

CRS Report for Congress

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Appropriations for FY1999: 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. In addition, the line item veto took effect for the first time in 1997.

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 Treasury, Postal Service, Executive Office of the President, and General Government. 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 FY1999: Commerce, Justice, and State, the Judiciary, and Related Agencies

Summary

This report tracks action by the 105th Congress on FY1999 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies (often referred to as CJS appropriations). P.L. 105-119 (H.R. 2267) appropriated \$32.1 billion for these agencies for FY1998. The President's FY1999 budget sent to Congress on February 3, 1998, requested about \$34.4 billion for these agencies, about a \$2 billion increase or 6.2% above the FY1998 total.

The bill that finally passed Congress as part of the Omnibus consolidated and Emergency Supplemental Appropriations Act for FY1999 (H.R. 4328, P.L. 105-277) approves \$33.7 billion, about \$1.6 billion (or about 5%) above that funded for FY1998 and \$750 million below the President's request. Congress, however, 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. All funding will cease to be available after June 15, 1999, unless continued by enactment of another appropriations measure by that date. The reason for this limitation is the question 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. The ruling, however, left unresolved related issues such as the use of sampling in the census to produce data for within-state redistricting.

The major CJS appropriations issues or concerns that received attention in both Houses include the following. *Department of Justice:* extending the 1994 Crime Act funding authorization beyond FY2000 under the Violent Crime Reduction Trust Fund; eliminating most funding under the 1994 Crime Act for Title III crime prevention programs; increasing funding for drug-related programs; changing the focus for the Department of Justice's Office of Juvenile Justice and Delinquency Prevention; determining the adequate level of resources for the Immigration and Naturalization Service to implement provisions of recently enacted legislation; and the question of reorganizing the federal immigration system. *Department of Commerce:* the progress made in streamlining and downsizing Department programs; the use of statistical sampling in conducting the forthcoming the decennial census; the Department's role in minority business programs; the use of Patent and Trademark Office patent fees to fund operations; federal financial support of industrial technology development programs; and implementing Weather Service modernization at the National Oceanic and Atmospheric Administration. *Department of State:* increasing funding for embassy security; possible reorganization of foreign policy agencies of State, USIA, and other foreign policy agencies; and the payment of arrears to the United Nations. *The Judiciary:* the efficient utilization of judicial resources; containing the costs of the Defender Services account; and the merits of increasing judges' salaries. *Other Related Agencies:* adequacy of funding for the Legal Services Corporation; and adequacy of funding of the Equal Employment Opportunity Commission given a rapidly growing workload of civil rights cases.

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Division abbreviations: A = American Law; E = Economics; ENR = Environment and Natural Resources; EPW = Education and Public Welfare; F = Foreign Affairs; GOV = Government; STM = Science, Technology, and Medicine.

Contents

Most Recent Developments	1
Introduction and Overview	1
Government Performance Results Act (GPRA) Requirements	2
Brief Survey of Major Issues	3
Status	5
Background	5
Department of Justice and Related Agencies	5
Department of Commerce	7
The Judiciary	8
Department of State and Related Agencies	9
Other Related Agencies	10
Major Legislative and Policy Issues	12
Department of Justice	12
Department of Commerce	23
The Judiciary	33
Department of State and Related Agencies	37
Other Related Agencies	41
Compliance with GPRA Requirements	48
Major Funding Trends	49
Current Funding Status	49
Related Legislative Action	50
Department of Justice and Related Agencies	50
Department of Commerce	51
The Judiciary	51
Department of State	53
For Additional Reading	53
Department of Justice	53
Department of Commerce	54
The Judiciary	55
Department of State	55
Other Related Agencies	56
Selected World Wide Web Sites	57
Appendix	58

List of Tables

Table 1. Status of CJS Appropriations, FY1999 (H.R. 4328)	5
Table 2. Funding Trends for Departments of Commerce, Justice, and State, and the Judiciary	49
Table 3. Departments of Commerce, Justice, and State, and the Judiciary Appropriations	50
Table 1A. Appropriations Funding for Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, FY1998 and FY1999	58

Appropriations for FY1999: Commerce, Justice, and State, the Judiciary, and Related Agencies

Most Recent Developments

On February 3, 1998, the President submitted the FY1999 budget request for appropriations for the Department of Commerce, Justice, and State, the Judiciary and related agencies. The Senate approved its bill, with amendments, on July 23, 1998 (S. 2260). The House approved its bill, with amendments on August 6, 1998 (H.R. 4276). Final action on this bill was taken by Congress on October 21, 1998, as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (H.R.. 4328).

Congress, however, placed a time limitation on all funding for agencies covered by the CJS appropriations for FY1999, pursuant to section 626 of Title VI of the CJS appropriations sections of the Omnibus measure. This section provides that all funding will cease to be available after June 15, 1999, unless continued by enactment of another appropriations measure by that date. The reason for this limitation is the question 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. The ruling, however, left unresolved related issues such as the use of sampling in the census to produce data for within-state redistricting.

Introduction and Overview

This report tracks legislative action by the second session of the 105th Congress on FY1999 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies (often referred to as CJS appropriations). Congress appropriated \$32.1 billion for these agencies in FY1998. The President's FY1999 budget sent to Congress on February 3, 1998, requested about \$34.4 billion for these agencies, about a \$2.3 billion increase or 7.2% above the FY1998 total. Among the major agencies, this request called for substantial increases in appropriations for the Judiciary and Department of Commerce, and moderate increases for the Departments of Justice and State. The Senate approved its bill, with amendments, on July 23, 1998 (S. 2260, S.Rept. 105-235); the vote was 99 to 0. The bill approved total spending of \$33.2 billion, about \$2 billion below the request. The House approved its version of the CJS bill on August 6, 1998 (H.R. 4276, H.Rept. 105-636); the vote was 225 to 203. The bill, with amendments, approved total funding of \$33.5 billion, about \$900 million less than the President's request and

about \$300 million above the Senate total.¹ The bill that was finally passed Congress as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (H.R. 4328, P.L. 105-277) and signed into law by the President on October 21, 1998, approves \$33.7 billion, about \$1.6 billion (or about 5%) above that funded for FY1998 and \$750 million below (or about -2.2%) the President's request. The vote in the House was 333-95; in the Senate: 65-29.²

Congress, however, has placed a time limitation on all funding covered by the bill, pursuant to section 626 of Title VI of the CJS appropriations sections of the Omnibus measure. This section provides that all funding will cease to be available after June 15, 1999, unless continued by enactment of another appropriations measure by that date. The reason for this limitation is the question 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. The ruling, however, left unresolved related issues such as the use of sampling in the census to produce data for within-state redistricting.³

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 FY1999 budget request to Congress, all agencies have sent their strategic plans to Congress and are now in the process of preparing annual performance plans. The request went on to say: "By March 2000, these agencies will submit clear, concise annual performance reports on their progress toward the goals they set in their annual plans."⁴ Brief descriptions of the strategic plans of the *major* agencies covered by CJS appropriations are contained in the discussions of the FY1999 budget requests of individual agencies included in this report.

¹The floor debate in the Senate is contained in the *Congressional Record*, vol. 144 on: July 21, 1988, pp. S8604-8653; July 22, 1988, pp. S8689-8775; July 23, 1988, pp. S8815-8880, S8951. House debate is contained in the *Record* on: August 3, 1988, pp. H6948-82; August 4, 1988, pp. H7104-75; August 5, 1988, pp. H7184-7288.

²The text of the Conference Report on H.R. 4328, H.Rept. 105-825 is contained in the *Congressional Record*, vol. 144 on: October 19, 1988, pp. H11044-11545. The text covering CJS appropriations is included in pp. H11057-11076. House debate on the Omnibus bill is in the *Record* on: October 20, 1988, pp. H11592-11669. Senate debate is contained in the *Record* on: October 20, 1988, pp. S12696-127161.

³For more details on the Census sampling issue, see pp. 26-27 below.

⁴*Budget of the United States Government, Fiscal Year 1999. (105th Cong., 2d sess., H.Doc. 105-177, v. 1.) p. 39.*

Brief Survey of Major Issues

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

- the extent to which statistical sampling should be used in conducting the decennial census;
- the extent to which the Patent and Trademark Office (PTO) is unable to use patent fees collected from inventors for office operations due to legislation (P.L. 101-508 and P.L. 103-66) that permits a portion of these funds to revert back to the U.S. Treasury to be appropriated for other government activities. (This surcharge will expire at the end of FY1998);
- whether or not the Immigration and Naturalization Service (INS) has met its responsibilities under the law. (Congress may consider legislation to restructure the agency);
- the payment of arrears to the United Nations and international peacekeeping through an advanced appropriation; and
- whether the legal bills of persons acquitted of federal charges should be paid by the government, unless the court finds that the position of the United States was “substantially justified.”

Other issues receiving attention included 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 among the Department of Justice (DOJ) agencies, since the 105th Congress reauthorized the Office of National Drug Control Policy.
- Changing the focus and levels of appropriations for DOJ’s Office of Juvenile Justice and Delinquency Prevention (OJJDP), especially if the 105th Congress reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974, amended.
- Determining the adequate level and distribution of resources for the Immigration and Naturalization Service (INS) to implement provisions of three major pieces of legislation, namely, the Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104-208); the Antiterrorism and Effective Death Penalty Act (P.L. 104-132); and the Personal Responsibility and Work Opportunity Act (P.L. 104-193).

- Funding for programs that would reduce violence in schools and would address missing children under the Safe Schools Initiatives.

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.
- Department's role in minority business programs versus that of the Small Business Administration.
- 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 the information infrastructure grants program at the National Telecommunications and Information Administration (NTIA).
- At the National Oceanographic and Atmospheric Administration (NOAA), the extent to which recommendations for budgeting and management at the National Weather Service should be implemented.

Department of State:

- Possible reorganization of foreign policy agencies of State, USIA, and other foreign policy agencies.
- Increased funding for embassy security overseas.
- The payment of arrears to the United Nations.

The Judiciary:

- Whether the Judiciary was utilizing its resources with optimal efficiency.
- How to contain the growing costs of the Judiciary's Defender Services account.
- Whether the salaries of federal judges should receive a cost-of-living adjustment, as they did in FY1998.

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.

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 have emerged during the debate on these appropriations.

Status

The table below shows the key legislative steps necessary for the enactment of FY1999 CJS appropriations. The House CJS Subcommittee marked up its version of the appropriations bill on June 24, 1998. The measure was subsequently approved by the full Appropriations Committee on July 15, 1998 (H.R. 4276, H.Rept. 105-636). The Senate CJS Subcommittee marked up its version of the bill on June 23, 1998. The full Appropriations Committee approved its version on June 25, 1998 (S. 2260; S.Rept. 105-235). The Senate approved its bill, with amendments, on July 23, 1998. The House approved its version of the bill, with amendments, on August 6, 1998. Congress passed the CJS bill on October 21, 1998, as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (H.R. 4328). It was signed into law by the President on the same day (P.L. 105-277).

Table 1. Status of CJS Appropriations, FY1999 (H.R. 4328)

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conference Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
6-24-98	6-23-98	7-15-98 H.Rept. 105-636	H.R. 4276 8-6-98	7-2-98 S.Rept. 105-235	S. 2260 7-23-98	10-19-98 H.Rept. 105-825	10-20-98	10-21-98	P.L. 105-277 10-21-98

Background

The creation, legislative authority, and principal activities of the major agencies covered by CJS appropriations for FY1999 are described below. Brief descriptions of most of the related agencies covered by the bill are also included in this section.

Department of Justice and Related Agencies

Title I 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 FY1998 was \$17.8 billion. (For more details on the funding of individual programs, see Table 1A in the Appendix.)

Appropriators also consider 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 new authorization for criminal justice spending over a 6-year period, from FY1995 through FY2000. Trust Fund monies are to be derived 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 must be 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. In FY1999, the CJS Appropriations Act for FY1998 (P.L. 105-119) provided \$5.2 billion for DOJ's anti-crime initiatives from the VCRTF.

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 FY1998 was \$4.2 billion. (For more details on the funding of individual programs, see Table 1A in the Appendix.)

The Judiciary

Title III covers the 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 FY1998 was \$3.5 billion.

The Judiciary budget consists of two primary components. One funds the Supreme Court of the United States, the nation's highest court. Covered by these funds are the Court's salary and operational expenses as well as expenditures for the care of the Court's building and grounds. Traditionally, in a practice dating back to the 1920s, one or more of the Court's Justices appears before either a House or Senate appropriations subcommittee to address the budget requirements of the Supreme Court for the upcoming fiscal year. Although it is at the apex of the federal judicial system, the Supreme Court accounts for only a very small share of the system's overall funding. The CJS Appropriations Act for FY1998 (P.L. 105-119), for instance, provided a total of \$32.7 million for the Supreme Court, which was less than 1.0% of the Judiciary's overall appropriation of \$ 3.5 billion.

The rest of the Judiciary appropriation 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). (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 249 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 FY1998 State Department budget was about \$4 billion. Typically, more than half of State's budget (about 69% in FY1998) is for Administration of Foreign Affairs, which consists of salaries and expenses, diplomatic security, diplomatic and consular programs, and acquisition/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 FY1998 USIA budget totals \$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 FY1998 budget for ACDA is \$42.7 million. (For more details on appropriations for the State Department and related agencies, see Table 1A in the Appendix.)

In addition to the appropriations listed above, the Administration submitted an FY1998 budget amendment to provide authority for a one-time transfer of funds to various agencies that employ personnel in U.S. embassies, so that they eventually can pay some of their own costs in the embassies. This cost-sharing measure is known as the *International Cooperative Administration Support Services (ICASS)*. The conference agreement appropriated \$109.6 million in one-time transfers to other appropriations in FY1998 for the transition to the ICASS cost-sharing system.

Other Related Agencies

Title V covers several related agencies. FY1998 appropriations for these agencies are as follows:⁵

- *Maritime Administration* administers programs to aid in the development, promotion, and operation of the nation's merchant marine: \$139 million.

⁵ Figures are for *direct* appropriations only; in some cases, agencies supplement these amounts with offsetting fee collections, including collections carried over from previous years.

- *Small Business Administration* provides financial assistance to small business and to victims of physical disasters: \$716 million.⁶
- *Legal Services Corporation* provides financial assistance to local, state, and national non-profit organizations that provide free legal assistance to persons living in poverty: \$283 million.
- *Equal Employment Opportunity Commission (EEOC)* enforces laws relating to race, sex, religion, national origin, age, or handicapped status: \$242 million.
- *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: \$8.7 million.
- *Federal Communications Commission (FCC)* regulates interstate and foreign communications by radio, television, wire, satellite, and cable: \$24 million.⁷
- *Federal Maritime Commission (FMC)* regulates the domestic offshore and international waterborne commerce of the United States: \$14 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: \$18.5 million.⁸
- *Securities and Exchange Commission (SEC)* administers laws providing protection for investors and ensuring that securities markets are fair and honest: \$33.5 million.⁹
- *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: \$23.4 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

⁶ This figure included an emergency appropriations of \$135 million for disaster loans. All other appropriations less this amount totaled \$711 million for FY1997.

⁷ Offsetting fee collections were \$162.5 million, bringing total FY1998 funding to \$186.5 million.

⁸ Offsetting fee collections were estimated to be \$85 million, bringing total FY1998 funding to \$106.5 million.

⁹ Offsetting fee collections were \$282 million, bringing total FY1998 funding to \$315.5 million.

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: \$41.2 million.

The CJS appropriations also covers 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 the *Congressional Record*, November 13, 1997. v. 143, Part II, H10921-H10929 and *Budget of the United States Government, Fiscal Year 1999—Appendix*, 105th Cong., 2d sess., H.Doc. 105-177.)

Major Legislative and Policy Issues

The 105th Congress addressed a number of issues during the CJS appropriations process. Major issues included: extending the 1994 Crime Act funding beyond FY2000 under the Violent Crime Reduction Fund, and 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 fees to fund Patent and Trademark Office operations, 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 and U.S. peacekeeping operations and the reorganization of foreign policy agencies; the cost effectiveness of the Judiciary's operations, the adequacy of funding to cover costs of the Judiciary's growing caseload; the merits of providing a pay increase for federal judges and of splitting the Ninth judicial circuit into two circuits; how to contain the growing costs of providing legal representation to death penalty defendants; and whether to pay the attorney fees of defendants who prevail in federal prosecutions.

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.

The 104th Congress considered several legislative proposals that called for the elimination of the Crime Act's COPS program (Title I) and most of the crime prevention programs (Title III). In their place, Congress debated the establishment of the Local Law Enforcement Block Grants (LLEBG) program and, in addition, increased funding for prison grant programs (Title II).

Although Congress did not enact legislation to eliminate Titles I and III, it approved the redirection of partial funding earmarked for the COPS program under Title I to the Local Law Enforcement Block Grants (LLEBG) program in FY1996 (\$1.4 billion to COPS and \$503 million to LLEBG) and FY1997 (\$1.4 billion to COPS and \$523 million to LLEBG). Only those prison grants provisions for Violent Offender Incarceration and Truth-In-Sentencing programs (VOI/TIS) under Title II, Subtitle A, were amended to increased authorization levels in the Omnibus Consolidated Rescission and Appropriations Act of 1996 (P.L. 104-134).

The 105th Congress considered bills that would have eliminated most of the crime prevention programs (Title III). For example, S. 10, as reported with an amendment in the nature of a substitute by the Senate Judiciary Committee on October 9, 1997 contained a provision (section 310) to repeal Title III, Subtitles A through C, and E through S. On the other hand, another proposed bill, S. 15, sought funding for this title. In addition, S. 10 would have extended 1994 Crime Act funding authorizations for the Violent Crime Reduction Trust Fund (VCRTF) beyond FY2000 to FY2002 (sec. 311).

Also, Congress considered several bills in the area of juvenile justice and drug control. For example, the House approved at least one bill, H.R. 1818, to reauthorize DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP). H.R. 1818, H.R. 3, and S. 10 would have provided for the establishment of new juvenile crime control block grants. Other bills, especially H.R. 2610, would have reauthorized the Office of National Drug Control Policy (ONDCP), an agency within the Executive Office of the President that coordinates drug control funding.

FY1999 Budget Request. The FY1999 budget of the Clinton Administration requested a total of \$18.5 billion for the Department of Justice compared with the FY1998 request of \$17.3 billion (an increase of 6.4%). DOJ funding for FY1999, was intended to strengthen the battle against crime and youth violence, cybercrime, illegal drugs, illegal immigration, crime in Indian country, and other crime problems.

To address ***anti-gang and youth violence***, the Administration requested funding for a variety of programs, including: \$100 million for state and local prosecutors offices that would allow earlier intervention, better identification and quicker prosecution of young, violent offenders; \$50 million for a youth violence court program to more quickly and effectively adjudicate youth cases ; and, \$95 million for the At-Risk Children's Program to fight truancy and school violence and strengthen anti-crime after-school programs.

To restructure current ***juvenile justice programs*** under the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, as amended), the Administration requested the following: \$89 million for a juvenile justice formula grant program; \$45 million for a discretionary grant program to develop, test, and demonstrate new programs; \$17 million for an incentive grants program with seven purposes ranging from crime prevention to accountability-based sanctions; and, \$6 million for an Indian tribal grants program. Regarding the Juvenile Crime Accountability Block Grant program established by the CJS Appropriations Act, FY1998 (P.L. 105-119), the Administration requested no FY1999 funding.

For *other anti-crime initiatives*, the Administration requested \$50 million in FY1999 to establish a community prosecutors program that would be modeled after successful programs around the country in which community prosecutors, police officers, and community residents interact directly to identify and solve crime problems in their neighborhoods. In its attack on violence against women, in FY1999 the Administration requested \$27 million for targeted set-asides for civil legal assistance programs, research on violence against women, and for the U.S. Attorneys' domestic violence unit in the District of Columbia. Also, \$10 million in discretionary funds was for Project Safe Start, a new program designed to reduce the impact of violence on young children.

For FY1999, the DOJ sought an increase of \$64 million to broaden efforts to protect the use of computers and the information highway from *cybercrime*. By hiring new FBI agents and Assistant U.S. Attorneys and forming six additional computer investigation and infrastructure threat assessment squads (CITAC). In addition, the current CITAC would be expanded (\$10 million). This Cybercrime Initiative would include \$33.6 million for the Counterterrorism Fund, with \$16 million recurred to continue to equip and train state and local officials to respond to terrorist activity. Based on feedback from local law enforcement, the President requested \$12.5 million to upgrade *crime technology* such as DNA testing and identification and for criminal records and history programs at the local level.

As part of *DOJ's anti-drug activities*, funding for the Drug Enforcement Administration (DEA) would grow by 4.6% to \$1.25 billion, with program enhancements totaling \$64 million. The President requested in FY1999, \$167.3 million to hire more drug enforcement agents and prosecutors to attack methamphetamine production, trafficking, and abuse; for the Caribbean Corridor strategy, for heroin traffickers, for an on-going classified project, and to strengthen foreign cooperative drug investigators against Asian heroin traffickers. At the state and local level, the Department of Justice would direct \$94 million in additional grants to implement systems of drug testing, drug treatment, and graduated sanctions and expansion of the residential substance abuse treatment program. Other DOJ agencies, such as the FBI, the U.S. Marshals Service and the U.S. Attorneys' Office, requested drug-related funding for FY1999.

In a joint \$182 million initiative with the Department of the Interior to address a serious *crime problem in Indian country*, the DOJ requested \$157 million in new and redirected funds. The Department sought to raise law enforcement standards in Indian country to national levels by hiring more FBI agents, by improving victim/witness assistance, and by focusing on violent crime, gang-related violence and juvenile crime in Indian country. This initiative would rely primarily on anti-crime grants from the Office of Justice Programs and the COPS program for new drug testing and intervention programs (\$10 million); At-Risk Children's Program (\$20 million); the state correctional grant program (\$52 million); and COPS (\$54 million).

House Action. On July 15, the House Appropriations Committee reported (H.Rept. 105-636) the CJS appropriations bill (H.R. 4276). The House enacted the bill on August 5. The committee emphasized empowering communities to fight crime and drugs and recommended an increase in funding for anti-drug efforts, juvenile crime, counterterrorism, and immigration. The measure contained a total DOJ

appropriation of \$18.3 billion, a \$524 million increase for the agency over FY1998 and \$224 million less than the President requested. The committee recommended \$1 billion for the U.S. Attorneys, of which \$54 million is provided from the Violent Crime Reduction Trust Fund; these funds support efforts to increase drug prosecutions.

The President requested \$86 million to establish a new fund, under the control of the Attorney General, to cover the costs of DOJ organizations' conversion to narrowband communications systems. While the committee supported a consolidation of this activity under the Attorney General, it did not provide funding. Rather, the committee assumed that base requirements of \$23 million for DOJ components may be obtained from super surplus balances in the Assets Forfeiture Fund. The committee noted that of the \$86 million requested for this new fund by the President, \$23 million was requested as base transfers from DOJ components budgets into the fund, and \$62 million was requested as program increases for the FBI for the costs of narrowband conversion. The committee believed that any DOJ narrowband conversion initiative must be based upon a comprehensive strategy. Therefore, the committee directed the DOJ'S Justice Management Division to develop and implement an integrated, department-wide, 5-year strategic plan that meets the narrowband conversion and interoperability requirements of the department by December 1, 1998.

The Committee recommended for the Office of Justice Programs \$4.8 billion, with \$2.9 billion for State and Local Law Enforcement, \$523 million for Local Law Enforcement Block Grant (a program the President wanted to terminate), and \$283 million to support juvenile crime prevention programs as well as \$250 million for the Juvenile Accountability Incentive Block Grant. The committee recommended \$12 million for the Missing Children program to combat crimes against children, especially kidnaping and sexual exploitation. The Byrne program would receive \$553 million, of which \$48 million is for discretionary grants and \$505 million for formula grants. To reimburse states for the costs of incarceration of criminal aliens, the committee provided \$585 million of which \$420 million is for the State Criminal Alien Assistance Program and \$165 million is for the State Prison Grants program. The Violence Against Women Act would receive an increase of \$9 million over the FY1998 funding and the President's request for a total of \$280 million. For the Community Oriented Policing Service (COPS), the bill would provide \$1.4 billion. It would allow COPS to use \$160 million of carryover balances for non-hiring initiatives which include innovative community policing grants for bullet proof vests (\$25 million), school violence (\$20 million), methamphetamine trafficking and drug hot spots (\$50 million), COPS technology program (\$50 million), and COPS Indian law enforcement training and equipment program (\$15 million).

For the FBI, the committee recommended \$3 billion. It provided \$15 million to build the FBI's capability to counter, investigate and prevent acts of terrorism. To address counterterrorism and to protect against biological and chemical weapons, the House bill provided \$129 million to the counterterrorism fund, an increase of \$77 million over FY1998, with \$99 million for equipment grants for state and local first responders and state and local bomb technicians, and \$17 million for anti-terrorism training for state and local agencies and \$10 million for development of

counterterrorism technologies to help state and local law enforcement efforts in combating terrorism.

To fight drugs, the DEA would receive \$1.3 billion, (an increase of \$74 million over FY1998). The increases included funding for several initiatives for: combating domestic methamphetamine and heroin trafficking, a heroin strategy (\$13 million), investigative and intelligence requirements (\$20 million), the drug diversion control program (\$95 million), and supporting source country and transit zone enforcement (\$29 million).

Senate Action. On July 2, the Senate Appropriations Committee reported (H.Rept. 105-235) the CJS appropriations bill (S. 2260). On July 23, the Senate approved S. 2260. At the direction of Congress, DOJ developed a strategic plan for drug enforcement activities and submitted it to the committee on March 31, 1998. While commending DOJ for its efforts in preparing the report, the Senate Appropriations Committee, however, concluded (based on statistics that show an increase in drug usage by teenagers since 1991) that the nation's overall drug strategy was not working. It directed the Attorney General to use the strategic plan for drug control in consultation with other federal departments and agencies, members of academia, the private sector, and state and local law enforcement personnel to develop a 5-year interdepartmental drug strategy that would outline plans for preventing, deterring, and reducing drug usage.

S. 2260 contains a total DOJ appropriations of \$17.8 billion for FY1999, an increase for the agency of \$34 million over FY1998. The committee recommended \$1.2 billion for the Drug Enforcement Agency (DEA), with \$22 million for a new initiative to establish DEA regional drug enforcement teams. Organized criminal drug syndicates from Mexico and Colombia have established regional command centers and transshipment points in smaller nontraditional trafficking locations across the United States. This initiative would enable the DEA to better address national drug trafficking threats on a regional basis. The committee recommended \$3 billion for the FBI, of which \$17 million was for establishment of computer crime squads in six field offices to fight against counterterrorism and cybercrime and to enhance the operations of the National Infrastructure Protection Center. Also, the committee recommended \$9 million to continue the improvement of FBI capabilities for dealing with the threat of weapons of mass destruction.

Concerned with the threat that terrorists pose to individuals, institutions, and facilities, especially in using chemical and biological weapons, the committee provided \$194 million dollars for a counterterrorism initiative; \$132 million over the President's request and \$141 million above FY1998 funding.

Noting the growth of the Office of Justice Programs (OJP) since 1995, the Senate Appropriations Committee was aware of duplication and overlap that it traces to the agency's structure and its recent enlargement. Consequently, it directed the Assistant Attorney General for Office of Justice Programs and DOJ to develop a new OJP structure with consolidated authorities for submission to the Appropriations Committees by February 1, 1999.

Funding for the Office of Justice Programs was \$4.6 billion, with \$552 million for the Byrne Program of which \$47 million was for discretionary grants and \$505 million for formula grants. No funding was provided for this program under the violent crime reduction trust fund as authorized under the Violent Crime Control and Law Enforcement Act of 1994. To address the growing problem of juvenile crime, the committee encouraged accountability-based reforms at the state and local level. Instead of funding the youth violence courts, the Juvenile Prosecutor Program, the Juvenile Drug Prevention Program, the Community Prosecutors Program, and the Drug Intervention Treatment Program, the committee recommended total funding of \$100 million for a Juvenile Accountability Incentive Block Grant Program. The Senate approved \$500 million for the Local Law Enforcement Block Grant (LLEBG). In addition, an amendment was approved authorizing LLEBG at \$750 million each year, FY1998 through FY2003.

Concerned about crimes against children, especially kidnaping and sexual exploitation, the committee provided for the following programs: \$7.8 million for the Missing Children Program and \$8 million for the National Center for Missing and Exploited Children.

The committee recommended \$283 million for grants to support the Violence Against Women Act, an increase of \$12 million over both the President's request and FY1998 funds. This funding was to be distributed to states to enhance the availability of services, prosecutors, and law-enforcement personnel to women and children who are victims of domestic violence. The amended version of S. 2260 approved by the Senate would have amended the Violence Against Women Act of 1994 to include coverage for older women.

The State Prison Grant Program received \$711 million, of which \$150 million is available to states for the incarceration of criminal aliens. The Senate Appropriations Committee recommended \$350 million for the State Criminal Alien Assistance Program (SCAAP), which when combined with the \$150 million provided under the State Prison Grant Program totals \$500 million for reimbursement to states for alien incarceration. This amount was \$70 million less than appropriated in FY1998. A year ago, the committee had urged the OJP to accelerate its schedule for release of these funds; but the committee found that in FY1998, SCAAP funding again will not be allocated until December 1999. The committee expressed its reluctance to provide funding under these circumstances, despite the recognized need for such program support.

The committee provided funding of \$1.4 billion for the Community Oriented Policing Services program (COPS) (\$20 million above the President's request and \$10 million over funds appropriated in FY1998) to meet the target of 100,000 police officers by 2000. Since the COPS program is scheduled to terminate at the end of FY2000, the committee directed the COPS office to provide a report by December 31, 1998, giving details on the plan for concluding its operations. Funding for COPS included \$175 million for Safe Schools Initiative. This initiative would provide funding to police departments and sheriffs' offices in partnerships with schools and other community-based entities to develop programs to improve safety at primary and secondary schools. To improve law enforcement capabilities in Indian country, the committee recommended \$54 million.

Juvenile Justice programs received \$285 million, an increase of \$46 million over the FY1998 appropriation and \$7 million more than the President requested. This included \$25 million for the Safe Schools Initiative to enable communities to implement training and services for their areas that address accountability and responsibility training; violence reduction training, including dispute resolution; juvenile mentoring; training for teachers and families to recognize troubled children; and parent accountability and family strengthening education.

Final Action of Congress compared to the President's request and FY1998 appropriations (excluding INS programs of DOJ which are discussed later in this section). On October 20 and 21, 1998, the House and Senate, respectively, approved the conference report (H.Rept. 105-825). Congress approved funding of \$18.2 billion for FY1999 for DOJ, over \$400 million more than was appropriated in FY1998 and \$298 million below the amount requested by the President. As noted earlier, funding, however, for all CJS agencies will cease to be available after June 15, 1999, unless Congress enacts a continuing resolution. (For more details, see page 2 above.) In addition, Congress reauthorized the Office of National Drug Control Policy (ONDCP) and provided funding of \$48 million for FY1999.

For FY1999, Congress provided funding of \$2.97 billion for the FBI compared to the President's request of \$3.03 billion and the FY1998 amount of \$2.97 billion. DEA was funded at \$1.2 billion, an increase of \$78.4 million over FY1998 (\$1.1 billion) and of \$35.5 million over the President's request (\$1.2 billion). The Office of Justice Programs received funding of \$4.8 billion, an increase of \$49 million over FY1998 (\$4.8 billion) and \$402 million above the Administration's request (\$4.4 billion). The Safe Schools Initiative was funded at \$210 million. The Byrne program received an increase over FY1998 funding of \$43 million for a total of \$552 million, \$47 million for discretionary grants and \$505 million for formula grants. Funding for the Local Law Enforcement Block Grants remained the same as in FY1998, \$523 million; the President did not request funding for this program. Drug Courts received \$40 million.

For the Violence Against Women Act programs, Congress provided funding of \$282.8 million, \$12 million more than the FY1998 appropriation and the President's request. Congress funded the Community Oriented Policing Services program at \$1.4 billion, the same level as in FY1998 and as requested by the Administration. Of this amount, \$12.5 million is for the Community Policing to Combat Domestic Violence Program. The State Prison Grant program received the same funding as in FY1998, \$721 million; the President requested \$711 million. Funding for the State Criminal Alien Assistance Program also was the same as in FY1998, \$420 million, but is \$70 million more than the Administration requested (\$350 million).

The Immigration and Naturalization Service (INS) is the principal federal agency of the Department of Justice charged with enforcing and administering the Immigration and Nationality Act (INA). At issue for the 105th Congress was determining the appropriate level of resources for INS to effectively implement laws enacted during the 104th Congress, which placed new demands upon INS operations and budget. These laws are: the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C, P.L. 104-208), the Antiterrorism and

Effective Death Penalty Act (P.L. 104-132), and the Personal Responsibility and Work Opportunity Act (P.L. 104-193).

From FY1993 to FY1998, the INS budget more than doubled, from \$1.5 to \$3.8 billion. Despite increased funding, some maintain that the agency's funding and resources have not kept pace with Congress's immigration enforcement priorities, let alone increases in immigration-related adjudications.¹⁰ Nonetheless, the agency has come under fire for not meeting its responsibilities under the law, and has been characterized as suffering from conflicting priorities and mission overload.

For FY1999, Congress approved \$3.9 billion in total funding for INS. Of this amount, Congress appropriated \$2.5 billion from general revenues (\$1.622 billion) and the Violent Crime Reduction Trust Fund (\$842 million) -- \$198 million over the FY1998 appropriation. By comparison, the \$2.5 billion in direct appropriations is \$22 million less than House-passed bill, \$195 million more than the Senate-passed bill, and \$141 million less than the Administration's request for FY1999. Congress has also included a line-item appropriation of \$90 million for INS construction. In addition, about one-third of INS's budget is derived from fees charged for immigration-related services, fines and breached bonds. The \$3.9 billion budget approved by Congress for FY1999 included \$1.3 billion in anticipated fee receipts and other revenues.

In recent years, INS experienced large increases in the amount of examination fees the agency collects from immigrants and their sponsors for the costs associated with processing and adjudicating immigration and naturalization claims.¹¹ In FY1998, however, there was a significant short-fall in projected examination fee receipts. This short-fall prompted the Administration to re-estimate projected FY1999 examination fee receipts downward from \$826 to \$636 million.¹² In addition, the Administration submitted a reprogramming of its FY1999 request to the Appropriations Committees. Conference report language endorsed this reprogramming of \$171 million, of which \$88 million was earmarked to continue the agency's FY1998 base level of activities in FY1999, and an increase of \$83 million was earmarked for improving immigration claims processing and reducing the 1.8 million naturalization backlog.

For immigration law enforcement, conference report language earmarked an increase of \$97 million to hire 1,000 additional border patrol agents and an increase of \$41 million for interior enforcement. The latter amount included \$22 million to form INS quick response teams to assist state and local law enforcement in the apprehension of removable aliens, \$11 million for additional INS detention personnel,

¹⁰ Peter H. Schuck, "INS Detention and Removal: A 'White Paper,'" *Georgetown Immigration Law Journal*, Summer 1997, Vol. 11, No. 4, pp. 667-708; and Jason Juffras, *Impact of the Immigration Reform and Control Act on the Immigration and Naturalization Service*, The Rand Corporation and the Urban Institute (JR-09/UI Report 91-08), January 1991, 93 p.

¹¹In obligational budget authority, examination fees generated \$300 million in FY1993, \$249 million in FY1994, \$356 million in FY1995, \$522 million in FY1996, and \$637 million in FY1997. For FY1998, examination fees were originally projected to generate \$785 million.

¹² The recent increase in examination fees was incorporated in both estimates. See 63 *Fed. Reg.* 43604-10, August 14, 1998, for final INS rule.

\$3 million to fund INS participation in Department of Justice antiterrorism task forces, \$3 million to expand the Law Enforcement Support Center, and nearly \$2 million for dedicated commuter lanes.

In recent years, INS has come under intense criticism for not expeditiously deporting criminal aliens. At the end of FY1997, the Bureau of Prisons estimated that out of approximately 113,000 inmates in federal and federally contracted correctional facilities, 27% were non-citizens — many of whom are subject to removal proceedings. Despite increased funding, INS officials reported that the agency does 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). Conference report language earmarked \$17 million of the \$90 million INS construction line item appropriation to increase INS detention facilities.

Conference report language also earmarked an increase of \$36 million in user fees for improving the inspections process at international ports of entry. Also, related to inspections, the conference agreement did not include a provision to repeal Section 110 of P.L. 104-208, as originally included in the Senate-passed bill. Section 110 requires INS to develop a system to record the arrival and departure of all aliens to and from the United States at all ports of entry. The conference agreement, however, amended Section 110 to extend the end of FY1998 deadline for land border and sea ports of entry for 30 months (to March 30, 2001), but only extended the deadline for air ports of entry by fifteen days (to October 15, 1998). Of the \$36 million cited above, nearly \$20 million was earmarked for the continued development of Section 110-related arrival-departure management pilot programs.¹³

In addition, the conference agreement did not include a provision included in the Senate-passed bill that would have removed a limitation on a controversial immigration provision, Section 245(i) of the INA. This provision allows aliens who are otherwise eligible for immigrant visas, but who have either entered without inspection or overstayed the terms of their nonimmigrant visa, to adjust status to legal permanent residence provided they pay a penalty fee of \$1,000. The FY1998 CJS Appropriations Act (P.L. 105-119) limited this avenue of discretionary relief to immigrants whose sponsors have submitted a petition on the immigrant's behalf by January 14, 1998 — effectively providing a sunset for this provision.¹⁴ Further, the conference agreement did not include another controversial provision included in the Senate-passed bill, the result of a floor amendment, to provide for an expanded temporary agricultural workers program and farm-worker registry.

Proposals to restructure INS were explored in hearings before both the Senate and House Judiciary Immigration Subcommittees during the 105th Congress. The House Subcommittee approved legislation for full Committee action. In ninth hour budget negotiations, Representative Harold Rogers made a final bid to include

¹³For further information on these two provisions, see *Immigration: Visa Entry/Exit Control System*, CRS Report 98-89, by William J. Krouse and Ruth Ellen Wasem.

¹⁴For background, see *Immigration: Adjustment to Permanent Resident Status under Section 245(i)*, CRS Report 97-946, by Larry M. Eig and William J. Krouse.

language in the FY1999 CJS appropriations that would have split off INS enforcement programs, creating a "Bureau of Enforcement and Border Affairs" within the DOJ, and leaving the residual INS programs as an immigration service agency.¹⁵ Such language, however, was not included in the final bill. It is likely that proposals to reorganize INS will be considered in the 106th Congress.

Reorganizing INS emerged as an issue last fiscal year after report language accompanying the FY1998 CJS Appropriations Act directed the Attorney General to review a series of recommendations made by the U.S. Commission on Immigration Reform (P.L. 104-119; H.Rept. 105-207). In its final report to Congress, the Commission concluded that INS suffered from conflicting priorities and mission overload and, thus, recommended transferring INS responsibility for adjudication of immigration and citizenship benefits to the Department of State and for immigration-related worksite enforcement to the Department of Labor. Other INS enforcement programs would remain at the DOJ as the nucleus of a "border and immigration enforcement" office. The commission recommended further that a consolidated and independent immigration appeals board be established outside the DOJ to handle all immigration-related administrative appeals.

However, the Administration opposed such measures, and INS submitted an internal reorganization plan at a hearing before the House CJS Appropriations Subcommittee on March 31, 1998. This plan calls for more clearly demarcating the chain of command for immigration services and enforcement operations over a 3-year time span. The Administration maintains that some integration between the immigration services and enforcement operations is necessary and can be achieved through policy planning, shared resources (information and otherwise), and budget alignment. The Subcommittee's Chairman, Representative Harold Rogers, expressed his dissatisfaction with the scope of this plan, noting that it did not address specifically recommendations made by the Commission on Immigration Reform.

Representative Rogers introduced a bill to implement the Commission's recommendations (H.R. 3904), but later introduced a bill of lesser scope (H.R. 4264). This bill was similar to legislation previously introduced by Representative Silvestre Reyes to split out INS' enforcement programs and create an "Office of Enforcement and Border Affairs" within the DOJ, leaving the residual INS service and support programs as a legal immigration and citizenship agency (H.R. 2588). The House Judiciary Immigration Subcommittee approved H.R. 3904 on July 30, 1998. In turn, Representative Melvin Watt and Senator Ted Kennedy introduced bills (H.R. 4363/S. 2428) that would restructure INS internally according to the Administration's proposals. In the meantime, Senator Spencer Abraham, Chairman of the Senate Judiciary's Immigration Subcommittee, indicated that his Subcommittee would wait until next year to consider legislative proposals to restructure INS.¹⁶

¹⁵Washington (AP), "Key GOP Rep. Wants to Shift INS," by Michelle Mittelstadt, October 9, 1998.

¹⁶For further information on past proposals, see *Reorganization Proposals for U.S. Border Management Agencies*, CRS Report 97-974, by Frederick M. Kaiser.)

New Ethical Standards for Federal Prosecutors. Title VIII of the House bill (H.R. 4276), a section separate from the Department of Justice title, establishes new ethical standards and disciplinary procedures for federal prosecutors. The section would subject Justice Department attorneys to state legal ethics rules, establish a Misconduct Review Board, and direct the Attorney General to establish penalties for attorney misconduct that would include dismissal. The Clinton Administration strongly opposes retention of this section in the House-passed version of the FY1999 CJS appropriations bill. Entitled the "Citizens Protection Act of 1998," the section was approved first by the House Appropriations Committee. During floor debate, the House voted 82-345 to reject an amendment that would have stricken the section. Critics maintained that the section would handcuff prosecutors. Supporters contended it was needed to rein in overly zealous prosecutors. The House also approved, by a 249-182 vote, an amendment to extend the applicability of this section to independent counsels.

This provision was not contained in the Senate-passed CJS bill, S. 2260. The Conference agreement on the Omnibus appropriations bill, however, modified Title VIII, Section 801, Citizens Protection Act, as included in the House bill. The Attorney General is to make and amend rules of DOJ to assure that the agency is in compliance with the above provisions. Section 801 takes effect 180 days after enactment of this act.

The ***Government Performance and Results Act (GPRA)*** requires that the Department of Justice, along with other federal agencies, prepare a 5-year strategic plan that contained 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. The DOJ Summary Performance Plan describes what the Department of Justice plans to accomplish in FY1999, consistent with the long-term strategic goals, and complements the Department's budget request.

This FY1999 performance plan provides a summary statement of mission-driven performance goals and activities for the year and 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 include: reduction in violent and drug-related crime; 16,000 more law enforcement officers on the streets in communities; expanded drug courts and drug testing; more effective control over our borders and greater removals of illegal aliens; improvement in delivery of immigration-related services; additional prisons and detention centers; stronger law enforcement in Indian country; and, more aggressive enforcement of civil rights laws, including efforts against hate crimes.

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 will be based on the GAO model.

Department of Commerce

In his FY1999 budget request to Congress, the President requested total funding for the Department of Commerce and related agencies¹⁷ of \$4.9 billion, about a \$648 million increase (or 15.2%) over the \$4.2 billion appropriated by Congress for FY1998.

Both the House and Senate Appropriations Committees recommended about \$4.8 billion for the Department, which was about \$100 million less than the level requested by President. The Senate bill (S. 2260) passed on July 23, 1998 and the House bill passed (H.R. 4276) on August 6, 1998 also approved about \$4.8 billion. On October 21, 1998, Congress passed the Omnibus Appropriations Act (H.R. 4328) which approved total funding for the Department of about \$5 billion. This level is about \$100 million above the President's request of \$4.8 billion and about \$801 million above the \$4.2 million appropriated for FY1998. As noted above, these appropriations will expire after June 15, 1999, unless new legislation is enacted to continue them through the remainder of FY1999. (For more detail, see page 2 above.)

The Agency receiving most of the \$800 million in increased appropriations for FY1999 was the Census Bureau--\$630 million. Other agencies that would receive noticeable increases include: National Oceanic and Atmospheric Administration (NOAA) — \$164 million;¹⁸ the Economic Development Administration (EDA) — \$31.4 million, the Bureau of Export Administration — \$8.4 million; General Administration—\$4 million; and the Minority Business Development Agency—\$2 million. The Administration also requested modest increases for Economic and Statistical Analysis, the Technology Administration, the International Trade Administration. It requested a substantial decreases in direct appropriations for the National Institute of Standards and Technology (NIST): -\$30.7 and the National Telecommunications and Information Administration: -\$7.5 million. No direct appropriations were requested for the Patent and Trademark Office; its funding will be covered by the collection of user fees.

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

- the progress made in the streamlining and downsizing the Department's programs and operations;
- the needs of the Bureau of the Census in conducting the forthcoming decennial (Year 2000) census, including funding needs and sampling plans;

¹⁷ Related agencies include the Office of the U.S. Trade Representative and the International Trade Commission.

¹⁸For FY1998, NOAA's funding accounts for about 47% of the Commerce Department's total budget.

- the Department's role in minority business programs versus that of the Small Business Administration;
- the extent to which the Patent and Trademark Office (PTO) is unable to use patent fees collected from inventors for office operations due to legislation (P.L. 101-508 and P.L. 103-66) that permits a portion of these funds to revert to the U.S. Treasury to be appropriated for other government activities. This legislation will expire at the end of FY1998.
- 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 Administration's proposal to increase funding for the information infrastructure grants program at the National Telecommunications and Information Administration (NTIA), while both the House and Senate are considering significant cuts in this program's funding for FY1999.

The President's FY1999 budget request for the Department called for \$53.8 million for *general administration*, which was about \$6.2 million above the \$47.6 million appropriated for FY1998. The House-passed bill (H.R. 4276) approved a lower amount -- \$50.3 million; the Senate-passed bill (S. 2260) approved a higher total — \$52.4 million. Congress approved \$51 million which is \$2.8 million below the President's request and \$3.4 million above the level funded for FY1998.

For the *Bureau of the Census*, the President requested \$1.188 billion for FY1999, an amount about \$495 million higher than the \$693 million appropriated for FY1998. Most of this large increase in funding was intended for preparations for the upcoming (Year 2000) decennial census. The House Appropriations Committee recommended, and the House approved, funding totaling \$1.252 billion, about \$64 million above the President's request. In contrast, the Senate Appropriations Committee recommended a lower spending level of \$1.144 billion, about \$44 million below the request and \$108 million below the House total. The Senate approved this amount. Congress enacted \$1.323 billion which is \$135 million above the President's request and \$630 above that appropriated for FY1998.

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.¹⁹ 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

¹⁹ 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.

included whether the plan was legal and constitutional, whether it was operationally feasible, and whether the proposed sampling methods were flawed.²⁰

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.”²¹

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 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.

The Senate Appropriations Committee, and the Senate, approved the Administration’s request of \$848 million for FY1999 Census 2000 preparations, without making a final judgment about sampling. The House Appropriations Committee recommended \$952 million, with an additional \$4 million for the Census Monitoring Board. While \$952 million was substantially more than the

²⁰ 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 Jennifer D. Williams, and CRS Report 98-321 GOV, *Census 2000: Sampling as an Appropriations Issue in the 105th Congress*, by Jennifer D. Williams.

²¹ 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.

Administration requested, \$476 million of this amount was to be withheld until Congress (by March 31, 1999, after a formal request by the President) passed legislation making the \$476 million available. The House approved the Appropriations Committee's recommendation, after defeating an amendment proposed by Representative Alan Mollohan to make the full \$952 million available without the Committee's restriction.

As approved by Congress, the Bureau's FY1999 funding for Census 2000 activities is \$1.027 billion. This figure exceeds 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 is provided for the Census Monitoring Board. Instead of the funding restriction voted by the House, the final legislation (Title VI, Section 626) funds the Departments of Commerce, Justice, and State, the federal judiciary, and related agencies only through June 15, 1999. Funding for the remainder of FY1999 is contingent on enactment of another appropriations measure. Congress, as it considers this legislation, might again debate the proposed use of sampling to derive redistricting data within states and substate areas.

In the area of international trade, the Administration had requested that the *International Trade Administration (ITA)* receive \$286.5 million in FY1999, an increase of \$3.4 million over the FY1998 appropriation. The Senate approved \$304.2 million for ITA, which is \$21.1 million over the FY1998 appropriation and \$17.7 million over the Administration's request. The House approved \$282.5 million for ITA, which is \$21.7 million under the Senate recommendation, \$0.5 million below the FY1998 appropriation, and \$3.9 million below the Administration's FY1999 request. Congress approved an appropriation of \$284.7 million for ITA which is \$1.6 million above the appropriation for FY1998, \$1.8 million below the Administration's request, \$3.1 million above the House's recommendation, and \$18.7 million below the Senate's recommendation.

The Administration requested that *Bureau of Export Administration (BXA)* receive \$52.2 million, an increase of \$8.3 million over the FY1998 appropriation. The Senate approved \$45.7 million for BXA, which was \$6.7 million below the Administration's request but \$1.8 million above the FY1998 appropriation. The House approved \$47.8 million for BXA, which is \$2.1 million above the Senate recommendation, \$3.9 million above the FY1998 appropriation, and \$4.6 million below the Administration's request. Congress approved an appropriation of \$52.3 million for BXA (including \$1.88 million for implementation of the Chemical Weapons Convention) which is \$8.4 million above the appropriation for FY98, \$0.98 million above the Administration's request, \$4.6 million above the House recommendation, and \$6.8 million above the Senate recommendation.

The President requested \$28.1 million for the *Minority Business Development Agency (MBDA)*, which was about \$3 million above the \$25 million appropriated for FY1998. Both the House and the Senate passed bills approved a lower level of funding-- \$25.3 million. Congress approved \$27 million, \$1.1 million below the President's request and \$2 million above the level funded for FY1998. Some have advocated the elimination of the agency, saying that its functions are already duplicated by the programs of the Small Business Administration. The Clinton Administration, on the other hand, has argued that MBDA serves a valuable function

in promoting the development of minority business enterprise. Moreover, it claims that the agency is already essentially “privatized” since all 100 of the minority business development centers through which assistance is extended are non-federal; most of these centers are operated by private entrepreneurs, with others operated by local governments and universities.

The *Economic Development Administration (EDA)* has experienced a tumultuous appropriations history over the past few years.²² Its funding level was sharply reduced by the 104th Congress, but for the second consecutive year funding for the agency was increased by the 105th. Following a \$12.5 million increase under the FY1998 omnibus appropriations bill, the Administration proposed a \$37 million increase for EDA for FY1999. More specifically, EDA requested \$368 for Economic Development Assistance Programs (EDAP) and \$30 million for Salaries and Expenses (S&E). The House-passed bill (H.R. 4276), likewise, would have provided \$368 for EDAP, but a smaller figure of \$25 million for S&E — for a total EDA appropriation of \$393 million. These funding levels stood in stark contrast to the CJS bill (S. 2260) passed by the Senate, which would have provided only \$281 million for EDAP and \$22 million for S&E, for a total EDA appropriation of \$303 million. In the end, Congress approved \$368 million for EDAP and \$24 million for S&E — providing EDA a total FY1999 appropriation of \$392 million.²³

The *Patent and Trademark Office (PTO)* is fully funded by user fees collected from customers. In 1990, the Omnibus Budget Reconciliation Act (P.L. 101-508) eliminated taxpayer support for the PTO at the same time that it instituted a large increase in the level of fees required (referred to as a “surcharge”). Congress controlled the allocation of the additional “receipts,” which accounted for approximately 20% of the total fees collected to cover the costs of administering patents and trademarks. The funds have been used to support other government programs not related to the Patent and Trademark Office. P.L. 103-66 extended these provisions through the end of FY1998.

The “surcharge” mandate no longer is applicable to the FY1999 budget. During the 105th Congress there was debate over its possible reinstatement. An issue was whether or not the money generated — used to help offset the federal deficit — adversely affected the funding requirements and operations of the Patent and Trademark Office. The conference agreement on the FY1998 appropriations (H.Rept. 105-405) included new language allowing the PTO to keep all fees. This approach is consistent with “...the language included in all other fee-funded agencies in [H.R. 2267], and ensures that all fee revenues collected remain with the agency...” while providing congressional oversight on spending. However, \$92 million in fees paid to the PTO were sent back to the U.S. Treasury in FY1998.

²²For background, see: *Economic Development Administration: Overview and Issues*, CRS Issue Brief 95100, by Bruce K. Mulock.

²³Separately, as part of the Agriculture appropriations bill, Congress transferred \$20 million (\$15 million for fisheries and \$5 million for trade) from the Department of Agriculture to EDA for FY1999.

The FY1998 CJS appropriations legislation passed by Congress allocated \$27 million from the surcharge account back to the Patent and Trademark Office. This was combined with an anticipated \$664 million in offsetting collections (as estimated by the Congressional Budget Office) and a carryover of \$25 million from FY1997, for a total operating budget of \$716 million. Fees generated in excess of the PTO's current estimate were to remain with the agency and be made available on October 1, 1998.

As the "surcharge" no longer exists, the President's FY1999 proposal addressed funding for the Patent and Trademark Office in a manner different from the previous year. Included was a request for \$786 million, of which \$604 million (the total amount of offsetting collections) is authorized under permanent statute and \$182 million (expected new collections if patent fees are revised) must be authorized by new statute. The Administration was seeking legislation to reestablish patent statutory fees for FY1999 at current FY1998 levels. A rescission of \$116 million (from the collected fees) was designated for use in balancing the budget (similar to the portion of the surcharge previously remitted back to the U.S. Treasury).

In the Senate, S. 2260, as passed, assumed a FY1999 budget for the PTO of \$786 million, although there were to be no direct appropriations. The report to accompany the bill noted the Committee's rejection of the President's request for a \$116 million rescission, and recommended extension of the surcharge but "only upon enactment of authorizing legislation." The House appropriations bill, H.R. 4276, as passed, also approved funding of \$786 million. The committee report supported authorization legislation to adjust the fee schedule and stated that the Members were "pleased" that the surcharge "diversion" has expired.

The Omnibus Consolidated Appropriations Act for FY1999 assumes total funding for the PTO at \$785 million although there are no direct appropriations. Of this amount, \$643 million is to be derived from offsetting fee collections based on the current statutory fee schedule; \$102 million from the fee increase mandated by The U.S. Patent and Trademark Office Reauthorization Act (as discussed below); and \$40 million is from prior year unobligated funds. This is the same amount requested by the Administration.

In light of the expiration of the surcharge provision, H.R. 3723, the U.S. Patent and Trademark Office Reauthorization Act for FY1999, has passed both the House and Senate, and was sent to the President for signature on October 14, 1998. The law establishes a new fee schedule for patents that would generate funds above those authorized by permanent statute. According to the committee report to accompany the bill, the fee structure will result in \$132 million of additional collections (previously generated under the "surcharge"), all of which are slated for use by the Patent and Trademark Office.

On October 20, 1998, Congress approved H.R. 2348, and provided \$2,166 million for the *National Oceanic and Atmospheric Administration (NOAA)*, for FY1999, including \$1,579.8 million for Operations, Research and Facilities (ORF), which funds programmatic activities, and \$584.7 million for Procurement, Acquisition and Construction (PAC) funding. This total is \$164 million (9.3%) above FY1998 enacted levels and \$56 million above the President's request. Of this amount \$67.8

million was transferred to ORF from NOAA's Promote and Develop Fisheries Fund. Final funding include \$1.17 billion for the National Weather Service (NWS) and its modernization, an increase of \$41 million above FY1998 enacted levels, and \$465 million for weather satellites. NOAA's greatest funding concerns were continuity of satellites and data for civilian and military weather operations, and congressional funding limitations imposed on executive direction and central administrative support at NWS. Conferees approved a ceiling of 250 NOAA Corps Officers, through September 30, 1999; but did not approve \$22 million in new fees for budget offsets. The Committee reduced NOAA's budget by \$7 million, an emergency add-on in the FY1998 budget for Northwest Fisheries, and approved \$5 million in supplement emergency disaster assistance appropriation (Title IV) for Northeast fisheries

The President requested \$2.1 billion for NOAA for FY1999, with about \$1.6 billion for ORF, and \$622 million for PAC. NOAA proposed \$518 million for research and development activities (about 24% of total NOAA budget). The President sought to restore \$20.5 million in rescissions from NOAA's environmental satellite accounts and credit ORF with \$5 million in rent savings. Also, the President's budget proposed \$55 million for a NOAA-wide Natural Disaster Reduction Initiative (NDRI); \$22 million for NOAA research on polluted runoff and toxic contaminants, harmful algal blooms, and pfiesteria under a Clean Water Initiative; and \$5.1 million for a NOAA/South Florida Ecosystems Restoration Initiative. Noteworthy changes in the structure of the FY1999 budget request included the transfer of the Great Lakes Environmental Research Laboratory from Oceanic and Atmospheric Research to National Ocean Services, and an OMB request to transfer a Systems Acquisition account from NOAA's Program Support line to the Department of Commerce.

On July 23, 1998, the Senate passed S. 2260 (amended, concurring with funding levels approved on July 2, 1998, by the Senate Appropriations Committee (S.Rept. 105-235), that granted NOAA total spending authority of \$2.2 billion. This represented a 6% increase over FY1998 funding levels, less than 1% above the President's request, and 5.5% above the House recommendations for FY1999. ORF accounted for \$1.6 billion of that, and PAC, \$588 million. The Committee gave special instructions for reprogramming funds to provide adequate resources for key NOAA core programs; authorized \$4 million in collection of new fees; did not support an OMB recommendation to transfer the NOAA Systems Acquisition Office to the Department of Commerce; recommended restoring \$2.5 million in rescissions from FY1998; rescinded authority of \$7 million in ORF for pervious emergency supplemental appropriations for Pacific Northwest fisheries, and increased funding for the National Weather Service over FY1998 levels.

The House passed H.R. 4276 (amended), on August 4, 1998, with slightly increased funding levels for NOS, but reflecting total funding for NOAA, approved on July 15, 1998, by the House Appropriations Committee. The committee report on H.R. 4276 (H.Rept. 105-636), granted NOAA a total spending authority, of \$2,010 million including collections of fees, an increase of less than 1% over FY1998 appropriation levels, 5% below the request, and about 5.5% below Senate approved levels. ORF was funded \$1,470 million and PAC, \$538 million. The Committee authorized NOAA to accept gifts and contributions under the Marine Sanctuary Program to cover some personnel expenses; expressed concern about ambiguous accountancy and disregard of previous congressional direction concerning the

Agency's budget structure; and requested a report of spending of obligations against the committee's distribution on a quarterly basis. Funds of \$68 million were earmarked for AWIPS build 4.2 (NWS), and \$5 million was rescinded from unobligated balances in the PAC account. The committee rejected outright NOAA-proposed offsetting fees of \$22 million to be collected by NMFS for fisheries services; criticized NOS for a backlog in updated charts and surveys for critical navigable waters; and withheld support for transfer of the Great Lakes Environmental Research Laboratory to NOS, pending a coordinated plan for reorganization of all of such services. The committee placed a ceiling of not to exceed 240 commissioned officers the NOAA Corps program, by September 30, 1999, and approved the appointment of civilian head for the NOAA Corps to focus on ship and aircraft services to meet mission requirements. No funds were approved for the GLOBE program. The committee noted plans for increases in total funds for the NWS (and related programs). NESDIS research account decreases reflected a transfer of funding for the National Polar Satellite Convergence Program to the PAC account. The committee also noted how \$98 million would be assessed by NOAA to various lines in the budget to support overhead requirements and functions (e.g., rent, utilities, etc.), and directed that all such overhead be funded under Executive Direction and Administration line (PS), and accounted for in the FY2000 budget submission.

Since FY1994, NOAA has used a "Strategic Plan" to project anticipated funding requirements for the next 5-years. The Agency plans, budgets, and measures performance based on seven goals which define its mission: 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. NOAA was chosen as a pilot agency under GPRA. Some aspects of NOAA's 1998 performance plan, under DOC, scored fairly well. However, House and Senate Appropriations committees have criticized aspects of this new budget structure that, along with other methods used by financial managers, such as assessing NOAA line components for the costs of agency overhead, has made some aspects of the budget request obtuse and difficult to allow for better oversight.

The Administration's budget proposal for FY1999 included funding of \$715 million for the *National Institute of Standards and Technology (NIST)*, a 6% increase over FY1998 (\$673 million). Of this amount, \$291.6 million is for Scientific and Technical Research and Services (STRS), \$5.4 million of which is for the Baldrige National Quality Program; \$259.9 is for the Advanced Technology Program (ATP); \$106.8 is for the Manufacturing Extension Partnership (MEP); and \$56.7 million is for construction of research facilities. Support for ATP would increase 35% over the previous year while funding for the MEP would be 6% below FY1998.

S. 2260, as passed by the Senate, would have appropriated \$646.6 million in funding for NIST, which breaks down to \$290.6 million for STRS (including \$5.4 million for the Quality Program), \$192.5 million for ATP, \$106.8 million for MEP, and \$56.7 million for construction. H.R. 4276, as passed by the House, provided \$624.2 million for NIST, including \$280.5 million for STRS (\$5.4 million of which is for the Quality Program), \$180.2 million for ATP, \$106.8 million for MEP, and \$56.7 million for construction. It should be noted that in both bills, as well as the

Administration's budget, additional funding is provided to expand the Malcolm Baldrige Quality Awards Program into educational and health related activities.

Under the FY1999 Omnibus Consolidated Appropriations Act as signed into law, NIST receives \$647.1 million in appropriations, almost 10% less than the President requested and approximately 5% under FY1998 funding. The appropriations include \$280.1 million for the STRS account (with \$5.4 million for the Baldrige Quality Program to expand into health and education areas), \$203.5 million for ATP, \$106.8 million for MEP, and \$56.7 million for construction. While continued support for the Advanced Technology Program has been a major funding issue, it should be noted that the amount appropriated for FY1999 is 6% more than the previous year. ATP provides seed funding, matched by private sector investment, to businesses or consortia (including universities and government laboratories) for development of generic technologies that have broad application across industries. Opponents of ATP cite this program as a prime example of "corporate welfare," whereby the federal government invests in applied research activities which, they maintain, should be conducted by the private sector. The Administration has defended the program, arguing that 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.

The President requested FY1999 funding of \$10 million for the Office of the Undersecretary for *Technology and the Office of Technology Policy (OTP)*, an increase of 18% over the FY1998 appropriation of \$8.5 million. 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 will be used 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." S. 2260, as passed by the Senate, would have provided support at \$10 million while H.R. 4276, as passed by the House, would fund this Office at \$9 million. The FY1999 Omnibus Consolidated Appropriations Act provides financing at \$9.5 million, an increase of almost 12% over the FY1998 figure, but 5% less than the Administration's original request.

The *National Telecommunications and Information Administration (NTIA)* provides guidelines and recommendations for domestic and global telecommunications 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 FY1999, the Clinton Administration requested an overall budget for NTIA of \$47.9 million, a decline of 16% from FY1998 (\$57.5 million). The funding reductions were slated for NTIA's salaries and expenses (\$10.9 million requested for FY1999, \$16.5 million appropriated for FY1998) and in public broadcast facilities (\$15 million requested for FY1999, \$21 million appropriated in FY1998). For the

TIIAP, the Administration has requested: \$22 million for FY1999, an increase over the \$20 million appropriated for FY1998.

For FY1999, the 105th Congress differed from the Administration on how NTIA should be funded. In the Omnibus Consolidated Appropriations Act for FY1999, legislators approved a total of \$49.9 million for the NTIA budget, an increase of 4% over the Administration request. For salaries and expenses, Congress approved \$10.9 million, as the Administration requested. However, Congress did not agree with the Administration's request for \$15 million for public broadcast facilities in FY1999, instead approving \$21 million, the same level Congress appropriated for FY1998. For the TIIAP, Congress approved \$18 million for FY1999; 18% below the administration request for the coming fiscal year, and 10% below the FY1998 appropriations level.

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

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

In implementing this plan the Department's initiatives related to *Theme 1* would upgrade the nation's statistics; foster sustainable development; preserve and enhance scientific infrastructure; promote natural disaster reduction, economic and trade assistance for impacted communities; support public broadcasting digital conversion; and promote electronic commerce. Initiatives related to *Theme 2* would conduct the Decennial Census; upgrade the nation's statistics; preserve and enhance scientific infrastructure; promote natural disaster reduction; and promote electronic commerce. Initiatives related to *Theme 3* would foster sustainable economic development; promote natural disaster reduction; support public broadcasting digital conversion; and promote electronic commerce. For more information on the strategic plan's goals, objectives and performance measures see *The Department of Commerce Budget in Brief, Fiscal Year 1999* (pp. 3-10).

In response to its GPRA mandate, officials at the Department of Commerce have provided draft GPRA plans to the 105th Congress outlining how they are responding to the act. The most recent draft, sent to Congress on September 30, 1997, in part addressed congressional concerns raised in previous drafts, such as steps to improve evaluation criteria for performance throughout the agency. However, policymakers are still concerned that the agency has not linked its annual program evaluation,

planning, and budgeting activities to its long-term strategic plan. This will likely continue to be a matter of concern during the second session of the 105th Congress.

In its report on the CJS appropriations bill (S. 2260; S.Rept. 105-235, p. 5.), the Senate Appropriations Committee was critical of the Commerce Department plan. It stated the plan, similar to a number of other strategic plans of agencies covered by the bill, lacked results oriented, measurable goals. Moreover, the plan did not “display clear linkages between performance goals and the program activities” included in its budget request (for more discussion, see pp. 40-41 below).

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.²⁴ The most recent proposal, calling for abolition, 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.

The Judiciary

Congress has approved \$3.65 billion in total budget authority for the Judiciary in FY1999, \$187.5 million (or 5.4%) more than the \$3.46 billion enacted for FY1998. The approved funding level for FY1999 is \$155.8 million less than the Judiciary’s request of \$3.8 billion (which would have been a 9.9% increase over FY1998 budget authority). As noted above, these appropriations will expire after June 15, 1999, unless new legislation is approved to continue them for the remainder of the fiscal year. (For more detail, see page 2 above.)

²⁴ For information, see CRS report 95-834 E, *Proposals to Eliminate the U.S. Department of Commerce: An Issue Overview*, by Edward Knight.

Much of the approved increase was traceable to the largest Judiciary account, *Salaries and Expenses for the Court of Appeals, District Courts and Other Judicial Services*.²⁵ For this account, Congress approved \$2.9 billion, or 4.9% more than the \$2.7 billion enacted for FY1998. (The Judiciary had requested \$3 billion, a 10.5% increase over FY1998 funding.)²⁶ Conferees for the Omnibus Appropriations Act stated that in addition to appropriated resources there is likely to be available for this account at least \$155.6 million in fee carryover from prior years, \$142.9 million in current year fees and \$78.3 million in other resources.

Among program increases requested within this account, Probation and Pretrial Services were underscored by conferees for the Omnibus Appropriations Act as having a high priority. Sufficient resources, the conferees said, needed to be provided “to allow these services to keep up with the rapidly rising number of offenders under post-release supervision.”

In reporting their respective FY1999 CJS bills, both Appropriations Committees had revisited a general funding issue raised in the first session of the 105th Congress — namely, whether the Judiciary was utilizing its resources with optimal efficiency. In this context, the Senate committee recommended \$2.6 million for a courtroom technology pilot project in 10 districts or circuits, explaining that new video and computer technology in the courtroom could have a “profound impact on backlogs common to federal court dockets.”²⁷ The committee also recommended \$3 million for a courtroom utilization study, commenting that it believed that “a thorough and objective analysis of courtroom sharing should be conducted” before any major new courtroom construction programs were undertaken.²⁸

For its part, the House Appropriations Committee had requested that the Judiciary, in an annual report on the optimal utilization of judicial resources, focus on new initiatives specific to fiscal years 1999 and 2000 and provide specific recommendations and timetables. The committee also said it expected to be informed, either as part of the budget or through separate report, of the amounts being spent on

²⁵ This account funds the salaries and benefits of judge 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.

²⁶ In its CJS bill, S. 2260, the Senate had approved a total of \$2.8 billion, a 3.2% increase over FY1998 funding but \$200.2 million below the Judiciary’s request. House-passed H.R. 4276 would have provided \$2.9 billion in budget authority (including \$60 million from the Violent Crime Reduction Trust Fund), a 6.9% increase over FY1998 and \$100.4 million less than requested.

²⁷To ensure hardware and software standardization, the Committee directed the Administrative Office of the U.S. Courts (AO) to coordinate its investments with the Executive Office of the U.S. Attorneys; also, it said it expected the AO to report to the Senate and House Appropriations Committees on its courtroom technology efforts not later than February 1, 1999.

²⁸The committee said it expected the study would be conducted by “a competitively selected contractor,” with the contractor to consult with the Appropriations Committees, the Administrative Office of the U.S. Courts, the Office of Management and Budget, and the General Services Administration in developing the parameters of the study.

electronic courtroom pilot projects now underway, and improvements which these projects have made in the conduct of trials. The House committee's language relating to electronic courtrooms was adopted by reference by conferees for the Omnibus Appropriations Act.

Another account for which the Judiciary sought a substantial funding increase for FY1999 was *Defender Services*. This account funds the operations of the federal public defender and community defender organizations, and the compensation, reimbursement and expenses of attorneys appointed to represent persons under the Criminal Justice Act. Congress in the Omnibus Appropriations Act has approved the Judiciary's request of \$361 million for Defender Services, a 9.5% increase over FY1998 budget authority of \$329.5 million. (Earlier, S. 2260 as passed by the Senate and its House-approved CJS counterpart, H.R. 4276, also had provided \$361 million for Defender Services as requested.) In addition, conferees for the omnibus bill said they expected \$30.9 million to be provided from funds made available under the Violent Crime Reduction Trust Fund.

Funding for Defender Services was one of the more sensitive subjects during congressional debate over FY1998 appropriations for the Judiciary. Congressional appropriators expressed particular concern about growing Defender Services costs to pay for attorney fees in death penalty and death row appeal cases (also referred to as "capital cases"), and the FY1998 CJS conference report, as well as earlier reports by the House and Senate Appropriations Committees, directed the Judiciary to develop guidelines aimed at containing costs in capital cases.

In its report on S. 2260, the FY1999 CJS bill, the Senate Appropriations Committee again expressed its concerns about the Defender Services account, focusing on the "disproportionate claim on [the account's] limited resources" made by representations in capital cases. The committee noted that in a recently completed study, the Judiciary had found that while capital and capital habeas cases comprise only 1% of Defender Services representations, "they account for almost 15 percent of total program costs and over 30 percent of the increase in costs."

For its part, the House Appropriations Committee, in its report on FY1999 CJS funding, noted that steps were underway in the Ninth judicial circuit to "address the disproportionate [Defender Services] expenses incurred" by three judicial districts within that circuit. Further, the committee requested that the Judicial Conference continue to monitor Defender Services cost trends for all of the Circuits and make recommendations to the committee by March 1, 1999 on whether additional steps are warranted. Also by March 1, 1999, the committee requested a report on why the percentage of defendants who receive representation from federal defenders and panel attorneys has risen in recent years, as well as a set of recommendations for cost containment and best practices for defender services representations. Subsequently, conferees for the Omnibus Appropriations Act endorsed the directives of the House Appropriations Committee, stating that they expected the Judiciary to provide the reports which the House committee had requested.

The Omnibus Appropriations Act does not include a provision which had been included in Senate-passed S. 2260, to limit attorney fees for court-appointed lawyers in death penalty cases to no more than the pay rate of the U.S. Attorneys prosecuting

the cases. Instead, conferees for the omnibus bill directed the Administrative Office of the U.S. Courts to review defense costs in federal capital cases and report on its finding to the House and Senate Judiciary and Appropriations Committees by September 30, 1999.²⁹

The Omnibus Appropriations Act raised overall funding for the *Supreme Court* to \$36.5 million, an 11.7% increase over \$32.6 million enacted for FY1998 but \$507,000 less than requested. The approved total consists of \$31.1 million for Court salaries and expenses, a 6.2% increase over FY1998 funding, and \$5.4 million for the Court's Care of the Building and Grounds account, a 58.8% increase over FY1998. (Earlier, in their CJS bills the Senate had approved just \$36,000 less than the total amount requested for the Court, while the House-approved amount was \$471,000 less than the Judiciary's request.)

The bulk of the approved increase for the Building and Grounds account would be used to start the design phase of a six-year building improvements and systems upgrade program for the Court. (At present, it is estimated the construction of the building improvements and installation of the systems upgrades will cost approximately \$20 million, with \$5 million required to begin this work in FY2001, followed by increments of \$5 million in fiscal years 2002 through 2004. While the Court building has undergone various systems alterations since its initial occupation in 1935, the FY1999 request represents part of its first complete systems upgrade.) Not included in the Omnibus Appropriations Act, however, was an additional \$500,000 requested to develop a design for enhancing security around the Court building based on a study of perimeter security performed in FY1997. .

The Omnibus Appropriations Act does not contain a provision included in the Senate-passed CJS bill, which would have allowed a *cost-of-living increase in judges' and justices' salaries*.³⁰

²⁹ At the same time, conferees for the omnibus bill addressed Senate concerns over the level of reimbursement to court-appointed lawyers in death penalty cases. The conferees directed that the Administrative Office report, among other things, on the number of instances in the four previous fiscal years in which individual appointed counsel in federal capital cases have submitted invoices for legal representation for a calendar year that exceeded the amount of salary that the U.S. attorney in the district in which the case was prosecuted was authorized by law to be paid.

³⁰ In its FY1998 CJS bill, Congress approved a one-time 2.3% salary adjustment for judges, to correspond with a cost-of-living increase that Congress earlier allowed for itself effective January 1998. The Judiciary's FY1999 request, as part of its standard budget submission practice, provided for cost-of-living increases for judges and justices, consistent with expected salary increases for federal employees. A salary adjustment for judges, however, was contingent on Congress approving a corresponding salary adjustment for itself and also on its explicitly authorizing an increase for judges. To accomplish the second requirement for a judicial pay adjustment, S. 2260 as passed by the Senate would have authorized a cost-of-living increase for judges in FY1999, providing \$6.9 million in budget authority for this purpose. H.R. 4276 as passed by the House was without a provision authorizing a judicial pay adjustment. Ultimately, conferees for the Omnibus Appropriations Act favored the House position over the Senate's.

In passing the Omnibus Appropriations Act, Congress dropped a provision, included earlier in the Senate-passed CJS bill, that would have required the Judicial Conference to study whether Criminal Rule 6 should be amended to *allow a witness appearing before a grand jury to have counsel present*. Conferees for the omnibus bill explained that they understood that the Judicial Conference would address this specific issue at the October 1998 meeting of one of its advisory committees. The conferees directed the Judicial Conference to report their findings to the House and Senate Appropriations Committees not later than April 15, 1999.

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. As noted earlier, the Judicial branch is not subject to the requirements of this Act.

Department of State and Related Agencies

The omnibus appropriations bill for FY1999 (H.R. 4328) passed by Congress provides \$5.5 billion for the Department of State and related agencies for FY1999. As noted above, these appropriations will expire after June 15, 1999, unless new legislation is approved to continue them for the remainder of the fiscal year. (For more detail, see page 2 above.) The Senate had approved a total of \$5.6 billion for State and related agencies (including \$475 million for UN arrears. The Senate bill would have provided \$4.5 billion for the State Department and just over \$1 billion for USIA. The Senate passed the bill, with amendments, on July 23, 1998, and essentially approved the Committee's recommendations. On August 6, 1998, the House had approved \$5.5 billion for the State Department and related agencies, including \$4.4 billion for State (including \$475 million for UN arrears) and \$1.1 billion for USIA.

The Administration's FY1999 budget request for State and related agencies totaled \$5.4 billion (excluding a supplemental request for U.N. arrearage payments), 4% above the FY1998 enacted level but 2% below the FY1999 enacted level, the year before the 104th Congress reductions. The Administration's FY1999 request for the State Department operations was \$4.2 billion (5% above the FY1998 level), about \$1.1 billion for USIA (1.2% above the FY1998 level); and \$43.4 million for ACAD. (4.6% above the FY1998 level). Major components of the President's State and related agency FY1999 budget request included notable increases for *State's security and maintenance of U.S. missions, capital investment fund, and The Asia Foundation*. Smaller increases were requested for the *American Institute in Taiwan* (up 17%) and *international commissions* (up 6%). Decreases from FY1998 levels in the budget request include 58% less for the *East-West Center* and 37% less for *USIA's radio construction account*.

The August 7, 1998 terrorist attacks on two U.S. embassies in Africa prompted the Administration to reconsider its funding request for *diplomatic security* at U.S. overseas facilities. On September 22, 1998, the President submitted to Congress a request for emergency FY1998 supplemental appropriations amounting to a total of \$1.8 billion. This request included: \$1.4 billion for the Department of State for emergency expenses of the bombed U.S. embassies in Kenya and Tanzania, for security improvements to U.S. facilities worldwide, and for a security review panel; \$200

million to reimburse the Department of Defense for costs associated with the embassy bombings in August; \$90.4 million for the Department of Treasury for increased Secret Service protection and law enforcement training; \$70 million for the State Department's antiterrorism program; \$21.7 million to increase FBI capacity to respond to act of terrorism; and \$6 million to upgrade the National Park Service's security. Within the omnibus appropriations bill, Congress included \$1.445 billion for embassy security-related funding.³¹

The Department of State's *security and maintenance of U.S. missions* is responsible for carrying out the maintenance, rehabilitation, and replacement of overseas facilities to provide appropriate, safe, secure, and functional facilities for U.S. diplomatic missions abroad. The Administration's FY1999 budget request for this account was \$640.8 million, \$236.8 million greater than the enacted FY1998 level, reflecting the construction of two chancery buildings: \$200 million for one in China and \$50 million (out of a total of \$120 million required) for one in Berlin. The Senate passed \$550.8 million for this account, including \$42.2 million for housing and design for a new chancery in Beijing and \$21.5 million for the same in Berlin. The House passed \$396 million (\$8 million below the FY1998 level) for this account, including \$15 million for design of the Beijing embassy and no funds for chancery construction in Berlin. Both House and Senate committees recommended these level because neither site would be ready for construction until at least FY2000. Congress approved \$403.6 million, approximately equal to the FY1998 enacted level and \$237 million below the President's request.

The *capital investment fund* provides resources for needed investments in State's worldwide information system. In recent years, communication and information equipment has deteriorated and State has not been able to keep up with technology. This fund was designed to improve the informational network to enable reliable and timely news flow to facilitate quick and accurate decision-making. Recognizing that the State Department's information systems were inadequate and obsolete, Congress agreed to \$86 million for FY1998 (about 3.5 times greater than the FY1997 enacted level for this account). The President's FY1999 request of \$118.3 million would have boosted the fund's resources by 38% over the FY1998 level, in part to help meet the Year 2000 Compliance requirements at State. The Senate agreed with the President's request; the House excluded Year 2000 (YAK) compliance funds in its funding level of \$80 million, saying those funds would be provided in a separate bill addressing government-wide YAK compliance. Congress passed \$80 million for this fund, \$38 million less than the President's request and \$6 million below the FY1998 level.

The Asia Foundation is a private nonprofit organization that supports efforts to strengthen democratic processes and institutions in Asia, open markets, and improve U.S.-Asian cooperation. The Administration requested \$15 million, an increase of 88% over the FY1998 enacted level of \$8 million. The request would have put this Foundation back to its FY1999 funding level. The Administration stated that the increased request was for rule of law and legal education projects in China, as well as

³¹ For more detail, see CRS report 98-771, *Embassy Security: Background, Funding, and FY1998 Supplemental Request*.

for promoting countries in transition and developing stronger market ties with the region. The Senate did not provide funding for The Asia Foundation, stating that it should graduate from public support. The House set funding at \$8.2 million for this organization. Congress approved of \$8.2 million for the Foundation, slightly more than the FY1998 enacted level, but \$7 million less than the Administration request.

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 and a trend that peaked in FY1994 with a \$1.1 billion appropriation, funding requirements have declined in recent years. The FY1999 request for CIO was \$930.8 million and \$231 million for international peacekeeping. The Administration had also requested funds for U.N. arrearage payments of \$475 million for FY1999 within a supplemental appropriation request (H.R. 3580). The Senate passed \$1.1 billion for CIO, of which \$254 million would be for arrearage payments. For international peacekeeping, the Senate agreed to \$431 million, of which \$221 million would be for arrearage payments. The House passed \$915 million for CIO and \$220 million for international peacekeeping. In addition, the House agreed to \$475 million for UN arrearage payment funding, subject to UN reform and a reduction in the U.S. assessment rate. Congress agreed to \$922 for CIO (\$33.5 million less than the FY1998 enacted level and nearly \$9 million below the President's request). For international peacekeeping, Congress passed \$231 million which is \$25 million below the FY1998 level, but equal to the President's request. In addition, Congress provided the requested \$475 million for U.N. arrearage payments, although the President vetoed H.R. 1757 which would have provided the authority for the U.N arrearage payments.³²

USIA's international broadcasting operations account, established after consolidation in FY1995, includes Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), Cuba Broadcasting, and a new surrogate facility: Radio Free Asia (RFA). The President's FY1999 request of \$388.7 million (\$2.8 million less than the FY1998 enacted level) primarily would have provided for mandatory wage and price increases. The Senate-passed bill provided \$355 million, including \$22.1 million for broadcasting to Cuba, \$69.9 million for RFE/RL, and \$19.4 million for Radio Free Asia. The House agreed to \$384 million for the international broadcasting account, including \$21.9 million for the Office of Cuba Broadcasting, \$22 million for Radio Free Asia, and \$4 million for RFE/RL's operating costs of Radio Free Iran. Congress approved of \$384.5 million for international broadcasting, including \$22.1 million for Cuba Broadcasting. This amount is \$7 million below the FY1998 enacted level and \$4 million below the Administration's FY1999 request.

³²For more detail on U.N. issues, see CRS Report 97-711, *U.N. Funding, Payment of Arrears and Linkage to Reform: Legislation in the 105th Congress*, by Vita Bite, Marjorie Ann Browne, and Lois McHugh.

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 15% since FY1995. The President's \$199 million FY1999 request (\$1.3 million greater than the FY1998 level) included \$104.5 million for the Fulbright Program, according to USIA. The Senate passed \$205 million for FY1999, including \$101.5 million for the Fulbright Program. The House passed a total of \$200 million, including \$95 million for the Fulbright Program. Congress passed \$202.5 million for the total account, nearly \$5 million above the FY1998 enacted level and \$3.5 million above the President's request.

The Administration requested increased funding for the *North-South Center* from the FY1998 level of \$1.5 million to \$2.5 million. At the same time, however, the Administration FY1999 request would have lowered *East-West Center* funding from the FY1998 level of \$12 million to \$5 million, to continue to phase out this program due to budgetary constraints. The Senate would have doubled the North-South Center to \$3 million and continued the East-West Center at its FY1998 level. The House would have provided no FY1999 funding for either center, suggesting that both centers should seek private funding. Congress approved of \$12.5 million for the East-West Center and \$1.8 million for the North-South Center.

The *National Endowment for Democracy (NED)* is a private, nonprofit corporation established in Washington, DC "to promote democracy and human rights abroad." The President requested an FY1999 level of \$31 million, up \$1 million from the FY1998 level. The increase reflects increased grants in Asia and the need to offset price increases in the coming year. The Senate-passed measure would have provided \$30.5 million for FY1999, while the House-passed bill would have provided \$31 million. Congress agreed with the President's request of \$31 million.

ACDA's FY1999 budget request of \$43.4 million (up \$1.9 million from the FY1998 level) would have provided for ongoing ACDA activities, such as ratification and implementation of the Comprehensive Test Ban Treaty, the Chemical Weapons Convention, and Non Proliferation Treaty. The Senate agreed with the President's request of \$43.4 million, while the House voted to continue ACDA at its FY1998 level of \$41.5 million. Congress approved of continuing the FY1998 level into FY1999.

Within the omnibus appropriations package, Congress passed authority to reorganize the foreign policy agencies. A year earlier, Secretary Albright had announced that the ACDA Director would be "double-hatted" as the Acting Undersecretary of State for Arms Control and International Security Affairs to show progress in implementation of the President's decision to integrate the foreign policy agencies. The reorganization provisions require that ACDA fully merge with State by April 1, 1999; USIA merge into State by October 1, 1999; the U.S. Agency for International Development (USAID) reorganize and come under the authority of the

Secretary of State by April 1, 1999. A final report is due to Congress by January 1, 2001.³³

The *Government Performance and Results Act (GPRA)* enacted 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 subsequently published reports: *U.S. Department of State Strategic Plan* and the *United States Strategic Plan for International Affairs*, both September 1997, do not refer to specific agencies, but rather identify 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 establish 16 strategic goals and strategies for promoting and defending these interests. The goals are long-term with time frames of more than 5 years. The Senate Appropriations Committee points to weaknesses in the State's GPRA plan and recommends that the Department follow GAO recommendations when preparing its FY2000 plan.

Other Related Agencies³⁴

This section includes all other related agencies covered by the CJS appropriations bill. As noted earlier, the Omnibus Appropriation Act for FY1999 (H.R. 4328) funding for all CJS agencies, including the ones covered in this section, will cease to be available after June 15, 1999, unless Congress enacts a continuing resolution. (For more details, see page 2 above.)

Maritime Administration (MARAD). MARAD administers programs that aid in the development, promotion, and operation of the nation's merchant marine (including programs that benefit vessel owners, shipyards, and ship crews). The Administration requested \$178.2 million for MARAD for FY1999, \$39.4 million more than Congress appropriated to it in FY1998. The request consisted of \$98 million for the Military Security Program (MSP), \$71 million for operating MARAD and training ship crews, \$16 million for ship construction mortgage guarantees ("Title XI Program"), and \$4 million for administering that guarantee program. The MSP program replaces the ODS program. Only a few ships remained in the ODS program at the end of FY1998, and the last ship contract in the ODS expires in FY2002. The House approved \$185 million for FY1999 of which \$97.7 million was for the MSP program, \$67.6 million was for operating MARAD and training ship crews, \$16 million was for ship construction mortgage guarantees and \$3.7 million was for administering the guarantee program. The Senate approved \$177.5 million of which \$97.7 million was for the MSP program, \$69.8 million was for operating MARAD and training ship crews, and \$10 million was for ship construction mortgage guarantees and for administering the guarantee program. Congress approved \$168.7 million, which was \$29.9 million above the level appropriated for FY1998 and \$9.5 million below the amount requested by the President. It should be noted that Congress also approved the rescission of \$17 million from the ship construction fund.

³³For more detail, see *Foreign Policy Agency Reorganization in the 105th Congress*, 97-538F.

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 FY1999, the Administration requested a total appropriation of \$724 million for the SBA. The House-passed bill (H.R. 4276) would have provided the agency with \$705.9 million, including \$247 million for Salaries and Expenses (S&E). The committee's report noted that its recommendation for S&E "represent[ed] a significant reduction" and directed that staff reductions "shall be taken primarily from headquarters staff." The Senate bill (S. 2260) would have provided a significantly lower total appropriation of \$614 million for SBA, including \$265 for S&E. Under the CJS bill passed last fall, the agency received an appropriation of \$716.1 million — including \$254 for S&E — for FY1998. Congress approved \$719 million including \$288 million for S&E. (Separately in the legislation, Congress also approved \$101 million in supplemental emergency disaster assistance, primarily to cover anticipated expenses associated with Hurricane George) At first glance the \$288 million for S&E appears to provide SBA with a substantial increase in this account. It is perhaps worth noting, however, that more than \$50 million included in S&E was not requested by SBA, and is earmarked for assorted projects in several states.

The Government Performance and Results Act (GPRA; P.L. 103-62) seeks to improve federal management by shifting the focus of decisionmaking from more traditional concerns, such as staffing and activities, to the real results of programs. As one component of GPRA, agencies are required to prepare performance plans that clearly describe (1) annual performance goals and measures, (2) the strategies and resources to achieve those goals, and (3) procedures to verify and validate reported performance. SBA submitted its FY1999 performance plan to Congress in March. The Senate Appropriations Committee report says that it "is not confident that the information provided [by SBA's Performance Plan] will accurately assess SBA's performance." Further, "(t)he Committee directs that the fiscal year 2000 request be linked to the performance plan. The committee will use this plan as a guide for SBA fiscal year 2000 funding. Agencies will have had 2 years to implement and perfect their plans."

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 FY1999, the omnibus appropriations bill contains \$300 million for the LSC, which is the amount recommended by the Senate. The House had approved \$250 million for the LSC in FY1999. The legislation also continues all restrictions on LSC-funded activities currently in effect. This final level of \$300 million is \$17 million higher than the FY1998 level, but \$40 million below the Administration's request for FY1999. The Administration had requested \$340 million for FY1999, in an effort to partially restore recent cutbacks in funding. Historically, the Corporation's highest level of funding was \$400 million in FY1994 and FY1995.

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 changed drastically 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 kept pace. The President requested \$279 million for the EEOC for FY1999, an increase of \$37 million over the FY1998 appropriation, which was \$242 million. The additional funds were intended to speed resolution of a large backlog cases and expand the use of alternative dispute techniques resolution.

The Senate approved \$253.5 million, an amount \$25.4 million less than the Administration's request and \$11.5 million above the 1998 appropriation. In its report, the Senate Appropriations Committee suggested that EEOC in addition to reducing its complaint backlog, increase funding for state and local Fair Employment Practices Agencies (FEPAs). The committee also directed the EEOC not to fund the use of testers to document discrimination against applicants for employment, a recommendation also made by Speaker Gingrich. The House bill approved a funding level of \$260.5 million, which is \$18 million below the President's request and about \$7 million above the total approved by the Senate. Final action by Congress approved \$279 million, the same amount requested by the Administration and \$37 million above FY1998 appropriation.

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 \$8.7 million for FY1997. The President's request for FY1999 calls for an increase to \$11 million. The House bill approved \$8.7 million, the same level appropriated in FY1998. The Senate approved a slightly higher level of \$8.9 million. 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. The Omnibus Appropriations Act includes a total of \$192 million in total resources for the Commission, a 2.6% increase over FY1998 funding of \$186.5 million, but well below the \$213 million in budget authority requested by the Commission (which would have been a 14.2% increase over FY1998).³⁵ The funding amount approved in the omnibus bill is \$10.5 million more

³⁵ In its budget estimate to Congress, the Commission has said that 51% of the increase in
(continued...)

than the funding level approved earlier by the House in its CJS bill and \$5.9 million less than that approved in the Senate-passed CJS legislation.

Of the overall amount provided to the FCC by the omnibus act, \$172 million is to be derived from offsetting fee collections, as proposed in both the House and Senate CJS bills, resulting in a net direct appropriation of \$19.5 million. (In the earlier-passed CJS bills, \$9 million had been directly appropriated to the FCC by the House and \$25.4 million by the Senate.) The Omnibus Appropriations Act, as well as the House and Senate CJS bills, all rejected a request by the Commission that it be fully funded from the General Fund of the Treasury for FY1999 on a one-time basis.³⁶

The Omnibus Appropriations Act does not include a provision, contained in the House CJS bill, prohibiting the use of funds for FCC relocation to a new headquarters location in SW Washington, D.C.³⁷

As enacted, the Omnibus Appropriations Act includes language making it a federal crime to commercially distribute through the World Wide Web “material that is harmful to minors.”³⁸ Commercial Web sites are required by the Act to put in place systems to block access to such material to persons under 17 years of age or face criminal fines, or imprisonment, in addition to civil penalties. Similar language had been contained in the Senate-passed CJS bill, S. 2260, and a comparable measure, while not approved as part of the House’s CJS legislation, had been passed by the House as a standing alone bill, H.R. 3783. According to press reports the Clinton Administration initially had objected to this language, on grounds that it was probably

³⁵(...continued)

funds, or \$13.6 million, was for uncontrollable cost increases for salaries and benefits (\$4.2 million), GSA rent for the FCC’s new headquarters location in the Portals office building in SW Washington, DC (\$8.4 million), Federal Protective Service increases (\$527,000), and inflationary increases to other contract services (\$523,000). An additional \$6.1 million, or 23% of the requested increase, represented the first installment payment to reimburse the GSA for costs to relocate headquarters employees to the Portals.

³⁶ The FY1999 request had proposed a change to the current appropriation language which would prevent offsetting total Direct Authority for FY1999 with regulatory fees. In FY1999, on a one-time base, the FCC appropriation would be fully funded from the General Fund of the Treasury. Offsetting regulatory fees of \$172.5 million, although collected in FY1999, would be unavailable for use by the Commission until October 1, 1999 (FY2000).

³⁷ House-passed H.R. 4276 would have prohibited the use of funds provided under the FCC account for rental payments to the General Services Administration for the Portals II building or for costs of relocating to the Portals, until ongoing investigations by Congress and the Department of Justice determined the legality of the Portals lease.

For its part, the Senate Appropriations Committee, in its report on S. 2260, specifically had disapproved the FCC’s request for increased funding to repay the GSA for rent paid for the FCC’s new headquarters location. The committee, however, left open the the possibility of later approving a reprogramming of FCC funds to cover this expense.

³⁸ Cited as the “Child Online Protection Act,” the language was passed in Title XIV of Division C of the omnibus bill.

unconstitutional and would likely draw resources away from more important law enforcement efforts, but then dropped its objections.³⁹

Regulation of information on the Internet is provided for in another part of the Omnibus Appropriations Act as well. Title XIII of Division C of the Act requires the Federal Trade Commission to write rules requiring commercial users of the Internet to obtain parent consent before collection or disclosing “personal information from children” under the age of 13.⁴⁰

The Omnibus Appropriations Act does not include three provisions involving the FCC or telecommunications regulation which the Senate earlier had approved in its CJS bill, S. 2260. Omitted from the omnibus bill were provisions in S. 2260 that would:

- require that every elementary school, secondary school or library, before receiving federal “universal service” funding assistance to become connected to the Internet, certify to the FCC that it has installed, or will install, filtering equipment designed to block “material deemed to be inappropriate for minors;”
- ban most types of gambling on the Internet, extending to Internet gambling prohibitions which under current law apply to gambling by mail or by telephone;
- roll back copyright royalty fee rates which satellite television carriers were required to pay for broadcast superstation and network signals effective January 1, 1998 (with the Copyright Office prohibited from implementing these rates before March 31, 1999).

In keeping with the requirements of the Government Performance and Results Act, the FCC, as part of its FY1999 budget request, prepared a strategic plan setting forth its overall mission and general and specific goals for a 6-year time frame.⁴¹

Federal Maritime Commission (FMC). The FMC regulates a large part of the waterborne foreign offshore commerce of the United States. The Administration requested \$14.5 million for the FMC for FY1999, \$0.5 million more than Congress appropriated to it in FY1997 and FY1998. The House recommended \$14 million for FY1999, and the Senate recommended \$14.3 million. Congress approved \$14.2

³⁹ See, for example, “Give-and-Take in the Bowels of the Budget,” *Washington Post*, October 16, 1998, p. A16.

⁴⁰ Cited as the “Children’s On-Line Privacy Protection Act of 1998,” the bill earlier had been introduced in the Senate as S. 2326 by Senator Richard H. Bryan.

⁴¹ The four general “activity goals” of this plan called for the FCC to: promote efficient and innovative licensing and authorization of services; encourage, through policy and rulemaking 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; provide information services to its “customers” in the most useful formats available and in the most timely, accurate and courteous manner possible.

million, which was \$0.2 million above the level appropriated for FY1998 and \$0.3 million below the amount 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. Last year's appropriations bill provided the FTC with a total appropriation of \$106.5 million for FY1998, an increase of \$4.6 million over FY1997. The FY1998 figure was derived from providing a direct appropriation of \$18.5 million, augmented by \$70 million in offsetting fee collections from Hart-Scott-Rodino premerger filing fees as well as \$18 million in offsetting fee collections carried over from previous years.

For FY1999, the Administration requested a total appropriation for the FTC of \$113 million. This figure was to be derived from providing a direct appropriation of \$101 million, augmented by \$12 million in fee collections. (This one-time 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, i.e., premerger filing fees, are received. During 1999, the FTC anticipates collecting \$86.6 million in premerger filing fees, which — under the proposed plan — would have been available for obligation starting October 1, 1999.)

The Administration's suggested approach — noted in the previous paragraph — was **not** adopted by the appropriators in the 105th Congress. The House-passed bill (H.R. 4276) would have provided the FTC a total appropriation of \$110.5 million for FY1999, \$2.4 million less than the agency requested. The figure was derived from a direct appropriation of only \$4 million, augmented by \$106.5 million in offsetting fee collections (including \$30 million in carryover fee collections from previous years). The Senate-passed bill (S. 2260), provided a total budget authority of \$111.9 million. This figure was derived from a direct appropriation of only \$3.2 million, augmented by \$98.7 million in offsetting fee collections (including \$18.7 million in prior-year unobligated fee collections). Congress approved \$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.

Securities and Exchange Commission (SEC). The SEC administers laws providing protection for investors and ensuring that securities markets are fair and honest. As passed by last fall during the 1st session of the 105th Congress, the CJS appropriations bill provided a total appropriation for the SEC of \$315 million for FY1998, an increase of \$9.6 million over the previous year. The total was derived from a direct appropriation of \$33.5 million, offsetting registration fees of \$250 million, and \$32 million carried over from previous years.

For FY1999, the Administration requested a total appropriation of \$343 million for the SEC. (This one-time 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, i.e., registration fees, are received. During 1999, the SEC anticipates collecting \$284 million in registration fees, which — under the proposed plan — would be available for obligation starting October 1, 1999.)

The Administration's suggested approach — noted in the previous paragraph — met with the approval of the House CJS appropriations subcommittee i.e., providing the SEC with a direct total appropriation, albeit at a funding level of \$324 million, \$17 million less than the agency requested. The House-passed bill (H.R. 4276) following the recommendation of the full committee, however, rejected that approach. While the House bill accepted the subcommittee's recommendation for a total appropriation of \$324 million, that figure was 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 from previous years. The CJS bill (S. 2260) passed by the Senate, following the recommendation of the Appropriations Committee, also rejected the approach of a one-time-only total direct appropriation. The Senate bill provided a total appropriation for the agency of \$341 million as requested in the President's FY1999 budget. However, it provided no direct appropriations at all, assuming the full \$341 million for the agency's Salaries and Expenses would be derived from fees collected in fiscal 1999. Congress adopted the Administration's suggested approach. It provided the SEC with a total direct appropriation of \$324 million.

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 \$12.0 million for FY1999, which was \$5.2 million above that appropriated for FY1998. Both the House and the Senate approved the same level appropriated for FY1998: \$6.8 million. Congress approved \$6.8 million.

Commission on Ocean Policy (OPC). 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 FY1999.⁴² 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.

Office of the United States Trade Representative (USTR). The Senate approved \$24.8 million for the USTR for FY1999 which is equal to the Administration's request and is an increase of \$1.4 million over the FY1998 appropriation. The House approved \$24 million for the USTR which is slightly above the FY1998 appropriation but \$0.8 million below the Senate's recommendation and the Administration's request. Congress approved an appropriation of \$24.2 million for USTR, which is \$0.75 million above the appropriation for FY1998 and \$0.6 million below the Administration's request.

U.S. International Trade Commission (ITC). The Senate approved \$45.5 million for ITC for FY1999, which is equal to the Administration's request and is an increase of \$4.3 million over the FY1998 appropriation. The House approved \$44.2 million for, which is \$3 million above the FY1998 appropriation but \$1.3 million below the Senate's recommendation and the Administration's request. Congress approved

⁴²See: S.Rept. 105-235, p.150.

\$44.4 million, which is \$3.3 million above the appropriation for FY1998, and \$1 million below the President's request.

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."⁴³

In its report on its version of the CJS bill, the House Appropriations Committee 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. preprint version).

⁴³S.Rept. 105-235, p. 8.

Major Funding Trends

Major agencies under this CJS appropriation, except the Department of State, have generally received annual increases over the period FY1995-FY1999. As seen in the table below, funding increased, in current dollars, for the Department of Justice by \$5,878 million (or 48%); for the Department of Commerce by \$973 million (or 23.9%); and for Judiciary \$747 million (or 25.7%). 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	18,214
Commerce	4,078	3,640	3,804	4,251	5,051
Judiciary	2,904	3,053	3,260	3,464	3,651
State	4,144	3,905	3,974	4,037	4,359

Sources: Funding totals provided by Budget Offices of CJS and Judiciary agencies; and *Congressional Record*. Vol 144, October 20, 1998, pp. H11603-11612.

Current Funding Status

The President submitted his FY1999 budget request on February 3, 1998. Both the CJS subcommittees of the House and Senate Appropriations Committees have completed their hearings on the funding requests for agencies to be covered by the forthcoming FY1999 CJS appropriations bill. The House CJS Subcommittee marked up its version of the appropriations bill on June 24, 1998. The measure was subsequently approved by the full Appropriations Committee on July 15, 1998 (H.R. 4276, H.Rept. 105-636). The Senate CJS Subcommittee marked up its version of the bill on June 23, 1998. The full Appropriations Committee approved its version on June 25, 1998 (S. 2260; S.Rept. 105-235). The Senate approved its bill, with amendments, on July 23, 1998. The House passed its version of the bill, with amendments, on August 6, 1998.

Congress passed the CJS bill on October 21, 1998, as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (H.R. 4328). It was signed into law by the President on the same day (P.L. 105-277). As noted above, these appropriations will expire after June 15, 1999, unless new legislation is enacted to continue them through the remainder of FY1999. (For more detail, see page 2 above.)

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

Department or Agency	FY1998	FY1999 Request	House Bill, H.R. 4276	Senate Bill, S. 2260	Final Enacted, H.R. 4328
Justice	17,764	18,512	18,230	17,800	18,214
Commerce	4,250	4,827	4,814	4,822	5,051
Judiciary	3,464	3,807	3,697	3,608	3,651
State	4,037	4,240	4,357	4,505	4,359

Sources: *Congressional Record*. Vol 144, October 20, 1998, pp. H11603-11612.

Related Legislative Action

Department of Justice and Related Agencies

H.R. 3 (McCollum)

The Juvenile Crime Control Act of 1997. Introduced January 7, 1997. Provides for the adult prosecution of juveniles 14 or older who commit federal violent crimes or federal drug trafficking offenses. Creates a new block grant program outside the Juvenile Justice Delinquency and Prevention Act of 1974 by amending Title I, Part R of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) to encourage states to adopt reforms to reduce juvenile crime. Passed House, amended, May 8, 1997. Received in Senate May 8, and referred to Committee on Judiciary.

H.R. 1818 (Riggs)

The Juvenile Crime Control and Delinquency Prevention Act of 1997. Introduced June 5, 1997. Reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974, amended. Passed House, as amended, July 15, 1997. Received in Senate July 16, and referred to Committee on Judiciary.

H.R. 4264 (Rogers)

A bill to establish the Bureau of Enforcement and Border Affairs within the Department of Justice. Introduced July 17, 1998. Approved by the Judiciary Immigration Subcommittee on July 30, 1998.

H.R. 4363 (Watt)

A bill to provide for the restructuring of the Immigration and Naturalization Service, and for other purposes. Introduced July 30, 1998.

S. 10 (Hatch/Sessions)

Violent and Repeat Juvenile Offender Act of 1997. Repeals Title III (crime prevention), Subtitles A through C, and E through S; and Title V (drug courts). Introduced January 21, 1997; referred to Committee on Judiciary. Reported, amended (S.Rept. 105-108), October 9, 1997.

S. 15 (Daschle)

Youth Violence, Crime, and Drug Abuse Control Act of 1997. Extends the Violent Crime Reduction Trust Fund, as established in Title XXXI of the 1994 Crime Act, with authorizations of \$6.5 billion each year, FY2001 and FY2002, to provided new authorizations of (1) \$1.24 billion each year, FY2001 and FY2002, to hire or deploy an additional 25,000 police officers to the original goal of 100,000 officers authorized to be funded under Title I of the Act; (2) \$200 million each year, FY2001 and FY2002, for Byrne grants; and (3) additional funding for the drug courts program and for rural drug enforcement and training. Introduced January 21, 1997; referred to Committee on Judiciary.

S.Con.Res. 86 (Domenici)

An Original Concurrent Resolution Setting Forth the Congressional Budget for the United States Government for Fiscal Years 1999, 2000, 2001, 2002, and 2003 and Revising the Concurrent Resolution on the Budget for Fiscal Year 1998. Introduced March 20, 1998. Committee on Budget ordered to be reported an original measure, March 18 (S.Rept. 105-170), that contained amendments adopted, including provisions against the use of marijuana for medicinal purposes; on support for federal, state, and local law enforcement; and on extension of the Violent Crime Reduction Trust Fund through Fiscal Year 2002.

Department of Commerce**H.R. 1278 (Calvert)**

To authorize appropriations for the National Oceanic and Atmospheric Administration for Fiscal Years 1998 and 1999, and other purposes. Introduced April 10, 1997. Reported by Committee on Science, April 22, 1997 (H.Rept. 105-66, Part I; Committee on Natural Resources, June 20, 1997 (H.Rept.105-66, Part II).

H.R. 2667 (Royce/Kasich and others)

A bill to abolish the Department of Commerce. Introduced October 9, 1997; referred to the Committees on Commerce, Transportation and Infrastructure, Banking and Financial Services, International Relations, National Security, Agriculture, Ways and Means, Government Reform and Oversight, Judiciary, Science, and Resources.

S. 1316 (Abraham and others)

A bill to abolish the Department of Commerce. Introduced October 24, 1997. Legislation is virtually the same as H.R. 2667; referred to Senate Governmental Affairs Committee.

The Judiciary**H.R. 1252 (Hyde)**

Judicial Reform Act of 1998 (A bill to modify the procedures of the federal courts in certain matters, and for other purposes). Bill, as amended, includes provisions that: refer complaints of judicial misconduct not dismissed as frivolous, relating to the merits of a decision, or not in conformity with a the statute, to another circuit for complaint proceedings; authorize the presiding judges of an appellate or district court to permit broadcasting to the public of court proceedings; require a three-judge court to hear an

application for an injunction restraining, on the grounds of unconstitutionality, the enforcement, execution, or operation of a state law adopted by referendum; and authorize a court of appeals to permit an appeal by either party from a district court's class action certification decision. Referred to the House Committee on the Judiciary, April 9, 1997; referred to the Subcommittee on Courts and Intellectual Property, April 10, 1997. Subcommittee hearings held, May 14, 1997. Marked-up and forwarded, amended, by Subcommittee to full Committee, June 10, 1997. Committee consideration and mark-up, March 10, 1998. Reported to House, April 1, 1998 (H.Rept. 105-478). Passed House by voice vote, April 23, 1998. Received in Senate and referred to Committee on the Judiciary, April 24, 1998. Referred to Subcommittee on Oversight and Courts, May 15, 1998.

H.R. 2294 (Coble)

Federal Courts Improvement Act. Among other things, bill: provides for the transfer of funds from the Justice and Treasury Departments asset forfeiture funds to the judiciary to offset funds appropriated for the operation of the U.S. courts for expenses incurred in the adjudication of civil and criminal forfeiture proceedings; removes limitations on the authority of U.S. magistrate judges to try petty offense cases; directs the President to appoint three additional district judges for the middle district, and two additional district judges for the southern district, of Florida and authorizes appropriations for this purpose; and authorizes a judicial officer of the United States to carry a firearm, whether concealed or not, under regulations promulgated by the Judicial Conference. Referred to the House Committee on the Judiciary, July 30, 1997; referred to the Subcommittee on Courts and Intellectual Property, August 8, 1998. Subcommittee hearings held, October 9, 1997. Committee consideration and mark-up, March 3, 1998. Reported to House (Amended), March 12, 1998 (H.Rept. 105-437). Called up by House under suspension of the rules, and passed by voice vote, March 18, 1998. Received in the Senate, March 19, 1998, referred to Committee on the Judiciary, March 20, 1998, and referred to Subcommittee on Oversight and Courts, May 15, 1998.

S. 1892 (Kyl); P.L. 105-300

Bill as enacted provides that a person closely related to a judge of an Article III court other than the Supreme Court may not be appointed as a judge of the same court. Referred to the Senate Committee on the Judiciary, March 31, 1998; reported by the Committee favorably, without amendment and without written report, May 21, 1998. Passed Senate without amendment by voice vote, October 6, 1998. Called up by House under suspension of the rules and passed by voice vote, October 7, 1998. Signed by President, October 27, 1998.

S. 2163 (Hatch)

Judicial Improvements Act of 1998. Bill, among other things, requires a three-judge district court panel to hear appeals and grant injunctions based on claims that a state law enacted by referendum or a federal law is unconstitutional; requires federal courts to periodically review existing consent decrees or civil actions in which prospective relief is issued; deprives a federal court of the authority to order state or local government to increase taxes as part of a judicial remedy; prevents a federal court in consideration of habeas corpus petitions from prohibiting state or local officials from re-prosecuting a defendant; prevents a federal court from ordering the release of prisoners on grounds that their conditions of imprisonment violate their constitutional

rights; repeals a provision of law requiring specific congressional authorization for salary increases for federal judges and justices of the Supreme Court. Referred to Senate Committee on the Judiciary, June 11, 1998.

Department of State

H.R. 1757 (Gilman)

A bill to authorize appropriations for the Department of State and related agencies for Fiscal Years 1998 and 1999, and for other purposes. Replaces H.R. 1486. Passed by voice vote in the House on June 11, 1997; the Senate version was passed by the Senate on June 17, 1997. Conference began on July 30, 1997. Conference report was approved by the Committee on March 10, 1998. President vetoed measure on October 21, 1998.

H.R. 1235 (Smith, C)

A bill to authorize appropriations for the Department of State and related agencies for Fiscal Years 1998 and 1999, and for other purposes. Introduced April 9, 1997. Referred to the Subcommittee on International Operations and Human Rights. Marked up April 19. Forwarded to full Committee on International Relations on April 10, 1997. Subsumed by H.R. 1486.

For Additional Reading

Department of Justice

CRS Issue Briefs

CRS Issue Brief 90078. *Crime Control: The Federal Response*, by Suzanne Cavanagh.

CRS Issue Brief 95025. *Drug Supply Control: Current Legislation*, by David Teasley.

CRS Issue Brief 92061. *Prisons: Policy Options for Congress*, by JoAnne O'Bryant.

CRS Reports

CRS Report 97-196. *The Community Oriented Policing Services (COPS) Program: An Overview*, by David Teasley and JoAnne O'Bryant.

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

CRS Report 94-910. *Crime Control: Summary of the Violent Crime Control and Law Enforcement Act of 1994*, Charles Doyle, coordinator.

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

CRS Report 98-414. *Community Anti-Crime Weed and Seed Program: Current Developments*, by Suzanne Cavanagh and David Teasley.

CRS Report 98-167. *Youth Gangs: Recent Developments*, by Suzanne Cavanagh.

CRS Report 98-934. *Juvenile Justice: Funding Trends for Selected Programs*, 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 98-565. *Drug Courts: An Overview*, by Suzanne Cavanagh and David Teasley.

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

CRS Report 97-87. *Local Law Enforcement Block Grants Program*, by David Teasley.

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

CRS Report 95-921. *Violence Against Women: Federal Funding and Recent Developments*, by Leslie W. Gladstone. .

CRS Report 95-1158. *Violent Crime Reduction Trust Fund: An Overview*, by David Teasley.

CRS Report 98-269. *Immigration and Naturalization Service's FY1999 Budget*, by William J. Krouse.

CRS Report 98-237. *Civil Rights Enforcement: Proposed FY1999 Appropriations*, by Leslie W. Gladstone.

Department of Commerce

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CRS Issue Brief 95100. *Economic Development Administration: Overview and Issues*, by Bruce K. Mulock.

CRS Issue Brief 95051. *The National Information Infrastructure: The Federal Role*, by Glenn J. McLoughlin.

CRS Issue Brief 97023. *Research and Development Funding: Fiscal Year 1998*, by Michael E. Davey.

CRS Reports

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

- CRS Report 97-137. *Census 2000: The Sampling Debate*, by Jennifer D. Williams.
- CRS Report 98-321. *Census 2000: Sampling as an Appropriations Issue in the 105th Congress*, by Jennifer D. Williams.
- CRS Report 96-537. *Department of Commerce Science and Technology Programs: Impacts of Dismantling Proposals*, by Lennard G. Kruger.
- CRS Report 97-126. *Federal R&D Funding Trends In Five Agencies: NSF, NASA, NIST, DOE (Civilian) and NOAA*, by Michael E. Davey.
- CRS Report 97-104. *Manufacturing Extension Partnership Program: An Overview*, by Wendy H. Schacht.
- CRS Report 95-30. *The National Institute of Standards and Technology: An Overview*, by Lennard G. Kruger and Wendy H. Schacht.
- CRS Report 95-834. *Proposals to Eliminate the U.S. Department of Commerce: An Issue Overview*, by Edward Knight.

The Judiciary

- CRS Report 98-187. *Judicial Reform Act of 1998, H.R. 1252, 105th Congress*, by Paul L. Morgan
- CRS Report 98-510. *Judicial Nominations by President Clinton During the 103rd-105th Congresses*, by Denis Steven Rutkus.
- U.S. Administrative Office of the United States Courts. "Omnibus Appropriations Bill a Mixed Bag for Judiciary," *The Third Branch*, vol. 30, November 1998, pp. 1,5.
- U.S. Judicial Conference of the United States. *Report to Congress on the Optimal Utilization of Judicial Resources*. Washington, Administrative Office of the U.S. Courts, January 1998. 62 pages. [<http://www.uscourts.gov>]
- U.S. Supreme Court of the United States. *1997 Year-End Report of the Federal Judiciary [by] Chief Justice William Rehnquist*. [<http://www.uscourts.gov>]

Department of State

- CRS Report 98-642. *State Department and Related Agencies FY1999 Appropriations*, by Susan Epstein.
- CRS Report 98-771. *Embassy Security: Background, Funding, and FY1998 Supplemental Request*, by Susan B. Epstein.

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

CRS Report 97-538. *Foreign Policy Agency Reorganization in the 105th Congress*, by Susan B. Epstein, Larry Q. Nowels, and Steven A. Hildreth.

CRS Report 97-384. *Foreign Affairs Budget for FY1998: Understanding the Numbers and Assessing the Request*, by Larry Nowels.

CRS Report 97-750. *Foreign Relations Authorizations: A Comparison of House and Senate Selected Provisions of H.R. 1757*, by Susan B. Epstein.

CRS Report 97-432. *State Department and Related Agencies FY1998 Appropriations*, by Susan B. Epstein.

CRS Report 98-123. *Supplemental Appropriations and Rescissions for FY1998*, by Larry Nowels.

Other Related Agencies

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

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

Selected World Wide Web Sites

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

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

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

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

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

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

Appendix

Table 1A. Appropriations Funding for Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, FY1998 and FY1999
(in millions of dollars)*

Department or Agency	FY1998	FY1999 Request	House Bill H.R. 4276	Senate Bill S. 2260	Final Enacted H.R. 4328
Title I. Department of Justice					
Office of Justice Programs (VCRTF funds only) ¹	4,800.2 (3,812.4)	4,447.4 (3,829.4)	4,890.9 (3,794.4)	4,643.2 (3,564.6)	4,849.0 (3,800.0)
Legal Activities (VCRTF funds only) ¹	2,509.7 (96.3)	2,931.2 (88.6)	2,629.0 (84.9)	2,638.2 (0.0)	2,637.5 (114.4)
Interagency Law Enforcement	295.0	304.0	304.0	295.0	304.0
Federal Bureau of Investigation (FBI) (VCRTF funds only) ¹	2,974.5 (179.1)	3,032.5 (215.3)	2,977.3 (215.4)	2,956.5 (433.1)	2,971.4 (223.4)
Drug Enforcement Administration (DEA) (VCRTF funds only) ¹	1,135.4 (403.5)	1,178.3 (405.0)	1,209.3 (405.0)	1,217.1 (407.0)	1,213.8 (405.0)
Immigration and Naturalization Service (INS) (VCRTF funds only) ¹	2,342.1 (608.2)	2,723.5 (738.0)	2,567.6 (866.5)	2,380.2 (1,099.7)	2,554.3 (842.5)
Federal Prison System (VCRTF funds only) ¹	3,404.9 (26.1)	3,357.1 (26.6)	3,320.9 (26.5)	3,298.7 (9.6)	3,299.9 (26.5)
General Provisions	—	—	—	6.0	-20.0
Other (VCRTF funds only) ¹	302.8 (59.3)	537.9 (151.1)	349.3 (59.3)	365.2 (0.0)	404.0 (59.3)
Total: Justice Department (VCRTF funds only) ¹	17,764.5 (5,185.0)	18,511.8 (5,454.0)	18,230.2 (5,452.0)	17,800.1 (5,514.0)	18,214.0 (5,471.1)
Title II. Department of Commerce and Related Agencies					
General Administration	47.6	53.8	50.3	51.0	51.0
Bureau of Census	693.1	1,188.0	1,252.0	1,139.9	1,323.0
Economic and Statistical Analysis	47.5	53.7	48.0	49.0	48.5
International Trade Administration	283.1	286.4	281.5	303.3	284.7
Bureau of Export Administration	43.9	52.2	47.8	45.5	52.3
Minority Business Development Agency	25.0	28.1	25.3	25.2	27.0
National Oceanic and Atmospheric Administration	2,002.1	2,110.5	2,009.9	2,201.2	2,166.0
Patent and Trademark Office	27.0 ²	(-116.3) ³	(-41.0)	0.0	(-71)
Technology Administration	8.5	10.0	9.0	10.0	9.5
National Institute of Standards and Technology	677.8	715.0	624.2	646.3	647.1

Department or Agency	FY1998	FY1999 Request	House Bill H.R. 4276	Senate Bill S. 2260	Final Enacted H.R. 4328
National Telecommunications and Information Administration	57.5	47.9	47.9	51.8	50.0
Economic Development Administration	361.0	398.0	393.4	301.7	392.4
Rescissions	(-23.5)	(-116.3)	(-46.0)	(0.0)	(-71.0)
<i>Subtotal: Commerce Department</i>	<i>4,250.8</i>	<i>4,827.3⁴</i>	<i>4,814.3</i>	<i>4,821.8</i>	<i>5,051.5</i>
<i>Related Agencies</i>					
Office of the U.S. Trade Representative	23.4	24.8	24.0	24.8	24.2
International Trade Commission	41.2	45.5	44.2	45.5	44.5
<i>Subtotal: Related Agencies</i>	<i>64.6</i>	<i>70.3</i>	<i>68.2</i>	<i>70.3</i>	<i>68.7</i>
Total: Dept. of Commerce and Related Agencies	4,315.4	4,897.6⁴	4,882.5	4,892.1	5,120.2
Title III. Judiciary					
Supreme Court	32.6	37.0	36.5	36.9	36.5
U.S. Court of Appeals for the Federal Circuit	15.6	16.8	16.1	15.6	16.1
U.S. Court of International Trade	11.5	11.8	11.8	11.5	11.8
Courts of Appeals, District Courts, other judicial services — salaries and expenses <i>(VCRTF funds only)¹</i>	2,722.3 <i>(40.0)</i>	3,008.7 <i>(27.1)</i>	2,908.3 <i>(60.0)</i>	2,808.5 <i>(0.0)</i>	2,862.9 <i>(41.0)</i>
Defender Services <i>(VCRTF funds only)¹</i>	329.5 <i>(0)</i>	361.0 <i>(30.9)</i>	361.0 <i>(0.0)</i>	361.0 <i>(0.0)</i>	361.0 <i>(0.0)</i>
Fees of Jurors and Commissioners <i>(VCRTF funds only)¹</i>	64.4 <i>(0.0)</i>	68.1 <i>(1.4)</i>	67.0 <i>(0.0)</i>	68.7 <i>(0.0)</i>	66.9 <i>(0.0)</i>
Court Security <i>(VCRTF funds only)¹</i>	167.2 <i>(0.0)</i>	179.1 <i>(0.5)</i>	174.1 <i>(0.0)</i>	176.9 <i>(0.0)</i>	174.6 <i>(0.0)</i>
Administrative Office of the U.S. Courts	52.0	56.2	54.5	54.7	54.5
Federal Judicial Center	17.5	18.5	18.0	17.7	17.9
Retirement Funds	34.2	37.3	37.3	37.3	37.3
U.S. Sentencing Commission	9.2	9.9	9.6	9.4	9.5
Vaccine Injury Compensation Trust Fund	2.5	2.5	2.5	2.5	2.5
General Provisions—Judge's Pay Raise	5.0	0.0	0.0	6.9	0.0
Total: Judiciary <i>(VCRTF funds only)¹</i>	3,463.6 <i>(40.0)</i>	3,806.9 <i>(60.0)</i>	3,696.8 <i>(60.0)</i>	3,607.6 <i>(0.0)</i>	3,651.1 <i>(41.0)</i>

Department or Agency	FY1998	FY1999 Request	House Bill H.R. 4276	Senate Bill S. 2260	Final Enacted H.R. 4328
Title IV. Department of State and Related Agencies					
Administration of Foreign Affairs ⁵	2,773.7	3,014.9	2,693.6	2,897.8	2,676.8
International Organizations and Conferences	1,211.5	1,138.0	1,609.0	1,562.8	1,628.0
International Commissions	44.0	46.7	45.5	44.0	45.8
Other	8.0	15.0	8.2	0.0	8.2
<i>Subtotal: State Department</i>	<i>4,037.3</i>	<i>4,714.6</i>	<i>4,356.3</i>	<i>4,504.6</i>	<i>4,358.8</i>
<i>Related Agencies</i>					
Arms Control and Disarmament Agency ⁵	41.5	43.4	41.5	43.4	41.5
U.S. Information Agency (USIA) ⁵					
Salaries and Expenses	427.1	461.7	457.1	427.1	455.2
Education and Cultural Exchange	197.7	199.0	200.0	205.0	202.5
International Broadcasting	391.5	388.7	384.0	355.0	384.5
National Endowment for Democracy	30.0	31.0	31.0	30.5	31.0
Other	59.6	38.9	17.3	34.2	28.4
Total: USIA	1,105.9	1,119.3	1,089.4	1,051.8	1,101.6
<i>Subtotal: Related Agencies</i>	<i>1,147.4</i>	<i>1,162.7</i>	<i>1,130.9</i>	<i>1,095.2</i>	<i>1,143.1</i>
Total: State Department and Related Agencies	5,184.0	5,877.4	5,487.2	5,599.8	5,501.9

Department or Agency	FY1998	FY1999 Request	House Bill H.R. 4276	Senate Bill S. 2260	Final Enacted H.R. 4328
Title V. Other Related Agencies					
Maritime Administration	138.8	178.2	175.0	177.5	166.7
Small Business Administration	716.1	724.4	706.1	613.6	719.0
Legal Services Corporation	283.0	340.0	250.0	300.0	300.0
Equal Employment Opportunity Commission (EEOC)	242.0	279.0	260.5	253.6	279.0
Commission on Civil Rights	8.7	11.0	8.7	8.9	8.9
Federal Communications Commission (FCC)	23.9	40.4 ⁶	9.0	25.4	19.5
Federal Maritime Commission	14.0	14.5	14.0	14.3	14.1
Federal Trade Commission	18.5	101.2	4.0	3.2	10.2
Securities and Exchange Commission (SEC)	33.5	341.1	324.0	0.0	324.0
State Justice Institute	6.8	12.0	6.8	6.8	6.8
Ocean Policy Commission	0.0	0.0	0.0	3.5	3.5
Other	4.0	2.2	2.7	2.6	2.7
Total: Related Agencies	1,489.5	2,044.4	1,762.9	1,409.4	1,856.4
Adjustments	(-93.0) ⁷	(-45.3) ⁸	(-62.4) ⁹	(-70.3) ¹⁰	(-143.8) ¹¹
GRAND TOTAL: (VCRTF funds only) ¹	32,086.0 (5,225.0)	34,443.8 ⁴ (5,514.0)	33,473.2 (5,511.9)	33,162.4 5,514.0	33,693.3 5,512.0

*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.

²The Patent Office is fully funded by user fees collected from customers. Congress, however, appropriated \$27 million from the surcharge account. For more explanation see page 21 of this report.

³ The Patent Office is fully funded by user fees collected from customers. The \$116.3 million figure is the Administration's estimate of the amount to be remitted to the U.S. Treasury that will not be utilized by the Patent Office.

⁴ This total does not include \$2,912.8 million in advance appropriations: the National Institute of Standards and Technology (\$115 million) and National Oceanic Atmospheric Administration (\$2,797.8 million).

⁵ For FY1998, numbers have been adjusted to reflect a one-time transfer authority from State's Diplomatic and Consular Programs to agencies that have representation in State's embassies abroad for cost sharing purposes.

⁶ The President's FY1999 budget requests a direct appropriation of \$213.0 million for the FCC. Under the request, regulatory fees of \$172.5 million collected in FY1999 would not be available as an offsetting collection to the appropriation but would become available only on October 1, 1999 (FY2000). The amount of \$40.4 million, shown above, is the difference between the requested direct appropriation of \$213 million and the regulatory fee collection amount of \$173.5 million treated as an offset.

⁷ Includes a rescission of \$100 million for the Department of Justice Working Capital fund and a \$7 million emergency supplemental appropriation for NOAA.

⁸ A rescission for the Department of Justice Working Capital fund.

⁹ Includes rescissions of \$45.3 million for the Department of Justice Working Capital fund and \$17 million in the United States trustee system fund.

¹⁰ Includes rescissions of \$45.3 million for the Department of Justice Working Capital fund, \$22.9 million for the FBI, and \$2.1 million for the Department of Commerce.

¹¹ Includes rescissions of \$99 million for the Department of Justice Working Capital fund, \$2 million for the assets forfeiture fund of the Department of Justice, \$12.7 million for the FBI, \$5 million for the Immigration emergency fund of the Immigration and Naturalization Service, \$2.1 million in FY1998 funding for the Department of Commerce, \$6 million for industrial technology services of the National Institute of Standards and Technology and \$17 million from the ship construction fund of the Maritime Administration.

Source: *Congressional Record*. Vol 144, October 20, 1998, pp. H11603-11612.