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CRS Report for Congress

Appropriations for FY2000: Commerce, Justice, and State, the Judiciary, and Related Agencies

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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 FY2000: Commerce, Justice, and State, the Judiciary, and Related Agencies

Summary

This report tracks action by the 106th Congress on FY2000 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies (often referred to as CJS appropriations). P.L. 105-277 (H.R. 4328) appropriated $36.2 billion for these agencies for FY1999. The President's FY2000 budget requested about $40.5 billion for these agencies, about a $4.3 billion increase or 12% above the FY1999 total. On October 18, the Conference Committee approved a CJS bill for FY2000 (H.R. 2670, H.Rept. 106-283) totaling $39 billion--$2.8 billion (or 7.7%) above the FY1999 appropriation and $1.5 billion below the President's request. The bill passed Congress on October 20. However, the bill was vetoed by the President on October 25. A second CJS bill approved by Conference (H.Rept. 106-479) and included in H.R. 3194, the Consolidated Appropriations Act for FY 2000, was passed by the House on November 18, 1999. The number for the CJS bill is H.R. 3421 which is in Division B of H.R. 3194, Section 1000(a). The Senate passed the bill on November 19, 1999. The measure was signed into law by the President on November 29, 1999 (P.L. 106-113; 113 Stat. 1501). The law approves total funding of $39.63 billion which is about $625 million above the level initially approved by Congress, $3.4 billion (or 9.5%) above FY1999 appropriation and $920 million below the President's request.

The major CJS appropriations issues or concerns that received attention in both the Senate and the House included the following. *Department of Justice:* extending the 1994 Crime Act funding authorization beyond FY2000; eliminating most funding under the 1994 Crime Act for Title III crime prevention programs; increasing funding for drug-related efforts among the Department of Justice (DOJ) agencies; changing the focus and levels of appropriations for DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP); funding for programs that would reduce violence in schools; determining the level of INS detention capacity necessary to comply with the statutory mandate that certain criminal aliens be detained until deported; determining the severity of INS budget overruns in FY1999 due to over hiring in FY1998 and other mandatory costs; meeting the statutory mandate that the Border Patrol be increased by 1,000 agents in FY2000; restructuring of INS either in the form of legislative proposals to dismantle the agency or as an internal restructuring of the agency by the Administration. *Department of Commerce:* the progress made in streamlining and downsizing Department programs; implementation of the forthcoming decennial census; federal financial support of industrial technology development programs; and implementing new White House environmental initiatives at the National Oceanic and Atmospheric Administration. *Department of State:* increasing funding for embassy security; reorganization of foreign policy agencies of State, USIA, and other foreign policy agencies; and the payment of arrears to the United Nations. *The Judiciary*: level of funding required for court staff, defender services, security for the lower courts, court administration, and the Supreme Court's building improvements program; and the merits of increasing judges' salaries. *Other Related Agencies:* adequacy of funding levels for the Legal Services Corporation, and the Equal Employment Opportunity Commission, given a rapidly growing workload of civil rights cases.

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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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Most Recent Developments

On October 18, 1999, the Conference Committee approved a FY 2000 CJS bill totaling $39 billion--$2.8 billion (or 7.7%) above the FY1999 appropriation and $1.3 billion below the President's request. The bill passed the House and Senate, without amendment, on October 20, The President vetoed the bill on October 25, because, among other things, it (1) did not provide enough money for his community policing program (better known as the COPS program), (2) contained no funding for its lawsuit against the tobacco industry, and (3) did not provide adequate funding for direct payment of dues and arrears to the United Nations and for other peacekeeping operations abroad.

Following negotiations between congressional leaders and the White House, these issues and number of other issues were apparently resolved. A second CJS bill approved by Conference (H.Rept. 106-479) included in H.R. 3194, the Consolidated Appropriations Act for FY 2000, was passed by the House on November 18, 1999. The number for the CJS bill is H.R. 3421, which is in Division B of H.R. 3194, Section 1000(a). The legislation was passed by the Senate on November 19, 1999. The bill approves total funding of $39.63 billion which is about $625 million above the level initially approved by Congress, $3.4 billion (or 9.5%) above the FY1999 appropriation, and $920 million below the President's request. The President signed the bill into law on November 29, 1999 (P.L. 106-113; 113 Stat. 1501*).*

Introduction and Overview

This report tracks legislative action by the first session of the 106th Congress on FY2000 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies (often referred to as CJS appropriations). Congress appropriated $36.2 billion for these agencies in FY1999 (P.L.105-777 (H.R.4328).[1] The President's FY2000 budget sent to Congress on February 1, 1999, requested about $40.5 billion for these agencies, about a $4.3 billion increase or

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[1]This total includes a special emergency appropriation of $l,975,067 approved under Title VIII of the Omnibus Appropriations Act for FY1999 (HR. 4328, P.L. 105-277). The bulk of this funding was allocated to: Department of State for overseas security needs at diplomatic facilities and Y2K computer compliance ($1.56 billion); Department of Justice programs for Y2K conversion and law enforcement ($206 million); and the SBA disaster loan program ($106 million).

12.0% above the FY1999 total.[2] Among the major agencies, this request called for substantial increases in appropriations for the Departments of Commerce and State, and a moderate increase for the Department of Justice.

The Senate, on July 22, 1999, approved a total of $35.4 billion, $5.2 billion below the Administration's request and $813 million below the FY1999 appropriation (S. 1217, S.Rept. 106-76). On August 5, 1999, the House approved a total of $37.7 billion (H.R. 2670, H.Rept. 106-283), $2.9 billion below the President's request, $2.3 billion above the level approved by the Senate and $1.5 billion above the FY1999 appropriation. This amount included $4.5 billion for the decennial census, designated as emergency spending. The Senate measure did not include this funding.[3] On October 18, the Conference Committee approved a CJS bill totaling $39 billion--$2.8 billion above the FY1999 appropriation and $1.5 billion below the President's request. The bill was approved in the House and Senate, without amendment, on October 20, 1999.[4] The President vetoed the bill on October 25, because, among other things, it (1) did not provide enough money for his community policing program (better known as the COPS program), (2) contained no funding for its lawsuit against the tobacco industry, and (3) did not provide adequate funding for direct payment of dues and arrears to the United Nations and for other peacekeeping operations abroad.

Following negotiations between congressional leaders and the White House, these issues were apparently resolved. A second CJS bill approved by Conference (H.Rept. 106-479) included in H.R. 3194, the Consolidated Appropriations Act for FY 2000, was passed by the House on November 18 by a vote of 296-135, and the Senate on November 19, 1999 by a vote of 74-24.[5] The number for the CJS bill is H.R. 3421 which is in Division B of H.R. 3194, Section 1000(a). The President signed the bill into law on November 29, 1999. (P.L. 106-113).[6] The law approves total funding of $39.63 billion which is about $625 million above the level initially approved by Congress, $3.4 billion (or 9.5%) above FY1999 appropriation and $920 million below the President's request.

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[2]For more details on FY1999 appropriations see: *Appropriations for FY1999: Commerce, Justice, and State, Judiciary, and Related Agencies*. CRS Report 98-209, by (name redacted), et. al.

[3]The floor debate in the Senate is contained in the *Congressional Record*, vol. 145 on: July 21, 1999, pp. S8940, S8973; July 22, 1999, pp. S8980, S8982-85, S8988-9096; and July 27, 1999 (text of Senate bill passed on July 22), pp. S9419-41. The floor debate in the House is contained in the *Record* on: August 4, 1999, pp. H6983-H7018; August 5, 1999, pp. H7317-84.

[4]Proceedings regarding the report of the conferees and subsequent approval by the House and Senate are contained in the *Congressional Record*, vol. 145 on: October 19, 1999, pp. H10276-83 and H10332; October 20, 1999, pp. S12899-S12904, and H10385-H10408.

[5]For information on proceedings and debate in the House and Senate regarding the FY2000 CJS appropriations bill (H.R. 3421) contained in Division B of H.R. 3194, see: *Congressional Record, vol. 145*, November 17, 1999: H12262-H12329; November 18, 1999: H12756-H12786, S14796-97; November 19, 1999: S14986.

[6]For more information regarding coverage of this legislation see: *FY2000 Consolidated Appropriations Act: Reference Guide*. CRS Report RS20403, by (name redacted).

Government-wide rescissions. It is important to note that the Consolidated Appropriations Act also includes a provision which mandates a 0.38 percent government-wide recission of discretionary budget authority for FY2000. The Act further provides in carrying out these rescissions:

> (1) no program, project or activity of any department, agency, instrumentality or entity may be reduced by more than 15 percent (with "programs, projects, and activities" as delineated in the appropriations Act or accompanying report for the relevant account, or for accounts and items not included in appropriations Acts, as delineated in the most recently submitted President's budget),
>
> (2) no reduction shall be taken from any military personnel account, and
>
> (3) the reduction for the Department of Defense and Department of Energy Defense Activities shall be applied proportionately to all Defense accounts.

The Act provides further that the Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2001 a report specifying the reductions made to each account pursuant to requirements of this provision this section (Section 301 (a) of H.R. 3425, included in H.R. 3194).[7]

On January 10, 2000, the White House released a fact sheet prepared by the Office of Management and Budget (OMB) which provides a general statement of actions taken by the Administration to comply with the government-wide rescissions requirements of the Section 301 (a) of the act (included in H.R.3194). To achieve the 0.38 cut, the Administration stated it had achieved total savings of $2.356 billion, including cuts of $478 million in Congressional earmarks (involving 2,372 projects), $192.5 from salaries and expenses, and $1.7 billion in government programs.

The fact sheet did not provide further details on cuts for all federal agencies. These cuts will be reflected in agency totals for FY2000 contained in the forthcoming budget request of the President for FY2001.

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. According to the President's FY2000 budget request to Congress, all agencies have sent their strategic plans to Congress and are now in the process of preparing annual performance goals they plan to meet in 2000. The request goes on to say that: "In 2000. . . agencies will submit to the President and Congress annual reports...that compare actual and target performance levels and explain any difference

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[7]White House, Office of the Press Secretary. OMB Communications Office. *Fact Sheet: 0.38 percent cuts.* January 10, 2000.

between them."[8] Brief descriptions 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 report.

Brief Survey of Major Issues

The more contentious issues that were given consideration in the House and Senate debate over FY2000 CJS appropriations included:

- The conduct of the 2000 decennial census, including whether statistical sampling should be used by the Census Bureau of the Department of Commerce to derive population data for purposes other than reapportioning the House of Representatives.

- The adequacy of funding the Department of Justice's COPS program to hire new police officers at the community level.

- Changing the focus and levels of appropriations for DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP). Neither the 104th nor the 105th Congress reauthorized the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

- Determining the level of INS detention capacity necessary to comply with the statutory mandate that certain criminal aliens be detained until deported;

- The payment of arrears to the United Nations.

- The payment of embassy security measures through an advanced appropriation;

- How much funding was required to maintain essential services, operations and court security in the lower courts.

Other issues that received attention include the following.

Department of Justice:

- Extending the 1994 Crime Act funding authorizations beyond FY2000 under the Violent Crime Reduction Trust Fund (VCRTF).

- Eliminating most funding under the 1994 Crime Act for Title III crime prevention programs.

- Increasing funding for drug-related efforts, especially interdiction, among the Department of Justice (DOJ) agencies, now that the 105th Congress has reauthorized the Office of National Drug Control Policy.

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[8] *Budget of the United States Government, Fiscal Year 2000. (106th Cong., 1st sess), p. 16.*

- Funding for programs that would reduce violence in schools.

- Determining the severity of INS budget overruns in FY1999 due to overhiring in FY1998 and other mandatory costs, e.g., rents and telecommunications.

- Reducing pending case loads in immigration-related claims, particularly naturalization cases.

- Meeting the statutory mandate that the Border Patrol be increased by 1,000 agents in FY2000.

- 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 conducting the forthcoming decennial (Year 2000) census.

- 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 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 21st century.

Department of State:

- Reorganization issues of foreign policy agencies including State, USIA, and the Arms Control and Disarmament Agency (ACDA).

- Increased funding for embassy security overseas.

The Judiciary:

- How to contain the growing costs of the Judiciary's Defender Services account.

- Whether to increase funding to compensate court-appointed defense attorneys in federal criminal cases.

- Whether the salaries of federal judges should receive a cost-of-living adjustment.

- How much funding to appropriate for the Supreme Court's building improvement program.

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)

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

The table below shows the key legislative steps necessary for the enactment of FY2000 CJS appropriations legislation. On June 9, the Senate CJS Subcommittee approved its version of the appropriations bill. This was followed by approval by the Senate Appropriations Committee on June 10. The report was ordered to be printed on June 14 (S. 1217; S.Rept. 106-76). The Senate on July 22, 1999 approved a total of $35.4 billion, $4.9 billion below the Administration's request and $813 million below the FY1999 appropriation.

On July 22, 1999 the House CJS Subcommittee approved its version of the FY 2000 bill. The House Appropriations Committee approved the bill on August 3, 1999. On August 5, the House approved a total of $37.7 billion (H.R. 2670, H.Rept. 106-283), $2.9 billion below the President's request, $2.3 billion below the level approved by the Senate and $1.5 billion above the FY1999 appropriation. This amount included $4.5 billion for the decennial census, designated as emergency spending. The Senate measure did not include this funding. On October 18, the Conference Committee approved a CJS bill totaling $39 billion--$2.8 billion above the FY1999 appropriation and $1.3 billion below the President's request. The bill was passed by the House by a vote of 215 to 213, without amendment, on October 20, 1999. The Senate by unanimous consent also passed the bill, without amendment, on October 20.

The President vetoed the bill on October 25, because, among other things, it (1) did not provide enough money for his community policing program (better known as the COPS program), (2) contained no funding for its lawsuit against the tobacco

industry, and (3) did not provide adequate funding for direct payment of dues and arrears to the United Nations and other peacekeeping operations abroad.

Final action. Following negotiations between congressional leaders and the White House, these issues were apparently resolved. A second CJS bill approved by Conference (H.Rept. 106-479) included in H.R. 3194, the Consolidated Appropriations Act for FY 2000, was passed by the House on November 18, and the Senate on November 19, 1999. The number for the CJS bill is H.R. 3421 which is in Division B of H.R. 3194, Section 1000(a). The President signed the bill into law on November 29, 1999 (P.L. 106-113; 113 Stat. 1501). The law approves total funding of $39.63 billion which is about $625 million above the level initially approved by Congress, $3.4 billion (or 9.5%) above FY1999 appropriation and $920 million below the President's request.

It is also important to note that the Consolidated Appropriations Act also includes a provision which mandates a 0.38 percent government-wide recission of discretionary budget authority for FY2000. For more details see page 3 of this Report.

Stopgap funding legislation. On September 28, the House and Senate approved stopgap legislation to continue funding of agencies at FY1999 levels for the first three weeks of FY2000, beginning on October 1. This covered all agencies that had yet to have their FY2000 appropriations approved by Congress or signed into law by the President. The measure (H.J.Res 68, P.L. 106-62) was signed by the President on September 30, 1999. On October 19, Congress passed a second bill extending FY1999 funding through October 29 (H.J.Res. 71, P.L. 106-75). The legislation was signed by the President on October 21. A third bill was passed by Congress on October 28, (H.J.Res. 73, P.L. 106-85) extending such funding through November 5, 1999. The bill was signed by the President on October 29. Congress passed a fourth continuing resolution on November 4, to continue funding through November 10, 1999 (H.J.Res. 75, P.L. 106-88). The President signed the bill on November 5. A fifth continuing resolution was approved by Congress on November 10 (H.J.Res 78, P. L. 106-94) and signed into law by the President on the same day to continue funding through November 17, 1999. A sixth bill to continue funding through November 18 (H.J.Res. 80, P.L. 106-105) was passed by Congress on November 17 and was signed by the President on November 19. A seventh bill (H.J.Res. 82) was passed on November 18 which further extended funding through November 23. An eighth bill (H.J.Res. 83, 106-106) was also approved on November 18, which superceded H.J.Res. 82 and extended FY1999 funding through December 2, 1999. This was signed by the President on November 19.

Table 1. Status of CJS Appropriations, FY2000

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conference Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
7-22-99	6-9-99	H.R. 2670, H.Rept. 106-283 8-3-99	H.R. 2670, 8-5-99	S. 1217, 6-14-99 S.Rept. 106-76	H.R. 2670, 7-22-99	H.R. 2670, 10-18-90 H.Rept. 106-398	H.R. 2670, 10-20-99[2]	H.R. 2670, 10-20-99[1]	—
—	—	—	—	—	—	HR. 3421, H.Rept. 106-479 11-17-99	H.R. 3421 11-18-99	H.R. 3421 11-19-99	P.L. 106-113

[1]H.R. 2670 vetoed by the President on October 25, 1999.
[2]H.R, 3421 is included in Division B of H.R. 3194, Section 1000(a), H. Rept. 106-479, pp. 69-243

Temporary restrictions on FY1999 appropriations. Congress had placed a time limitation on all funding for agencies covered by CJS appropriations, pursuant to Section 626 of Title VI of the CJS appropriations sections of the Omnibus measure (H.R. 4328). This section provided that all funding would cease to be available after June 15, 1999, unless continued by enactment of another appropriations measure by that date. (The reason for this limitation was congressional concern about the proposed use of statistical sampling in the 2000 decennial census. The Supreme Court Ruled on January 25, 1999, that the census statute, 13 U.S.C., prohibits this use to derive population data for House reapportionment, although the ruling left unresolved related issues such as the use of sampling in the census to produce data for within-state redistricting.) Section 626, Title VI, was repealed by H.R. 1141, FY1999 Emergency Supplemental Appropriations, which became law on May 21, 1999. H.R. 1141 included an additional $44.9 million for the 2000 census in FY1999, provided that Congress received, by June 1, 1999, a revised FY2000 budget submission for the census, with detailed justification. The revised submission requested an extra $1.7 billion for the census in FY2000. The Senate Appropriations Committee, reporting S. 1217, approved the Administration's original FY2000 request of $2.8 billion for the census, without the additional amount. The full Senate also approved $2.8 billion. In the House version of the bill, the CJS Appropriations Subcommittee approved $4.5 billion designated as emergency spending. The full Appropriations Committee approved this amount in its markup of the measure on July 30, 1999, as did the House when it passed H.R. 2670 on August 5.

It is important to note that during the final days of the 105th Congress, Congress approved a special supplemental appropriation for FY1999 to provide funds for American farmers affected by natural disasters and low commodity prices, embassy security and counter-terrorism as a result of the August embassy bombings,[9] meeting the year 2000 (Y2K) computer requirements, covering the costs of maintaining the U.S. troops in Bosnia, defense readiness, counter-narcotics interdiction initiatives, and

[9]For more information, see *Appropriations Supplemental for FY1999: Emergency Funding in P.L. 105-277 for Agriculture, Embassy Security, Y2K Problems, Defense, and Other Issues.* CRS Report RL30056, by (name redacted), et al.

domestic natural disaster needs. This funding totaling $20.8 billion was included in various sections of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (P.L. 105-277). The supplemental appropriations relating to agencies covered by the FY1999 CJS appropriations (which are contained in same public law) are reflected in the FY1999 agency totals contained in this report.

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 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.

- *Community Oriented Policing Services (COPS)* provides grants to states, units of local government, Indian tribal governments, and other public and private entities to increase police presence, to expand cooperation between law enforcement agencies and members of the community, and to enhance public safety.

- *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, 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 FY1999 was $18.2 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 authorizes $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 106th Congress to extend the VCRTF beyond FY2000.

Department of Commerce

Title II 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 FY1999 was $5.1 billion. (For more details on the funding of individual programs, see Table 1A in the Appendix.)

The Judiciary

Title III covers appropriations 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 FY1999 was $3.65 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.[10] 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 FY1999 Omnibus Appropriations Act (P.L. 105-277), for instance, provided a total of $36.5 million for the Supreme Court's two accounts, which was 1.0% of the Judiciary's overall appropriation of $ 3.65 billion.

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[10] By authority of the Act of May 7, 1934 (P.L. 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.

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 Veterans Appeals (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.)

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 FY1999 State Department budget was $5.7 billion (including $1.4 billion for an emergency supplemental appropriation). 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 buildings.

The United States Information Agency (USIA) was established as an independent agency on August 1, 1953 (67 Stat. 642; 22 U.S.C. 1461), through the

transfer of information and educational exchange functions performed at that time by the State Department. USIA's current mission is to understand, inform, and influence foreign publics as a means of supporting U.S. national interests and promoting dialogue between Americans, their institutions, and their counterparts abroad. The USIA budget includes Salaries and Expenses, Education and Cultural Exchange Programs, International Broadcasting, Regional Centers, and the National Endowment for Democracy. The FY1999 USIA budget totaled $1.1 billion.

The Arms Control and Disarmament Agency (ACDA) was established as a quasi-independent agency on September 26, 1961 (75 Stat. 631; 22 U.S.C. 2551). It has close bureaucratic ties to the Department of State. ACDA's mission is to strengthen U.S. national security by advocating, formulating, negotiating, implementing, and verifying sound arms control, nonproliferation, and disarmament policies and agreements. It is the only U.S. government agency dedicated solely to this mission. ACDA's director, an independent advocate for arms control in the U.S. government, was also designated the principal adviser on arms control issues to the President, the Secretary of State, and the National Security Council. The FY1999 budget for ACDA was $41.5 million. (For more details on appropriations for the State Department and related agencies, see Table 1A in the Appendix.)

The Foreign Relations Authorization within P.L. 105-277 provides for the consolidation of the foreign policy agencies. By the end of FY1999, ACDA and USIA will be abolished with their budgets and functions merged into the Department of State.

Other Related Agencies

Title V covers several related agencies. FY1999 appropriations for these agencies are as follows:[11]

- *Maritime Administration* administers programs to aid in the development, promotion, and operation of the nation's merchant marine: $168.7 million.

- *Small Business Administration* provides financial assistance to small business and to victims of physical disasters: $820 million.[12]

- *Legal Services Corporation* provides financial assistance to local, state, and national non-profit organizations that provide free legal assistance to persons living in poverty: $300 million.

- *Equal Employment Opportunity Commission (EEOC)* enforces laws relating to race, sex, religion, national origin, age, or handicapped status: $279 million.

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[11] Figures are for *direct* appropriations only; in some cases, agencies supplement these amounts with offsetting fee collections, including collections carried over from previous years.

[12] This figure included an emergency appropriations of $101 million for disaster loans. All other appropriations less this amount totaled $719 million for FY1999.

- *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: $19.5 million.[13]

- *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: $10.2 million.[14]

- *Securities and Exchange Commission (SEC)* administers laws providing protection for investors and ensuring that securities markets are fair and honest: $23.0 million.[15]

- *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: $6.8 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: $25.5 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*:* U.S. Congress, House of Representatives. *Making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the Fiscal Year ending September 30, 2000, and for other purposes.* Conference Report to accompany HR. 3194, November 18, 1999, H. Rept. 106-479, pp. 228-237.)

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[13] Offsetting fee collections were $172.5 million, bringing total FY1999 funding to $192.0 million.

[14] Offsetting fee collections were estimated to be $106.5 million, bringing total FY1999 funding to $116.7 million.

[15] Offsetting fee collections were $307 million, bringing total FY1998 funding to $330 million.

Major Legislative and Policy Issues

The 106th Congress addressed a number of issues during the CJS appropriations process for FY2000. Major issues included: extending the 1994 Crime Act funding beyond FY2000 under the Violent Crime Reduction Fund, eliminating most funding for Title III crime prevention programs, funding for programs that would reduce violence in schools and that would address missing children under the Safe Schools Initiatives, the adequacy of Immigration and Naturalization Service funding and the possible need for reorganizing the federal immigration system; the downsizing of Commerce Department programs, funding and sampling needs for the decennial census, the use of federal funds to support industrial technology, and implementing the modernization of the National Weather Service; the funding controversy regarding U.S. contributions to international organizations (particularly the payment of arrears to the United Nations) and U.S. peacekeeping operations, the reorganization of foreign policy agencies and a $3 billion advance appropriations request from the Administration for embassy security in FY2001-2005; the adequacy of funding to maintain essential services and security in the lower courts; the merits of a pay increase for federal judges; how to contain the growing costs of the Judiciary's Defender Services account; and whether to increase funding to compensate court-appointed defense attorneys in federal criminal cases.

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.

A major issue that was considered by Congress concerned funding for crime and drug programs. The Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) provides that authorizations of appropriations not fully appropriated be extended indefinitely into succeeding fiscal years covered by the act, FY1995 through FY2000. For FY1995 through FY1999, Congress has appropriated monies for the Violent Crime Reduction Trust Fund (VCRTF) below authorization levels for each year, resulting in total unappropriated authorizations of $1.084 billion. The total remaining authorization for VCRTF, including $6.5 billion authorized for FY2000, is $7.6 billion. The President's budget request asked for and Congress appropriated $4.5 billion for VCRTF in FY2000. Congress did not extend the fund beyond FY2000.levels.[16]

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[16]For more information on the Trust Fund, see: *Violent Crime Reduction Trust Fund: An Overview*. CRS Report 98-939, by David Teasley.

Some Members of Congress believed the Clinton Administration needed to request more funding in order to address drug supply-reduction goals, particularly in the area of interdiction of drugs at our borders. On the other hand, the President maintained that his budget provides for an increase in funding for drug control. He requested $17.8 billion for the national drug control budget for FY2000. FY1999 regular appropriations were $17.0 billion, with an additional $844 million appropriated by Congress for emergency purposes under FY1999 emergency supplemental legislation.

A recent increase in violence in schools, especially gun violence, attracted the attention of Congress. The Safe Schools Initiative (SSI) is a new congressional initiative to deal with the problem. The 105th Congress, 2nd session, (Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999; H.R. 4328) approved funding of $210 million for SSI for prevention and technology purposes at schools nationwide. Congress continued funding for SSI in FY2000.

The FY2000 budget request of the Clinton Administration asked for a total appropriation of $18.5 billion for the Department of Justice, including $4.15 billion from the Violent Crime Reduction Trust Fund.[17] The FY1999 appropriation was $18.2 billion. DOJ funding for FY2000, is intended to continue the battle against crime and youth violence, to fight cyber-terrorism, to fund construction and repair of prisons to house felons, to check drug abuse, to improve the department's information resources, to improve enforcement of civil rights laws, to improve public safety programs in Indian Country, and to improve the border management of INS.

On October 20, Congress approved (H.R. 2670) a total DOJ appropriation of $18.5 billion compared to the President's request of $18.5 billion and FY1999 appropriations of $18.2 billion. On October 25, the President vetoed H.R. 2670, according to media accounts "because it fails to fund the additional 50,000 community police we need to keep crime going down in our communities. . . ." Under the conference report (H.Rept. 106-398) for H.R. 2670, the Community Oriented Policing (COPS) program received an appropriation of $325 million, almost a billion dollars less than the President requested ($1.3 billion) in his FY2000 budget. After the veto, Congress approved FY2000 funding for DOJ at $18.6 billion. The President also cited the lack of funding to DOJ for tobacco litigation in H.R. 2670 as another reason for his veto. Although the Consolidated Appropriations Act for FY2000 did not provide the $20 million in funding that the President requested for DOJ for tobacco litigation, the President, on signing the legislation November 29, 1999, stated that it did not "preclude the expenditure of funds for this purpose" and planned to "identify existing resources to pursue this important case."

On June 14, the Senate Appropriations Committee reported (S.Rept. 106-76) the CJS Appropriations bill (S. 1217). The committee provided a total DOJ appropriation for FY2000 of $17.1 billion, a decrease of $1.2 billion under the $18.2 billion appropriated for the agency in FY1999 and $1.5 billion less than the

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[17]The official total funding requested for DOJ for FY 2000 is $21.09 billion, of which $2.55 billion is funded through a variety of fees.

President's request. The Senate passed S. 1217 on July 22, appropriating $17.1 billion for DOJ for FY2000.

On August 2, the House Appropriations Committee reported (H.Rept. 106-283) the CJS Appropriations bill (H.R. 2670). The House Committee approved a total DOJ appropriation for FY2000 of $18.2 billion, comparable to the agency's $18.2 billion appropriation in FY1999 but below the Administration's budget request of $18.5 billion. August 5, the House passed H.R. 2670, providing a billion dollars more than the Senate-passed bill for an appropriation of $18.1 billion for DOJ for FY2000.

With emphasis on community-based prevention plans, for FY2000 the Administration requested funding for a variety of programs **to combat crime and youth violence**. FY1999 was the last scheduled year for the Community Oriented Policing (COPS) program. For a 21st Century Policing Initiative (a proposal that evolved from the COPS program), the President for FY2000 proposed $1.3 billion to help communities enhance their community policing efforts, of which $600 million would be to hire and redeploy from 30 to 50 thousand additional law enforcement officers over the next 5 years; $200 million to aid local communities in hiring more community-based prosecutors and to develop community-based prosecution programs; and $125 million for local crime prevention efforts, such as adopting community-wide plans to prevent school violence.

For FY2000, Congress initially approved funding of $325 million ($280 million in direct appropriations and $45 million from the Violent Crime Trust Fund) for the Community Oriented Policing (COPS) program. The President requested $1.3 billion in funding for COPS for FY2000 ($100 million in direct appropriations and $1.2 billion from the crime trust fund). FY1999 funding for COPS was $1.4 billion, all from the crime trust fund. The Safe Schools Initiative (SSI) received $225 million, including funds for technology development, prevention, community planning and school safety officers. Congress approved $30 million of unobligated carryover balances in the COPS program for the Police Corps. Other funding includes $25 million for the bullet-proof vests initiative, $40 million for Indian country, $35 million for the COPS methamphetamine program, and $100 million for the COPS technology program. After the President's veto of the bill, Congress provided funding of $595 million for the COPS program ($550 million in direct appropriations and $45 million from the Violent Crime Trust Fund).

For FY2000, the Senate Committee would have transferred funding for COPS to other programs within OJP. The Committee directed that available funds be used to close the COPS office by the end of FY2000. By no later than September 1, 1999, the Committees on Appropriation were to be provided with a report giving details on the closure of the office.

For FY2000, the Senate-passed CJS appropriations bill (S. 1217) would have restored funding of $325 million for the COPS program for FY2000, of which $140 million would have been derived from the Violent Crime Reduction Trust Fund. Funding would have included $180 million for police officers in school systems, $170 million for innovative community policing programs, of which $90 million would have been used for the Crime Identification Technology Initiative, $25 million for the

bulletproof vest program and $25 million for the methamphetamine program (funds would have been transferred for this program from the state and local law enforcement account to COPS).

The House-passed CJS appropriations bill (H.R. 2670) would have funded the COPS program at the authorized level of $268 million, the same funding level recommended by the House Committee. This funding would have included $25 million for the Police Corps program. Since the COPS program has reached its goal of hiring 100,000 police officers, the Committee directed the COPS office to focus future new police hiring on the Safe School hiring program. The House-passed bill would have provided $150 million for the Safe Schools initiative. Unused funds of $140 million from FY1999 would have been used for critical law enforcement requirements. The Committee directed the COPS program to establish the following non-hiring grant programs: $70 million for COPS Law Enforcement Technology program ($54.5 million would have been derived from unobligated balances); $35 million for the methamphetamine/drug hot spots program, and $25 million for the bullet-proof vests initiative. From the Violent Crime Reduction Trust Fund, $17.5 million in funds were to be taken for the COPs program to support programs to prevent violence in schools, gang activity and to provide education in crime prevention and safety, and $60 million were to be used for the Crime Identification Technology Initiative.

The President requested $3.5 billion in FY2000 for the **Office of Justice Programs**; in FY1999, $4.8 billion was appropriated. This included another DOJ initiative for $124.2 million for **public safety programs on Indian land**, including 26 attorneys to investigate and prosecute crimes in Indian Country and $34 million to construct detention facilities in Indian Country.

Funding provided for FY2000 for the Office of Justice Programs (OJP) by Congress was initially $3.9 billion, $500 million more than the President's request and $800 million less than appropriated in FY1999. Funding included $34 million for the Weed and Seed program, and $287 million for juvenile justice programs. Congress provided $20 million for the Regional Information Sharing System, with an additional $5 million coming from the COPS law enforcement technology program. After the presidential veto, funding for OJP increased to $.1 billion for FY2000, $534 million more than the President's request and $764 million less than appropriated in FY1999.

The Senate Committee recommended $3 billion for FY2000 for the Office of Justice Programs, including $1.5 billion from the violent crime reduction trust fund for law enforcement assistance, juvenile justice, research, and statistics programs. Funding would have included $218 million for the Safe Schools Act to implement school violence prevention and safety programs, $25 million for Safe Schools Initiative for technology items needed to establish safe schools, $51 million for the National Institute of Justice, and $20 million for the Regional Information Sharing System.

Congress approved $2.8 billion for FY2000 for *state and local law enforcement assistance* compared to the President's request of $1.6 billion and FY1999 funding of $2.9 billion. Bryne programs received funding of $552 million from the crime trust fund ($500 million for formula grants and $52 million for discretionary grants).

Funding includes $523 million for local law enforcement block grants, $40 million for drug courts, $284 million for Violence Against Women, $250 million for juvenile accountability block grants, and $130 million for crime identification technology program. Before the veto, Congress appropriated $585 million for the state criminal alien assistance program; after the veto, this program was funded at $420 million for FY2000.

For state and local law enforcement assistance for FY2000, the Senate Committee recommended $2 billion, of which $1.6 billion would have been provided from the violent crime reduction trust fund to assist state and local governments in combating drugs and for other law enforcement efforts. Funding would have included $452 million for the Byrne programs ($52.1 for discretionary grants and $400 million for formula grants), $400 million for local law enforcement block grants, $100 million for juvenile accountability incentive block grants, $40 million for drug courts, $25 million to combat methamphetamine production, distribution, and use and to reimburse DEA for assisting state and local law enforcement for removing and disposing of hazardous materials at clandestine methamphetamine labs, $284 million for Violence Against Women Act programs, $350 million for the Crime Identification Technology Initiative, and $45 million for the Indian Country initiative.

For the Office of Justice Programs, the Senate-passed bill would have provided $3.1 billion for FY2000. The Senate would have provided $38 million for the Safe Schools Initiative for community planning and crime prevention activities. S. 1217 would have provided $1.9 billion for state and local law enforcement assistance for FY2000, $760 million more than the Senate Appropriations Committee recommended. It would have provided funding of $284 million for Violence Against Women Act programs, as the Senate Committee recommended. Funding for local law enforcement block grants, juvenile accountability incentive block grants, drug courts, and Indian Country initiatives would have been at the same levels as approved by the Senate Appropriations Committee. The Senate-passed bill would have provided $260 million for the Crime Identification Technology Initiative. The Senate bill would have provided $75 million for Violent Offender Incarceration and Truth in Sentencing Incentive Grants (the Senate Committee did not provide funding for this program). S. 1217 would have transferred $25 million to the COPS program from the state and local law enforcement assistance account to combat methamphetamine production, distribution and use.

The House Appropriations Committee recommended $3.7 billion for the Office of Justice Programs for FY2000, including $1.2 billion from the Violent Crime Reduction Trust Fund. The Weed and Seed program would have received funding of $34 million from direct appropriations rather than $35 million from the Violent Crime Reduction Trust Fund, as requested in the budget. Under the Justice Assistance account the Regional Information Sharing System would have received $20 million ($5 million to come from the law enforcement technology program of the COPS program). For FY2000 for the state and local law enforcement assistance account, the House Committee recommended $2.8 billion. Juvenile Justice programs would have received $285 million of which $10 million would have been for the drug prevention program. Under the Violent Crime Reduction Trust Fund Programs, funding would have included $552 million for the Edward Bryne program ($47 million for discretionary grants and $505 million for formula grants), $523 million for local

law enforcement block grants, $250 million for the Juvenile Accountability Incentive Block Grant program, $283 million for the Violence Against Women Act programs, and $40 million for the drug court program. The House Committee did not recommend funding for the Indian Tribal Court Initiative, as requested.

H.R. 2670 as passed by the House would have provided $3.7 billion for FY2000 for the Office of Justice Programs, a decrease of $1.1 billion below FY1999 appropriations, $109 million above the Administration budget request and $605 million above the Senate funding level. H.R. 2670 would have funded the Weed and Seed program at $34 million, while the Senate-passed bill would have provided $40 million. The President's request of $34 million for Weed and Seed would have come from the Crime Trust Fund. The House would have provided $287 million for Juvenile Justice Programs compared to the Senate's $323 million and the President's request of $289 million.

For FY2000, H.R. 2670 would have provided the state and local law enforcement assistance account with $2.8 billion, $863 million above the Senate funding. H.R. 2670 would have funded a number of programs through the Violent Crime Trust Fund, including $250 million for the Juvenile Accountability Incentive block grant program ($150 million more than the Senate) and $287 million for the Juvenile Justice account ($2 million below the requested amount and $36 million less than the Senate would provide). The House-passed measure would have provided $552 million for the Byrne program ($505 million in formula grants and $47 million in discretionary funds) from the Violent Crime Trust Fund, while the Senate would have funded the program at the same level through direct appropriations. Both the House and Senate bills would have provided the drug court program with $40 million from the Violent Crime Trust Fund. H.R. 2670 would have provided the Violence Against Women Act program with $283 million for FY2000 compared to the Senate's $284 million and the President's request of $283 million.

The Clinton Administration's FY2000 funding request for the **Federal Bureau of Investigation** (FBI) was $3.3 billion, compared to FY1999 request of $3.0 billion. To improve the *information resources management* of DOJ, the President requested $93.1 million, of which $38.8 million is for the FBI'S Information Sharing Initiative (ISI). The ISI supports the department's information technology and Information Collection and Analysis strategy that is critical to the success of the FBI. With the ISI system, agents would get timely, complete information relevant to their cases and would be provided with the analytical tools to use the information effectively. Also, $37 million in funding would have been used by the Legal Activities Office Automation (which upgrades essential legal and managements tools) to install a new computer system for the department.

To fight cybercrime and counterterrorism, President Clinton requested $122.6 million, which would have: enabled the FBI to hire 60 additional agents to identify, investigate, and prevent unlawful entry into government computer networks, civilian computers and the national information infrastructure; added 55 Assistant U.S. Attorneys to develop a global response to cyberattacks; enabled the Attorney General to reimburse federal departments and agencies for their efforts in combating domestic and international terrorism ($27 million); helped resolve unique issues regarding new computer and telecommunications technologies, the litigation of cases, and support

to other federal law enforcement personnel as they combat computer crime; and expanded the Office of Justice Program's (OJP) domestic preparedness efforts ($38.5 million).[18]

Congress funded the **Federal Bureau of Investigation** (FBI) at $3 billion for FY2000 compared to the President's request of $3.3 billion and FY1999 funding of $2.9 billion. Of that total funding, $20 million is available for ISI from FY2000 base funding and $60 million is from unobligated balances from FY1999. For FY2000, Congress approved $213 million for the Criminal Justice Information Services Division, of which $70 million is for the National Instant Check System and $21 million for the National Infrastructure Protection Center (direct appropriation of $19 million with an additional $2 million in carryover funding). After the presidential veto, total funding for the FBI in FY2000 was $3.1 billion.

The Administration proposed that $135 million, which was appropriated in the Counterterrorism Fund in 1999 for state and domestic preparedness assistance, be transferred to the OJP. In addition, it wanted to redirect $31.5 million of these resources, which, when combined with the $38.5 million requested increase (for a total of $70 million) will help to fund the Bomb Technician Equipment Program ($45 million). The remaining funds ($25 million) were to support state and local domestic preparedness efforts by providing grants, equipment, and training facilities.

The Senate Committee recommendation for FY2000 for the FBI was $3 billion, $310 million below the President's request. This funding would have included $280.5 million from the violent crime reduction trust fund and $260 million in defense discretionary funding for counterterrorism, counterintelligence, and national security activities. The Committee would have provided $20 million for the Information Sharing Initiative. The President's FY2000 budget requests would have dismantled the Interagency Law Enforcement account. The Senate Committee, fearing the loss of the account would compromise the efforts of Justice Department agencies to cooperate on complex, long-term important investigations, would have transferred $113 million from the FBI to the Interagency Law Enforcement account to ensure its continued effectiveness.

The Senate Committee used a broad approach in addressing the terrorism threat. It focused on every aspect of the federal government and provided funding to departments and agencies accordingly. In the General Administration Account, the Senate Committee recommended $27 million for FY2000 for the Counterterrorism Fund, which is identical to the President's request. This was $118 million below the 1999 appropriation but reflected a transfer of the first responder grant account to the Office of Justice Programs. The Committee was concerned that the Attorney General's Counterterrorism Fund had improperly become an extension of the Department's annual budget. As a consequence, it would have moved funding for the National Infrastructure Protection Center, the National Domestic Preparedness Office,

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[18]To fight cybercrime and counterterrorism, the House and Senate would fund initiatives in a number of federal agencies, departments and bureaus. Funds for these purposes have been proposed primarily in the following DOJ accounts: General Administration, FBI, DEA, Interagency Law Enforcement, and Office of Justice Programs.

and the Continuation of Operations/Continuity of Government to the respective agency accounts. For the creation of two counterterrorism laboratories designed to research new technologies and threat reduction, the Committee proposed $30 million for FY2000.

The Senate-passed bill would have provided $2.9 billion for the FBI, the same amount of funding approved by the Senate Committee and $300 million below the President's request. It would have included $260 million in defense discretionary funding for counterterrorism, counterintelligence and national security activities, the same level of funding approved by the Senate Committee. S. 1217 would have provided $324 million for the Interagency Law Enforcement account, of which $20 million would have established and implemented the High Intensity Interstate Gang Activity Areas Program.

The House-passed bill (H.R. 2670) would have provided $3.1 billion for the FBI, $19 million below the House Committee recommendation, $108 million more than the Senate-passed bill, and $203 million less than the President requested. FBI funding for FY2000 would have included $753 million from the Violent Crime Reduction Trust Fund and $20 million that has been recurred in base funding for the Information Sharing Initiative.

H.R. 2670 would have funded the Counterterrorism Fund at $10 million for FY2000, (the same level as the House Committee recommended), while the Senate-passed appropriations bill would have provided funding of $27 million (the same level that both the Senate Committee and the President recommended). The House appropriation reflected the transfer of funding for training and equipment programs to the Office of Justice Programs.

In addressing the increase in the federal prison population, the Administration proposed funding of $738.2 million for **new initiatives for detention and incarceration programs**. Of these funds, $119.6 million would have covered housing costs associated with the increase in the detainee population, especially along the Southwest Border, because of major increases in federal law enforcement personnel in the region, and $86.8 million would have activated five prisons scheduled to be opened in 2000. The Federal Bureau of Prisons would have received $411 million for construction of new prisons (two of which will add capacity for District of Columbia felons), site and planning funding for six prisons, and construction of inmate work program space.

Congress approved $3.7 billion in funding for FY2000 ($23 million is from the Violent Crime Reduction Trust Fund) for the **Federal Prison System**, while the President requested $3.7 billion. In FY1999, the Federal Prison System received $3.3 billion of which $26 million was from the crime trust fund.

The Senate Committee recommended $3.8 billion for FY2000 for the Federal Prison System, of which $47 million would have been derived from the violent crime reduction trust fund. Also, the Committee assumed that $50 million would be available in end-of-year carryover for necessary operating expenses. This FY2000 recommendation was $24 million less than the Administration requested and $453 million more than appropriated in FY1999. Funding would have provided for five

new facilities (4,320 beds), housing in contract facilities for 2,000 D.C. Sentenced Felons, 3,000 short-term criminal aliens, and up to 1,000 short-term criminal aliens. It would also have provided for an increase in the number of residential drug treatment units in Bureau of Prisons' facilities and community based transitional substance abuse treatment centers. To treat prisoners with drug abuse problems, the Committee recommendation included $6.6 million in resources from the Violent Crime Reduction Trust Fund.

S. 1217 as passed by the Senate would have provided funding of $3.7 billion for the Federal Prison System, the same level of funding the President requested. The House-passed bill would have provided $3.6 billion for the Federal Prison System, including funds of $22.5 million from the Violent Crime Reduction Trust Fund, $86.8 million for "527 additional positions for the activation of facilities" at five locations throughout the nation and $34 million to house 2,000 D.C. sentenced felons in contract facilities.

Under the legal activities account of DOJ, Congress approved $525 million for the *federal prisoner detention* account, $25 million less than the Administration requested and a $100 million increase over the FY1999 level.

Concerned that local jurisdictions that house unsentenced federal prisoners for short periods under the federal prisoner detention program are using it more for a source of profit rather than for reimbursement of cost, the Senate Committee, under the Legal Activities account, would have provided $500 million for FY2000 for federal prison detention, $50.2 million less than the Administration request. Yet to insure that federal prisoner detention was fully funded, the Committee made up to $35 million available for transfer to this account from "U.S. Attorneys, Salaries and Expenses" and "Fees and Expenses of Witnesses." The Senate-passed bill approved funding of $500 million for the federal prisoner detention program. As passed in the House, H.R. 2670 would have provided $525 million for FY2000 for the federal prisoner detention program, the same funding amount the House Committee recommended, $25 million below the President's request, and $100 million above current funding levels.

The President's budget for FY2000 called for $7.9 billion to control the flow of and reduce the demand for illegal drugs, an increase of 2.5% over FY1999. **Drug Enforcement Agency** (DEA) would have received funding of $1.38 billion of this amount for its law enforcement resources (compared to the FY1999 request of $1.18 billion), including $23 million in program enhancements. The Office of Justice Programs would have received funding of $2.2 billion, of which a $112 million increase would have funded a $215 million initiative in 2000 to promote drug testing and treatment for the following programs: $10 million in additional funding (for a total of $50 million) for the drug courts program; $100 million to establish a drug testing and treatment program that would have provided discretionary grants to state and local governments and Indian tribes; and $2.1 million in additional funding (for a total of $65.1 million) for the residential substance abuse treatment program, which provides formula grants to states for state and local governments to develop and implement residential substance abuse treatment programs for prisoners.

For FY2000, Congress approved $1.3 billion for the Drug Enforcement Agency ($343 million is from the crime trust fund and $80 million is derived from the Diversion Control Fund for diversion control activities) compared to the Administration's request of $1.4 billion and FY1999 funding of $1.2 billion. Congress provided $6 million in FY2000 to augment the Caribbean Initiative, $11 million for domestic counter-drug activities, $80 million for the Drug Diversion Control Fee Account, and $21 million for investigative support requirements of DEA.

The Senate Committee recommendation would have provided $1.2 billion for the DEA for FY2000 compared with the President's request of $1.4 billion. Funding would have included $22.2 million for the expansion of DEA regional drug enforcement teams, $56.7 million to improve the agency's mobile enforcement teams to address drug threats at the state and local levels, $14.9 million for DEA's heroin enforcement strategy, $27.5 million to address methamphetamine trafficking, production, and abuse (additional funds for these purposes would also have been provided through the Office of Justice Programs and the DEA's asset forfeiture account), and $17.5 million for new DEA agents and support positions in South and Central America and Mexico. The Committee would have provided $89.3 million for DEA's drug diversion control program, the full amount requested and expected the level of balances in the Fee Account to fully support the programs in FY2000. No funds were provided DEA for "Salaries and expenses" because the Committee expected federal agencies to provide sufficient personnel to operate the program.

The House Committee recommended $1.3 billion for DEA for FY2000, of which $344 million would have come from the Violent Crime Reduction Trust Fund. For the Caribbean Initiative, the committee recommended $9 million and 30 new agents. Funding would have included $22 million for program enhancements to address infrastructure needs and $80 million for DEA'S Drug Diversion Control Fee account.

The Senate-passed bill (S. 1217) would have provided $1.2 billion for the DEA, the same funding level as recommended by the Senate Appropriations Committee and $165 million less than the President requested. For FY2000, the bill passed by the House (H.R. 2670) would have provided $1.3 billion for the Drug Enforcement Administration (based on a revised budget submitted by the agency), $104 million below the President's request and $72 million above the current funding level.

For DOJ's **Civil Rights** Division under the Legal Activities Account, the Administration requested $82.2 million, an increase of 19% over the FY1999 enacted level. These funds were to help prosecute hate crime violations, deter the victimization of migrant workers and other minorities, and combat police misconduct. Increased resources to fight housing and lending discrimination were provided to the Department of Housing and Urban Development. It was anticipated that as a result of this action, additional cases would be referred to DOJ, therefore, the President requested $1.87 million to handle them.

Congress initially approved $494 million for *General Legal Activities* for FY2000 ($148 million is from the crime trust fund), while the President requested $577 million. FY1999 funding was $475 million. Of the FY2000 funding for this account, $72 million was for the Civil Rights Division of DOJ. President Clinton

requested a funding increase in FY2000 for this account to fight hate crimes among other actions. Because the account was not funded at the requested level, the president vetoed H.R. 2670. After the president's veto, Congress increased FY2000 funding for this account to $504 million, with the Civil Rights Division receiving an increase of $10 million for a total appropriation of $82.2 million.

The Senate Committee recommended $485 million for FY2000 for general legal activities, of which $185 million comes from the violent crime reduction trust fund. This recommendation is $10 million above the FY1999 appropriation and $91 million less than the President requested. The Committee directed the Civil Rights Division as well as other divisions to redouble efforts in combating hate crimes and domestic terrorism. It did not specifically direct how much money should be spent in this effort. The House Committee recommended $504 million for FY2000 for the general legal activities account, of which $148 million would have come from the Violent Crime Reduction Trust Fund. The committee recommended $7 million for the Community Relations Service to provide assistance to communities in resolving disagreements arising form discriminatory practices. It did not specifically direct how much money should be spent in the Civil Rights Division. The Senate-passed bill would have provided $485 million for the general legal activities account compared to the House-passed bill provision of $504 million for general legal activities and the President's request of $577 million.

The **Immigration and Naturalization Service** (INS) is the principal federal agency charged with enforcing and administering the Immigration and Nationality Act (INA). From FY1993 to FY1999, Congress has increased the INS budget from $1.5 to nearly $3.9 billion.[19] During these years, INS staffing has increased from just over 18,000 to nearly 31,000 funded permanent positions. INS now makes up the largest corps of federal civilian employees empowered to make arrests and carry firearms.

Congress approved $4.3 billion in total FY2000 funding for INS. This amount included $3.0 billion in direct funding that is comprised of $1.6 billion from the general fund, $1.3 billion from the Violent Crime Reduction Trust Fund, and an additional $100 million from the general fund for construction. The $3.0 billion in direct funding is $26 million less than the Administration's request, but it is $460 million more than the direct funding appropriated last year by Congress. In addition, for FY2000, Congress approved $1.3 billion for INS in off-setting fee receipts.

While H.R. 2670 was vetoed largely for reasons unrelated to INS, the President's veto message did address the concern that this bill did not include any funding to reimburse Guam and other U.S. territories for the costs of detaining smuggled Chinese nationals who were and are being screened by INS for asylum or removal. The conference agreement, however, on the FY2000 Consolidated Appropriations Act (H.R. 3194) did not include earmarked funding for this purpose.

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[19]The $3.9 Billion in FY1999 funding does not include the $96 million Congress provided INS from the Working Capital Fund, nor does it include an emergency supplemental of $80 million for the mandatory detention of criminal and other removable aliens.

Previously, the House-passed CJS appropriations bill would have provided INS with $4.3 billion in total funding for FY2000. This amount included a direct appropriation of $1.6 billion from the general fund. The House also adopted a floor amendment, which cut INS's direct appropriation by $44 million to increase funding for the Legal Services Corporation. Other funding for INS included $1.3 billion from the Violent Crime Reduction Trust Fund, $1.3 billion in fees, and an additional line item appropriation of $90 million for construction. In report language, the House committee earmarked increases of $100 million to hire an additional 1,000 Border Patrol agents and 140 support staff, and $200 million for additional detention space.

On the other hand, the Senate-passed CJS appropriations bill would have provided INS with $4.0 billion, the same level of funding approved by the Senate Appropriations Committee. This amount included a direct appropriation from the general fund of $1.7 billion, $873 million from the Violent Crime Reduction Trust Fund, $1.3 billion in fees, and an additional line item appropriation of $139 million for construction. In report language, the Senate committee earmarked increases of $101 million to hire and train an additional 1,000 Border Patrol agents, nearly $23 million for Border Patrol equipment, $10 million to continue deploying the Integrated Surveillance Intelligence System (ISIS) to remotely monitor illegal activities at the border, $3 million for Law Enforcement Support Centers in Louisiana, Mississippi, and South Carolina, and $1.5 million for a SENTRI[20] dedicated commuter lane at San Luis, Arizona. In addition, Senate appropriation language would have capped the number of INS "full-time equivalent work years" at 29,784. Further, during consideration of S. 1217, the Senate adopted several amendments related to compensation for Border Patrol agents and linking INS databases with other DOJ law enforcement databases.

Greater border control and deterrence of illegal immigration continued to be an ongoing issue for Congress. Between FY1993 and FY1999, funding for the Border Patrol increased from $362 million to $917 million. For FY1999, the conference agreement included an earmarked increase of $97 million to hire an additional 1,000 agents, increasing the total number of funded agent positions to 8,947. For FY2000, the Administration did not request funding to hire another 1,000 agents as mandated in P.L. 104-208. Instead, the Administration interpreted this provision to be an authorization. Nevertheless, there was strong congressional support to increase the Border Patrol by 1,000 agents in FY2000: both House and Senate report language included funding earmarks for this purpose. Conference report language included an earmark of $50 million for this purpose.

During FY1999, the Administration informed Congress that only 200 to 400 new agents would be hired due to lack of qualified applicants in a strong labor market and high attrition rates among candidates at the Border Patrol Academy. At the end of FY1999, there were 8,225 Border Patrol Agents who were on duty and deployed, as compared to 7,856 at that time last year. To increase the attractiveness of a career as a Border Patrol agent, the Senate adopted two amendments related to compensation for Border Patrol agents. The first would have provided that any

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[20]The acronym SENTRI stands for Secure Electronic Network for Travelers' Rapid Inspection.

Border Patrol agent who completes a 1-year period of service at a GS-9 grade level, and whose current rating on record is fully successful or higher, shall be classified as a GS-11. The second would have authorized the Commissioner to provide Border Patrol agents with a language proficiency bonus. Conference report language included a requirement that INS establish an Office of Border Patrol Recruitment and Retention. It also included an authorization to increase pay for non-supervisory agents who have served for more than one year at the GS-9 level, if the agency is unable to recruit the required agents by June 1, 2000.

In addition, the Senate adopted two amendments to require INS to develop a plan to *link immigration and law enforcement databases*, particularly IDENT, with other DOJ criminal-case-tracking databases, like NCIC (National Crime Information Center). IDENT, a fingerprint-based positive identification system, was designed to give the Border Patrol an increased capability to identify repeat offenders and criminal aliens. These amendments were in response to the case of Angel Maturino Resendiz, an illegal alien and Mexican national, who was on the FBI's 10 most wanted list in connection with a string of homicides. Resendiz was apprehended while illegally entering the United States by the Border Patrol, yet he was allowed to return voluntarily to Mexico. The House committee, on the other hand, directed the agency in report language to suspend further deployment of IDENT until DOJ submits a report outlining the integration of IDENT with the Inter-Agency Fingerprint Identification System (IAFIS) that was recently incorporated into NCIC. Conference report language included a requirement that the Attorney General submit a plan to integrate the IDENT and IAFIS systems to Congress by November 1, 1999.

The Senate bill included a provision to *repeal Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act* (Division C, P.L. 104-208), which originally required the Attorney General to develop an entry/exit control system to track non-citizen arrivals and departures by September 30, 1998. Last year's omnibus appropriations act (P.L. 105-277), however, amended this provision to extend this deadline to March 30, 2001, for land border and sea ports of entry, but left the end of FY1998 deadline in place for air ports of entry. The conference agreement, however, included no provision to amend or repeal Section 110.

In recent years, INS has come under intense criticism for failing to deport *criminal aliens* expeditiously. At the end of FY1997, the Bureau of Prisons estimated that 27% of approximately 113,000 inmates in federal and federally contracted correctional facilities were non-citizens, many of whom are subject to removal proceedings. Despite increased funding, INS officials reported that the agency did not possess the detention capacity to fully comply with statutory mandates set out by 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 meet these detention mandates in FY1999, Congress provided INS with an $80 million emergency supplemental appropriation for FY1999.[21] Both House and Senate appropriators expressed strong dissatisfaction with INS for failing to request sufficient

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[21]For further information on the FY1999 $80 million supplemental, see: *Supplemental Appropriations for FY1999: Central America Disaster Aid, Middle East Peace, and Other Initiatives*, RL30083, (name redacted).

funding to meet these detention mandates. The Administration submitted an amendment to its FY2000 budget submission, which included a proposal to remove eligibility restrictions under Section 245(i) of the INA in order to increase funding for criminal alien detention through that provision's penalty fee. Neither House nor Senate bills, however, included a Section 245(i) provision. Instead, for FY2000, conference report language earmarked an increase $200 million for detention as was included originally in House report language, rather than the $150 million earmarked in Senate report language.

In spite of increased funding, INS continued to experience *difficulty in processing immigration and naturalization applications*. At the end of FY1999, INS's total pending caseload was over 4 million, including a pending naturalization caseload of 1.36 million. For FY2000, Senate report language earmarked an additional $96 million from DOJ's Working Capital Fund for working down large pending caseloads. Senate report language also earmarked a transfer of nearly $50 million from the examinations fee account to the Executive Office of Immigration Review (EOIR), which is the DOJ agency that hears immigration-related administrative appeals. House report language, on the other hand, included no increased funding for the adjudication of immigration-related claims. Rather, House report language noted that over the past 2 years, INS was provided with $339 million in enhancements for these purposes. As provided in FY1999, the conference agreement included $124 million to fully fund INS's naturalization backlog reduction efforts in FY2000.

INS Restructuring. Conference report language stressed that "a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities." The conference agreement left in place a split in INS's direct funding into two accounts: the Enforcement and Border Affairs account and Citizenship and Benefits, Immigration Support and Program Direction account. This split, according to conference report language, was one step towards establishing clearer lines of accountability at INS. Meanwhile, Members of Congress and Administration officials were engaged in efforts to restructure INS.

On November 4, 1999, the House Judiciary's Immigration and Claims Subcommittee amended and approved a bill (H.R. 2528) -- originally introduced by Representative Harold Rogers, Chairman of the House Appropriations Commerce, Justice, State, and the Judiciary Subcommittee -- to dismantle INS by establishing separate service and enforcement bureaus within the Department of Justice. As amended, this bill would have also established an Office of the Associate Attorney General for Immigration Affairs to "oversee and supervise" the directors of these two bureaus and the Executive Office for Immigration Review as well. The Subcommittee also defeated an amendment to H.R. 2528 offered by Representative Jackson-Lee, which was similar, but not identical, to her restructuring proposal (S. 2680). While the Senate Judiciary's Immigration Subcommittee held a hearing on another INS restructuring proposal (S. 1563) on September 23, there was no further action on this bill. (For further analysis, see CRS Report RS20279, *Immigration and Naturalization Service Reorganization and Related Legislative Proposals*.).

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 describes 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 provides 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 summarizes and synthesizes 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.

Some of the goals identified are to: remove violent criminals and gangs off our streets through cooperative enforcement efforts with state and local law enforcement programs; work with tribal authorities to reduce the incidence of violent crime on Indian reservations, especially that related to gang activity; improve the nation's capability to prevent terrorist acts within the United States and abroad; respond to cyber-attacks, computer thefts and intrusions affecting computer users; support Bureau of Prisons' efforts to reduce prison overcrowding and to modernize and repair facilities which are over 50 years old; disrupt and dismantle the command and control operations of major drug trafficking criminal enterprises that are responsible for the supply of illicit drugs in this country; reduce the production of illegal drugs in our borders; enforce civil rights laws, including hate crimes and misconduct by law enforcement; and to protect U.S. borders against illegal migration and more effectively remove illegal aliens.

The Senate Committee requested that by July 1, 1999, DOJ provide it with information about the agency's experiences resulting from GPRA.

In assessing DOJ's performance plan for FY2000, GAO found that the plan furnishes clear relationships between goals and measure, provides goals and measures that are quantifiable, and discusses strategies to protect the credibility of its performance data. On the other hand, GAO found that the plan does not adequately identify mutually reinforcing goals and measures among various DOJ components and does not establish complimentary performance indicators.

Department of Commerce

In his FY2000 budget request to Congress, the President originally requested total funding for the Department of Commerce and related agencies[22] of $9.1 billion, about a $3.9 billion increase (or 76%) over the $5.1 billion appropriated by Congress for FY1999. With regard to FY1999 appropriations, these were to expire after June 15, 1999, unless new legislation were enacted to continue them through the remainder of FY 1999. H.R. 1141, which became law on May 21, 1999, repealed this funding cutoff. H.R. 1141 included an additional $44.9 million for the 2000 census in FY1999, provided that Congress received, by June 1, 1999, a revised FY2000 budget submission for the census, with detailed justification. The revised submission requested an extra $1.7 billion for the census in FY2000.

The amount originally requested for the Department was $9 billion, which was about $3.8 billion (or 74.5%) over the $5.1 billion appropriated for FY1999. The agency that would have received most of this increased appropriation for FY2000 was the Census Bureau — $3.4 billion. Virtually all of this additional money will go to cover the cost of year 2000 decennial census. (As noted above, the revised FY2000 budget submission sought another $1.7 billion for the census in FY2000.) Other agencies that would receive noticeable increases include: National Oceanic and Atmospheric Administration (NOAA) — $339 million;[23] National Institute of Standards and Technology —$90 million; the National Telecommunications and Information Administration — $22.5 million; the Bureau of Export Administration — $8.1 million and Economic and Statistical Analysis —$6.6 million; and General Administration--$6.6 million. The Administration requested modest increases the Economic Development Administration and the Minority Business Development Agency. It requested a decrease in direct appropriations for the Technology Administration — -$.5 million. No direct appropriations are requested for the Patent and Trademark Office; its funding will be covered by the collection of user fees.

The Senate approved $7.2 billion for the Department (S. 1217), which is about $1.9 billion below the amount requested by the Administration's request for FY2000. On the House side, the Appropriations Committee recommended $8.0 billion, about $1 billion below the President's request, about $846 million above the total approved by the Senate and $2.9 billion above the total appropriated for FY1999--$5.1 billion. The House-passed bill (H.R. 2670) approved the Committee's recommendation. Congress approved $8.6 million which is $3.5 million above the FY1999 appropriation and about $370 million below the Administration's request.

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

- the progress made in the streamlining and downsizing the Department's programs and operations;

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[22] Related agencies include the Office of the U.S. Trade Representative and the International Trade Commission.

[23]For FY1999, NOAA's funding accounts for about 43.4% of the Commerce Department's total budget.

- the needs of the Bureau of the Census in conducting the forthcoming decennial (Year 2000) census, including funding needs and sampling plans; 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 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 21st century.

The President's FY2000 budget request for the Department called for $57.5 million for ***General Administration,*** which was about $6.5 million above the $51.0 million appropriated for FY1999. This total also included the request for the Inspector General's office which amounted to $23.4 million, about $2.4 million above the $21.0 million appropriated for FY1999. For FY2000, the Senate Appropriations Committee recommended $51.9 million, which included $17.9 million for the Office of the Inspector General. The Senate bill (S. 1217) approved the same amount. The House Appropriations Committee recommended $52 million, including $22 million for the Office of Inspector General, which was $4.1 million higher than the level approved by the Senate for the Office. The House-passed bill (H.R. 2670) approved the Committee's recommendation. Congress approved $51.5 million, $500 thousand above the FY1999 appropriation and $6 million below the Administration's request.

To fund the Department's **Economic and Statistical Analysis** programs, the President requested $55.1 million, which was about $6.6 above the total appropriated for FY1999--$48.5 million. The Senate Appropriations Committee essentially approved the same level requested by the President. The Senate bill approved the Committee recommendation. The House Appropriations Committee recommended a lower level of $48.5 million, the same level appropriated for FY1999. The House approved this amount. Congress approved $49.5 million, $1 million above the FY1999 appropriation and $5.6 million less that the President's request.

For the ***Bureau of the Census,*** the President requested a total of $4.8 billion for FY2000, an amount about $3.4 billion higher than the $1.4 billion appropriated for FY1999. Most of this large increase was to fund preparations for and implementation of the upcoming (Year 2000) decennial census. (The Administration's revised FY2000 budget submission of $4.8 billion for the Census Bureau included an additional $1.7 billion for the decennial census. Neither the Senate Appropriations Committee nor the full Senate approved the additional amount.) The Senate agreed to only the original request of $3.1 billion for the Census Bureau, about $1.7 billion below the President's amended request. The House Appropriations Committee, the full House, and Congress approved about the same level requested by the President: $4.7 billion.

During the course of debate on FY1998 CJS Appropriations, Congress addressed the Bureau's plans to incorporate certain new sample survey results into

the 2000 decennial census.[24] Proponents of sampling maintained that it would reduce overall census costs as well as improve the headcount, resulting in a more accurate, more equitable census. Opponents raised various questions about sampling in connection with the decennial census, which is the basis for reapportioning the House of Representatives and redrawing legislative districts within states. These questions included whether the plan was legal and constitutional, whether it was operationally feasible, and whether the proposed sampling methods were flawed.[25]

As agreed to in conference, the FY1998 CJS appropriations bill (H.R. 2267/S.1022, P.L. 105-119) granted $390 million for the decennial census. Of this amount, $27 million was for the Census Bureau to "develop a contingency plan in the event sampling is not used in the 2000 decennial census"; $4 million was "for modifications to the [census] dress rehearsal"; and $4 million was "transferred to the Census Monitoring Board."

Section 209 of P.L. 105-119 retained the provision of the House-passed H.R. 2267 that "any person aggrieved by the use of any statistical method," in connection with the decennial census to determine the reapportionment and redistricting population, might "in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method." This section provided for an expedited judicial review of the Bureau's proposed statistical methods to determine whether their use in the census for reapportionment and redistricting "is forbidden by the Constitution and laws of the United States."[26]

The conference report (Section 210) also established a bipartisan eight-member Census Monitoring Board "to observe and monitor all aspects of the preparation and implementation" of the 2000 census. The Board, in existence until September 30, 2001, is to submit to Congress periodic reports of its findings. For each of the next four fiscal years, FY1998 through FY2001, a $4 million appropriation is authorized to carry out Section 210.

For 2000 census activities in FY1999, the Administration requested $848 million. A small anticipated recovery of FY1998 funds raised the FY1999 total to $856

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[24] The Bureau planned to conduct sample surveys for two purposes: non- response follow-up at the end of the enumeration period and correction of miscounts before the final census figures are released.

[25] For views on both sides of this issue that carried over from the 104th to the 105th Congress, see: U.S. Congress, House Committee on Government Reform and Oversight, *Sampling and Statistical Adjustment in the Decennial Census: Fundamental Flaws*, H.Rept. 104-821, 104th Cong., 2nd sess. (Washington: GPO, 1996). See also: CRS Report 97-137 GOV, *Census 2000: the Sampling Debate*, by (name redacted), and CRS Report RL30182, *Census 2000: Sampling as an Appropriations Issue in the 105th and 106th Congresses*, by (name redacted).

[26] Two suits, seeking to prevent the use of sampling in the census for reapportionment, were brought under Section 209: *Glavin* v. *Clinton* (Feb. 12, 1998) and *U.S. House of Representatives* v. *U.S. Department of Commerce* (Feb. 20, 1998). The Supreme Court ruled on January 25, 1999, that the census statute (13 U.S.C.) Prohibits sampling for this purpose, but did not answer the constitutional question.

million, which was $466 million above the $390 million appropriated in FY1998. This substantial increase reflected the additional funds needed as the Bureau accelerates its preparations for the coming decennial census.

As approved by Congress, the Bureau's FY1999 funding for Census 2000 activities was $1.027 billion. This figure exceeded the House-passed amount by $75 million and the Senate-passed amount, as well as the President's request, by $179 million. An additional $4 million was provided for the Census Monitoring Board. Section 626, Title VI, of the Omnibus legislation funded all CJS agencies only through June 15, 1999. Funding for the remainder of FY1999 was contingent on enactment of another appropriations measure. H.R. 1141, FY1999 Emergency Supplemental Appropriations, which became law on May 21, 1999, repealed this restriction.

The Administration originally requested $2.8 billion for 2000 census activities in FY2000. This amount, however, did not reflect the additional funds that the Bureau was expected to request so that it could conduct the census without reliance on sampling to derive the reapportionment population. Congress expressed concern about the Bureau's delay in submitting a revised FY2000 budget, with detailed justification. Contingent on congressional receipt of this submission by June 1, 1999, H.R. 1141 provided an additional $44.9 million to the Bureau for census preparations in FY1999. (The revised FY2000 budget submission sought another $1.7 billion for the census in FY2000. In S. 1217, the Senate Appropriations Committee, the full Senate, approved the Administration's original FY2000 request of $2.8 billion for the census, without the additional amount. In the House version of the bill, the full Appropriations Committee approved the Administration's request of $4.5 billion for the 2000 Census, designated as emergency spending. Congress approved this amount.

In the area of international trade, the Congress approved $311.5 million (direct appropriation of $308.5 million plus $3 million from fee collections) for the ***International Trade Administration (ITA)*** for FY2000. Also, it assumed an additional $2 million in prior year carryover. The amount approved by Congress was an increase of $22.2 million over the FY1999 appropriation of $286.3 million and an increase of $3.1 million over the President's request of $305.4 million. The Senate Appropriations Committee and the full Senate approved $311.3 million for FY2000. Both the House Appropriations Committee and the full House approved $298.2 million.

Congress approved $54.0 million for the ***Bureau of Export Administration (BXA)***, which was $1.7 million more than the FY1999 level ($52.3 million) but $6.5 million less than the Administration's request ($60.5 million). The Congress assumed an additional $0.7 million will be available in prior year carryover. The Congress provided that "no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of such proposed action." The Senate Appropriations Committee recommended $55.9 million for FY2000, and the Senate approved the same funding as the Committee. The House

Appropriations Committee approved $49.5 million for FY2000, and the full House approved the same level.

The President requested $27.6 million for the ***Minority Business Development Agency (MBDA),*** which was about $0.6 million above the $27.0 million appropriated for FY1999. The Senate Appropriations Committee recommended a level of $27.6 million for FY2000, equivalent to the Administration's request. The Senate approved the same amount. The House Appropriations Committee approved $27 million, $.6 million below the amount requested by the President and approved by the Senate. House approve the Committee's recommendation. Congress approved $27.3 million, $300 thousand below the President's request and $300 thousand above the FY1999 appropriation.

The ***Economic Development Administration (EDA)*** has experienced a tumultuous appropriations history over the past few years.[27] Its funding level was sharply reduced by the 104th Congress, then partially restored by the 105th. In the 106th 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.

The President's FY2000 budget proposal requested $393 million for EDA, just about the same funding level under which it operated in FY1999 ($392 million).[28] More specifically, EDA requested $364 million for its Economic Development Assistance Programs (EDAP) and $29 million for Salaries and Expenses (S&E).

The full Senate (following the recommendation of the Appropriations Committee), approved only $203.4 million for EDAP and $24.9 million for S&E — which would have provided EDA a total FY2000 appropriations of $228.3 million. Likewise, the House, following the recommendation of its Appropriations Committee, approved $364.4 million for EDAP and $24 million for S&E, for a total FY2000 appropriation of $388.4 million. This amount was only $4 million below the FY1999 level. The Consolidated Appropriations Act for FY2000 provides EDA with $362 million for EDAP and $26.5 million for S&E, for a total FY2000 appropriation of $388 million. Thus, funding for the agency's Economic Development Assistance Programs was reduced by $6.5 million, and funding for its Salaries and Expenses was increased by $2.5 million, compared to FY1999 levels.

The ***Patent and Trademark Office (PTO)*** is fully funded by user fees collected from customers. The Omnibus Consolidated Appropriations Act for FY1999 assumed total funding for the PTO at $785 million although there were no direct

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[27]For background, see: *Economic Development Administration: Overview and Issues*, CRS Issue Brief 95100, by (name redacted).

[28] In the fall of 1998, Congress approved $368 million for EDAP and $24 million for S&E — providing EDA a total FY1999 appropriation of $392 million. It should be noted that separately, as part of P.L. 105-277, Congress transferred $20 million ($15 million for fisheries and $5 million for trade) from the Department of Agriculture as well as $694,000 in Y2K funds to EDA for FY1999; thus, the agency had a total budget authority of $413 million for FY1999.

appropriations from the General Fund. Of this amount, $643 million was to be derived from offsetting fee collections based on the then existing statutory fee schedule; $102 million from a fee increase mandated by P.L. 105-358, the U.S. Patent and Trademark Office Reauthorization Act; and $40 million from prior year unobligated funds. However, P.L. 105-277 also rescinded $71 million of the accumulated fees and returned that amount to the Treasury for use in balancing the budget.

For FY2000, while there are again no direct appropriations for the PTO, the President requested that the Office be given the budget authority to spend $922 million. This figure included $966 million that the Administration estimated would be collected in fees (with $20 million to be raised through a proposed fee increase to cover required additions to the Employees Health Benefits and Life Insurance Fund), plus a carry over of $116 million from FY1999. Of this amount, $160 million was not to be spent until FY2001.

S. 1217, as passed by the Senate, provided that the Patent and Trademark Office be given budget authority of $902 million in FY2000. This included an estimated $786 million in accumulated fees as well as $116 million in carry over funds from the previous year. H.R. 2670, as passed by the House, mandated a funding level of $852 million for the PTO. Of this amount, $736 million was to be derived from offsetting fees collected in FY2000 plus $116 million in funds carried over from fees collected in FY1999. There were no provisions for a fee increase (surcharge) for health and life insurance benefits in either bill.

The final legislation as approved by the Congress and signed by the President gives the PTO budget authority to spend $871 million for FY2000, including $755 million from current year fees and $116 million in carryover fees. This is an 11% increase over FY1999 (when funds were returned to the Treasury to balance the budget) but 6% less than the Administration's request which included a provision for an extra fee to cover required increases in health and life insurance benefits.

Traditional budget line offices at the ***National Oceanic and Atmospheric Administration (NOAA)*** include the National Ocean Service (NOS); National Marine Fisheries Service (NMFS); Oceanic and Atmospheric Research (OAR); National Weather Service (NWS); National Environmental Satellite Data and Information Service (NESDIS); Program Support (PS); Facilities; Fleet Maintenance and Planning (FPM) under ORF. The NOAA budget request also includes Procurement, Acquisition and Construction (PAC); for FY2000, a Pacific Coastal Salmon Recovery Fund (PCSR), a Coastal Zone Management Fund (CZMF), and other non-ORF fisheries accounts. NOAA also analyzes its annual budget request in terms of 7 strategic goals: 1) Advanced Short-Term Warning & Forecast Services; 2) Implement Seasonal to Inter-annual Climate Forecasts; 3) Predict & Assess Decadal to Centennial Change; 4) Recover Protected Species; 5) Promote Safe Navigation; 6) Sustain Healthy Coasts; and 7) Build Sustainable Fisheries, all of which are intended to measure NOAA's performance and return on taxpayers investment in research, and shape future budget requests, as required by 1994 Government Performance and Results Act. For more information on NOAA see CRS Report RL30139: *The National Oceanic and Atmospheric Administration: Budget Activities and Issues for the 106th Congress.*

On November 18, 1999, Congress passed H.R. 3421, *The Consolidated Appropriations Act, 2000*, Division B, Title II (H.R. 3194), and approved a total of $2.34 billion for NOAA for FY2000 (See H.Rpt. 106-479). The President signed the measure into law on November 29, 1999. This amount was about $38 million, or 2%, greater than levels approved in H.R. 2670, previously vetoed by the President. Of this amount, $1.69 billion was for Operations, Research Facilities (ORF), $596 million was for Procurement, Acquisitions and Construction (PAC) accounts, and also the bill provided $59.5 million for other NOAA accounts (Non-ORF). Bill language prohibited funding augmentation for Executive Programs and Administration at NOAA (capped at $31.4 million, and 33 ftes., for FY2000). Also, NOAA must report on new space requirements for employees in the Gulf of Mexico by March 1, 2000. Section 601 of this bill contained language concerning funding implementation of the U.N. Kyoto Protocol on Climate Change, and language in the conference report reiterated the intent of Congress with respect to public review of global change research at the Agency. Congress did not approve a $3.4 million recission of FY1999 emergency appropriations for NOAA (proposed in S. 1217) under Title VII of this Act.

Appropriations were distributed by line offices as follows (and are compared with final H.R. 2670 levels): NOS-$279 million (an $11.5 million increase, or 4%, +$6 million of which is for response and restoration under Ocean Resources Conservation and +$5.5 for the Marine Sanctuary Program); NMFS-$422 million (+$18 million, or 4%, includes an additional $5 million for the Pacific Salmon Treaty information collection and analysis, +$2 million is for damage restoration for the Fisheries industry, and +$11 million for an ESA recovery plan); OAR-$301 million, includes +$0.5 million for GLOBE. No changes were incurred for NWS-$604 million, NESDIS-$111 million, PS-$63 million, FP&M-$13 million, and FAC-$11 million. However, PAC-$596 million was increased by $7 million, 1.2% greater than H.R. 2670. H.R. 3194 includes +$4 million for National Estuarine Research Reserve System construction (NERRS) and +$3 million for National Marine Sanctuaries construction. Other NOAA accounts totaled about $60 million ($8 million greater than H.R. 2670), with PCSR accounting for $58 million of that. Also, Congress approved $52 million for NOAA Fleet Replacement. (See H.R. 2670, below, for additional information regarding funding and congressional directives for NOAA for FY2000.)

On October 20, 1999, Congress approved H.R. 2670, Commerce, State, Justice Appropriations for FY2000. A total of $2.30 billion in total funding was approved for NOAA (H.Rpt. 106-398). This amount was 8.4% below the President's request (see below) and 5.7% below FY1999 appropriations. The total for ORF would be $1.66 billion, 2.9% less than the President's request and 4.7% greater than Congress approved in FY1999. PCSR received $50 million, about half of the funding requested by the Senate and a third of the total requested by the President for treaty

implementation (including PCSR).[29] The President vetoed H.R. 2670 on October 25, 1999.

Final funding in H.R. 2670 for NOAA line offices was as follows: NOS-$267.4 million; NMFS-$403.7 million; OAR-$300 million; NWS-603.9 million; NESDIS $ 111.1 million; PS $62.6 million; FPM- $13.2 million; FAC-$11.2 million; PCSR-$50 million. Additional BA for NOAA included some $36 million in previous year deobligations. Non-ORF accounts include PAC-$589.1 million; PCSR fund-$50 million; CZMA-$4 million (transfer) and $3.2 million for other fishery funds. Also, the committee approved rescissions of $1.2 million from the fisheries promotional fund. A $68 million transfer was approved for ORF from the Promote and Develop American Fisheries account (from USDA). The committee did not authorize $34 million in collection of new fees; however, the House, in its accounting on H.R. 2670, assumed this amount would be collected as revenues for FY2000.

Of note, conferees approved $445 million for NWS, forecast and warning activities, a 25% increase above FY1999 appropriations levels but still below the Administration's request; $16 million was approved for AWIPS build 5.0. Funding for systems acquisitions declined overall reflecting completion of deployment of weather modernization systems. The committee did not approve transfer of the Great Lakes Environmental Research Lab (GRERL) from OAR to NOS; An additional $5.2 million was approved for NOS for research on pfisteria, hypoxia and harmful algal blooms. The committee approved $2.5 million for GLOBE, half of that requested by the Administration. (This is one of the reasons why the President vetoed the FY2000 CJS appropriations bill.) The Sea Grant and undersea research programs were funded at higher levels than that requested by the President. Weather research (OAR) realized a 2% increase over the President's request. Large increases in funding for NMFS were for information collection and analysis (15%). NESDIS realized increases in the PAC account for satellite systems acquisition and related activities. Administration and Services under Program Support received overall decrease below FY1999 levels.

Committee report language(H.Rept. 106-398) retained House directives for NOAA to provide details on a new budget structure that would more closely reflect administrative expenditures at the agency (by February 2000), including all line office overhead. It also required an operating plan for expenditure of FY2000 appropriations 60 days after possible enactment. Appropriations for retired NOAA CORPS officers, formerly under ORF-PS, was scored as mandatory spending, and not included in ORF totals. Another House provision required all supporting research by NOAA, including that under the U.S. Global Change Research Program, to be published in the Federal Register for independent review by outside experts. Section 613, of Title II required NOAA develop a modernization plan for its fisheries research

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[29]The President had requested an additional $60 million for implementation of an international treaty on Northwest fisheries and Salmon recovery, as an amendment to CSJ appropriations for FY2000. The Senate approved $100 million of that. The House claimed that PCSR was not authorized under the Endangered Species Act (currently expired), and that funding authority may lie within the Department of Interior budget, and consequently did not fund PCSR. Final funding in H.R. 3194 was $58 million.

vessels that takes fully into account opportunities for contracting for fisheries surveys."

The House passed H.R. 2670 on August 6, 1999, approving amounts proposed by the House Appropriations Committee for NOAA for FY2000 (H.Rept. 106-283). On July 30, 1999, the committee recommended $1.96 billion for NOAA in new budget authority (BA), including transfers and offsets of $280 million. This amount is about $5.9 billion less than that requested by the President (including advanced appropriations for PAC through 2018)[30], about $208 million less than that appropriated in FY1999, and some 25% below Senate approved levels (S. 1217, see below). ORF would receive $1.48 billion (17% below Senate-approved levels) and $67 million transfer from the Promote and Development of Fisheries Account. Total BA approved for NOAA for FY2000 is about $103 million below FY1999 funding levels, and some $231 million below the Presidents request for FY2000.

On June 14, 1999, the Senate Appropriations Committee approved $2.6 billion in funding for NOAA for FY2000 (S. 1217). ORF would receive $1.78 billion, $66.4 million of that would be transferred from a Promote and Develop Fisheries Products and Research account. PAC would receive $671 million. The committee approved $100 million for a Pacific Coastal Salmon Recovery fund. Other Non-ORF funding for U.S. fisheries would total some $7.1 million. Also, the committee reported rescissions for NOAA, including $1.2 million from the Fisheries Promotional Fund, and $3.4 million from ORF provided by the Dire Emergency Supplemental Appropriations Act of 1992 (P.L. 102-368). Section 606 of the Senate bill contained language prohibiting repair and maintenance and upgrade of NOAA vessels in shipyards outside the United States, except in cases of emergency. On July 26, 1999, the Senate passed S. 1217, with essentially the same funding levels and overall recommendations approved by the Senate Appropriations Committee.

In February 1999, the President requested $2.5 billion in BA for NOAA for FY2000, which is a 10% increase above FY1999 appropriations of $2.23 billion. Of that amount, $1.7 billion was for ORF. Another $631 million was for PAC. A new NOAA account would earmark $100 million for Pacific NW Coastal Salmon Habitats Restoration. Funding requested for federal research and development (R&D) for NOAA totaled nearly $600 million. The President's budget would fund many new presidential initiatives for Protection of the Environment and Research and Development advances for the 21st Century, including Ocean 2000, Natural Disaster Reduction (begun FY1999), and Climate in the 21st Century, research under the White House Committee on Environment and Natural Resources (CENR), including the U.S. Global Change Research Program and High Performance Computing, and new for FY2000, an Integrated Sciences for Ecosystems Challenges (ISEC) initiative. Also of note, the Administration requested authority to collect $34 million in new fisheries and charting fees.

The ***National Institute of Standards and Technology (NIST)*** received an appropriation of $641.2 million for FY1999, a decrease of 5% from the previous year.

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[30]The House Appropriations Committee includes the President's out-year projections for NOAA-PAC spending ($5.66 billion) as part of the total FY2000 budget request.

This funding included $280.1 million for the Scientific and Technical Research and Services (STRS) account (with $4.9 million for expansion of the Baldrige Quality Program into the health and education arenas); $304.3 million for Industrial Technology Services (ITS), including $197.5 million for the Advanced Technology Program (which reflects a $6 million recission in P.L. 105-277 of "deobligated" funds from projects that were terminated early) and $106.8 million for the Manufacturing Extension Partnership (MEP); and $56.7 million for construction.

While continued support for the Advanced Technology Program (ATP) has been a major funding issue, it should be noted that the amount appropriated for FY1999 was 3% more than the previous year (after the recission). 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 arguing that ". . . the program has not produced a body of evidence to overcome those fundamental questions about whether to program should exist in the first place." While the Advanced Technology Program was ultimately funded in the version of the bill that became law, the support provided, $142.6 million, reflects a 28% decrease from FY1999.

The President's FY2000 budget requested $737 million for NIST. This amount was 15% above the previous year due primarily to proposed changes in support for ATP and for construction. Scientific and Technical Research and Services would have received $289.6 million and ITS would have been funded at $338.5 million, including $238.7 million for the Advanced Technology Program (21% above FY1999) and $99.8 million for the Manufacturing Extension Partnership. Financing for construction at the laboratory would have increased 88% to $106.8 million allowing for improvements in facilities that are now 30 to 45 years old. The major portion of funds were to be used to build the Advanced Measurement Laboratory.

In S. 1217, the Senate approved FY2000 appropriations of $742 million for NIST, a 16% increase over the previous year. This funding included $288 million for the STRS account and $336.3 million for ITS, of which $226.5 million was for the Advanced Technology Program and $109.8 million for the Manufacturing Extension Partnership. Support for ATP would have been 15% above the FY1999 figure, while financing for MEP would have expanded 3%. Funding for construction of research facilities would more than double to $117.5 million.

H.R. 2670, as passed by the House, funded NIST at $436.6 million, a decrease of 32% from its FY1999 budget and $300 million less than the President requested. The major portion of this decrease was due to the absence of support for the Advanced Technology Program. The STRS account would have received $280.1 million (the same amount as the previous fiscal year) and the total $99.8 million

appropriated for ITS would have all been applied to the Manufacturing Extension Partnership (with no funding for ATP). Construction would be financed at $56.7 million, of which $44.9 million was for the Advanced Measurement Laboratory. The figure for construction was $50 million less than the Administration's budget request and $60.8 million less than the support provided in S. 1217.

The final version of the bill as enacted into law provides $639 million in FY2000 appropriations for NIST, fundamentally the same support as the previous year but 13% below the President's request. Of this amount, $283 million is for the STRS account; $247.4 million is for ITS, including $142.6 million for ATP (28% below FY1999 funding) and $104.8 million for MEP; and $108.4 million is for construction.

The ***Office of the Undersecretary for Technology and the Office of Technology Policy (OTP)*** was funded at $9.5 million by the FY1999 Omnibus Consolidated Appropriations Act, an increase of almost 12% over the FY1998 figure. OTP is responsible for civilian technology and competitiveness issues, and coordinates the various elements of the Administration's technology policy. The major portion of the funding increase was for the Experimental Program to Stimulate Competitive Technology (EPSCoT), an activity designed to strengthen the technological infrastructure in states that are "... traditionally under-represented in federal R&D funding." For FY2000, the President requested $9 million for this Office, a decrease of 5% over the current fiscal year due for the most part to a cessation in funding for the EPSCoT program. S. 1217, as passed by the Senate, and H.R. 2670, as passed by the House, would have provided $8 million for OTP in FY2000, 16% less than the previous year. This is the amount provided in the version of the bill that ultimately was signed into law.

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. The important budget figures for NTIA include the overall budget for its operations and administration, support for the Information Infrastructure Assistance Program (IIAP), continued development and construction of public broadcast facilities, and support for NTIA salaries and expenses.

For FY2000, the Clinton Administration has requested an overall budget for NTIA of $72.3 million, well above its FY1999 funding of $49.9 million (in addition, the Administration also asked for advance appropriations of $299 million for FY2001-2003, which Congress refused to consider). The most significant increase within the NTIA budget comes from the Administration's request for public broadcast facilities, planning, and construction. For FY2000, the Clinton Administration has requested $35 million for public broadcast facilities, planning, and construction, well above the $21 million appropriated for this program in FY1999. The Clinton Administration argues that to successfully convert U.S. broadcast technology from analog to digital, a significant investment in public facilities must be made, starting in the coming fiscal year. For NTIA salaries and expenses, the Clinton Administration has recommended $17.2 million for FY2000, a 65% increase over FY1999 ($10.9 million). For the

IIAP, the Administration has requested: $20.1 million for FY2000, an increase of 11% over FY1999 ($18 million).

For FY2000, as passed by both the House and Senate and signed by the President, includes the following: a total of $52.9 for the overall NTIA budget ($19.4 million less than the Administration request), $26.5 million for public broadcasting facilities ($8.5 million below the request), $10.9 million for salaries and expenses ($6.3 million below the request), and $15.5million for the IIAP ($4.6 million below the 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 enunciates three strategic themes:

- Theme l. 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.

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*).

Commerce Department Abolition Issue. Since the beginning of the 104th Congress, several legislative proposals have been 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 105th Congress, although interest in abolishing the Department was considerably less than in the 104th Congress.[31] 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 current 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 been taken in the House. No similar legislation was introduced in the Senate.

The Judiciary

For FY2000 Congress approved $3.96 billion in total budget authority for the Judiciary, an 8.4% increase over $3.65 billion enacted for FY1999—compared with the Judiciary's request of $4.16 billion, a 14.1% increase over FY1999 funding. The FY2000 amount approved by Congress exceeded by $59 million the total Judiciary funding approved earlier by the House and by $145.6 million the total approved by the Senate. The budget total approved by Congress included:

- an upward adjustment (above that approved earlier by the House and Senate) for lower court operations and services;
- a slight decrease in the Judiciary's sensitive Defender Services account, accompanied, however, by a small increase in hourly compensation rates to court-appointed defense attorneys in federal criminal cases;
- a cost-of-living increase in the salaries of federal judges;
- a significant increase in funding for the Supreme Court's building improvement program; and
- the authorization of nine new Article III judgeships, the first since 1990.

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[31] For information , see CRS Report 95-834 E, *Proposals to Eliminate the U.S. Department of Commerce: An Issue Overview*, by (name redacted).

The unusual decision of House-Senate conferees to agree on greater Judiciary funding than approved earlier by either chamber followed appeals by the Judiciary for funding increases. Letters from Chief Justice William H. Rehnquist and the chairman of the Judicial Conference's Budget Committee warned Congress of the serious impact both the House and Senate versions of the CJS appropriations bill would have on the Judiciary's ability to provide services to the public.

The large disparity between the Judiciary's overall budget request for FY2000 and what the House and Senate approved in their respective CJS appropriations bills was reflected in the largest Judiciary account, ***Salaries and Expenses for the Courts of Appeals, District Courts and Other Judicial Services***. 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. The principal issue over this account concerned the funding level needed to maintain essential court operations and services.

For Salaries and Expenses of the lower courts, the Judiciary had requested $3.25 billion, a 14.7% increase over FY1999 funding of $2.83 billion. The Senate Appropriations Committee, and then the Senate, approved $2.99 billion, a 4.5% increase. In recommending this amount, the Senate Appropriations Committee noted its understanding that up to $83.9 million in "carryover, reimbursables, and fees" would be available to apply to this account. The committee observed that the Judiciary's request for space and facilities, included in the Salaries and Expenses account, represented 21% of the Judiciary's FY2000 budget submission. The committee credited the Judiciary for making efforts to control GSA space rental growth, noting, however, that GSA rental payments continued to consume a greater portion of the total funds available to the courts. "To accommodate this growth," the committee said, its recommendation "adjusts downward the request for court staff."[32]

The Judiciary, however, quickly protested these cuts. According to the Judiciary, the Senate provided $211 million less in total funding than required to maintain current services, which, in the Judiciary's view, might necessitate, in FY2000, a nearly 11% reduction in court support staff from that authorized in FY1999 (the equivalent of approximately 2,300 employees).[33] As a result of these

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[32] The Senate Appropriations Committee prefaced its funding recommendations for the Judiciary by noting "serious pressures on the judiciary budget." These pressures, according to the committee, came from steady growth in costs associated with defender services, court security, GSA rental payments, and pay and benefits "at a time of declining resources." Accordingly, the committee has urged the Judiciary "to make every effort to contain mandatory costs."

[33] The Judiciary noted that its "current services budget" request for FY2000 would fund a total court support staffing level of 20,967, compared with 22,557 staff authorized by law, 19,393 staff funded by the House-approved bill, and 18,580 staff funded in the Senate-passed bill. (These court support staffing numbers, the Judiciary noted, did not include judicial officers or judges' chambers staff.)

budget reductions, the Judiciary warned, court operations and services "would be severely curtailed."[34]

The House in turn approved $3.09 billion for Salaries and Expenses — $116.8 million below the Judiciary's request, $258.9 million above FY1999 funding, and $98.4 million more than approved by the Senate. The House-approved amount, the House Appropriations Committee noted, was still short of what the Judiciary indicated was required:

> . . . but the amount is sufficient to avoid any involuntary personnel actions, and to permit hiring to replace attrition. With respect to the remaining shortfall, the Judiciary historically has been able, as the course of the year progresses, to identify additional carryover and other resources to enable all critical operations to be funded, and that may serve to alleviate any problem.

The Judiciary, in its official newsletter, *The Third Branch*, said that the House's proposed funding level would have a less negative impact on the courts than would the Senate's. Under the House bill, it said, furloughs of Judiciary employees would not be necessary, although a freeze on filling most vacant positions would still be likely.[35] However, in an August 9, 1999 letter to Senate Majority Leader Trent Lott, Chief Justice William H. Rehnquist criticized both the Senate and House FY2000 appropriations bills. The Chief Justice said that despite its growing workload, the Judiciary under S. 1217 would receive $280 million less than was required to furnish the services it provided in FY1999. Such a budget cut, he said, was "both unjustified and impractical." The House bill, H.R. 1670, according to the Chief Justice, while providing a significant increase above the Senate, would provide $180 million less than "required to furnish the services the Judiciary provided this year, and it also would have a noticeable adverse impact on court operations."[36]

Another issue regarding the Salaries and Expenses account for the lower courts concerned funding needed to handle workload increases caused primarily by a sharp rise in criminal case filings. The Senate Appropriations Committee, in its report on

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[34] Itemized as operations or services which could be severely curtailed were these: Some districts would have difficulty complying with the time requirements of the Speedy Trial Act, risking the dismissal of criminal cases; fewer civil cases could be processed and case disposition times would be extended, creating delays in handling cases; probation officers would reduce the amount of time they spend supervising felons released by the Bureau of Prisons; pretrial service officers would need to focus their resources on pretrial investigations and prioritize their supervision of defendants, "possibly resulting in more criminal activity and increased failure-to-appear rates"; bankruptcy courts would be slower in processing cases; and automation initiatives to provide "significant future improvements in efficiency to the judiciary" would be delayed.

[35] "Budget Conference Expected After August Recess," *The Third Branch*, vol. 31, August 1999, p. 2.

[36] William H. Rehnquist, Chief Justice of the United States, letter to Honorable Trent Lott, Majority Leader of the Senate, August 9, 1999. A copy of the Rehnquist letter is available on the Internet at www.uscourts.gov.

S. 1217, stated that it understood that increases in overall judicial caseloads were largely the result of immigration proceedings. The committee said it also was aware that "these cases, while numerous, can be resolved expediently as compared to other criminal filings." Accordingly, the committee requested that the Judiciary conduct a study of whether the ratio of magistrate judges to U.S. district judges should be changed "to meet this pressing demand on the courts."

Ultimately, following the House-Senate conference, Congress approved $3.1 billion for Salaries and Expenses—a 10.0% increase over FY1999, $122.4 million over the earlier Senate-approved amount, and $48.0 million over the House bill.

One of the more sensitive parts of the Judiciary's budget in recent years has been ***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" appointed to represent persons under the Criminal Justice Act. During consideration of the Judiciary's FY1999 budget, congressional appropriators had expressed concerns about rising Defender Services costs; subsequently, conferees for the FY1999 Omnibus Appropriations Act directed the Judiciary to review Defender Services costs in "capital cases" (federal death penalty and death row appeal cases) and report its findings by to Congress by September 30, 1999.

For FY2000 the Judiciary requested $411.4 million for Defender Services (including $36.6 million in Violent Crime Reduction Program trust funds), a 5.0% increase over FY1999 budget authority of $391.8 million.[37] Congress, however, ultimately approved a 1.8% *reduction* in total FY2000 funding for Defender Services. The total approved, $385.1 million (including $26.2 million in violent crime reduction trust funds) was $2.7 million less than passed earlier by the House and $31.2 million more than approved by the Senate.[38]

The Defender Services amount approved by Congress includes funding, as provided in the House bill, for an increase of $5 an hour for in-court and out-of court compensation for Criminal Justice Act panel attorneys. Earlier, the Senate in its CJS bill, as requested by the Judiciary,[39] had provided for a $10 increase in panel attorney

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[37] In its initial budget request, the Judiciary stated that only 1.2% of its increased funding requirements for Defender Services were for program enhancements—specifically $600,000 for start-up costs to establish two new federal defender organizations. The largest part of this account's "adjustments to base" increase, $19.3 million, would be associated with an anticipated workload increase of 6,200 criminal representations.

[38] The Senate, in following the recommendation of its Appropriations Committee, approved $353.9 million—$37.9 million below FY1999 funding. This amount, the Appropriations Committee said, reflected a refinement of anticipated funding requirements; in addition, the committee noted its understanding that up to $83.9 million in carryover, "reimbursables," and fees would be available to apply to this account, if necessary. The House, at the recommendation of its Appropriations Committee, approved FY2000 funding of $387.8 million for Defender Services.

[39] In its budget request, the Judiciary noted that in all but 16 judicial districts the pay rates of (continued...)

hourly compensation rates—hiking in-court rates to $75 an hour and out-of-court rates to $55 an hour for all judicial districts, beginning April 1, 2000. According to the Judiciary, however, FY2000 funding approved for Defender Services by the Senate would be insufficient to pay for panel attorneys at this higher rate for the entire fiscal year. Payments for panel attorneys, the Judiciary contended, would have to be halted in late June 2000, deferring nearly $43 million in payments to these attorneys until FY2001. In that event, according to the Judiciary, a significant number of cases might not be able to proceed to trial during FY2000 without violating the Sixth Amendment rights of persons to an adequate defense, in turn, compelling the courts to postpone trials or dismiss charges against defendants. As noted above, Congress ultimately approved $31.2 million more for Defender Services than did the Senate in its earlier CJS bill.

On another matter involving Defender Services, House-Senate conferees stated in their report that they had adopted by reference language in the House Appropriations Committee report relating to the U.S. Court of Appeals for the Ninth Circuit.[40]

In response to the Judiciary's request, Congress authorized a 3.4% ***cost-of-living increase in judges' and justices' salaries*** for FY2000, appropriating $9.6 million for this purpose.[41] The Judiciary had requested a salary increase for judicial officers effective January 2000, which it stated was consistent with an expected cost-of-living increase for federal employees. The requested salary increase was agreed to by the Senate but not by the House in their respective CJS bills;[42] House-Senate

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[39](...continued)
"non-capital" attorney rates were limited to $65 and $45 per in- and out-of-court hour respectively, while in the other 16 districts these rates by law could not exceed $75 per hour. The current rates of pay to panel attorneys, the Judiciary said, were much lower than those paid to private counsel by other government agencies, which averaged $151 per hour. Panel attorney rates, the Judiciary maintained in its budget request, "are so low they are losing their cost effectiveness."

[40] In its report the House committee noted that a study released in February 1999 confirmed concerns expressed by the Committee over the cost of capital habeas corpus representations in the Ninth Circuit, and in particular in California districts. The committee also noted that since 1998 the Ninth Circuit, and particularly California, had undertaken a series of measures designed to reduce costs. To ensure continued progress, the Appropriations Committee "strongly urged" the Ninth Circuit, in consultation with the Judicial Conference, "to formulate a timetable for reducing costs to within a reasonable variation of the national average, as well as steps necessary to meet the timetable, by the end of the calendar year," and it requested a biennial report on "actual results, starting in January of 2000."

[41] Language both authorizing the pay adjustment as well as appropriating $$9.6 million for the cost of the adjustment was provided in Section 304 of the Judiciary's title of the FY2000 Consolidated Appropriations Act, under "General Provisions—the Judiciary."

[42] In declining to follow the Senate's lead on this issue; the House Appropriations Committee, in its report, stated it had "deferred without prejudice" the request for language to provide a salary adjustment for justices and judges.

conferees then approved the Senate's recommendation, making the upward pay adjustment for judges effective January 2000.[43]

Congress previously had approved a pay increases for judges in its FY1998 CJS bill; that one-time 2.3% salary adjustment corresponded with a cost-of-living increase which Congress allowed for itself effective January 1998. Despite a request of the Judiciary that it again do so the next year, Congress declined to include a pay adjustment for judges in the FY1999 Omnibus Appropriations Act. In his 1998 Year-End Report of the Federal Judiciary, Chief Justice William H. Rehnquist faulted Congress for again denying judges a pay raise (the fifth such denial, he noted, in the past 6 years). Denying cost-of-living adjustments to top officials, he said, was "a regressive approach to compensation and [was] counter-productive to the common sense goal of encouraging capable individuals to enter the Judiciary."

Congress also approved a substantial increase in funding for ***Care of the Building and Grounds of the Supreme Court***—$8.0 million for FY2000. This amount was $2.6 million (or 32.5%) above the FY1999 appropriation of $5.4 million but $14.7 million below the Judiciary's initial FY2000 request of $22.7 million. House-Senate conferees noted that the $8.0 million finally approved was "the amount the Architect of the Capitol currently estimates is required for fiscal year 2000, including building renovations and perimeter security."

Earlier, the Senate had approved $9.7 million for this account, including $8.5 million for building improvements and funding "for all requested perimeter security enhancements, including the replacement of aggregate sidewalks and the restoration of brick walkways." The Senate Appropriations Committee had rejected $3.5 million requested for off-site design and construction, instead calling on the Court to provide the appropriations committees with a space utilization study of the Court by February 1, 2000.[44]

The House, for its part, had approved much less than the Senate for this account—$6.9 million ($15.8 million below the Judiciary's initial request). The House Appropriations Committee noted that in July 1999, relatively late in the budget process, it had received a letter from the Architect of the Capitol, indicating that the original request was being modified, and that in lieu of the $22.7 million in the budget request, the Architect's estimated requirement had been revised to $8.0 million.

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[43] The extent of the salary increase authorized by Congress, effective January 2000, was based on the percent of change in the private sector wages and salaries element of the Employment Cost Index (ECI) minus 0.5%. See U.S., Library of Congress, Congressional Research Service, *Salaries of Federal Officials: A Fact Sheet*, by (name redacted), CRS Report 98-53 (Washington: continually updated) p. 1, and *Judicial Salaries: Current Situation*, by (name redacted), CRS Report RS20278 (Washington: continually updated), 6 p.

[44] While the Court building has undergone various systems alterations since its initial occupation in 1935, a complete upgrade program for the building was begun only recently, with Congress approving $1.5 million in start-up funding for this purpose in its FY1999 Judiciary appropriation. The Court's extensive building improvements program is scheduled to run through the year 2004.

Congress approved a relatively large proportional increase for ***Court Security***, the account which covers the expenses of security and protective services for the lower federal courts in courtrooms and adjacent areas. Appropriated for this account for FY2000 was $193.0 million, a 10.6% increase over FY1999 funding of $174.6 million. Earlier, the Senate appropriated $196.0 million for FY2000, a 12.2% increase over FY1999; this proposed amount, the Senate Appropriations Committee stated, reflected "a refined estimate by the U.S. Marshals Service of court security requirements and funds court security personnel, equipment, and perimeter enhancements." The Judiciary, however, which had requested $206.0 million (an 18.0% increase) expressed its unhappiness with the Senate amount; at that level, the Judiciary maintained, nearly $10 million in planned security enhancements could not be funded, causing increased threats to judicial personnel, trial participants, and the general public.[45] For its part, the House approved $190.0 million—$6 million less than appropriated by the Senate and $3 million less than ultimately approved by Congress. House-Senate conferees said that the amount finally approved for FY2000, $193.0 million, provided for "requested adjustments to base, the requested program increases to hire additional security officers, and for perimeter security, and the balance for additional security equipment."

Congress approved *decreased* FY2000 funding for the ***United States Sentencing Commission.*** (The purpose of the Commission is to establish, review, and revise sentencing guidelines and policies for the federal criminal justice system.) Congress approved $8.5 million for the Commission, as provided in the House bill, which was a 10.4% decrease from FY1999 funding of $9.5 million. Earlier, the Senate Appropriations Committee recommended $4.7 million for the Commission, a 50.0% decrease from the FY1999 appropriation of $9.5 million. The Judiciary had requested $10.6 million, an 11.7% increase over FY1999. Ultimately, the Senate approved $9.7 million for the Commission and the House approved $8.5 million ($1.0 million below FY1999 funding).

The Senate committee, in its June 14, 1999 report on S. 1217, noted that the seven-member Sentencing Commission had been vacant since October 31, 1998, that no commissioners had been nominated or designated by the President and that, meanwhile, "the carriage of justice has continued unabated in the absence of commissioners." The committee recommended that the Judiciary reassess the need for the Commission, and it directed that a phase-out plan for the Commission be provided before November 31, 1999 if no commissioners were appointed by October 1, 1999. Subsequently, on June 24, 1999, the White House announced a full slate of seven nominees to fill the Commission. At about the same time, the commission's interim director warned that the budget cuts contained in S. 1217, if enacted, would prolong the agency's recovery and result in personnel layoffs. On November 10, 1999, all seven nominees to the Commission received Senate confirmation.

Another point at issue in the Judiciary's budget was the funding needs of the ***Administrative Office of the U.S. Courts*** (AO). This office supervises administrative

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[45] The Judiciary warned that reductions in staffing levels for court security officers, caused by budget reductions, "would significantly increase the probability of the introduction of weapons or other dangerous devices in courthouses."

matters of the lower federal courts, including the probation and bankruptcy systems. Congress approved $55.0 million for the AO, $500,000 over the $54.5 million appropriated for FY1999 (compared with the Judiciary's request of $58.4 million, the House's funding amount of $54.5 million, and the Senate's proposal of $56.1 million). In its report, the Senate Appropriations Committee stated that its recommendation, of $56.1 million, provided "most of the requested base adjustments for this account and reflected a refinement of anticipated funding requirements." The Judiciary, however, asserted that at the funding level approved in S. 1217, the Senate's CJS bill, the AO would be "unable to pursue economy and efficiency efforts which benefit the entire judiciary or maintain base services to the court" and that the funding initially requested by the Judiciary was required for the AO to maintain current services.

Congress approved a provision added by House-Senate conferees (which had been in neither the House nor the Senate CJS bill), authorizing nine ***new U.S. district judgeships—***three for the District of Arizona, four for the Middle District of Florida and two for the District of Nevada. An identical judgeship provision had been approved earlier by both the House and Senate as part of their respective juvenile justice bills, H.R. 1501 and S. 254; however, with prospects uncertain for the House and Senate resolving their differences in other parts of the juvenile justice bills, the judgeship provision was then added to Judiciary's FY2000 appropriations legislation, where it was enacted into law. The nine new Article III judgeships were the first authorized since 1990.[46]

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 FY2000 budget request for the Department of State and international broadcasting totaled $6.3 billion, about 15% above the FY1999 enacted level of $5.5 billion, excluding the $1.56 billion emergency supplemental appropriation for overseas security and Y2K computer compliance. The Senate set a total of $5.54 billion for State and International Broadcasting for FY2000, while the House passed $5.8 billion. Congress and the President ultimately agreed to $6.3 billion for the Department of State and international broadcasting FY2000 budget.

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 FY2000 State Department appropriation includes ACDA and USIA (minus international broadcasting) funds. If the agencies would have remained independent, the Administration's FY2000 request would break out

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[46] The Judicial Conference had recommended the creation of 69 Article III judgeships; however, legislation containing this recommendation, S. 1145, received no committee action during the first session of the 106th Congress.

as follows: State Department operations — $4.7 billion (17% below the FY1999 level), USIA — about $1.1 billion (2.7% above the FY1999 level); and ACDA — $47.7 million (15% above the FY1999 level). Congress agreed to appropriate $5.5 billion for the Department of State and $421.8 million for international broadcasting, but did not break out funding for ACDA and USIA-type functions.

In addition to transfers of funds due to reorganization, the Department of State FY2000 request included funds to implement increased overseas security measures. The August 7, 1998 terrorist attacks on two U.S. embassies in Africa had prompted the Administration to reconsider its funding request for ***diplomatic security*** at U.S. overseas facilities. On September 22, 1998, the President had submitted to Congress a request for emergency FY1999 supplemental appropriations amounting to a total of $1.8 billion. Within the omnibus appropriations bill, Congress had included $1.56 billion for embassy security-related funding.[47] For FY2000 the Administration requested $568 million for worldwide security upgrades, as well as an advance appropriation of $3.6 billion for FY2001 - FY2005. The Senate passed $583.5 million for overseas security for FY2000; the House passed $254 million for worldwide security within the ***diplomatic security*** account and $313.6 million for worldwide security upgrades within the ***security and maintenance*** account (a total of $568 million) for FY2000. The final appropriation passed by Congress and signed by the President set the total for overseas security upgrades at the House level of $568 million.

The President's FY2000 request for State's ***administration of foreign affairs*** of $4,094.8 million was nearly the same as the FY1999 enacted level if the $1.56 billion supplemental for security upgrades is included. The FY2000 request included: $568 million for ***worldwide security upgrades***, an increase in the ***inspector general*** account due to the integration of the agencies, and a 10% increase in the ***emergencies in the diplomatic and consular service*** account which pays for embassy evacuations and rewards regarding terrorist arrests.

The Senate agreed to $3,714.6 million for ***administration of foreign affairs***, $583.5 million for ***security and maintenance of overseas buildings***, including security upgrades, and $26.5 million for the ***inspector general***. In contrast, the House recommended $3,889.9 million for the ***administration of foreign affairs*** account, above the Senate level, but below the Administration request. The conference as passed by Congress included $4.0 billion for ***administration of foreign affairs***, including a total of $742 million for security and maintenance and security upgrades accounts. After the President's veto of the original CJS conference, the ***administration of foreign affairs*** account was raised to $4.04 billion which the President signed.

The ***capital investment fund*** request for FY2000 was $90 million—$47.9 million below the FY1999 level which included $57.9 million from the FY1999 supplemental for Y2K compliance. The full Senate agreed to reduce the capital investment fund by $30 million to $50 million in order to reinstate money for the

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[47] For more detail, see *Embassy Security: Background, Funding, and the FY2000 Budget*. CRS Report 98-771, by Susan Epstein.

National Endowment for Democracy which the Senate Appropriations Committee had recommended zeroing out. Like the Senate full committee, the House passed $80 million for the capital investment fund. Congress set $80 million as the capital investment fund FY2000 level in the final bill.

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 FY1999 enacted appropriation for CIO was $922 million and $231 million for international peacekeeping. The Administration had also requested and received funds for U.N. arrearage payments of $475 million for FY1999, however, Congress did not provide authority for expenditure of those funds.[48] The FY2000 budget request included $963.3 million for CIO and $235 million for international peacekeeping. The Senate passed $943.3 million for CIO, $107 million for U.N. arrearage payments, and $280.9 million for peacekeeping for a total of $1,331.2 million. The House passed $842 million for CIO, $200 million for peacekeeping, and $351 million for arrearage payments, totaling $1,393.9 million. Congress approved a total of $1,436.2 million, higher than either the House or Senate levels: $885 million for CIO, $200 million for peacekeeping, and $351 million for U.S. arrearages to the U.N. The President, however, vetoed the FY2000 CJS appropriation bill because the amount approved by Congress for payment of arrearages was deemed inadequate. The final law provides $885.2 million for CIO, $500 million for peacekeeping, and $351 million for U.S. arrearage payments to the U.N.

Education and cultural exchange programs 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. Government exchange programs have come under close scrutiny in recent years for being excessive in number and duplicative. Funding has declined 14% since FY1995. The FY1999 enacted level for this account was $200.5 million, including $95 million for the Fulbright program. The Administration requested $210.3 million for this function which is now within the State Department. The Senate set FY2000 funding for this account at $216.5 million, while the House passed a significantly lower level of $175 million. Congress and the Administration agreed on $205 million for ***education and cultural affairs*** in FY2000, but did not specify an amount for the Fulbright exchange program.

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),

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[48]For more detail on U.N. issues, see *U.N. Funding, Payment of Arrears and Linkage to Reform: Legislation in the 105th Congress*, CRS Report 97-711, by (name redacted), (name redact ed), and Lois McHugh.

Cuba Broadcasting, and new surrogate facilities: Radio Free Asia (RFA), Radio Free Iraq and Radio Free Iran. For FY1999, Congress approved of $384.5 million for international broadcasting, including $22.1 million for Cuba Broadcasting, and $13.2 million for radio construction (now referred to as broadcasting capital improvements). When USIA integrated into the Department of State at the end of FY1999, the BBG became an independent agency. The Administration requested $431.7 million for international broadcasting and $20.9 million for capital improvements for FY2000 to assist in the transition toward becoming an independent agency. The Senate approved $386.1 million for broadcasting (including $23.7 million for Cuba Broadcasting) and $13.2 million for capital improvements. The House approved $410.4 million for international broadcasting activities and $11.3 million for capital improvements. Both Congress and the Administration agreed on funding international broadcasting at the House levels.

ACDA's FY1999 level of $41.5 million is $1.2 million below the FY1998 level. ACDA became integrated into the State Department as of April 1, 1999. The Administration request for State's ACDA-related activities in FY2000 totals $47.7 million. Congress did not set a budget level for ACDA as it is currently within State's Administration of Foreign Affairs account.

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 Strategic Plan* and the *United States Strategic Plan for International Affairs*, both September 1997, did not refer to specific agencies, but rather identified seven national interests: national security, economic prosperity, protection of American citizens and U.S. borders, international law enforcement, democracy, humanitarian response, and involvement in global issues. The plans then established 16 strategic goals and strategies for promoting and defending these interests. The goals were long-term with time frames of more than 5 years. The Senate Appropriations Committee pointed to weaknesses in the State's GPRA plan and recommended that the Department follow GAO recommendations when preparing its FY2000 plan.

Other Related Agencies

This section includes all other related agencies covered by the CJS appropriations bill, whose appropriations exceed $1.5 million.[49]

Maritime Administration. MARAD administers 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 $181

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[49]Agencies which have appropriations of less than $1.5 million include: *Commission for the Preservation of America's Heritage Abroad* (FY 1999 funding , $265 thousand; $$490 thousand for FY2000); *Commission on Electronic Commerce* (newly created body, FY2000 funding is $1.4 million); *Commission on Security and Cooperation in Europe* (FY1999 funding, $1.17 million, $1.18 million for FY2000); and the *Marine Mammal Commission* (FY1999 funding, $1.24 million, $1.27million for FY2000).

million for MARAD for FY2000, $12 million more than Congress appropriated to it in FY1999. The request consisted of $98.7 million for the Military Security Program (MSP), $72.2 million for operating MARAD and training ship crews, $25 million for the higher cost of transporting agricultural products in U.S.-flag vessels, $6 million for ship construction mortgage guarantees ("Title XI Program"), and $3.9 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 Senate Appropriations Committee, and the full Senate, recommended $186.3 million, consisting of $98.7 million for the MSP, $72.7 million for operations and training, $11 million for Title XI, and $4 million for administering the Title XI program. The House Appropriations Committee, and the full House, recommended $179 million, consisting of $98.7 million for the MSP, $71.3 million for operations and training, $9.1 million for Title XI (including $3.7 million for administering the title XI program. Congress approved $178.1 million for FY2000, comprised of $96.2 million for the Military Security Program (MSP), $72.1 million for Operations and Training, and $9.8 million for the Maritime Guaranteed Loan (Title XI) Program. This compares to the FY1999 appropriation of $168.7 million, and $180.7 million requested by the President.

Census Monitoring Board. The Administration requested $4 million for the Census Monitoring Board for FY2000. 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.[50] The Board was funded within the Bureau of Census in FY1999. For FY2000, the House approved $3.5 million, which was included in the overall appropriation for the Census Bureau. The Senate-passed bill approved the same level requested by the President--$4 million. Congress approved $3.5 million for the Board, as part of the overall appropriation for the Census Bureau.

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.

For FY2000, the Administration requested a total appropriation of $994.5 million — $761.5 million in regular appropriations and $233 million in contingent and emergency appropriations.[51] This compares to a $819 million CJS appropriation for SBA for FY1999, including $719 million for regular appropriations (and $101 million

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[50]For additional information on the Board, see: p. 33 of this report.

[51]SBA's request includes $200 million in budget authority to fund a projected subsidy cost of $16.5 billion in new loans to small businesses under the Section 7(a), 504, Microloan, Small Business Investment Company (SBIC) Programs, and the New markets Venture Capital (NVMC) Program, equating to more than 63,200 loans made to small businesses.

in contingent and emergency appropriations, primarily to cover anticipated expenses associated with Hurricane George). That appropriation included $288 million for S&E. At first glance, the $288 million for S&E appears to have provided SBA with a substantial increase in this account compared to FY1998; it is perhaps worth noting, however, that more than $50 million included in S&E for FY1999 was not requested by SBA, and was earmarked for assorted projects in several states.

The Senate Appropriations Committee recommended total funding for SBA of $725.6 million for FY2000, a decrease of $186.2 million from the Administration's request. The Committee did not recommend funding any of the new initiatives requested by the SBA, noting that the Committee believes "the agency's existing programs should be able to deliver the services envisioned by implementation of these new initiatives." The Senate approved a slightly lower amount — $720.6 million. The House, following the recommendation of the Appropriations Committee, approved slightly higher funding for SBA: $734.5 million. This amount was $177 million below the budget request which, as noted above, included $233 million in contingent emergency appropriations. More specifically, the House recommended $245.5 million for S&E, an amount $17.5 million below the Administration's request, and $42.8 million below the amount provided for FY1999.

In the end, Congress approved $877 million in total funding for SBA in the Consolidated Appropriations Act for FY2000, including $322.8 million for S&E. Thus, total funding for the agency for FY2000 is $57 million greater than its FY1999 CJS appropriation.

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 FY2000, the Administration again 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 FY2000 request for LSC is $40 million higher than the $300 million FY1999 appropriation for the program. Historically, the Corporation's highest level of funding was $400 million in FY1994 and FY1995.

For FY2000, the Senate Appropriations Committee recommended a total of $300 million for the LSC. This is identical to the FY1999 appropriation and $40 million lower than the Administration's request. The Senate Committee's recommendation includes $289 million for basic program operations, $8.9 million for management and administration of the program, and $2.1 million for the Office of the Inspector General. The Committee's recommendation also includes existing

administrative provisions restricting the activities of LSC-funded grantees. The Senate approved the same total recommended by the Senate Appropriation Committee.

For FY2000, the House Appropriations Committee recommended a total of $141 million for the LSC. This amount is $159 million lower than the FY1999 appropriation and $199 million lower than the Administration's request. The House Committee's recommendation includes $134.6 million for basic program operations, $5.3 million for management and administration of the program, and $1.1 million for the Office of the Inspector General. The Committee's recommendation also includes existing administrative provisions restricting the activities of LSC-funded grantees. The House Committee also cited its concerns about inaccuracies in the reporting of the number of cases served and closed and directed the LSC to make improvement of the accuracy of the annual data reports submitted to Congress a top priority.

During the House floor debate, Representative Serrano offered an amendment to increase the funding for LSC by $109 million to $250 million for FY2000. As amended, the funding would include $242.6 million for basic program operations, $5.3 million for management and administration of the program, and $2.0 million for the Office of the Inspector General. The House passed the amendment and thereby approved $250 million for LSC for FY2000. This amount is $50 million lower than the FY1999 appropriation and the Senate request and $90 million lower than the Administration's request.

The Conference Committee report on H.R. 2670 included $300 million for LSC. This is identical to the FY1999 appropriation and the Administration's FY2000 budget request. Both the House and the Senate approved the Conference Committee recommendation. H.R. 2670 was vetoed by the President on October 25, 1999. In his veto message, President Clinton stated that "*adequate funding for legal services is essential to ensuring that all citizens have access to the Nation's justice system*" and urged Congress to fully fund the program at $340 million.

The Conference Committee report on H.R. 3194 contains $305 million for LSC. The new Conference agreement includes $289.0 million for basic program operations and independent audits, $8.9 million for management and administration of the program, $2.1 million for the Office of the Inspector General, and $5.0 million for technology grants for LSC to improve pro se methods and acquire computerized systems that make basic legal information and court forms accessible to pro se litigants. The conferees cited their concerns about inaccuracies in the reporting of the number of cases served and closed and directed the LSC to make improvement of the accuracy of the annual data reports submitted to Congress a top priority. The conferees also directed the LSC to submit its 1999 annual case service reports and associated data reports to Congress by April 30, 2000. Provisions restricting the activities of LSC-funded grantees, such as prohibiting representation in certain types of cases or conducting any lobbying activities are also included in the conference report.

The $305 million agreed to in the conference report for LSC for FY2000 is $5 million higher than the FY1999 appropriation and the Senate request and $35 million lower than the Administration's request.

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 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 cases and expand the use of alternative dispute resolution techniques.

For FY2000, the President requested $312 million, an increase of $33 million to continue the agency's effort to lower charge inventories, reduce excess backlogs in hearings and appeals, and facilitate compliance with EEO laws in the private and public sectors. The Senate Appropriations Committee approved $279 million for FY2000. This amount was $33 million less than the request and the same as the FY1999 appropriation. In the accompanying committee report, it was suggested that the EEOC expand its use of alternative dispute resolution techniques. Funding for fair employment practices agencies, requested at $29 million, was included in the total amount. The Senate noted that the agency was to use its anticipated FY1999 carryover funds and any amounts not used for the above purposes to modernize its computer systems. The full Senate approved the Committee's recommendation. The House Appropriations Committee followed the Senate's lead and approved the $279 million amount. The House Committee noted that no funds were requested for "employment testers" and that the EEOC does not intend to use any fiscal year 2000 appropriations for this purpose. The Committee said it expected the EEOC to submit a spending plan to the Committee in accordance with section 605 of this Act before December 31, 1999. The House approved the same amount recommended by the House Committee. In this round of sparring over appropriations with the White House, Congress approved an amount of $279 million..

In his message vetoing the initial FY2000 CJS appropriation measure, the President noted that one factor in his veto decision was that funding for the EEOC was frozen at the FY1999 enacted level, an action which he said would undermine the EEOC's progress in reducing the backlog of employment discrimination cases. Following the veto, Congress raised the EEOC appropriation to $282 million, which was the amount in the measure signed by the President.

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 FY1999. The President's request for FY2000 called for an increase to $11 million. The Senate Committee recommended $8.9 million, $2.1 million less than the budget request and the same funding as appropriated for FY1999. The Senate approved this amount. The House Appropriations Committee also recommended the same amount. The House approved the Committee's recommendation. Congress approved $8.9 million.

The 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. Congress approved $210 million in FY2000 for the Commission—a 9.4% increase over FY1999 resources of $192.0 million but $20.9 million less than the Commission's FY2000 request. The total funding amount approved by Congress consisted of a direct appropriation of $24.2 million and $185.8 million in offsetting regulatory fee collections—compared with a direct appropriation of $19.5 million and $172.5 million in regulatory fees enacted for FY1999. Before resolving their differences in conference, the House and Senate had approved $192.0 million and $232.8 million respectively in total FY2000 funding for the Commission.[52]

President Clinton, in his October 25, 1999 veto message on the FY2000 CJS spending bill (H.R. 2670), had found the bill's FCC section objectionable on several counts. First, the President said, the bill failed to include a proposed provision to "clarify current law and protect taxpayer interests in the telecommunications spectrum auction process."[53] This statement concerned the issue of what kind of legislation, if any, was appropriate to deal with "C-block spectrum" that had been auctioned off to bidders who subsequently filed for bankruptcy. (The Clinton Administration reportedly regarded revenues from this spectrum as offset for other spending in the federal budget and favored a provision to allow the FCC to reclaim spectrum from the bankrupt licensees.) The President also faulted the bill for "deny[ing] funds needed by the FCC for investments in technology to better serve the communications industry" and for not providing "sufficient funds for the continued operations of the FCC."

Ultimately, language addressing these presidential concerns was not included in the omnibus budget agreement agreed on by Administration and congressional negotiators. Specifically, the agreement signed into law by President Clinton on November 29, 1999 was without a provision sought by the President allowing the

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[52] The Senate approved $232.8 million in FY2000 for the Commission—a 20.3% increase over FY1999 resources of $192.0 million and $1.9 million more than the Commission's FY2000 request. The Senate's funding measure consisted of a direct appropriation of $47.1 million and $185.8 million in offsetting regulatory fee collections (compared with a direct appropriation of $19.5 million and $172.5 million in regulatory fees enacted for FY1999). For its part, the House approved $192.0 million in total budget authority for the FCC, the same amount as enacted for FY1999 and $38.9 million less than requested by the Commission. The House measure, H.R. 2670, provided for a direct appropriation of $6.2 million and $185.8 million in offsetting regulatory fees.

[53] "Currently," the President noted, "$5.6 billion of bid-of-spectrum is tied up in bankruptcy court, with a very real risk that spectrum licensees will be able to retain spectrum at a fraction of its real market value." The President requested a provision which would "maintain the integrity of the [FCC] auction process while also ensuring speedy deployment of new telecommunications services." The final version of H.R. 2670 approved by both the House and Senate was without a provision included in the earlier Senate-passed CJS bill, S. 1217, which would have clarified the interests of the FCC in C-block spectrum auctioned off to bidders that were now bankrupt. S. 1217 provided that for each license or construction permitted issued by the FCC under Section 309(j)(8) of the Communications Act of 1934, for which a debt or other monetary obligation were owed to the FCC or to the United States, the FCC would be deemed to have a "perfected , first priority security interest in such license or permit, and in the proceeds of sale of such license or permit, to the extent of the outstanding balance of such a debt or other obligation."

FCC to reclaim spectrum from bankrupt C-block licensees. (Reports in the telecommunications trade press said that the Clinton administration and some Senators still regarded re-auction legislation as a high priority and would push for re-auction legislation in 2000.) Also, the funding total of $210 million enacted for the Commission was precisely the same amount as in the CJS bill vetoed earlier by the President. Moreover, the final agreement contained no new language to provide additional funds requested by the President for FCC investments in technology.

The House-Senate conference report on the CJS bill ultimately agreed to by the President and Congress *dropped* language which conferees earlier (prior to the President's veto of the CJS bill H.R. 2670) had approved involving FCC regulation of telephone companies' accounting methods.[54]

Two other FCC provisions approved by the Senate in its CJS bill in July 1999 also were not included in the FY2000 funding bill finally approved by Congress. One provision would have given the FCC the authority to independently operate its headquarters building. The other would have called on the FCC to release a report regarding the proliferation of new telephone area codes no later than December 31, 1999 while minimizing "any disruptions and costs to consumers and businesses" associated with the report's implementation. In not including this provision, House-Senate conferees noted that the FCC had issued a notice of proposed rulemaking to assist State public utility commissions in their efforts to conserve numbers in specific area codes. The conferees stated they expected the FCC to issue a final order on area code conservation measures no later than March 31, 2000.

The FY2000 Consolidated Appropriations Act approved by Congress also contained a major new piece of telecommunications legislation separate from the CJS appropriations bill—the Intellectual Property and Communications Omnibus Reform Act of 1999.[55]

Earlier in the FY2000 appropriations process, the Senate Appropriations Committee expressed its concern with an FCC decision to increase charges on citizens' telephone bills for the e-rate program. Further, the committee maintained that the administration of the e-rate program by the Schools and Libraries Corporation (SLC) had "not been adequately examined and assessed." Accordingly,

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[54] Conferees in their report on H.R. 2670 (H.Rept. 106-398, introduced in October 19, 1999 *Congressional Record*) had directed the FCC to report to Congress no later than November 1, 2000 on what if any changes could be made to the Uniform System of Accounts "to minimize regulatory burdens on telephone companies without adversely affecting universal service, phone and cable rates, competition, and the ability of the FCC to implement and develop communications policy." Prior to that, in July 1999, the Senate-passed CJS bill, S. 1217, had included language in the bill's General Provisions, barring any of the FCC's appropriation from being used to require any person subject to the Commission's jurisdiction under the Communications Act of 1934 to utilize any form of accounting that did not conform to the "Generally Accepted Accounting Principles established by the Financial Accounting Standards Board."

[55] See U.S. Library of Congress, Congressional Research Service, *Satellite-Delivered Television: Issues Concerning Consumer Access to Broadcast Network television Via Satellite,* by (name redacted), CRS Report 98-942 STM (Washington: Nov. 22, 1999), 6 p.

the committee directed that the General Accounting Office to review the SLC's role, as well as assess the FCC's statutory authority to increase e-rate fees. For its part, the House Appropriations Committee directed the FCC to submit, no later than December 15, 1999, a financial plan proposing a distribution of all funds in its budget account.

In keeping with the requirements of the Government Performance and Results Act, the FCC, as part of its FY2000 budget request, presented a strategic plan setting forth its overall mission and general and specific goals for a 6-year time frame.[56]

Federal Maritime Commission (FMC). The FMC regulates a large part of the waterborne foreign offshore commerce of the United States. The Administration requested $15.3 million for the FMC for FY2000, $1.3 million more than Congress appropriated to it in FY1999. The Senate Appropriations Committee, and the full Senate, recommended $14.2 million. The House Appropriations Committee, and the full House, recommended the same amount. Congress approved $14.2 million for FY2000, compared to the FY1999 appropriation of $14.1 million, and the $15.3 million total requested by the President.

Federal Trade Commission (FTC). The FTC, an independent agency, is responsible for enforcing a number of federal antitrust and consumer protection laws. In the fall of 1998, Congress approved a total FY1999 appropriation for the agency of $116.7 million, $106.5 million of which was in offsetting fee collections ($76.5 million from the current year and $30 million in prior-year collections) resulting in a direct appropriation of $10.2 million.

For FY2000, the Administration requested a total appropriation for the FTC of $133.4 million. This figure was to be derived entirely from premerger filing fees; no direct appropriation were requested for FY2000. Specifically, $93.9 million would have come from offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, and the remaining $39.9 million would have come from prior-year collections.
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The Senate Appropriations Committee recommended a total operating level of $133.4 million for FY2000, the same as the Administration's request. The Committee, however, chose a different approach. It recommended $9.3 million be derived from prior-year unobligated fee collections and $144 million from current year offsetting fees. But, as with the Administration's assumptions, no direct appropriations would have been required. The Senate approved the Committee's recommendation. The full House, following the recommendation of the Appropriations Committee, approved

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[56] The four general "activity goals" of this plan call for the FCC to: 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 marketplace"; 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; and provide information services to its "customers" in the most useful formats available and in the most timely, accurate and courteous manner possible.

a total budget authority of $116.7 million for FY2000, a decrease of $16.7 million below the agency's request, and the same as the FY1999 appropriation. Of this amount, $39.5 million was to be derived from prior year unobligated fee collections, and $77 million from current year offsetting fee collections from premerger filing fees under the Hart-Scott-Rodino Act, resulting — as with the Senate bill — in no net direct appropriation for the agency

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For FY2000, Congress approved a total operating level of $125 million for the FTC, 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, resulting in no net direct appropriation.

Securities and Exchange Commission (SEC). The SEC administers and enforces federal securities laws in order to protect investors and to maintain fair, honest and efficient markets. For FY1999, the Administration had requested a total appropriation of $341.1 million for the SEC, including a general fund (direct) appropriation of $118.1 million, $205 million from 1999 offsetting fee collections, and $18 million from 1998 offsetting fee collections. (This one-time proposed increase in the general fund (direct) appropriation, according to the Administration, would enable the Commission to accommodate the elimination of appropriated budget authority which provides a guaranteed funding level that is later reduced as actual collections, are received.)

The Administration's suggested approach — noted in the previous paragraph — generally met with the approval of the House CJS appropriations subcommittee, albeit at a funding level of $324 million, $17.1 million less than the agency requested. The House-passed bill (H.R. 4276) accepted the subcommittee's recommendation for a total appropriation of $324 million to be comprised of the following components: (1) a direct appropriation of $23 million for FY1999; (2) offsetting fees of $214 million to be collected during FY1999; and (3) offsetting fees of $87 million collected in 1998. The CJS bill (S. 2260) passed by the Senate, following the recommendation of the Appropriations Committee, rejected the approach of a one-time-only total direct appropriation. The Senate bill provided a total appropriation for the agency of $341.1 million as requested in the President's FY1999 budget. However, it provided no direct appropriations at all; the full $341.1 million for the agency's Salaries and Expenses would be derived from fees collected in fiscal 1999. Congress generally adopted in P.L. 105-277 the Administration's suggested approach. It provided the SEC with a total appropriation of $330 million, including a direct appropriation of $23 million, $214 million from 1999 offsetting fees, and $93 million from fees collected in 1998.[57]

For FY2000, the Administration requested a total funding level of $360.8 million, a $19.5 million increase over the agency's 1999 funding level of $341.3 million. This total appropriation includes $230 in offsetting fee collections for the year 2000 and $130 million in 1998 offsetting fee collections.

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[57] The accompanying report stated "that the Agency will be able to request funding for automation needs from amounts that may be made available separately for year 2000 Compliance."

The Senate Appropriations Committee recommended $370.8 million in total funding for the SEC for FY2000. The total appropriation recommended included $130.8 million in prior-year collections and $240 million in offsetting fee collections for the year 2000. Under these assumptions, no direct appropriations would be required. The Senate approved the Committee's recommendation. The House Appropriations Committee recommended a significantly lower amount. It called for overall funding of $324 million for the SEC for FY2000, a decrease of $36.8 million below the agency's request and the same level provided in FY1999. The overall funding is comprised of the following components: (1) an appropriation of FY2000 offsetting fee collections of $193 million; and (2) an appropriation of 1998 offsetting fee collections of $130 million. The full House approved the Committee's recommendation.

The 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 is comprised of $194 million in prior year fees collected and $173.8 million in offsetting fee collections for FY2000. The result is that no direct appropriation is required for the agency for FY2000.

The State Justice Institute. The agency is a private, non-profit corporation that makes grants and undertakes other activities designed to improve the administration of justice in the United States. The Administration requested $15 million for FY2000, which is $8.2 million above the $6.8 million appropriated for FY1999.

The Senate Appropriations Committee recommended $6.8 million for FY2000 for the State Justice Institute, which is the same as that appropriated in FY1999 and $8.1 below the President's request. The Committee notes that $8 million is available to the Institute from "the Courts of appeals, district courts, and other judicial services" account. The Senate approved the Committee's recommendation. The House Appropriations Committee recommended no funding for this agency. The House-passed bill did not approve any new funding. Congress approved $6.8 million which is the same total appropriated for FY1999 and $8.2 million less than the Administration's request.

Commission on Ocean Policy (OPC). The Senate passed legislation in November 1996, creating a 16-member commission to examine national policy relative to ocean and coastal activities. The Senate bill approved $3.5 million for FY1999.[58] No funding was requested in the President's FY1999 budget. The House bill did not approve any funding for this commission. Congress approved the $3.5 million amount recommended by the Senate. No funds were requested by the President in his FY2000 request. The Senate Committee recommends no funds for FY2000. The Senate bill contains no additional funding for the Commission. The House Committee also recommended no funding. The House bill provides no new funding. Congress did not approve additional funding.

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[58]See: S.Rept. 105-235, p.150.

Office of the United States Trade Representative (USTR). The Congress approved $25.6 million for FY2000, which is $1.4 million more than the $24.2 million appropriated for FY1999 but $0.9 million less that the $26.5 million requested by the Administration. The Senate Appropriations Committee recommended $26.1 million for FY2000, and the Senate approved the Committee's recommendation. The House Appropriations Committee approved $25.2 million for FY2000, and the House approved the same level.

U.S. International Trade Commission (ITC). The FY2000 appropriation approved by the Congress was $44.5 million, plus a $2.5 million carryover. This level is the same as the FY1999 level and $2.7 million less than the President's request of $47.2 million. The Senate Appropriations Committee recommended $45.7 million for FY2000, and the Senate approved the recommended amount. The House Appropriations Committee approved $44.5 million, and the full House approved the amount recommended by the Committee.

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 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 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."[59]

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 requests 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 latter than July 1, 1999."[60] 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.

Major Funding Trends

The table below shows funding trends for the major agencies included in CJS appropriations over the period FY1995-FY1999. As seen in the table below, funding increased, in current dollars, for the Department of Justice by $5,871 million (or 47.6%); for the Department of Commerce by $1,020 million (or 25 %); and for Judiciary $748 million (or 25.8%). Funding for the Department of State increased by $215 million (or 5.2%).

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

Department or Agency	FY1995	FY1996	FY1997	FY1998	FY1999
Justice	12,336	14,625	16,425	17,764	18,207
Commerce	4,078	3,640	3,804	4,251	5,098
Judiciary	2,904	3,053	3,260	3,464	3,652
State	4,144	3,950	3,974	4,037	4,359

Sources: Funding totals provided by Budget Offices of CJS and Judiciary agencies, a*nd Congressional Record*, vol. 145, November 18,1999: H12776-12786.

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[59]S.Rept. 105-235, p. 8.

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

Current Funding Status

The President's FY2000 budget sent to Congress on February 1, 1999, requested about $40.5 billion for these agencies, about a $4.3 billion increase or about 12% above the FY1999 total.

The Senate on July 22, 1999 approved a total of $35.4 billion, $5.1 billion below the Administration's request and $800 million below the FY1999 appropriation. On August 5, 1999, the House approved a total of $37.7 billion (H.R. 2670, H.Rept. 106-283), $2.8 billion below the President's request, $2.3 billion below the level approved by the Senate and $1.5 billion above the FY1999 appropriation. This amount included $4.5 billion for the decennial census, designated as emergency spending. The Senate did not include this funding. On October 18, the Conference Committee approved a CJS bill totaling $39 billion(including the House-passed total of $4.5 billion for the 2000 census)--$2.8 billion above the FY1999 appropriation and $1.5 billion below the President's request. The bill was approved by both houses of Congress on October 20,1999.

The President vetoed the bill on October 25, because, among other things, it (1) did not provide enough money for his community policing program (better known as the COPS program), (2) contained no funding for its lawsuit against the tobacco industry, and (3) did not provide adequate funding for direct payment of dues and arrears to the United Nations and other peacekeeping operations abroad.

Following negotiations between congressional leaders and the White House, these issues were apparently resolved. A second CJS bill approved by Conference (H.Rept. 106-479) included in H.R. 3194, the Consolidated Appropriations Act for FY 2000, was passed by the House on November 18, and the Senate on November 19, 1999. The number for the FY2000 CJS bill is H.R. 3421 which is in Division B of H.R. 3194, Section 1000(a). The President signed the bill into law on November 29, 1999 (P.L. 106-113; 113 Stat. 1501). The law approves total funding of $39.63 billion which is about $625 million above the level initially approved by Congress, $3.4 billion (or 9.5%) above FY1999 appropriation and $920 million below the President's request.

The bill approved total funding of $39.63 billion which was about $625 million above the level initially approved by Congress, $3.4 billion (or 9.5%) above FY1999 appropriation and $920 million below the President's request.

It is important to note that the Consolidated Appropriations Act passed by the House also includes a provision which mandates a 0.38 percent government-wide recission of discretionary budget authority for FY2000. For more details see page 3 of this Report.

A Note about continuing funding resolutions: On September 28, the House and Senate approved stopgap legislation to continue funding of agencies at FY1999 levels for the first three weeks of FY 2000, beginning on October 1. This would cover all agencies that had yet to have their FY2000 appropriations approved by Congress or yet to be signed into law by the President. The measure (H.J.Res 68, P.L. 106-62)was signed into law by the President on September 30, 1999. (For more

information, see pp. 2-3 of this report) On October 19, Congress passed a second bill extending FY1999 funding through October 29, 1999 (H.J.Res. 71, 106-75). The legislation was signed by the President on October 21, 1999. A third bill (H.J.Res. 73, P.L.106-85) was passed by Congress on October 28, extending such funding through November 5, 1999. The bill was signed by the President on October 29, 1999. Congress passed a fourth continuing resolution on November 4, to continue funding through November 10, 1999 (H.J.Res. 75, P.L. 106-88). The President signed the bill on November 5. A fifth continuing resolution was approved by Congress on November 10 (H.J.Res. 78, P.L. 106-94) signed into law by the President on the same day to continue funding through November 17, 1999. A sixth bill to continue funding through November 18 (H.J.Res. 80, P.L. 106-105) was passed by Congress on November 17. A seventh bill (H.J.Res. 82) was passed on November 18 which further extended funding through November 23. An eight bill (H.J.Res. 83, 106-106) was also approved on November 18 which superceded H.J.Res. 82 and extended FY1999 funding through December 2, 1999. This was signed by the President on November 19, 1999.

As noted earlier in the report, FY1999 appropriations were to expire after June 15, 1999, unless new legislation were enacted to continue them through the remainder of FY 1999. H.R. 1141, FY1999 Emergency Supplemental Appropriations, repealed this restriction and included an additional $44.9 million for the Census Bureau's 2000 census activities in FY1999, contingent on congressional receipt, by June 1,1999, of a revised budget submission for FY2000, with detailed justification. The revised submission requested an extra $1.7 billion for the census in FY2000.

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

Department or Agency	FY1999	FY2000 Request	House Bill, H.R. 2670	Senate Bill, S. 1217	Final Bill, H.R. 2670 P.L. 106-113
Justice	18,207	18,543	18,139	17,098	18,646
Commerce	5,098	9,019	8,007	7,160	8,649
Judiciary	3,652	4,164	3,900	3,816	3,959
State	4,358	6,104	5,369	5,136	5,880

Source: *Congressional Record*, vol. 145, November 18, 1999: H12776-12786.

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.

S. 5 (DeWine)

Drug Free Century Act. Reduces the transportation and distribution of illegal drugs and strengthens 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 or 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.

H.R. 2528 (Rogers)

Immigration Reorganization and Improvement Act of 1999 (H.R. 2528). To dismantle INS and create two new bureaus at the Department of Justice, one for immigration services, the other for enforcement. Introduced on July 15, 1999; referred to Committee on the Judiciary.

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 the 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. 698 (Wicker)

A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes. Referred to House Committee on Judiciary,

February 10, 1999; referred to Subcommittee on Courts and Intellectual Property, February 25, 1999.

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.

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.

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.

S. 1145 (Leahy)

Federal Judgeship Act. Creates 69 new federal circuit or district judgeships. Referred to the Senate Committee on the Judiciary, May 27, 1999.

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.

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).

Other Related Agencies

S. 414 (Hutchinson); P.L. 105-258

Ocean Shipping Reform Act of 1998. To amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes. This law is administered by the Federal Maritime Commission. Signed into law October 14, 1998.

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 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*, (name redacted).

CRS Report RS20279. *Immigration and Naturalization Service Reorganization and Related Legislative Proposals*, (name redacted).

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

Department of Commerce

CRS Issue Briefs

CRS Issue Brief IB95100. *Economic Development Administration: Overview and Issues*, by (name redacted).

CRS Issue Brief IB95051. *The National Information Infrastructure: The Federal Role*, by (name redacted).

CRS Issue Brief IB10018. *Research and Development Funding: Fiscal Year 2000*, by (name redacted).

CRS Reports

CRS Report 95-36. *The Advanced Technology Program*, by (name redacted).

CRS Report 97-137. *Census 2000: The Sampling Debate*, by (name redacted).

CRS Report 98-321. *Census 2000: Sampling as an Appropriations Issue in the 105th Congress*, by (name redacted).

CRS Report 96-537. *Department of Commerce Science and Technology Programs: Impacts of Dismantling Proposals*, by (name redacted).

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

CRS Report 97-104. *Manufacturing Extension Partnership Program: An Overview*, by (name redacted).

CRS Report 95-30. *The National Institute of Standards and Technology: An Overview*, by (name redacted) and (name redacted).

CRS Report 95-834. *Proposals to Eliminate the U.S. Department of Commerce: An Issue Overview*, by (name redacted).

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

The Judiciary

CRS Reports

CRS Report 98-510. *Judicial Nominations by President Clinton During the 103rd-106th Congresses*, by (name redacted).

CRS Report RS20278. *Judicial Salaries: Current Situation*, by (name redacted).

Other Information

U.S. Administrative Office of the United States Courts. "Finally, a Budget! Year 2000 Brings COLA for Judges," *The Third Branch*, vol. 31, December 1999, pp. 1,2. [http://www.uscourts.gov/ttb/dec99ttb/budget.html]

U.S. Administrative Office of the United States Courts. "White House Veto Returns Judiciary Budget to Negotiations," *The Third Branch*, vol. 31, November 1999, pp. 1,3. [http://www.uscourts.gov/ttb/nov99ttb/budget.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 2000*, hearings, part 8, 106th Cong., 1st sess., March 4 & 10, 1999 (Washington: GPO, 1999), pp. 1-58 (Supreme Court of the United States), pp. 59-101 (Architect of the Capitol), and pp. 103-263 (the Federal Judiciary and the Administrative Office).

Department of State

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 (name redacted).

CRS Report 97-711. *U. N. Funding, Payment of Arrears and Linkage to Reform: Legislation in the 105th Congress*, By (name redacted), Marjorie Ann Brown, and Lois McHugh.

CRS Report 97-538. *Foreign Policy Agency Reorganization in the 105th Congress*, by (name redacted), Larry Q. Nowels, and (name redacted).

Other Related Agencies

CRS Reports

CRS Report 95-178. *Legal Services Corporation: Basic Facts and Current Status*, by (name redacted) and (name redacted).

CRS Report 96-649. *Small Business Administration: Overview and Issues*, by (name redacted).

CRS Report 98-864. *The Maritime Security Program (MSP) in an International Commercial Context: A Discussion*, by Stephen J Thompson.

CRS Report 98-971. *The Passenger Service Act, Domestic Ocean Passenger Service, and the 106th Congress*, by Stephen J Thompson.

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, FY1999 and FY2000

(in millions of dollars)*

Department or Agency	FY1999	FY2000 Request	House Bill H.R. 2670	Senate Bill S. 1217	Final Bill, H.R. 3421 P.L. 106-113
Title I. Department of Justice					
Office of Justice Programs	4,849.0	3,550.3	3,661.0	3,056.3	4,084.7
(VCRTF funds only)[1]	(3,800.0)	(2,787.0)	(1 ,238.4)	(1,547.4)	(1,239.4)
Legal Activities	2,626.6	3,128.9	2,840.9	2,785.8	2,871.7
(VCRTF funds only)[1]	(114.4)	(91.8)	(357.5)	(823.7)	(357.5)
Interagency Law Enforcement	304.0	0.0	316.8	324.0	316.8
Federal Bureau of Investigation (FBI)	2,961.2	3,293.7	3,091.1	2,983.6	3,091.1
(VCRTF funds only)[1]	(223.3)	(281.0)	(752.9)	(281.0)	(752.9)
Drug Enforcement Administration (DEA)[2]	1,211.8	1,388.2	1,284.3	1,223.1	1,281.8
(VCRTF funds only)[1]	(405.0)	(405.0)	(344.3)	(419.4)	(343.3)
Immigration and Naturalization Service (INS)	2,549.8	3,035.3	3,022.3	2,709.2	3,009.3
(VCRTF funds only)[1]	(842.4)	(500.0)	(1,311.2)	(873.0)	(1,267.2)
Federal Prison System	3,302.7	3,710.6	3,631.8	3,716.5	3,671.9
(VCRTF funds only)[1]	(26.5)	(26.5)	(22.5)	(46.5)	(22.5)
Other	402.4	435.9	290.7	302.0	319.2
(VCRTF funds only)[1]	(59.2)	(59.2)	(50.4)	(59.2)	(50.4)
General Provisions	0.0	0.0	0.0	-2.5	0.0
Total: Justice Department	**18,207.5**	**18,542.9**	**18,138.9**	**17,098.0**	**18,646.5**
(VCRTF funds only)[1]	*(5,471.0)*	*(4,150.0)*	*(,4,077.2)*	*(4,050.0)*	*(4,033.2)*
Title II. Department of Commerce and Related Agencies					
General Administration	51.0	57.5	52.0	51.9	51.5
Bureau of Census	1,368.0	4,794.7	4,754.7	3, 071.7	4,758.6
Economic and Statistical Analysis	48.5	55.1	48.5	51.2	49.5
International Trade Administration	284.6	305.4	295.2	308.3	308.5
Bureau of Export Administration	52.3	60.4	49.5	55.9	54.0
Minority Business Development Agency	27.0	27.6	27.0	27.6	27.3
National Oceanic and Atmospheric Administration	2,167.9	2,506.9	1,956.8	2,556.9	2,343.7
Patent and Trademark Office[2]	(785.5)	(921.7)	(851.5)	(901.7)	(871.0)
Technology Administration	9.5	9.0	8.0	8.0	8.0

Department or Agency	FY1999	FY2000 Request	House Bill H.R. 2670	Senate Bill S. 1217	Final Bill, H.R. 3421 P.L. 106-113
National Institute of Standards and Technology	647.1	737.0	436.7	742.0	639.0
National Telecommunications and Information Administration	49.9	72.4	41.9	59.1	53.0
Economic Development Administration	392.4	393.3	388.4	228.3	388.4
Subtotal: Commerce Department	*5,098.3*	*9,019.4*	*8,007.2*	*7,160.9*	*8,649.3*
Related Agencies					
Office of the U.S. Trade Representative	24.2	26.5	25.2	26.1	25.6
International Trade Commission	44.5	47.2	44.5	45.7	44.5
Subtotal: Related Agencies	*70.0*	*73.7*	*69.7*	*71.8*	*70.1*
Total: Dept. of Commerce and Related Agencies	**5,168.3**	**9,093.1**	**8,076.9**	**7,232.7**	**8,719.4**
Title III. Judiciary					
Supreme Court — salaries and expenses	32.0	35.9	35.0	35.9	35.5
Supreme Court — building and grounds	5.4	22.7	6.9	9.7	8.0
U.S. Court of Appeals for the Federal Circuit	16.1	17.6	16.1	16.9	16.8
U.S. Court of International Trade	11.8	12.1	11.8	12.0	12.0
Courts of Appeals, District Courts, other judicial services — salaries and expenses	2,832.0	3,249.3	3,066.7	2,992.3	3,114.7
(VCRTF funds only)[1]	*(10.2)*	*(29.4)*	(156.5)	(100.0)	(156.5)
Vaccine Injury Act Trust Fund	2.5	2.6	2.1	2.6	2.5
Defender Services	391.8	411.4	387.8	353.9	385.1
(VCRTF funds only)[1]	*(30.9*	*(36.6)*	(26.2)	(0.0)	(26.2)
Fees of Jurors and Commissioners	66.9	69.5	63.4	60.9	60.9
Court Security	174.6	206.0	190.0	196.0	193.0
Administrative Office of the U.S. Courts	54.5	58.4	54.5	56.1	55.0
Federal Judicial Center	17.7	19.0	17.7	18.5	18.0
Retirement Funds	37.3	39.7	39.7	39.7	39.7
U.S. Sentencing Commission	9.5	10.6	8.5	9.7	8.5
General Provisions—Judges' pay raise	0.0	9.0	0.0	9.6	9.6
General Provisions—data collection resources[3]	0.0	0.0	0.0	2.7	0.0
Total: Judiciary	**3,652.0**	**4,164.0**	**3,900.3**	**3,816.4**	**3,959.3**
(VCRTF funds only)[1]	*(41.0)*	*(66.0)*	*(182.8)*	*(100.0)*	*(182.8)*

Department or Agency	FY1999	FY2000 Request	House Bill H.R. 2670	Senate Bill S. 1217	Final Bill, H.R. 3421 P.L. 106-113
Title IV. Department of State and Related Agencies					
Administration of Foreign Affairs	2,676.8[4]	4,094.8	3,889.9	3,714.6	4,043.1
International Organizations and Conferences	1,628.0	1,894.3	1,393.9	1,331.2	1, 736.2
International Commissions	45.8	52.0	45.6	46.8	46.8
Related Appropriations	8.2	62.9	39.9	43.3	54.3
Subtotal: State Department	*4,358.8*	*6,104.0*	*5,369.3*	*5,135.9*	*5,880.4*
Related Agencies[5]					
Arms Control and Disarmament Agency	41.5	—	—	—	—
U.S. Information Agency (USIA)	—	—	—	—	—
Salaries and Expenses	455.2	[418.2]	—	—	—
Education and Cultural Exchange	200.5	[210.3]	[175.0]	[216.5]	[205.0]
International Broadcasting	397.7	[452.6]	—	—	—
National Endowment for Democracy	31.0	[32.0]	[31]	[30]	[31]
Other	17.2	[18.6]	—	—	—
Total: Related Agencies	1,143.1	[1,131.7]	—	—	—
International Broadcasting	0.0	452.6	421.7	399.3	421.8
Total: State Department, Related Agencies, and International Broadcasting	**5,501.9**	**6,556.6**	**5,791.0**	***5,535.2***	**6,302.2**
Title V. Other Related Agencies					
Maritime Administration	168.7	180.7	179.1	186.3	178.1
Census Monitoring Board	0.0	4.0	0.0	4.0	0.0
Small Business Administration	718.9	911.8	734.5	720.6	878.0
Legal Services Corporation	300.0	340.0	250.0	300.0	305.0
Equal Employment Opportunity Commission (EEOC)	279.0	312.0	279.0	279.0	282.0
Commission on Civil Rights	8.9	11.0	8.9	8.9	8.9
Federal Communications Commission (FCC)	19.5	45.1[6]	6.2[6]	47.1[6]	24.2[6]
Federal Maritime Commission	14.1	15.3	14.1	14.2	14.2
Federal Trade Commission	10.2	0.0[7]	0.0[7]	0.0[7]	0.0[7]
Securities and Exchange Commission (SEC)	23.0	0.0[8]	0.0[8]	0.0[8]	0.0[8]
State Justice Institute	6.8	15.0	0.0	6.8	6.8
Ocean Policy Commission	3.5	0.0	0.0	0.0	0.0
Other	2.7[9]	2.8[9]	2.7[9]	3.0[9]	4.3[9]
Total: Related Agencies	**1,555.0**	**1,838.6**	**1,474.6**	**1,569.9**	**1,701.5**

Department or Agency	FY1999	FY2000 Request	House Bill H.R. 2670	Senate Bill S. 1217	Final Bill, H.R. 3421 P.L. 106-113
Emergency Appropriations[10]	**1,975.1**	**0.0**	**0.0**	**0.0**	**0.0**
GRAND TOTAL:	**36,197.3[11]**	**40,550.7[12]**	**37,677.3[13]**	**35,384.6[14]**	**39,631.0[15]**
(VCRTF funds only)[1]	*(5,512.0)*	*(4,,216.0)*	*(4,260.0)*	*(4,150.0)*	*4,216.0*

*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.

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

[1] 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.
[2]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.
[3]Funds provided for the Institute at Saint Anselm College and the New Hampshire State Library.
[4]FY1999, levels exclude $1.56 billion from the FY1999 emergency supplemental appropriations for Y2K and embassy security (P.L. 105-277, Title VIII).
[5] As of October 1, 1999 both USIA and ACDA will be consolidated into the Department of State. International Broadcasting will remain an independent agency.
[6] Congress has approved $210 million in overall FY2000 funding resources for the Commission, consisting of a direct appropriation of $24.2 million (as shown in the above table) and $185.8 million in offsetting regulatory fee collections. Earlier: -- The President had requested $230.9 million funding for the Commission, consisting of a direct appropriation of $45.1 million and $185.8 million in offsetting regulatory fee collections; -- the Senate, before going to conference, approved $232.8 million, consisting of a direct appropriation of $47.1 million and $185.8 million in offsetting regulatory fees; and, -- the House, before going to conference, approved $192 million, consisting of a direct appropriation of $6.2 million and $185.8 million in offsetting regulatory fees.
[7] For FY2000, the FTC is fully funded by the collection of premerger filing fees.
[8] For FY2000, the SEC is fully funded by transaction fees and securities registration fees.
[9]Other includes agencies receiving appropriations of less than $1.5 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; and the Marine Mammal Commission.
[10]This total includes emergency appropriations approved under Title VIII of the Omnibus Appropriations Act for FY1999 (H.R. 4328, P.L. 105-277). The bulk of this funding was allocated to: Department of State for overseas security needs at diplomatic facilities and Y2K computer compliance ($1.56 billion); Department of Justice programs for Y2K conversion and law enforcement ($206 million); and the SBA disaster loan program ($106 million).
[11]Total takes into account rescissions of -$234.8 million for FY1999.
[12]Total takes into account rescissions of -$4.5 million proposed by the Administration.
[13]Total takes into account rescissions of -$29.5 million recommended by the House.
[14]Total takes into account rescissions of -$143.7 million recommended by the Senate.
[15]Total takes into account rescissions of -$65.9 million recommended by the Conference Committee and approved by Congress.

Source: *Congressional Record*, vol. 145, November 18, 1999: H12776-12786.