b>Total: Justice Department</b>	<b>18,646.5</b>	<b>21,651.3</b>	<b>20,237.3</b>	<b>18,726.6</b>	<b>21,106.1</b>
<i>(VCRTF funds only)<sup>1</sup></i>	<i>(4,033.2)</i>	<i>(0.0)</i>	<i>(0.0)</i>	<i>(0.0)</i>	<i>(0.0)</i>
<b>Title II. Department of Commerce and Related Agencies</b>					
General Administration	51.5	74.1	49.4	67.1	56.0
Bureau of Census	4,758.5	719.2	670.9	693.6	733.6
Economic and Statistical Analysis	49.5	54.7	49.5	54.0	53.7
International Trade Administration	308.5	352.1	318.4	315.7	334.4
Bureau of Export Administration	54.0	71.5	53.8	61.0	64.8
Minority Business Development Agency	27.3	28.2	27.3	27.0	27.3

Department or Agency	FY2000	FY2001 Request	House Bill H.R. 4690	Senate Bill H.R. 4690	Final Bill, H.R. 5548**
National Oceanic and Atmospheric Administration	2,343.7	2,761.2	2,231.0	2,687.1	3,109.0
Patent and Trademark Office <sup>2</sup>	(871.0)	(1,038.7)	(904.9)	(1,038.7)	(1,038.7)
Technology Administration	7.9	8.7	7.9	8.2	8.1
National Institute of Standards and Technology	639.0	713.0	423.0	596.6	598.3
National Telecommunications and Information Administration	52.9	225.5	57.5	76.9	100.4
Economic Development Administration	388.4	436.9	388.4	249.5	439.9
<i>Subtotal: Commerce Department</i>	<i>8,649.3</i>	<i>5,445.2</i>	<i>4,277.0</i>	<i>4,836.8</i>	<i>5,225.5</i>
<i>Related Agencies</i>					
Office of the U.S. Trade Representative	25.6	29.6	29.4	29.6	29.5
International Trade Commission	44.5	49.1	47.0	49.1	48.1
<i>Subtotal: Related Agencies</i>	<i>70.1</i>	<i>78.7</i>	<i>76.4</i>	<i>78.7</i>	<i>77.6</i>
<b>Total: Dept. of Commerce and Related Agencies</b>	<b>8,719.4</b>	<b>5,523.9</b>	<b>4,353.4</b>	<b>4,915.5</b>	<b>5,303.2</b>
<b>Title III. Judiciary</b>					
Supreme Court — salaries and expenses	35.5	37.7	36.8	37.6	37.6
Supreme Court — building and grounds	8.0	7.5	7.5	7.5	7.5
U.S. Court of Appeals for the Federal Circuit	16.8	19.5	17.8	17.9	17.9
U.S. Court of International Trade	12.0	12.5	12.3	12.4	12.5
Courts of Appeals, District Courts, other judicial services — salaries and expenses <i>(VCRTF funds only)<sup>1</sup></i>	3,114.7 <i>(156.5)</i>	3,498.7 <i>(0.0)</i>	3,328.8 <i>(0.0)</i>	3,359.7 <i>(0.0)</i>	3,359.7 <i>(0.0)</i>
Vaccine Injury Act Trust Fund	2.5	2.6	2.6	2.6	2.6
Defender Services <i>(VCRTF funds only)<sup>1</sup></i>	385.1 <i>(26.2)</i>	440.4 <i>(0.0)</i>	420.3 <i>(0.0)</i>	416.4 <i>(0.0)</i>	435.0 <i>(0.0)</i>
Fees of Jurors and Commissioners	60.9	60.8	60.8	59.6	59.6
Court Security	193.0	215.4	198.3	199.6	199.6

<b>Department or Agency</b>	<b>FY2000</b>	<b>FY2001 Request</b>	<b>House Bill H.R. 4690</b>	<b>Senate Bill H.R. 4690</b>	<b>Final Bill, H.R. 5548**</b>
Administrative Office of the U.S. Courts	55.0	61.2	58.3	50.0	58.3
Federal Judicial Center	18.0	19.3	18.8	19.2	18.8
Retirement Funds	39.7	35.7	35.7	35.7	35.7
U.S. Sentencing Commission	8.5	10.6	9.6	9.9	9.9
General Provisions – Judges' Pay Raise	9.6	0.0	0.0	8.8	8.8
<b>Total: Judiciary</b> <i>(VCRTF funds only)<sup>1</sup></i>	<b>3,959.3</b> <i>(182.8)</i>	<b>4,422.0</b> <i>(0.0)</i>	<b>4,207.7</b> <i>(0.0)</i>	<b>4,237.0</b> <i>(0.0)</i>	<b>4,263.5</b> <i>(0.0)</i>
<b>Title IV. Department of State and International Broadcasting<sup>3</sup></b>					
Administration of Foreign Affairs	4,043.1	4,711.2	4,644.4	4,465.9	4,782.0
International Organizations and Conferences	1,736.2	1,684.7	1,378.6	1,545.9	1,716.8
International Commissions	46.8	62.2	47.1	61.0	56.2
Related Appropriations	54.4	57.2	39.9	44.5	54.7
<i>Subtotal: State Department<sup>4</sup></i>	<i>5,880.4</i>	<i>6,515.3</i>	<i>6,110.0</i>	<i>6,117.3</i>	<i>6,609.7</i>
International Broadcasting	421.8	448.3	438.1	441.6	451.4
<b>Total: State Department, and International Broadcasting</b>	<b>6,302.1</b>	<b>6,963.6</b>	<b>6,548.1</b>	<b>6,558.9</b>	<b>7,061.1</b>

<b>Department or Agency</b>	<b>FY2000</b>	<b>FY2001 Request</b>	<b>House Bill H.R. 4690</b>	<b>Senate Bill H.R. 4690</b>	<b>Final Bill, H.R. 5548**</b>
<b>Title V. Other Related Agencies</b>					
Maritime Administration	178.1	185.1	197.9	203.3	219.6
Census Monitoring Board	— <sup>5</sup>	4.0	— <sup>5</sup>	— <sup>5</sup>	— <sup>5</sup>
Small Business Administration	847.0	1,057.8	860.7	887.5	859.6
Legal Services Corporation	305.0	340.0	275.0	300.0	330.0
Equal Employment Opportunity Commission (EEOC)	282.0	322.0	290.9	294.8	303.9
Commission on Civil Rights	8.9	11.0	8.9	8.9	8.9
Federal Communications Commission (FCC)	24.2 <sup>6</sup>	37.0 <sup>6</sup>	7.8 <sup>6</sup>	37.0 <sup>6</sup>	29.9 <sup>6</sup>
Federal Maritime Commission	14.1	16.2	14.1	16.2	15.5
Federal Trade Commission <sup>7</sup>	0.0	0.0	0.0	0.0	0.0
Securities and Exchange Commission (SEC) <sup>8</sup>	367.8	422.8	392.6	489.7	422.8
State Justice Institute	6.9	15.0 <sup>9</sup>	4.5	6.9	6.9
U.S. Commission on International Religious Freedom	0.0	3.0	0.0	0.0	0.0
Other	4.3 <sup>10</sup>	3.2 <sup>10</sup>	3.3 <sup>10</sup>	4.6 <sup>10</sup>	5.1 <sup>10</sup>
<b>Total: Related Agencies</b>	<b>2,038.4</b>	<b>2,417.2</b>	<b>2,055.7</b>	<b>2,248.8</b>	<b>2,201.9</b>
<b>Title VI. General Provisions</b>					
<b>Section 604</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>23.0</b>	<b>0.0</b>
<b>Title VII. Rescissions</b>					
Department of Justice					
Working capital fund	0.0	-10.0	0.0	-76.7	0.0
Legal Activities					
Asset forfeiture fund	0.0	0.0	0.0	-96.4	0.0
Federal Bureau of Investigation					
Information sharing	0.0	0.0	0.0	-40.0	0.0

Department or Agency	FY2000	FY2001 Request	House Bill H.R. 4690	Senate Bill H.R. 4690	Final Bill, H.R. 5548**
Drug Enforcement Administration					
Drug diversion fund	-35.0	0.0	0.0	-8.0	-8.0
Immigration and Naturalization Service					
Immigration emergency fund	-1.1	0.0	0.0	0.0	0.0
Department of State and Related Agencies					
Contributions for International Peacekeeping activities	0.0	0.0	0.0	-212.7	0.0
Broadcasting Board of Governors					
International broadcasting operations	-15.5	0.0	0.0	0.0	0.0
Maritime Administration					
Maritime guaranteed loan (Title XI program)	0.0	0.0	-7.6	0.0	-7.6
Small Business Administration					
Business Loans Program Account	-13.1	0.0	0.0	0.0	0.0
<b>Total, Title VII, Rescissions</b>	<b>-64.7</b>	<b>-10.0</b>	<b>-7.6</b>	<b>-433.8</b>	<b>-15.6</b>
<b>Title VIII. Southwest Border Capital Initiative</b>					
United States Marshal Service	0.0	0.0	0.0	62.9	0.0
Immigration and Naturalization Service	0.0	0.0	0.0	321.6	0.0
Judiciary	0.0	0.0	0.0	6.9	0.0
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>321.6</b>	<b>0.0</b>
<b>Title IX.</b>					
Wildlife Conservation and Restoration Planning	0.0	0.0	0.0	0.0	50.0
<b>GRAND TOTAL:</b>	<b>39,601.0</b>	<b>39,652.0</b>	<b>37,394.6</b>	<b>36,690.0</b>	<b>39,971.1</b>
<i>(VCRTF funds only)<sup>2</sup></i>	4,216.0	0.0	0.0	0.0	0.0

\*Figures are for *direct* appropriations only; in some cases, agencies supplement these amount with offsetting fee collections, including collections carried over from previous years. These agencies

include: Immigration and Naturalization Service, Patent and Trademark Office, Small Business Administration, Federal Communications Commission, Federal Trade Commission, and the Securities and Exchange Commission. Information on such fees are contained in the background and issues sections of this report.

\*\*H.R. 4690 is included in Conference Report approved by Congress on October 27, 2000 (H.R. 4942; H.Rept. 106-1005: *Making Appropriations for the Government of the District of Columbia and Other Activities Changeable in Whole or in Part Against Revenues of Said District for the Fiscal Year Ending September 30, 2001, and for Other Purposes*). Subsequently, the District of Columbia appropriations portion of the measure was separated from the bill and approved by Congress (H.R. 5663) on November 15. The President signed this measure into law on November 22. On December 21, the President signed the remaining portion of HR. 4942 contained in H.R. 5548, the FY2001 CJS appropriations bill, into law on December 21, 2000 (P.L. 106-553). On December 15, 2000, Congress approved additional funding of about \$103 million for CJS appropriations in the miscellaneous funding section of H.R. 4577 (H.Rept. 106-1033). This bill was signed into law by the President on December 21, 2000 (P.L. 106-554). Agency totals affected by this additional funding have been changed in this table to reflect this action.

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

<sup>1</sup>Funds from the Violent Crime Reduction Programs (VCRTF) are provided as a subtotal in parentheses. These are included in the overall total for each federal agency.

<sup>2</sup>The Patent and Trademark Office (PTO) 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.

<sup>3</sup>As of October 1, 1999 both USIA and ACDA were consolidated into the Department of State. International Broadcasting will remain an independent agency.

<sup>4</sup>In addition to appropriations, State has authority to spend certain collected fees from machine readable visas, expedited export fees, etc. For FY2000 this amount equals \$404.7 million; the estimated amount for such fees for FY2000 in the President's FY2001 request is \$76.2 million.

<sup>5</sup>Appropriation of \$3.5 million for FY2000 is contained in the appropriation for the Bureau of the Census. The appropriation of \$3.5 million for FY2001 is contained in the appropriation total for the Bureau of the Census in the final bill approved by Congress.

<sup>6</sup>For FY2000, Congress approved \$210 million in overall funding resources for the FCC, consisting of a direct appropriation of \$24.2 million and \$185.8 million in offsetting regulatory fee collections. The President requested \$237.2 million in overall FY2001 funding resources, consisting of a direct appropriation of \$37.0 million and \$200.1 million in offsetting fee collections. The House Appropriations Committee recommended \$207.9 million in overall FY2001 funding, consisting of a direct appropriation of \$7.8 million and \$200.1 million in offsetting fee collections. The Senate Appropriations Committee recommended \$237.2 million in overall FY2001 funding, consisting of a direct appropriation of \$37.0 million and \$200.1 million in offsetting fee collections. Ultimately, Congress approved \$230.0 million in overall FY2001 funding, consisting of a direct appropriation of \$29.9 million and \$200.1 million in offsetting fee collections.

<sup>7</sup>The FTC is fully funded by the collection of premerger filing fees.

<sup>8</sup>The SEC is fully funded by transaction fees and securities registration fees.

<sup>9</sup> Under the terms of its enabling legislation, the State Justice Institute is authorized to present its budget request directly to Congress. For FY2001, the Institute requested \$15.0 million—as distinguished from the President's request, which called for \$6.9 million.

<sup>10</sup>Other includes agencies receiving appropriations of less than \$1.8 million in FY1999 and FY2000. These agencies include Commission for the Preservation of American Heritage Abroad; Commission on Security and Cooperation in Europe; Commission on Electronic Commerce; the Marine Mammal Commission, the Commission on Ocean Policy ,and the Congressional/Executive Commission on China.

**Sources:** U. S. House of Representatives. Committee on Appropriation; U.S. Senate. Committee on Appropriations; *Congressional Record*, vol. 146, October 27,2000, pp. H11272-11281; and *Congressional Record*, vol. 146, December 15, 2000, pp. H12466-12482.